

The National Association of Broadcasters

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DUFFY COPYRIGHT BILL

Senator Duffy of Wisconsin has reintroduced his copyright bill of the last session of Congress. Copies of the bill were not available as NAB Reports went to press but the Senator stated that the new bill contains some "minor" changes in the text as approved by the Senate last session.

NEW STATIONS GRANTED

The Federal Communications Commission this week granted a construction permit for the erection of a new broadcast station at Superior, Wis., to use 1200 kilocycles, 100 watts power and unlimited time on the air.

A construction permit for a new broadcast station at Visalia, Calif., was also granted to use 1190 kilocycles, 250 watts power and daytime operation.

A third construction permit for a new broadcast station was also granted for Bridgeton, N. J., to use 1210 kilocycles, 100 watts power and daytime operation.

ANNUAL COMMUNICATIONS COMMISSION REPORT

The second annual report of the Federal Communications Commission for the fiscal year ending June 30, 1936, was made to Congress on Tuesday of this week.

The Commission made no recommendations for legislation. If any legislative recommendations are to be made this year they will be forwarded to Congress by another method.

The report is divided up into different sections including the office of the secretary; the examining department; law department; engineering department; and accounting, statistical and tariff department. The purpose of the report is to put into historical form the activities of the Commission during the past fiscal year.

LICENSE RENEWAL FOR WHBC RECOMMENDED

Nolan S. Walker applied to the Federal Communications Commission for a construction permit for the erection of a new station at Canton, Ohio, to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time on the air. Also station WHBC, at Canton, operating on the same frequency and with the same power asked for a license renewal; an application for consent to voluntary assignment of the station license and of the construction permit from Edward P. Graham to the Ohio Broadcasting Company; an application for modification of the construction permit, including an extension of time for completion; and an application of Nolan S.

SALES MANAGERS MEET CHICAGO

January 18 and 19

The Sales Managers Division, under the leadership of Buryl Lotteridge (KFAB-KOIL, Omaha) will meet in Chicago at the Sherman Hotel January 18 and 19. Chairman Lotteridge has given a lot of time and effort to this meeting and the schedule promises an excellent opportunity to exchange viewpoints on some extremely important sales problems.

Walker to acquire the facilities heretofore granted to Edward P. Graham, licensee of WHBC.

Examiner Melvin H. Dalberg in Report No. I-332 recommended that the application of Nolan S. Walker for a construction permit for a new station be denied; that the application of license renewal for station WHBC be granted; that the application of Edward P. Graham for consent to voluntary assignment of license and construction permit to the Ohio Broadcasting Company be granted; and that the modification of construction permit for additional time for the erection of the station be granted.

ACTORS BILL REINTRODUCED

Representative Dickstein of New York has reintroduced his bill (H. R. 30) "to protect the artistic and earning opportunities in the United States for American actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists and orchestral conductors and for other purposes." The bill which has been referred to the House Committee on Immigration and Naturalization is identical with the bill which passed the House at the last session of Congress but was not taken up by the Senate. The bill will be found on page 1857 of this issue.

NEW TEXAS STATION RECOMMENDED

The Sweetwater Broadcasting Company applied to the Federal Communications Commission to grant it a construction permit for the erection of a new station at Sweetwater, Texas, to use 1310 kilocycles, 100 watts power, daytime operation.

Examiner R. H. Hyde, in Report No. I-331 recommended that the application be granted. He found that "there is no local broadcast station or primary service from any station available in the applicant's area, and it is therefore concluded that there is a need for the proposed new station." The Examiner found also in this case that "the establishment of the proposed station would provide a needed broadcast service not otherwise available, and the granting of a permit, therefore would serve public interest, convenience and necessity."

INTERNAL REVENUE CITES SOME DEPRECIATION AVERAGES FOR RADIO

In a letter dated January 5 Deputy Commissioner Russell of the Bureau of Internal Revenue gives the ranges of serviceable lines within which the cases of many broadcasting companies have been approved. The letter reads as follows:

"In response to your request over the telephone, the following is submitted in regard to depreciation on the physical assets owned by the average broadcasting company.

"Depreciation, including obsolescence, for income tax purposes is determined with consideration being given to the facts available in each particular case. It has been found that due to different operating conditions and locations, various financial policies and accounting practices, the allowance for depreciation cannot be predicated upon a general average.

"The cases of many broadcasting companies before the Internal Revenue Bureau have been approved within the following ranges of serviceable lives; the depreciation deduction including both depreciation and normal obsolescence, the latter being recognized as a substantial factor in this particular industry:

"Studio control, speech input and transmitter equipment, 8 to 10 years.

"Antenna equipment, 10 to 12 years.

"Towers, 10 to 15 years.

"Buildings, 25 to 50 years.

"Furniture and Fixtures—Office, 10 years.

"Furniture and Fixtures—Studio, 5 years.

"Pianos and other musical instruments, 10 years."

Members will observe that allowance for depreciation cannot be predicated upon a general average. Each broadcaster should produce all the facts pertinent to his own case and press for a decision thereon without reliance upon general practices.

COPELAND REINTRODUCES FOOD BILL

Senator Copeland of New York has reintroduced his pure food bill (S. 5) which will be found, together with a statement on page 1860 of this issue.

CULKIN LIQUOR BILL

A bill has been introduced in the House (H. R. 13) which would prohibit the advertising of liquor by radio. The bill which has been referred to the House Committee on Interstate and Foreign Commerce will be found on page 1857 of this issue.

DRYS PROTEST BROADCASTING

Organized "drys" of the United States are using a "bootleg" radio station, barred from this country in the interest of public health and welfare, as a propaganda medium, is the charge made in a complaint filed with the Federal Communications Commission by C. D. Cecil, secretary of the National Institute of Manufacturers and Distributors, Inc.

The complaint specifically asks investigation of an announcement by Miss Ethel Hubler, editor and publisher of "The National Voice," of Los Angeles, Calif., of "dry" broadcasts from Del Rio, Texas, by means of Station XERA, which is located in Villa Acuna, Mexico, "and over approximately 60 other stations in 30 different states." The XERA Station is operated by Dr. John R. Brinkley, whose station, KFBB at Milford, Kans., was closed by the Federal Radio Commission about six years ago after a public hearing on charges that its broadcasts were "inimical to public health and welfare" and the nature of its programs conflicted with the law prohibiting the broadcasting of "profane, obscene, or indecent" utterances.

The complaint made by the National Institute of Manufacturers and Distributors, Inc., which is an organization of industrialists opposed to Prohibition, contends that the broadcast as announced by the "dry" publication, indicates violation of United States Law. It quotes Miss Hubler's statement that her broadcast will emanate from Del Rio, Texas, and be transmitted by Station XERA, and declares:

"This announcement would indicate violation of the Federal 'Communications Act of 1934' (Public Law No. 416). The radio broadcasting station named XERA, is located on foreign soil, at Villa Acuna, Mexico, and the Communications Act of 1934 specifically prohibits transmission of programs from the United States to foreign stations which can be heard in the United States.

"Further, this announcement by The National Voice suggests that this foreign station, XERA, one of the so-called "bootleg" stations along the Rio Grande, which seriously interfere with the operation of stations in the United States licensed by your Commission, has been made an integral part of a broadcasting chain in this country which includes 60 stations in 30 states."

The complaint also cites that the action of the Federal Radio Commission in closing the station operated by Brinkley in Kansas, was upheld by the United States District Court of Appeals for the District of Columbia in a decision which quoted the Biblical injunction: "By their fruits ye shall know them."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3021. Charging unfair competition in the sale of soap, a complaint has been issued against **Allen B. Wrisley Company** and **Allen B. Wrisley Distributing Company**, also trading as **Regal Soap Company**, both of 6801 West 65th Street, **Chicago**, and **Karl Mayer, George A. Wrisley, and Wrisley B. Oleson**, copartners, trading as **Karl Mayer & Co.**, all of Merchandise Mart Building, **Chicago**.

The respondents are alleged to have advertised certain soaps as olive oil soaps, when in fact the oil or fat ingredient of these products was not entirely olive oil, according to the complaint.

In genuine olive oil soap, the complaint points out, the oil ingredient is olive oil to the exclusion of all other oils and fats. Such product is in demand as a high quality soap, free from substances harmful to the skin or to delicate fabrics.

No. 3022. Unfair trade representation in the sale of radio receiving sets, radio tubes, and supplies, are alleged in a complaint issued against **Sun Radio Service & Supply Corporation**, 938 F. Street, N. W., **Washington, D. C.**

Advertising its products as "Newest R. C. A. Licensed Automatic Featuring the New Metal Tube," the respondent company, through its representations, is alleged to have deceived buyers into believing that its products were those of the Radio Corporation of America and its subsidiaries, and that its glass tubes were metal tubes in which the technical elements were sealed in a vacuum of steel, when these were not the facts.

Thirteen wholesalers and distributors of sponges in interstate commerce, said to constitute a large and important part of such wholesale trade in the United States, are named respondents in a complaint alleging practices which have the effect of monopoly and unreasonable restraint of trade.

Nos. 3024 and 3025. Principal respondents are **The Sponge Institute, of Washington, D. C.**, its officers and members, including the thirteen companies, and the **Florida Sponge Packers Association, of Tarpon Springs, Fla.**, its officers and members, including six packing firms located at **Tarpon Springs, Fla.**

The Commission has also issued a complaint against the **Tarpon Springs Sponge Exchange, Inc.**, of **Tarpon Springs, Fla.**, charging conspiracy and restraint of trade by member sponge packers and producers. They are alleged to have combined to prevent all purchases of wool sponges, in or outside the exchange, between February 15, 1935, and May 1, 1935. One effect, it is alleged, was an increase in the price of wool sponges to wholesalers, retailers and the public.

All respondents named in the complaint against The Sponge Institute are charged with entering into an agreement, combination and conspiracy to create monopoly in themselves in the sale of sponges to wholesalers and retailers throughout the United States. The packers, comprising the Florida Sponge Packers Association, are alleged to have agreed with the institute and its members, to whom they furnished sponges for wholesale and retail distribution, that such packers would not circularize any trade outside of the "bona fide sponge houses" regularly established by the institute, and would either confine their sales to such bona fide houses or would make a price difference of 20 per cent to other houses not designated as bona fide. The packers are alleged to have agreed to sell to such other houses, even at the 20 per cent increase, only if they received the order unsolicited or placed by personal call.

The packers are alleged to have adhered to this plan, and, by concert of action, to have failed and refused to sell sponges to dealers not listed by the institute as bona fide.

Pursuant to the agreement, the institute is alleged to have furnished its members with a list of the packers who were cooperating in the plan to restrict sales, causing them to confine their purchases to such cooperating packers, and according to the complaint, whenever the institute discovered that a packer had made a sale contrary to the agreement, its name was taken off the list and such packer was blacklisted and thereafter denied the business of institute members.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1863. **Lancaster Cigars, Inc., Red Lion, Pa.**, agrees to stop using on labels attached to containers the word "Havana" to describe cigars not composed of or manufactured from Havana tobacco grown in Cuba, and to cease employing the word "Havana" in any way to imply that such cigars are made entirely from Havana tobacco. The expression "Havana Blend" will not be printed on labels, implying that the cigars so marked are composed in substantial part of Havana tobacco, when such is not a fact.

No. 1864. The Harker Pottery Company, Chester, W. Va., stipulates that it will stop employing the words "china" and "chinaware" to describe articles which are not non-porous, vitreous or translucent. The stipulation sets out that to well-informed members of the trade and purchasing public, the word "china" or "chinaware" means an earthen vessel which is non-porous, vitreous and translucent, but that the respondent's products, as represented, does not possess these properties.

No. 1868. R. S. Bacon Veneer Co., 4702 Augusta Blvd., Chicago, agrees not to use in its printed matter the term "African Walnut" to describe its products, implying that they are made of wood derived from trees of the walnut or "Juglandaceae" family. The respondent company also agrees not to use the word "walnut," either alone or in connection with the word "African" or "Tigerwood," or in any other way which may have the effect of causing buyers to believe that the articles so described are made of wood derived from trees of the walnut family, when such is not a fact.

No. 1869. Union Pharmacal Co., Inc., 67 Irving Place, New York City, selling so-called "Economy First-Aid Kits," will discontinue printing on the cartons in which the kits are packed certain exaggerated or misleading assertions concerning the value of the kits or the price at which they are sold, or are intended to be sold, in the usual course of trade. The stipulation points out that these kits were marked for sale at a certain price, when in fact this was much in excess of the price at which they were actually sold, or intended to be sold.

No. 2565. The National Electrical Manufacturers Association, of New York City, and sixteen member manufacturers of power cable and wire, have been served with an order to cease and desist from certain unfair trade practices held to have been performed under an illegal agreement, combination or conspiracy. The practices prohibited included, principally, the maintenance of uniform selling prices.

All material facts alleged in the amended complaint were admitted by the respondents to be true and the findings in the case are a paraphrase of the admitted allegations.

Member companies named as respondents are American Electrical Works, Philadelphia, now known as Kennecott Wire and Cable Company; American Steel and Wire Company, Worcester, Mass.; Anaconda Wire and Cable Co., New York; Bishop Wire and Cable Corporation, New York; Boston Insulated Wire and Cable Co., Boston; Crescent Insulated Wire and Cable Co., Trenton, N. J.; General Cable Corporation, New York; General Electric Co., Schenectady, N. Y.; Habirshaw Cable and Wire Corporation, New York; National Electrical Products Corporation, Pittsburgh; The Okonite Co., Passaic, N. J.; Phelps-Dodge Copper Products Corporation, New York; John A. Roebing's Sons Co., Trenton, N. J.; Simplex Wire and Cable Co., Boston; Triangle Conduit and Cable Co., Brooklyn; and United States Rubber Products, Inc., New York.

Nos. 2939 and 2515. Cease and desist orders have been issued against two New York cosmetics and toilet goods companies, requiring them to cease and desist from unfair competition in violation of section 5 of the Federal Trade Commission Act. The respondent companies are Helena Rubinstein, Inc., 8 E. Fifty-Seventh St., and B. H. Krueger, Inc., 151 W. Nineteenth St.

The order against Helena Rubinstein, Inc., directs that it cease advertising that its cosmetics, facial creams and toilet preparations will serve as a food for, or nourish, the skin, muscles, or tissues; will prevent crow's feet and wrinkles, strengthen eye nerves, rebuild worn-out cells and dissolve fatty tissues or act as effective weight reducers.

B. H. Krueger, Inc., is ordered to stop representing that its cosmetics and toilet preparations, including perfumes, soaps, toilet water and similar articles, are of English manufacture or origin, or imported from England. The respondent company is also ordered to cease asserting that its articles are made for, or distributed by, an English company or a company with offices in England or Canada, when such is not a fact.

No. 2964. Pratt Food Co., 126 Walnut St., Philadelphia, has been ordered to discontinue certain unfair trade representations in the sale of poultry medicine.

In selling "Pratt's 'Split-Action' N-K Capsules" or any product of substantially the same composition and effect, the respondent company is directed to cease and desist representing that its preparation will destroy all worms and all parts of worms, including tapeworm heads, with which poultry may be infested.

FTC CLOSES CASES

No. 2379. The Federal Trade Commission has entered an order closing its case against Samson Paper Products Corpora-

tion, 118 Greene St., New York City, and Louis, Harry and Moe Hyman, who had been charged with use of unfair methods of competition in connection with the sale of roll paper, in violation of Section 5 of the Federal Trade Commission Act.

The Commission reserved the right to reopen the case should the facts so warrant.

No. 2906. The Commission has also issued an order closing its case against R. H. Macy & Co., New York City, following that company's signing of a stipulation to discontinue certain unfair trade practices in the sale of razor blades as alleged in a complaint directed against it by the Commission in August, 1936.

In its stipulation, the respondent company agrees not to resume the use of representations contained in an advertisement, or similar representations implying that razor blades sold by it have been made under its own supervision, when such is not a fact.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled for hearing at the Commission for the week beginning Monday, January 11.

Monday, January 11

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—C. P., 1160 kc., 250 watts, daytime.
NEW—W. H. Marolf, Escanaba, Mich.—C. P., 1500 kc., 100 watts, unlimited time.
NEW—Escanaba Daily Press Co., Escanaba, Mich.—C. P., 1500 kc., 100 watts, daytime.

Tuesday, January 12

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—H. W. Wilson & Ben Farmer, Wilson, N. C.—C. P., 1310 kc., 100 watts, daytime.
NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
KWBG—The Nation's Center Broadcasting Co. Inc., Hutchinson, Kans.—C. P., 550 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

Wednesday, January 13

HEARING BEFORE AN EXAMINER

(Broadcast)

- WILM—Delaware Broadcasting Co., Wilmington, Del.—C. P., 1420 kc., 100 watts, share WAZL.
WMBD—Peoria Broadcasting Co., Peoria, Ill.—C. P., 1440 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1440 kc., 500 watts, 1 KW LS, unlimited time.
WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P., 1450 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 1450 kc., 250 watts, unlimited time.

Thursday, January 14

HEARING BEFORE THE COMMISSION EN BANC

- WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time. (Requests facilities of WARD, WVFW & WLTH.) Present assignment: 1400 kc., 500 watts, share WLTH, WARD & WVFW.
WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts, share WLTH, WARD & WVFW.
WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts (auxiliary transmitter), share WARD, WLTH & WVFW.
WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time (Request facilities of WARD, WLTH & WBBC). Present assignment: 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1400 kc.**, 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—C. P., to make changes in equipment; **1400 kc.**, 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Transfer of control of corporation; **1400 kc.**, 500 watts, share WARD, WLTH & WBBC.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P., **1400 kc.**, 500 watts, unlimited time. (Requests facilities of WBBC, WLTH, WARD & WVFW.)

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license; **1400 kc.**, 1 KW, unlimited time. (Requests facilities of WBBC, WLTH, WARD & WVFW.)

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—C. P. to move transmitter; **1400 kc.**, 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; **1400 kc.**, 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; **1400 kc.**, 500 watts, share WVFW, WLTH & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license; **1400 kc.**, 500 watts, share WARD, WVFW & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; **1400 kc.**, 500 watts, share WARD, WVFW & WBBC.

Friday, January 15

HEARING BEFORE AN EXAMINER

(Broadcast)

KLPM—John B. Cooley, Minot, N. Dak.—C. P., **1350 kc.**, 1 KW, unlimited time.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—C. P., **1340 kc.**, 1 KW, unlimited time. Present assignment: **1340 kc.**, 500 watts, unlimited time.

NEW—Bay County Publishers, Inc., Panama City, Fla.—C. P., **1420 kc.**, 100 watts, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

(Broadcasting)

NEW—Richard M. Casto, Johnson City, Tenn.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

KXRO—KXRO, Inc., Aberdeen, Wash.—Granted C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator, and increase in day power from 100 watts to 250 watts.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Granted C. P. to install new antenna and move transmitter locally south of city limits $2\frac{1}{4}$ miles.

WNBZ—Earl J. Smith & Wm. Mace, d/b as Smith and Mace, Saranac Lake, N. Y.—Granted C. P. to make changes in equipment.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted C. P. to move transmitter site and install new equipment and vertical radiator.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted C. P. to move transmitter and studio locally; install new equipment and vertical radiator, and increase power from 50 to 100 watts night, 250 watts day.

NEW—McNary & Chambers, College Park, Md.—Granted C. P. for new experimental station, frequency of **1050 kc.**, 100 watts, 12 midnight to 6 a. m., EST, for the purpose of experimenting with synchronizing a booster broadcast station without the use of wire lines.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted C. P. for changes in equipment.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted license to cover C. P. as modified, for installation of new equipment, extension of commencement and completion dates; **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Granted license to cover C. P. for changes in equipment, increase in night power

from 500 watts to 1 KW, and day power from 500 watts to $2\frac{1}{2}$ KW; **1290 kc.**, unlimited.

KEHE—The Evening Herald Pub. Co., Los Angeles, Cal.—Granted license to cover C. P. for move of transmitter and studio sites; installation of new equipment and vertical radiator; increase in power from 500 watts night, 1 KW day, sharing KELW to 1 KW night, 5 KW day, unlimited; **780 kc.** Also granted authority to determine operating power by direct measurement of antenna input.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Cal.—Granted license to cover C. P. authorizing new transmitter site, installation of vertical radiator and new equipment; increase in day power from $2\frac{1}{2}$ KW to 5 KW; unlimited. Also granted authority to determine operating power by direct measurement of antenna input.

KPLT—North Texas Broadcasting Co., Paris, Tex.—Granted license to cover C. P. for new station; **1500 kc.**, 100 watts, daytime only.

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted license to cover C. P. authorizing local move of transmitter site, installation of vertical radiator; increase in power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day, unlimited, **1320 kc.**

KFXD—Frank E. Hurt, Nampa, Idaho—Granted license to cover C. P. authorizing installation of new equipment.

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted license to cover C. P. authorizing changes in transmitter and studio sites, installation of new equipment, and vertical radiator.

WABI—Community Broadcasting Service, Bangor, Me.—Granted license to cover C. P. authorizing move of transmitter site, installation of new equipment and vertical radiator, increase in day power to 250 watts, **1200 kc.**, 100 watts night.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Me.—Granted license to cover C. P. authorizing installation of new equipment.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted license to cover C. P. as modified, authorizing installation of new equipment, and vertical radiator; increase in power from 500 watts to 1 KW, **1260 kc.**, unlimited.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Ia.—Granted license to cover C. P. authorizing changes in equipment and increase in daytime power to 5 KW; **1330 kc.**, 1 KW night.

WBDO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted license to cover C. P. authorizing local move of station, installation of new equipment and increase in power to 1 KW; **580 kc.**, unlimited.

KLS—S. W. Warner & E. N. Warner, d/b as Warner Bros., Oakland, Cal.—Granted license to cover C. P. authorizing installation of new equipment.

WBLK—The Exponent Co., Clarksburg, W. Va.—Granted modification of C. P. for change in equipment.

WMFR—Hart and Nelson (J. A. Hart & Wayne M. Nelson), High Point, N. C.—Granted voluntary assignment of license to radio station WMFR, Inc.; **1200 kc.**, 100 watts, daytime only.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta B/c Co., Atlanta, Ga.—Granted voluntary assignment of C. P. to J. W. Woodruff, d/b as Atlanta B/c Co.; **1370 kc.**, 100 watts night, 250 watts day, unlimited.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted voluntary assignment of license to the Fort Industry Co.; **1340 kc.**, 1 KW night, 5 KW day, unlimited.

WFTC—Jonas Wieland, Kingston, N. C.—Granted modification of C. P. to install different equipment than authorized in C. P.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted modification of C. P. to move auxiliary transmitter to same location as that authorized by C. P. for the main transmitter and use same directional antenna with that station operating with power of 1 KW for emergency operation only.

WNOX—Continental Radio Co., Knoxville, Tenn.—Granted modification of C. P. to install new equipment and extend commencement date to 60 days after grant, and completion date to 180 days thereafter.

KFRO—Voice of Longview, Longview, Tex.—Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after grant.

WMIN—Edward Hoffman, St. Paul, Minn.—Granted modification of license to change name from Edw. Hoffman to Edward Hoffman, d/b as WMIN Broadcasting Co.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Granted authority to install automatic frequency control equipment.

WORC—Alfred F. Kleindienst, Worcester, Mass.—Granted authority to install automatic frequency control equipment.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted license to cover C. P. authorizing changes in equipment.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted license to cover C. P.; 780 kc., 1 KW, unlimited time employing directional antenna system.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 100 watts to 250 watts; 1420 kc., 100 watts night, unlimited.

NEW—The Crosley Radio Corp., Cincinnati, Ohio, Mobile.—Granted C. P. for new low relay b/c station; frequencies of 1622, 2058, 2150 and 2790 kc., 50 watts.

NEW—The WGAR Broadcasting Co., Mobile, Cleveland, Ohio.—Granted C. P. for new low relay b/c station; frequencies of 1622, 2058, 2150 and 2790 kc., 100 watts.

NEW—The WGAR Broadcasting Co., Mobile, Cleveland, Ohio.—Granted license covering above.

NEW—National Broadcasting Co., Inc., Fixed, New York City.—Granted C. P. and license for new general experimental station for relay broadcasting; frequencies of 31100, 34600, 37600 and 40600 kc., 100 watts.

NEW—National Broadcasting Co., Inc., Fixed, New York City.—Granted C. P. and license for new general experimental station for relay broadcasting; frequencies of 31100, 34600, 37600 and 40600 kc., 25 watts.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted C. P. to move transmitter locally and install antenna system on roof of Hotel Patten.

W8XIK—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted C. P. to increase power from 30 to 50 watts.

W8XIL—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted C. P. to increase power from 30 to 50 watts.

NEW—Cleveland Radio Broadcasting Corp., Mobile—Granted C. P. for new high relay experimental b/c station; frequencies of 31100, 34600, 37600 and 40600 kc., 10 watts.
Also granted license covering same.

NEW—Cleveland Radio Broadcast Corp., Mobile—Granted C. P. for new high relay experimental b/c station; frequencies of 38900, 39100, 39300 and 39500 kc., 100 watts.
Also granted license covering same.

NEW—Cleveland Radio Broadcast Corp., Mobile—Granted C. P. and license for new experimental high relay b/c station; frequencies of 39700, 39900, 40800, 41400 kc., 10 watts.

NEW—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.).—Granted C. P. for new low relay station; frequencies of 1646, 2090, 2190 and 2830 kc., 50 watts.

NEW—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.).—Granted C. P. for new experimental high relay station; frequencies of 31100, 34600, 37600 and 40600 kc., 2 watts.

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Granted modification of license authorizing addition of A3 emission for oral broadcasting associated with visual broadcasting.

W6XKG—Ben S. McGlasahan, Los Angeles, Cal.—Granted modification of license to change frequencies from all four in Group C to 25950 kc. under Group A of Rule 1053(a).

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of license to increase power from 10 KW to 20 KW.

W4XH—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted modification of license to change frequencies from all four listed in Group C to 25950 kc., listed in Group A of Rule 1053(a).

W9XPT—Woodmen of the World Life Ins. Assn.—Mobile, Omaha, Neb.—Granted license to cover C. P. for new relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 2 watts.

W9XPX—Woodmen of the World Life Ins. Assn., Mobile, Omaha, Neb.—Granted license to cover C. P. for new relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 2 watts.

W1XLV—The WATR Co., Inc., Mobile (Waterbury, Conn.).—Granted license to cover C. P. for new relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 10 watts.

WAAK—WSOC, Inc., Mobile (Charlotte, N. C.).—Granted license

to cover C. P. for new relay broadcast station; frequencies of 1622, 2058, 2150 and 2790 kc., 40 watts.

W4XCH—Wilton E. Hall, Mobile (Anderson, S. C.).—Granted license to cover C. P. for new experimental relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 0.5 watts power.

W4XCI—The Atlanta Journal Co., Mobile (Atlanta, Ga.).—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

KAAD—Fort Worth Broadcasters, Inc., Mobile (Fort Worth, Tex.).—Granted license to cover C. P. for new relay station; frequencies 1622, 2058, 2150, and 2790 kc., 40 watts.

APPLICATIONS DISMISSED

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

NEW—Eastern Broadcasting Co., Portland, Maine.—C. P., 1210 kc., 100 watts, unlimited.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—C. P., 970 kc., 5 KW, unlimited.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—C. P., 1050 kc., 5 KW, limited.

NEW—Carolina Adv. Corp., Florence, S. C.—C. P., 1200 kc., 100 watts, unlimited.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Special experimental authority, 590 kc., 250 watts, 1 KW LS, unlimited.

APPLICATION DENIED

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Denied special temporary authority to operate on frequency 1390 kc., with 100 watts power, at location authorized by C. P., employing Class AB or a prime modulation using 845 Tubes, in order to facilitate installation of 1-KW equipment authorized by C. P.

SET FOR HEARING

NEW—Malcolm H. Clack (Clack Radio Service), Amarillo, Tex.—Application for C. P. for new broadcast station at Amarillo, Tex., to operate on 1500 kc., 100 watts, unlimited time. Transmitter and studio sites are to be determined with Commission approval.

NEW—David J. Mercier and Geo. F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—Application for C. P. for new broadcast station at Traverse City, Mich., as amended 11-2-36, to operate on 830 kc., 500 watts, daytime only.

NEW—Beaumont Broadcasting Assn., Beaumont, Tex.—Application as amended 12-8-36 for C. P. for new broadcast station at Beaumont, Tex., to operate on 1420 kc., 100 watts, unlimited time.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Hearing before Broadcast Division on application for modification of license to increase night power from 1 KW to 5 KW.

WMBO—WMBO, Inc., Auburn, N. Y.—Application for Commission's consent to transfer control of WMBO, Inc., licensee of Station WMBO, from Roy L. Albertson to Auburn Publishing Co.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Application for modification of C. P. requesting increase in time of operation from daytime to unlimited.

SPECIAL AUTHORIZATIONS

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted special temporary authority to operate from local sunset (4:45 p. m.) to 12 midnight, EST, January 6, 1937, in order to broadcast inaugural ceremonies, also opening of State Legislature.

WABL—American Airlines, Inc., Washington, D. C.—Granted extension of special temporary authority to operate a mobile relay broadcast transmitter aboard an American Airlines plane some time between January 4th and 14th, 1937, weather permitting, for transmission to NBC of program material from plane while flying over Exline, Ill.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (5:15 p. m., CST) to 9 p. m. on Sundays, January 3, 10, 17, 24, and 31, 1937, in order to broadcast services of the Kelly Memorial Methodist Church, Longview, Tex.

- WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted special temporary authority to operate a 100-watt portable transmitter on 1200 kc. between the hours of 12 midnight and 6 a. m., CST, for period beginning January 4, 1937, and ending in no event later than February 2, 1937, in order to determine most efficient antenna location, provided such tests are not permitted during those hours prescribed for Commission monitoring schedule.
- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with KFNF from 3 p. m. to 4 p. m., CST, January 12, 13, 14, 1937, and simultaneously with KUSD from 4 p. m. to 5 p. m., CST, January 12, 13, 14, 1937 (provided WBAA remains silent), in order to broadcast special Farm and Home Week programs.
- WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 12:30 p. m. to 1 p. m. Wednesday, January 20, 1937 (provided WKBN remains silent), in order to broadcast the Farm and Home Hour program.
- WOI—Iowa State College of Agriculture & Mechanic Arts, Ames, Iowa.—Granted extension of special temporary authority to rebroadcast over WOI, Ames, Iowa, the emergency programs of station KGHO, licensed for emergency police service in Des Moines, Iowa, for period beginning 3 a. m., CST, February 1, 1937, and ending in no event later than 3 a. m., CST, August 1, 1937.
- WNYC—City of New York, Department of Plant and Structures, New York, N. Y.—Granted extension of special temporary authority to use auxiliary transmitter, located at 29 Ft. Greene Place, Brooklyn, N. Y., as main transmitter while moving, in accordance with C. P., for period beginning 3 a. m., EST, February 1, 1937, and ending in no event later than May 27, 1937.
- KFDY—South Dakota State College, Brookings, S. Dak.—Denied special temporary authority to operate from 7 p. m. to 9:30 p. m., CST, December 16, 1936, January 8, 11, 1937, in order to broadcast District Parent Teachers Association programs.
- WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 p. m. to 10 p. m., CST, January 8, 9, 15, 16, 22, 23 and 29, 1937, for purpose of broadcasting Elkhart High School basketball games.
- WSVS—Elmer S. Pierce Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent from January 1 to 3, 1937, inclusive, in order to observe balance of Christmas vacation; February 12, 1937, Lincoln's birthday; February 22, 1937, Washington's birthday; March 25 to April 4, inclusive, Easter vacation; May 31, 1937, Memorial Day; June 26 to June 30, 1937, in order to observe summer vacation.
- KEX—The Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate simultaneously with KOB from 7:30 p. m. to 8 p. m., PST, Tuesday, January 5, 1937, in order to broadcast speeches on the Pacific Coast Maritime strike situation by Mayor Rossi of San Francisco, Mayor Carson of Portland, and other civic leaders.
- WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from 8 p. m. to 12 midnight, EST, January 20, 1937, in order to broadcast Annual Meeting of shareholders of the First Federal Savings and Loan Association at the Hotel Taft.
- WPHR—WLBC, Inc., Petersburg, Va.—Denied special temporary authority to operate from 8:15 p. m. to 10:30 p. m., EST., in order to broadcast boxing matches January 16, VMI v. Virginia, at Lexington; January 23, Virginia v. VPI, at Charlottesville; January 30, Maryland v. VMI, at Lexington; February 6, Virginia v. Maryland, at Charlottesville; and February 13, Maryland v. Rutgers, at College Park.
- KGDY—Voice of South Dakota, Huron, S. Dak.—Denied special temporary authority to operate from 7:45 p. m. to 11 p. m., CST, January 8, 15, 16, 21, 22, 26, 29 and February 4, 1937, in order to broadcast basketball games.
- WSAJ—Grove City College, Grove City, Pa.—Denied special temporary authority to operate from 7:30 p. m. to 10:30 p. m., EST, January 8, 19 and February 5, 1937, in order to broadcast home basketball games.
- ke., 100 watts, unlimited time (site to be determined), was remanded to Dockets.
- WTJS—Ex. Rep. 1-244: The Sun Publishing Co., Inc., Jackson, Tenn.—Denied C. P. to move transmitter from Hall St., Jackson, Tenn., to northwest of Jackson, Tenn.; install new equipment (directional antenna); change frequency from 1310 kc. to 920 kc.; increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day, unlimited time. Examiner R. L. Walker sustained. Order effective February 16, 1937.
- KTFI—Ex. Rep. 1-249: Radio Broadcasting Corp., Twin Falls, Idaho.—Granted renewal of license, 1240 kc., 500 watts night, 1 KW day, unlimited time. Denied modification of license to change frequency from 1240 kc. to 630 kc., 500 watts night, 1 KW day, unlimited time. Examiner Geo. H. Hill sustained in part. Order effective February 23, 1937.
- NEW—Ex. Rep. 1-150: Clark Standiford, Visalia, Calif.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time (transmitter site to be determined). Examiner David G. Arnold reversed. Order effective February 2, 1937.
- NEW—Ex. Rep. 1-266: Fred A. Baxter, Superior, Wis.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner M. H. Dalberg sustained. Order effective January 19, 1937.
- WJBO—Ex. Rep. 1-267: Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted C. P. to install new equipment; change frequency from 1420 kc. to 1120 kc.; increase power from 100 to 500 watts; change hours of operation from unlimited to specified (unlimited except from 8 to 9 p. m. Mondays and Fridays). Examiner M. H. Dalberg sustained. Order effective January 26, 1937.
- NEW—Ex. Rep. 1-268: Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Granted C. P. for new broadcast station to operate on 1190 kc., 250 watts, daytime. Examiner R. H. Hyde sustained. Order effective February 2, 1937.
- NEW—Ex. Rep. 1-279: Eastern States Broadcasting Corp., Bridgeton, N. J.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, daytime (site to be determined subject to Commission's approval). Order effective February 9, 1937.
- NEW—Ex. Rep. 1-314: Walker Jamar, Duluth, Minn.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time (site to be determined). Examiner R. L. Irwin sustained. Order effective January 5, 1937.

ORAL ARGUMENTS GRANTED

- KVOS—Ex. Rep. 1-309: KVOS, Inc., Bellingham, Wash.—Granted oral argument to be held February 4, 1937.
- NEW—Ex. Rep. 1-310: Telegraph Herald, Dubuque, Iowa.—Granted oral argument to be held February 11, 1937.
- NEW—Ex. Rep. 1-313: Glenn Van Auken, Indianapolis, Ind.—Granted oral argument to be held February 11, 1937.
- WSBT—Ex. Rep. 1-315: The South Bend Tribune, South Bend, Ind.—Granted oral argument to be held February 11, 1937.
- NEW—Ex. Rep. 1-316: Dr. F. P. Cerniglia, Monroe, La.—Granted oral argument to be held February 11, 1937.
- WHAT—Ex. Rep. 1-317: Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted oral argument to be held February 18, 1937.

MISCELLANEOUS

- The effective date in the case of Interstate Broadcasting Corp., Ogden, Utah (Ex. Rep. 1-221), was extended to January 19, 1937.
- Hildreth & Rogers Co., Lawrence, Mass.—Denied petition asking Commission to deny motion of Bay State Broadcasting Corp. to reinstate its application. The Broadcast Division on December 1, 1936, decided to reinstate and hear the application of the Bay State Broadcasting Corp. for C. P. for new station at Providence, R. I., to operate on 720 kc., 1 KW, limited time. No date has been set.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted modification of C. P. authorizing change in equipment and location of station.
- NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted motion to postpone hearing on application for new station scheduled for January 12, 1937, as applicant plans to amend application to request different frequency,

ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. 1-243: Nathan N. Baure, Miami, Fla.—Application for C. P. for new broadcast station to operate on 1420

NEW—H. W. Wilson and Ben Farmer, Wilson, N. C.—Denied petition asking for reconsideration of action in designating application for new radio station at Wilson, N. C., to operate on **1310 kc.**, 100 watts, daytime, for hearing and to grant same without a hearing. Hearing to be held as scheduled.

NEW—Radio Enterprises, Lufkin, Tex.—Denied petition asking Commission to continue hearing schedule for February 5, 1937, on application for authority to build and operate new broadcasting station at Lufkin, Tex., using frequency **1310 kc.**, 100 watts, daytime.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted petition asking Commission to consolidate its application for unlimited time on **550 kc.** and the application of KFUE (sharing the same frequency) to increase its power and hours of operation to half time and to hear both cases at the same time.

NEW—Faith Broadcasting Co., Wichita Falls, Tex.—Granted petition for a consolidated hearing upon three pending applications for new broadcast stations in Wichita Falls, Tex., namely, Faith Broadcasting Co., to operate on **1380 kc.**, 1 KW, unlimited time; Wichita Broadcasting Co., to operate on **620 kc.**, 250 watts night, 1 KW LS, unlimited time; and West Texas Broadcasting Co., to operate on **1380 kc.**, 1 KW, unlimited time. The Broadcast Division also approved recommendation that application involving the removal of station KFPL from Dublin, Tex., to Wichita Falls, be heard in the same proceeding with the three applications for new stations.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in hearing on application for The Metropolis Company for new broadcast station at Jacksonville, Fla., to operate on **1290 kc.**, 250 watts, unlimited time, hearing on which is scheduled for February 9, 1937.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla., and KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted petition to intervene at hearing of application of World Publishing Co., Tulsa, Okla., for C. P. to erect and operate a radio broadcasting station on **940 kc.**, 1 KW night, 5 KW day, unlimited.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Denied petition asking Commission to continue hearing of application of WATR, Waterbury, Conn., to operate on **1290 kc.**, 250 watts, unlimited time, scheduled for January 18, 1937, until Commission sets a definite date to hear WJAS's application to operate with 5 KW night, on frequency **1290 kc.**

NEW—Richard M. Casto, Johnson City, Tenn.—Denied motion to receive deposition in connection with his application for new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time, and sustained opposition of W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., respondents, to receipt of the depositions.

RATIFICATIONS

WTMV—Miss. Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Granted modification of C. P. to install new equipment and extend commencement date from December 13 to 30 days after grant and completion date to 6 months thereafter.

WSAN—WSAN, Inc., Allentown, Pa.—Granted modification of C. P. approving vertical radiator and transmitter site near junction of Route 309 and W. Catasauqua Road, Allentown.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted modification of C. P. approving new equipment and vertical radiator and transmitter site near junction of Route 309 and W. Catasauqua Road, Allentown.

KOCA—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted modification of C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator.

KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted modification of C. P. approving transmitter site in Lake Charles.

KGFI—Eagle Broadcasting Co., Corpus Christi, Tex.—Granted renewal of license for period January 1 to July 1, 1937.

WMEX—The Northern Corp., Boston, Mass.—Granted renewal of license for period January 1 to July 1, 1937.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted renewal of license for period January 1 to July 1, 1937.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Granted renewal of license for period January 1 to July 1, 1937.

WTMJ—The Journal Co., Milwaukee, Wis.—Granted authority to

transfer control of The Journal Co. (Station WTMJ) from estate of Lucius W. Nieman to The Journal Co. and Faye McBeath.

WOEG-W2XIL-W2XIM-W2XJH—General Electric Co., New York City.—Granted authority to operate as licensed on February 6 and 7, relay broadcast program National A. A. U. Bob Sled Championships.

WIEF—Miami Broadcasting Co., Inc., Miami, Fla.—Granted authority to operate as licensed for period of 30 days December 16 to January 14, inclusive, relay broadcast description of Miami from Blimp Puritan.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted extension of program test period 30 days from December 11, 1936.

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted extension of program test period 30 days from December 23.

W9XPV-W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed for period of 30 days beginning December 24 and ending January 22, inclusive, for relay broadcast from train between Villagegrove and Tuscola, Ill.

WMFS—National Broadcasting Corp., Inc., New York City.—Granted authority to operate as licensed from January 4 to 7, 1937, inclusive, for relay broadcast of program from plane flying over Exline, Ill.

WNEL—Juna Piza, San Juan, P. R.—Granted extension of program test period for 30 days from January 2, 1937.

W9XES—Midland Broadcasting, Kansas City, Mo.—Granted authority to operate as licensed for a period of 30 days beginning December 30 to January 28, inclusive, for relay broadcasting series of children educational programs.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted authority to extend program test period for 30 days from December 28.

WGPC—Americus Broadcasting Corp., Albany, Ga.—Granted authority to extend program test period for 30 days from December 30.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted authority to extend program test period for 30 days from December 30.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between hours of 12 midnight and 6 a. m. for period December 20 to January 18, 1937.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of special temporary authority to operate simultaneously with station WILL from 8 to 11 a. m., CST, daily except Sundays, during month of January, 1937.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 7:30 to 10:30 p. m., EST, January 5 and 12, and from 10 to 10:30 p. m., EST, January 8, 15, 22, 29, 1937.

WMBQ—Jos. Husid, Receiver, Radio Station WMBQ, Brooklyn, N. Y.—Granted special temporary authority to remain silent for a period not to exceed 30 days, pending liquidation and sales.

KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif.—Granted special temporary authority to move main studio from Del Monte to Monterey, for period December 29 to January 27, pending receipt and action on modification of license and consolidation of business office and studio.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7:15 to 7:30 p. m., EST, during month of January, 1937.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 to 11:30 p. m., MST, January 5, 12, 19 and 26, in order to broadcast wrestling bouts.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (5:15 p. m.) to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays during month of January, pending compliance with Rule 131.

WSYB—Philip Weiss, d/b as Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 10 a. m., EST, January 1 to February 1, inclusive.

WRR—City of Dallas, Tex.—Granted extension of special temporary authority to suspend tests on KPVA's transmitter, used by station WRR as an auxiliary transmitter, as required by Sec. D of Rule 148, for period December 31 to

January 29, pending necessary changes to comply with Rule 132.

KGKB—E. Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate from 8 to 10 p. m., CST, January 1 to February 1, 1937, or until construction is completed under C. P.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from 6 to 7:30 p. m., CST, January 5, 8, 12, 13, 15, 16, 18, 20, 22, 23, 28, 29, 30, 1937, in order to broadcast basketball games.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 4:45 to 10:30 p. m., EST, the following Saturdays: January 9, 16, 23 and 30, and each Sunday from 4:45 to 5:30 p. m., EST, namely, January 10, 17, 24 and 31.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain main studio of WHBF at 1630 5th Ave., Moline, instead of 102 18th St., Rock Island, for a period January 2 to 31, 1937.

KALE—KALE, Inc., Portland, Ore.—Granted extension of special temporary authority to operate unlimited time for period December 31 to January 29, pending construction of vertical radiator in compliance with Rule 131.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted modification of C. P. approving transmitter site at 1800 W. Main St. and studio site at 200 Parrine Bldg., Oklahoma City, and approval of vertical radiator.

The Broadcast Division granted the petition of the Pottsville News and Radio Corporation to intervene in the hearing on the application of The Schuylkill Broadcasting Company, Pottsville, Pa., for construction permit, Docket No. 4176.

The Broadcast Division granted the petition of WOAX, Inc. (WTNJ), to intervene in the hearing on the applications of Trenton Times, Trenton, N. J., for construction permits, Docket Nos. 4198, 4199 and 4200, respectively.

The Broadcast Division granted the petition by the City of Dallas (WRR) to intervene in the hearing on the application of the Oak Cliff-Dallas County Broadcasting Company, for construction permit, Docket No. 4304.

The Broadcast Division waived Rule 104.6 (b) and permitted the Sunbury Broadcasting Corporation to file answer to notice of appearance submitted by John H. Stenger, Jr. (WBAX), applicant for modification of license, Docket No. 4150.

The Broadcast Division denied the motions of (a) James Broadcasting Co. (WJTN), Jamestown, N. Y., and (b) Sunbury Broadcasting Corp. (WKOK), Sunbury, Pa., to strike appearance, default and deny application of John J. Stenger, Jr. (WBAX), Wilkes-Barre, Pa., for modification of license, Docket No. 4150.

The Broadcast Division denied the motion by New England Radio Corporation for leave to amend its application for construction permit for new station at Bridgeport, Conn., Docket No. 3480, so as to use the frequency 1190 kc., instead of 1420 kc.

The Broadcast Division granted the request filed on behalf of the Pulitzer Publishing Company (KSD), St. Louis, Mo., and directed that the present license of KSD be modified so as to permit it to radiate 70 per cent of its entire effective field with a power of 1 KW for nighttime operation in the direction of WKRC.

The Broadcast Division granted the request of May Radio Broadcasting Corporation (WHBI), Newark, N. J., for waiver of Rule 131, and directed that a modified license be issued to WHBI including therein the description and authority to use the present antenna.

The Broadcast Division denied petition of Oklahoma Broadcasting Co., Inc. (KGFG), requesting special temporary authority to operate unlimited time on frequency of 1370 kc., with power of 100 watts for a period not to exceed 30 days.

The Broadcast Division granted the petition of Durham Radio Corporation (WDNC), Durham, N. C., and reinstated its application for construction permit, Docket No. 2689, which was denied on September 22, 1936, as in case of default for failure to file appearance.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to conduct DX programs from 3 to 5 a. m., CST, on Jan. 8, and 22, 1937.

In the matter of the application of Iowa Broadcasting Company (KRNT), Des Moines, Iowa, for construction permit, Docket No. 3854, on which an order was heretofore entered on November 10, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the application of Nichols and Warinner, Inc.

(KFOX), Long Beach, California, for modification of license, Docket No. 3297, on which an order was heretofore entered on November 17, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the applications of Harold H. Hanseth, Fresno, California, for construction permit, Docket No. 2911, and Fresno Broadcasting Company, Fresno, California, for construction permit, Docket No. 3370, on which an order was heretofore entered on November 17, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

The Broadcast Division granted the petition of the City of Dallas, Texas, to intervene in the hearing on the application of A. L. Chilton for construction permit, Docket No. 3277, and for postponement of the hearing, and directed that said hearing be postponed to January 21, 1937.

The Broadcast Division granted the petitions of the Centennial Broadcasting Corporation; KRLD Radio Corporation; Richard S. Gozzaldi, doing business as Oak Cliff-Dallas County Broadcasting Company, and Dallas Broadcasting Company to intervene in the hearing on the application of A. L. Chilton for construction permit, Docket No. 3277.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted renewal of license for period ending April 1, 1937. Correct description of antenna to agree with affidavit submitted under date of Dec. 8, 1935.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted renewal of license for period ending April 1, 1937.

WBBZ—Estate of Chas. Lewis Carrell Adelaide Lillian Carrell, Repr., Ponca City, Okla.—Granted renewal of license on a temporary basis for period ending June 1, 1937, conditionally.

WTAL—Fla. Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted temporary extension of existing license for period of 1 month from Jan. 1, 1937, subject to such action as may be taken upon application for renewal pending before Commission.

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—Application for renewal of license and C. P. to move station, change frequency from 1210 to 1340 kc., increase power from 100 watts to 500 watts daytime only (facilities of KDGy), designated for hearing, to be heard with application for renewal of KDGy and C. P.; KWTN granted temporary license pending hearing and hearing scheduled for Jan. 6, 1937, continued.

APPLICATIONS RECEIVED

First Zone

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—1120 Authority to transfer control of corporation from Joseph M. Kirby (deceased) by Mary A. Kirby, Administratrix, to Arde Bulova, 3000 shares common stock.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time. To use directional antenna night.

WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—License 1370 to cover construction permit (B1-P-1247) for new transmitter and antenna and for move of transmitter.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 License to cover construction permit (B1-P-225) as modified, for change in equipment and increase in power.

Second Zone

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to 1370 install automatic frequency control.

WSMK, Incorporated, Dayton, Ohio.—Construction permit to 1380 install a new transmitter, increase power from 200 watts to 250 watts, 500 watts daytime, change hours of operation from simultaneous daytime, specified hours night to unlimited time, move transmitter from Fractional Section No. 8, Twp. 1, Range 7, between Little & Great Miami Rivers (near) Dayton, Ohio, to Town 2, Range 7, Mrs. of Madriver Twp., Montgomery County, Ohio, and install directional antenna for night use.

Third Zone

KWKH—International Broadcasting Corp., Shreveport, La.—850 License to cover special experimental authorization to operate on 1100 kc., unlimited time, using 10 KW power with directional antenna at night, at Mooringsport Road, near Shreveport, La.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—License to 900 cover construction permit (B3-P-903) for new equipment and increase in power.

NEW—World Publishing Co., Tulsa, Okla.—Construction permit 940 for a new station to be operated on 940 kc., 1 KW night, 5 KW daytime, unlimited time. Amended to change transmitter site from Tulsa, Okla., to 4½ miles southeast of the center of Tulsa, Okla.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification 1200 of construction permit (B3-P-1396) for new transmitter and antenna, increase in power, and move of studio and transmitter, requesting approval of transmitter site at Talbotton Road, Columbus, Ga., and studio at 12th and Broadway, Columbus, Ga., and approval of vertical antenna.

WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.— 1300 Modification of license to change frequency from 1300 kc. to 610 kc.

KFPL—C. C. Baxter, Dublin, Tex.—License to cover construction 1310 permit (B3-P-345) as modified for new equipment, move of transmitter, and increase in power.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Authority to 1380 determine operating power by direct measurement of antenna.

KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex. 1500 —License to cover construction permit (B3-P-440) as modified for a new station.

Fourth Zone

WCBS—WCBS, Inc., Springfield, Ill.—License to cover construc- 1420 tion permit (B4-P-1304) for changes in equipment and move of transmitter.

KGNF—Great Plains Broadcasting Co. (a corp.), North Platte, 1430 Nebr.—Modification of license to change hours of operation from daytime to specified hours (6 a. m. to 7 p. m., CST), using 1 KW power.

NEW—Howard A. Miller, Galesburg, Ill.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, specified hours. Amended to change hours of operation from specified hours to daytime only.

Fifth Zone

NEW—Twin City Broadcasting Corp., Longview, Wash.—Con- 780 struction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts daytime, unlimited time. Amended to change frequency from 1500 kc. to 780 kc., hours of operation from unlimited time to daytime, using 250 watts power.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification 890 of license to change power from 1 KW, 5 KW daytime, to 5 KW day and night.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to 920 cover construction permit (B5-P-1346) for changes in equipment and move of auxiliary transmitter.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—License to cover 970 construction permit (B5-P-1428) for changes in equipment and move of auxiliary transmitter.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to 1200 transfer control of corporation from James S. Maffeo and L. R. Jackson to Carleton W. Morris, 473¼ shares of common stock.

KGCC—The Golden Gate Broadcasting Co. (Robert J. Craig), 1420 San Francisco, Calif.—License to cover construction permit (B5-P-1283) for a new transmitter.

Puerto Rican Zone

WPRP—Julio M. Conesa, Ponce, P. R.—Modification of license 1420 to operate additional hours on Sunday from 3 p. m. to 6 p. m.

H. R. 30

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1937

MR. DICKSTEIN introduced the following bill; which was referred to the Committee on Immigration and Naturalization and ordered to be printed

A BILL

To protect the artistic and earning opportunities in the United States for American actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, and orchestral conductors, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of the immigration law to the contrary, no alien actor, vocal musician, operatic singer, solo dancer, solo instrumentalist, or orchestral conductor shall hereafter be admitted to the United States, whether seeking entry for temporary stay or for permanent residence, unless prior to issuance of visa the Secretary of Labor has received an application for permission to enter for professional engagements and such permission has been granted to the alien, prior to his embarkation from foreign territory, by the Secretary of Labor pursuant to provisions hereinafter stated in this Act.

SEC. 2. The number of otherwise admissible alien actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, and orchestral conductors admissible to the United States under this Act from any foreign country during any calendar year shall hereafter be limited to the number of American actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, and orchestral conductors, of similar qualifications which the government of such foreign country has, upon application, granted permission to enter such foreign country for professional engagements during the same calendar year.

SEC. 3. Notwithstanding the limitations as prescribed by section 2 herein, the Secretary of Labor may authorize the admission for temporary stay for professional engagements during specified periods of time of any alien actor, vocal musician, operatic singer, solo dancer, solo instrumentalists, or orchestral conductor, subject to the provisions of this Act, if otherwise found admissible as a nonimmigrant under the immigration laws, upon application made to and approved by the Secretary of Labor prior to the alien's departure from any foreign country upon a finding by the Secretary of Labor, after a full hearing and investigation, that an artist, having qualifications similar to those of the alien seeking admission under this section, cannot be found in the United States among unemployed citizens or lawful permanent resident aliens.

SEC. 4. Notwithstanding the limitations as prescribed by section 2 herein, the Secretary of Labor may authorize the admission for permanent residence for professional engagements or career of any alien actor, vocal musician, operatic singer, solo dancer, solo instrumentalists, or orchestral conductor, subject to provisions of this Act, if otherwise found admissible as an immigrant under the immigration laws, upon application to and approved by the Secretary of Labor after a full hearing and investigation prior to the alien's departure from any foreign country upon a finding by the Secretary of Labor that the permanent admission of such alien artist would not immediately displace, or prevent employment of, a citizen or lawful permanent resident alien having similar professional qualifications to those possessed by the alien seeking admission under this section.

SEC. 5. The question of availability in the United States of citizens or lawful permanent resident aliens who are actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, or orchestral conductors, and who are unemployed or subject to displacement by admission of alien artists under this Act, shall be determined by the Secretary of Labor who is directed to seek the cooperation and counsel of reputable American organizations and associations of actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, or orchestral conductors before making such determination.

SEC. 6. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this Act; but all rules and regulations insofar as they relate to the administration of this Act by consular officers abroad shall be prescribed by the Secretary of State, on the recommendation of the Secretary of Labor. This Act and rules and regulations issued pursuant thereto are in addition to and not in substitution for the existing immigration laws and shall be enforced as part of such laws, rules, and regulations."

H. R. 13

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1937

MR. CULKIN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed

A BILL

To prohibit the transportation in interstate commerce of advertisements of intoxicating liquors, and for other purposes.

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

unlawful for any distiller, brewer, vintner, manufacturer, wholesaler, or retailer or for the agent, broker, or factor of any of them, engaged in the sale of intoxicating liquors to cause to be transported in the mails or otherwise from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any newspaper, periodical, news reel, photographic film, or record for mechanical reproduction advertising intoxicating liquor or containing the solicitation of an order for intoxicating liquor.

SEC. 2. It shall be unlawful for any publisher or for the agent of any publisher to cause to be transported in the mails or otherwise from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any newspaper, periodical, news reel, photographic film, or record for mechanical reproduction advertising intoxicating liquor or containing the solicitation of an order for intoxicating liquor.

SEC. 3. It shall be unlawful for any common carrier or for any private carrier for hire to transport from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any newspaper, periodical, news reel, photographic film, or record for mechanical reproduction advertising intoxicating liquor or containing the solicitation of an order for intoxicating liquor.

SEC. 4. It shall be unlawful to broadcast by means of any radio station for which a license is required by any law of the United States, or for any person operating any such station, to permit the broadcasting of any advertisement of intoxicating liquor or the solicitation of an order for intoxicating liquor.

SEC. 5. No letter, postal card, circular, or pamphlet of any kind containing any advertisement of intoxicating liquor or a solicitation of an order for intoxicating liquor shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any place in any State or Territory of the United States, or the District of Columbia, at which it is by the law in force in the State or Territory or the District of Columbia at the time unlawful to advertise or solicit orders for such liquor.

SEC. 6. When applied to any advertisement or solicitation of an order, the term "intoxicating liquor", as used in this Act, shall be construed to include all intoxicating liquor as defined by the law of the State or Territory or District of Columbia into which such advertisement or solicitation of an order may be transported. The Postmaster General is authorized and directed to make public from time to time suitable bulletins or notices giving the names of the States in which it is unlawful to advertise or solicit orders for intoxicating liquor.

SEC. 7. Any person knowingly violating any of the provisions of this Act shall be fined not more than \$1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned not more than one year.

STATEMENT ON FOOD AND DRUG BILL

By SENATOR ROYAL S. COPELAND

This bill has been prepared with three basic principles in mind: First, it must not weaken the existing laws; second, it must strengthen and extend that law's protection of the consumer; and, third, it must impose on honest industrial enterprise no hardship which is unnecessary or unjustified in the public interest.

This bill meets these three principles. It has been prepared after many and extensive conferences with the enforcement agencies of the Government and with representatives of various consumer groups or associations, professional groups, and the industries to be regulated.

Separate called meetings were held with representatives of the food, drug, and cosmetic industries. Letters inviting suggestions were sent to many people known to have an interest in the subject. Several volumes of suggestions have been received from persons in the groups just mentioned. These suggestions have been carefully studied; many of them rejected; some accepted; some accepted in part or in effect. The hearings which have been held by committees of the Senate and House of Representatives on previous bills in former sessions of the Congress have been reviewed and studied to take advantage of the knowledge and discussions contained in them.

The legislative effort to secure a better law on this subject began in June 1933, with the introduction of S. 1944. Since that time there have been many bills and many revisions of bills. There have been numerous hearings by committees of the Congress. The subject has been debated on the floors of Congress, in the press, throughout the industries, and by the public. This has gone on over a period of 3½ years. In the preparation of this bill there

has been an earnest, painstaking effort to take advantage of what light has been shed from these various courses.

This bill is presented with the confident assurance that, insofar as it is possible, these previous considerations have been utilized, and that this bill is capable of accomplishing the purposes declared for it. And it is a fair bill which will enable honest business to be carried on without interference, except such as is necessary to safeguard the public health.

It must be realized that the preparation of a bill which affects so many and such varied industrial interests in intricate and technical particulars, and which concerns and appeals to so many, including consumers and others not immediately in the businesses affected, necessarily presents a task of almost indescribable difficulty. It is only natural that many emphasize their immediate concerns without proportionate regard to the rights of others in the bill and which do not directly interest them. Many advance their particular interests without consideration for the technical and legal requirements that are presented in the preparation of a bill.

Conflict also develops in the clash of extreme positions. There are some who would give no regard whatever to the fairness of the bill's application to business. Unfortunately, there are some who give no regard, or very little, to the effectiveness of the bill for protection of the consumer. It should be said with emphasis that all business does not fall in that latter class. Business has not been unsympathetic to the effort for a better law. Strong support for a better law exists in the industries affected.

Considering the variety and diversity of interest, the unavoidable controversies that honestly arise among these interests, a so-called "perfect" bill hardly can be formulated. This bill is not a thing of perfection. It simply represents an earnest effort to serve its declared purposes. It is introduced in the hope that all who desire to see its purposes accomplished and all who are friends of the movement for a better law, will give it unbiased, impartial, and careful consideration, and, after so doing, will see their way clear to support and advocate its enactment.

It will be noted that the sequence has been changed from that of previous bills. That has been done with a view to making it simpler to read, both while it is a bill and later as a law, when it will be constantly examined by enforcement officials, courts, and lawyers. It was thought that it would be an advantage to have the prohibited acts and the enforcement machinery put in the forefront of the bill so that one may quickly learn those requirements, and then move deeper into the bill for details on the particular problem in which he is interested.

The bill has been made shorter and less verbose than previous bills. That has been done without deleting any effective provisions. It has been done by avoiding unnecessary repetitions which existed in previous bills, and by consolidating at a single place in a few lines what appeared heretofore at several different places.

That was also accomplished by eliminating some provisions which, while lending nothing to the strength of the bill, presented the possibility of confusion in enforcement and perhaps raised the issue of its constitutionality. For instance, the requirement that claims for drug products should be supported by medical opinion was deleted. Great difficulty always has been found in defining "medical opinion". In one State, certain practitioners are licensed and their opinions would be considered medical opinion, whereas in another State such practitioners would not be licensed. Furthermore, as shown, in the previous discussions, it would often be impossible to determine what the state of medical opinion is on controverted subjects.

When those considerations were added to the possibility that the guilty might escape through the uncertainties of such a provision, and the strong likelihood that courts would invalidate a statute making medical opinion the criterion of truth and the gage of a criminal offense, the provision was deleted. The bill is stronger for the deletion. Medical testimony can and will be adduced in enforcing the law. It will be received as evidence. But, the bill will avoid the danger of making it a legal standard, usually undeterminable, the violation of which incurs criminal penalties.

The bill also includes a provision that a drug shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration, prescribed or recommended in the labeling or advertising thereof. That provision has been in previous bills.

The controversial subject of control of advertising has been met by providing for the prohibition of false advertising by injunction. The bill also states differently the offense of false advertisement. Previous bills have defined false advertisements as those which are "false or misleading in any particular". That definition has occasioned no end of controversy—some of it quite meritorious—on the ground that when applied to the unlimited field of advertising

it was too elastic and encompassed things far beyond the purposes of the bill. Also, it would lend itself to unnecessary and unjustified governmental interference in the affairs of business, and impose upon the Government a job far beyond the Government's financial and personnel capacities to enforce. The statement of the offense in the bill defines those subjects pertaining to food, drugs, and cosmetics which should be under Government control.

There has been controversy as to whether the Food and Drug Administration or the Federal Trade Commission should enforce the bill's provisions on advertising. On the premise that advertisements of foods, drugs, and cosmetics are nothing more than extensions of the labeling, this bill proposes that the control be vested in the Food and Drug Administration which enforces the provisions on adulteration and labeling. But, it does not have the effect of depriving the Federal Trade Commission of its jurisdiction to proceed against false advertising in such form as to make it an unfair method of competition. The bill specifically provides that it shall not be construed as impairing or diminishing the powers of the Federal Trade Commission.

The bill simply provides that the district courts of the United States shall have the power to grant temporary and permanent injunctions against the dissemination of any advertisement which contains—

any statement, design, or device regarding a food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the nutritional, dietary, curative, therapeutic, or beneficial effects thereof, or the dosage, frequency or duration of use pertaining thereto, which is false or misleading in any particular.

It is submitted that that is a perfectly proper power to vest in the district courts of the United States, and that it not only is proper, but necessary, that the Food and Drug Administration which has foods, drugs, and cosmetics under observation, shall be authorized to seek such injunctions at the hands of the courts. No one can dispute that such advertisements should be enjoined. The fact that the Federal Trade Commission may proceed against advertisers using unfair methods of competition should not prevent the grant to the Food and Drug Administration of this additional, necessary, and very desirable power to protect the public against advertisements which bear directly on public health.

The provisions of the previous bills with respect to seizure also have been subject to much controversy. Again, it has been attempted to take advantage of what has been learned in previous studies. This bill permits multiple seizures of any food, drug, device, or cosmetic that is adulterated. It permits multiple seizures for misbranding when the misbranding has been the basis of a prior judgment in favor of the Government, or when the Secretary of Agriculture has probable cause to believe, from facts found by him, that the misbranding renders the article dangerous to health or is in a material respect false, grossly misleading, or fraudulent.

The only limitation is that misbranding which does not render an article dangerous to health, or is not in a material respect false, grossly misleading, or fraudulent, shall not be handled by multiple seizures made at the will of enforcement officers. That has been the declared policy of the Food and Drug Administration in enforcing the existing law. The bill therefore does no more than write into the law what is declared to be the policy of the Administration. But it is important that that policy be written into the bill because it is the proper policy, and because succeeding administrations should be held to that policy.

There is no comparison between this bill and the existing law as to the extent of their respective applications and the extent of the enforcement officers' powers under them. Where the existing law is entirely negative in its labeling requirements, this bill is affirmative. Where the existing law limits its attacks against misbranding on therapeutic matters to statements which are false and fraudulent, this bill expands them to those which are false or misleading.

Technical, innocent violations of this bill will frequently arise. Overzealous enforcement officers could cause honest business untold damage and annoyance. The bill, therefore, limits the enforcement officers in the drastic power of unlimited seizure to cases of adulteration and those cases of misbranding where, in the public interest, the power should be exercised. In addition, this bill increases the criminal penalties for adulteration and misbranding over those in the existing law, and adds injunction, temporary and permanent, as a means of prohibiting adulteration and misbranding. The existing law does not have such a provision.

The only other change of consequence in the seizure provision is that when seizures have been made the trial may be held in a district of reasonable proximity to the claimant's place of business, and where there are multiple seizures they may be consolidated in one action. Nothing is claimed for this provision except that it is fair. Goods must be seized wherever found. But, there is no

reason why a claimant for the goods, who perhaps may reside across the continent, should be compelled to cross the country to try the case. There is no reason, if many seizures have been made, why the trials should not be consolidated, so that one trial may determine the question at issue.

A summary of the principal respects in which this bill increases the scope of the old law and affords the public greater protection follows:

ADVERTISING

1. Prohibits false advertising of food, drugs, therapeutic devices, and cosmetics.

FOODS

2. Provides for the promulgation of standards of identity and a reasonable standard of quality for food. (A standard of quality is authorized by the present law for canned food only.)

3. Requires the labeling of unstandardized food to disclose the ingredients by name.

4. Prohibits traffic in food which is dangerous to health. (The present law permits regulation of dangerous food only in the event that the poison is added.)

5. Prohibits addition of poison. If it cannot be avoided in production or manufacture, when it reaches the consumer the product must be safe for human use.

6. Eliminates the "distinctive name" proviso of the existing law under which the sale of products, the labels of which are misleading, are now permitted sale.

7. Requires fully informative labeling of infant and invalid food.

8. Requires label declaration of artificial colors and artificial flavors in food.

9. Forbids traffic in confectionery containing metallic trinkets and other inedible substances which have been found to be a menace to the welfare of children.

10. Authorizes emergency license control of food that might be dangerous by reason of contamination with micro-organisms. Such licensing is limited to operations in which the public health cannot be protected otherwise.

COSMETICS

11. For the first time places cosmetics under Federal supervision. Requiring cosmetics to be truthfully sold and outlaws those injurious to health.

DRUGS

12. Prohibits traffic in drugs and devices which are dangerous to health under the conditions of use prescribed in the labeling or advertising.

13. Requires habit-forming drugs to bear warning labels.

14. Requires adequate directions for use of drugs and devices and appropriate warnings against their probable misuse through overdosage, or by children, or in disease conditions where they may be dangerous.

15. Sets up special protection to consumers against drugs liable to deterioration.

16. Requires that claims of effect of drugs and devices must not be false or misleading in any particular. (The present law makes fraud, that is, wilful intent to deceive, an element of the offense; unwarranted therapeutic claims resulting from sheer ignorance of the manufacturer are not actionable.)

17. Defines "nonofficial" drugs as illegal if the standard of strength varies from the standard claimed. (The present law prescribes only those which fall below the standard claimed. Drugs which are too strong may be quite dangerous.)

18. Requires that antiseptics possess germicidal power.

19. Requires declaration on the label of the names of active ingredients of nonofficial drugs.

GENERAL

20. Prohibits the use of poisonous containers for food, drugs, and cosmetics.

21. Requires that food, drugs, and cosmetics be prepared and handled under conditions of reasonable cleanliness.

22. Forbids the use of uncertified and impure coal-tar colors in food, drugs, and cosmetics.

23. Prohibits slack-filling and the use of deceptive containers for foods and drugs.

24. Provides for factory inspection and the procurement of records needed to prove Federal jurisdiction.

25. Provides increased penalties for violations.

26. Authorizes the Federal courts to enjoin violations.

The text of the Bill (S. 5) follows:

S. 5

IN THE SENATE OF THE UNITED STATES

JANUARY —, 1937

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

A BILL

To prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

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

FEDERAL FOOD, DRUG, AND COSMETIC ACT

CHAPTER I—TITLE

Sec. 1.

CHAPTER II—DEFINITION OF TERMS

Sec. 2.

CHAPTER III—PROHIBITED ACTS AND PENALTIES

Sec. 3. Prohibited acts.

Sec. 4. Injunction.

Sec. 5. Criminal.

Sec. 6. Seizure.

Sec. 7. Notice and hearing.

Sec. 8. Settlement of minor violations.

Sec. 9. Duties of United States attorney.

CHAPTER IV—FOOD

Sec. 10. Definitions and standards of identity and quality for foods.

Sec. 11. Adulterated food.

Sec. 12. Misbranded food.

Sec. 13. Emergency permit control.

Sec. 14. Exemptions.

Sec. 15. Tolerances for poisonous ingredients and certification of coal-tar colors.

CHAPTER V—DRUGS AND DEVICES

Sec. 16. Adulterated drugs.

Sec. 17. Misbranded drugs and devices.

Sec. 18. Exemptions.

Sec. 19. Certification of coal-tar colors.

CHAPTER VI—COSMETICS

Sec. 20. Adulterated cosmetics.

Sec. 21. Misbranded cosmetics.

Sec. 22. Exemptions.

Sec. 23. Certification of coal-tar colors.

CHAPTER VII—ADMINISTRATIVE PROVISIONS

Sec. 24. Authority to promulgate regulations.

Sec. 25. Examinations and investigations.

Sec. 26. Records of interstate shipment.

Sec. 27. Factory inspection.

Sec. 28. Publicity.

CHAPTER VIII—IMPORTS AND EXPORTS

Sec. 29.

CHAPTER IX—COURT REVIEW OF REGULATIONS AND ADMINISTRATIVE ACTIONS

Sec. 30.

CHAPTER X—SEPARABILITY—EFFECTIVE DATE—REPEALS

Sec. 31. Separability.

Sec. 32. Effective date and repeals.

CHAPTER I

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

CHAPTER II

DEFINITION OF TERMS

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

(a) The term "Territory" includes the District of Columbia and the possessions of the United States, and excludes the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce or manufacture within any Territory.

(c) The term "Department" means the Department of Agriculture of the United States.

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

(e) The term "Administration" means the Food and Drug Administration of the Department.

(f) The term "person" includes individual, partnership, corporation, and association unless otherwise hereinafter provided, the act, omission, or failure of any director, officer, employee, or agent acting for or employed by any person, within the scope of his employment agency or office, shall in every case be deemed to be the act, omission, or failure of such person, as well as that of the director, officer, or agent who personally ordered or did any of the acts constituting, in whole or in part, such violation.

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

(h) The term "drug", for the purposes of this Act, includes (1) all substances and preparations recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) all substances and preparations intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) all substances and preparations, other than food, intended to affect the structure or any function of the body.

(i) The term "device", for the purposes of this Act, includes all devices intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (2) to affect the structure or any function of the body.

(j) The term "cosmetic" includes all substances and preparations intended for cleansing, or altering the appearance of, or promoting the attractiveness of, the person, except that such term shall not include soaps represented for cleansing purposes only.

(k) The term "antiseptic" when used in labeling and advertisements shall be deemed to have the same meaning as the word "germicide", except, however, in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

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

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

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

(o) The term "advertisement" means all representations of fact or opinion disseminated in any manner or by any means, other than by the labeling, for the purpose or inducing, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

CHAPTER III

PROHIBITED ACTS AND PENALTIES

SEC. 3. The following acts and the causing thereof are hereby prohibited:

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

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

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

(4) The dissemination, by United States mails, or in interstate

commerce by radio broadcast or otherwise, or by any other means, of any advertisement which represents any drug, or device to have any therapeutic effect in the treatment of Bright's disease, cancer, tuberculosis, poliomyelitis (infantile paralysis), venereal diseases, or heart or vascular diseases, unless such advertisement, not in violation of subdivision 5 of this section, is disseminated only to members of the medical profession and/or appears only in the scientific periodicals of that profession.

(5) (a) The dissemination, by United States mails, or in interstate commerce by radio broadcast or otherwise, of any advertisement which contains any statement, design, or device regarding any food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the nutritional, dietary, curative, therapeutic, preventive, or beneficial effects thereof, or the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any particular.

(b) The dissemination by any means for the purpose of inducing, directly or indirectly, the purchase of any food, drug, device, or cosmetic, in interstate commerce, of an advertisement which contains any statement, design, or device regarding such food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the nutritional, dietary, curative, therapeutic, preventive, or beneficial effects thereof, or the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any particular.

(6) The introduction into interstate commerce of any food in violation of section 13.

(7) The refusal to permit access to or copying of any record as required by section 26.

(8) The refusal to permit entry or inspection as authorized by section 27.

(9) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using, any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 13.

(10) The using by any person to his own advantage, or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under authority of section 13 or 27 concerning any method or process which as a trade secret is entitled to protection.

INJUNCTION

SEC. 4. (a) The district courts of the United States are hereby given jurisdiction to prevent or restrain by injunction, temporary or permanent, any violation of any of the provisions of subdivisions 1 to 10, inclusive, of section 3. In such injunction proceedings, discontinuance of the violation shall not be grounds for denial of injunction.

(b) Any injunction granted pursuant to this section may be served on the person, or persons, against whom such injunction is granted anywhere in the United States, or in the Territories thereof, where he, or they, may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other district court, or judge thereof, in the United States, or in the Territories thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the district court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office. Such proceedings to punish for contempt, or otherwise, may be instituted by order of the court or by the filing of an information by the United States attorney; and process of the court for the arrest of the violator of any injunction, or order, granted hereunder, may be served at any place in the United States, or in the Territories thereof."

(c) No person shall be deemed to have violated an injunction, issued pursuant to this section, by reason of the dissemination, subsequent to such injunction, of an advertisement which was the basis of the injunction, if such dissemination was beyond the control of such person.

CRIMINAL

SEC. 5. (a) Any person who violates any of the provisions of subdivisions (1), (2), (3), (4), (6), (7), or (8) of section 3 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than \$1,000, or both such imprisonment and fine;

and for a second or subsequent offense imprisonment for not more than two years, or a fine of not more than \$5,000, or both such imprisonment and fine.

(b) Notwithstanding the provision of paragraph (a) of this section, in case of a willful violation of any of the provisions of subdivisions (1), (2), (3), (4), (6), (7), or (8) of section 3 the penalty shall be imprisonment for not more than three years or a fine of not more than \$10,000, or both such imprisonment and fine.

(c) Any person who violates any of the provisions of subdivisions (9) or (10) of section 3 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than \$5,000, or both such imprisonment and fine.

(d) No dealer shall be subject to the penalties of paragraph (a) of this section for having received in interstate commerce any article of food, drug, device, or cosmetic and delivered it or proffered delivery of it as received, if such delivery or proffer was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and copies of all documents, if any there be, pertaining to the delivery of the article to him, or if he establishes a guaranty or undertaking signed by the person residing in the United States from whom he received in good faith the article of food, drug, device, or cosmetic, as the case may be, to the effect that such article is not adulterated or misbranded, within the meaning of this Act, designating this Act. To afford protection, such guaranty or undertaking shall contain the name and address of the person furnishing such guaranty or undertaking, and such person shall be amenable to the prosecution and penalties which would attach in due course to the dealer under the provisions of this Act.

SEIZURE

SEC. 6. (a) Any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce, or which may not, under the provisions of section 13, be introduced into interstate commerce, shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found: *Provided, however,* That no libel for condemnation shall be instituted under this Act, for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this Act based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the United States, in a criminal injunction or libel for condemnation proceeding under this Act, or (2) when the Secretary has probable cause to believe from facts found by him that such misbranding of the article renders it dangerous to health or is, in a material respect, false, grossly misleading, or fraudulent; and in any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, seasonably made, be removed for trial to any district of reasonable proximity to the district of the claimant's principal place of business which may be agreed upon by stipulation between the parties to the proceeding.

(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that either party may demand trial by jury of any issue of fact joined in any such case. In cases of articles of food, drugs, devices, or cosmetics seized under the provisions of this section when the same issues of adulteration or misbranding under the provisions of this Act, raised by the same claimant, are pending in various jurisdictions, the United States district court for any district where one of such seizures is pending, or for any district of reasonable proximity to the district of the claimant's principal place of business, which may be agreed upon by stipulation between the parties to the proceeding, is hereby vested with jurisdiction to consolidate and try such cases; and on application of the claimant, seasonably made, such cases may be tried in any such jurisdiction.

(c) The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, his attorney or agent, to obtain a representative sample of the article seized.

(d) Any food, drug, device, or cosmetic condemned under this section shall, after entry of the decree, be disposed of by destruc-

tion or sale as the court may, in accordance with the provisions of this section, direct; and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such article shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the party obtaining release of the article under bond. Any article condemned by reason of its being an article which may not, under section 13, be introduced into interstate commerce, shall be disposed of by destruction.

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

NOTICE AND HEARING

SEC. 7. Before reporting any violation of this Act to any United States attorney for institution of criminal proceedings, the Secretary shall, in accordance with regulations prescribed by him, afford appropriate notice and opportunity for hearing to the person against whom the proceedings are contemplated. If after such hearing the Secretary decides to make such report, then the report shall be accompanied by findings of the appropriate officers and employees, duly authenticated under their oaths.

SETTLEMENT OF MINOR VIOLATIONS

SEC. 8. Nothing in this Act shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the purposes of the Act can be accomplished by a suitable written notice or warning.

DUTIES OF UNITED STATES ATTORNEY

SEC. 9. It shall be the duty of each United States attorney to whom the Secretary, consistently with the provisions of sections 6 and 7, reports any violation for institution of criminal, libel or information for condemnation, or other proceedings under this Act, or to whom any health, food, or drug officer of any State or Territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violation and that appropriate notice and opportunity for hearing has been afforded to the person against whom the proceedings are contemplated, to cause appropriate proceedings to be instituted in the proper courts of the United States without delay. All suits instituted under this Act, except those arising under section 30 and under subdivision (10) of section 3, shall be by and in the name of the United States. Notwithstanding the provisions of section 876 of the Revised Statutes, subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any proceeding under this Act.

CHAPTER IV

Food

DEFINITIONS AND STANDARDS FOR FOOD

SEC. 10. For the effectuation of the purposes of this Act the Secretary is hereby authorized to promulgate regulations fixing and establishing for any food a definition and standard of identity, and a reasonable standard of quality and fill of container: *Provided*, That no standard of quality shall be established for fresh fruits or fresh vegetables and no standard of identity for fresh fruits (except fresh citrus fruits) or fresh vegetables.

ADULTERATED FOOD

SEC. 11. A food shall be deemed to be adulterated—

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it dangerous to health; or (2) if it bears or contains any added poisonous or added deleterious substance which may render it injurious to health, or which is unsafe within the meaning of section 15, or in excess of the limits of tolerance prescribed by regulations as provided by section 15; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been

prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or (5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, to make it appear better or of greater value than it is.

(c) If it contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 15.

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

MISBRANDED FOOD

SEC. 12. A food shall be deemed to be misbranded—

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

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

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

(d) If its container is so made, formed, or filled as to mislead the purchaser.

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

(f) If any word, statement, or other information required on the label under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 10, and (1) it fails to conform to such definition and standard, or (2) its label fails to bear the name of the food prescribed in the definition and standard, or if so required by such regulations when such definition and standard permits optional ingredients other than spices, flavors, and coloring, the common names of such optional ingredients as are present in such food.

(h) If it purports to be or is represented as a food for which a standard of quality or fill of container has been prescribed by regulations as provided by section 10, and its quality or fill falls below such standard of quality or fill of container and its label fails to bear a statement, in such manner as the regulations specify, showing that it falls below such standard of quality or fill of container.

(i) If it is not subject to the provisions of paragraph (g) of this section and its label fails to bear (1) the common or usual name of the food, if any there be, or (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavors, and colorings, other than those sold as such, may be designated as spices, flavors, and colorings without naming each: *And provided*, That, to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

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

(k) If it bears or contains any artificial flavor, artificial color, or chemical preservative, which is not prohibited by section 11

and it fails to bear a label stating that fact: *Provided*, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

EMERGENCY PERMIT CONTROL

SEC. 13. (a) Whenever the Secretary finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he is then, and in such case only, authorized to promulgate regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health, and after the effective date of such regulations, and during such temporary period, no person shall introduce into interstate commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the Secretary as provided by such regulations.

(b) The Secretary is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Secretary shall immediately after prompt hearing and in inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued or as amended.

(c) Any officer or employee duly designated by the Secretary shall have access to any factory or establishment, the operator of which holds a permit from the Secretary, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

EXEMPTIONS

SEC. 14. The Secretary is hereby directed to promulgate regulations exempting from any labeling requirement of this Act (1) small open containers of fresh fruits and fresh vegetables and (2) food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded under the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

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

SEC. 15. (a) Any poisonous, contaminating, or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of section 11 (a); but when such substance is so required or cannot be so avoided, the Secretary is authorized to promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health. In determining the quality of such added substance to be tolerated in or on different articles of food the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

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

CHAPTER V

DRUGS AND DEVICES

ADULTERATED DRUGS

SEC. 16. A drug shall be deemed to be adulterated—

(a) (1) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been prepared, packed,

or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render it injurious to health; or (4) if it contains, for purposes of coloring only, a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 19.

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

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

MISBRANDED DRUGS AND DEVICES

SEC. 17. A drug or device shall be deemed to be misbranded—

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

(b) If it is dangerous to health when used in the dosage, or with the frequency or duration, prescribed or recommended in the labeling or advertisement thereof.

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

(d) If any word, statement, or other information required on the label under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

(e) If it is for use by man and contains any quantity of Alpha eucaine, barbituric acid, beta eucaine, bromal, cannabis, carbromal, chloral, cocoa, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any substance chemically derived therefrom or any other narcotic or hypnotic substance, which derivative or other narcotic or hypnotic substance has been designated as habit forming by regulations prescribed by the Secretary, and, except when dispensed on the written order of a member of the medical profession, its label fails to bear the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

(f) If it is a drug and is not designated by a name recognized in an official compendium and its label fails to bear (1) a common or usual name of the drug, if such there be; or (2), in case it is fabricated from two or more ingredients, the name of each active ingredient, including the quantity, kind, and proportion of any alcohol; and also including, whether active or not, the name and quantity or proportion of any ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: *Provided*, That to the extent that compliance with the requirements of subdivision (2) of this para-

graph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

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

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

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

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

EXEMPTIONS

SEC. 18. The Secretary is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of this Act drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

CERTIFICATION OF COAL-TAR COLORS FOR DRUGS

SEC. 19. The Secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors which are harmless and suitable for use in drugs for purposes of coloring only.

CHAPTER VI

COSMETICS

ADULTERATED COSMETICS

SEC. 20. A cosmetic shall be deemed to be adulterated—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, provided that this provision shall not apply to coal-tar hair dyes, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows."

(b) If it consists in whole or in part of any filthy, putrid, or decomposed substance.

(c) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(d) If its container is composed, in whole or in part, of any poisonous or deleterious substance which renders or will render it injurious to health.

(e) If it contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 23.

MISBRANDED COSMETICS

SEC. 21. A cosmetic shall be deemed to be misbranded—

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

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

(c) If any word, statement, or other information required on the label under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by the purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

EXEMPTIONS

SEC. 22. The Secretary is hereby directed to promulgate regulations exempting from any labeling requirement of this Act cosmetics which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such cosmetics are not adulterated or misbranded under the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

CERTIFICATION OF COAL-TAR COLORS FOR COSMETICS

SEC. 23. The Secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors which are harmless and suitable for use in cosmetics, and for coal-tar colors used in hair dyes as provided in section 20, paragraph (a).

CHAPTER VII

ADMINISTRATIVE PROVISIONS

AUTHORITY TO PROMULGATE REGULATIONS

SEC. 24. (a) The authority to promulgate regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.

(b) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe regulations for the efficient enforcement of the provisions of section 29, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary of Agriculture shall determine.

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

(d) The definitions and standards of identity promulgated by or in accordance with the provisions of this Act shall be effective for the purposes of the enforcement of this Act, notwithstanding such definitions and standards as may be contained in other laws of the United States and regulations promulgated thereunder.

(e) Whenever the Secretary deems that there should be established any regulation contemplated by section 11, paragraph (a) or (c); section 12, paragraph (g), (h), or (j); section 10; section 15, paragraph (a) or (b); section 13, paragraph (a); section 16, paragraph (a) or (b); section 17, paragraph (e) or (i); section 19; section 20, paragraph (e); or section 23, he shall give appropriate notice of the proposal and of the time and place for a public hearing to be held thereon not less than thirty days after the date of such notice. After such hearing the Secretary is authorized to formulate and promulgate such regulation as he shall find to be necessary to effectuate the purposes of such provision. The regulation so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to ninety days after its promulgation, and may be amended or repealed in the same manner as is provided for its adoption; except that public hearing on regulations under section 13 (a) may be held within a reasonable time after notice thereof, and the Secretary may fix the effective date of such regulations at any reasonable time after promulgation thereof.

EXAMINATIONS AND INVESTIGATIONS

SEC. 25. (a) The Secretary is authorized to conduct examinations and investigations for the purposes of this Act through officers

CHAPTER VIII

IMPORTS AND EXPORTS

and employees of the Department or through any health, food, or drug officer or employee of any State, Territory, or political subdivision thereof, duly commissioned by the Secretary as an officer of the Department. In the case of food packed in a Territory, the Secretary shall attempt to make inspection of such food at the first point of entry within the territorial limits of the United States when, in his opinion and with due regard to the enforcement of all the provisions of this Act, the facilities at his disposal will permit of such inspection.

(b) Where a sample of a food, drug, or cosmetic is collected for analysis under this Act, the Secretary shall, upon request, provide a part of such official sample for examination or analysis by any person named on the label of the article; except that the Secretary is authorized, by regulations, to make such reasonable exceptions from, and impose such terms and conditions relating to, the operation of this sentence as he deems necessary for the effectuation of the purposes of this Act.

(c) For purposes of enforcement of this Act, records kept by the Treasury Department in accordance with laws, and regulations thereunder, relating to alcoholic beverages and medicinal liquors, shall be open to inspection by any official of the Department of Agriculture duly authorized by the Secretary of Agriculture to make such inspection.

(d) For the purpose of enforcement of this Act records kept by the Post Office Department in accordance with laws and regulations thereunder, relating to shipment by parcel post of foods, drugs, devices, and cosmetics, shall be open to inspection by the official of the Department of Agriculture duly authorized by the Secretary of Agriculture to make such inspection.

RECORDS OF INTERSTATE SHIPMENT

SEC. 26. For the purpose of enforcing the provisions of this Act, carriers engaged in interstate commerce, and persons receiving food, drugs, devices, or cosmetics in interstate commerce, shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in interstate commerce of any food, drug, device, or cosmetic, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided further*, That carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, or delivery of food, drugs, devices, cosmetics, or advertising matter in the usual course of business as carriers.

FACTORY INSPECTION

SEC. 27. For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, after first making request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held for shipment in interstate commerce or are held after such shipment, or to enter any vehicle being used to transport such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling, or advertising matter therein.

PUBLICITY

SEC. 28. (a) The Secretary shall cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding food, drugs, devices, or cosmetics in situations involving, in the opinion of the Secretary, imminent danger to health or gross deception of the consumer. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

SEC. 29. (a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, samples of food, drugs, devices, and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that (1) any false advertisement of such article has been disseminated in the United States by the importer or exporter thereof, or any person in privity with him, within three months prior to the date such article is offered for import, or (2) such article has been manufactured, processed, or packed under insanitary conditions, or (3) such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (4) such article is adulterated or misbranded, then such article shall be refused admission.

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

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

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

CHAPTER IX

COURT REVIEW OF REGULATIONS AND ADMINISTRATIVE ACTIONS

SEC. 30. The district courts of the United States are hereby vested with jurisdiction, on petition by any interested person, (1) to restrain by injunction, temporary or permanent, the enforcement by any officer, representative, or employee of the Department of any regulation promulgated in accordance with section 24 if it is found as a fact or conclusion of law by the judge of such court that the regulation is unreasonable, arbitrary, or capricious, or not in accordance with law, and that the petitioner may suffer substantial damage by reason of its enforcement; and (2) to grant appropriate injunctive relief from any act or omission of any officer, representative, or employee of the Department in the administration of this Act, if it has been shown that such act or omission is unreasonable, arbitrary, or capricious, or not in accordance with law, and that the petitioner may suffer substantial damage thereby: *Provided*, That nothing in this section shall be deemed to abridge the right of any person against whom a criminal prosecution or suit for injunction shall have been brought under this Act, or who shall intervene as claimant in any proceeding of libel for condemnation, to plead that the regulation, the violation of which is alleged as the ground for such prosecution, suit, or libel is invalid on any of the grounds set forth above.

CHAPTER X

SEPARABILITY CLAUSE

SEC. 31. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE AND REPEALS

SEC. 32. (a) This Act shall take effect twelve months after the date of its enactment. The Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., 1934 ed., title 21, secs. 1-15), shall remain in force until such effective date, and, except as otherwise provided in this paragraph, is hereby repealed effective upon such date: *Provided*, That the provisions of section 24 shall become effective on the enactment of this Act, and thereafter, the Secretary is authorized hereby to (1) conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this Act as the Secretary shall direct, and (2) designate prior to the effective date of this Act food having common or usual names and exempt such food from the requirements of subdivision (2) of paragraph (i) of section 12 for a reasonable time to permit the formulation, promulgation, and effective application of definitions and standards of identity therefor as provided by section 10: *Provided further*, That the Act of March 4, 1923 (U. S. C., 1934 ed., title 21, sec. 6; 42 Stat. 1500, ch. 268), defining butter and

providing a standard therefor, and the provisions of the Act of July 24, 1919 (U. S. C., 1934 ed., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form, shall remain in force and effect and be applicable to the provisions of this Act: *And provided further*, That amendment to the Food and Drugs Act, section 10A, approved August 27, 1935 (U. S. C., 1934 ed., Supp. I, title 21, sec. 14a), shall remain in force and effect and be applicable to the provisions of this Act.

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

(c) Meats and meat food products shall be exempt from the provisions of this Act to the extent of the application or the extension thereto of the Meat Inspection Act, approved March 4, 1907, as amended (U. S. C., 1934 ed., title 21, secs. 71-91; 34 Stat. 1260 et seq.).

(d) Nothing in this Act shall impair, or be construed to impair or diminish, the powers of the Federal Trade Commission under existing law.

The National Association of Broadcasters

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

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COMMISSION GETS BROADCAST ENGINEERING REPORT

T. A. M. Craven, chief engineer of the Federal Communications Commission, on Tuesday of this week submitted an engineering report to the Broadcast Division of the Commission on the allocation hearing held during last October.

The full text of the report will be found on page 1877.

CONGRESSIONAL COMMITTEES NAMED

Senate Committee on Interstate Commerce

Radio matters in the Senate are handled by the Committee on Interstate Commerce. The new set-up of the Committee in this session of Congress includes Senators Burton K. Wheeler, of Montana (chairman); Ellison D. Smith of South Carolina; Robert F. Wagner of New York; Alben W. Barkley, of Kentucky; Matthew N. Neely, of West Virginia; William H. Dieterich of Illinois; Augustine Lonergan, of Connecticut; Fred H. Brown, of New Hampshire; Homer T. Bone, of Washington; Vic Donabey, of Ohio; Sherman Minton, of Indiana; A. Harry Moore, of New Jersey; Harry S. Truman, of Missouri; Charles O. Andrews, of Florida; Edwin C. Johnson, of Colorado; H. H. Schwartz, of Wyoming; Wallace H. White, Jr., of Maine; James J. Davis, of Pennsylvania; Warren R. Austin, of Vermont; and Henrik Shipstead, of Minnesota.

Senate Committee on Patents

Senator William Gibbs McAdoo, of California, has been named chairman of the Senate Committee on Patents which will handle the copyright bill in that body.

Other members of the Committee include Senators Ellison D. Smith, of South Carolina; Homer T. Bone, of Washington; George L. Radcliffe, of Maryland; F. Ryan Duffy, of Wisconsin; George W. Norris, of Nebraska; and William H. White, Jr., of Maine.

House Committee on Interstate Commerce

The majority members of the House Committee on Interstate and Foreign Commerce include the following: Representatives Clarence F. Lea, of California (chairman); Robert Crosser, Ohio; Alfred L. Bulwinkle, North Carolina; Virgil Chapman, Kentucky; Paul H. Maloney, Louisiana; William P. Cole, Jr., Maryland; Samuel B. Pettengill, Indiana; Edward A. Kelly, Illinois; Edward A. Kenney, New Jersey; George G. Sadowski, Michigan; John H. Martin, Colorado; Edward C. Eicher, Iowa; Theodore A. Peyser, New York; Thomas J. O'Brien, Illinois; Henry Ellenbogen, Pennsylvania; Herron Pearson, Tennessee; Jerry J. O'Connell, Montana; George B. Kelly, New York; Lyle H. Boren, Oklahoma; and Gardner H. Witherow, Wisconsin.

House Patents Committee

The majority members of the House Committee on Patents includes Representatives William I. Sirovich, of New York (chair-

man); Fritz G. Lanham, Texas; Braswell D. Deen, Georgia; Thomas O'Malley, Wisconsin; Matthew A. Dunn, Pennsylvania; Charles Kramer, California; Graham A. Barden, North Carolina; John L. McClellan, Arkansas; Frank W. Boykin, Alabama; William B. Barry, New York; William P. Connery, Jr., Massachusetts; John McSweeney, Ohio; Edwin V. Champion, Illinois; Thomas R. Amlie, Wisconsin; and Dewey W. Johnson, Minnesota.

The minority members of the above House Committees are expected to be announced shortly.

EXAMINER RECOMMENDS GRANTING APPLICATION OF FORMER SENATOR DILL

Former Senator Clarence C. Dill applied to the Federal Communications Commission for a construction permit for a new broadcasting station at Washington, D. C., to use 1390 kilocycles, 1,000 watts power, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-334, recommended that the application be granted. The Examiner states that "there is need for an additional service in the area proposed to be served." He states that the proposed site is satisfactory to the Commission; that a directional antenna will be used at the station; that the radio towers will be marked in accordance with engineering specifications and that "the granting of this application will serve public interest, convenience and necessity."

WHEELER ASKS BROADCAST INFORMATION

Senator Wheeler of Montana, chairman of the Senate Committee on Interstate Commerce, has sent two letters to Chairman Prall of the Federal Communications Commission asking for specified information in regard to the ownership or control of broadcasting stations by the NBC, CBS, Hearst Syndicate, and other chains. He also asks questions relative to the ownership of stations by newspapers of the country.

Senator Wheeler says:

"As chairman of the Committee on Interstate Commerce, I would like to be furnished with the following information:

"1. How many cleared channels are today owned and controlled or operated by, or in connection with, any of the so-called chain broadcasting companies?

"2. How many stations have been sold or transferred within the past three years, giving the date of such transfer, the name of the station, its location, and the price paid, and whether purchased by a newspaper or by one of the chain broadcasting companies?

"3. Kindly furnish me with the number of stations owned or controlled by the National Broadcasting network.

"4. Kindly furnish me with the number of stations owned or controlled by the Columbia Broadcasting System.

"5. Kindly furnish me with the number of stations controlled by the Hearst Syndicate.

"6. Kindly furnish me with the number of stations controlled, or in the network of any other chain system."

In his second letter Senator Wheeler says:

"Will you kindly furnish me with the following information:

"1. How many newspapers in the country at the present time own radio stations?

"2. How many have been acquired within the past year?

"3. How many applications pending at the present time by newspapers for radio stations?

"4. I would like to have an opinion from the Chief Counsel of the Commission on the question as to whether or not the Commission has the authority, at the present time, to deny an application of a newspaper for radio facilities, on the ground that it is against public policy.

"5. Whether, if the Commission has not such authority at the present time, legislation could be passed, denying the right for newspapers to acquire them in the future, and requiring all newspapers within a reasonable time to divest themselves of the ownership and control of such radio stations?"

FCC APPROPRIATIONS

In the annual budget sent to Congress last week recommendation was made that the appropriation for the fiscal year 1938 for the Federal Communications Commission be \$1,629,000 compared with the present appropriation of \$1,874,000.

In connection with the budget message the following statement is made relative to the Commission: "The Federal Communications Commission has an actual reduction of \$246,000, with a decrease of \$400,000 due to the expiration of the telegraph and telephone investigations offsetting increases of \$100,000 in connection with radio telegraphy provisions of the Convention on Safety at Sea, and non-recurring items of \$54,000 for new monitor equipment."

NEW STATION RECOMMENDED FOR MIAMI BEACH

A. Frank Katzentine applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Miami Beach, Florida, to use 1500 kilocycles, 100 watts power, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-333, recommended that the application be granted. The Examiner states that "a need for additional service in the area proposed to be served has been definitely shown." He stated further that "the granting of this application should be conditioned upon the applicant's selection of a transmitter site, which would comply with the engineering standards of the Commission."

RADIO UNDER COMMERCE DEPARTMENT

President Roosevelt on Tuesday sent a special message to Congress on the reorganization of government departments as outlined in the Brownlow report, made at the specific request of the President.

Under the Brownlow plan, which has the endorsement of the President, the Federal Communications Commission would be placed under the Department of Commerce. The entire plan for reorganization is subject to Congressional approval.

PAYNE SPEAKS OF RADIO AT HARVARD

George Henry Payne, Federal Communications Commissioner, delivered two lectures on Monday in Harvard University before the School of Business Administration on the work of the Communications Commission and its problems.

He said that one of the outstanding accomplishments of the Commission during the past year was the reduction of \$22,000,000 in telephone tolls as a result of the Commission's investigation of the telephone industry. One of the most important problems that the Commission has yet to solve, he said, was the voluntary transfer of licenses in which transactions large sums of money are being paid for licenses, resulting in a trafficking in frequencies which, he declared, was counter to not only the spirit but the letter of the Communications Act of 1934.

The main portion of his second lecture was taken up with the discussion of the necessity of evolving an American policy for the control of our international communications. In elucidating this, he referred to the establishment of a radio telephonic channel with France as the beginning of our freedom from control by foreign nations in communication.

Commissioner Payne very sharply criticized the radio lobby in Washington which has been working for years to get control of the short wave broadcasting facilities which belong to the United States Government and the absorption of which, Commissioner Payne said, would be a public scandal redolent of the Teapot Dome.

In this connection, Commissioner Payne said:

"When a little over a year ago I discussed at Syracuse University the proposed Government short wave broadcasting stations which had been planned for several years, and which had been enthusiastically supported, not only by high officials of the Government, including the Secretary of State, the Secretary of the Navy, and the President himself, but also the communication leaders of the House and Senate, I mentioned at the same time that certain unscrupulous and misguided captains of industry were attempting to block the entire project, even though they recognized its great importance from a national standpoint, merely because at some later date it might be looked upon as the entering wedge for the Government operation of all broadcasting. I tried to point out the absurdity of such a position, showing that a station of this sort, far from leading in that direction, would rather tend to allay the fears of those who have felt that broadcasting is in the hands of a selfish minority whose only object is to exploit the public with commer-

cial nostrums for their own financial enrichment. The plans for this Pan American station provided as a definite step in the cementing of the bonds of friendship and the cultural understanding between the nations on the Western Hemisphere, the setting up of governmental shortwave broadcasting stations in each of the participating countries. These stations were to be used in 'promoting better understanding among the republics of the American continent through the broadcasting' of whatever would tend to give these American countries a better understanding of one another. In accordance with the plan that the United States was to take the lead in the development of this project, an Executive Order of the President was issued, allocating radio frequencies for a proposed station in Washington, D. C. The Berne Bureau was notified that these frequencies had been set aside; an engineering survey was made. And that was as far as the matter had gone when, a year ago, I called attention to the fact that one of the reasons for the long delay was supposed to be the clever opposition of commercial interests who had apparently succeeded in opposing the building of this station on the ground that it might be the entering wedge of government control and operation of broadcasting.

"I stated then and I state now that unless constructive steps are taken by the industry itself to clean up some of the flagrant violations of public confidence and support, Congress itself will be obliged to take an active hand in the matter.

"One of the first steps in the development of a national policy, particularly a policy dealing with our foreign friends, is the construction of a national broadcasting station owned and controlled solely by the United States. Every other nation in the world has such a station.

"Every other nation in the world is prepared to defend itself over the air from the attack of foreign or unfriendly agencies.

"Every other nation in the world is prepared to see that the world understands its point of view—and yet this nation, where the greatest development of radio has taken place, is absolutely without control over the commercial interests within its own borders and outside of its borders is at the mercy of every propagandizing nation.

"We ought to have a station through which the President of the United States could speak to the world, particularly at this time of world unrest and stress!

"I am sorry to say this morning that my fears were fully justified, and that not only have these same interests continued to block the development of this essentially American project, but actually within the last few months a vicious attempt has been made to take over from the Government these precious five frequencies which were allocated for this service by Executive Order of the President, to take them over for commercial operation on the specious plea that since little progress had been made in the development of this project by the Government itself, it is now necessary for private interests to operate stations on the frequencies, in order to protect the use of these frequencies for the United States as a whole.

"It is hardly necessary for me to point out to you that the very people who are urging this are the ones who have been opposing the project all along, and who, until the present, have effectively succeeded in sabotaging it.

"I have complete documentary evidence to support all this, including the names of the persons and the organizations involved. I hope that it will not be necessary to wash all this dirty linen in public, and I am refraining from saying any more at this time, because I know that steps are being taken in the very highest administration circles to clear away all this barrage of interference and start immediately operation of the project. I mentioned it, however, to point out the dangers to our American system of Government of the sort of insidious back-door lobbying of the type which led to such scandals as Teapot Dome."

BROADCAST ADVERTISING IN NOVEMBER

Highlights of the Month

Broadcast advertising in November amounted to \$11,419,143, less than a one per cent decline from the record-breaking level registered in October. Continuing the seasonal trend of last year, network advertising declined while non-network business increased in volume. National non-network business rose 19.6%. All portions of the medium increased as compared to November of last year with the exception of regional network advertising which declined 4.6%. Total broadcast advertising increased 39.1% over the corresponding month of last year.

Broadcast advertising during the first eleven months of 1936 amounted to \$96,503,945, an increase of 22.4% over

the corresponding period of the preceding year. Gains with regard to various portions of the medium were as follows: national networks 18.7%, regional networks 28.9%, national non-network advertising 41.2%, and local broadcast advertising 15.1%.

Total non-network advertising during November was 11.0% greater than during October and 45.0% greater than during the corresponding month of last year. Clear channel station and regional station advertising increased 18.7% and 9.1%, respectively, over October, while local station advertising declined 3.5%. All sections of the country experienced gains over October, non-network advertising in the New England-Middle Atlantic Area and in the Pacific and Mountain Area rising 23.5% and 23.9%, respectively. All sizes of stations and sections of the country registered marked gains over November 1935.

Total transcription volume increased 19.9% over October. Live talent and announcement volume rose 7.6% and 10.8%, respectively, while total record volume declined 5.9%. Transcription volume in the national non-network field and announcements in the local field showed the greatest gains. All types of rendition in both the national non-network and local field showed marked increases over the corresponding month of last year.

Principal increases over October occurred in the following sponsoring groups: national network confectionery, household equipment and financial advertising; regional network toilet goods advertising; national non-network automotive, accessory, beverage, radio set, and tobacco advertising; and local automotive and soap and kitchen supply advertising. Total retail broadcast advertising increased 8.7% over last month and 24.0% over November 1935.

Total Broadcast Advertising

Total broadcast advertising for the month of November is found in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	1936 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
National networks	\$6,722,926	\$6,149,818	\$53,558,419
Regional networks	154,979	122,725	1,268,396
National non-network	2,401,800	2,873,200	21,680,160
Local	2,234,800	2,273,400	19,996,970
Total	\$11,514,505	\$11,419,143	\$96,503,945

Despite the record-breaking October level, total broadcast advertising declined less than one per cent from the previous month's gross time sales. This is a usual seasonal decline which has likewise been experienced in past years. National network volume declined 8.5% and regional network advertising dropped 20.8%. National non-network advertising experienced a marked increase, rising 19.6%, while local business rose 1.7%.

With the exception of regional network advertising, which declined only 4.6%; all portions of the medium showed increases when compared to the corresponding month of last year. National network volume rose 35.6%, national non-network advertising 73.8%, and local business 19.8%. Total broadcast advertising increased 39.1% over November 1935.

Comparison with Other Media

Advertising volume by major media during the month of November is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	1936 Gross Time and Space Sales		
	October	November	Cumulative Jan.-Nov.
Radio broadcasting	\$11,514,505	\$11,419,143	\$96,503,945
National magazines ¹	14,324,291	14,781,528	132,393,128
National farm papers ¹	624,835	607,976	6,382,128
Newspapers ²	55,242,000	53,362,000	515,726,000
Total	\$81,705,631	\$80,170,647	\$751,005,201

¹ Publishers Information Bureau.

² Estimated.

National magazine volume increased 3.2% over the October level and 21.9% over the corresponding month of last year. Farm paper advertising declined 2.7% from last month but was 26.3% ahead of the level of last November. Newspaper advertising experienced the usual November seasonal decline, dropping 3.4% as compared with the previous month. However, newspaper advertising for November was 9.4% greater than for the same month of 1935.

Non-network Advertising

Total non-network advertising increased 11.0% as against October and registered an increase of 45.0% over the level of November 1935. Clear channel and high-powered regional stations continued to show the greatest gain, rising 18.7% over the previous month. Regional station volume rose 9.1%, while local station business declined 3.5%.

All classes of stations experienced increases as compared to the corresponding month of last year. Clear channel and high-powered regional station business rose 40.3%, regional station advertising 59.2%, and local business 22.1%.

Non-network advertising by power of station is shown in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
Over 1,000 watts	\$1,845,600	\$2,191,200	\$17,633,540
250-1,000 watts	2,076,900	2,266,400	17,591,450
100 watts	714,100	689,000	6,452,140
Total	\$4,636,600	\$5,146,600	\$41,677,130

While all sections of the country showed gains over October, the New England-Middle Atlantic Area and the Pacific and Mountain Area registered the greatest increases, rising 23.5% and 23.9%, respectively. Non-network advertising in the South Atlantic-South Central Area increased 3.9% and in the North Central Area 1.8%.

Compared to the corresponding month of the preceding year, gains were as follows: New England-Middle Atlantic Area 80.7%, South Atlantic-South Central Area 33.3%, North Central Area 43.9%, and the Pacific and Mountain Area 21.7%.

Non-network advertising by major geographical districts is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
New England-Middle Atlantic Area	\$1,121,400	\$1,385,400	\$9,528,950
South Atlantic-South Central Area	936,900	973,900	8,298,570
North Central Area	1,845,600	1,879,000	16,218,330
Pacific and Mountain Area	732,700	908,300	7,631,280
Total	\$4,636,600	\$5,146,600	\$41,677,130

Non-network Advertising by Type of Rendition

Transcription volume continued to show the greatest gain over the previous month, rising 19.9%. Total live talent business rose 7.6% and announcement volume 10.8%. Record business declined 5.9% from the level of the previous month. All types of rendition registered gains when compared to the corresponding month of last year. Transcription volume rose 79.2%, live talent business 29.3%, record volume 21.5%, and announcements 52.3%.

In the national non-network field transcription volume rose 25.6% over October, live talent business 17.6%, and announcements 14.5%. Record volume dropped 9.3%. Compared to last November, transcriptions rose 95.1%, live talent 49.1%, records 13.5%, and announcements more than doubled.

In the local broadcast advertising field, transcriptions remained at approximately the same level as last month, while live talent and record business declined 1.2% and 5.4%, respectively. Announcement volume increased 8.1%. Compared to the previous

November, transcription volume rose 31.7%, live talent business 13.6%, record volume 22.7%, and announcements 26.8%.

Non-network advertising by type of rendition is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1936 Gross Time Sales				Cumulative Jan.-Nov.
	October	November	Local		Total		
			October	November	October	November	
Electrical transcriptions.....	\$830,800	\$1,043,890	\$235,920	\$235,260	\$1,066,720	\$1,279,150	\$10,304,000
Live talent programs.....	1,051,000	1,236,490	1,196,470	1,181,730	2,247,470	2,418,220	19,965,570
Records.....	12,500	11,340	82,480	78,060	94,980	89,400	831,100
Announcements.....	507,500	581,480	719,930	778,350	1,227,430	1,359,830	10,576,460
Total.....	\$2,401,800	\$2,873,200	\$2,234,800	\$2,273,400	\$4,636,600	\$5,146,600	\$41,677,130

Sponsor Trends in November

With few exceptions, national network advertising by various sponsoring industries remained at approximately the same level as last month. Network confectionery and household equipment advertising increased materially and financial advertising volume rose 31.9%. The miscellaneous group declined 60.9% due mainly to the decline in sponsored political broadcasts. The principal gain in the regional network field was in the toilet goods group, which rose 42.0%. Foodstuffs and the miscellaneous group declined 39.7% and 65.5%, respectively.

Gains were general in the non-network field, principal increases being registered in the automotive, accessory, beverage, radio set

and tobacco groups. In the local field, automotive advertising increased 51.6% and soap and kitchen supply volume 66.2%.

Compared to November 1935, principal increases in the national network field occurred in the automotive, household furnishings, financial and miscellaneous groups. The automobile accessories, toilet goods, beverage and financial groups gained in the regional network field, while the drug, foodstuffs, and tobacco groups showed declines. National non-network automobile accessory, soaps and kitchen supply, radio set, department store and tobacco groups showed marked gains. In the local field, the automotive and financial groups showed the principal gains.

Broadcast advertising by type of sponsoring business is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(November, 1936)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-network	Local	Total
1a. Amusements.....	—	—	\$14,120	\$31,760	\$45,880
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$578,574	\$4,600	312,040	157,380	1,052,594
(2) Accessories, gas and oil.....	452,463	37,739	282,190	78,270	850,662
3. Clothing and apparel.....	55,849	420	49,260	350,100	455,629
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	465,817	5,499	518,790	64,280	1,054,386
(5) Toilet goods.....	1,162,943	7,860	153,630	16,670	1,341,103
6-8. Food products:					
(6) Foodstuffs.....	1,197,782	20,521	559,700	316,890	2,094,893
(7) Beverages.....	403,034	6,867	89,720	104,470	604,091
(8) Confections.....	122,770	2,184	49,940	6,720	181,614
9-10. Household goods:					
(9) Household equipment and furnishings.....	41,308	3,446	85,300	211,780	341,834
(10) Soap and kitchen supplies.....	481,656	4,088	157,410	7,200	650,354
11. Insurance and financial.....	70,345	2,113	11,240	88,300	171,998
12. Radios.....	123,212	—	49,310	33,030	205,552
13. Retail establishments.....	52,088	4,237	21,070	198,720	276,115
14. Tobacco products.....	390,867	9,800	123,770	5,770	530,207
15. Miscellaneous.....	551,110	13,351	395,710	602,060	1,562,231
Total.....	\$6,149,818	\$122,725	\$2,873,200	\$2,273,400	\$11,419,143

Detailed information regarding various sponsor groups during the month of November is as follows:

1a. **Amusements.** National non-network business 28.8% over October, while local declined 15.8%. National non-network business increased materially over November 1935, while local rose 4.1%.

1. **Automotive.** National network advertising 16.6% below October. National non-network and local business increased 38.6% and 51.6%, respectively, while regional network business gained materially. National network business 84.1% above last November, national non-network up 35.4%, and local business up 64.4%.

2. **Gasoline and accessories.** Compared to last month, national network and regional network business down 3.6% and 8.2%, respectively, while national non-network and local business gained 58.1% and 11.6%, respectively. National network business 16.6% above November of last year. Regional network business

increased 95.2% and national non-network business 171.5%. Local business dropped 15.6%.

3. **Clothing.** Compared to October, national network business rose 9.5%, national non-network volume 5.8%, and local advertising 14.3%. Regional network advertising amounted to \$420. As against the corresponding month of last year, national network business rose 46.6%, national non-network business 15.6%, and local advertising 11.0%. Regional network business declined materially.

4. **Drugs and pharmaceuticals.** National network business 1.4% below October. Regional network business rose 14.9%, national non-network volume 20.3%, and local advertising 8.6%. National network business 9.6% below November 1935. Regional networks down 55.5% and local down 29.6%. National non-network increased 55.2% over November 1935.

5. **Toilet goods.** National network volume 15.9% above last month, regional 42.0%, and national non-network 29.1%. Local

down 27.4%. Compared to the corresponding month of 1935, national network volume rose 34.0%, national non-network 51.1%, and regional network business materially. Local advertising dropped 49.4%.

6. **Foodstuffs.** National network business increased 5.9% over October, national non-network 20.4%, and local 21.3%. Regional network advertising declined 39.7%. Compared to November 1935, national networks gained 35.4%, national non-network 64.7%, and local 32.3%. Regional advertising dropped 22.3%.

7. **Beverages.** National network and national non-network gained 2.2% and 32.6% over October, respectively, while regional network and local advertising declined 8.1% and 5.6%. Gains as compared to corresponding month of last year as follows: national networks 37.2%, regional networks 68.2%, national non-network 51.8%, and local 7.5%.

8. **Confectionery.** National network volume more than tripled October's level and national non-network gained 3.3%. Regional network business dropped 18.5% and local advertising 7.9%. Compared to November 1935, national network gained 2.9% and national non-network 63.1%, while regional network declined materially and local advertising 40.2%.

9. **Household equipment.** National network advertising five times as great as October. Regional networks increased 3.2% and national non-network business 9.2%, while local advertising dropped 3.3%. Compared to last November, national networks increased 27.3%, national non-network 53.2%, and local 14.9%. Regional network advertising declined 36.8%.

10. **Soaps and kitchen supplies.** National network advertising 5.3% greater than October. National non-network rose 2.9% and local 66.2%, while regional network remained the same as last month. Compared to the corresponding month of last year, national networks rose 97.9% and national non-network more than tripled. Regional networks declined 23.8% and local 21.4%.

11. **Insurance and financial.** National network up 31.9% over October, regional network 6.5%, and local advertising 28.1%. National non-network volume declined 36.7%. National network up 93.0% over November 1935, regional network more than doubled, and local advertising up 37.0%. National non-network dropped 19.6%.

12. **Radios.** National network up 1.4% compared to October, national non-network up 68.5%, and local advertising down 4.5%. Compared to November of the preceding year, national network business rose 3.9%, national non-network volume more than doubled, and local advertising rose 7.6%.

13. **Department and general stores.** National network volume declined 19.8% and local advertising 1.1% compared to October. Regional network business amounted to \$4,237 and national non-network business rose 13.9%. Compared to November 1935, national non-network advertising tripled and local business increased 22.1%.

14. **Tobacco products.** National network volume 8.8% above October, regional networks up 4.8%, and national non-network up 37.6%. Local advertising declined 18.9%. National network volume 9.3% greater than November 1935, and national non-network more than tripled. Regional network and local business dropped 37.5% and 18.7%, respectively.

15. **Miscellaneous.** Declines as compared to October as follows: national networks 60.9%, regional networks 65.5%, national non-network 6.4%, and local 16.4%. Compared to the corresponding month of last year, national networks up 69.9%, national non-network 74.6%, and local 39.5%. Regional network business declined 24.2%.

Retail Broadcast Advertising

Total retail broadcast advertising increased 8.7% over October. Principal gains were registered by the following groups: automobile agencies 35.0%, gasoline stations 21.1%, clothing shops 15.7%, drug stores 13.8%, beverage retailers three and one-half times as great, and hardware stores 22.6%. Grocery store advertising dropped 23.2% and confectionery store volume declined materially.

Compared to November 1935, total retail advertising increased 24.0%. Automotive advertising increased 50.8%, clothing 15.9%, beauty parlors 16.1%, household equipment dealers 63.0%, furniture stores 44.7%, hardware stores 92.6%, radio retailers 24.9%, and department stores 29.5%. Grocery store advertising declined 31.6% and drug store advertising 27.9%.

Broadcast advertising by retail establishments during November is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	October	November
Automobiles and accessories:		
Automobile agencies and used car dealers	\$109,100	\$147,310
Gasoline stations, garages, etc.....	33,660	40,780
Clothing and apparel shops.....	327,050	378,370
Drugs and toilet goods:		
Drug stores	16,180	18,420
Beauty parlors	9,550	9,100
Food products:		
Grocery stores, meat markets, etc.....	55,230	42,420
Restaurants, eating places.....	21,750	24,720
Beverage retailers	990	3,480
Confectionery stores	6,390	1,230
Household goods:		
Household equipment dealers.....	76,120	77,510
Furniture stores	129,260	129,360
Hardware stores	18,330	22,480
Radio retailers	31,460	30,910
Department and general stores.....	219,360	219,790
Tobacco shops	—	—
Miscellaneous	138,300	151,140
Total	\$1,192,730	\$1,297,020

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3019. Ten card clothing manufacturers, and their trade association, are charged, in a complaint, with suppressing competition among the members of their industry and with maintaining uniform prices and terms of sale for their product. The respondents' practices are alleged to be in violation of Section 5 of the Federal Trade Commission Act.

Named in the complaint is the Card Clothing Manufacturers' Association, 41 East 42nd St., New York City. The other respondents are engaged in manufacturing a tough, close-woven fabric studded with steel teeth, used principally by textile manufacturers in combing out wool and cotton preparatory to spinning. They comprise substantially all, if not all, of the producers of that commodity in the United States. They are:

Ashworth Brothers, Inc., Fall River, Mass., also trading as American Card Clothing Co., Philadelphia; Benjamin Booth Co., Philadelphia; Charlotte Manufacturing Co., Charlotte, N. C.; Davis & Furber Machine Co., North Andover, Mass.; Howard Brothers Manufacturing Co., Worcester, Mass.; J. Sherlock, trading as Methuen Napper Clothing Co., Methuen, Mass.; Merrimac Card Clothing Co., Andover, Mass.; Standard Card Clothing Co., Stafford Springs, Conn.; Wickwire-Spencer Steel Co., New York City; and Frederick C. Redman, Lowell, Mass., trading as Redman Card Clothing Co.

Redman is not a member of the association, but allegedly has cooperated with it and its members.

No. 3026. False and misleading representations concerning the results to be obtained through use of "Koatsal," sold as a motor lubricant, are alleged in a complaint issued against **Kidder Oil Company, 818 South Third St., LaCrosse, Wis.**

The respondent corporation allegedly advertises that "Koatsal" perfects lubrication and is more efficient than any other method because it is scientifically correct; that it reduces vibration in airplane motors to a remarkable degree; penetrates and adheres to all metal surfaces it reaches, reduces friction as much as 50 per cent, and provides perfect protection against burned-out bearings, and that an automobile conditioned with the product and having no oil in the crank-case can run an amazing distance without damage to any part of the car.

No. 3027. Flori Mothproofing Method, Inc., 252 South Broad St., Philadelphia, is charged in a complaint with unfair methods of competition in connection with the sale of "Flori," a liquid preparation for use on garments, rugs, furniture and other articles as a protection against moths, carpet beetles, and insects.

In advertising matter, the respondent corporation allegedly

represents, among other things, that "Flori" makes a fabric inedible to moth larvae and carpet beetles, and that the "Flori" moth-proofing method gives permanent protection and is "a guaranteed service and is backed with a five-year policy of a reputable insurance company guaranteeing against moth damage."

According to the complaint, such representations are false in that the product does not kill moths and other insects, and does not render articles impregnated with "Flori" permanently immune to damage or injury.

No. 3028. A complaint has been issued charging **Julius Goodman & Son, Inc.**, 43 South Main St., Memphis, Tenn., with use of unfair methods of competition in the sale of silver tableware.

The respondent corporation allegedly purchases old, second-hand silver tableware, renovates it, and represents in advertising matter that it is new and unused. According to the complaint, the products so advertised have the appearance of being new, bear no marking or symbol to indicate they are other than new, and are sold without the respondent corporation disclosing the fact that they had been used previously and then renovated.

No. 3029. Unfair disparagement of the goods of competitors is alleged in a complaint issued against **Johnson & Johnson, New Brunswick, N. J.**, engaged in manufacturing and selling absorbent cotton, gauze, bandages, and other first-aid and surgical dressing products.

Certain advertisements of the respondent corporation allegedly are misleading and deceptive in that they represent, directly or by innuendo, that users of first-aid and surgical dressing products of unknown make, or which are manufactured by other than well-known and extensively advertised organizations, run grave risk of infecting wounds or cuts upon which such dressings are used.

Such representations, the complaint charges, constitute an unwarranted disparagement of the merchandise of those competitors who, although they do not advertise extensively and may not be as well known, manufacture first-aid and surgical dressing products that are equal in antiseptic properties to, and are as safe and in as sanitary condition when opened for use, as the products of the respondent corporation.

No. 3030. Misrepresentation of the effectiveness of a medicinal preparation called "Zo-Ro-Lo" is alleged in a complaint issued against **Zo-Ro-Lo, Inc., of Ada, Ohio.**

In advertisements and radio broadcasts, the respondent company is alleged to have represented that its product is an effective cure and remedy for arthritis, asthma, brain disease, Bright's disease, and other ailments, and starts one on the road to health, building up a resistance to combat the cause of a majority of all diseases.

These representations are alleged to have been untrue.

The respondent company is given twenty days in which to file answer to the charges of violation of Section 5 of the Federal Trade Commission Act.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1871. **Henry I. Scott, 1716 Pennsylvania Ave., N. W., trading as Gordon's Radio Shop**, in his stipulation, agrees to stop using as a trade name or brand for his products, the word "Majestic," either alone or in connection with "International" or other words so as to imply that these articles are made by Majestic Radio and Television Corporation of Illinois, successor to Grigsby-Grunow Co., of Chicago, original manufacturer of "Majestic" sets.

Scott also agrees not to use the word "Victor" alone or in conjunction with "International" so as to imply that the products so designated are made by RCA Victor Co., Victor Division of the RCA Manufacturing Co., when such is not a fact.

No. 1872. **McKinley-Roosevelt University, 4240 Clarendon Ave., Chicago**, agrees to stop using the word "university" as part of its corporate name and to cease employing such corporate name containing the word "university" to imply that the respondent corporation is an educational institution or university organized for teaching and study in the higher branches of learning, or that the corporation conducts an educational institution such as the term "university" is commonly understood and generally accepted by the public to mean.

This respondent corporation also agrees to ban publication in advertisements or catalogs of the letters LL.B., LL.M., or Ph.D., following the names of its faculty members, when in fact, in a number of instances, the degrees referred to by such letters are conferred by the respondent corporation itself and not by an institution of higher learning in recognition of study and attainment.

The respondent corporation sells courses in the arts and sciences, engineering, economics, chemistry and related subjects.

No. 1873. **Barnett Cass, Samuel Cummings and Isador Shapiro, trading as Industrial Silk Mills, New York City**, engaged in the sale of silk goods, agreed to stop using the word "Mills" as part of or in connection with the trade name under which they sell their products in interstate commerce. According to the stipulation, they will stop employing the words "Mills" and "Manufacturers," alone or in connection with other words, so as to imply that they manufacture the articles they sell, or own and operate the mill in which such products are made, when such is not a fact.

No. 1875. **Metropolitan Radio Co., Inc., 940 F St., N. W.**, will also cease a similar use of the designations "Majestic" and "General Electric," and also of the word "Sparta," or any other colorable imitation of the word "Spartan," alone or in conjunction with "Junior Universal," or with other words, so as to imply that sets so branded are made by The Sparks-Withington Co. of Ohio, when this is not a fact.

The sets so designated by each dealer were not the products of the well-known companies named, according to the stipulation.

The Metropolitan Radio Co., Inc., will also cease use in advertising of the word "metal" to describe radio tubes so as to imply that they are those products which have become known to the trade and purchasing public as "metal" tubes in which the technical elements are sealed in a vacuum in steel and in which the metal functions instead of glass, when such is not a fact.

No. 1879. **Belmont Hosiery Mills, Inc., Belmont, N. C.**, will stop marking, branding or labeling its products with any representation that they contain two threads of silk for each thread of rayon, or any other misleading reference to the silk content of such products comparatively with their content of other materials. This respondent company is alleged to have labeled certain hosiery as "Split Foot, Mercerized Cotton, First Quality Rayon, Two Ends, Pure Thread Silk," when in fact, according to the stipulation, it was not made of two threads of silk twisted with each thread of rayon, but of one thread of silk twisted with each thread of rayon.

No. 1884. **Oxford Institute, 4750 Sheridan Road, Chicago**, selling courses and textbooks in commercial branches, will cease asserting, through its salesmen or by means of advertising, that its prospective subscribers are selected or designated by leading persons in their communities; that the opportunity to become a subscriber is limited to one or to a small number in each community; that the Oxford Institute is a college institution; that students passing examinations given by Oxford Institute are in a position to pass a university entrance examination, and other similar representations.

The respondent corporation also agrees to stop publishing and distributing the lecture by Dr. Russell H. Conwell, entitled "Acres of Diamonds," so dressed as to make it appear that this lecture was delivered especially for the benefit of Oxford Institute pupils, and without disclosing that such lecture was not so delivered.

No. 2400. **Arrow Distilleries, Inc., 401 South Washington St., Peoria, Ill.**, has been ordered to cease and desist from representing that it is a distiller of whiskey, gin and other spirituous beverages, when such is not a fact.

Under the order, the respondent corporation is prohibited from representing, through use of the word "distilleries" in its corporate name, on labels, or otherwise, that it is a distiller of spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless it actually does own or operate such a place.

The order excepts from its provisions gin made through a process of rectification whereby alcohol, purchased but not produced by the respondent corporation, is redistilled over juniper berries and other aromatics.

No. 2756. Use of the words "Army" and "Navy" as a part of corporate or trade names, in connection with the sale of merchandise in interstate commerce, is prohibited under an order to cease and desist entered against **Sternheimer Bros., Inc., 4708 Lester St., Richmond, Va.** The respondent corporation, trading as **Army & Navy Supply Co.**, and **Army Goods Store**, is said to operate a chain of retail stores.

The order also directs the respondent corporation to discontinue advertising in newspapers, catalogues or otherwise, the words "Army" and "Navy" as descriptive of or in connection with any merchandise sold, unless such merchandise actually has been procured from the Army or Navy Departments of the United States. This part of the order does not apply to contracts for advertising entered into prior to issuance and service of the order.

No. 2757. The **Retail Furniture Dealers Association of St. Louis**, its officers, and thirty-six merchant members, all of **St. Louis and East St. Louis, Ill.**, have been ordered to cease and

desist from certain unfair trade practices in the interstate sale of furniture and allied products, including electric refrigerators and radios.

These practices are held to have tended toward the creation of a monopoly in certain respondent members and to have restrained competition and increased the cost of furniture and other allied products to the consumer.

Under the order, the respondent trade association, its officers and members, are specifically prohibited from enforcing, maintaining, or attempting to put into effect certain policies, standards, sales methods, and practices held to be in restraint of trade.

No. 2878. Giacomo LaGuardia, 537 Broadway, **New York**, trading as **Herba Medicinal Laboratory**, has been ordered to discontinue certain unfair representations in the sale of preparations said to be derived from herbs and to have medicinal value.

LaGuardia is directed to cease asserting that "Stomatic Tea and Tonic," "Rheumatic Tea," "Renal Tea," and other products, are effective in the cure or treatment of stomach acid, indigestion, headache, nervous disturbances, and other ailments, and that they have therapeutic value for treating skin diseases, vertigo, headache and other diseases.

Nos. 2902-2903-2904-2905. Four **New York** jobbers of food-stuffs and flavoring extracts have been ordered to discontinue certain unfair representations in the interstate sale of flavoring extracts.

The respondent companies are: **Eldeen Spice Co.**, 336 Delancey St.; **Italian-American Spice Co.**, 320 Henry St.; **Trieste Importing Co.**, 19 Vestry St., **New York**, and **Eagle Spice Co.**, 1412 66th St., **Brooklyn**.

The order prohibits the use in advertising of words of a foreign language or symbols or pictures indicating that flavoring extracts or compounds actually manufactured in the United States are produced in Italy or any other foreign country and imported into the United States.

Findings are that the respondent companies represented their extracts in a manner indicating that they were prepared and compounded by the National Chemical Laboratory at Milan, Italy, and imported into the United States, and were awarded prizes at certain Italian expositions, when these were not the facts.

FEDERAL COMMUNICATIONS COMMISSION ACTION HEARING CALENDAR

The following broadcast hearings are scheduled for hearing at the Commission for the week beginning Monday, January 18.

Monday, January 18

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW**—Central States Broadcasting Co., Council Bluffs, Iowa.—C. P., **1500 kc.**, 100 watts, unlimited time.
WATR—The WATR Company, Inc., Waterbury, Conn.—C. P., **1290 kc.**, 250 watts, unlimited time.
KRLH—Clarence Scharbauer, Midland, Texas.—Modification of license, **1210 kc.**, 100 watts, daytime.

Tuesday, January 19

HEARING BEFORE AN EXAMINER (Special Broadcast)

- NEW**—The Trenton Times, Trenton, N. J.—C. P., **1570 kc.**, 250 watts, unlimited time.
NEW—The Trenton Times, Trenton, N. J.—C. P., **1570 kc.**, 250 watts, unlimited time.
NEW—The Trenton Times, Trenton, N. J.—C. P., **1570 kc.**, 250 watts, unlimited time.
NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—C. P., **1570 kc.**, 1 KW, unlimited time.
NEW—Mid-Atlantic Corp., Washington, D. C.—C. P., **1570 kc.**, 1 KW, unlimited time.
NEW—Loyal K. King, d/b as Radio & Television Research Co., Los Angeles, Calif.—C. P., **1570 kc.**, 1 KW, unlimited time.

Thursday, January 21

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW**—Richard S. Cozzaldi, d/b as Oak Cliff-Dallas County Broadcasting Co., Dallas, Texas.—C. P., **1500 kc.**, 100 watts, daytime.

NEW—A. L. Chilton, Dallas, Texas.—C. P., **990 kc.**, 1 KW, daytime.

APPLICATIONS GRANTED

- WMC**—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted C. P. to move auxiliary transmitter to location of main transmitter and use antenna system of main transmitter.
WACO—KTSA Broadcasting Co., Waco, Texas.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator.
KRNR—Southern Ore. Pub. Co., Roseburg, Ore.—Granted license to cover C. P. authorizing changes in equipment; increase in power to 250 watts day, 100 watts night, time of operation to unlimited, **1500 kc.**
WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted authority to determine operating power by direct measurement of antenna input.
WCBS—WCBS, Inc., Springfield, Ill.—Granted license to cover C. P. authorizing change in transmitter location locally; change in equipment and installation of vertical radiator.
WBLY—Herbert Lee Blye, Lima, Ohio.—Granted license to cover C. P. authorizing new station; **1210 kc.**, 100 watts, daytime.
WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—Granted license to cover C. P. authorizing move of transmitter locally to Cold Spring Lane; and install new equipment.
KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted license to cover C. P. authorizing changes in equipment; move of present licensed auxiliary transmitter to main transmitter, site of KOMO and KJR, for auxiliary purposes only, using same antenna system.
KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted license to cover C. P. authorizing move of auxiliary transmitter of KOMO to main transmitter site of KOMO and KJR as auxiliary transmitter using same antenna.
KLAH—Harney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/b as Carlsbad, b/c Co. (a partnership), Carlsbad, N. M.—Granted license to cover C. P. authorizing erection of new station; **1210 kc.**, 100 watts, unlimited.
WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator; increase day power to 5 KW; **900 kc.**, 1 KW night, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.
KBST—The Big Spring Herald B/c Co., Big Spring, Tex.—Granted license to cover C. P. authorizing erection of new station; **1500 kc.**, 100 watts, unlimited.
WSAR—Doughty & Welch Electric Co. Inc., Fall River, Mass.—Granted license to cover C. P. authorizing installation of new equipment and directional antenna system for day and nighttime operation; increase power to 1 KW; **1450 kc.**, unlimited.
KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Cal.—Granted license to cover C. P. authorizing installation of new equipment, increase day power from 100 to 250 watts; **1500 kc.**, 100 watts night, unlimited.
KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Granted modification of C. P. approving transmitter north of city, outside of corporation limits, studio at 2103 Forest Ave.; install standard equipment other than authorized in C. P.
KSO—Iowa Broadcasting Co., Des Moines, Ia.—Granted modification of C. P. for further changes in equipment.
WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of license to operate an additional 3 hours (3 to 6 p. m.), Sundays only.
WBNX—Standard Cahill Co., Inc., New York, N. Y.—Granted modification of license to change name to WBNX Broadcasting Co., Inc.
KDON—Monterey Peninsula Broadcasting Co., Del Monte, Cal.—Granted modification of license to change studio location locally in Monterey.
WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted authority to install automatic frequency control.
WALA—Pape Broadcasting Corp. Inc., Mobile, Ala.—Granted authority to determine operating power by direct measurement of antenna power.
WDBO—Orlando Broadcasting Co. Inc., Orlando, Fla.—Granted authority to determine operating power by direct measurement of antenna input.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

W9XAK—Kans. State College of Agr. and Applied Science, Manhattan, Kans.—Granted renewal of visual broadcast station license for the period Feb. 1, 1937, to Feb. 1, 1938.

NEW—Tulsa Broadcasting Co. Inc., Mobile (Tulsa, Okla.)—Granted C. P. for new experimental relay station; frequency of 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Natl. Broadcasting Co. Inc., Fixed (New York City)—Granted license to cover C. P. for new experimental relay station; frequencies of 31100, 34600, 37600 and 40600 kc., 100 watts.

RENEWAL OF LICENSES

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

KDKA and alternate, Pittsburgh, Pa.; KEX, Portland, Ore.; KFAB, Lincoln, Neb.; KFEQ, St. Joseph, Mo.; KGO and auxiliary, San Francisco; KJBS, San Francisco; KIEV, Glendale, Cal.; KJR, Seattle; KMOX, St. Louis, Mo.; KMPC, Beverly Hills, Cal.; KOA, Denver, Colo.; KOB, Albuquerque, N. M.; KPO and auxiliary, San Francisco; KRLD, Dallas, Tex.; KSL, Salt Lake City; KTHS, Hot Springs Nat'l Park, Ark.; KTRB, Modesto, Cal.; KVOO, Tulsa, Okla.; KXA, Seattle, Wash.; KYW, Philadelphia; WAAW, Omaha, Neb.; WABC-WBOQ, New York City; WAPI, Birmingham, Ala.; WBAL, Baltimore, Md.; WBAP, Fort Worth, Tex.; WBBM and auxiliary, Chicago; WBT, Charlotte, N. C.; WBZ, Boston; WBZA, Boston; WCAU and auxiliary, Philadelphia, Pa.; WCAZ, Carthage, Ill.; WCCO, Minneapolis, Minn.; WCFL and auxiliary, Chicago; WDGY, Minneapolis, Minn.; WEF and auxiliary, New York City; WEEU, Reading, Pa.; WENR and auxiliary, Chicago; WFAA, Dallas, Tex.; WGN, Chicago; WHAM and auxiliary, Rochester, N. Y.; WHAS, Louisville, Ky.; WHB, Kansas City, Mo.; WHEB, Portsmouth, N. H.; WKKO, Columbus, Ohio; WHO, Des Moines, Ia.; WHDH and auxiliary, Boston; WINS, New York City; WJJD, Chicago; WJR and auxiliary, Detroit, Mich.; WKAR, E. Lansing, Mich.; WLS and auxiliary, Chicago; WLW, Cincinnati, Ohio; WLWL, New York City; WMAQ, Chicago; WMAZ and auxiliary, Macon, Ga.; WMBI, Chicago; WNYC and auxiliary, New York City; WOAI and auxiliary, San Antonio, Tex.; WOI, Amos, Ia.; WOR, Newark, N. J., and auxiliary; WOWO, Fort Wayne, Ind.; WPTF, Raleigh, N. C., and auxiliary; WRUF, Gainesville, Fla.; WRVA, Richmond, Va.; WSAZ, Huntington, W. Va.; WSB and auxiliary, Atlanta, Ga.; WTBW, Cumberland, Md.; WTIC, Hartford, Conn.; WWVA and auxiliary, Wheeling, W. Va.

The following stations were granted renewal of licenses for the period ending July 1, 1937:

KCMO, Kansas City, Mo.; WCBS, Springfield, Ill.; WKBB, E. Dubuque, Ill.; WQDM, St. Albans, Vt.; WRDW, Augusta, Ga.

SET FOR HEARING

NEW—Salinas Newspapers, Inc., Salinas, Calif.—Application for C. P. for new broadcast station at Salinas, Calif. to operate on 1390 kc., 250 watts, daytime only. Transmitter and studio sites are to be determined with Commission's approval.

NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Application for C. P. for new broadcast station at Montgomery, Alabama (amended 11-3-36 and 8-15-36), redesignated for hearing. Application asks for 610 kc., 250 watts night, 500 watts day, unlimited. Transmitter site and type of antenna to be determined with Commission's approval.

NEW—Robert Raymond McCulla, Oak Park, Ill.—Application for C. P. for new broadcast station at Oak Park, Illinois (amended 5-8-36), to operate on 1500 kc., 100 watts daytime, redesignated for hearing.

NEW—R. W. Page Corp., Columbus, Ga.—Application for C. P. for new broadcast station at Columbus, Georgia (amended 11-21-36), to operate on 610 kc., 250 watts, unlimited; redesignated for hearing. Exact location and antenna system to be determined with Commission's approval.

NEW—Central Broadcasting Corp., Centralia, Wash.—Application for C. P. for new broadcast station at Centralia, Washington (amended 12-5-36), to operate on 1440 kc., 500 watts, unlimited; redesignated for hearing. Transmitter site to be determined with Commission's approval.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Application for C. P. to install new equipment and increase day power from 100 watts to 250 watts.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Application (amended 12-3-36) for C. P. to move transmitter and studio sites locally, install new equipment and vertical radiator; change frequency from local channel (1500 kc.), to regional channel (1220 kc.); and increase power from 100 watts unlimited, C. P., 250 watts LS, to 500 watts unlimited.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Application for modification of C. P. to install new equipment and vertical radiator, change frequency from 1200 kc. to 950 kc., increase night power from 100 watts to 250 watts, and day power from 250 watts to 500 watts.

KADA—C. C. Morris, Ada, Okla.—Applications for modification of license to increase time of operation from 100 watts daytime to 100 watts, unlimited time.

WIBA—Badger Broadcasting Co. Inc., Madison, Wisc.—Hearing before Broadcast Division on application for modification of license to eliminate directional antenna for nighttime operation and increase nighttime power from 1 KW to 5 KW.

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Application for modification of license to change frequency from 1000 kc. to 990 kc.

WHBB—W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Application for Commission's consent to voluntary assignment of license of WHBB from W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, t/a Selma Broadcasting Co. to the Selma Broadcasting Co., Inc.

APPLICATIONS DENIED

KFDY—So. Dak. State College, Brookings, S. Dak.—Denied special temporary authority to operate from 7 to 9:30 p. m., CST, Friday, Jan. 15, in order to broadcast program of Dist. Parent Teachers Assn.

WBCM—James E. Davidson, Bay City, Mich.—Denied special temporary authority to operate unlimited daytime with power of 1 KW as granted 11-10-36 in modification of license pending final disposition of protest filed in opposition to above grant; for period not to exceed 30 days.

APPLICATIONS DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Modification of C. P., 1330 kc., 500 watts, unlimited.

RATIFICATIONS

The Broadcast Division ratified the following actions authorized on the dates shown:

KSCJ—Perkins Bros. Co., Sioux City, Iowa.—Granted extension of program test auxiliary transmitter KSCJ period of 30 days from Jan. 15, 1937.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted extension of equipment test period 10 days from Jan. 5. (Action taken 12-31)

WIEK-WIEL-W10XGJ-W10XZ-W10XAL—Columbia Broadcasting System, Inc., New York City.—Granted authority to operate as licensed for period Jan. 4 to 20, inclusive, connection short wave tests and air show of Presidential Inauguration in Washington.

W9XPN-W9XPV—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate Jan. 13, 15, 17, 18, 20, 22, 24, 25, 27, 29, 31, 1937, relay broadcast material from farms WPA projects.

KFRU—KFRU, Inc., Columbia, Mo.—Granted extension of program test period 30 days from Jan. 17, 1937.

WBLV—Herbert Lee Blye, Lima, Ohio.—Granted extension of program test period 30 days from Jan. 8, 1937.

W9XPN-W9XPV—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed Jan. 14, 16, 21, 23, 28 and 30, relay-broadcast material from WPA farms project.

CKLW—Governor Elect Frank Murphy, Lansing, Mich.—Granted authority transmit inaugural ceremonies originating in Lansing, Mich., to Station CKLW by wire facilities.

WIEW - W10XAH - W10XY - W10XAI - W10XDX - W10XAM - W10XAP - W10XAK - W10XR—National Broadcasting Co., Inc., New York City.—Granted authority to operate as licensed period Jan. 14 to Jan. 21, relay broadcast description inaugural parade as part of Presidential Inauguration Ceremonies.

Granted request of the Continental Radio Company, to extend the effective date of the Broadcast Division's decision on the application of American Broadcasting Company (WOL), Docket No. 3856, and directed that the effective date be extended to midnight, EST, January 6, 1937.

The effective date in the above case was further extended to midnight, January 13, 1937, by Commission action on January 6.

The Broadcast Division granted the request of The Hournal Company, Milwaukee, Wisc., for an order to take depositions in support of its application for C. P. (Docket No. 4268).

The Broadcast Division granted petition of The Santa Barbara Broadcasters, Ltd. (KDB), Santa Barbara, Cal., requesting extension of time within which to file exceptions to Ex. Rep. 1-312, and granted 20 additional days within which to file said exceptions.

The Broadcast Division upon its own motion extended the final date for filing exceptions to Ex. Rep. 1-324, from Jan. 4 to Jan. 14, 1937.

The Broadcast Division granted the petition of Michael F. Murray and extended time within which to file exceptions to Ex. Rep. 1-325, from Jan. 4 to Jan. 9, 1937.

APPLICATION RETIRED TO FILES

KFDY—So. Dak. State College, Brookings, S. Dak.—Denied special temporary authority to operate from 7 to 9:30 p. m., CST, Jan. 8 and 11, 1937, to broadcast Dist. Parent Teachers Assn. programs.

SPECIAL AUTHORIZATIONS

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of special temporary authority to operate simultaneously with station WILL from 8 to 11 a. m., CST, daily except Sundays, during the month of Feb. 1937.

WHDF—The Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 9:30 p. m., CST, Jan. 18, in order to broadcast the 26th Radio Review and Barndance direct from the Laurium Town Hall, Laurium, Mich., under sponsorship of local American Legion Post.

Col. Broadcasting System, Inc., New York City.—Granted special temporary authority to operate a mobile relay b/c station on Jan. 20, to cover the network broadcast of the Presidential Inauguration ceremonies.

WOW—Woodman of the World Life Ins. Assn., Lincoln, Neb.—Granted extension of special temporary authority to operate with power of 5 KW at night for the period Jan. 27 to Feb. 26, 1937.

KGFX—Dana McNeil, Pierre, S. Dak.—Granted extension of special temporary authority to Mrs. Dana McNeil to operate station KGFX for the period beginning Jan. 15, 1937, and ending no later than March 1, 1937, pending action on application for consent to involuntary assignment of license.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate a 50 watt portable test transmitter between the hours of 1 and 6 a. m., EST, for a period not to exceed 30 days, in order to obtain a suitable location for transmitter in and near Sunbury.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted special temporary authority to operate a 100 watt portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for the period Jan. 14 to Feb. 12, 1937, in order to locate desirable transmitter site.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. 1-222: Century Broadcasting Co., Inc., Richmond, Va.—Denied C. P. for new broadcast station to operate on 1370 kc., 100 watts, daytime. Examiner John P. Bramhall sustained.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted C. P. to install new equipment; move transmitter from 914 W. Broad Street, Richmond, to intersection of Broad St. Road and Staples Hill Road, near Richmond; change frequency from 1210 kc. to 1350 kc.; change hours of operation from unlimited, except Sunday to unlimited; increase power from 100 watts night, 250 watts day, to 500 watts. Examiner Bramhall reversed. Order effective Feb. 2, 1937.

WPHR—Ex. Rep. 1-225: WLBG, Inc., Petersburg, Va.—Granted renewal of license; 880 kc., 500 watts daytime. Examiner John P. Bramhall sustained.

WPHR—Ex. Rep. 1-225: WLBG, Inc., Petersburg, Va.—Granted C. P. to move transmitter and studio from Petersburg, Va., to Richmond, Va. (site to be determined, subject to Com-

mission's approval); 880 kc., 500 watts, daytime. Examiner Bramhall reversed.

NEW—Wilbur M. Havens, Chas. H. Woodward, Calomb B. Jones and Wilfred H. Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—Denied C. P. for new broadcast station to operate on 880 kc., 500 watts, daytime (site to be determined, subject to Commission's approval). (Facilities WPHR). Examiner Bramhall sustained. Order effective Feb. 2, 1937.

NEW—Ex. Rep. 1-285: The Times Dispatch Pub. Co., Inc., Richmond, Va.—Granted C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time (site and antenna to be approved). Examiner John P. Bramhall reversed. Order effective Feb. 2, 1937.

MISCELLANEOUS

NEW—Philadelphia Radio Broadcasting Corp., Philadelphia, Pa.—Granted petition to intervene in the hearing on the application of the Trenton Times, Trenton, N. J., for authority to establish a new special broadcast station in Trenton, to operate on 1570 kc., 250 watts, unlimited time.

NEW—Philadelphia Radio Broadcasting Corp., Philadelphia, Pa.—Granted authority to intervene in the proceedings upon application of the Mid-Atlantic Corp., for authority to establish a new station in Washington, D. C., to operate on 1570 kc., 1 KW, unlimited time, scheduled to be heard January 19.

WOKO—WOKO, Inc., Albany, N. Y.—Granted authority to intervene in the hearing on the application of Hearst Radio, Inc., for C. P. to erect a new broadcast station at Albany, N. Y., to operate on frequency 1240 kc., 1 KW, unlimited time.

WABY—Adirondack Broadcasting Co., Albany, N. Y.—Granted authority to intervene in the hearing on the application of Hearst Radio, Inc., for C. P. to erect a new broadcast station at Albany, N. Y., to operate on frequency 1240 kc., 1 KW, unlimited time.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted authority to intervene in the hearing of the Waterloo Times-Tribune Pub. Company's application for a C. P. to establish a broadcasting station at Waterloo, Iowa, to operate on 1370 kc., 100 watts, daytime only, making use of special antenna design.

WJAX—The City of Jacksonville, Jacksonville, Fla.—Granted petition to intervene in the hearing on the application of the Florida Broadcasting Co. (WMBR), Jacksonville, Fla., for C. P. to change frequency from 1370 kc. to 1120 kc., increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time.

KG DY—Voice of South Dakota, Huron, S. Dak.—Denied request for extension of Rule 132.

NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted authority to take depositions in support of application for new station in Hammond, Ind., to operate on 1480 kc., 5 KW, daytime, transmitter to be determined, scheduled to be heard Feb. 1, 1937.

NEW—F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Granted continuance of hearing scheduled for Feb. 8, 1937, for at least 30 days from that date. Applicant seeks authority to erect a new station at Rossville, Ga., to operate on 1200 kc., 100 watts, daytime.

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Reconsidered action of November 10, 1936, granting application of WCAZ for increase in day power from 100 watts to 250 watts without hearing. Approved recommendation that WCAZ's application be set for hearing and that the effective date of the Commission's action be postponed to the date of decision after hearing.

WCBD—WCBD, Inc., Waukegan, Ill.—Entered new order granting unconditionally and finally the application for authority to transfer the control of the corporation from Wilbur Glenn Voliva, et al., to Gene T. Dyer, E. M. Ringwald, Elizabeth Hinzman, Louis E. Moulds, and William F. Moss.

NEW—S. H. Patterson, Denver, Colo.—Denied petition for dismissal without prejudice of S. H. Patterson for C. P. for new broadcast station at Denver, Colo., to operate on 1570 kc., 1 KW, unlimited time. Also denied petition for reinstatement of this application.

KGBX—Springfield Broadcasting Co., Inc., Springfield, Mo.—Denied petition to reconsider and grant without a hearing application for permit to authorize a local move of the studio, changes in equipment, and change in power from 500 watts, unlimited time, to 1 KW, unlimited time, with a

directional antenna for nighttime operation. Hearing will be held as originally scheduled.

WREN—WREN Broadcasting Co., Lawrence, Kansas.—Granted motion to postpone hearing on application of WCAE, Inc., for renewal of license of WCAE which is scheduled for February 3, 1937, until after Commission shall have acted upon a pending application for transfer of control of WREN Broadcasting Co.

NEW—John S. Braun, Waco, Texas.—Denied petition for postponement of hearing scheduled for February 15, 1937, on application for C. P. to erect a new broadcast station at Waco, Texas, to operate on 1500 kc., 100 watts, daytime only.

WLBC—Donald A. Burton, Muncie, Ind.—Granted permission to participate in oral argument on Examiner's Report No. 1-240 on application of Continental Radio Co., Columbus, Ohio, for C. P. to erect broadcast station at Columbus, Ohio, to operate on 1310 kc., 100 watts, unlimited time.

NEW—Pee Dee Broadcasting Co., Florence, S. C.—Granted motion to dismiss without prejudice application for new broadcast station at Florence, S. C., to operate on 950 kc., 1 KW, daytime only, site to be determined.

KFBB—Buttery Broadcast Co., Great Falls, Mont.—Reconsidered action of Sept. 22, 1936, in designating application for renewal of license of KFBB for hearing, and dismissed same from the hearing docket. The renewal application of KFBB was designated for hearing because of an application of Ed Klies for its facilities. The Klies application was dismissed from the hearing docket on applicant's request.

NEW—Twin City Broadcasting Co., Inc., Lewiston, Me.—Granted petition to consider and receive answer as respondent to application of the Cumberland Broadcasting Co., Portland, Me., applying for C. P. for new station to operate on 1210 kc., 100 watts, unlimited. Hearing on application scheduled for January 25, 1937.

NEW—Harold F. Gross and Edmund C. Shields, Saginaw, Mich., and WBCM—James E. Davidson, Bay City, Mich.—Suspended its order of Nov. 10, 1936, granting without hearing application of WBCM for modification of license to increase day power from 500 watts to 1 KW, and designated same for hearing. Also denied petition of WBCM to dismiss and strike protest of Harold F. Gross and Edmund C. Shields, who have application for new broadcast station to operate on 950 kc., 500 watts, daytime, at Saginaw, Mich.

A. W. Hayes, Erie, Pa.—Dismissed petition to set aside decision and order of the Broadcast Division, reopen and remand the application for hearing, de novo. (Ex. Rep. 1-212.) The petitioner sought a C. P. to erect a new station at Erie to operate on frequency 1270 kc., 500 watts night, 1 KW LS, unlimited time.

The Commission granted the petition of the Brooklyn Broadcasting Corp., WBBC, and directed that hearing de novo before the full Commission in the Brooklyn case be continued to March 18, 1937.

APPLICATIONS RECEIVED

First Zone

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. 1060 —Extension of special experimental authorization to change frequency from 1060 kc. to 1040 kc., hours of operation from S-WBAL to simultaneous operation with KRLD (unlimited) from 2-1-37 to 8-1-37.

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., unlimited on 1060 kc.—will synchronize with WJZ on 760 kc. from 9 p. m., with power of 2½ KW, using directional antenna, from 2-1-37 to 8-1-37.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to move transmitter from Lovely Dame Building, 16 West Washington St., Hagerstown, Md., to near Hagerstown, Md., and install a vertical antenna. Amended re transmitter site.

WNAC—The Yankee Network, Inc., Boston, Mass.—Modification 1230 of license to change name from Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.

W2XE—Columbia Broadcasting System, Inc., Wayne, N. J.—Modification of construction permit to extend completion date to 4-28-37.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new low frequency relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 50 watts.

Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification 560 of construction permit (B2-P-1085) as modified, for new equipment, increase in power, and move transmitter, requesting extension of commencement date from 11-6-36 to 3-1-37 and completion date from 5-5-37 to 8-31-37.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension 700 of special experimental authorization to operate with power of 500 KW, using directional antenna night, for period from 2-1-37 to 8-1-37.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Construction permit 1490 to install new equipment, increase power from 5 KW to 50 KW day and night. Amended: Make changes in equipment and change requested power from 50 KW to 10 KW.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 200 watts power.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 200 watts.

Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Authority 580 to determine operating power by direct measurement of antenna.

WSB—Atlanta Journal Co., Atlanta, Ga.—Construction permit to 740 make changes in transmitter and antenna and increase power from 50 KW to 500 KW.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—930 Construction permit to install new transmitter and vertical antenna and increase power from 1 KW to 1 KW night, 5 KW day.

WWL—Loyola University, New Orleans, La.—Extension of special 850 experimental authorization to operate unlimited time for period 2-1-37 to 8-1-37.

KWKH—International Broadcasting Corp., Shreveport, La.—Ex-850 tension of special experimental authorization to operate on 1100 kc., unlimited time, with directional antenna at night, for period 2-1-37 to 8-1-37.

KARK—Arkansas Radio and Equipment Co., Inc., Little Rock, 890 Ark.—License to cover construction permit (B3-P-197) as modified for new equipment, increase in power, and move of transmitter.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National 1040 Park, Arkansas.—Extension of special experimental authorization to change frequency from 1040 kc. to 1060 kc., hours of operation from S-KRLD to simultaneous WBAL from 6 a. m. to local sunset daily, suspend until 8 p. m., and unlimited from 8 p. m. until midnight, for period 2-1-37 to 8-1-37.

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special 1040 experimental authorization to operate simultaneously with WTIC for period 2-1-37 to 8-1-37.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Construction 1270 permit to make equipment changes, new antenna, increase in power from 1 KW night, 2½ KW day to 1 KW night and 5 KW day.

NEW—John C. Hughes, Phoenix City, Ala.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts, daytime.

WATL—J. W. Woodruff, d/b as Atlanta Broadcasting Co., Atlanta, 1370 Ga.—Modification of construction permit (B3-P-1228) for new equipment, changes in antenna, increase in power, and move of transmitter and studio, requesting further changes in authorized equipment and antenna.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—1410 Authority to make changes in automatic frequency control apparatus.

WACO—KTSA Broadcasting Co., Waco, Tex.—License to cover 1420 construction permit (B3-P-1465) for a new transmitter and antenna.

NEW—James R. Doss, Jr., Mobile, Ala.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, daytime.

Fourth Zone

- KFAB**—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of
770 special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, from 2-1-37 to 8-1-37.
- WBBM**—Columbia Broadcasting System, Inc., Chicago, Ill.—Ex-
770 tension of special experimental authorization to operate synchronously with KFAB from local sunset (KFAB local sunset) to midnight, for period from 2-1-37 to 8-1-37. Amended to change name from WBBM Broadcasting Corp. to Columbia Broadcasting System, Inc.
- NEW**—Western Union College, Le Mars, Iowa.—Construction per-
1210 mit for a new station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited time.
- KRMC**—Roberts-MacNab Co. (Arthur L. Roberts, R. B. Mac-
1310 Nab, A. J. Breitbach, Gen. Manager), Jamestown, N. Dak.—Modification of construction permit (B4-P-510) for new station on 1310 kc., 100 watts, simultaneous day, share KVOX night, requesting authority to install new transmitter and increase power from 100 watts to 100 watts night, 250 watts day, approval of vertical antenna and transmitter site at 1 mile from center of city on U. S. Highway No. 10, Jamestown, N. Dak.
- KROC**—Southern Minnesota Broadcasting Co., Rochester, Minn.—
1310 Authority to transfer control of corporation from First Trust Co. of St. Paul and G. P. Castner, as special administrators of the estate of L. J. Shields, deceased, Florence E. Brown and Emmet Butler, as trustees under the last will and testament of Frank M. Brown, deceased; Florence E. Brown as guardian of the estate of James L. Brown, a minor; and Stanley Hubbard, to Gregory Gentling.
- WTAQ**—WHBY, Inc., Green Bay, Wis.—Construction permit to
1330 install a new transmitter and increase power from 1 KW to 1 KW, 5 KW day. Amended to use directional antenna daytime.
- KSTP**—National Battery Broadcasting Co., St. Paul, Minn.—Con-
1460 struction permit to make changes in transmitting equipment.
- KOVC**—Geo. B. Bairey, Valley City, N. Dak.—Voluntary assign-
1500 ment of license from Geo. B. Bairey to KVOX, Inc.
- W9XAA**—Chicago Federation of Labor, York Township, Ill.—
Modification of construction permit to increase power from 5 KW to 20 KW and make changes in equipment and extend commencement and completion dates.
- NEW**—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg,
Ill.—Construction permit for a new high frequency station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Fifth Zone

- KIRO**—Queen City Broadcasting Co., Seattle, Wash.—Extension
650 of special experimental authorization to operate on 710 kc., 1 KW, unlimited time for period 2-1-37 to 8-1-37.
- NEW**—Earle Yates, Las Cruces, N. M.—Construction permit for
930 a new station to be operated on 1500 kc., 500 watts, daytime. Amended: New transmitter and antenna changes, change frequency from 1500 kc. to 930 kc., power from 100 watts night, 250 watts day, to 500 watts, time from unlimited to daytime.
- NEW**—C. P. Sudweeks, Spokane, Wash.—Construction permit for
950 a new station to be operated on 950 kc., 500 watts night, 1 KW daytime, unlimited time.
- KWJJ**—KWJJ Broadcast Co., Inc., Portland, Ore.—Authority to
1060 determine operating power by direct measurement of antenna. Amended: Re operating constants.
- NEW**—The Peoples Forum of the Air, Helena, Mont.—Construc-
1210 tion permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- KPPC**—Pasadena Presbyterian Church, Pasadena, Calif.—License
1210 to cover construction permit (B5-P-1306) for changes in equipment.
- KDON**—Monterey Peninsula Broadcasting Co., Monterey, Calif.—
1210 Modification of license to move studio from Del Monte Hotel, Del Monte, California, to 498 Washington St., Monterey, California.
- KSUB**—Harold Johnson & Leland M. Perry, d/b as Johnson &
1310 Perry, Cedar City, Utah.—Modification of construction permit (B5-P-84) for a new station, requesting changes in antenna and approval of transmitter site at West Second South, Cedar City, Utah and studio at El Escalante Hotel, Cor. 1st North & Main Sts., Cedar City, Utah.

- KRE**—Central California Broadcasters, Inc., Berkeley, Calif.—
1370 Construction permit to install new transmitter and antenna, change frequency from 1370 kc. to 1440 kc., power from 100 watts night, 250 watts day to 1 KW, and move studio and transmitter locally.
- KFEL**—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction
permit to supersede B5-ML-360, requesting equipment changes, installation of vertical antenna, increase in power from 500 watts to 1 KW, change in hours of operation from S-KVOD to unlimited time. (Contingent on KVOD's application B5-P-1540.)

January 11, 1937.

PRELIMINARY ENGINEERING REPORT TO THE BROADCAST DIVISION CONCERNING THE OCTOBER 5, 1936, HEARING—DOCKET 4063

The Chief Engineer and the Assistant Chief Engineer in charge of broadcasting not only listened to all of the half million words of testimony presented at the formal hearing held by the Broadcast Division October 5 to 21, 1936, inclusive, but also have subsequently read and considered the record of 1,741 pages and the numerous exhibits in addition thereto. Consequently, the Engineering Department feels it advisable to submit herewith in preliminary form our general conclusions and recommendations deduced from the record, so that the Broadcast Division may have an early opportunity to direct the Engineering Department more specifically in the matter of detailed revision of the existing regulations concerning broadcasting. This report should therefore be considered as general in character and in the nature of a request for specific instructions which will enable us to prepare detailed regulations to submit to the Broadcast Division for approval.

Inasmuch as the Broadcast Division, as well as other members of the Commission, listened to the same testimony as did the Engineering Department, it seems undesirable to burden this preliminary report with the details of the evidence. Nevertheless, if the Commission desires from the Engineering Department the detailed factors of the evidence given at the hearing upon which we base our conclusions, we are ready to furnish such information. In any event, the Engineering Department will present to the Commission, in separate reports, a summary of the evidence given in the October 5 hearing, Docket 4063.

General

In general, based upon the evidence given at the hearing, the Engineering Department is of the opinion that from an engineering standpoint the existing system of allocation of frequencies within the broadcast band 550-1600 kc. which was inaugurated in 1928, is sound, particularly with reference to the fundamental 10 kc. separation between channels and the use of both clear channels and shared channels to render service to the nation. However, in view of the information which has been accumulated since 1928, and in view of technical improvements as well as an increasing demand for better facilities, there is need for an improvement in the engineering features of the structure as well as in some of the standards of engineering practice which have been followed hitherto.

In making this report the Engineering Department desires to make clear the fact that we have not endeavored to determine who should or should not be the licensees of radio stations, because this is primarily a matter of policy which the Commission will decide for itself. Our thought on this subject of allocation has been prompted primarily from the standpoint of sound engineering, and to this end we have made it our mission to ascertain how to make the best technical use of the very limited radio spectrum between 550-1600 kc. so that the entire public may receive the maximum service both of transmission and reception, regardless of who may be the licensees of the various transmitting stations. In other words, we have felt that if the basic allocation engineering within this limited spectrum were such as to make possible the greatest number of stations properly distributed geographically, and each capable of rendering technically a good service to the public, there would be made available in all sections of the country the maximum possible facilities for the Commission to license or to continue to license whomever it feels should and could operate stations.

Naturally, we have made every effort to remain properly within the limits specified in the Communications Act of 1934, as amended in 1936, particularly with reference to the distribution of facilities to States and communities.

In general, the tenor of the testimony at the October 5 hearing tended primarily toward the improvement of existing facilities. The Engineering Department is of course aware that the Commis-

sion is not only confronted with this problem, but also the additional problem of providing facilities where insufficient or none exist at present, when and if there is a need and applications are made therefor. Therefore in making our recommendations the Engineering Department has endeavored to keep the entire problem wholly in mind, but at the same time we are necessarily conscious of the extreme technical limitations imposed by the narrow radio spectrum between 550 and 1600 kc. and the relatively small number of frequency channels contained therein and available to the United States for solving its difficult problems of broadcasting.

In general, the various groups represented at the hearing who testified with reference to the reallocation of frequencies within the broadcast band 550-1600 kc., agreed that the Commission is following a sound policy in proceeding with needed technical improvements in the allocation system on the basis of evolution, experimentation and voluntary action, rather than by enforced costly changes. The only expressed view contrary to this policy was made by special groups who intimated that the existing formula for broadcasting had failed to supply a service which is essentially sound and economically fair, and that the place to make a correction is in connection with the allocation of facilities. However, representatives of some of those special groups who testified at the hearing agreed that inherent limitations of a scientific character in the broadcast band 550-1600 kc. imposed technical difficulties in the solution of the broadcast problem of certain groups, at least, and it was suggested by some of the educational groups that the ultra high frequencies might be more suitable for the future development of additional educational radio broadcast stations.

The various groups and individuals presenting evidence at the hearing agreed that any modification of existing regulations pertaining to frequencies for various classes of broadcast stations between 550-1600 kc. should be made in such a manner that they are sufficiently flexible to permit the adaptation of new technical developments. It appears that flexibility in the regulations is desirable in order that practical problems can be solved based upon sound engineering and other controlling factors. However, in the opinion of the Engineering Department this flexibility in the regulations imposes a constant responsibility upon the Commission to maintain throughout its administration the application of sound engineering to the solution of individual problems, bearing in mind their relation to the basic broadcast structure as a whole.

Inasmuch as the Commission has already enunciated its policies of procedure, which have just been outlined herein, and in view of the probable developments relative to the use of ultra high frequencies, the Engineering Department recommends the continuation of the Commission's present policy regarding the procedure for accomplishing improvements in the broadcast band 550 to 1600 kc. Naturally, in making this recommendation the Engineering Department feels that where the lack of voluntary action on the part of an individual would result in an impairment of public interest, or would improperly hamper the broadcast industry as a whole, the Commission should resort to such lawful measures as it deems necessary in the premise. In this connection, the Engineering Department is of the opinion that the industry as a whole is keenly interested in technical improvements in service to the public.

The subject of reallocation is so complex and the various phases so interrelated that it is essential to have some discussion in detail. However, for the convenience of those who do not have the time to study the details of this report, we set forth herewith a brief summary of the salient features of the recommendations of the Engineering Department.

Summary

The following is a summary of the Engineering Department's conclusions, recommendations and requests for instructions with respect to the broadcast band 550-1600 kc., based upon the October 5, 1936, hearing, Docket 4063:

- (1) We believe that while the engineering principles of the allocation structure of 1928 are basically sound, technical progress, operating practice and the accumulation of new data since 1928 indicate conclusively that modifications are needed and that improvements can be made which, from a technical standpoint, will result in better broadcasting service to the public.
We recommend that these modifications be made by revising the existing rules, regulations and standards of good engineering practice.
- (2) The Engineering Department's proposals for modification would not change the 10 kc. separation between channels, nor would it change fundamentally the conception as to the use of both clear channels and shared channels to render service to the nation. In the latter respect the recommendations tend toward the modification of the number of frequencies made available to each class of station.
- (3) As to the general procedure for making modification of the allocation structure, we believe and recommend that the Commission should continue its existing policy of evolution and experimentation through voluntary action of applicants rather than by enforced costly radical changes. The reasonableness of the details of any of the new rules and regulations could well be the subject of formal hearings after due notice is given of the effective date of the new rules. Applicants desiring to take advantage of the improvements made possible by the new rules might have their applications granted or designated for hearing, depending upon the facts in each individual case. In any event, the present prescribed legal procedure of the Federal Communications Commission could be maintained.
- (4) We recommend that the new rules be inherently flexible so as to permit practical adaptation of sound engineering to individual cases in accord with economic and social needs.
- (5) We suggest for consideration by the Commission the use of ultra high frequencies to assist in the solution of the educational broadcast problem.
- (6) We recommend six classes of broadcast stations in the band 550-1600 kc. with powers as outlined in the following. The exact definitions will be submitted later by the Law and Engineering Departments, provided the general policies herein are approved:

Class	Comparison	Purpose	Night Power ¹	Approximate Interference Limits	
				Night	Day
A	Similar to clear channel stations...	To include remote rural coverage.....	Not less than 50 kw	.5 mv	.1 mv
B ²	Similar to clear channel stations except other stations use channel so as to protect secondary coverage dominant station.	To include rural coverage.....	10 to 50 kw	.5 mv	.1 mv
C	Similar to high power regional stations.	Large metropolitan <i>district</i> coverage, as well as limited rural coverage.	5 to 50 kw	2.5 mv	.5 mv
D	Similar to regional stations.....	Metropolitan <i>district</i> coverage.....	1 to 5 kw	2.5 mv	.5 mv
E	Similar to existing regional stations separated by relatively short distances.	City coverage.....	.5 to 1 kw	4 mv	2 mv
F	Similar to local stations.....	City or town coverage.....	0.1 to 0.25 kw	4 mv	2 mv

¹ The power for each station of a class is to be determined individually upon showing of need and proper consideration of channel conditions with respect to interference.

² The class of stations which will use the same channel as Class B stations and protect the latter's secondary coverage, are in general Class D or Class E stations, located at sufficient distance from Class B stations to enable proper service to be rendered in accordance with the standards of good engineering practice. It may be possible in some instances to permit Class C stations to use Class B station channels.

- (6) We request the Broadcast Division to designate which frequencies should be assigned to each class of station. In this connection we are ready to submit a separate memorandum setting forth the conditions existing on each

frequency. This separate memorandum will assist the Division in designating frequencies to be assigned each class of station. We recommend that the following number of channels be assigned to the various classes of stations in the band 550-1500 kc.:

Class	*Number of channels
A	Not less than 25
B	Approximately 5
C	" 14
D	" 30
E	" 10
F	" 6
<hr/>	
Total	90

* The foregoing numbers exclude the frequencies now assigned exclusively to Canada.

With reference to the band 1510-1600 kc., we suggest that the Commission has three courses of action open to it, depending upon which policy the Commission desires to follow:

1. To assign all 10 channels in the band 1510 to 1600 kc. to Class F stations. In our opinion, while this provides the maximum number of stations, it does not in all cases provide a facility which will enable service to be rendered to all of an area requiring service.
2. To assign all 10 channels to Class D stations. This would permit only a few of the cities which do not now have a station to secure facilities. It would, however, in the relatively few individual cases afford a facility capable of performing an adequate service to a large community.
3. To distribute the 10 channels to Class D, E and F stations. This would enable a large number of cities to be served and at the same time permit a degree of flexibility in utilizing facilities in a manner which may be required in individual cases. A division such as 3 channels to Class D, 4 channels to Class E and 3 channels to Class F might be suitable, or else 3 channels to Class D and 7 channels to Class E, in which the power range may be more suitable for individual areas, would be an effective engineering solution to the problem. Instructions in this matter are requested.
- (7) We recommend that when the Commission is satisfied a frequency assigned to one class of station has been utilized to the fullest and proper extent by stations of such class, that stations of another class be permitted to use the said frequency, provided the latter does not cause objectionable interference, either to the good coverage of any station regularly licensed on the frequency or jeopardize the specified use of the channel, and provided further that the new stations shall be able to render service consistent with the standards of good engineering practice.
- (8) We recommend that when licensing new stations, or when increasing the power of an existing station of any class on a channel assigned to such class, due regard should be given to the standards of good engineering practice, particularly with reference to the interference that may be caused within the good service areas of other stations of the same class on the channel in question.
- (9) We recommend that the band 1500-1600 kc. be opened for Class D, E or F stations, depending upon the policy to be determined by the Commission with respect to the number of additional stations and the type of service they should render.
- (10) We recommend that all stations except Class A operate simultaneously on shared channels at night, and whenever practicable, use methods to increase service and reduce interference.
- (11) We believe that two 50 kw. stations separated by great distances and operating simultaneously at night on the same channel, are capable of rendering a service to a limited area, particularly if directional antennas are used. However, we do not recommend the universal duplication of all existing clear channel stations located on the coasts. We have recommended the retention of at least 25 clear channels permanently, and caution in duplicating other such channels, pending a North American arrangement.
- (12) We believe that directional antennas are feasible, but we recommend the careful and studied application of these antennas in individual instances.
- (13) We recommend against the general application of synchronization, but suggest it can be applied in certain instances to assist in increasing coverage of low-powered stations.
- (14) While we believe that powers in excess of 50 kw. on clear channels are technically sound and are in accord with scientific progress, we recognize that social and economic

factors involved in the use of 500 kw. may outweigh in importance engineering considerations, and request instructions from the Division as to its desires with respect to regulations on the question of super-power. We feel that, in the matter of super-power, the Commission should give full consideration to our report summarizing the economic testimony in the October 5 hearing prior to making a decision.

- (15) We feel that there is a need for increased signal intensity and have recommended that in general power increases are required to better the service to the public. However, we recommend that the regulations in this respect be sufficiently flexible to permit the Commission to judge each individual case upon its merits, particularly as to the needs and economic and social circumstances.
- (16) We believe that from an ideal standpoint the "bloc" system of allocation to classes of stations may reduce the disadvantages of a disparity in power between stations on adjacent frequencies, but because of practical considerations, we do not recommend a radical change in allocation to accomplish this scientific ideal.
- (17) We recommend against the establishment of standards of receiver selectivity and fidelity, but instead we recommend incorporation in the standards of good engineering practice the basis of receiver performance which is utilized in arriving at necessary ratios between desired and undesired signals to avoid objectionable interference.
- (18) We suggest the paramount importance of economic and social factors in the determination of the distribution of facilities to licensees in any section of the country, and state that a separate report will be submitted giving in detail a summary of the evidence presented at the October 5 hearing. We hope the Commission will consider this summary of evidence before making final decisions.
- (19) We recommend against changing the existing requirements with respect to frequency stability, modulation, harmonics and power determination.
- (20) We suggest proceeding in an evolutionary manner toward the improvements in the broadcast band 550-1600 kc. without endeavoring to await developments in other bands of frequencies, because we feel that the public needs the possible technical improvements in the existing broadcast service.
- (21) We recommend that the present empirical standards be revised and issued in the form of "standards of good engineering practice" and used as a guide in administration and in testimony when no better evidence is available. We believe that the following is the proper trend of the revision:
 - (a) Adopt curves on those presented by the Engineering Department at the hearing as guides to estimate service and interference under various conditions.
 - (b) Retain the present ratios between desired and undesired signals for stations using the same channel.
 - (c) Revise the ratios between desired and undesired signals for stations on adjacent channels. The ratios now used will be decreased to an amount to be finally determined at the engineering conference scheduled for January 18, 1937, at Washington. These revisions will permit stations of like power to be spaced geographically closer than hitherto provided in our "empirical standards".
 - (d) Stations in the same city may be assigned frequencies 40 kc. apart under special conditions of location and power.
 - (e) While we believe that the present limit of 125 mv. used in connection with "blanketing" is too small, we are not prepared at this time to accept the 1000 mv. limit suggested by certain engineers at the October 5 hearing. The figure which should be used will be determined after the engineering conference scheduled for January 18, 1937, and we shall make a specific recommendation to the Division after that date.
 - (f) It is recommended that the present engineering "allocation factor" be replaced by a more scientific treatment of cross-talk interference based upon the selectivity performance of receivers as testified to by engineers at the October 5 hearing. The details of the changes will be determined finally at the engineering conference scheduled for January 18, 1937. The Engineering Department can then revise its present interference curves to take this into consideration.
 - (g) The existing mileage frequency separation tables should

and can safely be revised. It is recommended that this be so done and included in the "standards of good engineering practice" as general guides for administrative purposes, as well as ready references for lay interpretation of the average curves. After the scheduled January 18 engineering conference, the Engineering Department will submit a revision of the existing tables, provided the Broadcast Division has determined certain matters of policy. These tables will be based upon the performance of 1000 kc. with a conventional antenna of the efficiency required for each class of station over average conductivity and for the sky wave conditions for the second hour after sunset.

It is to be expected that in individual cases the distance tables will not indicate practical conditions, but before the Commission departs from the distance tables, it should require

- (1) Competent evidence indicating wherein facts in individual cases differ from the calculations upon which the distance tables were computed.
- (2) Adherence to accepted standards of service and interference.
- (3) Proper measurements taken by competent engineers over a sufficient period of time.
- (4) Adherence to good engineering practice in the location and efficiency of transmitter and antenna.

Specific Questions

In order that the details of the conclusions of the Engineering Department may be presented more clearly, this report will henceforth adhere to the outline of the subject matters given in the notice of hearing in Docket 4063, Mimeo. 17695.

I. Classification of Broadcast Stations

1. Desirability of establishing new classes, or of sub-dividing, modifying or abolishing any existing class.

In the opinion of the Engineering Department and based upon the evidence given at the hearing, there is need for establishing new classes of stations, as well as modifying some of the existing classifications. Such new classes will make more flexible the existing rigid classifications, or in other words, will make available more sizes of "shoes" to fit the various "feet." The establishment of new classes would permit an improved application of sound engineering to suit the variable practical field conditions which are encountered in the allocation of broadcast facilities.

In the opinion of the Engineering Department there should be at least six classes of stations, as follows: (We have used letters to denote classes, pending final definitions yet to be determined.)

Class A—A station class having wide area coverage on a clear channel.

Class B—A station class having wide area coverage and using simultaneously a frequency which is also assigned to other stations designed or so located as to protect the secondary coverage of the Class B station from objectionable interference. An example of the Class B station is one located on the coast using 50 kw. on a frequency to obtain secondary coverage, while at the same time there is operating on the same frequency a 1 kw. or 5 kw. Class D or E station in another part of the country in such a manner as not to cause objectionable interference to the Class B station.

Class C—A station class utilizing either great distance separation or else protective devices to avoid objectionable mutual interference with stations of the same class, enabling less coverage than the long distance service to be rendered by Class A or B stations, but greater coverage than Class D stations. An example of Class C stations would be certain existing high power stations separated by great distances such as coast to coast and operating simultaneously on the same frequency, or certain existing high power clear channel stations, both of which use the same frequency but with directional antennas or other means to avoid objectionable mutual interference. An other example is the existing 10 kw. high power regional station separated geographically by a distance sufficient to avoid objectionable mutual interference.

Class D—A station class similar to the existing regional stations.

Class E—A station class which, from an engineering standpoint, will render less coverage than the existing regional stations, but greater coverage than the existing local stations.

Class F—A station class similar to the existing local stations.

2. Proper definition of each class with respect to purpose and character of service.

Suggestions were made at the hearing as to the definition of the several classes of stations. Emphasis was placed by some groups upon the existing definition of clear channel stations, and others endeavored to define the various classes of stations by suggesting a definition based upon the primary purpose of each class. The Engineering Department is not submitting at this time detailed recommendations to the Commission as to the exact definitions of each class of station, because it involves both legal interpretation and matters of policy. We recommend, however, that the Engineering and Law Departments be directed to submit jointly to the Broadcast Division specific definitions for six classes of stations, based upon the general ideas outlined in sub-paragraph 1 above. Such definitions, in our opinion, should indicate the general purpose for which each class of station is intended. The Engineering Department can further express technically, in the "standards of good engineering practice," the engineering conditions involved for each class of station by setting forth in general terms their interference limits. These standards will not be a part of the regulations, but will be promulgated by the Commission. Engineering Department will submit these standards of good engineering practice to the Broadcast Division for approval. If final hearings are held with respect to the reasonableness of the new rules and regulations, it appears desirable that these standards also be subject to hearing at the same time.

3. Number of frequencies to be allocated to each class.

There was no specific suggestion made at the hearing with respect to the number of frequencies that should be allocated to each of the six classes of stations. However, the clear channel group claimed that there should be at least 30 clear channels. Inasmuch as it was admitted and claimed that existing stations which share time on clear channels are confronted with a serious economic problem—one which, in the opinion of the Engineering Department, affects the character and continuity of the program service rendered to the public by each of these stations in sections of the country which in our opinion need high grade transmission facilities, we recommend that the number of channels assigned to Class A stations be not less than approximately 25, thus effecting a reduction of 15 of the original 40 clear channels. In arriving at the number of channels assigned to Class A stations, we feel that the Commission should bear in mind the possibility of a North American agreement which might involve the number of such channels ultimately to be preserved for the exclusive use of the United States, and it is entirely possible that the Commission may not desire to reduce the number to 25 in the immediate future.

In our opinion and based upon the engineering evidence at the October 5 hearing, as well as upon our general technical knowledge of actual operating conditions in the existing system, we suggest that the ultimate number of frequencies to be assigned to various classes of stations be as follows:

550-1500 kc. (exclusive of Canadian frequencies)

Class A	Not less than	25
Class B	Approximately	5
Class C	"	14
Class D	"	30
Class E	"	10
Class F	"	6
Total		90

1510-1600 kc.

Class A	None
Class B	None
Class C	None

The distribution of the 10 frequencies between 1510 and 1600 kc. to Classes D, E and F involves important new policy questions which make it unfeasible for the Department to make specific suggestions without further instructions from the Division. However, we set forth herewith certain pertinent facts and suggest various courses of action which may be of assistance to the Division in making its final determination of this matter.

The following table sets forth certain facts pertaining to coverage of these frequencies for the three classes of stations involved. 1550 kc. is taken as an average, there being only slight differences between 1510 and 1600 kc.

		Average Conductivity		Low Conductivity	
		Day	*Night	Day	*Night
Class D	5 KW	48 mi.	25 mi.	21 mi.	11 mi.
Class D	1 KW	32 "	16 "	13 "	7 "
Class E	1 KW	17 "	12 "	7 "	6 "
Class E	.5 KW	14 "	10 "	6 "	5 "
Class F	.25 KW	12 "	8 "	5 "	4 "
Class F	.10 KW	9 "	6 "	4 "	2.5 "

* It will be recalled that we suggest the following interference limits:

	Day	Night
Class D	.5 mv	2.5 mv
Class E	2 "	4.0 "
Class F	2 "	4.0 "

The sizes of metropolitan districts in towns of about 100,000 people vary both in size and shape. In general, a station having a good service radius at night of 10 miles should be capable of covering such districts.

In centers of less population, the service radius required could be less. However, in many instances there is a rural population in the locality that should be served and hence a good service radius of 10 miles at night is not an inordinate figure for which to strive.

In determining the power of a radio station to be used to serve any community, the size and shape of the area in which the population resides and the propagation conditions therein are important factors.

There are 10 channels between 1510 and 1600 kc. The following approximate number of stations of each class might be accommodated in the United States if the whole band were assigned to a class and the stations properly spaced geographically:

Class D	5 KW	40
Class D	1 KW	60
Class E	1 KW	200
Class E	.500 KW	300
Class F	.250 KW	400
Class F	.100 KW	500

With respect to the present status of the distribution of facilities to cities, our records show that there are no cities over 100,000 population without one or more broadcast stations. There are 546 cities in the United States with a population of from 10,000 to 100,000 (which are not included in metropolitan districts) and of these 329 do not have local broadcast stations. There are 606 towns with a population from 5000 to 10,000 of which 562 are without local broadcast stations. These figures do not include cities of this population range located within the 96 metropolitan districts recognized by the Census of 1930. There are also 343 cities of a population from 10,000 to 100,000 included within these 96 metropolitan areas in each of which there are one or more broadcast stations.

In view of the foregoing facts, there seem to be three courses of action open to the Commission, namely,

- (1) To assign all 10 channels in the band 1510 to 1600 kc. to Class F stations. In our opinion, while this provides the maximum number of stations, it does not in all cases provide a facility which will enable service to be rendered to all of an area requiring service.
- (2) To assign all 10 channels to Class D stations. This would permit only a few of the cities which do not now have a station to secure facilities. It would, however, in the relatively few individual cases afford a facility capable of performing an adequate service to a large community.
- (3) To distribute the 10 channels to Class D, E and F stations. This would enable a large number of cities to be served and at the same time permit a degree of flexibility in utilizing facilities in a manner which may be required in individual cases. A division such as 3 channels to Class D, 4 channels to Class E and 3 channels to Class F might be suitable, or else 3 channels to Class D and 7 channels to Class E, in which the power range may be more suitable for individual areas, would be an effective engineering solution to the problem. Instructions in this matter are requested.

The foregoing facts give the situation in each—the band 550-1500 kc. and the new band 1510-1600 kc., and give our suggestions as to the total number of channels that should be assigned to each class of station. However, inasmuch as the exact frequencies to be designated for the different classes of stations involve matters of policy as well as the rights of various stations, the Engineering Department requests instructions from the Division as to which specific

frequencies shall be so allocated. In selecting frequencies to designate for different classes of stations on which there exist the present classes of stations, the Engineering Department believes that it will be possible to so assign a frequency to a new class of station and at the same time take advantage of the practical situation which may exist and designate certain stations on that frequency for some other class in such a manner as is provided for in the use of a frequency by more than one class of station under our recommendation in sub-paragraph 5 (d) following herein. It is believed that this will enable the initial preservation of any possible public interest in the coverage of existing stations which by the nature of their service should be placed in a different classification than warranted by the actual conditions in other parts of the country for the same channel.

The Engineering Department is ready to submit to the Commission data with reference to each channel in order to assist in the specific selection of frequencies to be assigned to various classes of stations.

4. Suitability of various bands of frequencies (e. g., propagation characteristics and noise levels) in the range 500-1600 kc. for the service to be rendered by each class.

In general, the lower frequencies have better propagation characteristics for all conditions of terrain than do higher frequencies under the same conditions. However, where ground propagation conditions are poor, all frequencies do not enable as large a coverage with the same power as if the propagation conditions were good. Therefore, since propagation conditions vary over the country, we may find that a higher frequency, used where conditions are good, may enable a station to obtain coverage almost equal to that secured by the use of lower frequencies used where propagation conditions are poor.

On the other hand the lower frequencies require larger and more expensive antennas in order to secure the same efficiency as the cheaper and smaller antennas used on the higher frequencies.

Generally speaking, sky wave propagation is about the same on all frequencies with the same radiated power. However, it is possible to secure at less cost greater efficiency on the higher frequencies, and hence greater sky wave intensity per kilowatt input than on the lower frequencies. This increased signal intensity is, however, overbalanced by the fact that the rapidity of fading seems to be greater generally on the higher frequencies than on the lower frequencies.

It is the opinion of the Engineering Department that in determining the radius of coverage of a radio station it is necessary to consider four factors, namely, (1) conductivity, (2) frequency, (3) power, and (4) interference.

For example, the following table will illustrate these factors for regional stations rendering service to a 2 mv. ground wave signal intensity, which we consider good suburban service from a technical standpoint:

	5 KW		1 KW		250 WATTS	
	Average Cond.	Low Cond.	Average Cond.	Low Cond.	Average Cond.	Low Cond.
600 kc	72 mi.	29 mi.	40 mi.	19 mi.	25 mi.	13 mi.
900 kc	47 "	19 "	28 "	12 "	19 "	8.5 "
1200 kc	34 "	14 "	22 "	9 "	15 "	6.4 "
1400 kc	29 "	12 "	18.5 "	7.5 "	13 "	5.4 "
1550 kc	26 "	11 "	17 "	7 "	12 "	4.9 "

The fourth factor, "interference," is primarily a matter of the maintenance of the standards of good engineering practice. If allocations are so made that mutual interference exists at higher signal intensities than recommended, the coverage will be less than if the standards are adhered to. We have subsequently set forth in this report our ideas regarding the standards of interference.

From the above it can be seen that 1 kw. on 1550 kc. over terrain having average conductivity gives better coverage than 5 kw. on 1200 kc. over terrain having low conductivity, and that 250 watts on 1550 kc. gives as great a coverage over good terrain as does 5 kw. on 1400 kc. over poor terrain. Of course, almost any example can be taken to show advantages or disadvantages, but none affect the fact that coverage from an engineering standpoint is a function of at least four factors. Naturally we are not forgetful of the fact that the population residing within the area served by a station is a governing factor in all cases and that program content is a factor in ascertaining the size of a listening audience in any community.

Summarizing, the Engineering Department is of the opinion that, while generally speaking, lower frequencies enable better coverage for the same input power than do higher frequencies, each channel from 550 to 1600 kc. is extremely valuable for broadcasting purposes.

The evidence shows that the band 1510-1600 kc., which hereto-

fore has been allocated only experimentally, is most useful and can be utilized for rendering excellent service to the listening public, particularly in the smaller cities.

In general, from a practical standpoint, the present engineering principles of allocation appear to be a good general guide for the Commission to follow in the allocation of frequencies to the various classes of stations, and in consideration of the practicalities involved, the Engineering Department recommends that in this phase of the allocation no radical departures from existing engineering principles be made, except as to the modification necessary to utilize existing frequencies for the new classes of stations.

5. *Extent to which freedom from interference is to be secured to each class and extent to which duplicated use, night or day, of frequencies allocated to each class is to be permitted.*

When the Commission has approved the new definitions of stations recommended to be submitted jointly by the Engineering and Law Departments, the Engineering Department can indicate more definitely than at present the extent to which freedom from interference is to be secured for each class, but in general we feel that Class A stations should not share the same channel at night with any other class of station, and that the ground wave protection from stations using the same frequency during the day should be to the .1 millivolt contour. The side channel interference protection to these stations should be to the .5 mv. ground wave contour.

We believe that the service of Class B stations to the .5 mv. ground wave contour should be free from objectionable interference from other stations on the same channel at night, and the .1 mv. contour in the day. As to Class C and Class D stations, it is our opinion that mutual interference should be limited to approximately the 2.5 mv. contour at night, and the .5 contour in the day, and that the stations using the same channel should be so placed geographically or else should use other methods to obtain this degree of mutual freedom from interference.

As for the Class E and F stations, it is believed that the Commission should endeavor to arrange this allocation ultimately in such a manner that the interference limitations for these stations are not greater than the 4 mv. ground wave contour at night and the 2 mv. contour in the day.

All of these interference limitations, as mentioned before, should not be placed in the regulations, but in the "standards of good engineering practice" which will be promulgated by the Commission as general guides.

(a) *Number of stations to be permitted to operate simultaneously on frequencies of each class.*

On frequencies assigned to Class A stations, only one station should operate at night. Since a Class B station is a dominant station on a channel, the number of other classes of stations which can operate successfully in the United States on the same channel will depend primarily on the geographical location of the Class B station. As to the other classifications of stations, the number of stations which can operate successfully on each channel will be dependent upon geographical separation, operating conditions and the engineering methods used to prevent interference. Generally speaking, however, the higher the power, the fewer the number of stations which can use the same frequency. For example, with Class C stations, assuming that each station has 50 kw. and uses a directional antenna in a practical manner, perhaps two or three stations could use the same channel, depending entirely upon practical circumstances, but in this connection, it is believed that in some instances it may be possible for only two Class C stations in the United States to operate simultaneously at night on the same channel. On frequencies assigned to Class F stations, it should be practical, from an engineering standpoint, for more than 20 stations in the United States to operate simultaneously at night on the same channel, provided they are properly distributed geographically.

(b) *Mileage-frequency separation tables as a method for determining permissible duplications.*

It appeared to be the unanimous opinion of engineers that the mileage-frequency separation tables are useful as a guide in determining questions of interference and geographical separation of stations. These tables could well be utilized in the "standards of good engineering practice" and will be useful as evidence when there are no other facts upon which to base any conclusions. However, the presentation of actual measurements or actual facts which

show conditions different from those upon which the distance tables are based, should be better evidence. In accepting such facts, the Commission should weigh carefully the qualifications of engineers presenting testimony, and the accuracy of their measurements.

As to separations on the same channel, the existing distance tables will require modification to bring into consideration new classes of stations.

As to the final geographical separation required to avoid side channel interference, the Engineering Department is not satisfied that the evidence presented at the October 5 hearing adequately covers all the factors involved. However, the evidence shows conclusively that the existing distance tables with respect to 10, 20, 30 and 40 kc. can very well be modified to take into consideration the better known facts presented at the hearing with respect to receivers.

The Engineering Department recommends that it be instructed by the Division to revise the existing distance tables based upon new engineering facts given in evidence at the October 5 hearing, as well as upon the determination of final technical details resulting from the engineering conference scheduled for January 18, 1937, and that these distance tables be made a part of the "standards of good engineering practice" to be used as guides when better evidence is lacking. Other aspects of the mileage-frequency separation tables are dealt with subsequently in this report.

(c) *Advisability of establishing subclassifications of any of the principal classes.*

If the Commission should adopt the six general classifications mentioned in sub-paragraph 1 above, there would seem to be no need for further subclassification, and the Engineering Department recommends that there be no additional classes of stations.

(d) *Use of frequencies allocated to one class by stations of another class.*

The Engineering Department is of the opinion that the Commission should proceed most carefully in allowing one class of station to use frequencies assigned to stations of another class. The reason for this caution in procedure is that each class of station has its own specific engineering factors, and until, throughout this country and the rest of North America, the intended use has been made of a frequency assignment to a particular class of station, the Commission might so involve engineering as to make the frequency assigned to a particular class of station totally useless for the intended purpose. However, when the Commission is satisfied that all the requirements involved in the use of a frequency assigned to one class of station have been fulfilled, and that there can be no harm whatsoever to the stations regularly assigned that class and frequency, the Commission might at that time take advantage of the opportunity and allow another class of station to use the same frequency, provided that the new station shall be capable of rendering service consistent with the standards of good engineering practice. A good example of duplicate use of a channel by more than one class of station is that of a Class B station on one coast using the same frequency as a Class D or E station on the other coast.

(e) *Possibility of duplicated use of a frequency by two 50 kw. stations separated by a substantial distance.*

The evidence is conclusive that two 50 kw. stations separated by approximately 2500 miles or more can operate simultaneously on the same frequency and render a limited degree of good service, particularly if the stations have a difference in time, such as between the east and west coasts. It should be made clear, however, that the duplicated operation of two 50 kw. stations, both using conventional antennas and separated by a substantial distance, is not the equivalent of clear channel service. The Engineering Department is further of the opinion that the Commission should proceed with the utmost care in duplicating all existing clear channel stations located on the coasts because it is entirely possible that the secondary areas of some clear channel stations may afford the only good program service to rural areas adjacent to the coasts.

The comparison between duplicated and nonduplicated clear channel operation is of interest and is set forth herewith in the following table, which is for total hours of darkness. An east-west path in which there is three hours difference in time will enable freedom from mutual interference between "duplicated 50 kw. stations" over a longer period of time than if the transmission path were north and south:

Service Ranges of 50 Kw. Broadcast Stations

Assumed conventional antennas producing 1414 mv./m. at 1 mile unattenuated average conductivity 4×10^{-14} . Second hour after sunset on east-west path.

Approximate Miles Day Service		Approximate Miles Night Service Free From Objectionable Interference	
500 uv/m	100 uv/m		
640 kc			
Unduplicated 133 mi.	230 mi.	* 500 uv/m 70% time 500 mi.	
		* 400 uv/m 90% " 150 "	
		* 100 uv/m 90% " 820 "	
Duplicated			
2500 mi. 133 mi.	230 mi.	847 uv/m 90% time 110 mi.	
" 2000 " " "	" "	1475 uv/m 90% " 86 "	
" 1500 " " "	" "	2970 uv/m 90% " 62 "	
800 kc			
Unduplicated 105 "	195 "	Same as 640 kc.	
Duplicated			
2500 mi. " "	" "	847 uv/m 90% time 82 mi.	
" 2000 " " "	" "	1475 uv/m 90% " 65 "	
" 1500 " " "	" "	2970 uv/m 90% " 47 "	
1190 kc			
Unduplicated 71 "	143 "	Same as 640 kc.	
Duplicated			
2500 mi. " "	" "	847 uv/m 90% time 56 mi.	
" 2000 " " "	" "	1475 uv/m 90% time 42 "	
" 1500 " " "	" "	2970 uv/m 90% time 31 mi.	

* Approximately same all frequencies from 640 to 1190 kc.

If both 50 kw. stations use directional antennas, it is possible that a better degree of secondary coverage can be obtained by both stations than is possible with conventional antennas. A degree of protection to so-called duplicated 50 kw. stations can be obtained for one of the stations if the other station utilizes a directional antenna. However, the latter cannot expect a highly satisfactory degree of secondary service over wide areas.

(f) *Consideration of hour of sunset as the dividing line between daytime and nighttime permissible duplications, and location at which sunset or other hour should be taken as such dividing line.*

The Engineering Department, as a result of the evidence submitted at the hearing, sees no necessity for changing the present rules with respect to the hours of sunset at the dividing line between daytime and nighttime permissible duplications.

(g) *Application of directional antennas.*

It was the consensus of engineering opinion that directional antennas are feasible, and if properly designed can be applied to assist in the solution of the broadcast allocation problem. However, in consideration of practical conditions, the directional antenna cannot be applied universally to all stations because there are many stations from which service could be rendered only in the directions where relatively few persons resided.

In the application of directional antennas, it is the opinion of the Engineering Department that the Commission should require technical conditions leading to the stable operation of such antennas under variable conditions. The Engineering Department will prepare such specifications in the standards of good engineering practice which the Commission will be asked to promulgate at some future date.

(h) *Application of synchronization.*

Synchronization has some limited application, particularly in booster stations. However, it has one distinct disadvantage, in that it requires all stations which are synchronized on a channel to use the same program at night, and thus limits the availability of the station for local features as well as the independence of action of licensees. Differences in time also limit the practicality of synchronized channels. The synchronization of too many channels may also result in a waste rather than a net gain in the economic use of the spectrum by reason of limitations of side channel interference. Nevertheless, in certain cases the engineering phases of synchronization might be resorted to in order to solve particular problems where the evidence shows that there is a distinct advantage to the public to be gained thereby.

The Engineering Department recommends that the Commission not consider synchronization as a desirable cure for some of the claimed unsatisfactory features of broadcasting which appear in some minds with respect to "chains". In this connection, the Engineering Department views chain broadcasting as a means of program distribution from the centers of talent to other centers which are unable to sustain good programs over an extended period

of time by reason of lack of adequate talent. Therefore, from this standpoint "chains" used as a method of program distribution are a distinct advantage to the public, as well as to the lower-power stations—particularly if sufficient time is made available by each station on the chain for operation in direct behalf of local community interests.

The Engineering Department is of course aware that some persons feel that "chains" have disadvantages. If these disadvantages are serious, it appears that they can be corrected by administrative licensing measures rather than by empirical technical restrictions. Therefore, since the subject is one of policy, the Engineering Department has no other recommendations to submit at this time with respect to "chains".

6. *Maximum and minimum power requirements with respect to each class.*

General

In general, the trend of all engineering testimony was toward higher power for all classes of stations. It was clearly indicated that in general the existing empirical standards of the Engineering Department with reference to signal intensities required for good service should be used as a minimum and that in many instances there is needed a higher order of signal intensity to overcome the noise level in cities and the noise level in rural areas, particularly during the summer and in the southern sections of the country.

The only way to secure increased signal intensity is by increase in radiated power. However, it should be clearly understood that if the power of all stations were increased generally, the interference which now exists would remain exactly the same in so far as the distance from each station is concerned, and there would be no increase in good service areas free from interference at night unless means were taken to avoid such interference.

In the opinion of the Engineering Department, and in view of modern technical developments, it would seem desirable that if power were to be increased at various stations, an attempt should be made from the standpoint of interference to secure an additional improvement in service to the public over and above increased signal intensity within existing interference boundaries. This, of course, could not be accomplished in all cases, but in each individual case advantage might be taken of practical opportunities which might exist to secure the service of increased signal intensity which might benefit the local listeners and at the same time create less interference to listeners of a distant station.

(a) *Increases in power above 50 kw. on any class of frequency.*

The greatest controversy and difference of opinion existed with respect to power greater than 50 kw. However, with but one exception, all engineers who testified admitted that where side channel interference was not a factor, powers on clear channels in excess of 50 kw. would be a technical advance and would result in an increased signal intensity to remote areas. It is also clear to the Engineering Department that from a technical standpoint any power less than 50 kw. on a clear channel is a wasteful use of such frequency on the North American Continent.

The following table gives a comparison of coverage expected from a 50 and a 500 kw. station under the same conditions:

Comparison of Service Between 50 and 500 Kw. Stations

(a) Daytime service—500 microvolts. (Good rural service when no static.)

Propagation Conditions Over Terrain	50 kw.	500 kw.	Percentage Increase
			In Area of 500 kw. Over 50 kw.
640 kc.			
2x10 ⁻¹³ (Good)	270 miles	360 miles	80%
10 ⁻¹³ (Average)	210 "	292 "	93%
6x10 ⁻¹⁴ (Fair-East and West Coast)	165 "	240 "	110%
2x10 ⁻¹⁴ (Poor-New England)	92 "	153 "	175%
870 kc.			
2x10 ⁻¹³ (Good)	208 miles	280 miles	82%
10 ⁻¹³ (Average)	154 "	222 "	107%
6x10 ⁻¹⁴ (Fair)	121 "	185 "	134%
2x10 ⁻¹⁴ (Poor)	68 "	114 "	181%
1190 kc.			
2x10 ⁻¹³ (Good)	154 miles	217 miles	100%
10 ⁻¹³ (Average)	112 "	170 "	130%
6x10 ⁻¹⁴ (Fair)	87 "	140 "	159%
2x20 ⁻¹⁴ (Poor)	50 "	84 "	182%

(b) Daytime service—100 microvolts. (Fair rural service when no static.)

Propagation Conditions Over Terrain	50 kw.		500 kw.		Percentage Increase In Area of 500 kw. Over 50 kw.
	50 kw.	500 kw.	50 kw.	500 kw.	
	640 kc.				
2x10 ⁻¹³	395 miles	400 miles			60%
10 ⁻¹³	330 "	415 "			58%
6x10 ⁻¹⁴	270 "	352 "			69%
2x10 ⁻¹⁴	188 "	262 "			94%
	870 kc.				
2x10 ⁻¹³	310 miles	390 miles			58%
10 ⁻¹³	250 "	325 "			69%
6x10 ⁻¹⁴	212 "	290 "			86%
2x10 ⁻¹⁴	141 "	208 "			117%
	1190 kc.				
2x10 ⁻¹³	240 miles	305 miles			61%
10 ⁻¹³	193 "	256 "			77%
6x10 ⁻¹⁴	165 "	232 "			97%
2x10 ⁻¹⁴	105 "	164 "			143%

(c) Nighttime secondary service.

It should be noted that for all conductivities and frequencies fading will limit the *primary* service of the station within its .5 mv. day contour whether the power be 50 kw. or 500 kw. The secondary service is that resulting from sky wave radiation reflected beyond the ground wave.

Late Evening Local Time

	500 microvolts*	100 microvolts*
500 kw.	1180 miles	2200 miles
50 kw.	810 "	1390 "

Second Hour After Sunset Local Time

500 kw.	1060 miles	1880 miles
50 kw.	680 "	1220 "

* Intensity of signal is exceeded 50% of the time.

Judging from the testimony, the Engineering Department is of the opinion that social and economic factors involved in powers in excess of 50 kw. are of paramount importance and in our opinion may outweigh engineering considerations in the final determination of this subject by the Commission.

For example, one group claimed that the use of 500 kw. by such clear channel stations would not result in either social or economic difficulties, but would result in a general benefit to the public. It was claimed by this group that the initial additional cost, as well as the additional cost of maintenance of operation would not be a detriment, and that in general the use of 500 kw. stations would benefit other stations indirectly by reason of the generally better radio service to be rendered to the public.

Some of those who opposed the use of 500 kw. power claimed that if super power were permitted on a few clear channel stations, there would be an inevitable trend toward the use of 500 kw. or more by all clear channel stations and that if such an event should occur, the results on the broadcast structure as a whole would be such as to reduce the benefits to the public and completely change the existing system of rendering program service to the public.

Some evidence was given by those opposed to the use of super power to the effect that it would result in low-power stations being unable to obtain by wire the benefits of good program service originating at the centers of talent.

Other groups indicated that they felt the use of 500 kw. by clear channel stations might make it difficult for the stations in the smaller communities to carry on local service to such communities, but they admitted the possibility that in general, where radio is well received, there might be an increasing public interest in radio such as to make the local station useful in its community.

Still another group indicated that the Commission should not at this time permit powers in excess of 50 kw., but should study the question further and in particular each individual case. This same group indicated that if the Commission should license two or three 500 kw. power stations in competing situations, the inevitable trend would be for all clear channel stations to have this high power, and that therefore the Commission should hesitate in this matter and study the situation carefully and proceed with caution.

The Engineering Department is of the opinion that if the Commission accepts the doctrine of clear channel stations, all such stations should employ sufficient power to justify the use of a

single channel at night by only one station and that this power should not be less than 50 kw.

In connection with this question of super power, we are preparing a separate report giving a detailed analysis of the voluminous testimony in the record with respect to the economic phases involving costs, earnings and other facts which may be of assistance to the Commission in its final determination of increases in power. We feel that these facts are important and that the Commission should await its final decision pending the completion of this summary of the evidence.

(b) *Horizontal increases in power on frequencies on which nighttime duplicated operation is permitted.*

With reference to horizontal increases in power on frequencies on which nighttime duplicated operation is permitted, the Engineering Department, based upon the evidence at the hearing, is of the opinion that such increases in power should be permitted when the facts show the need therefor in any particular community, and when such increases in power can be made without detriment to other stations, and when the proposals for such increases in power are sound from both an engineering and economic standpoint. We further believe that the regulations with respect to power on these shared channel stations should be sufficiently flexible to permit an evolutionary accomplishment of a direct improvement in service to the public of the entire nation. However, we feel that the Commission should issue no blanket increases in power to any class of station, but instead should examine each case individually upon the voluntary application to this Commission for a modification of existing license or for a new license.

With special reference to local channels, the Engineering Department is of the opinion that gradually, by evolution, it will be possible to so arrange these channels as to permit an increase in power to 250 watts instead of the 100 watts which exists today. However, this will have to be accomplished in certain congested sections of the country by a slight reallocation when and if existing local stations request new frequencies. In this connection, it is believed that the frequencies between 1500-1600 kc., with powers up to 1 kw., would permit a service to local communities equivalent to the service rendered by a 250 watt station on the local channel of 1200 kc.

(c) *Differentiation in maximum power at day and at night.*

With respect to the differentiation in maximum power day and night, the Engineering Department is of the opinion that this in general is unsatisfactory, and should apply only when sound engineering prevents the use of the day power at night.

Summary on Question of Power

The Engineering Department suggests that in general the night power for different classes of stations be as follows:

- Class A—Not less than 50 kw.
- Class B—Not less than 10 kw. or more than 50 kw.
- Class C—Not less than 5 kw. or more than 50 kw.
- Class D—Not less than 1 kw. or more than 5 kw.
- Class E—Not less than 500 watts or more than 1 kw.
- Class F—Not less than 100 watts or more than 250 watts.

The power for each station should be determined upon facts in each individual case. The existing powers should not be changed except when there are applications made therefor. Increases in power of existing stations should, if practicalities permit, be made by utilizing interference protection devices in such a manner as to permit a general increase in coverage in so far as is possible. All increases in power on any channel should be based upon sound engineering.

II. Standards to Be Applied in Determining Coverage and the Presence or Absence of Objectionable Interference.

1. *Propagation characteristics of the various frequencies in the range 550-1600 kc. including comparison of east-west and north-south transmission, effect of intervening mountain ranges, and seasonal variations.*

The Engineering Department, as a result of the allocation survey and as a result of the data collected over a period of years, submitted testimony concerning the propagation characteristics, both of the ground and sky waves, on the various frequencies. There was unanimous engineering agreement with respect to these curves, provided they were used as guides in determining coverage and interference. Engineers in general felt that in individual cases the actual facts determined as a result of proper measurement should be the determining factors rather than the curves.

However, with respect to the sky wave, the Engineering Department is of the opinion that when the characteristics of the radiation at the source are known, the sky wave curves of the Engineering Department should not be discarded for other data unless at the same time it is disclosed that measurements were taken over a sufficient period of time to justify such data as being better evidence of propagation.

The Engineering Department recommends that its curves be incorporated in the "standards of good engineering practice" which will be used as a guide for allocation engineering in all of the Commission's broadcast work between the frequencies 550-1600 kc.

It is the opinion of the Engineering Department that these curves will require possible modification from time to time, as additional data is collected, and it is believed that money could be well expended from time to time in securing such additional data. We shall therefore, at some future date, recommend to the Commission the expenditure of funds for the special purpose of making measurements in the field.

We shall also require our Technical Information Section to act continuously as a centralizing agency for all data and information collected by various organizations, as well as data presented to the Commission in various hearings, with the view of keeping up to date the standards of good engineering practice with reference to good propagation characteristics of the regular broadcast frequencies.

2. *Prevailing attenuation in various parts of the country.*

The general consensus of engineering opinion was that attenuation is different in different parts of the country, due to variations in conductivity and inductivity. The Commission's Engineering Department had collected data with respect to certain parts of the country, and at the hearing various broadcast organizations gave the Commission the benefit of their research. All of this data will be coordinated and placed on a chart which will become part of the standards of good engineering practice heretofore referred to. The Engineering Department will also endeavor to collect additional data in the future and add such information to the aforementioned chart. This will be of benefit in all of the engineering phases of the broadcast allocation system.

3. *Proper ratio of desired to undesired signal.*

The general consensus of engineering testimony at the hearing was to the effect that the Commission's present standards concerning the ratio of desired to undesired signal to prevent objectionable interference, is proper for conditions involving the use of the same channel. However, it was the general trend of testimony that the Commission's existing standards for adjacent channel problems could well be revised in keeping with the present development of the art.

By reason of the excellent data concerning receivers presented to the Commission at the hearing, the Engineering Department is in accord with the engineering opinions given by the various witnesses with respect to the ratios between desired and undesired signals, with the exception that we are not satisfied with the efficacy of some of the details of the data and recommendations concerning these ratios. In this case we feel that the ratios between desired and undesired signals recommended by the engineers who testified, may not have taken into consideration the apparent advancing desire for higher fidelity, both of transmission and reception, and consequently, with the approval of the Broadcast Division, the Engineering Department has planned an informal engineering conference to be held in January to determine finally this technical subject.

When these technical details have been determined finally, the Engineering Department will revise its empirical standards, and with the permission of the Broadcast Division, will publish such revisions in the standards of good engineering practice. In this connection, we can now state to the Division that the present distance tables for 10, 20, 30 and 40 kc. may be safely changed downward in mileage for stations of corresponding class and power.

4. *Signal intensity necessary to render satisfactory service in various types of community (e. g., urban, residential, rural, etc.)*

The engineering testimony at the hearing indicated that while in general the Commission's present empirical standards as to the signal intensity necessary for satisfactory service, are not unsound, there is, however, a need for a higher ratio of signal intensity in order to classify service as good, particularly in cities.

The Engineering Department accepts these suggestions and recommends to the Commission that our standards of good engineering practice be revised accordingly. Unless otherwise directed, we shall forthwith proceed with such upward revision of our standards.

5. *Relative electrical noise levels, natural and man-made in the range 550-1600 kc. and in various types of communities.*

The evidence given at the hearing indicates that the Engineering Department's previous conception of noise level is generally correct. Usually, noise decreases with an increase of frequency, but within the broadcast band 550-1600 kc. there is so little difference as to make each frequency of equal advantage from the standpoint of noise. Of course, in specific portions of the country one might be able to show a little differentiation between the lower and higher frequencies, but the Engineering Department recommends that for practical purposes no benefit would accrue with the data we have at the present time in arriving at any large differentiation with respect to noise on any frequencies between 550 and 1600 kc.

We agree that in different parts of the country and in different times of the year, atmospheric noises vary considerably. For example, in the southern part of the country for a large portion of the year, atmospheric noise is generally higher than in the northern section of the country. In the summer months the atmospheric noise is always higher in level than during the winter months. The noise level in cities is always higher in general than in rural sections. However, it must not be forgotten that in certain rural sections where there is much electrification, the man-made noise level in the homes, particularly those along highways, is generally higher than in the more remote and non-electrified portions of the rural areas.

The Engineering Department will set forth these facts in the standards of good engineering practice.

6. *Frequency separation, including*

(a) *the prescribed 10 kc. separation between frequencies used by broadcast stations:*

The evidence at the hearing showed conclusively that 10 kc. separation between channels is the minimum separation that can be accommodated with good service. With the trend toward higher fidelity, 10 kc. separation is barely sufficient. The evidence showed that in some cases, a 10 kc. separation is the cause of certain high frequency beat notes which, under certain conditions, are objectionable.

The Engineering Department recommends most strongly that the Commission not change the existing 10 kc. separation to any separation lower in value.

(b) *the customary 50 kc. separation between frequencies used by broadcast stations in the same community.*

The evidence showed that the present 50 kc. separation policy for stations in the same community is safe, and indicated that possibly under certain conditions such separation might be reduced to 40 kc. The Engineering Department believes that the 40 kc. separation would be sound under certain conditions, where two stations so separated are in the same general locality with respect to the local community. It is possible that if one station were located in the opposite part of the community from that of the second station, the 40 kc. separation might at the present time be the cause for some complaint by the listeners between the two stations, depending of course upon the type of receivers used.

(c) *mileage-frequency separation tables as a method for determining minimum geographical separation between stations using frequencies separated by from 10 to 40 kc.:*

The evidence at the hearing was conclusive, in the opinion of the Engineering Department, to the extent that the so-called mileage tables should be used solely as a guide in determining questions of interference when no additional evidence with respect to actual conditions is available.

Propagation conditions and other factors, such as different types of antennas, vary so greatly between stations and in different parts of the country and on different frequencies, that it will be impracticable to set up a rigid set of distance tables which would permit the necessary flexibility in enabling service to be rendered to the public in individual cases.

The Engineering Department recommends that the revised distance tables which we shall submit to the Commission at a later date, be included in the standards of good engineering practice and used solely as a guide in determining questions of interference when there is no other evidence. In these standards of good engineering practice, we shall set forth the assumptions upon which the distance tables were based, and shall state clearly that with other conditions the distance tables are in general subject to change, but that unless measurements are given, showing where actual conditions depart from those assumed in the distance tables, the latter will be considered the best evidence with reference to interference, as well as the necessity for maintaining geographical separations set

forth in the tables. However, before the Commission accepts a departure from the distance tables, it should require:

- (1) Competent evidence indicating clearly wherein the facts in individual cases differ from the assumptions upon which the distance tables are based.
- (2) Adherence to accepted standards of service and interference.
- (3) Proper measurements taken by competent engineers over a sufficient length of time.
- (4) Adherence to good engineering practice in the location and efficiency of transmitters and antennas.

(d) *permissible disparity in power between stations on adjacent frequencies:*

While no specific testimony was given on this subject, an analysis of the evidence on several subjects, including propagation curves and receiver selectivity, indicates that the question of disparity in power on adjacent channels depends entirely upon conditions resulting from geographical separation and propagation conditions between stations. A factor which is of prime importance is the ratio between desired and undesired signals at the edge of the service area of the station requiring freedom from interference. These are factors which can be determined either by measurement or as a general guide, by reference to the distance tables referred to above.

Generally speaking, however, it is the opinion of the Engineering Department that an ideal situation, from an allocation engineering standpoint, would be the "bloc" assignment of frequencies to stations having equivalent powers so as to avoid the ill effects of disparity in power between stations on adjacent frequencies and to permit a better basic engineering allocation. However, from a practical standpoint, and in view of the great desirability of proceeding with improvements in allocation on an evolutionary basis, the Engineering Department is of the opinion that there should be no attempt made at this time to change radically the existing allocation so as to secure the ideal of "bloc" assignment. Nevertheless, it is suggested that in the years to come and whenever practically possible, the Commission might take advantage of opportunities gradually to work into the "bloc" principle of allocation.

(e) *practicable standards of receiver selectivity:*

Much excellent data was given by engineers at the hearing with respect to selectivity of receivers and the distribution to the public. From this data, the Engineering Department will, as mentioned before, revise its distance tables. We will also eliminate the present allocation factor and replace it by a curve based upon the receiver data given at the hearing. This curve and the basis will be placed in the standards of good engineering practice which, of course, will be submitted to the Division at a later date for approval. Otherwise, we do not believe it advisable to specify at this time standards of receiver selectivity.

(f) *practicable standards of receiver fidelity.*

While there was much evidence given at the hearing with reference to receiver fidelity, this evidence showed that different receivers vary greatly, and the Engineering Department is of the opinion that at this particular time it would not be feasible to prescribe standards for receiver fidelity.

However, at the informal engineering conference to be held in January with respect to the ratio between desired and undesired signal, it is expected to take up this question of receiver fidelity with the view of ascertaining whether or not the receiver industry is willing to adopt voluntarily some standard which all will use as a guide. If this is shown to be feasible, the Engineering Department may be in the position to recommend to the Commission certain engineering limits to be placed upon transmitters in order to accomplish a greater degree of quality service and at the same time avoid some of the interference created by a 10 kc. separation. Such standards, of course, will be placed in the standards of good engineering practice heretofore mentioned and which will be submitted to the Division for approval.

7. *Proper definition of blanketing signal.*

While the evidence given at the hearing showed conclusively that the present definition of blanketing signal used by the Engineering Department in its recommendations on various matters to the Commission is not modern, the Engineering Department is not prepared to accept the extreme figure of 1 volt generally recommended by engineers who testified at the hearing. The reason for our hesitation in this matter is that upon studying the recommendations made by the engineers at the hearing, we find that there are justified complaints of difficulties, which in all probability would increase if we accepted the figure of 1 volt. We have, therefore, with the approval of the Division, placed on the agenda of the

January engineering conference this question of blanketing, and it is expected that there will be a compromise between the extremes of engineering opinion and that in all probability neither the 1 volt figure of the engineering testimony nor the 125 millivolt existing figure of the Engineering Department will be accepted; and that instead some figure between the two extreme limits will be a proper compromise in the public interest.

The Engineering Department will, unless otherwise directed by the Division, include this compromise figure in the standards of good engineering practice.

8. *Legitimate assumptions with respect to Heaviside layer and sunspot cycle.*

No new evidence was given with respect to the existing known facts concerning the Heaviside layer and sunspot cycle. It is impossible at this time to give rigid assumptions concerning this subject, because insufficient data have been collected.

However, the Engineering Department recommends that its Technical Information Section continue to accumulate data from other sources with reference to this subject, and that the Commission encourage research on the part of institutions, leading to the accumulation of greater knowledge concerning the Heaviside layer and the sunspot cycle. This study, of course, has been in progress at various commercial, educational and governmental institutions and laboratories in this country and abroad.

III. *Geographical Distribution of Broadcast Facilities.*

1. *Weight to be given to such factors as area, population and economic support.*
2. *Feasibility of allowing adherence to sound engineering principles (e.g., a quota system) in order to comply with Sec. 307 (b) of the Communications Act of 1934, as amended, and "to provide a fair, efficient and equitable distribution of radio service" among the several States and communities.*
2. *Feasibility of allowing adherence to sound engineering principles automatically to effect the distribution required by Sec. 307 (b).*

We know that the Commission understands it should take into consideration all the factors concerning the distribution of facilities, particularly the laws of Congress, economic laws, social requirements and principles of sound engineering. However, we feel that the entire subject is of such vital importance as a policy matter to the Commission, that the Engineering Department considers that we should only lay the available facts before the Commission, rather than to make any specific recommendations, particularly at this time, which take into consideration matters other than engineering. Consequently, the Engineering Department will make this Section III the subject of a separate report to the Commission, in which we shall attempt to summarize the comprehensive evidence given by economic experts and others, concerning market research data and its relation to the coverage of radio stations, as well as facts concerning costs, revenue and other economic factors.

In making this separate report we hope that it will be clearly understood that the Engineering Department feels that the subject matter, by its nature, requires more than engineering consideration, and that therefore we are constrained to confine our efforts to a summary of the facts so as to assist the Commission in its own determination of the weight to be given to these factors in the important policy question involving distribution of radio facilities.

At this time we can state that evidence was given at the October 5 hearing which was intended to show that there were certain economic entities within the borders of this country which may or may not have a definite relationship to the question of coverage of broadcast stations of different classes, and which in turn may or may not lead to some knowledge as to the necessity or lack of necessity of licensing certain classes of stations in any particular community in a manner so as to enable proper coverage and program service.

There was also certain testimony given in the record with respect to the cost involved in the construction and maintenance of various classes of stations, as well as to their revenues, which information, in our opinion, should be of paramount importance in assisting the Commission in arriving at decisions with reference to the details of its specific regulations on any particular matter.

However, in our initial study of these questions, we fail to find a reason why it is not an advantage from all standpoints to so draft the regulations as to permit flexibility in making available suitable facilities in all sections of the country under varying technical and economic conditions, and in this connection it is our opinion that such a procedure will enable the Commission in its detailed consideration of licenses to so control the situation

that the Commission's final determination will be in accord with the broader phases of social and economic laws, and in conformity with sound engineering.

We feel that from an engineering standpoint the allocation system should provide the greatest number of stations so geographically distributed as to make the least wasteful use of the narrow spectrums from 550 to 1600 kilocycles and to the end that the entire public will receive the maximum possible service, both transmission and reception. We feel that in each community or section of the country the transmitting facilities should have sufficient power to render a good service in accord with the determined needs of the community or section of the country. We also feel that the allocation system should provide for facilities that will enable service to be rendered to remote rural areas.

IV. Standards and Methods of Measurement With Respect To

1. *Power.*
2. *Tolerance.*
3. *Field intensity*
4. *Determination of service*
5. *Determination of interference.*

The engineering testimony indicated clearly that the Engineering Department's standards with reference to the various factors mentioned above are sound. We shall include them in the standards of good engineering practice mentioned heretofore.

V. Apparatus Performance Requirements to Be Imposed on Broadcast Stations.

1. Frequency stability.

Engineering testimony indicated that the present standards of frequency stability, namely, 50 cycles tolerance, is capable of being maintained by all stations in the broadcast band 550-1600 kilocycles, and that while many stations maintain better tolerance than 50 cycles, there is no distinct advantage to be gained.

"Zero beat" between all stations on the same channel can be accomplished in practice and while there are methods available to enable such accomplishment, the Engineering Department is of the opinion that it is not practical at this time to change our existing standard of 50 cycles. There was some evidence to the effect that a 17 cycle difference might be useful, but the Engineering Department is not in accord with this suggestion because of the practical difficulties involved in utilizing such a difference, even if it were beneficial, which we do not at this time admit.

2. Antenna efficiency.

No engineering facts were given to indicate that the Engineering Department's standards with respect to antenna efficiency are unsound.

3. Modulation.

No engineering facts were given to indicate that the present engineering requirements as to modulation are unsound. However, evidence showed that certain stations are overmodulated, and that there might be a desirability of requiring broadcast stations to utilize apparatus which will automatically prevent overmodulation. Overmodulation can be the source of much undesirable and objectionable interference. The Engineering Department will include in its standards of good engineering practice some requirements with respect to modulation.

4. Suppression of harmonics.

No evidence was given to indicate that the existing requirements with respect to harmonics are unsound. The Engineering Department feels that while it may be desirable to increase the restrictions with respect to harmonics, it is not practicable to do so at this time.

5. Fidelity of transmission.

This subject is interrelated with the subject of desired to undesired ratios, mentioned heretofore with respect to the January conference to be held by the Engineering Department. It is possible that after that date the Engineering Department will have some recommendations to submit.

6. Transmitter Location.

This subject is interrelated with that of the proper definition of blanketing signal, which will be discussed at the January engineering conference, and recommendations will be submitted subsequent to that time.

VI. Effect of Any Proposals Regarding the Foregoing Subjects.

1. Socially and economically, upon the public and the industry.

The four subjects on which there was the greatest difference of opinion at the hearing were (a) allocation of frequencies to special groups; (b) the use of powers of 500 kw. or greater; (c) horizontal increase in power on existing stations operating simultaneously at night on the same channel and (d) duplication of station frequency assignments on existing clear channels.

- (a) With respect to the allocation of frequencies to educational groups, the latter indicated that they recognize the limitations of the existing band 550-1600 kc., and they had no engineering suggestions to offer. Solely from a technical standpoint and based upon the engineering evidence at the hearing concerning the propagation qualities of frequencies and the performance of various radio stations, the Engineering Department feels that to allocate a "block" of frequencies in the band 550-1600 kc. to any special group would be unsound engineering and would limit the service which can be rendered to the public within the broadcast band 550-1600 kc. both by the special group as well as by all others.

It is the opinion of the Engineering Department that the band 550-1600 kc. is too small a band with which to solve the perplexing engineering problems presented by such special groups, and that resort must be had to the ultra high frequencies if the problems of these groups are to be solved by the use of sound engineering. Consequently, the Engineering Department feels that the suggestions of some of the educational groups with respect to the ultra high frequencies deserve the consideration of the Division.

In submitting these statements, we do not make at this time any recommendations or any suggestions which deal with the desirability or undesirability from a policy or licensing standpoint of assigning frequencies to any special group, because we believe that is not the function of this Department, but the sole responsibility of the Commission.

The Engineering Department feels that if there were imposed a requirement to allocate broadcast facilities within the narrow band 550-1600 kc. to special groups particular care must be taken to avoid unsound engineering. From an engineering standpoint, each frequency within the band should be utilized geographically in such a manner that it is available for rendering good service to a large portion of the public and not used technically so as to limit the total availability of the band by wasteful engineering methods.

It is possible that the inherent technical limitations in the band 550-1600 kc. are so restrictive as to make the question of allocation of frequencies to special groups a subject of administrative action other than allocation engineering in the band 550-1600 kc.

- (b) With reference to the use of 500 kw. power, the technical aspects of this subject have been discussed previously in this report. We feel that recommendations covering social and economic factors relating thereto are not within the province of the Engineering Department.
- (c) The question of increased power for regional and local stations likewise has some economic features, but in this connection the Commission is of course aware of the fact that the relative increase in power of these classes of stations does not present the same contract as does the question of 500 kw. power for a few stations, and of course if the Commission proceeds on an evolutionary basis, by voluntary action on the part of the licensees, the economic and social consequences involved in increasing power of these classes of stations could be under control.

Naturally, there is a cost factor involved in any increase of power, because in many instances it requires additional apparatus, but from the standpoint of individual stations the question of whether or not the cost is insurmountable can be determined by consideration of the individual cases upon their engineering and economic merits as well as upon other evidence involving public interest.

- (d) In the matter of the duplication of some of the existing assignments on clear channels, the Engineering Department feels that if sound engineering is applied in each individual case, as well as consideration given to other important factors upon their individual merits, the Commission could in all probability accomplish an evolutionary im-

provement in broadcast service to the public in every section of the country.

2. *Internationally, upon the use of the band 550-1600 kc. by other countries in North and Central America.*

The testimony given with respect to the use of the band 550-1600 kc. by other countries in North and Central America was not gone into thoroughly at the October 5 hearing for obvious reasons. Nevertheless, the Commission is aware of the situation with respect to these nations. It is the opinion of the Engineering Department that if the United States should proceed with the technical improvements suggested in this report, this country should, in all probability, be in a more sound position with reference to our negotiations with other nations on this continent.

3. *Upon possible future use of frequencies in the bands 6000-30,000 kc. and in the band above 30,000 kc. for broadcasting.*

With reference to the effect upon the possible future use of frequencies in the band 6000-30,000 kc. and in the band above 30,000 kc., there was some testimony which indicated that if the industry by reason of competitive factors, should be forced to expend huge sums of money in improving facilities in the band 550-1600 kc., there might be some slowing up in the development of other broadcasting frequencies. However, evidence to the contrary was expressed by other groups which indicated that the industry could bear both expenses.

It is the opinion of the Engineering Department that in so far as frequencies between 6000-30,000 kc. are concerned, the technical limitations relative to the use of additional frequencies in this band, combined with the great demand therefor by other nations, create a situation wherein the industry as a whole would not be greatly embarrassed by the lack of funds to develop these few channels, and that this nation is capable of handling this situation without any regard to the effect improvements in regular broadcast band may or may not have thereon.

Regarding the use of frequencies above 30,000 kc., on which will appear television, the Engineering Department feels that while there may be some inability on the part of some of the existing licensees or broadcasters to finance improvements in existing broadcast facilities in the band 550-1600 kc., there was sufficient evidence at the hearing to indicate that others were capable of financing improvements in the existing structure as well as to finance heavily the development of television. The Engineering Department sees no valid reason why needed improvements in the existing broadcast structure should be withheld from the public by reason of the possible future development of television, particularly in view of the evolutionary character of such regular broadcast improvements. However, this is a matter which is of concern to the Commission as a matter of policy, and hence we are not making any specific recommendations in this matter.

4. *Probable effects of the recommendations of the Engineering Department if same are approved by the Broadcast Division.*

We believe that, while the Engineering Department may be qualified from a technical standpoint, for us to wander afield is fraught with some peril. Nevertheless, we feel that since economies, social requirements and allocation engineering are so closely related in broadcasting, the Commission is entitled to our opinion of the possible effect of our own engineering recommendations.

First, we feel that if our recommendations are approved there will result an evolutionary technical improvement of broadcasting service to the public.

Second, it is our opinion that within the limitations inherent in the narrow frequency band 550-1600 kc. the resultant technical improvements in the broadcast structure will permit the maximum service to the greatest number of the public.

Next, it is our opinion that through flexibility in the details of

the regulations and with the evolutionary procedure recommended for accomplishing the technical improvements, the Commission can exercise continuous control to prevent a radical upheaval which would affect program service to the public.

It is also our opinion that with the policy of voluntary action on the part of licensees or applicants, the Commission can avoid the dire consequences of imposing costly burdens where economic justification may be lacking.

If the Commission keeps itself informed of the social and economic trends underlying the broadcast industry and will judge each individual case on its merits, bearing in mind the economic effect of granting of any applications on the broadcast service to the public, the Commission will be able to proceed judicially and wisely in improving service to the public.

All items in the proposed regulations involving direct cost to existing licensees are those pertaining to possible increases in kilowatt power. If the Commission in acting upon individual applications is assured that the applicant has the funds, that there is valid need for increasing power, and that there is evidence of continued financial support for the station, there need be no fear of the discontinuance of service to the community in which the station is located.

As to the indirect effect of competition on the costs involved in power increases or from additional stations, the Commission will be guided solely by the facts in each case and the resulting determination of what is in public interest.

We feel that with the evolutionary procedure recommended there is no valid reason to believe that needed improvements of broadcasting service in the band 550-1600 kc. will retard proper development of broadcasting in other bands by reason of lack of funds to finance such development. It is our belief that the public needs improved service in the band 550-1600 kc. and that when this be accomplished the industry will be in a better position to handle the newer developments which are certain to come when and if there is a public demand and an economic justification therefore.

In conclusion, it has been the objective of the Engineering Department to recommend such changes in the Rules and Regulations pertaining to broadcasting in the band 550-1600 kc. that will result in the accomplishment of the following:

- (1) The maximum availability in all sections of the country of broadcast facilities both of transmission and reception, having proper regard for the inherent technical limitations imposed by the narrow band of frequencies between 550 and 1600 kc.
- (2) From a technical standpoint, an improved service to the public consistent with sound engineering principles and abreast technical progress in the art.
- (3) The possibility for the Commission to secure greater freedom of action in determining the correlation between the technical, economic and social factors of broadcasting.
- (4) An improvement in broadcast service to the public where needed and where economically justified through voluntary evolutionary action on the part of the entire broadcast industry including both those who operate or manufacture for profit as well as those who do not operate stations for profit.
- (5) Rules and Regulations which are in accord with existing practical conditions.
- (6) An opportunity for all existing licensees, particularly low power "local" stations, to improve service to the public.

T. A. M. CRAVEN,
Chief Engineer,
A. D. RING,
Assistant Chief Engineer.

January 11, 1937.

The National Association of Broadcasters

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

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NAB PRESIDENT ATTENDS SALES MEETING

C. W. Myers (KOIN-KALE) Portland, Oregon, attended the sales managers meeting in Chicago this week. Other officers in attendance included Arthur B. Church (KMBC), and John Patt (WGAR), director, H. K. Carpenter, Chairman of the commercial section and James W. Baldwin, managing director.

SALES MANAGERS MEET

More than 80 sales executives attended the meeting of the sales managers division this week (January 18 and 19) at Chicago, Illinois.

The meeting was the culmination of intensive and aggressive work on the part of Buryl Lotteridge (KFAB-KOIL, Omaha) Sales Division Chairman.

The story of the meeting will appear in a subsequent issue of NAB Report and as soon as a transcript of the proceedings is available.

CONNERY RADIO INVESTIGATION

Representative Connery of Massachusetts has introduced a resolution in the House (H. Res. 61) for the appointment of a special committee by the Speaker of the House to make a thorough investigation of radio and radio activities. The resolution, which has been referred to the House Committee on Rules, will be found in full on page 1896.

NEW CALIFORNIA STATION RECOMMENDED

Luther E. Gibson doing business as the Times-Herald Publishing Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Vallejo, Cal. He asked for 1320 kilocycles, 250 watts power and daytime operation.

Examiner John P. Bramhall in Report No. I-335 recommended that the application be granted. He found that there is a need for daytime service in the area proposed to be served. The Examiner discusses interference with various stations and applications already on file with the Commission but found that granting this application would not cause any undue interference either with existing or proposed stations.

SECURITIES ACT REGISTRATIONS

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

- Cinema Magazine, Inc., New York City (2-2746, Form A-1).
- Kentucky Mansion Distillery, Louisville, Ky. (2-2747, Form A-1).
- Davega Stores Corporation, New York City (2-2748, Form A-2).
- United States Potash Company, New York City (2-2749, Form A-2).
- The Indiana Steel Products Company, Chicago, Ill. (2-2750, Form A-2).
- Fairchild Engine and Airplane Corporation, New York City (2-2751, Form A-1).
- National Funding Corporation, Los Angeles, Cal. (2-2752, Form A-2).
- Associated General Utilities Company, Jersey City, N. J. (2-2753, Form A-2).
- Gold Star Radio and Television Corporation, Boston, Mass. (2-2754, Form A-1).
- Oakmere Cemetery Association, Inc., Stapleton, Staten Island, N. Y. (2-2755, Form E-1).
- Manufacturers Trading Corporation, Cleveland, Ohio (2-2756, Form A-1).
- Union Wire Rope Corporation, Kansas City, Mo. (2-2757, Form A-2).
- Belden Manufacturing Company, Chicago, Ill. (2-2758, Form A-2).
- Fontenelle Brewing Company, Omaha, Neb. (2-2759, Form A-1).
- Western Petroleum Company, Aztec, N. M. (2-2760, Form A-1).
- Lyons Finance Service, Inc., Philadelphia, Pa. (2-2761, Form A-2).
- E. L. Bruce Company, Memphis, Tenn. (2-2762, Form A-2).
- Condor Pictures, Inc., New York City (2-2763, Form A-1).
- Panhandle Eastern Pipe Line Company, Kansas City, Mo. (2-2764, Form A-1).
- National Aircraft Company, Los Angeles, Cal. (2-2765, Form A-1).
- Detrola Radio and Television Corporation, Detroit, Mich. (2-2766, Form A-1).
- Kaw-Crow Patricia Gold Mines Limited, Toronto, Canada (2-2768, Form A-1).
- Gateway Patricia Gold Mines Limited, Toronto, Canada (2-2769, Form A1).
- Winoga Patricia Gold Mines Limited, Toronto, Canada (2-2770, Form A-1).
- The Colonial Finance Company, Lima, Ohio (2-2771, Form A-2).
- Diamond T Motor Car Company, Chicago, Ill. (2-2772, Form A-2).
- Southern California Water Company, Los Angeles, Cal. (2-2773, Form A-2).
- Gardner-Denver Company, Quincy, Ill. (2-2774, Form A-2).

RECOMMENDATION FAVORS NEW HONOLULU STATION

The Advertising Publishing Company, Ltd., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Honolulu, Hawaii to use 1370 kilocycles, 100 watts and unlimited time on the air. Also Fred J. Hart applied to the Commission to erect a station at the same place to use 600 kilocycles, 250 watts and unlimited time on the air.

Examiner Robert L. Irwin in Report No. I-336 recommended that the application of the Publishing Company be granted but that of Hart be denied. There is need for additional radio service in the proposed coverage area, the Examiner states. In connection with the application of Hart the Examiner says that he filed it "with the intention of transferring control of any license or permit that might be acquired to parties who are not applicants and who do not appear in this proceeding."

RADIO ADVERTISING BILL

Representative Culkin, of New York has introduced a bill (H. R. 3140) in the House "to prohibit the advertising of alcoholic beverages."

ages by radio, and for other purposes." The bill has been referred to the House Committee on Interstate and Foreign Commerce and will be found in complete text on page 1897.

BROADCAST MEASUREMENTS

The Federal Communications Commission has announced that during the month of December, 613 stations were measured, with 61 not being measured.

Of the number of stations measured the maximum deviation within 0-10 cycles was 497; between 11-25 cycles, 96; between 26-50 cycles, 17; and over 50 cycles 3.

DENIAL OF CHANGES RECOMMENDED FOR WMAS

Broadcasting Station WMAS, Springfield, Mass., applied to the Federal Communications Commission to change its frequency from 1420 to 560 kilocycles; its power from 100 and 250 watts LS to 1,000 watts; and to leave its hours of operation at unlimited as at present.

Examiner Melvin H. Dalberg in Report No. I-339 recommended that the application be denied. He states that "the granting of this application would result in causing severe objectionable interference to Station WDEV in the late afternoon hours. In view of the use of the directive antenna proposed by the applicant, no interference would occur to Station WFIL, but serious objectionable interference would be caused to the applicant by Station WFIL at night."

SCOTT RADIO BILLS

Representative Scott of California has introduced three radio bills in the House (H. R. 3033, 3038 and 3039) all of which are amendments to the Communications Act of 1934. They were all referred to the House Committee on Interstate and Foreign Commerce and will be found in full beginning on page 1896 of this issue.

ELECTRICAL EXPERT NAMED

Appointment of John H. Payne as Chief, Electrical Division, Bureau of Foreign and Domestic Commerce, succeeding Andrew W. Cruse who recently resigned, has been announced by Daniel C. Roper, Secretary of Commerce.

This appointment was the result of harmonious collaboration between the electrical industry and the Administration, and was preceded by a number of conferences of officials of the Department of Commerce and leaders in the electrical equipment and allied products industry, in which the selection of a person to fill the position was discussed.

Born in Titusville, Pennsylvania, Mr. Payne attended the Fostoria, Ohio, high school, and was later graduated from the Armour Institute of Technology, Chicago.

For fifteen years he has been connected with the Westinghouse Electric Company in representative and executive capacities. He has resigned from the service of that organization to enter upon his new duties with the Federal Government.

Mr. Payne brings to his new position the experience gained by 25 years of active service in various phases of the electrical industry, 12 years of which were devoted to the development and handling of export business.

NEW MICHIGAN STATION RECOMMENDED

The Port Huron Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Port Huron, Mich., asking to use 1370 kilocycles, 250 watts and daytime operation.

Examiner John P. Bramhall in Report No. I-338 recommended that the application be granted. He found that the applicants showed a definite need for daytime service in the area proposed to be served. He recommended that the application be granted and that it be conditioned "upon the selection of an approved site."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3031. The Great Atlantic and Pacific Tea Company, owner and operator of more than 14,000 retail grocery stores, is charged with violation of the Robinson-Patman Anti-Price Discrimination Act, in a complaint. The complaint specifically alleges that The Great Atlantic and Pacific Tea Company, by accepting allowances or discounts in lieu of brokerage from certain corporations, firms and individuals from whom it purchases merchandise, has violated section 2 (c) of the Act, which provides:

"That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid."

Among the numerous corporations, firms and individuals from which the respondent corporation allegedly accepts discounts and allowances, the following are named in the complaint:

Alton Canning Co., Inc., Alton, N. Y.; Fred B. Huxley, trading as F. B. Huxley & Son, Alton, N. Y.; The H. J. McGrath Co., Baltimore; H. C. Roberts, trading as W. H. Roberts & Co., Baltimore; R. J. Peacock Canning Co., Luhec, Me.; Phillips Packing Co., Inc., and Phillips Sales Co., Inc., Cambridge, Md.; and Phillips Commission Company of Maryland, Inc., Baltimore.

The respondent corporation is allowed 20 days from the service of the complaint to file answer to the charges contained therein.

No. 3032. Biddle Purchasing Co., 107 Chambers St., New York City, operating market information and purchasing services, and 13 companies engaged either in buying or selling foodstuffs and groceries through the Biddle Company, are named respondents in a complaint, charging violation of section 2 (c) of the Robinson-Patman Anti-Price Discrimination Act, which provides:

"That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid."

Respondent companies classified in the complaint as buyers are:

General Grocer Co., 301 South 8th St., St. Louis, Mo.; Smart & Final, Ltd., 315 Marine Ave., Wilmington, Calif.; The Eavey Co., Xenia, O.; Michigan Trading Corporation, 140 12th St., Detroit; C. G. Meaker Co., Inc., 139 Wall St., Auburn, N. Y.; Middendorf & Rohrs, a co-partnership composed of Peter and John Rohrs, 3 Little West 12th St., New York City, and Koll Grocer Co., Owensboro, Ky.

Respondent companies designated as sellers are:

Dannemiller Coffee Co., 116-39th St., Brooklyn; Colonial Molasses Co., Inc., 616 Kent Ave., Brooklyn; Albert Dickinson Co., 2750 West 35th St., Chicago; Ervin A. Rice Co., 2230 South LaSalle St., Chicago; Cava Packing Co., Salinas, Calif., and Godchaux Sugars, Inc., Masonic Temple Building, New Orleans.

No. 3033. Use of unfair trade practices in connection with the sale of soap, which it represents to be olive oil Castile and of Spanish or Italian origin, when such is not a fact, is alleged in a complaint issued against **Babiglo Company, Inc.,** 37 West 20th St., New York City.

The respondent company, the complaint charges, purchases soap for resale, and brands it with designations which are said to represent, and to lead purchasers to erroneously believe, that it is made wholly or predominantly of imported Spanish olive oil, or is a Spanish product made of olive oil, or is of Spanish or Italian origin.

According to the complaint, such representations are false, and the brands advertised and sold as "Castile Soap" made of imported oil are not manufactured, as claimed, from olive oil, but are highly adulterated soaps, saponified and mixed with other oils and fats, having for their fatty base large percentages of coconut oil,

palm kernel oil and tallow, containing either a small percentage of olive oil or none at all.

No. 3034. Alleging unfair trade representations in the sale of pencils, a complaint has been issued against **United States Pencil Co., Inc.**, 487 Broadway, New York City.

Selling to jobbers, retailers and others, the respondent company is alleged to have advertised "High quality pencils at a tremendous saving," specifying that the regular \$5 grade was being offered, at \$2.75 per gross or "A 5¢ pencil at less than 2¢ each."

The complaint charges that the products thus advertised were not of a regular \$5 grade, but of a less expensive grade sold at a lower price, and that other articles offered by the respondent company as "free" with an order for pencils, were not given free but the cost was included in the price paid by purchasers of the pencils.

No. 3036. Charging unfair competition in the sale of fur products, a complaint has been issued against **Benjamin Tucker**, 194 Livingston St., Brooklyn, N. Y., trading as **Ben Tucker's and Hudson Bay Fur Co.**

Furs and fur coats were represented by Tucker as "Beaver," "Hudson Seal," "Mink Marmot" and by other similar names when, according to the complaint, such garments were made from furs and skins other than and in many cases inferior to those of the seal, beaver and mink.

Other similar misrepresentations were alleged, and in certain advertisements the respondent is said to have used various names of furs without qualifications of any kind. In other advertisements, he allegedly used the qualifying words "dyed coney," "dyed muskrat" or "processed lamb," in footnotes purporting to refer to the fur coats described in the advertisements but in such small type as to be practically unreadable, and not in close proximity to the fur designations set out.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1724. **Voneiff, Drayer Co.**, 1606 Harford Ave., Baltimore, has been ordered to cease and desist from selling candy so packed and assembled that sales to ultimate purchasers are made by means of a lottery, gaming device or gift enterprise.

The order also prohibits placing in the hands of wholesalers and jobbers, packages of candy which may be used without alteration to conduct a lottery or gift enterprise, and bars the packing or assembling in the same packages of uniform sized candies having different colored centers, together with larger pieces of candy, which larger pieces are to be given as prizes to the purchaser procuring a piece of candy with a center of a particular color.

No. 1846. Under a stipulation entered into, **William A. Buckner** and **Harry E. Cleason**, trading as **Buckner Manufacturing Company**, 1615 Blackstone Ave., Fresno, Calif., have agreed to discontinue advertising that the Buckner snap valve, which they manufacture and sell in interstate commerce, is the original or only snap valve on the market, or the first quick-coupling valve.

According to the stipulation, there were other snap valves on the market both before and at the time the Buckner Manufacturing Company advertised its product as the first and only such valve.

Nos. 1874 and 1876. **C. DeWitt Lukens Surgical Supply Co.**, 4908 Laclède Ave., St. Louis, trading as **Duray Chemical Co.**, and **Percy LeMon Clark, Jr.**, and **Philip A. Lieber**, 310 South Michigan Ave., Chicago, trading as **Cervicol Laboratories**, agree to stop unfair representations in the sale of products said to be contraceptives. The Chicago firm will also cease use of the word "laboratories" as part of its trade name under which to carry on its business, when in fact it does not own or control laboratories, and will ban use in advertisements of a fictitious portrait with or without a fictitious name and the letters "M. D." in a manner implying that the portrait is that of a real individual, that his name is as stated, or that he is a physician, when such are not the facts.

No. 1877. **Canadian Fur Trappers Corporation**, 156 West 34th St., New York, agreed to stop using the words "Canadian" or "Fur Trappers" in any manner so as to imply that it is a Canadian corporation, or is engaged in shooting or trapping fur-bearing animals in Canada or elsewhere, or that it buys its furs from trappers. The corporation also will stop using in radio broadcasts such program titles as "Fur Trappers Dance Period," implying that it is an association of trappers or a direct producer of furs. The corporation further agreed to discontinue describing furs in any other manner than by use of the correct name of the fur as the last word of the description; and when any dye or

blend is used in simulating another fur, that fact shall be made known in the advertising matter.

No. 1878. **Belmont Products Company, Calhoun and Lewis Sts., Fort Wayne, Ind.**, in the sale of flavoring products, stipulated that it would cease using on labels, or in any manner as descriptive of its products, the phrase "Dollar Value," when such alleged valuation is greatly in excess of the actual value and much greater than the price for which the products are sold and intended to be sold in the usual course of trade; and stop employing the same phrase in connection with a suggested retail price of less than \$1, so as to cause the purchaser to believe that the cost has been reduced and that he is obtaining for the lower price a product having a dollar value.

The corporation also will discontinue use of the words "vanilla" or "lemon" to represent products not composed wholly of vanilla or the juice of the lemon. If the products are imitation flavors, and "vanilla" or "lemon" is used to describe them, then such words shall be immediately accompanied by the word "imitation" in type equally conspicuous. The corporation further agreed to desist from use of the words "double strength" or "extra strength" to designate products which are not of double or extra strength.

No. 1880. **Montgomery Ward & Co., Chicago**, in connection with the sale of articles of furniture, signed a stipulation to discontinue using in advertising certain phrases containing some form of the word "vener" to describe products not wholly covered with veneer. However, the stipulation provides that if the articles of furniture are not wholly covered with veneer and the phrases referred to are used to describe them, then the other words of which the exposed surfaces of such products are composed shall be designated in the advertising matter. Use of the words "verified value," to describe products whose value has not been ascertained by an impartial organization, also is to be stopped.

No. 1881. **Purex Corporation, Ltd., 1001 East 62d Street, Los Angeles**, selling "Purex", for dairy and poultry sanitation, agrees to stop advertising that its products has germicidal or disinfectant properties when taken internally by poultry or other domestic animals; that, when used for bathing domestic live stock, it will aid in disinfecting surface cuts or sores and in preventing spread of contagious diseases, and that it is non-poisonous under all circumstances or conditions.

No. 1882. **Albert S. Braaten, 4 4th St., South, Moorhead, Minn.**, trading as **More-X Graphite Co.**, engaged in compounding an auxiliary lubricant with a colloidal graphite base, intended to be added to ordinary lubricating oils and motor fuel oils, agrees to stop advertising that by use of "More-X," friction has or can be reduced as much as 50 per cent, or in any other exaggerated degree not warranted by experiments conducted under scientific test conditions; or that the quantity of oil required to be used can be reduced. The respondent also will stop asserting that wear or repairs are stopped by use of "More-X"; that its use makes it possible for a motor to function for phenomenal lengths of time without damage, with no oil in the crankcase; that "More-X" defies heat and lubricates up to 7500 degrees, and penetrates or adheres to the metal surfaces of motors, or penetrates the pores. The respondent agrees to discontinue use of extravagant and misleading claims of superiority of "More-X" over other similar lubricants.

No. 1883. **Gaylord Manufacturing Co., 1227 Washington Blvd., Chicago**, sells a multiple speed fan having a so-called "purifying" attachment composed of two electrically heated devices which vaporize chemicals introduced into the air current by a circulator. The chemicals, according to the stipulation, consist of chlorine and formaldehyde, the strong order of which is neutralized by perfume.

Use in advertising of the words "air conditioning," either alone or in connection with the word "system," "unit," or "features," so as to imply that the device is capable of performing air conditioning, will be discontinued, as will the use in advertising of the word "sterilizes," so as to imply that the device actually destroys all germs within the space in which it operates. The word "deodorizes" will not be used so as to impart that the device actually destroys or absorbs offensive odors within the space in which it operates.

The respondent company will also discontinue use of the phrase "Freshnd-Aire Alone Accomplishes Cooling Effects of 8 to 10 Degrees Lower Temperatures in Summer," and will eliminate from its corporate name the word "Manufacturing" so used as to imply that the company owns and operates a factory wherein its products are made, when this is not a fact.

No. 1885. **Cooperative Distributors, Inc., 30 Irving Place, New York City**, in the sale of razor blades, agrees to stop advertising to the effect that it made tests of competing razor blades produced by all blade manufacturers in America, and that not one

of such blades was good or dependable. It also agreed to cease employing representations of similar meaning, the effect of which is to unwarrantably disparage the products of competitors. The respondent corporation also agrees to bar use of the advertising assertion that "samples were sent to 1200 shaver-consumers for testing. This time more than 90 per cent reported them eminently satisfactory." This representation, according to the stipulation, exaggerated the percentage of persons reporting, and misconstrued many of their answers.

The respondent corporation agrees to stop using in advertising representations such as that "Blades in some cases were being made purposely bad in order to increase turnover and sky-rocket sales," when, according to the stipulation, this assertion was not warranted by the facts.

No. 2395. Imperial Distillers Co., 12001 East Jefferson Ave., Detroit, has been ordered to cease and desist from representing that it is a distiller of whiskey, gin and other spirituous beverages, when such is not a fact.

Under the order, the respondent corporation is prohibited from representing, through use of the word "Distillers" in its corporate name, on labels, or otherwise, that it is a distiller of spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless it actually does own or operate such a place.

The order excepts from its provisions gin made by respondent through a process of rectification whereby alcohol, purchased but not produced by the respondent corporation, is redistilled over juniper berries and other aromatics.

No. 2397. Banner Distilling Co., 2100 South Morgan St., Chicago, has been ordered to cease and desist from representing that it is a distiller of whiskey, gin and other spirituous beverages, when such is not a fact.

Under the order, the respondent corporation is prohibited from representing, through use of the word "distilling" in its corporate name, on labels, or otherwise, that it is a distiller of spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless it actually does own or operate such a place.

No. 2652. Unfair trade representations in the sale of a reference work and loose-leaf extension service are prohibited in an order to cease and desist issued against **Bernhart P. Holst,** of Boone, Iowa, trading as **Holst Publishing Co.,** and others.

Among practices specifically barred are assertions that a purchaser is being given a set of books free because of his exceptional ability in his chosen trade or profession, when this is not a fact; that the reference work has been substantially enlarged and brought down to date, until and unless such is a fact; and that a person buying the reference work is only paying for an extension service to keep the books up to date, when in fact the price he pays covers the entire set.

The respondents are directed to stop representing that **Bernhart P. Holst,** or any other person, firm or corporation, is a bona fide purchaser for value without notice of the contracts executed by purchasers in buying the reference work and extension service, when such is not a fact.

No. 2855. An order to cease and desist has been issued against **A. O. Leonard, Inc.,** 70 Fifth Ave., New York, directing discontinuance of certain unfair competitive methods in the interstate sale of "Leonard's Ear Oil."

The respondent company is ordered to stop representing that its product is an ear oil or that it has such therapeutic properties as to relieve deafness, and to cease making assertions of similar import and effect.

FTC CLOSES CASES

* The Federal Trade Commission has announced the closing and dismissal of the following cases.

No. 2468. An order has been issued closing the Commission's case against **United Distillers Importers, Inc.,** 1020 West 7th St., Los Angeles. The complaint alleged unfair competition in use of the word "Distillers" in the corporate name and in advertising.

The case was ordered closed because, according to information received by the Commission, the respondent company has not engaged in the liquor business since June 30, 1935, has renewed none of its permits or licenses under either State or Federal governments, and it appears unlikely that the company will resume the acts and practices alleged in the complaint.

No. 2727. The Commission has dismissed a complaint which charged **Nuway Printing Co.,** 12 South Clinton St., Chicago, with unfair competition in the sale of dental record cards.

The respondent company also trades under the name **Professional Record Card Co.**

No. 2918. The Commission has entered an order closing its case against **John D. Myers,** trading as **John Sterling Remedy Co.,** 1600 Bryant Building, Kansas City, Mo., which was charged with unfair competition. The case was closed because the respondent company is no longer in business. The closing order was made without prejudice to the Commission's right to reopen the case should it become advisable.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, January 25.

Monday, January 25

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Eastern Broadcasting Co., Portland, Maine.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Cumberland Broadcasting Co., Inc., Portland, Maine.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Philip J. Wiseman, Lewiston, Maine.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Barnstable Township, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—George M. Haskins, Hyannis, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—James D. Scannell, Lewiston, Maine.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—Arthur E. Seagrave, Lewiston, Maine.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, January 28

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

- Examiner's Report No. I-295:**
- NEW—Metro Broadcasting Co., Los Angeles, Calif.—C. P., 820 kc., 250 watts, limited with WHAS.
- Examiner's Report No. I-300:**
- KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., 1250 kc., 250 watts, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited time.
- Examiner's Report No. I-303:**
- WNRI—S. George Webb, Newport, R. I.—Modification of C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time (requests facilities of WNRI).
- WHTT—The Hartford Times, Inc., Hartford, Conn.—Modification of C. P., 1200 kc., 100 watts, unlimited time (requests facilities of WNRI).
- Examiner's Report No. I-305:**
- NEW—The Pottsville Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

APPLICATIONS GRANTED

- WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted C. P. to install new equipment and vertical radiator.
- KOIL—Central States Broadcasting Co., Omaha, Nebr.—Granted amended C. P. to move transmitter site locally about 1.93 miles; install vertical radiator; change composite equipment; increase day power from 2½KW to 5 KW.
- KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted C. P. to install new equipment and vertical radiator.
- KOBH—Black Hills Broadcast Co., Robert Lee Dean, V.-P., Rapid City, S. Dak.—Granted license to cover C. P. and modifications; 1370 kc., 100 watts, unlimited.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted license to cover C. P. as modified; 890 kc., 500 watts night, 1 KW day, unlimited.

KSCJ—Perkins Bros. Co., The Sioux City Journal, Sioux City, Iowa.—Granted license to cover C. P.; 1330 kc., 250 watts night, day, for auxiliary purposes only.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted license to cover C. P.; 1210 kc., 100 watts, night-day, shares with KFXM.

WGPC—Americus Broadcast Corp., Albany, Ga.—Granted license covering C, P. as modified; 1420 kc., 100 watts, unlimited. The license is granted on a temporary basis subject to decision in case of H. Wimpy requesting facilities of WGPC.

KGCC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted license to cover C. P.; 1420 kc., 100 watts night-day; specified hours.

WATL—J. W. Woodruff, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted modification of C. P. to reduce height of authorized 172-ft. vertical radiator to 145 ft.; install equipment other than that authorized.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Granted modification of license (amended) to delete hours of operation after midnight; erect new vertical radiating system. Application dismissed from hearing docket.

WATR—The WATR Co., Inc., Waterbury, Conn.—Granted renewal of license for the period Feb. 1 to Aug. 1, 1937.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted extension of special experimental authority to operate with 500 KW day and night, using directional antenna at night, for period Feb. 1 to Aug. 1, 1937.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authority to operate unlimited time on 710 kc., 1 KW, for period Feb. 1 to Aug. 1, 1937.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority to operate on frequency 1100 kc., 10 KW, unlimited, with directional antenna night, for period Feb. 1 to Aug. 1, 1937.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authority to operate with 5 KW power, sunset at KPO to 11 p. m., EST, directional antenna system, for period ending Aug. 1, 1937.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to make changes in automatic frequency control apparatus.

KFUO—Evangelical Lutheran Synod of Missouri, Etc., Clayton, Mo.—Granted authority (conditionally) to determine operating power by direct measurement of antenna input.

NEW—Isle of Dreams Broadcasting Corp., Mobile (Miami, Fla.).—Granted C. P. for new experimental high relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

W4XB—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted C. P. to install new equipment; increase power from 250 watts to 5 KW.

W8XHX—The Evening News Asso., Inc., Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station; frequencies 90,000, 100,000, 200,000 and 300,000 kc., 1 watt.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—Granted modification of C. P. for changes in equipment; increase power to 20 KW; extend commencement date to 3-1-37 and completion date to Aug. 1, 1937.

RENEWAL OF LICENSES

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

KFBI, Abilene, Kans.; KMMJ, Clay Center, Nebr.; KSOO, Sioux Falls, S. Dak.; WCBD, Chicago; WDZ, Tuscola, Ill.; WPG, Atlantic City, N. J.; WSPR, Springfield, Mass.; WTAM, Cleveland, Ohio.

SPECIAL AUTHORIZATIONS

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:30 p. m. to 12 midnight, CST, Jan. 28, in order to broadcast the mid-term graduation exercises of Thomas Jefferson Senior High School of Port Arthur.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, during month of February (provided WBBL remains silent) in order to broadcast special programs.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from

6 to 7:30 p. m., CST, nights of Feb. 1, 3, 5, 9, 12, 13, 15, 17, 19, 25 and 26, 1937, in order to broadcast basketball games of Muncie Central High School, Burriss High School of Muncie and Ball State Teachers College; also operate simultaneously with WTRC from 7:30 to 10 p. m., CST, nights of Feb. 14, 21 and 28, 1937, in order to broadcast services of St. Mary's Church of Muncie.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 4 p. m., CST, Feb. 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, 17, 18, 22, 23, 24 and 25; also 2 to 3 p. m., CST, Feb. 12 (provided KGGF remains silent), in order to broadcast special educational programs.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 580 kc., with 1 KW at night, during month of February, 1937, pending filing of and action on license application to cover C. P. for this authority.

APPLICATION DENIED

WSAZ—WSAZ, Inc., Huntington, W. Va.—Denied special temporary authority to operate from 1 to 4 a. m., EST, Jan. 10, 17, 24 and 31, 1937, in order to broadcast regular programs.

SET FOR HEARING

NEW—Anne Jay Levine, Palm Springs, Calif.—Application for C. P. for new broadcast station at Palm Springs, Calif., to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Vancouver Radio Corp., Vancouver, Wash.—Application for C. P. for new broadcast station at Vancouver, Wash., to operate on 880 kc., 250 watts, daytime. Exact transmitter and studio sites and antenna are to be determined with Commission approval.

NEW—Geraldine Alberghane, Pawtucket, R. I.—Application for C. P. for new broadcast station at Pawtucket, R. I., to operate on 720 kc., 1 KW, daytime only. Transmitter site to be determined with Commission approval.

NEW—The Record Publishing Co., Okmulgee, Okla.—Application for C. P. for new broadcast station at Okmulgee, Okla., to operate on 1210 kc., 100 watts, daytime only. Transmitter site to be determined with Commission approval.

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Application for C. P. for new broadcast station at Springfield, Ohio, to operate on 1120 kc., 250 watts, daytime only. Transmitter site to be determined with Commission approval.

NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Application for C. P. for new special broadcast station to be located at Ann Arbor, Mich., originally filed on August 15, 1936, by Waldo Abbot, to operate on 1550 kc., 1 KW, unlimited time. Amended on Sept. 29, 1936, to change name of application from Waldo Abbot, an individual, to Ann Arbor Broadcasting Co., Inc. Transmitter site to be determined with Commission approval.

NEW—W. E. Whitmore, Hobbs, N. Mex.—Application for C. P. for new broadcast station at Hobbs, N. Mex., originally filed on 6-6-36, and amended on 8-26-36 as to frequency and hours of operation and amended on 12-14-36 as to equipment. Application asks for 1500 kc., 100 watts, daytime only.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Hearing before Broadcast Division on application for C. P. to move station locally, exact location to be determined subject to Commission approval, to install new equipment, and increase power from 1 KW to 5 KW, unlimited time.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Hearing before Broadcast Division on application for C. P. to move transmitter site, install new equipment and directional antenna system, and increase power from 1 KW night, 1 KW day, sharing with Station WAWZ, to 5 KW night, 5 KW day, sharing with WAWZ.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Application for C. P. to make changes in equipment and increase power and time of operation from 100 watts, daytime only, to 100 watts night, 250 watts day, unlimited time.

WSPA—Virgil V. Evans, d/b as The Vocie of South Carolina, Spartanburg, S. C.—Application for C. P. (amended 12-16-36) to install new equipment and vertical radiator, change frequency from 920 kc. to 880 kc., and increase power from 1 KW daytime to 5 KW daytime.

KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif.—Application for C. P. (amended 11-25-36) to install new equipment and change frequency from 1210 kc. to 1280 kc.; increase night power from 100 watts to 250 watts, day power from 100 watts to 1 KW, unlimited time.

KFBB—Buttrep Broadcast, Inc., Great Falls, Mont.—Application for C. P. (amended 11-27-36) to install new equipment, move transmitter, site to be determined with Commission approval, change frequency from 1280 kc. to 950 kc.; increase power from 1 KW night, 2½ KW day, to 5 KW, unlimited time. Hearing before Broadcast Division.

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Hearing before Broadcast Division on application for modification of C. P. (amended 12-15-36) to increase night power from 1 KW to 5 KW.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Hearing before Broadcast Division on application for modification of license to increase nighttime power from 1 KW to 5 KW.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Hearing before Broadcast Division on application for modification of license to increase night power from 1 KW to 5 KW.

NEW—Pottsville News & Radio Corp., Pottsville, Pa.—Application for C. P. for new broadcast station at Pottsville, Pa., to operate on 580 kc., 250 watts, daytime only. Transmitter and studio sites and type of antenna to be determined with Commission approval.

NEW—Don M. Lidenton and A. L. McCarthy, d/b as Fields McCarthy Co., Poplar Bluff, Mo.—Application for C. P. for new broadcast station at Poplar Bluff, Mo., to operate on 1310 kc., 100 watts, daytime only.

NEW—Lou Poller, Scranton, Pa.—Application for C. P. for new broadcast station at Scranton, Pa. (amended 12-14-36) to operate on 1370 kc., 250 watts, daytime only. Transmitter site is to be determined with Commission approval.

RULE 175 AMENDED

The Broadcast Division amended Rule 175 to strike the words "consecutive speech" in the last sentence, and substitute therefor the words, "continuous, uninterrupted speech, play, symphony concert or operatic production of longer duration than 30 minutes."

ORAL ARGUMENTS

NEW—Ex. Rep. 1-312: News-Press Pub. Co., Santa Barbara, Calif.—Granted Oral argument to be held Feb. 4, 1937.

NEW—Ex. Rep. 1-323: Voice of Greenville, Greenville, Tex.—Granted oral argument to be held Feb. 25, 1937.

NEW—Ex. Rep. 1-325: The Times Pub. Co., St. Cloud, Minn.; and NEW—Michael F. Murray, St. Cloud, Minn.—Granted oral argument to be held Feb. 25, 1937.

WOAI—Ex. Rep. 1-337: Southland Industries, Inc., San Antonio, Tex.—Granted oral argument to be held Feb. 25, 1937.

NEW—Ex. Rep. 1-329: Bayou Broadcasting Co., Houston, Tex.—Granted oral argument to be held March 4, 1937.

NEW—Ex. Rep. 1-330: Brownwood Broadcasting Co., Brownwood, Tex.—Granted oral argument to be held March 4, 1937.

KIT—Ex. Rep. 1-311: Carl E. Haymond, Yakima, Wash.—Granted oral argument to be held Feb. 25, 1937.

MISCELLANEOUS

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Directed that modification of license to increase power to 1 KW night and day be issued WMCA in conformity with action of the Broadcast Division of Sept. 22, 1936, inasmuch as station has complied with the proviso contained in that authority regarding installation of directional antenna for use day and night.

Montgomery Broadcasting Co., Montgomery, Ala.—Denied in toto petition asking Commission to remand Docket No. 3982 to the Examiner with directions that Examiner's Report No. 1-324 be rewritten in the light of depositions excluded by the Examiner or to reopen hearing and allow the retaking of said depositions. Examiner's Report No. 1-324 is based on the application of John S. Allen and G. W. Covington, Jr., Montgomery, Ala., for a C. P. to erect station to operate on 1210 kc., 100 watts, daytime.

NEW—F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Denied petition asking Commission to reconsider and grant without hearing application for C. P.

to erect a new radio station to operate on 1200 kc., 100 watts, daytime. Hearing on this application is scheduled for Feb. 8, 1937.

NEW—Ferris Hodge et al., d/b as Lenawee Broadcasting Co., Adrian, Mich.—Denied petition asking Commission to dismiss application for permit to erect and operate a new radio broadcasting station at Adrian, Mich., on frequency 1440 kc., power 250 watts day only, and to cancel order for the taking of depositions in Adrian pursuant to such application.

NEW—Ex. Rep. 1-261: Earl Weir, St. Petersburg, Fla.—Granted petition of station WSUN, Clearwater, Fla., to remand application of Earl Weir for C. P. to operate on 1370 kc., 100 watts, unlimited (site to be determined), to the Examiner for further hearing on finances and need.

In the case of WOL, American Broadcasting Company, Washington, D. C., the effective date was extended to January 27, 1937. Under this decision WOL was granted permission to move transmitter from 1111 H St., N. W., Washington, to about ½ mile east Riggs and Iager Roads, Md.; change frequency from 1310 kc. to 1230 kc.; increase power from 100 watts to 1 KW, unlimited time (directional antenna); and make changes in equipment.

APPLICATIONS DISMISSED

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

KUOA—KUOA, Inc., Siloam Springs, Ark.—Modification of C. P., 1260 kc., 5 KW, daytime and midnight to 6 a. m.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Modification of license, 920 kc., 500 watts, unlimited.

WBNO—J. E. Richards, John R. Maddox, and Edw. R. Musso, New Orleans, La.—C. P., 1500 kc., 100 watts, unlimited.

In the following case, the Commission, in the Broadcast Division meeting of January 12, 1937, denied the petition of this applicant requesting reinstatement and request for dismissal without prejudice; the application is therefore dismissed with prejudice.

NEW—S. H. Patterson, Denver, Colo.—C. P., 1570 kc., 1 KW, unlimited.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted extension of program test period 30 days from Jan. 6.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted extension of program test period 30 days from Jan. 10.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted authority to extend program test period 30 days.

WIEF—Miami Broadcasting Co., Inc., Miami, Fla.—Granted authority to operate as licensed for additional period of 30 days beginning Jan. 15 to Feb. 15, inclusive, for relay broadcast descriptions of Miami from Blimp *Puritan*.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, Jan. 23, 24, 30, 31, 1937, and from 8:30 a. m. to 10 a. m., EST, Jan. 24, 31, 1937, in order to broadcast religious, sports and other programs of special local interest (provided WSVS remains silent).

W10XDX—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate licensed mobile relay broadcast station experimental on frequencies 38900, 39100, 39300, 39500 kc. in addition to authorization contained in present license, on Jan. 14 and 21, for Inaugural Ceremonies.

W10XAH—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate a licensed relay broadcast (mobile) experimental station on frequencies 38900, 39100, 39300, 39500 kc. in addition to the authority contained in present license, on Jan. 14 to 21, 1937, for purpose of describing Inaugural Ceremonies.

W10XV-W10XDY-W10XDZ—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate a licensed relay broadcast (mobile) experimental station on frequencies 38900, 39100, 39300, 39500 kc. in addition to the authority contained in present license, on Jan. 14 to 21, 1937, for purpose of describing Inaugural Ceremonies.

In the matter of the applications of Miles J. Hansen, Fresno, Calif., for C. P., Julius Brunton & Sons Co., Fresno, Calif., for C. P.,

on which an order was heretofore entered on November 17, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

The Broadcast Division granted petition of Cherry and Webb Broadcasting Co. (WPRO), Providence, R. I., to intervene in the proceedings upon the application of the Bay State Broadcasting Corp., Docket 4128.

The Broadcast Division granted petition of the Woodmen of the World Life Ins. Asso. (WOW), Omaha, Nebr., to intervene in the hearing of the application of Central States Broadcasting Corp. for a new station at Council Bluffs, Iowa, Docket 4179.

The Broadcast Division granted petition of Portland Broadcasting System, Inc., to intervene in the hearing on application of Cumberland Broadcasting Co., Inc., for a new station at Portland, Maine, Docket No. 2929.

The Broadcast Division, upon its own motion, directed that the oral argument now scheduled for Feb. 4, 1937, upon the applications of KVOB, Inc., for renewal of license, and for transfer of control, be postponed until Feb. 18, 1937, and argument relative to the applications of the Bellingham Pub. Co. for C. P., and Gomer Thomas for C. P., be scheduled for Feb. 18, 1937, also.

The Broadcast Division waived Rule 104.6 (b) and accepted the answer by Intermountain Broadcasting Corp. relative to the proceedings upon the application of WATR Co., Inc., for C. P., Docket 4292.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. 1-227: J. T. Bilben and N. G. Barnard, Walker, Minn.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time. Examiner John P. Bramhall sustained. Order effective Feb. 23, 1937.

WMFF—Ex. Rep. 1-294: Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted modification of license to change hours of operation from daytime to unlimited, using 100 watts power after sunset; 1310 kc., 250 watts day, 100 watts night. Examiner R. H. Hyde sustained. Order effective Feb. 23, 1937.

NEW—Ex. Rep. 1-308: Struble, Strong & Fagan (Carl C. Struble, Curtis T. Strong and Jane M. Fagan), The Dalles, Ore.—Dismissed with prejudice application for C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner J. P. Bramhall sustained.

APPLICATIONS RECEIVED

First Zone

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, 600 Conn.—Voluntary assignment of license from The Southern Connecticut Broadcasting Corporation to The Yankee Network, Inc.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—780 Modification of license to change name from Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.

NEW—New England Radio Corp., Bridgeport, Conn.—Construction 1190 permit for a new station to be operated on 1420 kc., 100 watts, daytime. Amended to make changes in equipment, change requested frequency from 1420 kc. to 1190 kc., power from 100 watts to 250 watts, hours of operation from daytime to limited time (all daytime hours and night to local sunset at San Antonio, Tex.). Contingent upon WATR being granted 1290 kc.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Voluntary 1410 assignment of license from Bay State Broadcasting Corporation to The Yankee Network, Inc.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—License to 1410 cover construction permit (B1-P-1212) as modified for new equipment.

W10XV—National Broadcasting Co., Inc., Portable and Mobile.—Construction permit to make changes in equipment and increase operating power to 25 watts.

W10XCH—National Broadcasting Co., Inc., Portable and Mobile.—Construction permit to make changes in equipment and increase operating power to 25 watts.

W10XCG—National Broadcasting Co., Inc., Portable and Mobile.—Construction permit to make changes in equipment and increase operating power to 25 watts.

W10XED—National Broadcasting Co., Inc., Mobile.—Construction permit to make changes in equipment and increase power to 25 watts.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new low frequency relay broad-

cast station on 1646, 2090, 2190 and 2830 kc., 50 watts power.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—License to cover the above.

NEW—Columbia Broadcasting System, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station on 31600, 35600, 38600, 41000 kc., 100 watts power.

Second Zone

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—550 Extension of special experimental authorization to operate with power of 1 KW from 3-1-37 to 9-1-37.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, 610 Ohio.—License to cover construction permit (B2-P-1364) for move of transmitter and installation of new transmitter and antenna.

NEW—The Ohio Broadcasting Company, Steubenville, Ohio.—780 Construction permit for a new broadcast station to be operated on 780 kc., 250 watts power, daytime operation.

WTAR—WTAR Radio Corp., Norfolk, Va.—License to cover construction permit (B2-P-1073) for changes in auxiliary equipment.

NEW—Leonard A. Versluis, Grand Rapids, Mich.—Construction 830 permit for a new station to be operated on 830 kc., 500 watts power, daytime operation.

NEW—The Ohio Broadcasting Co., Marion, Ohio.—Construction 880 permit for a new broadcast station to be operated on 880 kc., 250 watts power, daytime operation.

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for a 880 new broadcast station to be operated on 880 kc., 1 KW, unlimited time. Amended: For approval of transmitter site on Rockside Road, 1/2 mile east of Canal Road, Valley View Village, near Cleveland, Ohio, and for approval of directional antenna for use at night.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—License 1310 to cover construction permit (B2-P-1333) for new equipment.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—1310 License to cover construction permit (B2-P-1062) for new antenna and move of transmitter.

NEW—The Ohio Broadcasting Co., East Liverpool, Ohio.—Construction 1350 permit for a new broadcast station to be operated on 1350 kc., 250 watts power, daytime operation.

NEW—Valley Broadcasting Co., Youngstown, Ohio.—Construction 1350 permit for new station to be operated on 1350 kc., 1 KW power, unlimited time. Amended to install directional antenna for night use, give studio site as Youngstown, Ohio, and for approval of transmitter site at Lake Park Road and Shields Road, Youngstown, Ohio.

NEW—The Ohio Broadcasting Co., Salem, Ohio.—Construction 1420 permit for a new broadcast station to be operated on 1420 kc., 100 watts power, daytime operation.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification 1420 of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.

W8XKJ—Radio Air Service Corp., Mobile.—License to cover construction permit for a new high frequency relay broadcast station.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—WGAL, Inc., Lancaster, Pa.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—Radio Air Service Corp., Cleveland, Ohio.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 50 watts.

Third Zone

NEW—Carolinas Radio, Inc., Charlotte, N. C.—Construction 880 permit for a new station to be operated on 880 kc., 500 watts, 1 KW day, unlimited time.

WMFN—Attala Broadcasting Corp., Grenada, Miss.—Modification 1210 of construction permit (B3-P-829) for new equipment and move of transmitter, requesting extension of completion date from 1-28-37 for ninety days.

NEW—Archie E. Everage, Andalusia, Ala.—Construction permit 1310 for new station to be operated on 1420 kc., 100 watts night, 250 watts day power, unlimited time. Amended to change requested frequency from 1420 kc. to 1310 kc.

- NEW—G. Kenneth Miller, Tulsa, Okla.—Construction permit for a
1310 new station to be operated on 1310 kc., 100 watts power,
unlimited time.
- KGKL—KGKL, Inc., San Angelo, Tex.—Construction permit to
1370 install a new transmitter; make changes in antenna; change
frequency from 1370 kc. to 940 kc., power from 100 watts,
250 watts day, to 1 KW night, 5 KW day; and move trans-
mitter from 50 S. Milton Street, San Angelo, Tex., to site
to be determined, Texas.
- KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—License
1410 to cover construction permit (B3-P-1470) for equipment
changes.

Fourth Zone

- KFEQ—KFEQ, Inc., St. Joseph, Mo.—License to cover construc-
680 tion permit (B4-P-1303) for new equipment.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modifi-
1200 cation of construction permit (B4-P-1054) as modified for
new equipment and move of transmitter, requesting exten-
sion of commencement date from 11-19-36 to 1-18-37 and
completion date from 1-18-37 to 3-18-37.
- KWTN—Greater Kampska Radio Corp., Watertown, S. Dak.—
1210 Construction permit to install a new transmitter, erect a
vertical antenna, change frequency from 1210 kc. to 1340
kc., change power from 100 watts to 500 watts, and move
transmitter from 502 Fifth Street, N. W., Watertown,
S. Dak., to East Shore, Lake Kampska, S. Dak. Requests
frequency of KGDY (subject to KGDY being granted 1210
kc.). Amended to change hours of operation from daytime
to unlimited time, using power of 250 watts night, 500 watts
daytime.
- NEW—Arthur Malcolm McGregor and Dorothy Charlotte Mc-
Gregor (partnership), Mobile.—Construction permit for a
new high frequency relay broadcast station to be operated
on 31100, 34600, 37600, 40600 kc., 10 watts.

Fifth Zone

- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of
590 license to change power from 1 KW night, 5 KW day, to
5 KW day and night.
- NEW—J. Laurance Martin, Amarillo, Tex.—Construction permit
1120 for a new station to be operated on 1120 kc., 100 watts
power, limited time (7 a. m. to 8 p. m.). Amended to change
power from 100 watts to 250 watts, time from limited (7
a. m. to 8 p. m.), to specified hours (7 a. m. to 8 p. m.), and
studio and transmitter sites from 605 East 4th, Amarillo,
Tex., to Amarillo, Tex. (no street address).
- KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to
1370 make changes in equipment; install a vertical antenna; in-
crease power from 50 watts to 100 watts, 250 watts day;
move transmitter and studio from 2814 Rucker Avenue,
Everett, Wash., to studio: Wetmore at Hewitt, and trans-
mitter: Tract "O", Everett, Wash.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modi-
1390 fication of construction permit (B5-P-1516) to install ver-
tical antenna, move of transmitter, further requesting au-
thority to install new transmitting equipment.
- KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig),
1420 San Francisco, Calif.—Construction permit to make equip-
ment changes; install vertical antenna; change frequency
from 1420 kc. to 1370 kc., power from 100 watts to 100
watts, 250 watts day, time from specified hours to un-
limited time (contingent upon KRE's application being
granted for change in frequency from 1370 kc. to 1440 kc.).
- NEW—Ben S. McGlashan, Los Angeles, Calif.—Construction per-
mit for a new high frequency broadcasting station to be
operated on 88000, 120000, 240000, 500000 kc., 500 watts
power.

CONNERY RADIO RESOLUTION

H. Res. 61

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1937

Mr. CONNERY submitted the following resolution; which was
referred to the Committee on Rules and ordered to be printed

RESOLUTION

Whereas the Congress in creating the Federal Radio Commission,
and in enacting the Communications Act of 1934, expressly

reserved to the people of the United States control of all radio
frequencies; and

Whereas, despite this restriction through the leasing of, the pur-
chase of, the affiliating of, the operation of, or, through the
possession of contracts giving to a select few the exclusive right
to use the more desirable time of these radio-broadcasting sta-
tions, there is reason to believe that contrary to the intent and
the spirit, as well as the language of laws in force, a monopoly
exists in radio broadcasting, which radio-broadcasting monopoly
is believed to be profiting illegally at the expense and to the
detriment of the people through the monopolistic control and
operation of all clear-channel and other highly desirable radio-
broadcasting stations; and

Whereas certain types of radio programs which have been broad-
casted are allegedly indecent and contrary to the intent, the
spirit, and the language of laws in force; and

Whereas it is believed that neither public interest, convenience, or
necessity is served by permitting a virtual radio-broadcasting
monopoly to control this property which has been reserved to
the control of the American people; and

Whereas it is contrary to public policy, convenience, or necessity to
allow any private groups to traffic in a property reserved to and
for the people: Therefore be it

Resolved, That a committee of seven Members of the House of
Representatives shall be appointed by the Speaker, which com-
mittee is hereby authorized and directed to inquire into and in-
vestigate the allegations and charges that have been or may be
made relative to irregularities in or pertaining to the monopoly
which exists in radio and the activities and functions carried on
under the Communications Act of 1934 and all matters pertaining
to radio and radio broadcasting; be it further

Resolved, That the said committee shall make a thorough and
exhaustive investigation of all allegations and charges that have
been or may be made in connection with or pertaining to the
monopoly which exists in radio and the activities and functions
carried on under the Communications Act of 1934 and all matters
pertaining to radio and radio broadcasting, and shall report in
whole or in part at any time to the House of Representatives,
together with such recommendations as it deems advisable; and
be it further

Resolved, That for the purpose of this resolution the said com-
mittee is authorized to hold such hearings, to sit and act during
the sessions and the recesses of the present Congress at such times
and places, either in the District of Columbia or elsewhere, and
to employ such expert, clerical, and stenographic services as may
be found necessary and to require by subpoena or otherwise the
attendance of witnesses; to administer oaths; to compel the pro-
duction of books, papers, and documents by Government or private
agencies; and to take and record such testimony as the committee
may deem advisable or necessary to the proper conduct of the
investigation directed by this resolution.

RADIO RECORDS

H. R. 3033

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1937

Mr. SCOTT introduced the following bill; which was referred to the
Committee on Interstate and Foreign Commerce and ordered
to be printed

A BILL

To add section 315 (a) to the Communications Act of 1934.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled*, That the Com-
munications 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 pro-
grams 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 educa-
tional subjects.

"The licensing authority shall make rules and regulations to effectuate this provision."

RADIO CENSORSHIP

H. R. 3038

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1937

Mr. SCOTT introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed

A BILL

To amend section 326 of the Communications Act of 1934.

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

RADIO TIME ALLOTMENT

H. R. 3039

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1937

Mr. SCOTT introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed

A BILL

To amend section 315 of the Communications Act of 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 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 on a nonprofit basis of public, social, political, and economic problems, and for educational purposes. When any such licensee permits any speaker on 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 any 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 licensee 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 refused because of material so broadcast."

CULKIN RADIO ADVERTISING BILL

H. R. 3140

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1937

M. CULKIN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A BILL

To prohibit the advertising of alcoholic beverages by radio, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Act entitled "Communications Act of 1934", approved June 19, 1934, be amended by adding a new paragraph to read as follows:

"No person shall broadcast by means of any radio station for which license is required by any law of the United States or permit any advertisement of, or information concerning, any alcoholic beverage, whether beer, ale, wine, gin, whisky, or brandy, or called by any other name. Any person convicted of violating this section shall be fined not more than \$1,000 nor less than \$500 or imprisoned not more than one year or less than three months, or both, for each day during which the offense occurs."

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

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INCREASED POWER RECOMMENDED FOR WGBI

Broadcasting Station WGBI, Scranton, Pa., applied to the Federal Communications Commission to increase its power from 500 watts to 500 watts nighttime and 1,000 watts until local sunset. The station now operates on 880 kilocycles, sharing time with WQAN.

Examiner John P. Bramhall, in Report No. I-342, recommended that the application be granted. He found that there is need for additional daytime service in the area proposed to be served. He found also that the power increase would be in the public interest.

COMMISSION APPROVES THREE NEW STATIONS

The Federal Communications Commission this week approved three new broadcasting stations. It granted a construction permit for a new station at Corpus Christi, Texas, to the Gulf Coast Broadcasting Company, to use 1330 kilocycles, 250 watts night, 500 watts day, and unlimited time.

Also, the Commission granted a construction permit to C. A. Rowley to erect a new station at Ashtabula, Ohio, to use 940 kilocycles, 250 watts power, and daytime operation.

The Southwest Broadcasting Company was granted a construction permit for the erection of a new station at La Junta, Colo., to use 1370 kilocycles, 100 watts, and unlimited time on the air.

RECOMMENDS NEW TEXAS STATION

The Dallas Broadcasting Company has filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Dallas, Texas.

Examiner George H. Hill, in Report No. I-341, recommended that the application be granted "subject to the selection of an approved transmitter site."

The Examiner states that there is a need for additional radio service in the area proposed to be served and "there appears to be adequate local talent to supply the requirements of the proposed station." He states also that the operation of the proposed station would not cause objectionable interference to any existing station.

NEW CALIFORNIA RADIO BILL

A bill has been introduced in the State Legislature of California by Mr. Patterson, a member, for the construction of two broadcasting stations by the University of California. It has been referred to the Committee on Universities and is as follows:

"The people of the State of California do enact as follows:

"Section 1. The sum of \$500,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to be expended by the regents of the University of California, to provide adequate radio broadcasting facilities for the extension division of the University of California.

"Sec. 2. Out of said appropriation there shall be erected and maintained on the campus of the University of California at Berkeley a 50,000-watt radio broadcast station, and a like station on the campus of the University of California at Los Angeles.

"Sec. 3. The operation of said stations shall be under the supervision and control of the extension division of the university. The division shall prepare and broadcast a curriculum of education beneficial to those citizens who are unable to partake of the benefits afforded by actual attendance at a university. The division shall arrange to broadcast, directly or by remote control from various cities of the State, public debates and discussions on matters of vital interest to the people of the State of California. They may also arrange for the broadcast of such other matters and programs as they shall deem to be of educational or cultural value.

RECOMMENDS MORE TIME FOR KHSL

Broadcasting Station KHSL, Chico, Calif., applied to the Federal Communications Commission for a change in frequency from 950 to 1260 kilocycles, and to change its time from daytime to unlimited. It does not request a change in its 250 watts power.

Examiner R. H. Hyde, in Report No. I-340, recommended that the application be granted. He found that there is need in the area proposed to be served for nighttime service and that such service on the frequency requested would not cause objectionable interference. He states that in his opinion the granting of the application would be in the public interest.

A. T. & T. SUBSIDIARIES' NEW TARIFFS AFFECT LOCAL BROADCASTING

Each associate company of the A. T. & T. has filed a rate schedule with the FCC which is substantially a duplication of the A. T. & T. line charge rate schedule filed with the Commission in September and printed in full in the NAB REPORTS, Vol. 4, No. 48, September 24, 1936. The earlier schedules filed by subsidiary companies became effective December 1, 1936, and the last to be filed went into effect on January 15, 1937. In addition to the various services listed in the A. T. & T. tariffs, schedules of the subsidiary companies provide for a local rate termed Schedule F as follows:

Schedule F.

A—Local Channel

1. Installation charge

- a. For selecting and connecting for all local channels at one time between the same points \$10.00
- b. Block or drop wiring if not in place, per terminal \$ 7.50
- c. For inside wiring when required between drop and broadcasting station or speech input equipment, the charges will be based on the costs incurred.

2. Mileage per channel per one-quarter route mile, per month \$.75

Minimum charge per channel, per month. 2.50

B—Equalization Charge

The charge for equalization will be based upon the work incurred.

Definition of the services offered by the various schedules are listed by the A. T. & T. as follows:

Schedule A provides for the continuous use of program transmission facilities with special operation and supervision, for the high quality transmission of music and speech. This schedule covers the provision of interexchange channel facilities and services, including receiving and transmitting connections.

Schedule B provides for the occasional use of program transmission facilities with special operation and supervision, for the high quality transmission of music and speech. This schedule covers the provision of interexchange channel facilities and services, including receiving and transmitting connections.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Schedule C provides for the continuous use of program transmission facilities, without special operation and supervision, for the medium quality transmission of music and speech. Transmission limitations permit the use of these facilities only over limited distances. This schedule covers the provision of interexchange channel facilities and services, including bridging connections.

Schedule D provides for the occasional use of program transmission facilities, without special operation and supervision, for the medium quality transmission of music and speech. Transmission limitations permit the use of these facilities only over limited distances. This schedule covers the provision of interexchange channel facilities and services, including bridging connection.

Schedule E provides for occasional use of program transmission facilities without special operation and supervision suitable for the transmission of speech only. This schedule covers the provision of interexchange channel facilities and services including bridging connections. The number of stations that may be connected with a Schedule E network is limited by operating and transmitting factors.

Schedule F provides for program transmission facilities within a program transmission area between stations, or between stations and the point of connection with interexchange channels.

Studio-transmitter channels—Program transmission channels for use between the studio and radio station transmitter are not provided under the above schedules. The requirements of such facilities vary widely as between cases, and the channels are provided on a basis to meet the particular requirement of each case.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3035. Operating undertaking establishments under the firm name, **The Greater Chambers Company, William W. Chambers, Washington, D. C.**, is charged in a complaint with using unfair methods of competition in the conduct of his business.

Chambers allegedly advertises that he is "One of the largest undertakers in the world," having "Forty assistants, twenty-five cars, seven chapels, fourteen parlors." According to the complaint, he is not one of the largest undertakers in the world, does not employ 40 persons of the type susceptible of classification as undertakers, assistant undertakers or assistant funeral directors, and does not own or operate the number of cars, chapels or parlors advertised.

Among other representations allegedly made by the respondent Chambers, which the complaint charges are false and misleading, are the following:

That the services, cars, hearses and other facilities he furnishes in connection with the sale of a casket are free; that he renders a \$500 service with every funeral; that his customers receive a \$500 or \$300 funeral for \$265 or \$165, respectively; that the steel vault he sells for \$85 is worth \$150 and is air-sealed, water-proof and air-tight; that it answers the purpose of a \$5,000 mausoleum, and is the finest metal burial vault which can be obtained.

No. 3037. A complaint has been served upon **Civil Employees Training, Inc., Ninth and Chester Sts., Cleveland**, and its officers, alleging use of unfair methods of competition in connection with the sale of correspondence courses of instruction to prepare students for examinations for positions under the United States Civil Service.

The respondent corporation is said to falsely represent through salesmen that it is an agency of the government or connected with the Civil Service Commission, and that its salesmen are in the employ of the government; that a person must take its course of study in order to obtain a government position; that a student will receive a government appointment as soon as the course is completed or within a reasonably short time thereafter, and that Civil Service examinations will be held at definite times stated for the positions desired.

No. 3038. Alleging unfair competition in the sale of poultry, a complaint has been issued against **Allen Poultry Farm and Hatchery, Creston, Iowa**, charging violation of Section 5 of the Federal Trade Commission Act.

Selling baby chicks in interstate commerce, the respondent company is alleged to have advertised that, because of its large hatching capacity, it assures prompt delivery; that it guarantees live delivery of the number of chicks ordered, and that they will be true to type and produced from flocks "blood tested" and culled for disqualifications.

No. 2067. Representations that "Alvita Tea" is a competent cure or remedy in the treatment of any disease or malady are prohibited under an order to cease and desist entered against **California Alfalfa Products Company and Glenn B. Willis, trading as Alvita Products Company, 2573 Bersa St., Pasadena, Calif.**

The principal ingredient of the product is alfalfa which, according to the findings, has no beneficial therapeutic value or effect.

Among the representations specifically banned in advertising matter are that use of "Alvita Tea" will build up vitality, aid digestion, supply nutritional deficiencies, increase the appetite, and cause the user to become strong and robust. Also prohibited is the assertion that the product stands at the head of the vegetable list in mineral and vitamin potency.

No. 2406. Raladam Company, of Detroit, has been ordered to cease and desist from certain misrepresentations in the sale of its product, "Marmola," advertised as a weight-reducing preparation. Such misrepresentations are held to constitute an unfair method of competition in violation of Section 5 of the Federal Trade Commission Act.

Containing as its active ingredient desiccated thyroid made from the thyroid glands of certain food animals, Marmola is said to have been advertised in a manner implying that thyroid deficiency is a common cause of excess fat, that thyroid should be taken for reducing, that "Marmola is for the average case," provides "the right way to reduce," and that "this modern method of reduction is now used by doctors the world over."

Findings in the case, based on distinguished medical and scientific opinion, are that only a small proportion of cases of over-weight result from thyroid deficiency; that in many cases the respondent company's product cannot be safely used, and in any case should be taken only on the advice of a physician.

The order to cease and desist prohibits certain misrepresentations concerning Marmola and its thyroid ingredient and also directs the Raladam Company to discontinue representing that it makes a full and complete disclosure of the properties and effects of Marmola unless and until it does in fact make such disclosures.

Among the representations barred under the order are that thyroid deficiency is a common or the usual cause of obesity or excess fat or that, if a person is over-weight, it is necessarily an indication of thyroid deficiency and that thyroid should be taken for reducing.

The respondent company is directed to cease asserting that all modern physicians use the reducing ingredient in Marmola in the treatment of obesity and that this method of treatment in all such cases is supported by the opinion of science and medicine the world over, or that this treatment is the remedy indicated in and best suited for the great multitude of cases or in the average case, or for all over-weight persons.

The order also prohibits representations that Marmola or its reducing ingredient, thyroid, feeds the thyroid gland, when taken internally, or stimulates or restores it to normal action or removes the cause of excess fat; that a table of average weights for given ages and heights indicates a person's normal or correct weight and that any weight in excess of the average weight so indicated is due to excess fat and should be reduced by taking Marmola.

The respondent company is ordered to cease and desist representing that it makes a full and complete disclosure of the properties and effects of Marmola or its ingredients, unless and until it does in fact make such disclosure, including the following: That desiccated thyroid is a powerful and dangerous drug or product when used internally for reducing purposes, attacking and oxidizing or burning not only fatty tissue, but all bodily tissues; that cases of abnormal excess fat caused by deficiency of the secretion of the thyroid gland are rare and exceptional; that physicians prescribe and recommend the use of thyroid for treating obesity only in cases of actual deficiency of thyroid gland secretion; that in cases of excess fat not caused by thyroid deficiency, thyroid is not usually indicated as a proper treatment, and its use in such cases is apt to be and frequently is harmful to the user's health.

The respondent company is also directed to stop asserting that it makes full disclosure of Marmola's properties and effects, unless it also makes known that many persons are so constituted that they may not use Marmola with safety, and that many bodily conditions, defects and abnormalities render the use of Marmola harmful to the user; that whether or not a person may safely take or use Marmola or desiccated thyroid can only be ascertained

through examination by a competent physician, often to be supplemented by experimental use of the product under medical advice and observation; that Marmola or desiccated thyroid for reducing purposes cannot be used generally for self-medication without possibility of harmful results and that when employed by a person having a deficiency in thyroid gland secretion, desiccated thyroid does not feed or stimulate the thyroid gland, materially increase its activity, tend to restore it to normal condition or thereby tend to remove the cause of obesity or abnormal excess fat, but merely acts as a supplement to secretion supplied by the thyroid gland.

Findings are that Marmola is in competition with all reducing preparations, including the "patent medicine" type and pharmaceutical preparations bought by consumers on their own initiative or on a physician's prescription. Such competing products are said to include various laxative salts, preparations for lessening consumption of fat-producing foods and also books of instruction on diet and exercise for reduction of weight. The findings list 26 competing products.

No. 2488. Consolidated Distillers Corporation, 38 South Calvert St., Baltimore, Md., has been ordered to cease representing through use of the word "Distillers" in its corporate name, or otherwise, that it is a distiller of whiskies, gins, or any other spirituous beverages; that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless and until it does own or operate such a plant.

No. 2716. Under an order to cease and desist, **Neet, Inc.**, 4316 North Kilpatrick Ave., Chicago, is directed to discontinue unfair trade representations in the sale of a depilatory advertised as "Neet."

Among representations to be discontinued are that the preparation is not caustic, that its use discourages the growth of hair and delays its appearance for a material length of time, and that the hair is much slower in returning and regrowing than when it is shaved. These prohibitions are qualified in the order, the findings showing that the product, while not generally caustic, might have a caustic effect under certain conditions, and that the hair may be delayed in reappearing above the skin surface to the extent that the product penetrates below the skin surface in dissolving the hair stalk.

No. 2802. The **I. T. S. Company**, 135 Maple St., Elyria, Ohio, and the **National Federation of Master Shoe Rebuilders**, 1124 Chester Ave., Cleveland, have been ordered to discontinue combining and cooperating to close natural channels of trade to manufacturers and wholesalers of rubber heels and soles who sell to the five-and-ten cent stores. The respondents' activities were found to have resulted in undue restraint of trade in the rubber heel and sole business.

The respondent company and trade association are also directed to stop circularizing the rubber heel and sole industry with literature falsely derogatory to manufacturers and wholesalers who sell to the five-and-ten cent stores, and which designates sources from which information may be obtained disclosing the identity of manufacturers and wholesalers who sell or who do not sell to the five-and-ten cent stores.

No. 2853. An order to cease and desist has been entered against **F. L. McWethy**, 329 Michigan Ave., Marshall, Mich., prohibiting him from representing in advertising matter or in radio broadcasts that "McWethy's Home Treatment," which he sells in interstate commerce, is an effective remedy or a cure for bladder, prostatic, kidney or bowel troubles, and that it reaches all of the underlying causes of such ailments.

Other representations ordered discontinued are that the respondent's preparation will have a beneficial effect upon an acid or rheumatic condition of the blood causing bladder irritations, and that delay in taking the medicine may make it too late for one to treat a bladder ailment effectively.

No. 2922. An order to cease and desist has been issued against **Group Sales Corporation**, 215 West 39th St., New York City, requiring that company to discontinue certain unfair trade representations in the sale of silks, acetates and rayon piece goods in interstate commerce. The respondent company is a jobber and wholesaler.

The order bars representation that certain products it sells are the products of well and favorably known and extensively advertised silk, acetate and rayon manufacturers, when such products are not actually made by such manufacturers. It prohibits use of the names of manufacturers of silk, acetate and rayon as the makers of any of the respondent company's products not actually made by such manufacturers.

FEDERAL TRADE COMMISSION CLOSES CASES

The Federal Trade Commission has announced the dismissal and closing of the following cases:

Nos. 2467-2623-2703 and 2723. Orders have been entered closing without prejudice four cases against wine dealers who had been charged in complaints issued by the Commission with misbranding and false advertising in connection with the sale of their products.

The cases were closed, according to the orders, because the subject matter of the complaints is covered by Regulations No. 4, relating to labeling and advertising of wine, which became effective December 15, 1936, pursuant to the Federal Alcohol Administration Act of August 29, 1935.

Respondents in the cases closed are:

Wines of France, Ltd., 119 West 57th St., New York City, and its agent, **International Champagne Corporation**, 629 Grove St., Jersey City, N. J.; **Joseph Della Monica**, trading as **Delmonico's**, 182 Fifteenth St., Brooklyn; **Wente Brothers**, Livermore, Calif., and **Shewan-Jones, Inc.**, 85 Second St., San Francisco.

No. 2538. The Commission also dismissed a complaint charging **Strutwear Knitting Co.**, 1015 South Sixth St., Minneapolis, with unfair methods of competition in the sale of women's hosiery.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, February 1:

Monday, February 1

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Columbia Radio Co., Inc., Columbia, S. C.—C. P., 1200 kc., 100 watts, unlimited time.
- NEW—Carolina Advertising Corp., Columbia, S. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—C. P., 1480 kc., 5 KW, daytime.
- NEW—Northwestern Publishing Co., Danville, Ill.—C. P., 1500 kc., 250 watts, daytime.
- NEW—Curtis Radiocasting Corp., Indianapolis, Ind.—C. P., 1500 kc., 100 watts, 250 watts LS, specified hours.
- WKBV—Knox Radio Corp., Richmond, Ind.—Modification of license, 1500 kc., 100 watts, unlimited time. Present assignment: 1500 kc., 100 watts, specified hours.

Tuesday, February 2

HEARING BEFORE AN EXAMINER

(Broadcast)

- WMEX—The Northern Corporation, Boston, Mass.—C. P., 1470 kc., 5 KW, unlimited time.

Wednesday, February 3

HEARING BEFORE AN EXAMINER

(Broadcast)

- WCAE—WCAE, Inc., Pittsburgh, Pa.—Renewal of license (and auxiliary), 1220 kc., 1 KW, 5 KW LS; auxiliary, 1 KW day and night, unlimited time.

Thursday, February 4

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-306:

- WKZO—WKZO, Inc., Kalamazoo, Mich.—C. P., 590 kc., 250 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-307:

- NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—C. P., 620 kc., 250 watts, daytime.

Examiner's Report No. I-312:

NEW—The News Press Publishing Co., Santa Barbara, Calif.—
C. P., 1220 kc., 500 watts, unlimited time.

Friday, February 5

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Radio Enterprises, partnership of R. Lacy and J. R. Curtis,
Lufkin, Tex.—C. P., 1310 kc., 100 watts, daytime.

NEW—Red Lands Broadcasting Assn., Ben T. Wilson, Pres.,
Lufkin, Tex.—C. P., 1310 kc., 100 watts, daytime.

NEW—The Waterloo Times-Tribune Publishing Co., Waterloo,
Iowa.—C. P., 1370 kc., 100 watts, daytime.

APPLICATIONS GRANTED

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—
Granted C. P. for changes in equipment.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted C. P. to
move transmitter locally to 231 W. Mich. St., and install
vertical radiator.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—
Granted C. P. for approval of transmitter at E. Shore High-
way and studio at 2337 Shattuck Ave.; install new equip-
ment and vertical radiator.

WMFN—Attala Broadcasting Corp., Grenada, Miss.—Granted
modification of C. P. extending completion date to 4-28-37.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Granted
modification of C. P. as modified extending commencement
date to 1-18-37 and completion date to 3-18-37.

KSUB—Johnson & Perry, Cedar City, Utah.—Granted modifica-
tion of C. P. approving transmitter at W. 2nd South, and
studio at El Escalante Hotel, and install vertical radiator.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted
modification of C. P. to install new equipment.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modi-
fication of C. P. to extend commencement date to 3-1-37
and completion date to 8-31-37.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted
license to cover C. P., 1310 kc., 50 watts, unlimited time.

WAAU—Columbia Broadcasting System, Inc., Mobile (N. Y.).—
Granted license to cover C. P. for new relay broadcast sta-
tion, frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted license to cover
C. P., 680 kc., 2½ KW, daytime only.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted
license to cover C. P., 1210 kc., 100 watts, unlimited time.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted
license to cover C. P., 1370 kc., 100 watts night, 250 watts
day, unlimited time.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to
cover C. P., 780 kc., 500 watts night, 1 KW day, for emer-
gency purposes only.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted
license to cover C. P., 1410 kc., 500 watts, unlimited time.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—
Granted license to cover C. P., 1310 kc., 100 watts night, 250
watts day, unlimited time.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—
Granted modification of license to change name from
Shepard Broadcasting Service, Inc., to The Yankee Network,
Inc.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
Granted modification of license to change name from
Shepard Broadcasting Service, Inc., to The Yankee Network,
Inc.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—
Granted extension of special experimental authority to op-
erate with 1 KW for the period March 1 to Sept. 1, 1937.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted exten-
sion of special experimental authority to operate syn-
chronously with WBBM, Chicago, from local sunset at
Lincoln to 12 midnight, CST, for period Feb. 1, to Aug. 1,
1937.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—
Granted extension of special experimental authority to op-
erate synchronously with KFAB, Lincoln, from local sun-
set at Lincoln to 12 midnight, for the period Feb. 1, to
Aug. 1, 1937.

KRMC—Roberts MacNab Co., Jamestown, N. Dak.—Granted
modification of C. P. approving transmitter site at 1 mile
from center of city, on U. S. Highway No. 10, Jamestown,
N. Dak.; installation of new equipment and vertical radiator,
and increase in day power from 100 watts to 250 watts;
1310 kc., 100 watts night, simultaneous day, share KVOX
night.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport,
Conn.—Granted voluntary assignment of license to The
Yankee Network, Inc.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted
voluntary assignment of license to The Yankee Network,
Inc.

KFPL—C. C. Baxter, Dublin, Tex.—Granted license to cover C. P.
as modified; 1310 kc., 100 watts night, 250 watts day,
unlimited.

WWL—Loyola University, New Orleans, La.—Granted extension
of special experimental authority to operate unlimited time
on 850 kc., with 10 KW, for period Feb. 1 to Aug. 1, 1937.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Present
license extended for period of 3 months.

WWL—Loyola University, New Orleans, La.—Granted extension
of present license for period of 2 months.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—
Granted renewal of license for the period Nov. 1, 1936, to
May 1, 1937.

W10XCC-W10XCH-W10XED-W10XV—National Broadcasting
Co., Inc., Mobile.—Granted C. P. for changes in equipment
and increase in power from 15 to 25 watts.

W2XE—Columbia Broadcasting System, Inc., New York City.—
Granted modification of C. P. extending completion date to
4-28-37.

SET FOR HEARING

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—C. P.
to install vertical radiator at present site; increase night
power from 500 watts to 1 KW (580 kc., 1 KW, day, un-
limited).

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—C. P.
to install new equipment and increase power from 500 watts
to 1 KW.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—
C. P. to move transmitter to East Shore Highway and studio
to 2337 Shattuck Ave. (locally); install new equipment and
vertical radiator; change frequency from 1370 kc. to 1440
kc.; increase power from 100 watts night, 250 watts day,
unlimited, to 1 KW, unlimited.

WSB—Atlanta Journal Co., Atlanta, Ga.—C. P. to install new
equipment and vertical radiator at present transmitter loca-
tion; increase power from 50 KW to 500 KW. To be heard
before the Broadcast Division.

WHIS—Daily Teleg. Printing Co., Bluefield, W. Va.—Modification
of license to increase night power from 500 watts to 1 KW.

WKBH—WKBH, Inc., La Crosse, Wis.—Application for renewal
of license for the period 11-1-36 to 5-1-37; 1380 kc., 1 KW,
unlimited.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School,
Buffalo, N. Y.—Application for renewal of license for period
1-1-37 to 7-1-37; 1370 kc., 50 watts day—8:30 a. m. to 10
a. m., 2 to 3 p. m.

WSAJ—Grove City College, Grove City, Pa.—Application for re-
newal of license for the period 12-1-36 to 6-1-37; 1310 kc.,
100 watts, specified hours—Sunday, 4:30 to 5:30 p. m.; two
days each week, 7 to 10:30 p. m., EST.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dis-
missed at request of applicants:

NEW—Eugene Meyer & Co., d/b as The Washington Post, Wash-
ington, D. C.—C. P., 1310 kc., 100 watts, 250 watts LS, un-
limited.

NEW—Abraham Plotkin, Chicago, Ill.—C. P., 1600 kc., 100 watts,
250 watts LS, unlimited.

SPECIAL TEMPORARY AUTHORIZATIONS

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted ex-
tension of special temporary authority to operate on 1060
kc., with power of 1 KW and limited time, for the period
beginning 3 a. m., EST, Feb. 1, 1937, and ending in no event
later than 3 a. m., EST, Aug. 1, 1937.

RATIFICATIONS

- KWJJ**—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1040 kc.**, limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period beginning 3 a. m., EST, Feb. 1, 1937, and ending in no event later than 3 a. m., EST, Aug. 1, 1937.
- WAAU**—Columbia Broadcasting System, Inc., 485 Madison Avenue, New York, N. Y.—Granted special temporary authority to operate a mobile relay broadcast station on Jan. 26, 1937, in order to broadcast an air show program.
- KTEM**—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to conduct broadcast after stations KFJZ, KONO and KMAC have signed off, in connection with WHAS Louisville flood relief work, for a period from 12 midnight to 6 a. m., CST, Jan. 26 and 27, 1937.
- WMAZ**—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 7:15 p. m., EST, to 12 midnight, Jan. 30, 1937, in order to broadcast the President's Birthday Ball.
- WELI**—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate from 8 p. m. until 12 midnight, EST, Jan. 30, 1937, in order to broadcast the New Haven section Birthday Ball to the President, to be held at the New Haven Armory.
- WTRC**—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 p. m. to 10 p. m., CST, Feb. 5, 6, 12, 13, 19, 20, 26 and 27, 1937, for the purpose of broadcasting Elkhart High School basketball games; also from 7:30 p. m. to 10:30 p. m., CST, Feb. 12, 1937, in order to broadcast a combined Lincoln-Washington anniversary program.
- KFRO**—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (February sunset, 6 p. m.) until 9 p. m., CST, on Sundays, Feb. 7, 14, 21 and 28, 1937; in order to broadcast services of the Kelly Memorial Methodist Church of Longview.
- WJEJ**—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 30 watts from local sunset (5:45 p. m.) to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, during the month of Feb. 1937, pending compliance with Rule 131 on modification of license application requesting this authority.
- WSYB**—Philip Weiss, t/a Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 a. m. to 10 a. m., EST, for period beginning Feb. 1, 1937, and ending in no event later than Feb. 27, 1937, in order to broadcast the Rutland County Community programs.
- WCAX**—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 8 p. m. to 10:30 p. m., EST, Feb. 2, 6, 13; from 10 p. m. to 10:30 p. m., EST, Feb. 5, 12, 19, 26; and from 7 p. m. to 10:30 p. m., EST, Feb. 22, 1937, in order to broadcast University and High School basketball games.
- WTIC**—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate simultaneously with KRLD on frequency of **1040 kc.**, with 50 KW power for period ending Aug. 1, 1937.
- KTHS**—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted extension of special experimental authority to operate on **1060 kc.**, with 10 KW power, simultaneously with WBAL, from 6 a. m. to LS, sharing after sunset (KTHS operates unlimited 8 p. m., to midnight), for the period ending Aug. 1, 1937.
- KRLD**—KRLD Radio Corp., Dallas, Texas.—Granted extension of special temporary authority to operate simultaneously with WTIC, Hartford, Conn., for the period ending Aug. 1, 1937.
- WESG**—Cornell University, Ithaca, N. Y.—Granted extension of special temporary authority to operate on **850 kc.**, daylight to sunset at New Orleans, La., with 1 KW power to period ending Aug. 1, 1937.
- WBAL**—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special temporary authority to operate on **1060 kc.**, with 10 KW power, simultaneously with KTHS from 6 a. m. to sunset at Hot Springs, Ark., and from sunset at KTHS to 9 p. m., EST, unlimited time, and synchronously with WJZ on **760 kc.**, with 2½ KW power, from 9 p. m., EST, to midnight employing directional antenna system for the period ending Aug. 1, 1937.
- WEOA**—Evansville on the Air, Inc., Evansville, Ind.—Granted extension program test period 30 days from January 19, 1937.
- WABG**—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to operate as licensed period 10 days beginning 1-21, for emergency use in connection with flood in vicinity Kennett, Mo.
- KIGA-KABE**—National Battery Broadcasting Co., St. Paul, Mo.—Granted authority operate as licensed period January 24, ending no event later than Feb. 6, relay broadcast St. Paul Winter Sports Carnival.
- WTAG**—Worcester Telegram Publ. Co., Inc., Worcester, Mass.—Granted extension program test period for period of 10 days from January 21, 1937.
- W8XFM-W8XFO-W8XIK**—The Crosley Radio Corp., Cincinnati, Ohio.—Granted authority to operate as licensed for period of 10 days beginning Jan. 18, for emergency use in cooperation with local authorities in connection with Ohio River floods.
- W8XIR**—WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to operate as licensed for an additional period of 30 days beginning January 17 to February 17, relay broadcast interviews with school children.
- W9XLC**—Racine Broadcasting Corp., Racine, Wisc.—Granted authority to operate as licensed on January 31, relay broadcast Racine Ski Club annual Ski Jump.
- Radio Station WPAY**, Portsmouth, Ohio.—Granted authority to operate emergency transmitter **1370 kc.**, 75 watts for general communication purposes and public service in event main transmitter becomes inoperative, for a period not to exceed 30 days in accordance with Rule 23. Station will be held responsible for deviations in excess of 50 cycles from assigned frequency.
- W10XAK-W10XAN**—National Broadcasting Co., Inc., New York, N. Y.—Granted authority to operate as licensed Jan. 22 to 28 incl. in flood area near Hazelton, Ind.
- W10XFR-W10XEB**—National Broadcasting Co., Inc., New York, N. Y.—Granted authority to operate as licensed Jan. 25 to 29, incl. in San Francisco in connection with program inquiring reporter.
- KPPC**—Pasadena Presbyterian Church, Pasadena, Calif.—Granted extension program test period 30 days from Jan. 18, 1937.
- WBNX**—Standard Cahill Co., Inc., New York, N. Y.—Granted authority for WBNX to remain silent for period not to exceed 3 days provided licensed operator cannot be obtained.
- WIEX**—United Air Lines Transport, Inc., Washington, D. C.—Granted special temporary authority to operate the regularly licensed aircraft transmitter **KHAQY**, aboard United Air Lines plane, as a relay broadcast station, on frequency **1606, 2022, 2102, 2758 kc.**, power 50 watts on Jan. 26 and 27 (and 28th and 29th if weather conditions not favorable), 1937, in connection with NBC "Flying Time" program in Chicago, Ill.
- The Broadcast Division granted the petition of Indianapolis Power and Light Company (WFBM), Indianapolis, Ind., to intervene in the proceedings on the application of Curtis Radiocasting Corp., for construction permit for new station in Indianapolis, Ind., Docket No. 4323.
- The Broadcast Division granted the petition of Twin City Broadcasting Co., Inc., to intervene in the proceedings upon the application of James D. Scannell, for construction permit for new station in Lewiston, Me. Docket No. 2624.
- The Broadcast Division granted the petition of the Birmingham Broadcasting Co., Inc. (WBRC), to intervene in the proceedings upon the application of the Birmingham News Company for Construction Permit, File No. B3-P-997, Docket No. 3975, for new station at Birmingham, Alabama.
- The Broadcast Division granted the petitions of Curtis Radiocasting Corp., waived Rule 104.6 (b), and accepted its answer in connection with the applications of Knox Radio Corp., Richmond, Ind. (Docket No. 4247), and the Northwestern Publishing Co., Danville, Ill. Docket No. 4177.
- The Broadcast Division upon consideration of a petition filed in behalf of the Montgomery Broadcasting Co., respondent, directed that all parties involved in the proceeding relative to the Allen and Covington application (John S. Allen and G. W. Covington, Jr., Montgomery, Alabama), Docket No. 3982, be given until Monday, January 25, 1937, to file exceptions to Examiners Report No. I-324.

ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. 1-251: Voice of Marshall Assn., Marshall, Tex.—Denied C. P. for new broadcast station to operate on 1500 kc., 100 watts, specified hours (site to be determined subject to Commission's approval). Examiner George H. Hill sustained. Order effective March 9, 1937.
- NEW—Ex. Rep. 1-272: Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted C. P. for new broadcast station to operate on 1330 kc., 250 watts night, 500 watts day, unlimited time. Examiner George H. Hill sustained. Order effective March 2, 1937.
- NEW—Ex. Rep. 1-287: C. A. Rowley, Ashtabula, Ohio.—Granted C. P. for new broadcast station to operate on 940 kc., 250 watts, daytime (site to be determined subject to Commission's approval). Examiner John P. Bramhall sustained. Order effective March 9, 1937.
- KFPM—Ex. Rep. 1-321: Voice of Greenville, Greenville, Tex.—Dismissed application for renewal of license. Examiner P. W. Seward sustained. Order effective March 2, 1937.
- KFPM—Ex. Rep. 1-322: Dave Ablowich, tr. as The New Furniture Co., Greenville, Tex.—Dismissed application for voluntary assignment of license from Dave Ablowich, tr. as The New Furniture Co., to Voice of Greenville; 1310 kc., 15 watts, specified hours. Examiner P. W. Seward sustained. Order effective March 2, 1937.
- NEW—Ex. Rep. 1-326: The Southwest Broadcasting Co., La Junta, Colo.—Granted C. P. for new broadcast station to operate on 1370 kc., 100 watts, unlimited time. Examiner P. W. Seward sustained. Order effective March 9, 1937.

ORAL ARGUMENTS

- NEW—Ex. Rep. 1-240: Continental Radio Company, Columbus, Ohio.—Granted oral argument to be held March 4, 1937.
- NEW—Ex. Rep. 1-241: Continental Radio Company, Toledo, Ohio.—Granted oral argument to be held March 4, 1937.

MISCELLANEOUS

- KLO—Ex. Rep. 1-221: Interstate Broadcasting Corp., Ogden, Utah.—Effective date further extended for a period of 30 days.
- NEW—Ex. Rep. 1-259: K. K. Kidd and A. C. Kidd, Taft, Calif.—Effective date extended to February 2, 1937.
- NEW—Ex. Rep. 1-252: Maddox & Hair, d/b as Chattanooga Broadcasting Co., Chattanooga, Tenn.—Effective date extended to February 9, 1937.
- WMBG—Ex. Rep. 1-222: Havens & Martin, Inc., Richmond, Va.—Effective date extended to February 9, 1937.
- NEW—Century Broadcasting Co., Inc., Richmond, Va.—Effective date extended to February 9, 1937.
- NEW—Ex. Rep. 1-225: Havens, Woodwad, Jones, Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—Effective date extended to February 9, 1937.
- WPHR—WLBG, Inc., Petersburg, Va.—Effective date extended to February 9, 1937.
- NEW—Ex. Rep. 1-285: The Times-Dispatch Pub. Co., Inc., Richmond, Va.—Effective date extended to February 9, 1937.
- WJAX—City of Jacksonville, Jacksonville, Fla.—Granted petition to intervene in hearing of application of Metropolis Co. for C. P. for new radio broadcasting station at Jacksonville, Fla., to operate on 1290 kc., 250 watts, unlimited time.
- NEW—R. Lacy and J. R. Curtis, d/b as Radio Enterprises, Lufkin, Tex.—Refused and returned proposed amendment to original application for C. P. to erect new broadcast station to operate on 1310 kc., 100 watts, daytime, scheduled for hearing Feb. 5, 1937. Amendment changed applicant from a partnership to a corporation, embracing among stockholders two of the parties involved in application of Lufkin Publishing Co., another applicant for authority to erect broadcast station at Lufkin, to operate on similar assignment. Lufkin Pub. Company sought to merge its application with that of Radio Enterprises.

RENEWAL OF LICENSES

The Commission directed that the license of Station WHBI, Newark, N. J., expiring 3 a. m., EST, Oct. 1, 1936, extended on a temporary basis only to 3 a. m., EST, Nov. 1, 1936, and further extended on a temporary basis only to 3 a. m., EST, Feb. 1, 1937, be further extended upon a temporary basis only for the period ending in no event later than 3 a. m., EST, March 1, 1937, subject

to such action as may be taken upon the application for renewal of license pending before it, subject, further, to the condition that nothing contained in said extension of license shall be construed as a finding that the operation of the station is or will be in the public interest beyond the express terms thereof.

KWKH—International Broadcasting Corp., Shreveport, La.—Present license extended on a temporary basis only for the period Feb. 1 to March 1, 1937, pending receipt and/or action on renewal application.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license further extended on a temporary basis only for the period Feb. 1 to March 1, 1937, subject to such action as may be taken on pending application for renewal.

The following stations were granted renewal of television (exp.) station licenses for the period Feb. 1, 1937, to Feb. 1, 1938, in exact conformity with existing licenses:

W2XAX, Columbia Broadcasting System, Inc., New York; W6XAO, Don Lee Broadcasting System, Los Angeles; W9XAL, First National Television, Inc., Kansas City, Mo.; W1XO, General Television Corp., Boston; W2XBS, National Broadcasting Co., Inc., New York City; W2XDR, Radio Pictures, Inc., Long Island City, N. Y.; W3XEP, RCA Mfg. Co., Inc., Camden, N. J.; W10XX, RCA Mfg. Co., Mobile; W9XX, W9XUI, University of Iowa, Iowa City; W9XAT, Dr. Geo. W. Young, Minneapolis; W9XD, Milwaukee Journal, Milwaukee, Wis.; W9XG, Purdue University, W. Lafayette, Ind.; W3XE, Philco Radio & Television Corp., Philadelphia.

The following applications for renewal of broadcast station licenses were granted for the regular period:

KFI and auxiliary, Los Angeles, Calif.; KFVD, Los Angeles, Calif.; KGDM, Stockton, Calif.; KGU, Honolulu, Hawaii; KIRO, Seattle, Wash.; KNX, Los Angeles, Calif.; WEW, St. Louis, Mo.; WGY, Schenectady, N. Y., and auxiliary; WIBG, Glenside, Pa.; WJZ, New York, N. Y.; WOV, New York, N. Y.; WSM, Nashville, Tenn.

The Commission granted renewal of the following licenses on a temporary basis only for the term beginning 3 a. m., EST, Feb. 1, 1937, and ending 3 a. m., EST, Aug. 1, 1937, said temporary licenses to contain the following clause: "This license is granted on a temporary basis only and subject to such action as the Commission may take upon the licensee's pending application for renewal of license. No authority herein contained shall be construed as a finding by the Commission that the operation of this station is, or will be in the public interest beyond the express terms hereof":

KWJJ, Portland, Ore.; WESG, Elmira, N. Y.; and WJAG, Norfolk, Nebr.

The Commission granted applications for renewal of the following licenses for the period ending 3 a. m., EST, July 1, 1937:

KCMC, Texarkana, Ark.; KUMA, Yuma, Ariz.; and WMSD, Sheffield, Ala.

The Commission granted applications for renewal of license of the following for period ending 3 a. m., EST, June 1, 1937:

KVSO, Ardmore, Okla.; WTAL, Tallahassee, Fla.

The Commission granted an extension of the following licenses expiring 3 a. m., EST, Feb. 1, 1937, upon a temporary basis only for the period ending in no event later than 3 a. m., EST, March 1, 1937, pending receipt and/or action on application for renewal of license:

WJZ auxiliary, New York, N. Y.; and WSM auxiliary, Nashville, Tenn.

The Commission directed that the licenses of the following station expiring 3 a. m., EST, Jan. 1, 1937, and extended upon a temporary basis only to 3 a. m., EST, Feb. 1, 1937, be further extended upon a temporary basis only for period ending in no event later than 3 a. m., EST, March 1, 1937, pending receipt and/or action on application for renewal of license:

WPRP, Ponce, Puerto Rico; and WRDO, Augusta, Me.

APPLICATIONS RECEIVED

First Zone

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to reduce operating power of auxiliary transmitter from 30 KW to 25 KW.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Construction permit to make changes in equipment and increase power from 1 KW to 1 KW night and 5 KW day.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—
920 Construction permit to install directional antenna day and night use, increase power from 500 watts to 1 KW and hours of operation from daytime to unlimited. Amended: To change transmitter site from Great Plain Ave., Babson Park, Needham, Massachusetts, to Near Belmont, Cambridge, Massachusetts, and use directional antenna at night.

WESG—Cornell University, Ithaca, N. Y.—Extension of special
1040 experimental authorization to operate on 850 kc., daylight to sunset at New Orleans, Louisiana, for period 2-1-37 to 8-1-37.

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Construction permit for a new station to be operated on **1200** kc., 100 watts, daytime.

NEW—Frank M. Stearns, Salisbury, Md.—Construction permit **1200** for a new station to be operated on **1200** kc., 250 watts, daytime.

NEW—Fall River Herald News Publishing Co., Fall River, Mass.
1240 —Construction permit for a new station to be operated on **1240** kc., 1 KW, unlimited time, directional antenna.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to install new transmitter and directional antenna for day and night use, increase power from 500 watts night, 1 KW day to 5 KW day and night, and move transmitter locally.

WDRG—WDRG, Inc., Hartford, Conn.—Special experimental
1330 authorization to erect a "booster" station at New Haven, Connecticut, site to be determined, to be operated on **1330** kc., 250 watts power, to synchronize with WDRG at Hartford, Connecticut, for period from 5-1-37 to 11-1-37.

National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government, which may be heard consistently in the United States.

National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to stations CFCF and CRCT and the Canadian Radio Broadcasting Commission.

WIXER—Shepard Broadcasting Service, Inc., Quincy, Mass.—Modification of license to change corporate name of Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.

W1XAC—Shepard Broadcasting Service, Inc., Quincy, Mass.—Modification of license to change corporate name of Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.

W10XCT—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change corporate name of Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.

WBRV—American-Republican, Inc., Waterbury, Conn.—Construction permit to install a new transmitter and increase power from 1 KW to 1 KW night, 5 KW day.

Second Zone

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—
610 Authority to determine operating power by direct measurement of antenna.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Extension of special authorization to operate with 1 KW power from 3-1-37 to 9-1-37.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Modification of construction permit (B2-P-1074) for change in power, install directional antenna for night use and move of transmitter, requesting extension of completion date from 3-2-37 to 6-2-37.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Authority to determine operating power by direct measurement of antenna.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Construction permit to install a new transmitter and increase power from 500 watts, 1 KW daytime to 1 KW night, 5 KW day. Amended: To change name from A. M. Rowe, Inc., to Monongahela Valley Broadcasting Co.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of license to increase operating power from 250 watts night, using directional antenna and 500 watts daytime to 1 KW day and night, using directional antenna at night. Amended: To use directional antenna both day and night.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Modification of license to increase operating power from 250 watts

night, using directional antenna and 500 watts daytime to 1 KW day and night, using directional antenna at night. Amended: To use directional antenna both day and night.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—
1160 Authority to determine operating power by direct measurement of antenna.

WSMK—WSMK, Inc., Dayton, Ohio.—Construction permit to install a new transmitter, increase power from 200 watts to 250 watts night, 500 watts day, change hours of operation from simultaneous day, specified hours night to unlimited time, move transmitter from Fractional Section No. 8, Twp. 1, Range 7, between Little & Great Miami Rivers (near) Dayton, Ohio, to Town 2, Range 7, MRs. of Madriver Twp., Montgomery County, Ohio, and install directional antenna for night use. Amended: To make antenna changes.

WHK—The Radio Air Service Corp., Cleveland, Ohio.—Modification of license to increase power from 1 KW night, $2\frac{1}{2}$ KW day to 1 KW night, 5 KW day.

NEW—Philadelphia Radio Broadcasting Corp., Philadelphia, Pa.—
1570 Construction permit for a new special broadcast station to be operated on **1570** kc., 1 KW, unlimited time.

Third Zone

WWL—Loyola University, New Orleans, La.—Construction permit to install new equipment, increase power from 10 KW to 50 KW, and change hours of operation from specified hours to unlimited. Amended to omit request for change in hours of operation.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Modification of license to change power from 1 KW night, 5 KW day, to 5 KW day and night.

NEW—T. E. Kirksey, Waco, Tex.—Construction permit for a new station to be operated on **1330** kc., 500 watts, unlimited time. Amended to change frequency from **1330** kc. to **930** kc., power from 500 watts to 250 watts night, 500 watts day, and specify vertical antenna.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change hours of operation from specified hours to daytime only.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of license to change hours of operation from daytime to specified hours (6 a. m. to 7:30 p. m.), using 100 watts power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-1545) for move of transmitter and installation of new vertical antenna.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Authority to make changes in automatic frequency control equipment.

WMFN—Attala Broadcasting Corp., Grenada, Miss.—Voluntary assignment of construction permit (B3-P-829) from Attala Broadcasting Corporation to P. K. Ewing.

NEW—Athens Times, Inc., Athens, Ga.—Construction permit for a new station to be operated on **1210** kc., 100 watts night, 250 watts day, unlimited time.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Modification of license to change frequency from **1260** kc. to **620** kc., power from $2\frac{1}{2}$ KW to 5 KW.

WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—License to cover construction permit (B3-P-771) for change in hours of operation.

NEW—John C. Hughes, Phenix City, Ala.—Construction permit for a new station to be operated on **1310** kc., 100 watts, daytime. Amended to correct the spelling of Phoenix City, Ala., to Phenix City, Ala.

KOCA—Oil Capital Broadcasting Association (James G. Ulmer, Pres.), Kilgore, Tex.—License to cover construction permit (B3-P-594) as modified for new station.

NEW—Faith Broadcasting Co., Inc., Wichita Falls, Tex.—Construction permit for a new station to be operated on **1380** kc., 1 KW, unlimited time. Amended to make changes in equipment; change power from 1 KW to 1 KW night, 5 KW day; for approval of transmitter site at $4\frac{1}{2}$ miles southwest of Wichita Falls, Tex., and install directional antenna for night use.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—License to cover construction permit (B3-P-1399) for new transmitter.

- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modification of license to change frequency from 1420 kc. to 1430 kc., power from 100 watts night, 250 watts day, to 250 watts day and night.
- KNEL—G. L. Burns, Brady, Tex.—Construction permit to make changes in transmitter, and increase power from 100 watts to 250 watts.
- NEW—WSMB, Inc., New Orleans, La.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.
- KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Construction permit to install vertical antenna and move studio and transmitter locally.

Fourth Zone

- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Modification of license to change hours of operation from daytime to unlimited time, using 2½ KW power.
- KELO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Modification of construction permit (B4-P-696) for a new station, requesting changes in authorized equipment, for approval of transmitter site at 3 miles west of Sioux Falls, S. Dak., and approval of antenna. Also change studio site from Carpenter Hotel, Sioux Falls, S. Dak., to 319 South Phillips Ave., Sioux Falls, S. Dak.
- WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—License to cover construction permit (B4-P-1188) for new antenna and move of transmitter and studio.
- KANS—Charles C. Theis, Wichita, Kans.—Voluntary assignment of license from Charles C. Theis to The KANS Broadcasting Co.
- KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—License to cover construction permit (B4-P-1192) for changes in equipment.
- WLBC—Donald A. Burton, Muncie, Ind.—Modification of license to change hours of operation from simultaneous day, share WTRC night, to unlimited.
- WTAQ—WHBY, Inc., Green Bay, Wis.—Modification of license to modify directional antenna.
- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to make changes in transmitting equipment and move transmitter and studio locally.
- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install a new transmitter, change frequency from 1420 kc. to 1390 kc., and increase power from 100 watts to 1 KW. Amended to change requested power from 1 KW to 500 watts night, 1 KW day; change type of equipment, and install directional antenna for night use.
- NEW—Clark Standiford and L. S. Coburn, Fremont, Nebr.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.
- WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—License to cover construction permit (B4-P-1256) as modified for new equipment and increase in power.

Fifth Zone

- KSFO—Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit to install a new transmitter and vertical antenna, increase power from 1 KW to 1 KW night, 5 KW day, and move transmitter from 1410 Tenth Ave., Oakland, Calif., to Block 490 So. of Second Street, San Francisco, Calif. Amended: To change name of applicant from Columbia Broadcasting System of California, Inc., to The Associated Broadcasters, Inc.
- KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Modification of license to change frequency from 1040 kc. to 1280 kc., change hours of operation from daytime to unlimited time, using 250 watts. Amended: To change requested frequency from 1280 kc. to 1260 kc.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Modification of license to change frequency from 1070 kc. to 1080 kc.
- KRSC—Radio Sales Corporation, Seattle, Wash.—License to cover construction permit (B5-P-498) as modified for changes in equipment, increase in power, change in hours of operation, and move of transmitter.
- KFXM—J. C. & E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—Construction permit to install a new transmitter, erect a vertical antenna, increase power from 100 watts to 100 watts night, 250 watts day, and move transmitter locally.
- NEW—Earl A. Nielsen, Phoenix, Ariz.—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- KWSC—State College of Washington, Pullman, Wash.—License to cover construction permit (B5-P-956) for changes in equipment and increase in power.
- NEW—Roberts-MacNab Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, General Manager, Bozeman, Mont.—Construction permit for a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time. Amended: To change name from Roberts MacNab Hotel Co. to Roberts-MacNab Co.
- KAWM—A. W. Mills, Gallup, New Mex.—Modification of construction permit (B5-P-601) to change authorized transmitter site from West 66 Avenue, Gallup, New Mexico, to 1100 East Aztec Avenue, Gallup, New Mexico and for approval of studio at same site.
- NEW—Northwest Research Foundation, Inc., Seattle, Wash.—Construction permit for a special broadcast station to be operated on 1530 kc., 1 KW, unlimited time. Amended: To change from Ward Walker, an individual to Northwest Research Foundation, Inc., a corporation.
- NEW—Church of Jesus Christ of Latter Day Saints, Salt Lake County, Utah.—Construction permit for a new international broadcast station to be operated on 6080, 11830, 17780 kc., 50 KW. Amended: To change transmitter location to site to be determined County of Salt Lake, Utah.

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

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WASHINGTON RADIO HIGHLIGHTS

Important happenings in Washington this week of interest to broadcasters include: Bill establishing a government broadcasting station; Bill to investigate chain broadcasting; Bills affecting radio monopoly and operators; Educational Commissioner establishes radio script exchange; Prall praises flood work of broadcasters; Wigglesworth criticizes FCC on House floor; Hearing called on Actor's Bill; FCC Commissioner Stewart issues strong dissent in WOL case; FCC establishes a flood emergency service.

INCREASED TIME RECOMMENDED FOR WNBC

Broadcasting station WNBC, New Britain, Conn., operating on a frequency of 1380 kilocycles applied to the Federal Communications Commission to increase its operation time from daytime to unlimited and to increase its power from 250 watts to 250 watts and 1,000 watts LS.

Examiner Melvin H. Dalberg in Report No. I-350 recommended that the application be granted. He states that there is an obvious need for additional local service in the area proposed to be served. The station proposes to erect a directional antenna and the Examiner states that this would obviate any interference which might otherwise be caused.

RADIO MONOPOLY BILL

Representative Wearin of Iowa has introduced a bill in the House (H. R. 3892) "to amend the Communications Act of 1934 by adding thereto provisions designed to prohibit unified and monopolistic control of broadcasting facilities and printed publications." The bill has been referred to the House Committee on Interstate and Foreign Commerce and will be found on page 1919 of this issue.

EXAMINER REPORTS ON NEW CALIFORNIA STATION

The Golden Empire Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Marysville, Calif., to use 1140 kilocycles, 250 watts power and daytime operation.

Examiner George H. Hill in Report No. I-351 recommended that the application be granted if the pending application of the Marysville-Yuba Publishers, Inc., for a

similar assignment is denied. The Examiner states that there is a need for the services of a new station at Marysville and that the operation of the proposed new station would not cause any objectionable interference. Both applicants applied for the same facilities.

RADIO SCRIPT EXCHANGE

The Office of Education, Department of Interior, has announced that in order to promote better educational radio programs throughout the country it has established an Educational Radio Script Exchange to furnish local groups radio scripts especially appropriate for educational broadcasting.

RADIO OPERATORS BILL

A bill has been introduced in the House (H. R. 3898) by Representative Lea of California providing for the operation of certain radio stations without a licensed operator. The bill, which has been referred to the House Committee on Interstate and Foreign Commerce, will be found on page 1919 of this issue.

NEW MISSOURI STATION RECOMMENDED

The Hannibal Broadcasting Company filed an application with the Federal Communications Commission for a

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construction permit for the erection of a new broadcasting station at Hannibal, Mo., to use 1310 kilocycles, 100 watts and unlimited time on the air. Also the Courier Post Publishing Company filed an application for the erection of a new station at the same place, with the same frequency and time but with 100 watts and 250 watts LS.

Examiner Melvin H. Dalberg in Report No. I-349 recommended that the application of the publishing company be granted and that of the Hannibal Broadcasting Company be denied. The Examiner found that there is a definite need for additional radio service at Hannibal. He states that the Hannibal Company is limited in its financial arrangements and that it does not appear to have a definite operating personnel in prospect. The publishing company, on the other hand, is qualified financially and proposes "to provide well balanced and meritorious programs which would satisfy the needs of the community involved. No objectionable interference would be caused by granting the application, the Examiner states.

PRALL PRAISES RADIO FLOOD WORK

Chairman Prall of the Federal Communications Commission speaking on a nation wide hookup this week gave just praise to the work of broadcasting stations in connection with the flood situation.

CHANGES RECOMMENDED FOR KALB

Broadcasting station KALB, Alexandria, La., filed an application with the Federal Communications Commission asking that its frequency be changed from 1420 to 1210 kilocycles, and that its daytime operation be changed to unlimited time. The station uses 100 watts and did not ask any power change.

Examiner John P. Bramhall in Report No. I-349 recommended that the application be granted "conditioned, however upon compliance with Rule 131." The Examiner states that it has been definitely established that there is a need for additional service in the area proposed to be served. Some slight interference might be caused with KOCA, the Examiner states, but the benefits derived from granting the application would outweigh any interference that might be sustained.

WIGGLESWORTH CRITICIZES FCC

Representative Wigglesworth of Massachusetts severely criticized the Federal Communications Commission on the floor of the House this week during debate on the independent office appropriation bill, which bill contains appropriations for the Commission for the fiscal year 1938.

He asked for an investigation of the Commission and told Representative Connery during his talk that he was in favor of the Connery resolution now pending before the House Rules Committee providing for the appointment of a special House Committee to investigate broadcasting and radio generally.

Mr. Wigglesworth charged monopoly in broadcasting with especial emphasis on the various chains. He stated that this had come about through the manner in which the Commission is construing the Communications Act.

RECOMMENDS DENIAL OF LICENSE MODIFICATION

Broadcasting station WCAP, Asbury Park, N. J., operating on a frequency of 1280 kilocycles and sharing time with stations WTNJ and WCAM, applied to the Federal Communications Commission to increase its power from 500 to 1,000 watts.

Examiner Robert L. Irwin in Report No. I-347 recommended that the application for modification of its license be denied.

HEARING CALLED ON ACTORS BILL

The House of Representatives Committee on Immigration and Naturalization has announced that it will begin hearings on February 17 in connection with the bill of Representative Dickstein of New York (H. R. 30) to protect the artistic and earning opportunities in the United States of American actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, and orchestral conductors. This is the identical bill which passed the House at the last session of Congress but failed of passage in the Senate.

DISMISSAL WITH PREJUDICE RECOMMENDED

The United States Broadcasting Company filed two applications for construction permits with the Federal Communications Commission. One for a new broadcasting station at Columbus, Ohio, to use 1200 kilocycles, 100 watts, daytime operation and the other at Columbus, Ohio, to use 1310 kilocycles, 100 watts and unlimited time.

When the cases were called for hearing counsel asked that they be dismissed without prejudice. However, a number of respondents were present and objected to this.

Examiner George H. Hill in Report No. I-346 recommended that the applications be dismissed with prejudice.

SECURITIES ACT REGISTRATIONS

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

- Covered Wagon Company, Mt. Clemens, Mich. (2-2775, Form A-2)
- Liberty Thrift Foundation, Inc., New York City. (2-2776, Form C-1)
- Underwriters Group, Inc., New York City. (2-2777, Form C-1)
- Bradford Oil Refining Co., Bradford, Pa. (2-2778, Form A-1)
- Park & Tilford, Inc., New York City. (2-2779, Form A-2)
- Joliet Heating Corporation, Joliet, Ill. (2-2780, Form A-1)
- A. R. Bauman et al., Milwaukee, Wis. (2-2781, Form F-1)
- International Match Realization Co., Ltd., Hamilton, Bermuda. (2-2783, Form E-1)
- Voting Shares for same. (2-2784, Form F-1)
- The Mar-Tex Oil Company, Houston, Texas. (2-2785, Form A-1)
- Calo Foods Products, Inc., Oakland, Calif. (2-2786, Form A-2)
- Michel L. De Zutter, voting trustee, New York City. (2-2787, Form F-1)
- Martin-Parry Corporation, York, Pa. (2-2788, Form A-2)

Securities Investment Co. of St. Louis, St. Louis, Mo. (2-2790, Form A-2)
Randall Company, Cincinnati, Ohio. (2-2792, Form A-2)
Stratoplane Corp., New York City. (2-2793, Form A-1)
Lac-Tek Gold Mines, Ltd., Toronto, Canada. (2-2794, Form A-1)

AUTHORITY TO TRANSFER CONTROL RECOMMENDED

Authority to transfer control of Station WGAR, Cleveland, Ohio, was asked by the WGAR Broadcasting Company, from the Federal Communications Commission.

Examiner Ralph L. Walker in Report No. I-343 recommended that the application be granted "to transfer all of the outstanding stock of the WGAR Broadcasting Company to WJR, The Goodwill Station." The Examiner states that "it appears from the record that the pending application may be granted within the purview of Section 310 of the Communications Act of 1934; that the group of stockholders who now control the WGAR Broadcasting Company also control the proposed transferee, WJR, The Goodwill Station; and that the public interest will be served by consenting to the proposed transfer of control in that the services of the engineering, program and other departments of WJR, the larger station, will be more readily available to WGAR."

NEW TEXAS STATION RECOMMENDED

The Hunt Broadcasting Association filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Greenville, Texas, to use 1200 kilocycles, 100 watts and daytime operation.

Examiner George H. Hill in Report No. I-344 recommended that the application be granted. He states that "a definite need is shown to exist in the Greenville area for the operation of the proposed station, and there appears to be adequate local talent to supply the requirements of such a station."

The Examiner states further that "there appears to be no engineering reasons why the proposed station at Greenville, Texas, could not operate on 1200 kilocycles, and the evidence clearly establishes the fact that no interferences would result thereby to the protected service area of any existing station."

RECOMMENDS LICENSE RENEWAL FOR WGPC

H. Wimpy filed an application with the Federal Communications Commission asking for a construction permit for the erection of a broadcasting station at Albany, Ga., to use 1420 kilocycles, 100 watts and 250 watts LS and unlimited time on the air. These are the facilities now used by WGPC, Albany, Ga.

Examiner Melvin H. Dalberg in Report No. I-345 recommended that the Wimpy application be denied and

that the license of Station WGPC be renewed. The Examiner found that Wimpy is not financially in a position to construct and operate such a station. The Examiner states further that "no satisfactory showing whatever has been made by the applicant Wimpy to indicate that he would provide programs or service which would comply with the needs of the locality and certainly no sufficient showing of proposed programs or service is made by said applicant which would warrant the deletion of Station WGPC and the granting of his application."

FCC FLOOD EMERGENCY SERVICE

The Federal Communications Commission has issued the following statement in connection with the emergency created by the flood situation in the South:

In view of the urgent need for prompt emergency communication in the flooded areas and the many requests which are being received for special authority to operate radio stations in a manner not normally provided by the rules and regulations, the Federal Communications Commission has adopted special measures whereby prompt action may be taken with respect to all requests for necessary emergency communication.

There has been established in the office of the Chief Engineer a special organization so that there may be prompt action on all requests for emergency radio operation. Special communication facilities have been provided by telegraph and telephone, for the handling of communications with persons or agencies requesting special facilities to communicate in or with the flooded areas. Continuous contact is also maintained with the Army, Navy, Coast Guard, Red Cross, and other organizations.

An official of the Commission will be on duty continuously during all hours of the day and night to act on all requests for special facilities. He will be located in Room 5353, New Post Office Bldg., Washington, D. C., and may be reached by telegraph or telephone in accordance with the following schedule:

Any Hour of the Day or Night

Telephone DISTRICT 1654, BRANCH 85, or simply ask to speak to the official on duty having charge of emergency flood communications.

WASHINGTON, D. C., teletypewriter exchange No. "WASH. D. C. 398".

Any Telegraph Company.

While the Commission desires to cooperate in every way in affording prompt communication service and is prepared to consider and grant special privileges, we wish to invite attention to the fact that the Commission is not an operating agency and, therefore, cannot engage in direct communication with emergency radio stations. We are prepared, however, to aid in any coordination work involving emergency communications in the flooded areas.

The Commission wishes to invite attention to its Rule 23 which authorizes the licensee of any radio station to carry on emergency communication on licensed frequencies with any station of any class during emergency flood conditions in which the normal communication facilities are disrupted. Notice of such operation should be given to the Commission as early as practicable after the establishment of communication.

COMMISSIONER STEWART DISSENTS

Federal Communications Commissioner Stewart this week issued a dissenting opinion in connection with the action of the Commission in the case of Station WOL, Washington, D. C. Mr. Stewart said:

The Broadcast Division having granted the application in the instant case, Continental Radio Company has petitioned the entire Commission to grant a rehearing under Section 405 of the Communications Act of 1934. For the reasons stated hereafter, I believe the petition for rehearing should be granted.

The action of the Broadcast Division grants the American Broad-

casting Company, licensee of Station WOL, a permit to make changes in equipment, to change frequency from 1310 kc. (a local frequency) to 1230 kc. (a regional frequency) and to increase power from 100 watts to one kilowatt. As the use of the requested frequency and power would be contrary to the mileage separation tables set out in the annual reports of the Commission if a conventional antenna were used, the grant is conditioned upon the use of a directional antenna designed to protect the existing regional stations on 1230 kc. However, the service area of Station WOL will not be protected from interference by the existing stations on that frequency. In consequence, the service of WOL will be limited at night approximately to its 5.0 mv/m line instead of to its 1.0 mv/m line, the usual protection of regional stations. As transmission conditions vary, so will the interference occasioned to the signal of WOL by the other stations on 1230 kc. The result will be dissatisfaction on the part of listeners who will be able to receive WOL at some times and not at others. That dissatisfaction can be expected to result in WOL seeking from the Commission some form of relief which might let the service be more constant for such listeners—relief from a situation which should not have been created in the first instance.

It seems to me that this is not the proper use of a regional frequency. While similar uses have been authorized in a few cases by the Broadcast Division, I believe that the piecemeal breaking down of the standards of the service which regional stations should render is not in the public interest. The criterion is service to the public, not sales of time to advertisers.

Regional frequencies should not be assigned to stations which can not render a regional service. A station operating on a regional assignment with one kilowatt power should give the service properly to be expected of a regional station, not a local service masquerading as a regional service in order to persuade advertisers who may consider power as the only factor which determines coverage. If the area expected to be served by regional stations is to be modified so as to permit such mongrel stations, I should prefer to see it done by a change in the standards followed by the Commission, not by building up exceptions to present standards. Then at least there would be equality of opportunity among potential applicants for such assignments, instead of an inequality favoring the applicant who might succeed in breaking down existing standards on a particular frequency.

In granting the application of the American Broadcasting Company, the Broadcast Division has seen fit to reward the present inefficient operation of Station WOL. The record shows that WOL has been operating as a local station with an antenna having an efficiency materially below the Commission's standards of good engineering practice. It further shows that the service the station has been rendering is unsatisfactory in considerable portions of the metropolitan area. It is silent on what service WOL might render with a decent antenna complying at least with the Commission's minimum standards. With the facilities approved in the present case WOL will probably provide a good local service. I think that such good local service should have been required to be by proper use of the station's local assignment rather than by an inefficient use of a regional assignment. In Docket No. 2807, an application by Hearst Radio, Inc., operators of Station WISN, the Commission on October 21, 1936, sustained the Broadcast Division in refusing to grant improved facilities to a licensee because he had not made efficient use of his current assignment. If that decision is sound (and I believe it is), the decision in the instant case is unsound. The parable of the talents might well be placed on the list of required reading for licensees of the Commission. Or, if not the entire parable, then the paraphrase contained in the press release of October 15, 1935, on minimum antenna heights required for broadcast stations pursuant to Rule 131. That release (which, of course, is no more binding than the parable) reads in part as follows:

"It is the obligation of the licensee of every station to make efficient usage of the assignment granted by the Commission. It is not the intention of the Commission at this time to require all stations with questionable radiating systems to install antennas having the required efficiency, but it is the intention not to grant additional facilities to licensees of broadcast stations unless they are making efficient usage of the assignment already granted."

One reason advanced in the opinion granting the application of the American Broadcasting Company is that under its present assignment Station WOL has been at a disadvantage with respect to obtaining programs of a national network. The record reveals that the other three stations serving Washington are operated as parts of national networks. In Docket No. 3824 (appealed to the full

Commission but dismissed on October 21, 1936, for want of jurisdiction when one party took an appeal to the courts) the principal reason advanced by the Broadcast Division for denying an application of Station WIL, St. Louis, for improved facilities was that the station was planning to carry some network programs and thus might not carry as many local programs as it had formerly done. That case is not mentioned in the opinion of the Broadcast Division so we do not know whether the decision in the present case overrules that in Docket No. 3824 or is to be distinguished from it. The two are at least prima facie inconsistent.

In its opinion, the Broadcast Division states that "By the granting of this application there will be made available additional service of a national character and the station will in turn serve to provide a network with many programs originating in the Capital City of the country." As it is a matter of common knowledge that within recent months chain programs have originated in stratosphere balloons and in submarines, I do not understand why it requires a one kilowatt station to originate chain programs "in the Capital City of the country."

There is one other reason why I believe the grant has been improvidently made: the record is by no means convincing, or even persuasive, as to the need for any such additional service as that proposed to be rendered under the application herein granted.

The petition for rehearing should be granted

February 1, 1937

COMMISSION GRANTS NEW STATION

The Federal Communications Commission this week granted a construction permit for the erection of a new broadcasting station at Helena, Mont., to the Peoples Forum of the Air. The station will operate on 1210 kilocycles, 100 watts power and unlimited time.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3039. Primrose House, Inc., cosmetics manufacturer, 400 Madison Ave., New York City, is charged in a complaint with violation of the Robinson-Patman Anti-Price Discrimination Act.

The complaint alleges that the respondent company discriminated in favor of certain of its retail purchasers against other purchasers by giving and furnishing certain allowances, services and facilities not accorded to all buyers on proportionately equal terms. The respondent company is also charged with discriminating in price between different purchasers of its products, of like grade and quality, by giving certain purchasers different prices than those quoted to others.

Special services and facilities alleged to have been furnished certain customers included demonstrators, "beauty counsellors," products to be given away, cooperative advertising arrangements, and transportation allowances.

No. 3040. Alleging unfair trade practices in violation of Section 5 of the Federal Trade Commission Act, a complaint has been issued against **Royal Revues, Inc., West Coast Discount Corporation, Ltd.**, and their officers, **L. H. and W. C. Hyde**, trading as **Royal Film Studios**, engaged in manufacturing and leasing and renting to business men motion picture films for advertising purposes. The respondents have their place of business at 6644 Santa Monica Boulevard, Hollywood Calif.

The respondents, through salesmen, are said to solicit theater operators to exhibit the respondents' films and to solicit business men for the purpose of inducing them to purchase the right to advertise their names and the nature of their businesses on the bottom of the screen when the film is shown.

To persuade prospective advertisers to sign contracts, to which promissory notes are attached, the respondents are alleged to falsely represent, in many instances, that the films furnished will be equal in quality to and the same length as the sample shown by the

salesmen; that no other advertiser in the same line of business will be permitted to advertise in connection with the showing of such films, and that other advertisers already have contracted for use of the films.

No. 3041. Use of unfair methods of competition in connection with the sale of pianos is alleged in a complaint issued against **Haddorff Piano Co.**, 1900 Harrison Ave., **Rockford, Ill.**

The company allegedly represents in advertising matter that the piano designated as "Vertichord Grand", which it sells in interstate commerce, is the same as or is comparable to the type of pianos generally known to the trade and public as grand pianos, having the same operating or mechanical features, tonal qualities and other merits.

No. 3042. Charging misrepresentation of the therapeutic value and effectiveness of certain medicinal preparations and appliances for use by women, a complaint has been issued against **Bureau of Hygiene, Inc.**, **Gynex Corporation**, and **Preferred Industries Corporation** and its president, **Benjamin Lindner**, all having places of business at 301 Madison Ave. and 211 East 19th St., **New York City**.

The complaint alleges that the respondents' products will not, in all cases, accomplish the results as advertised, and that in some instances they are injurious.

The respondents allegedly represent that Bureau of Hygiene, Inc., is an organization devoted to scientific research on questions concerning methods of preventing, treating and curing diseases of women, and that it is in no way financially interested in the sale of the various products which it purportedly recommends in advertising matter distributed by the respondents.

No. 3043. **Public Service Institute, Inc.**, 425 DeBaliviere Ave., **St. Louis**, has been served with a complaint alleging unfair competition in the sale of courses of instruction designed to prepare students for United States Civil Service examinations.

Through certain advertising matter circulated by the respondent company, it is alleged to have represented, directly or by implication, that its business is operated on a large scale with a staff of 20 or more qualified instructors; that this staff consists in large part of former Government employees expert in civil service matters; that thousands of its pupils have passed Civil Service examinations and received Government appointments; that enrollment for the respondent company's courses is an enrollment for a Civil Service examination or position, or both, and other similar assertions, all of which, according to the complaint, are misleading.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 2410-2439-2444-2448-2455. Four liquor distributing companies with headquarters in **New York**, **Newark**, **Detroit** and **Los Angeles** have been ordered to cease and desist from representing that they are distillers of whiskey, gin and other spirituous beverages, when such is not a fact. A case against a fifth liquor company has been ordered closed.

The four companies ordered to cease and desist are: **Reo Distillers, Inc.**, 276 Jelliff Ave., **Newark, N. J.**; **Federal Distillers Corporation**, 123 West Jefferson Ave., **Detroit**; **Ostrucon Distilled Products Co., Inc.**, 601 West 26th St., **New York**, and **Imperial Distillers Corporation**, 1615 South Los Angeles St., **Los Angeles**.

Under the orders to cease and desist, the respondent corporations are prohibited from representing, through use of the word "distillers" or "distilled" in their corporate names, on labels, or otherwise, that they are distillers of spirituous beverages; that they manufacture such products through the process of distillation, or that they own or operate distilleries, unless they actually do own or operate such places.

No. 2451. **Kelly Brewing & Malting Co.**, trading as **Rosecrest Distillers**, 188 Twenty-first Ave., **Paterson, N. J.**, liquor rectifier and wholesaler, has been ordered to cease and desist from representing that it is a distiller of whiskey, gin and other spirituous beverages, when such is not a fact.

Under the order, the respondent corporation is prohibited from representing, through use of the word "distillers" in its corporate name, on labels, or otherwise, that it is a distiller of spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless it actually does own or operate such a place.

No. 3022. **Sun Radio Service & Supply Corporation**, 938 F St., N. W., **Washington, D. C.**, has been ordered to discontinue representing through use of the letters "RCA", or by any other

means, that the radio receiving sets and radio tubes and supplies it sells are manufactured by the Radio Corporation of America or any of its subsidiaries.

The order to cease and desist also prohibits the respondent corporation from advertising that its radio tubes are "new metal tubes", unless they are the products known to the trade and purchasing public as metal tubes in which the technical elements are sealed in a vacuum in steel.

FTC CLOSES CASE

No. 2971. The Federal Trade Commission has ordered its case closed against **Chocolate Products Co., Inc.**, Amber & Westmoreland Sts., **Philadelphia**, charged with unfair competition through use of lottery methods in the sale of candy.

Closing of the case was based on information that the respondent company has not engaged in business since October 4, 1936; that its physical assets have been dismantled and sold, and that it appears the respondent company is not likely to resume the violations of law alleged in the complaint issued November 6, 1936.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution should future circumstances warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled at the Commission during the week beginning Monday, February 8:

Monday, February 8

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Chauncey W. Hammond, Oakland, Calif.—C. P., 1280 kc., 1 KW, unlimited time.

NEW—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, February 9

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Metropolis Co., Jacksonville, Fla.—C. P., 1290 kc., 250 watts, unlimited time.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Modification of C. P., 890 kc., 1 KW, unlimited time. Present assignment: 890 kc., 500 watts, 1 KW LS, unlimited time.

Wednesday, February 10

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Cadillac Broadcasting Co., a Michigan corporation, Dearborn, Mich.—C. P., 1140 kc., 500 watts, daytime.

NEW—West Texas Broadcasting Co., Wichita Falls, Tex.—C. P., 1380 kc., 1 KW, unlimited time.

NEW—Wichita Broadcasting Co., Wichita Falls, Tex.—C. P., 620 kc., 250 watts, 1 KW LS, unlimited time.

KFPL—C. C. Baxter, Dublin, Tex.—Voluntary assignment of license to WFTX, Inc.; 1310 kc., 100 watts, 100 watts LS (C. P., 100 watts, 250 watts LS), unlimited time.

KFPL—WFTX, Inc., Wichita Falls, Tex.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, February 11

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-310:

NEW—Telegraph Herald, Dubuque, Iowa.—C. P., 1340 kc., 500 watts, daytime.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—C. P., to move. 1500 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-313.

NEW—Glenn Van Auken, Indianapolis, Ind.—C. P., 1050 kc., 1 KW, daytime.

Examiner's Report No. I-315:

- WSBT—The South Bend Tribune, South Bend, Ind.—C. P., 1010 kc., 1 KW, unlimited time. Present assignment: 1360 kc., 500 watts, share-WGES.
WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—C. P., 1010 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, daytime.

Examiner's Report No. I-316:

- NEW—Dr. F. P. Cerniglia, Monroe, Louisiana.—C. P., 1500 kc., 100 watts, unlimited time.

Friday, February 12

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Harold Thomas, Pittsfield, Mass.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.
WMBD—Peoria Broadcasting Co., Peoria, Ill.—C. P., 1440 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1440 kc., 500 watts, 1 KW LS, unlimited time.

APPLICATIONS GRANTED

- NEW—Columbia Broadcasting System, Inc., Mobile (New York, N. Y.)—Granted C. P. for new relay broadcast station to operate on 1646, 2090, 2190 and 2830 kc., 50 watts, under the provisions of Rules 1000, 1001 (b) and 1002; unlimited time.
NEW—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Mobile (Bloomington, Ill.)—Granted C. P. for new experimental relay broadcast station to operate on an experimental basis under provisions of Rules 1000, 1001 (b) and 1003 (e); frequencies 31100, 34600, 37600, 40600 kc., on an experimental basis and subject to change without prior notice or hearing; 10 watts, unlimited time.
NEW—The Peoples Forum of the Air, Helena, Mont.—Granted C. P. for new broadcast station at Helena, Mont., to operate on 1210 kc., 100 watts, unlimited time. Exact transmitter site to be determined with Commission's approval.
KNEL—G. L. Burns, Brady, Tex.—Granted C. P. to make changes in present equipment and increase day power from 100 watts to 250 watts.
W8XKJ—Radio Air Service Corp., Mobile (Cleveland, Ohio.)—Granted license to cover C. P. to operate on frequencies 38900, 39100, 39300, 39500 kc., 100 watts, on an experimental basis and subject to change without prior notice or hearing.
KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license to cover C. P. to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time.
KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Granted license to cover C. P. to operate on 1210 kc., 100 watts, unlimited time.
WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted license to cover C. P. to operate on 1200 kc., 100 watts, 1:30 p. m. to 2:30 p. m. daily, CST.
WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted license to cover C. P. to operate on 610 kc., 500 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—Granted license to cover C. P. to operate on 1260 kc., 1 KW night, 2½ KW day, unlimited time.
KRSC—Radio Sales Corp., Seattle, Wash.—Granted license to cover C. P. as modified to operate on 1120 kc., 250 watts, unlimited time.
WTAR—WTAR Radio Corp., Norfolk, Va.—Granted modification of C. P. to extend completion date from 3-2-37 to 6-2-37.
W10XCT—Shepard Broadcasting Service, Inc., Mobile (Boston, Mass.)—Granted modification of license to change name from Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.
W1XAC—Shepard Broadcasting Service, Inc., Mobile (Boston, Mass.)—Granted modification of license to change name from Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.
W1XER—Shepard Broadcasting Service, Inc., Mobile (Boston, Mass.)—Granted modification of license to change name from Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.

- WLBC—Donald A. Burton, Muncie, Ind.—Granted modification of license to increase time of operation from simultaneous day, sharing time with Station WTRC night, to unlimited time.
WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted C. P. for main transmitter site at 600 Biscayne Blvd., Miami, Fla., and for auxiliary transmitter to operate on 1300 kc., 250 watts, night-day, for emergency purpose only.
WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted license to cover C. P. to operate on 1300 kc., 1 KW, unlimited time.
KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted license to cover C. P. as modified to operate on 1060 kc., 500 watts night-day, limited; special authorization, 1040 kc. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted license to cover C. P. to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.
WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Mo.—Granted license to cover C. P. and modifications thereof to operate on 1500 kc., 100 watts night, 250 watts day.
WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted license to cover C. P. to operate on 1310 kc., 100 watts, unlimited time.
WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted modification of C. P. to make changes in equipment.
WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted authority to make changes in automatic frequency control equipment.
WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension special experimental authorization to operate with 1 KW power, unlimited time, to 9-1-37.
National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit recorded programs to all Canadian broadcast stations under the control of the Canadian Broadcasting Corp. in addition to the four previously specified.
WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted consent to transfer of control of Massachusetts Broadcasting Corp. from Joseph M. Kirby, deceased, by Mary A. Kirby, Adm., to Arde Bulova.
WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted consent to the transfer of control of the Ohio Valley Broadcasting Corp. from Harold McWhorter, Marion McDowell and Wayne Van Gilder to The Exponent Co.
KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Granted C. P. as amended to move transmitter site from Oakland to San Francisco, Calif., install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW.

SET FOR HEARING

- NEW—Food Terminal Broadcasting Co., Cleveland, Ohio.—Application for C. P. for new broadcast station at Cleveland, Ohio, to operate on 1500 kc., 100 watts, daytime only. Transmitter site to be determined with Commission's approval.
NEW—Twin City Broadcasting Corp., Longview, Wash.—Application for C. P. for new broadcast station at Longview, Wash., as amended, to operate on 780 kc., 250 watts, daytime only.
KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Application as amended for C. P. to install new equipment and directional antenna for nighttime operation; change frequency from 1420 kc. to 1390 kc.; increase power from 100 watts, unlimited, to 500 watts night, 1 KW day, unlimited.
WTAQ—WHBY, Inc., Green Bay, Wis.—Application as amended for C. P. to install new equipment, increase day power from 1 KW to 5 KW, employing directional antenna.
NEW—Leonard A. Versluis, Grand Rapids, Mich.—Application for C. P. for new broadcast station at Grand Rapids, Mich., to operate on 830 kc., 500 watts, daytime only.

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Application for modification of license to increase time of operation from 1 KW, daytime only, to 1 KW, specified hours.

NEW—The Ohio Broadcasting Co., Steubenville, Ohio.—Application for C. P. for new broadcast station at Steubenville, Ohio, to operate on 780 kc., 250 watts, daytime only; transmitter and studio sites to be determined with Commission's approval.

NEW—The Ohio Broadcasting Co., Marion, Ohio.—Application for C. P. for new broadcast station at Marion, Ohio, to operate on 880 kc., 250 watts, daytime only; transmitter and studio sites to be determined with Commission's approval.

NEW—The Ohio Broadcasting Co., East Liverpool, Ohio.—Application for C. P. for new broadcast station at East Liverpool, Ohio, to operate on 1350 kc., 250 watts, daytime only; transmitter and studio sites to be determined with Commission's approval.

NEW—The Ohio Broadcasting Co., Salem, Ohio.—Application for C. P. for new broadcast station at Salem, Ohio, to operate on 1420 kc., 100 watts, daytime only; transmitter and studio sites to be determined with Commission's approval.

WREN—The Wren Broadcasting Co., Inc., Lawrence, Kans.—Application for Commission's consent to the transfer of control of The Wren Broadcasting Co., Inc., from the present stockholders to The Kansas City Star Co.

ORAL ARGUMENTS

KGCC—Ex. Rep. I-104: Robert J. Craig, d/b as The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted oral argument to be held April 1, 1937.

NEW—Ex. Rep. I-324: John S. Allen & G. W. Covington, Jr., Montgomery, Ala.—Granted oral argument to be held April 1, 1937.

NEW—Ex. Rep. I-327: Smith, Keller & Cole, San Diego, Calif.—Granted oral argument to be held April 1, 1937.

MISCELLANEOUS

KALE—KALE, Inc., Portland, Oreg.—Granted modification of license to increase hours of operation from specified hours to unlimited, in conformity with the action of the Broadcast Division of November 17, 1936, inasmuch as the applicant has complied with the proviso contained therein.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted petition to intervene in hearing on the application of the Cadillac Broadcasting Company, for C. P. to erect a new broadcast station at Dearborn, Mich., to operate on 1140 kc., 500 watts, daytime only.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Order of October 20, 1936, granting application for increase in time of operation from specified hours on station's present frequency 1250 kc., set aside and application designated for hearing generally upon issues to be drawn by the Law Department, including those raised in the supplemental protest of WMIN as to the possible sale of the frequency.

WLB—University of Minnesota, Minneapolis, Minn.—Order of October 20, 1936, granting application for change in frequency from 1250 kc. to 760 kc., increase in power from 1 KW to 5 KW daytime and share time with WCAL was set aside and application designated for hearing on conditions outlined in WTCN decision.

WCAL—St. Olaf College, Northfield, Minn.—Order of October 20, 1936, granting application to change frequency from 1250 kc. to 760 kc., increase power to 5 KW day and share time with WLB, was set aside and application designated for hearing on conditions outlined in WTCN decision.

NEW—Lawrence K. Miller, Pittsfield, Mass.—Granted petition to intervene at hearing of application of Harold Thomas for C. P. for new broadcast station at Pittsfield to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted extension to February 12, 1937, of working date of Rule 132.

WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted extension of the working date of Rule 132 for a period of six months from November 12, 1936, to May 12, 1937.

NEW—West Texas Broadcasting Co., Wichita Falls, Texas.—Denied petition asking postponement of hearings upon pending application for broadcasting facilities in Wichita Falls, Texas, Dockets 4218, 4348, 4355 and 4356.

WSBC—WSBC, Inc., Chicago, Ill.—Reconsidered and granted application to increase day power from 100 watts to 250 watts.

NEW—Allen T. Simmons, Mansfield, Ohio.—Granted petition to intervene in the hearing on the application of Frazier Reams for C. P. for new broadcast station at Mansfield, Ohio, to operate on 1370 kc., 100 watts daytime only.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Denied petition asking Commission to postpone effective date—January 26, 1937—of decision granting application to change frequency from 1420 kc. to 1120 kc. and increase power from 100 watts to 500 watts and to operate specified hours.

W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Decided to reopen hearing on application for a new radio station at Johnson City, Tenn., to obtain additional data on financial standing. Hearing to be held at John Sevier Hotel, 10 a. m. March 8, 1937.

W8XAN—The Sparks-Withington Co., Jackson, Mich.—Directed that the license of W8XAN, expiring 3 a. m. EST, February 1, 1937, be extended upon a temporary basis only for the period ending in no event later than 3 a. m. EST, March 1, 1937, pending receipt and/or action on application for renewal of license.

KJR—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Directed that the license of KJR, expiring 3 a. m. EST, February 1, 1937, be extended upon a temporary basis only for the period ending in no event later than 3 a. m. EST, March 1, 1937, pending receipt and/or action on application for renewal of license.

KFXR—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Denied motion to reconsider and grant application for the Commission's consent to the assignment of license for KFXR from the Exchange Avenue Baptist Church to Plaza Court Broadcasting Co. The application for assignment of license has been set for hearing.

NEW—Lenawee Broadcasting Co., Adrian, Mich.—Dismissed with prejudice application for C. P. for new broadcast station at Adrian to operate on 1440 kc., 250 watts daytime only.

The Broadcast Division directed that hearings be held in Washington, D. C., as scheduled on the following applications:

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Application for authority to assign license of KTHS to Radio Enterprise, Inc., and application for C. P. to install new transmitter and directional antenna for night use, change frequency from 1040 kc. to 1060 kc.; change time of operation from S-KRLD to unlimited, and move transmitter to McAlmont, Ark., and studio to Little Rock, Ark. Application for C. P. has been set for hearing before the Broadcast Division.

NEW—Radio Enterprise, Inc., El Dorado, Ark.—Application for C. P. for new station at Hot Springs, Ark., to operate on 1310 kc., 100 watts daytime only. Hearing is scheduled for February 23, 1937, before an examiner.

NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—Application for C. P. for new station at Hot Springs, Ark., to operate on 1310 kc., 100 watts day only. Hearing is scheduled for February 23, 1937, before an examiner.

SPECIAL TEMPORARY AUTHORIZATIONS

KRRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from local sunset (6:30 p. m.) to 9 p. m. CST, on Sundays, March 7, 14, 21 and 28, 1937, in order to broadcast services of the Kelly Memorial Methodist Church of Longview.

WSYB—Philip Weiss, t/s Philip Weiss Music Company, Rutland, Vt.—Granted special temporary authority to operate from 9 p. m. to 11 p. m. EST, Friday, February 5, 1937, in order to broadcast a concert by the Green Mountain Symphony Orchestra.

KUMA—Albert M. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 p. m. to 11:30 p. m. MST, February 9, 16 and 23, 1937, in order to broadcast wrestling and boxing bouts.

KABG—Ben S. McGlashan, Aboard Yacht "El Perrito"—Granted special temporary authority to operate ship transmitter WDFL aboard Yacht El Perrito, as a relay broadcast station on 75 watt frequencies 1622, 2058, 2150 and 2790 kc., to broadcast Midwinter Regatta, for a period not to exceed 30 days.

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to operate from 7 p. m. to 9:30 p. m. CST, Friday, February 5, and Monday, February 8, 1937, in order to broadcast programs of district Parent Teacher Association and basketball games.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted special temporary authority to operate from local sunset (5:30 p. m.) to 11 p. m. EST, Thursday, February 4, 1937, in order to broadcast by remote control from the Hotel Bond an address by Dr. Alexander Ruthvan, president of the University of Michigan.

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Granted special temporary authority to operate a mobile 100 watt transmitter on 560 kc., between hours of 1 a. m. and 6 a. m. PST, for period beginning February 8, 1937, and ending in no event later than February 14, 1937, in order to make transmitter site survey.

WSPR—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Granted special temporary authority to operate from 11 p. m., February 9, to 1:30 a. m., February 10, 1937, in order to broadcast a theater benefit for Red Cross Flood Relief.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 p. m. to 10 p. m. CST, Wednesday, February 3, 1937, in order to broadcast the Notre Dame-Purdue basketball game from South Bend, Ind.

APPLICATIONS DISMISSED

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

NEW—Daily News Corp., St. Paul, Minn.—Application for C. P., 580 kc., 1 KW, daytime.

WBNO—Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to Pelican State Broadcasting Co.; 1200 kc., 100 watts, shares-WJBW.

WADA—Wilton E. Hall, Anderson, S. C.—Modification of C. P., 630 kc., 1 KW, unlimited.

KFKA—Mid-Western Radio Corp., Greeley, Colo.—Modification of license, 1450 kc., 500 watts, 1 KW, LS, unlimited.

RATIFICATIONS

WSGN—Birmingham News Co., Birmingham, Ala.—Granted extension of program test period 30 days from January 23, 1937.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted extension of program test period 30 days from January 29, 1937.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Granted extension of equipment test period 10 days from January 25, 1937.

WOKB—Agricultural Broadcasting Co., Chicago, Ill.—Granted authority to operate WOKB broadcast state police and amateur frequencies to transmit emergency messages pertaining to flood for duration of emergency.

WBPA—National Life and Accident Co., Inc., Nashville, Tenn.—Granted authority to operate WBPA on equipment tests January 24 in connection with flood conditions.

WSAI—Crosley Radio Corp., Cincinnati, Ohio.—Granted authority to use formerly licensed transmitter located at Maud Road, near Mason, Ohio, during period of emergency until present licensed transmitter can resume operation but not to exceed 30 days.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted authority to operate 5 KW non-directional for emergency messages only while communicating to isolated flood area in Southern Ohio, provided in accordance with Rule 23; period not to exceed 10 days.

WTJS—Sun Publishing Co., Inc., Jackson, Tenn.—Granted authority to operate 250 watts night while transmitting emergency messages only.

KLRA-KGHY—Arkansas Broadcasting Co., Little Rock, Ark.—Granted authority to operate with 2500 watts KLRA, and KGHY with 250 watts night while transmitting emergency messages.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate WSMK simultaneously with KQV during nighttime hours in order to broadcast Red Cross appeal to raise funds for flood area, during period of emergency only.

KMOX—Columbia Broadcasting System, Inc., New York, N. Y.—Granted authority to relay broadcast station on 2830 kc. in boat in flood area for purpose of handling emergency relief messages and broadcast to CBS and KMOX during period February 1 to 6, 1937 inclusive.

WIEK—Columbia Broadcasting System, Inc., New York, N. Y.—Granted authority to use WIEK relay broadcast in flood area for emergency messages only.

WBAM-WBAN—Bamberger Broadcasting Co., Newark, N. J.—Granted authority to use WBAM and WBAN frequency group A for handling emergency messages only.

WEW—St. Louis University, St. Louis, Mo.—Granted authority to broadcast during any hours in accordance with Rule 23 for purpose of handling emergency messages only.

WWL—Loyola University, New Orleans, La.—Granted authority to operate for emergency communication service under Rule 23.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate unlimited time for period not to exceed 10 days to assist organizations in flood relief.

National Broadcasting Co., Inc.—Granted special temporary authority to rebroadcast over NBC networks program material which may be received by special receiving stations at presently undetermined strategic locations in the Ohio River flood area from amateur stations strategically located describing details of disaster for the benefit of the general listening public during the period beginning January 23 and ending in no event later than January 29, 1937.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted special temporary authority to operate unlimited time every night for period not to exceed 10 days until Red Cross Drive is over.

KAAB—United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to use and operate regularly licensed aircraft transmitter KHAQY aboard United Airlines Transport Corp. plane as a relay broadcast station, in connection with a emergency conditions in flood area beginning approximately at 10 a. m. January 26, 1937.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time for period of 10 days beginning January 27 in order to broadcast appeals for help in the flood stricken areas.

WAIA—WBNS, Inc., Columbus, Ohio.—Granted special temporary authority to operate a relay broadcast station beginning January 27 and ending in no event later than February 5, 1937, on frequencies 1646, 2090, 2190, 2830 kc., 175 watts, Collins equipment Type 30 FXC in a truck, for communication in flood area.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted authority to operate additional hours provided strict compliance with Rule 23.

WAAU—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to operate a mobile relay broadcast station for duration of flood, in order to broadcast flood conditions on frequencies 1646, 2090, 2190, 2830 kc., 50 watts.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted special temporary authority to operate unlimited time for the duration of the flood crisis, in order to join the intercity network organized by WHAS, Louisville, Ky.

WSPA—Virgil V. Evans, t/a the Voice of South Carolina, Spartanburg, S. C.—Granted special temporary authority to operate from local sunset (5:45 p. m. January, 6:15 p. m. February), EST until 10 p. m., EST, for period of 10 days, using 500 watts power, in order to assist local chapter Red Cross in securing money and clothing for relief of flood sufferers.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate unlimited time for period of 10 days in order to rebroadcast flood relief messages and flood bulletins as waters move down Mississippi River.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate unlimited time for a period of 10 days beginning January 27, 1937, in order to aid in local Red Cross Relief Drive.

W5RFH—R. A. Seivers, Radio Chairman, American Legion, Greenville, Miss.—Granted authority to Eugene Boyer, licensee of W5BFH amateur station, to operate same station on any frequency not assigned to government service listed in Rule 229 as amended, to transmit emergency messages only during flood period in strict compliance Rule 25.

W9XPV-W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed for period 30 days from January 23 to February 21 for relay broadcast from train between Villagrove and Tuscola, Ill.

WGBD-WJLF—WBNS, Inc., Columbus, Ohio.—Granted authority to operate as licensed for period of 10 days from date for emergency use in connection with flood in vicinity of Portsmouth, Ohio.

W10XFR—National Broadcasting Co., New York.—Granted authority to operate as licensed from January 31 to February 5, inclusive, connection program Inquiring Reporter.

W1EX-WMFS—National Broadcasting Co., New York.—Granted authority to operate as licensed January 28 to February 6, inclusive, relay broadcast connection flood relief program.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to operate as licensed for period of 10 days beginning this date for emergency use in flood area.

W1EK-W10XGJ—Columbia Broadcasting System, Inc., New York City.—Granted authority to operate as licensed January 28 in connection with National Aviation Show.

W6XKL-KADB-KIFO—Nichols & Warinner, Inc., Long Beach, Calif.—Granted authority to operate stations as licensed, period 15 days from January 21 to February 4, provided Commission is advised by telegram sent before broadcast, the requirements of Rule 1002. Nature of program to be settlement of maritime strike, vicinity San Pedro harbor. Renewal of this authority may be requested before expiration of 15-day period.

WHBE—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted authority to operate as licensed, period not to exceed 10 days, relay broadcast Red Cross relief duty at Scott Field.

W3XEM-W3XEL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted authority to operate as licensed, period of 10 days, relay broadcast for relief work during flood at Louisville.

W4XBT-WAAK-W4XBZ—Radio Station WSCC, Charlotte, N. C.—Granted authority to operate as licensed for period 1 week from date, connection Red Cross drive.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted authority KARK to operate with 1 KW night to transmit emergency messages only for duration of flood emergency in accordance with Rule 23.

WREC—WREC, Inc., Memphis, Tenn.—Granted authority rebroadcast by WREC of amateur station W5BKD of material aiding emergency flood relief work as set forth in Rule 23.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted authority use old KARK transmitter, located at 212 Center St., accordance with terms of license dated August 29, 1936, in event flood waters render new transmitter inoperative, for period not to exceed 30 days, in accordance Rule 23.

WAVE—WAVE, Inc., Louisville, Ky.—Granted authority rebroadcasting by WAVE of amateur station W9PYH material aiding emergency flood relief work as set forth in Rule 23.

WHEC—Asso. Radiocasting Corp., Columbus, Ohio.—Granted authority operate additional time provided compliance Rule 23.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted authority emergency use of portable relay station using call letters WAEY on 2190 kc. and 2830 kc., 10 watts, for emergency relay broadcast service only, accordance with Rule 23.

WREC—WREC, Inc., Memphis, Tenn.—Granted authority for emergency use of 2 portable relay broadcast stations using call letters WAYW and WAEX, on 2 frequencies, listed in Rule 1003, causing least interference, and to rebroadcast amateur stations' material aiding in flood emergency work.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted authority transmit emergency messages pertaining to flood for duration of emergency.

KALE—KALE, Inc., Portland, Ore.—Granted extension special temporary authority to operate for period beginning January 30, 1937, and ending in no event later than February 22, 1937, pending issuance of modification of license.

W8XNA-W8XNB—Loyola University, New Orleans, La.—Granted special temporary authority to operate 2 portable relay broadcast stations beginning 1-31-37 and ending in no event later than 1-14-37, on frequencies 31100, 34600, 37600, 40600 kc., power of 2 watts and 7 watts, for use in connection with formal opening of Bonne Carre spillway, flood descriptions and events surrounding Mardi Gras parade.

WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to rebroadcast Naval Observatory time signals over WKAR, provided compliance with

requirements of Naval Observatory station, for period beginning 3 a. m., CST, February 1, 1937, and ending in no event later than 3 a. m., CST, August 1, 1937.

The Broadcast Division granted the petition of Tri-State Broadcasting Co. requesting postponement of the effective date of the decision on the application of Dorrance D. Roderick, El Paso, Texas, for construction permit, Docket No. 3858, until January 21, 1937.

The Broadcast Division granted the petition of WHB Broadcasting Company (WHB), Kansas City, Mo., and directed that the effective date of its order of November 17, 1936, be extended to February 21, 1937 (Docket No. 3808).

The Broadcast Division granted the petition of Indianapolis Broadcasting, Inc., requesting authority to intervene in the proceedings upon the application of Curtis Radiocasting Corp., Indianapolis, Ind., for new broadcast station, Docket No. 4323.

KFVS—Oscar C. Hirsch, Cape Girardeau, Mo.—Granted authority to use amateur phone equipment for relay broadcast on group A frequencies for period January 30 to February 6, inclusive; use call letters W9XRI.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted authority to operate during night hours on January 30 to February 3, inclusive, to broadcast programs directly related to Red Cross and relief work only.

APPLICATIONS RECEIVED

First Zone

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass. 990 —Construction permit to install a new transmitter and directional antenna for day and night use, increase power from 50 KW to 500 KW and move transmitter from Dover Road, Millis Township, Mass., to Provincetown, Mass.

NEW—Watertown Broadcasting Corp., Watertown, N. Y. 1420 —Construction permit for a new station to be operated on 1270 kc., 250 watts, daytime. Amended: To change frequency from 1270 kc. to 1420 kc., power from 250 watts to 100 watts night, 250 watts daytime, and change hours of operation from daytime to unlimited time.

W3XAK—National Broadcasting Co., Bound Brook, N. J.—License to operate station as a facsimile broadcast (experimental) station on 2016 kc., unlimited time, to be located at River Road, Bound Brook, N. J. (Request of applicant.)

NEW—National Broadcasting Co., Inc., Bellmore, N. Y.—License to operate the transmitter formerly licensed to W2XBS as a facsimile broadcast (experimental) station on 2016 kc., 500 watts, unlimited time. (Request of applicant.)

NEW—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts, unlimited time.

W2XIN—Standard Cahill Co., Inc., Mobile—Modification of license to change name from Standard Cahill Co., Inc., to WBNX Broadcasting Co., Inc.

Second Zone

NEW—Arlington Radio Service, Inc., Arlington, Va.—Construction 850 permit for a new station to be operated on 850 kc., 250 watts, daytime.

WJAC—WJAC, Inc., Johnstown, Pa.—License to cover construction permit (B2-P-871) for changes in equipment, increase in power and move of transmitter.

WSAN—WSAN, Inc., Allentown, Pa.—License to cover construction permit (B2-P-1380) as modified for new transmitter and antenna and move of transmitter.

WCBA—B. Bryan Musselman, Allentown, Pa.—License to cover 1440 construction permit (B2-P-1380) as modified for new transmitter and antenna and move of transmitter.

WCBA—B. Bryan Musselman, Allentown, Pa.—Voluntary assignment of 1440 license from WSAN, Inc., to WSAN, Inc.

NEW—Philadelphia Radio Broadcasting Co., Philadelphia, Pa.—1570 Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended: To change name from Philadelphia Radio Broadcasting Corp. to Philadelphia Radio Broadcasting Company.

NEW—Summit Radio Corp., Akron, Ohio.—Construction permit 1530 for a special broadcast station to be operated on 1530 kc., 1 KW, unlimited time. Amended: To give studio site as 106 S. Main Street, Akron, Ohio.

NEW—Allen T. Simmons, Vicinity of Akron, Ohio.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 100 watts, unlimited time.

W8XIQ—The WGAR Broadcasting Co., Mobile.—Construction permit to make changes in equipment and increase power 35 watts to 100 watts.

Third Zone

NEW—El Paso Broadcasting Co., El Paso, Texas.—Construction 940 permit for a new station to be operated on 940 kc., 1 KW, unlimited time. Amended: To give transmitter site as 2,250 feet south of Spruce St., on line of Boone St., extended southward, El Paso, Texas.

NEW—W. W. Luce, Fort Lauderdale, Fla.—Construction permit 1050 for a new station to be operated on 1050 kc., 1 KW, limited time.

KOCA—Oil Capital Broadcasting Assn. (James G. Ulmer, President), Kilgore, Texas.—License to cover construction permit (B3-P-594) as modified for a new station. Amended: Equipment.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—License 1310 to cover construction permit (B3-P-1244) for new transmitter and move of transmitter.

WKEU—Radio Station WKEU, Griffin, Ga.—Modification of license 1310 to change frequency from 1500 kc. to 1310 kc. and hours of operation from daytime to unlimited using 100 watts power.

KTEM—Bell Broadcasting Co., Temple, Texas.—Construction permit 1370 to make changes in equipment, change hours of operation from daytime to unlimited and power from 100 watts to 100 watts night, 250 watts daytime.

KMAC—W. W. McAllister, San Antonio, Texas.—License to cover 1370 construction permit (B3-P-1343) for new transmitter and vertical antenna, increase in power and move of transmitter.

WBNO—Coliseum Place Baptist Church, New Orleans, La.—Construction permit 1500 to install a new transmitter and vertical antenna change frequency from 1200 kc. to 1500 kc., power from 100 watts to 100 watts night, 250 watts daytime, hours of operation from share-WJBW to unlimited, and move studio and transmitter locally. Amended: To change requested frequency from 1500 kc. to 1420 kc.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—1500 Voluntary assignment of license from The Coliseum Place Baptist Church to WBNO, Inc.

KGKB—East Texas Broadcasting Co., Tyler, Texas.—License to 1500 cover construction permit (B3-P-1485) for changes in equipment, increase in power and change in hours of operation.

NEW—A. H. Belo Corporation, Grapevine, Texas.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts, unlimited time.

NEW—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 27900 kc., 30 watts. (Obsolete form.)

Fourth Zone

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction 560 permit to make changes in directional antenna.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—1210 License to cover construction permit (B4-P-789) as modified for a new station.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—1250 Modification of license to change power from 1 KW night, 5 KW day, to 5 KW day and night.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—1310 Authority to transfer control of corporation from First Trust Co. of St. Paul and G. P. Castner, as Special Administrators of the estate of L. J. Shields, deceased; Florence E. Brown and Emmet Butler as Trustees under the last will and testament of Frank M. Brown, deceased; Florence E. Brown as Guardian of the estate of James L. Brown, a minor; and Stanley Hubbard, to Gregory Gentling. Amended to add name of National Battery Broadcasting Co. to that of transferors.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction 1310 permit to make changes in equipment, install directional antenna for night use, change frequency from 1310 kc. to 1290 kc., power from 100 watts, 250 watts day, to 500 watts, 1 KW day, and move transmitter locally.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Modification 1310 of license to change hours of operation from simultaneous daytime, share WLBC night, to unlimited time.

KWOS—Tribune Printing Co., Jefferson City, Mo.—License to 1310 cover construction permit (B4-P-1023) as modified for a new station.

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction 1370 permit to install a new antenna and move transmitter and studio from 213 W. Main Street to 925 S. Harrison Street, Fort Wayne, Ind. Amended to change name from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean, Executive 1370 President), Rapid City, S. Dak.—Voluntary assignment of license from Black Hills Broadcast Co. (Robert Lee Dean, Executive President) to Black Hills Broadcast Company of Rapid City.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification 1400 of construction permit for changes in equipment and increase in power, requesting further changes in equipment and extension of commencement and completion dates 30 and 90 days.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—License to cover 1430 construction permit (B4-P-996) as modified for changes in equipment and increase in power.

NEW—Economy Cash Hardware, E. E. Dodson, Prop., State of Missouri.—Construction permit for a new experimental broadcast station to be operated on 56000 kc. and up, 200 watts, unlimited time. (Obsolete form.)

NEW—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 15 watts, unlimited time. (Obsolete form.)

NEW—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Mobile.—Construction permit for a new relay broadcast station to be operated on 1606, 2022, 2102, 2758 kc., 50 watts, unlimited time. (Obsolete form.)

W9XAP—National Broadcasting Co., Inc., Addison, Ill.—License to operate station as a facsimile broadcast (experimental) station on 2016 kc., 2½ KW, unlimited time. (Request of applicant.)

NEW—Central States Broadcasting Co., Omaha, Nebr.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts, unlimited time.

NEW—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit for a high frequency broadcast station to be operated on 26550 kc., 100 watts, unlimited time.

Fifth Zone

NEW—Clarence A. Berger and Saul S. Freeman, Coeur D'Alene, 1200 Idaho.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime. Amended to change from an individual to a partnership by adding name of Saul S. Freeman.

KGfJ—Ben S. McGlashan, Los Angeles, Calif.—Construction permit 1200 to install new equipment, change frequency from 1200 kc. to 1170 kc., and change power from 100 watts to 250 watts night, 500 watts daytime. Amended to give transmitter site as site to be determined, Los Angeles, Calif.

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., 1200 San Luis Obispo, Calif.—Modification of construction permit (B5-P-718) as modified for a new station, requesting move of transmitter from 1.285 miles south from center of San Luis Obispo, to 1.5 miles northwest from center of San Luis Obispo, Calif., and extend commencement and completion dates.

NEW—John D. Fields, Inc., Las Vegas, Nev.—Construction permit 1370 for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to make changes in transmitting equipment and antenna.

KBPS—Benson Polytechnic School, Portland, Ore.—Construction 1420 permit to make changes in equipment.

NEW—Frontier Broadcasting Co., Cheyenne, Wyo.—Construction 1420 permit for a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time. Amended to change from a partnership, Wm. C. Grove and S. H. Patterson, to a corporation, Frontier Broadcasting Co.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Construction 1500 permit to move transmitter from 20 Second Street, Wenatchee, Wash., to north end Miller Street, Wenatchee, Wash., and erect a vertical antenna.

W7XBD—Oregonian Publishing Co., Portland, Oreg.—Modification of construction permit for extension of commencement date from 9-15-36 to 2-15-37 and completion date from 2-15-37 to 8-15-37.

NEW—Dr. A. H. Schermann, Mobile—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts. (Obsolete form.)

NEW—The KLZ Broadcasting Co., Denver, Colo.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts, unlimited time.

NEW—Earle C. Anthony, Inc., Mt. Wilson, Calif.—Construction permit for a new high frequency broadcast station to be operated on 26550 kc., 100 watts, unlimited time.

Puerto Rican Zone

NEW—Ralph Perez Perry, Guayama, Puerto Rico.—Construction permit for a new station to be operated on 630 kc., 250 watts, unlimited time.

PROPOSES NEW FEDERAL BROADCASTING STATION

Representative Cellar of New York on Wednesday introduced a bill in the House for a federally controlled Pan-American broadcasting station. In connection with this, Mr. Cellar made the following statement:

I have this day offered a bill authorizing the Navy Department to construct and maintain a government radio broadcasting station to be called the Pan American Radio Station, with such power and equipment as will enable such station effectively to transmit programs to all parts of the world, and particularly, to countries of the Western hemisphere, with sufficient signal strength to permit programs to be rebroadcast in all countries of the Pan-American Union.

The United States Commissioner of Education is instructed to provide programs of national and international interest. There is to be appropriated \$750,000 for the construction of such station, and furthermore, an annual appropriation of \$100,000 a year for operation and maintenance

The plan and purpose of such legislation has had the approval and encouragement of responsible officials of the Department of State, Department of the Interior, Department of Agriculture, Federal Communications Commission, National Committee on Education by Radio and the Pan-American Union. Also, such project has already had the approval specifically of President Roosevelt, Secretary of State Hull and Secretary of the Navy Swanson. It grows out of the radio resolution adopted January, 1932, at Montevideo, by the Seventh International Conference of the North, Central and South American countries forming the twenty-one sister Republics of the Pan-American Union.

Each American nation participating at the Conference agreed to set up short wave broadcasting stations and to broadcast such programs as to cement bonds of friendship and cultural understanding between the peoples of the twenty-one countries of the Pan-American Union.

The radio spectrum by international comity has been divided into a definite number of bands of frequencies. Within each frequency band, only a certain number of short wave broadcasting stations can function. In all the world, there are no more unassigned or "empty" channels for new short wave broadcasting stations—except one; that is the channel pre-empted at the Montevideo Conference for exclusive use of Pan-American Republics.

President Roosevelt, in pursuance of such preemption, and in accord with our sister nations, issued Executive Order No. 6472, dated December 2, 1933, making available for the United States Government, the following frequencies: 6120 kc, 9550 kc, 11730 kc, 15130 kc, and 2150 kc.

In pursuance of such Executive Order, a station was to be set up in Washington, D. C., under the joint control and auspices of the State Department and Navy Department. The station was never set up. Many obstacles were thrown across the path of this much needed reform, by misguided and selfish persons. It is feared that this would be the entering wedge into governmental control of Radio. That is ridiculous.

I am a firm believer in private initiative. I do not want to slam the door in the face of the efficiency, enterprise and resourcefulness of private ownership. Our radio system, despite certain

besetting evils of commercialism, is yet the greatest in the world, thanks to private control. But one Pan-American short wave station, set up in pursuance of the Treaty, in an unassigned channel, on a non-competitive basis, will not in the slightest militate against private initiative. It will not lead to government monopoly.

These persons and entities must now cease their opposition, else they will get their fingers burned. Because of the pressure against carrying out the President's Executive Order, I have introduced my bill. However, I specifically provide for cooperation of private stations in the maintenance and operation of the Pan-American Broadcasting Station.

The United States Commissioner of Education, with the approval of an advisory council consisting of the Secretary of State, the Director General of the Pan-American Union, the Chairman of the Federal Communications Commission, and such other governmental officials as the President may select, may at certain periods and under well defined conditions, allow said Pan-American Station to be used by a private company, provided there will be no profit and no advertising, and the programs are exclusively in the public interest.

Every nation in the world has a broadcasting station, except the United States. Every nation but our own can defend itself over the air against foreign and unfriendly attacks. For example, the Fascist and Communist Governments are growing bolder every day in their proselyting activities. National boundaries mean nothing. The sovereignty of no nation is respected. Surely some antidote is necessary.

There are two million short wave receiving sets in this country and the number is mounting daily by leaps and bounds. Such increasing short wave receptivity might well command a Federal station.

Such a Federal controlled station could be used (1) to create good will between this and other nations, (2) to eradicate international misunderstandings, and (3) to develop two-way trade between the United States and other nations by propagandizing for our own products, indicating to foreigners the worthwhileness of our goods and encouraging importations of our goods. In this way, we will further the purposes of the Administration in increasing foreign trade by supplementing the activities of Secretary of State Hull and the President through the reciprocal trade treaties.

The types of programs available might well be the following:

A. For Pan American Use:

(1) The concerts given at the Pan American Union at regular intervals, together with other events of inter-American character which are held at the Union, such as Pan American Conferences, addresses delivered on the occasion of the observance of Pan American Day and other similar events.

(2) Important events in which high officials of the Government participate; for instance, the message of the President at the opening session of Congress, and other addresses that may be delivered by The President and by other high officials of the Government.

(3) Concerts by some of the great musical organizations of the United States; for example, the New York Philharmonic, the Boston Symphony and the Philadelphia Orchestra.

(4) Programs of music by North American composers as played regularly by the Service Bands in Washington; the United States Army Band, the Navy Band and the Marine Band.

(5) Outstanding productions of the theater, such as the Metropolitan Opera Company, the Chicago Civic Opera.

B. For National and Pan American Service:

- (1) Addresses by The President
- (2) " " Members of the Cabinet
- (3) " " Congressional Leaders
- (4) " " Heads of Commission, Departments, Bureaus, etc.
- (5) Account and interpretation of various governmental activities.
- (6) National Events
 - (a) Opening of Congress and other important sessions.
 - (b) Fourth of July Ceremonies
 - (c) Ceremonies at Arlington
 - (d) Account of Army Inspections and Drills
 - (e) " " Navy " and Maneuvers
 - (f) Graduation Ceremonies at Naval Academy at Annapolis and Military Academy at West Point

- (g) Dedications
- (h) Conferences: National and International
- (i) National athletic events

C. For National Service:

(1) Aims, functions, and policies of Government, current Governmental activities—Congress—Officials in action—the new arms of government—debates and discussions about current governmental problems—interpretation and obedience of laws.

(2) Economics and government—health and social welfare—education and culture—recreation—history of the country and its institutions—patriotism—national resources—industrial development—labor.

(3) Home economics—farm and home periods—crop reports—road conditions—weather reports—storm warnings—Public and National Parks—law enforcement—safety of life—fire prevention—preservation of forests.

(4) The rationalization of public life by the development of a new type of statesman and a new type of voter.

D. For Education:

The material under this headings applies to both Pan American and National broadcasts.

Under a rather large scope this includes:

Vocational guidance	History
Literature	Civics
Music	Nature Study
Arts	Languages (Spanish and
Drama	English reciprocal
Geography	lectures)

Proper use of Radio will affect the process and scope of Education with results quite as revolutionary as followed the invention of the printing press.

By applying this new instrumentality of communications to Education, costs may be reduced and quality improved.

EMANUEL CELLER,
Rep. 10th New York District.

AN ACT

Authorizing the Secretary of the Navy to construct and maintain a government radio broadcasting station; authorizing the United States Commissioner of Education to provide programs of national and international interest; making necessary appropriations for the construction, maintenance, and operation of the station and production of programs therefor; and for other purposes.

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

SECTION 1: That the Secretary of the Navy be, and he is hereby, authorized and instructed to construct a radio broadcasting station of such power, and using such equipment as will effectively transmit programs to all parts of the United States and from this country to other countries of the Western Hemisphere upon high frequencies assigned by the President and allocated to broadcasting, with sufficient signal strength to permit the same to be rebroadcast in those countries. The said station shall be located in the vicinity of Washington, D. C., the exact location of said station to be selected by the Secretary of the Navy. The station shall be known as the "Pan American Radio Station."

SEC. 2: There is authorized to be appropriated the sum of Seven Hundred Thousand Dollars (\$700,000) out of any money in the Treasury not otherwise appropriated, for the construction of the Pan American Radio Station, including buildings, land, studio equipment, lines, and all apparatus and equipment incident to the effective operation thereof.

SEC. 3: There is hereby authorized to be appropriated the sum of Fifty Thousand Dollars (\$50,000) annually out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of the Navy for the operation and maintenance of the Pan American Radio Station. The Secretary of the Navy is charged with all duties incident to the proper operation and maintenance of the said station.

SEC. 4: The United States Commissioner of Education shall be in charge of all programs for the Pan American Radio Station. He shall provide and/or arrange for programs, which will render a distinct national and/or international service and which will pro-

mote a better understanding among the Republics of the American Continent and will be of educational and cultural value.

The general policies to be followed governing the operation of the Pan American Radio Station shall be determined by an advisory council consisting of the Secretary of State, the Director General of the Pan American Union, the Chairman of the Federal Communications Commission, the United States Commissioner of Education, or such alternates as they may designate, and such other Government officials as the President may select. Provided, The total membership of said advisory council shall not exceed nine persons.

The programs broadcast by the Pan American Radio Station may be rebroadcast by any station the emissions of which are intended to be received by the general public. No commercial advertising shall be permitted in the programs transmitted by the Pan American Radio Station.

SEC. 5: For the production of radio programs, including rental of technical facilities, there is hereby authorized to be appropriated for the Office of Education, Department of the Interior, such sum as may be necessary annually, said appropriation to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 6: The United States Commissioner of Education, with the approval of the advisory council, shall, in his discretion, permit well qualified, privately owned commercial radio companies, actually operating efficient stations, to use, without charge, said Pan American radio station and its facilities, during such times and period and under such terms and conditions as to said Commissioner with the approval of said council may seem just and proper, having in mind always that the Pan American radio station is a governmentally controlled facility, provided:

- (1) Such privilege to such private company is exercised without profit to said company;
- (2) The programs contributed by said privately owned company are suitably controlled and censored by said Commissioner of Education;
- (3) Said privilege to such privately owned company may be withdrawn at any time without notice by said Commissioner of Education;
- (4) Such programs shall neither directly, indirectly, or remotely, involve the broadcasting of any advertising, and shall be exclusively in the public interest;
- (5) Any use of the facilities of such Pan American radio station as aforesaid to such privately owned company does not interfere with or militate against the general purposes of this Act.

CONNERY RADIO INVESTIGATION RESOLUTION

H. Res. 92

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1937

MR. CONNERY submitted the following resolution; which was referred to the Committee on Rules and ordered to be printed

RESOLUTION

WHEREAS the Congress, in creating the Federal Radio Commission and in enacting the Communications Act of 1934, expressly reserves to the people of the United States control of all radio frequencies; and

WHEREAS, despite the restriction through the leasing of, the purchase of, the affiliating of, the operation of, or, through the possession of contracts giving to a select few the exclusive right to use the more desirable time of these radio-broadcasting stations, there is reason to believe that contrary to the intent and the spirit, as well as the language of laws in force, one or more monopolies exist in radio broadcasting, which radio-broadcasting monopolies are believed to be profiting illegally at the expense and to the detriment of the people through the monopolistic control and operation of all clear channel and other highly desirable radio-broadcasting stations, such as the Columbia Broadcasting System, the National Broadcasting Company, and the Mutual Broadcasting System, or other existing groups; and

WHEREAS it is believed that neither public interest, convenience, or necessity is served by permitting virtual radio-broadcasting monopolies to control this property which has been reserved to the control of the American people; and

WHEREAS it is contrary to public policy, convenience, or necessity, to allow any private groups to monopolize the use of a property reserved to and for the people: Therefore be it

Resolved, That a committee of seven Members of the House of Representatives shall be appointed by the Speaker, which committee is hereby directed to inquire into and investigate the allegations and charges that a monopoly or monopolies exist in radio broadcasting alleged to be held by the Columbia Broadcasting System, National Broadcasting Company, Mutual Broadcasting System, or others; be it further

Resolved, That the said committee shall make a thorough and exhaustive investigation of all charges and allegations of the existence of a monopoly or monopolies in radio broadcasting and the effect which such monopoly or monopolies may have on the character of radio programs, and rates charged advertisers, and generally the effect of such monopoly or monopolies on the public, and said committee shall report in whole or in part at any time to the House of Representatives during the Seventy-fifth Congress, together with such recommendations for legislation or otherwise as it deems advisable; and be it further

Resolved, That said committee or any subcommittee thereof is authorized to sit and act during the present Congress at such times and places within the United States whether or not the House is sitting, has recessed, or adjourned, to hold such hearings; to require the attendance of such witnesses and the production of such books, papers, and documents by subpoena or otherwise and take such testimony as it deems necessary with respect to such monopoly or monopolies and the management and operation of any company or companies being so investigated. Subpenas shall be issued under the signature of the chairman of said committee or any member designated by him, and shall be served by any person designated by them or either of them. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, or subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the matter herein authorized to be investigated, shall be held to the penalties provided in sections 102, 103, and 104 of the Revised Statutes of the United States, as amended (U. S. C., title 2, secs. 192, 193, and 194).

WEARIN RADIO MONOPOLY BILL

H. R. 3892

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1937

MR. WEARIN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed

A BILL

To amend the Communications Act of 1934 by adding thereto provisions designed to prohibit unified and monopolistic control of broadcasting facilities and printed publications, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress designated by the statutory title "Communications Act of 1934", approved June 19, 1934, be, and the same is hereby, amended by adding thereto a new section to immediately follow section 314 of said Act, said new section to be as follows:

"SEC. 314. (a) It is hereby declared to be against public interest to permit the creation or the continuance of monopolies in the distribution of general information, news, and editorial comment thereon, through any combination resulting in unified control of newspapers, magazines, or other printed publications, with radio broadcasting, and after the effective date of this Act it shall be unlawful for any licensee, to any extent, directly or indirectly, in its own person or through an agent, holding corporation, affiliated corporation, subsidiary corporation, by stock ownership in a corporation, or otherwise, (1) to be owned, partially owned, managed, or controlled by any person who owns, partially owns, manages, controls, directs, or publishes any newspaper, magazine, or other printed publication circulated or distributed to any extent within the area or zone served by the broadcasting station allotted to such licensee; or (2) to own, partially own, manage, control, direct, or publish any newspaper, magazine, or other printed publication circulated or distributed to any extent within the area or zone allotted to such licensee: *Provided*, That the foregoing provisions of this section shall not apply to and shall not be enforced against any person now holding a license under this Act until the termination of the term of his existing license but shall apply and be enforced against such present licensee immediately upon termination, and without any extension, of the existing term of such license."

LEA RADIO OPERATORS BILL

H. R. 3898

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1937

MR. LEA introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed

A BILL

To amend section 318 of the Communications Act of 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 319. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided*, however, That the Commission may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles."

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

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BROADCAST ADVERTISING FOR THE YEAR 1936 AND FOR DECEMBER

Broadcast Advertising In 1936

HIGHLIGHTS OF THE YEAR

Broadcast advertising volume reached a new all time high during 1936. Gross time sales amounted to \$107,550,886 as compared to \$87,523,848 in 1935, an increase of 22.9%. Although all portions of the medium registered marked increases, national non-network advertising exhibited the most pronounced gain, rising 41.5%. National network volume rose 19.2%, regional network volume 23.1% and local broadcast advertising 16.0%.

Non-network advertising registered a gain of 27.9% over 1935. Local stations continued the trend of 1934 and 1935 by showing the greatest increase in sales of any class of station. The South Atlantic-South Central Area led all geographical districts by increasing its sales 52.0% over 1935. However, all classes of stations and sections of the country enjoyed considerable increases over 1935 levels.

Although live talent programs represented 47.9% of the total non-network sales during 1936, transcriptions increased to a greater extent than any other type of rendition. Transcriptions during the past year showed a 50.6% gain over 1935.

General gains were experienced in most all broadcast sponsor groups during the year 1936. Only drug and confectionery advertising showed a decline as compared to the previous month. Principal gains were shown in the miscellaneous, soap and kitchen supply, automotive, beverage, tobacco, radio set and financial groups.

TOTAL BROADCAST ADVERTISING

The volume of broadcast advertising over various portions of the medium during 1935 and 1936 is shown in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

Class of Business	Gross Time Sales	
	1935	1936
National networks.....	\$50,067,686	\$59,671,244
Regional networks.....	1,110,739	1,367,812
National non-network.....	17,063,688	24,141,360
Local.....	19,281,735	22,370,470
Total.....	\$87,523,848	\$107,550,886

Total broadcast advertising for the year 1936 exceeded the gross time sales of 1935 by 22.9%. All portions of the medium experienced marked increases over 1935 levels. National non-network advertising showed the greatest gain over last year, rising 41.5%. National network volume rose 19.2%, regional network business 23.1% and local advertising 16.0%.

The marked increase in national non-network advertising caused sales in this portion of the medium to represent 22.4% of the industry's gross revenues during 1936 as compared to 19.5% in 1935, 18.6% in 1934 and 17.5% in 1933. National network advertising accounted for 55.5% of the gross revenue for 1936 as compared to 57.2% in 1935, 58.5% in 1934, and 55.2% in 1933. Regional network advertising represented 1.3% of the total gross time sales as against 1.2% in 1935, 0.9% in 1934, and 0.7% in 1933. Local business comprised 20.8% of the total sales. Advertising of this type accounted for 22.1% of total volume in 1934 and 1935.

COMPARISON WITH OTHER MEDIA

Compared to radio broadcasting's 22.9% rise over the preceding year, national magazine volume rose 16.8%, national farm paper advertising 26.0% and newspaper lineage 9.8%. Advertising volume by major media during the years of 1935 and 1936 is shown in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales	
	1935	1936
Radio broadcasting.....	\$87,523,848	\$107,550,886
National magazines ¹	123,093,289	143,790,669
National farm papers ¹	5,565,059	7,013,154
Newspapers ²	517,513,000	568,593,000
Total.....	\$733,695,196	\$826,947,709

¹ Publishers Information Bureau.

² Estimated.

NON-NETWORK BROADCAST ADVERTISING

Total non-network broadcast advertising for the year 1936 experienced a gain of 27.9% over the preceding year. Continuing to show the same trend as exhibited in 1934 and 1935 local station volume increased to a greater extent than any other class of stations during 1936. Gross time sales over this class of stations increased 36.5% over

the 1935 level. Clear channel and high-powered regional station volume rose 18.4% over 1935 and regional station volume increased 35.7%.

For the year 1936, gross time sales over clear channel and high-powered regional stations accounted for 42.2% of the total non-network sales. Regional station volume represented 42.4% of the total and local station volume 15.4%. During the year 1935 the composition of non-network sales was as follows: clear channel and high powered regional stations 45.5%; regional stations 40.0%; and local stations 14.5%.

Non-network broadcast advertising by power of station is shown in Table III.

TABLE III
NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

<i>Power of Station</i>	<i>Gross Time Sales</i>	
	1935	1936
Over 1,000 watts.....	\$16,564,505	\$19,617,140
250-1,000 watts.....	14,523,795	19,713,950
100 watts.....	5,257,213	7,180,740
Total.....	\$36,345,513	\$46,511,830

The south experienced the greatest increase of any section of the country over 1935, non-network advertising in the South Atlantic-South Central Area rising 52.0%. Non-network advertising in the New England-Middle Atlantic Area rose 20.7% over 1935, in the North Central Area 29.6% and in the Pacific and Mountain Area 13.8%.

Sales in the New England-Middle Atlantic Area comprised 23.2% of total non-network sales in 1936, 24.5% in 1935, and 33.2% in 1934. The proportion of sales in the South Atlantic-South Central Area to the total non-network sales jumped from 13.5% in 1934 and 16.6% in 1935 to 19.8% in 1936. The North Central Area comprised 38.9% of the total as compared to 36.4% in 1934 and 38.2% in 1935. Sales in the Pacific and Mountain Area represented 18.1% of the total as against 16.9% in 1934 and 20.7% in 1935.

Non-network broadcast advertising by geographical districts is shown in Table IV.

TABLE IV
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>Gross Time Sales</i>	
	1935	1936
New England-Middle Atlantic Area.....	\$8,945,782	\$10,799,850
South Atlantic-South Central Area.....	6,060,358	9,214,070
North Central Area.....	13,941,087	18,073,230
Pacific and Mountain Area.....	7,398,286	8,424,680
Total.....	\$36,345,513	\$46,511,830

NON-NETWORK ADVERTISING BY TYPE OF RENDITION

As has been evident throughout the past year, transcriptions showed the greatest gain over 1935 of any type of rendition. Total transcription volume rose 50.6%. Live talent volume rose 26.2%, record volume 9.7% and announcement volume 15.5%. Transcriptions accounted for 24.7% of the total amount of non-network sales, live talent 47.9%, records 2.0% and announcements 25.4%. Last year transcriptions accounted for 20.9%, live talent 48.3%, records 2.3% and announcements 28.5%.

In the national non-network field, transcriptions led other types of rendition, rising 53.2% over 1935. Live talent rose 35.6%, records 6.6% and announcements 35.4%. The proportion of total national non-network advertising represented by the various types of rendition is as follows: transcriptions 37.3%, live talent 45.0%, records 0.5%, and announcements 17.2%. In 1935 the proportion was transcriptions 37.7%, live talent 42.9%, records 0.4%, and announcements 19.0%.

Transcriptions also recorded the greatest gain in the local non-network field, rising 41.7% over the 1935 level. Live talent volume rose 18.5%, records 10.2% and announcements 6.9%. Transcriptions comprised 11.0% of the total local non-network sales, live talent 51.2%, records 3.7%, and announcements 34.1%. In 1935 transcriptions amounted to 9.0%, live talent 50.0%, records 3.8% and announcements 37.2%.

Broadcast advertising by type of rendition is presented in Table V.

TABLE V
NON-NETWORK ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>Gross Time Sales</i>					
	<i>National Non-network</i>		<i>Local</i>		<i>Total</i>	
	1935	1936	1935	1936	1935	1936
Electrical transcriptions.....	\$5,870,614	\$8,998,075	\$1,743,894	\$2,471,845	\$7,614,508	\$11,469,920
Live talent programs.....	8,015,119	10,869,120	9,664,411	11,452,540	17,679,530	22,321,660
Records.....	103,914	110,860	745,157	821,050	849,071	931,910
Announcements.....	3,074,131	4,163,305	7,128,273	7,625,035	10,202,404	11,788,340
Total.....	\$17,063,778	\$24,141,360	\$19,281,735	\$22,370,470	\$36,345,513	\$46,511,830

BROADCAST ADVERTISING SPONSORSHIP

With the exception of drug and confectionery advertising which declined 2.4% and 7.9%, respectively, as com-

pared to the preceding year, all forms of broadcast advertising sponsorship showed gains during 1936. The miscellaneous group increased to the greatest extent over 1935 rising 63.8%, due mainly to sponsored political broad-

casts. National network advertising in this field increased 153.2% over the 1935 level. Other principal increases over 1935 were soap and kitchen supply advertising 45.6%, automotive 39.5%, beverage advertising 37.4%, tobacco advertising 35.4%, radio set advertising 34.5% and financial advertising 30.6%. Amusements rose 8.8%, accessories, gas and oils 18.6%, clothing 7.5%, cosmetics 12.6%, foodstuffs 17.3%, household equipment 5.4% and department store advertising 11.4%.

Foodstuffs led the sponsor field, accounting for 18.2% of the total broadcast advertising of the year. This has been the case for the last two years although foodstuffs comprised 19.0% of the total last year. The leading sponsor groups are the same as last year but their places have been changed. During the year just passed foodstuffs accounted for 18.2%, miscellaneous 13.8%, cosmetics 12.0%, drugs 9.6%, automobiles 8.1% and accessories 7.3%. In 1935, foodstuffs accounted for 19.0%,

TABLE VI(A)
BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(1936)

Type of Sponsoring Business	National Networks		Regional Networks		National Non-network		Local		Total	
1a. Amusements	—	—	\$1,509	.1%	\$127,470	.5%	\$478,500	2.1%	\$607,479	.6%
1-2. Automobiles and accessories:										
1. Automobiles	4,623,743	7.7%	7,070	.5%	2,660,070	11.0%	1,390,735	6.2%	8,681,618	8.1%
2. Accessories, gas and oils	4,754,419	7.9%	252,120	18.5%	1,902,300	7.9%	905,325	4.0%	7,814,164	7.3%
3. Clothing and apparel	370,280	.6%	4,976	.4%	468,060	1.9%	3,065,900	13.7%	3,909,216	3.6%
4-5. Drugs and toilet goods:										
4. Drugs and pharmaceuticals	5,036,317	8.4%	105,443	7.7%	4,500,610	18.6%	719,620	3.2%	10,361,990	9.6%
5. Toilet goods	11,384,111	19.1%	53,155	3.9%	1,220,320	5.1%	241,380	1.1%	12,898,966	12.0%
6-8. Food products:										
6. Foodstuffs	11,211,087	18.8%	359,641	26.3%	5,026,440	20.8%	2,946,020	13.2%	19,543,188	18.2%
7. Beverages	4,469,454	7.5%	113,714	8.3%	717,870	2.9%	1,256,040	5.6%	6,557,078	6.1%
8. Confections	1,281,418	2.2%	27,529	2.0%	378,840	1.6%	82,990	.4%	1,770,777	1.6%
9-10. Household goods:										
9. Household equipment and furnishings	417,799	.7%	54,164	3.9%	858,035	3.6%	2,271,325	10.2%	3,601,323	3.3%
10. Soaps and kitchen supplies	4,174,139	7.0%	61,752	4.5%	1,344,600	5.6%	93,150	.4%	5,673,641	5.3%
11. Insurance and financial	567,123	.9%	12,937	1.0%	243,630	1.0%	913,610	4.1%	1,737,300	1.6%
12. Radios	1,388,846	2.4%	1,328	.1%	266,070	1.1%	231,050	1.0%	1,887,294	1.7%
13. Retail establishments	—	—	9,545	.7%	146,245	.6%	1,880,850	8.4%	2,036,640	1.9%
14. Tobacco products	4,656,641	7.9%	105,610	7.7%	886,080	3.6%	86,755	.4%	5,735,086	5.3%
15. Miscellaneous	5,335,867	8.9%	197,319	14.4%	3,394,720	14.2%	5,807,220	26.0%	14,735,126	13.8%
Total	\$59,671,244	100.0%	\$1,367,812	100.0%	\$24,141,360	100.0%	\$22,370,470	100.0%	\$107,550,886	100.0%

TABLE VI(B)
BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(1935)

Type of Sponsoring Business	National Networks		Regional Networks		Gross Time Sales National Non-network		Local		Total	
1a. Amusements	—	—	—	—	\$53,740	.3%	\$504,515	2.6%	\$558,255	.6%
1-2. Automobiles and accessories:										
1. Automobiles	\$3,466,379	6.9%	\$8,174	.7%	1,795,853	10.5%	949,056	4.9%	6,219,462	7.1%
2. Accessories, gas and oils	4,311,909	8.6%	156,937	14.1%	1,152,268	6.6%	966,093	5.0%	6,587,207	7.6%
3. Clothing and apparel	456,743	.9%	54,103	4.9%	367,420	2.2%	2,757,916	14.3%	3,636,182	4.2%
4-5. Drugs and toilet goods:										
4. Drugs and pharmaceuticals	6,145,306	12.3%	76,627	6.9%	3,480,850	20.5%	918,934	4.8%	10,621,717	12.1%
5. Toilet goods	10,294,126	20.6%	33,769	3.0%	851,281	5.0%	276,395	1.4%	11,455,571	13.1%
6-8. Food products:										
6. Foodstuffs	10,456,847	20.9%	272,317	24.5%	3,513,948	20.6%	2,405,326	12.5%	16,648,438	19.0%
7. Beverages	3,016,912	6.0%	31,963	2.9%	658,622	3.9%	1,063,642	5.5%	4,771,139	5.5%
8. Confections	1,317,113	2.6%	48,122	4.3%	431,733	2.5%	126,307	.7%	1,923,275	2.2%
9-10. Household goods:										
9. Household equipment and furnishings	566,610	1.1%	83,212	7.5%	670,221	3.9%	2,096,064	10.9%	3,416,107	3.9%
10. Soaps and kitchen supplies	2,816,578	5.6%	51,246	4.6%	940,083	5.5%	87,743	.5%	3,895,650	4.5%
11. Insurance and financial	442,425	.9%	5,350	.5%	208,429	1.2%	673,867	3.5%	1,330,071	1.5%
12. Radios	1,081,460	2.2%	—	—	129,565	.8%	191,543	1.0%	1,402,568	1.6%
13. Retail establishments	59,119	.1%	860	.1%	109,008	.6%	1,659,122	8.6%	1,828,109	2.1%
14. Tobacco products	3,528,790	7.1%	169,565	15.3%	457,380	2.7%	79,611	.4%	4,235,346	4.8%
15. Miscellaneous	2,107,369	4.2%	118,494	10.7%	2,243,287	13.2%	4,525,601	23.4%	8,994,751	10.2%
Total	\$50,067,686	100.0%	\$1,110,739	100.0%	\$17,063,688	100.0%	\$19,281,735	100.0%	\$87,523,848	100.0%

cosmetics 13.1%, drugs 12.1%, miscellaneous 10.2%, accessories 7.6% and automobiles 7.1%.

Broadcast advertising in 1935 and 1936 by different product and service groups is found in Tables VI(A) and VI(B).

NATIONAL NETWORK ADVERTISING

National network advertising during 1936 experienced a 19.2% increase over the level of 1935. The greatest increase among the various sponsor groups was the miscellaneous group, which rose 153.2%. Principal increases over 1935 were registered in the soap and kitchen supply group which rose 48.2%, the beverage group which increased 48.1% and the automotive group which was 33.3% ahead of last year. Other increases over 1935 were as follows: accessories 10.2%, cosmetics 10.5%, foodstuffs 7.2%, financial 28.1%, radio sets 28.4% and tobacco products 31.9%. Clothing declined 18.9%, drugs 18.0%, confectionery 2.7% and household equipment 26.2%.

The composition of national network advertising changed little with regard to leading sponsor groups. In 1936, cosmetics with 19.1% of the total, led the field. This group was followed by foodstuffs comprising 18.8% of the total, miscellaneous 8.9%, drugs 8.4% and tobacco products and accessories each with 7.9% of the total. In 1935, the leading sponsor groups with their per cent of the total were foodstuffs 20.9%, cosmetics 20.6%, drugs 12.3%, accessories 8.6%, tobacco 7.1% and automotive advertising 6.9%.

REGIONAL NETWORK ADVERTISING

Regional network advertising was 23.1% ahead of the 1935 total. Many increases and decreases of importance occurred. Beverage advertising increased 255.7%, financial advertising 141.8% and the miscellaneous group 66.5%. Other increases were as follows: accessories 60.6%, cosmetics 57.4%, drugs 37.6%, foodstuffs 32.0%, and soaps and kitchen supplies 20.5%. Automotive decreased 13.5%, clothing 90.8%, confectionery 42.7%, household equipment 34.9% and tobacco products 37.7%. Foodstuffs, accessories, miscellaneous, beverage, drug and tobacco advertising sponsor groups were the leaders in total composition. In 1935, sales were heaviest in the foodstuffs, tobacco, accessories, miscellaneous, household equipment and drug sponsor groups.

NATIONAL NON-NETWORK ADVERTISING

With but one exception, all sponsor groups experienced increases in the national non-network field which was 41.5% ahead of the 1935 total. Confectionery volume decreased 12.2%. The principal increases were in the radio set group which rose 105.3%, tobacco products

93.7%, accessories 65.1% and miscellaneous 51.3%. Other increases were as follows: amusements 137.2%, automotive 48.1%, clothing 27.3%, drugs 29.2%, cosmetics 43.3%, foodstuffs 43.0%, beverages 8.9%, household equipment 28.0%, soap and kitchen supplies 43.0%, financial 16.8%, and department store advertising 34.1%.

Foodstuffs comprised the largest single class of national non-network advertising, accounting for 20.8% of the total for 1936. This group was followed in their order of importance by the drug, miscellaneous, automotive, accessory and soap and kitchen supply groups. This was the exact order of importance in 1935.

LOCAL BROADCAST ADVERTISING

Local broadcast advertising increased 16.0% over 1935. Principal increases were in the automotive, foodstuffs, financial and miscellaneous groups. Increases over 1935 were as follows: automotive 46.5%, clothing 11.1%, foodstuffs 22.4%, beverages 18.1%, household equipment 8.3%, soap and kitchen supplies 6.1%, financial 35.5%, radio set 20.5%, department store 13.3%, tobacco products 8.9%, and miscellaneous 28.3%. Amusements declined 5.1%, accessories 6.3%, drugs 21.6%, cosmetics 12.6% and confectionery 34.2%.

The miscellaneous, clothing, foodstuffs, household equipment, department store and automotive groups were the largest users of local broadcast advertising during 1936. For 1935 this order was miscellaneous, clothing, foodstuffs, household equipment, automotive and beverage advertising.

RETAIL BROADCAST ADVERTISING

Retail broadcast advertising over individual stations during 1936 was 15.6% greater than during 1935. The

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	Gross Time Sales			
	1935		1936	
Automobiles and accessories:				
Automobile agencies and used dealers.....	\$991,595	9.3%	\$1,422,050	11.5%
Gasoline stations, garages, etc.	638,195	6.0%	472,760	3.8%
Clothing and apparel shops.....	2,810,962	26.4%	3,257,360	26.5%
Drugs and toilet goods:				
Drug stores.....	245,428	2.3%	198,245	1.6%
Beauty parlors.....	108,393	1.0%	102,240	.8%
Food products:				
Grocery stores, meat markets, etc.....	587,265	5.5%	667,550	5.4%
Restaurants and eating places.	245,506	2.3%	258,150	2.1%
Beverage retailers.....	42,739	.4%	31,960	.3%
Confectionery stores, etc.....	26,459	.3%	30,980	.3%
Household goods:				
Household equipment retailers	652,914	6.1%	747,210	6.1%
Furniture stores.....	1,045,802	9.9%	1,238,490	10.1%
Hardware stores.....	220,838	2.0%	214,550	1.8%
Radio retailers.....	172,219	1.6%	212,570	1.7%
Department and general stores..	1,768,990	16.6%	2,029,461	16.5%
Tobacco shops.....	8,702	.1%	3,090
Miscellaneous.....	1,074,192	10.2%	1,416,290	11.5%
Total.....	\$10,640,199	100.0%	\$12,302,956	100.0%

greatest increase was registered in the automobile agencies group which rose 43.4% over the 1935 level. Radio retailers increased 23.4%, furniture stores advanced 18.4% and confectionery stores rose 17.1%. Other increases were as follows: miscellaneous 31.8%, clothing stores 15.9%, department stores 14.7%, household equipment dealers 14.4%, grocery stores 13.6%, and restaurants 5.1%. Gasoline station advertising declined 25.9%, drug stores 19.2%, beauty parlors 5.6%, beverage retailers 25.2%, hardware stores 2.8%, and tobacco shops 64.4%.

Broadcast advertising by retail establishments of various types for the year is set forth in Table VII.

BROADCAST ADVERTISING IN DECEMBER

HIGHLIGHTS OF THE MONTH

Broadcast advertising during December amounted to \$11,119,557, a decline of 2.6% as compared to the preceding month but a gain of 28.0% as compared to December 1935. National network volume stayed at approximately the same level, local advertising increased 4.4% while regional network and national non-network business experienced declines. All portions of the medium except the regional networks enjoyed increases in business when compared to last December.

Non-network advertising declined 6.1% from the level of the previous month but was 33.7% ahead of the corresponding month of last year. Local station volume alone showed an increase over November. All sections of the country showed a slight decline in volume of non-network advertising. However, all classes of stations and geographical districts were still well ahead of the level of the corresponding month of last year.

Records were the only type of rendition to show an increase in the non-network field. Announcements declined 10.9%, transcriptions 8.8% and live talent 2.5%. Total transcriptions showed the greatest increase when compared to last December, rising 49.3%. In the local field, transcriptions gained 23.7% over November, other types of rendition showing smaller gains. Record volume alone showed an increase in the national non-network field.

The following principal increases over November were shown in the sponsor groups: national network drugs and pharmaceuticals, confectionery, financial and radio set advertising; national non-network financial advertising; regional network clothing, drug, foodstuffs and beverage advertising; and local drug, confectionery, and tobacco advertising. National network automotive and financial advertising, regional network drug and accessory advertising; national non-network accessory and tobacco ad-

vertising and local drug and foodstuffs advertising showed the principal gains over the corresponding month of last year. Retail advertising amounted to \$1,410,480, an increase of 8.7% over November and a gain of 23.3% over December 1935.

TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of December is found in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	1936 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
National networks...	\$6,149,818	\$6,185,441	\$59,671,244
Regional networks...	122,725	99,416	1,367,812
National non-network	2,873,200	2,461,200	24,141,360
Local.....	2,273,400	2,373,500	22,370,470

Total..... \$11,419,143 \$11,119,557 \$107,550,886
¹ Yearly Adjusted P.I.B. Totals.

Total broadcast advertising declined 2.6% from the previous month's level. National network volume showed a slight increase of less than 1.0% while local advertising rose 4.4%. Regional network volume experienced the greatest decrease, declining 18.9%. National non-network business decreased 14.3% compared to November.

Only regional network volume showed a decrease when compared to December of last year, declining 21.8%. National network volume increased 25.1%, national non-network business 44.1% and local advertising 24.4%. Total broadcast advertising increased 28.0% over the corresponding month of last year.

COMPARISON WITH OTHER MEDIA

Advertising volume by major media during the month of December is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	1936 Gross Time and Space Sales		
	November	December	Cumulative Jan.-Dec.
Radio broadcasting...	\$11,419,143	\$11,119,557	\$107,550,886
National magazines ¹	14,781,528	12,264,808	143,790,669
National farm papers ¹	607,976	631,615	7,013,154
Newspapers ²	53,362,000	52,867,000	568,593,000

Total..... \$80,170,647 \$76,882,980 \$826,947,709
¹ Publishers Information Bureau.
² Estimated.

National magazine volume decreased 17.0%, a usual seasonal decline. Newspaper advertising during December experienced less than the usual seasonal decline, dropping less than 1.0%. National farm papers registered a gain of 3.8%.

Compared to December 1935, national magazine volume rose 26.7%, national farm paper advertising 39.4% and newspaper lineage 7.5%.

NON-NETWORK ADVERTISING

Total non-network advertising declined 6.1% as compared to November but registered a gain of 33.7% over December of last year. The only increase over November was experienced by the local station group which rose 5.7%. Non-network advertising over clear channel and high-powered regional stations declined 9.4% and the volume of the regional station group dropped 6.3%.

All classes of stations showed marked increases over the corresponding month of last year. Clear channel station volume rose 17.8%, regional station business 46.7% and local station business 50.4%.

Non-network advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
Over 1,000 watts.....	\$2,191,200	\$1,983,600	\$19,617,140
250-1,000 watts.....	2,266,400	2,122,500	19,713,950
100 watts.....	689,000	728,600	7,180,740
Total.....	\$5,146,600	\$4,834,700	\$46,511,830

Non-network advertising experienced a general decline in volume in all sections of the country during December. Advertising in the New England-Middle Atlantic Area declined 8.2%, South Atlantic-South Central Area 5.9%, North Central Area 1.3% and the Pacific and Mountain Area 12.6%. However, when compared to the corresponding month of the preceding year, all sections of the country showed increases. The gain in the New England-Middle Atlantic Area was 66.1%, the South Atlantic-South Central Area 27.9%, North Central Area 30.5% and the Pacific and Mountain Area 11.2%. Non-network advertising by geographical districts is found in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
New England-Middle Atlantic Area.....	\$1,385,400	\$1,270,900	\$10,799,850
South Atlantic-South Central Area.....	973,900	915,500	9,214,070
North Central Area.....	1,879,000	1,854,900	18,073,230
Pacific and Mountain Area.....	908,300	793,400	8,424,680
Total.....	\$5,146,600	\$4,834,700	\$46,511,830

NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Record volume alone showed an increase over the level of the previous month, rising 12.7%. Announcement volume declined 10.9%, transcription business 8.8% and live talent business 2.5%. Transcriptions showed the greatest increase when compared to last December, rising 49.3%. Live talent business increased 25.8% over last December, records 17.5%, and announcements 38.4%.

In the national non-network field, transcription volume declined 16.2%, live talent business 5.5% and announcement volume 30.5%. Record business rose 26.9%. Compared to the corresponding month of last year, transcriptions rose 52.2%, live talent business 33.1%, records 42.1% and announcements 64.8%.

Transcriptions led the other types of rendition in the local field. Local transcription volume increased 23.7% over the level of November and 41.2% over the corresponding month of last year. Live talent business remained at approximately the same level as last month but was 19.3% ahead of last December. Records and announcements increased 10.6% and 3.8% over November, respectively, and 14.2% and 28.1%, respectively, over last December.

Non-network advertising by type of rendition is set forth in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1936 Gross Time Sales						
	National Non-network		Local		Total		Cumulative Jan.-Dec.
	November	December	November	December	November	December	
Electrical transcriptions.....	\$1,043,890	\$874,800	\$235,260	\$291,120	\$1,279,150	\$1,165,920	\$11,469,920
Live talent programs.....	1,236,490	1,168,200	1,181,730	1,187,890	2,418,220	2,356,090	22,321,660
Records.....	11,340	14,400	78,060	86,410	89,400	100,810	931,910
Announcements.....	581,480	403,800	778,350	808,080	1,359,830	1,211,880	11,788,340
Total.....	\$2,873,200	\$2,461,200	\$2,273,400	\$2,373,500	\$5,146,600	\$4,834,700	\$46,511,830

SPONSOR TRENDS IN DECEMBER

Drugs and pharmaceuticals, confectionery, financial and radio set advertising showed the principal gains over last month among the various sponsor groups in the national

network field. The accessory, clothing and household equipment groups experienced decreases. All groups except accessory and household equipment advertising showed gains when compared to last December. Auto-

motive, confectionery, financial and radio set advertising showed the principal gains.

With the exception of clothing, drug, foodstuffs, and beverage advertising, all groups declined in the regional field as compared to November. The accessory, drug, beverage, and financial groups increased materially over last December.

Financial advertising experienced the only marked increase in the national non-network field when compared to November while the amusement, automotive, and

household equipment groups showed the most marked declines. All groups except automotive showed gains as against the corresponding month of last year.

Gains were general in the local field when compared to last month, drug, confectionery, and tobacco groups showing the greatest gains. The automotive, drug, foodstuffs, and department store groups increased materially over last December.

Broadcast advertising during December by the type of sponsoring business is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(DECEMBER 1936)

Type of Sponsoring Business	National Networks	Regional Networks	Gross Time Sales		
			National Non-network	Local	Total
1a. Amusements.....	—	—	\$6,340	\$38,330	\$44,670
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$577,330	\$950	138,330	112,100	828,710
(2) Accessories, gas and oils.....	367,112	20,520	196,940	73,190	657,762
3. Clothing and apparel.....	38,937	1,267	51,630	388,790	480,624
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	576,500	12,653	535,240	89,170	1,213,563
(5) Toilet goods.....	1,175,490	4,860	148,730	12,150	1,341,230
6-8. Food products:					
(6) Foodstuffs.....	1,224,304	28,323	571,880	317,490	2,141,997
(7) Beverages.....	416,061	8,965	80,490	111,490	617,006
(8) Confections.....	180,520	1,914	47,930	10,130	240,494
9-10. Household goods:					
(9) Household equipment and furnishings.....	30,944	2,938	53,740	215,990	303,612
(10) Soap and kitchen supplies.....	493,222	960	108,060	7,280	609,522
11. Insurance and financial.....	84,872	1,872	17,580	99,690	204,014
12. Radios.....	181,017	—	31,780	35,780	248,577
13. Retail establishments.....	—	1,536	22,160	225,830	249,526
14. Tobacco products.....	403,628	6,440	132,830	7,690	550,588
15. Miscellaneous.....	435,504	6,218	317,540	628,400	1,387,662
Total.....	\$6,185,441	\$99,416	\$2,461,200	\$2,373,500	\$11,119,557

Detailed information regarding various sponsor groups during the month of December is as follows:

1a. **Amusements.** National non-network volume down 55.1% and local advertising up 20.7% as compared to November. Compared to last December, national non-network increased 188.1% and local advertising 33.5%.

1. **Automotive.** National network volume same as last month. Regional network volume amounted to \$950. National non-network and local business declined 55.6% and 28.7%, respectively. National network volume 51.6% above December 1935. National non-network down 11.5% and local up 49.3%.

2. **Accessories and gasoline.** Compared to November, declines as follows: national network 18.8%, regional networks 45.6%, national non-network 30.2%, and local 6.5%. Regional network volume increased 56.3% as compared to the corresponding month of last year. National networks declined 12.8%. National non-network business rose 85.6% and local volume remained the same.

3. **Clothing.** National networks declined 30.2% as compared to last month. Regional business tripled, while

national non-network and local business rose 4.8% and 11.0%, respectively. National network advertising 1.8% above corresponding month of last year. National non-network business up 23.1% and local 19.4%. Regional business declined 41.7%.

4. **Drugs and pharmaceuticals.** Gains over November as follows: national network 23.7%, regional network twofold, national non-network 3.1%, and local 38.7%. Gains compared to last December as follows: national network 9.1%, regional network fourfold, national non-network 18.8%, and local advertising 61.8%.

5. **Toilet goods.** National network volume up 1.1%. Regional network business down 38.2%, national non-network 3.2% and local advertising 27.1% compared to November. As against December of the preceding year national network volume increased 21.0% and national non-network business 72.3%. Regional networks dropped 56.3% and local advertising 64.9%.

6. **Foodstuffs.** Compared to last month, national networks increased 2.2%, regional networks 38.0%, national non-network 2.1% and local business remained the same.

National network volume increased 27.6% as compared to last December. Regional networks declined 16.3% while national non-network and local business rose 55.4% and 51.4%, respectively.

7. *Beverages.* National network volume 3.2% above November. Regional volume up 30.5% and local 6.7%. National non-network down 10.2%. Compared to last December, national networks rose 29.5%, regional networks 49.0% and national non-network 41.8%. Local advertising declined 6.7%.

8. *Confectionery.* National network advertising 47.0% ahead of November. Regional networks down 12.3% and national non-network down 4.0%. Local advertising increased 50.7%. Compared to last December, national networks rose 48.3%, national non-network 9.3% and local 13.3%. Regional network advertising declined materially.

9. *Household equipment.* Compared to last month, national networks declined 25.1%, regional networks 14.7% and national non-network 36.9%. Local advertising increased 1.9%. National networks declined 9.8% from last December. National non-network and local business increased 26.2% and 17.2%, respectively. Regional network business dropped 47.4%.

10. *Soaps and kitchen supplies.* National network and local advertising 2.4% and 1.1%, respectively, ahead of last month. National non-network advertising declined 31.3% and regional network business materially. Compared to the corresponding month of last year, national networks and national non-network business doubled. Local business declined 38.3%.

11. *Financial and insurance.* Compared to last month, national network volume increased 20.6%, national non-network business 56.4%, and local business 12.8%. Regional network business declined 11.4%. Increases over last December as follows: national network 84.7%, regional network 50.4%, national non-network 68.7%, and local 30.1%.

12. *Radios.* National network volume 46.9% ahead of November. National non-network down 35.5%, local up 8.3%. Gains compared to last December as follows: national networks 42.5%, national non-network 21.1%, and local 27.7%.

13. *Department and general stores.* Regional network advertising 63.7% below last month. National non-network increased 5.1% and local 13.6%. Compared to last December, national non-network increased 24.5% and local advertising 46.3%.

14. *Tobacco products.* Compared to last month, national networks rose 3.2%, national non-network 7.3%

and local 33.2%. Regional networks declined 34.3%. National networks 7.2% ahead of last December and national non-network more than tripled. Regional networks and local advertising declined 38.9% and 12.6%, respectively.

15. *Miscellaneous.* Local advertising 4.3% ahead of November. National networks declined 20.9%, regional networks 53.4%, and national non-network advertising 19.7%. Compared to last December, national network volume increased 18.6%, national non-network 45.5% and local advertising 22.5%. Regional network advertising declined 56.3%.

RETAIL BROADCAST ADVERTISING

Retail broadcast advertising over individual stations increased 8.7% over last month contrary to the usual seasonal decline. Principal gains as compared to November as follows: restaurants 22.6%, confectionery stores 101.6%, radio retailers 16.8%, miscellaneous 50.4%, and department stores 12.8%. Principal declines during the month were beauty parlors, 34.5%, automobile agencies, 22.8%, gasoline stations, 29.9%, and beverage retailers 25.0%.

Retail broadcast advertising for December was 23.3% ahead of the same month of last year. Principal gains were as follows: automobile agencies 44.8%, restaurants 32.9%, furniture stores 31.5%, hardware stores 74.5%, radio retailers 57.8%, and department stores 44.1%. Retail broadcast advertising during the month is found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	November	December
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$147,310	\$113,730
Gasoline stations, garages, etc.....	40,780	28,570
Clothing and apparel shops.....	378,370	426,290
Drugs and toilet goods:		
Drug stores.....	18,420	20,790
Beauty parlors.....	9,100	5,960
Food products:		
Grocery stores, meat markets, etc....	42,420	46,960
Restaurants and eating places.....	24,720	30,310
Beverage retailers.....	3,480	2,610
Confectionery stores.....	1,230	2,480
Household goods:		
Household equipment dealers.....	77,510	59,880
Furniture stores.....	129,360	141,680
Hardware stores.....	22,480	19,780
Radio retailers.....	30,910	36,110
Department and general stores.....	219,790	247,990
Tobacco shops.....		
Miscellaneous.....	151,140	227,340
Total.....	\$1,297,020	\$1,410,480

NAB REPORTS

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WASHINGTON RADIO HIGHLIGHTS

No hearing dates have yet been announced at the Capitol for either the Connery resolution to investigate certain phases of broadcasting or the Cellar bill for a government owned Pan-American broadcasting station; Two new radio bills introduced in Congress, one dealing with liquor advertising through broadcasting and the other an amendment to the Communications Act; FCC grants two new stations, one to a newspaper publisher; FCC says flood emergency over for broadcasters.

LIQUOR ADVERTISING BY RADIO

Senator Capper of Kansas has introduced a bill in the Senate (S. 1369) "to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages." It has been referred to the Senate Committee on Interstate Commerce.

The only section of the bill referring to broadcasting is section 4 which reads as follows:

"It shall be unlawful to broadcast by means of any radio station for which a license is required by any law of the United States, or for any person operating any such station, to permit the broadcasting of any advertisement of alcoholic beverages or the solicitation of an order for alcoholic beverages."

UNEMPLOYMENT INSURANCE—NEW YORK

The Director of Unemployment Insurance for New York has issued an important ruling concerning artists and radio performers. The following text is taken from Prentice-Hall:

(29,559) Artists and radio performers as independent contractors. Unless the facts in a particular case indicate otherwise, instrumentalists, vocalists, actors, comedians, and other artistic talent engaged by advertising agencies or others for specific radio performances, where the sponsor or advertising agency does not have actual or constructive control over the method of the performance of the work of such persons would be considered "Independent persons" rather than employees under the New York State Unemployment Insurance Law. (U. I. D. Letter 1/27/37.)

TWO NEW BROADCASTING STATIONS

During the current week the Federal Communications Commission has granted a construction permit for a new broadcasting station to Harold F. Gross and Edmund C. Shields at Saginaw, Mich., to use 950 kilocycles, 500 watts power and daytime operation.

A grant for a station permit was also made to the News Press Publishing Company, Santa Barbara, Cal., to use 1220 kilocycles, 500 watts unlimited time on the air.

WALSH RADIO BILL

A bill (S. 1353) has been introduced in the Upper House by Senator Walsh of Massachusetts to amend the Communications Act of 1934 in connection with the actual operation of a broadcasting station. The bill has been referred to the Senate Committee on Interstate Commerce and will be found on page 1937 of this issue.

COLONIAL POULTRY FARMS AND PER INQUIRY ACCOUNTS

The Colonial Poultry Farms are seeking to obtain radio time on a per-inquiry basis. In one of their letters they state: "We pay 25 cents each for inquiries, paying weekly or anyway that suits the station. Some of the stations have us sign a contract, at regular rate card rate, but attach a letter with same in which they guarantee inquiries will not cost over 25 cents and in case they come to less than 25 cents, at rate card rate, we are to pay 25 cents. We are now on eight stations and two of them are 5,000 watt stations. We have been using some of them for years and it has always paid out for the stations."

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What are you, as a member, doing to ferret out that small minority who indulge in practices that are responsible for spoiling all the apples in the barrel?

LOUCKS RETAINED AS SPECIAL COUNSEL

The Managing Director, with the approval of the Executive Committee, this week retained Philip G. Loucks of Loucks & Sharfeld, as special counsel to represent the NAB with respect to certain matters growing out of the suit instituted by the United States Government against the American Society of Composers, Authors and Publishers. Specifically this representation involves only those matters which are directly connected with the efforts of the interested parties to stipulate, as far as possible, the facts in the suit.

This case has been pending in the United States District Court for the Southern District of New York since August 30, 1934. The case was called for trial on June 10, 1934, and after proceeding for about one week was recessed with the understanding that interested parties would endeavor to stipulate the facts.

RADIO DAILY

The *Radio Daily*, the radio and television's first own newspaper, made its initial appearance as a nationally circulated trade journal on Tuesday, February 9th. Editorial and business offices are located in the Paramount Building, New York City.

In thus pioneering, the *Radio Daily* parallels the record of its affiliate, the *Film Daily*, now in its nineteenth year.

Jack Alicoate, editor and publisher of *Film Daily*, is also publisher of the new newspaper which will be published daily except Saturdays, Sundays and holidays. Bureaus will be maintained, it is said, in Washington, Los Angeles, Chicago and European capitals, while staff correspondents will be stationed in principal American cities.

RADIO FLOOD EMERGENCY OVER

In view of the improvement in conditions with reference to the flooded areas and the need for emergency communications, the special 24-hour watch being maintained at the Federal Communications Commission to handle requests for emergency communications has been discontinued. However, the special communication equipment will be retained for immediate use until after the flood has passed into the Gulf of Mexico.

The Commission is sending two Assistant Chief Engineers, namely, A. D. Ring and A. W. Cruse, into the recently flooded areas for the purpose of ascertaining first-hand knowledge of what lessons have been learned during the recent emergency which would be of benefit to the Commission in coordination of effort in the event of future emergency.

While it has been evident that the various Communications agencies in the country have functioned admirably under adverse conditions, it is believed that this recent experience may offer some basis for improved coordination of effort in the future, and the Commission feels that it is its duty to cooperate with other government departments as well as private agencies in effecting a comprehensive plan for the future, based upon practical experience.

The objective of the Commission is to be fully prepared for future emergencies. To this end the Commission is planning a permanent organization which can go into instant action whenever emergencies arise in any part of the country.

The Commission has also cancelled its order of January 26, which directed that no transmissions except those relating to relief work or to other emergencies be made within any of the authorized amateur bands below 4000 kilocycles.

In resuming normal operation, amateurs should make certain before going on the air that routine communications do not interfere with any messages which might still be handled in connection with the emergency flood situation.

The Commission expressed its appreciation for the splendid cooperation and excellent work of all stations and operators during the emergency.

RECOMMENDS AGAINST NEW CALIFORNIA STATION

George Harm filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Fresno, Cal., to use 1310 kilocycles, 100 watts power and unlimited time on the air.

Examiner R. H. Hyde in Report No. I-352 recommended that the application be denied. The Examiner did not find that there is need for additional broadcast service in the area proposed to be served and he states that "no facts were presented to indicate that Station KMJ has not or cannot adequately supply the needs of the area proposed to be served."

POWER INCREASE RECOMMENDED FOR WAAB

Broadcasting station WAAB, Boston, Mass., operating on 1410 kilocycles, full time with 500 watts applied to the Federal Communications Commission to increase its power to 1,000 watts in the daytime.

Examiner Robert L. Irwin in Report No. I-355 recommended that the application be granted. He found that there is a need for such additional daytime service in the area proposed to be served as may be effected by the proposed modification. The Examiner states also that

"the granting of this application would not cause any objectionable interference to the fair and efficient service of any other licensed station or stations."

GRANT FOR KENTUCKY STATION RECOMMENDED

The Owensboro Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Owensboro, Ky., to use 1500 kilocycles, 100 watts and unlimited time on the air.

Examiner R. H. Hyde in Report No. I-354 recommended that the application be granted. He found that there is a need for a local service in the area proposed to be served and the operation of the proposed station would "not cause any substantial interference to the fair and efficient service of any other station or stations."

RECOMMENDS NEW MASSACHUSETTS STATION

Hildreth & Rogers Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Lawrence, Mass., to use 680 kilocycles, 1,000 watts power and daytime operation. Also the Old Colony Broadcasting Corporation, asked for a construction permit for a new station at Brockton, Mass., to use the same frequency and time; with 250 watts power.

Examiner Ralph L. Walker in Report No. I-353 recommended that the application of Hildreth & Rogers Company be granted but that of the Old Colony Broadcasting Corporation be denied. The Examiner states that it is impossible to grant both applications. The proposed Lawrence station, he states would not cause any objectionable interference but as to whether the Brockton station would cause interference "the record affords no basis for a conclusion." The Examiner says further that "the city of Lawrence is without consistently satisfactory daytime service from existing stations, whereas several stations afford a signal of sufficient strength to render satisfactory service to residential sections of Brockton outside of the areas of unusually high noise level. As between the two cities, the greater need for daytime service is in Lawrence."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3044. Charging unfair competition in the sale of rotary clocks and other merchandise, a complaint has been issued against

Joseph H. and S. J. Robinson, 318 West Washington St., Chicago, trading as **J. Arthur Warren Co.**

The respondents are alleged to conduct lotteries or place in the hands of others the means of conducting lotteries in the sale of merchandise through a pushcard method in which chances are sold to persons selecting feminine names on a pushcard.

According to the complaint, there are 32 such names and 32 mixed numbers on the card. Persons drawing numbers under 29 pay what the respective numbers call for and those receiving numbers over 29 pay 29 cents. When a card is completely sold, two large seals at the top of the card are opened and the persons who selected names corresponding with those under the seals receive rotary clocks.

No. 3045. Melster Candy Co., Cambridge, Wis., is charged in a complaint with selling candy so packed and assembled that sales to ultimate purchasers are made by means of a lottery involving use of push cards, in violation of Section 5 of the Federal Trade Commission Act.

No. 3046. A complaint has been issued against **Milko Cone & Baking Co., Inc.**, 431 North Lincoln St., Chicago, charged with selling ice cream cones so packed and assembled as to involve the use of a lottery scheme when sales are made to ultimate purchasers.

The respondent corporation allegedly places in the cones it manufactures small strips of paper bearing various legends, a few of which inform ultimate purchasers that they will receive a package of gum free. The slips are said to be so placed in the cones that a purchaser cannot ascertain whether or not he is entitled to receive a free package of gum until the cone has been partially consumed.

No. 3047. Selected Kentucky Distillers, Inc., 305 West Broadway, Louisville, Ky., is charged in complaint with falsely representing, through use of the word "Distillers" in its corporate name, on labels, or otherwise, that it manufactures through the process of distillation the alcoholic beverages it sells in interstate commerce. According to the complaint, the respondent corporation is a wholesaler of liquors.

No. 3048. Misrepresentation of the therapeutic value of "Pedodyne," advertised and sold as a unioin treatment, is charged in a complaint issued against **Pedodyne Company, Inc.**, 180 North Wacker Drive, Chicago, and its officers, **George J., Rose M. and Robert L. Katz.**

False representations allegedly made in the respondents' advertising matter are to the effect that "Pedodyne" will banish, cure and heal bunions, will stop pain and reduce swelling and inflammation caused by bunions, and will give perfect foot comfort and permanent results.

The respondents are alleged to have falsely disparaged the products of competitors by advertising that "Pedodyne" is superior to other unioin treatments and that competing products are of no value.

No. 3049. Alleging unfair competition in the sale of leather luggage, a complaint has been issued against **Samuel Brier**, trading as **Samuel Brier & Co.**, 310 Spruce St., Philadelphia, and **Quakertown Luggage Co., Inc.**, Quakertown, Pa., controlled and managed by Brier.

Charging violation of Section 5 of the Federal Trade Commission Act, the complaint alleges that certain designations used by the respondent companies to describe luggage offered for sale tended to mislead buyers into the belief that it was covered with the outside or top layer of the hide when, in fact, the luggage so designated was made from split leather which consists of the cut or layer of the hide remaining after the top grain or surface layer has been removed. Such split leather is of inferior quality and durability to top grain leather and commands a lower price, the complaint points out.

No. 3050. Unlawful trade practices involving use of unfair methods of competition, exclusive dealing contracts and price discrimination are alleged in a complaint issued against **Christmas Club**, 341 Madison Ave., New York City, a corporation engaged in the sale of passbooks, account books, advertising literature and other paraphernalia for use by banks and trust companies in conducting Christmas Clubs and other savings systems.

The respondent corporation's practices are said to constitute violations of the Federal Trade Commission Act, the Clayton Act and the Robinson-Patman Anti-Price Discrimination Act.

Under Section 5 of the Federal Trade Commission Act, the respondent corporation is charged with representing, in connection with the sale of its systems, that it is the sole owner of and has exclusive right to use of the phrase "Christmas Club," that such phrase is trade-marked by it, and that no one without its consent or license has the right to use the name "Christmas Club." According to the complaint, these representations are false in that

the phrase "Christmas Club" is not owned solely by the respondent corporation, is not trade-marked, and may be used without its consent, permission or license.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 2391-2419-2489. Three companies selling and distributing alcoholic beverages have been ordered to discontinue representing that they are distillers, when such is not a fact.

The orders to cease and desist are directed against **Quality Distillers, Inc.**, 824 South Flower St., Los Angeles; **Charles B. Trull**, trading as **West Coast Distilleries Co.**, 658 Howard St., San Francisco, and **Mount Rose Distilling Co.**, 2192 East State St., Trenton, N. J. These respondents are prohibited from representing, through use of some form of the word "distilling" in their corporate or trade names, on labels, or otherwise, that they are distillers of whiskies, gins, and other spirituous beverages; that they manufacture such products through the process of distillation, or that they own or operate distilleries, unless or until they do own or operate such places.

Nos. 2398-2453-2473. **Paramount Distillers, Inc.**, 3088 West 106th St., Cleveland, and **Hercules Products & Distilling Corporation**, 52 Sand St., Brooklyn, have been ordered to cease representing through use, respectively, of the words "Distillers" and "Distilling" in their corporate names, on labels, or otherwise, that they are distillers of the whiskies, gins or other spirituous beverages they sell in interstate commerce; that they manufacture such products through the process of distillation, or that they own or operate distilleries, unless and until they do own or operate such places.

The orders except from their provisions gins manufactured by the respondent companies through a process of rectification whereby alcohol, purchased but not produced by them, is redistilled over juniper berries and other aromatics.

Under the third order, the Commission closed its case against **Edward A. and Samuel Katz**, trading as **Globe Distilling Co.**, 522 West Garfield St., Glendale, Calif., who had been charged with unfair competition through use of the word "Distilling" in their trade name and in advertising matter.

No. 2496. **Loft, Inc.**, 40th Ave. and 9th St., Long Island City, N. Y., large candy manufacturer, has been ordered to cease and desist from falsely disparaging the candy products of its competitors. The case grew out of the advertising campaign and sales program conducted by that company during 1934 and 1935.

The Commission's order also is directed against Dr. Daniel R. Hodgdon, New York City, who according to the findings, joined with Loft, Inc., in conducting a campaign of false disparagement. It was found that Dr. Hodgdon is not a doctor of medicine, but that he delivered a series of lectures over the radio, which were sponsored by Loft, Inc., and directed against glucose as a candy or food ingredient.

No. 2539. **Daniel R. Hodgdon and National Food Bureau, Inc.**, both of 328 Greenwich St., New York City, have been ordered to discontinue making false and misleading representations and disparaging statements in advertising and promoting the sale of peanut oil.

Engaged by a manufacturer of peanut oil to conduct a sales promotional campaign, the respondents, according to the findings, used the radio principally in advertising the product with Hodgdon broadcasting the lectures and addresses.

The order directs the respondents to stop representing that peanut oil or food products made therefrom are superior to or easier to digest than corn oil or cottonseed oil or food made therefrom, and that corn oil or cottonseed oil food products are cheap commodities which are impure, unwholesome and unfit for human consumption.

No. 2624. An order to cease and desist has been issued against **Carlo Van Myers**, formerly of 818 Broadway, New York City, requiring him to discontinue certain unfair methods of competition in the sale of men's ready-made clothing in interstate commerce. Myers had been in business under the trade names **North American Clothes Co.**, **National Brand Clothes Co.**, **Sartorial Art Clothes Co.**, and **Society Bond Clothes Co.**

Selling his clothing in various states by means of salesmen, who, according to findings, he obtained through "Salesmen Wanted" advertisements without adequate investigation as to their fitness, honesty, or reliability, the respondent is found to have made various misrepresentations through such salesmen.

Among such representations prohibited in the order to cease and desist, are the following: That the clothing sold is all wool, of fine quality, made-to-measure or tailor-made, or will be of the same material as samples exhibited, unless and until the latter condition is a fact; that two garments are included in the price of one and extra trousers are furnished without extra charge; that prices quoted are special introductory prices or are other than the regular prices, unless they are in fact lower than the regular prices charged.

No. 2721. An order has been entered accepting a stipulation in settlement of a complaint against **R. M. Barnett**, trading as **Home and School Education Society**, Real Estate Trust Building, Philadelphia, who had been charged with unfair competition in the sale of an encyclopedia entitled "Source Book," together with a semi-annual loose leaf extension service and memberships in a Perpetual Bureau of Research.

Barnett stipulated that he will desist from representing in advertising matter or through salesmen that "Source Book" is given free to persons who subscribe for the extension service; that the total cost of the book and service is less than the amount actually required to be paid, and that the book has been approved and used by schools and libraries in every state of the Union.

Under the stipulation, Barnett agreed to cease representing that he maintains a research bureau which will give purchasers of "Source Book" information on any question; that he maintains educators, writers and photographers in every part of the world to prepare a review of current events to be published as loose-leaf extensions to such book; that he employs a competent staff to whom are available the expert services of authorities in every branch of education, and that the services of such staff and of the editors of and contributors to "Source Book" are available to purchasers of the book.

No. 2984. An order to cease and desist has been issued against **Israel Zelkind**, 9-13 Winter St., Worcester, Mass., trading as **Lawrence Blanket Mills** and engaged in the sale of blankets in interstate commerce.

Zelkind is directed to discontinue use of the word "woolen" or the words "all wool," alone or in connection with other words, to describe blankets not made of wool, and use of the words "wool" or "woolen" to imply that the articles to which they refer are composed of wool, when this is not a fact. The respondent also is directed not to represent blankets as "fully shrunk," when this is not a fact.

FTC CASES CLOSED

No. 1927. The Federal Trade Commission has cancelled its complaint, issued January 26, against **L. H. and W. C. Hyde**, trading as **Royal Film Studios**; **Royal Revues, Inc.**, and **West Coast Discount Corporation, Ltd.**, because these respondents have signed a stipulation, which has been accepted by the Commission, agreeing to discontinue unfair methods of competition in connection with the renting and leasing of motion picture films for advertising purposes.

According to the stipulation, the respondents, who have their place of business at 6644 Santa Monica Boulevard, Hollywood, Calif., are engaged in the production of entertainment-advertising films for display in motion picture theaters, such films consisting of short acts with merchants' advertisements displayed across the lower part of the screen.

Among the representations which will be discontinued are the following:

That the films will be equal in quality to and the same length as samples shown, unless such are the facts; that the contracts which customers sign can be cancelled after two months, unless this privilege is granted as represented; that no other merchant engaged in the same business as the customer will be placed on the same film with him, unless this restriction is observed; that the price paid by the customer for the film is the entire cost of the service, unless he is informed that additional sums must be paid to the local motion picture exhibitor, and that West Coast Discount Corporation, Ltd., is an innocent purchaser for value of the promissory notes and securities given by subscribers to Royal Film Studios or Royal Revues, Inc.

No. 2336. The Commission has closed its case against **Electric Paint & Varnish Co.**, 8311 Franklin Ave., Cleveland, charged with false and misleading representations in the sale of its products in violation of Section 5 of the Federal Trade Commission Act.

The case was ordered closed without prejudice to the Commission's right to reopen it, should future circumstances warrant, and to resume prosecution in accordance with its regular procedure and upon the understanding that closing of this case is based on the record and is not to be regarded as a precedent.

No. 2571. The Commission has also entered an order closing its case against **American Safety Razor Corporation**, 315 Jay St., **Brooklyn**, which had been charged with discriminating in price between different purchasers of its razor blades, in violation of Section 2 of the Clayton Act. The alleged discrimination grew out of the practice of allowing certain purchasers commissions or other discounts because of advertising or promotion service rendered.

No. 2818. The Commission has issued an order closing its case against the **Vogan Candy Corporation**, 329 N. E. Eleventh Ave., **Portland, Ore.**, which was charged with unfair competition in the sale of candy.

Closing of the case was based on information that the respondent company has not engaged in the manufacture and sale of candies since August 19, 1936; that its physical assets have been dismantled and sold, and that it appears likely the company will not resume the violations of law alleged. The case was closed without prejudice to the Commission's right to reopen it should future circumstances warrant.

No. 2927. An order has been entered by the Commission closing its case against **F. A. North Co.**, and others, 1306 Chestnut St., **Philadelphia**. The respondents had been charged with false and misleading representations in connection with the sale of pianos.

The Commission reserved the right to reopen the case and resume prosecution of the complaint in accordance with its regular procedure if the facts should warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, February 15:

Monday, February 15

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—John S. Braun, Waco, Tex.—C. P., 1500 kc., 100 watts, daytime.
NEW—The Louisville Times Co., Louisville, Ky.—C. P., 1210 kc., 100 watts, unlimited time.
WMEX—The Northern Corporation, Boston, Mass.—C. P., 1470 kc., 5 KW, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license, 1130 kc., 500 watts, limited time until LS at KSL, Salt Lake City.

Tuesday, February 16

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Lillian E. Kiefer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).
WWRL—Long Island Broadcasting Corp., Woodside, L. I., New York, N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, specified hours (requests facilities of WMBQ). Present assignment: 1500 kc., 100 watts, 250 watts LS, specified hours.
NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).
WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1500 kc., 100 watts, 100 watts LS, specified hours.
WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours.

Wednesday, February 17

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Sharon Herald Broadcasting Co., Sharon, Pa.—C. P., 780 kc., 250 watts, daytime.
NEW—Allen T. Simmons, Mansfield, Ohio.—C. P., 780 kc., 1 KW, daytime.

- KLPM—John B. Cooley, Minot, N. Dak.—C. P., 1360 kc., 1 KW, unlimited time.
NEW—Frazier Reams, Mansfield, Ohio.—C. P., 1370 kc., 100 watts, daytime.

Thursday, February 18

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-317:

- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—C. P., 1220 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts.

Examiner's Report No. I-127:

- NEW—Bellingham Publishing Co., Bellingham, Wash.—C. P., 1420 kc., 100 watts, unlimited time.

Examiner's Report No. I-283:

- NEW—Gomer Thomas, Bellingham, Wash.—C. P., 1420 kc., 100 watts, unlimited time.

Examiner's Report No. I-309:

- KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, 1200 kc., 100 watts, unlimited time.
KVOS—KVOS, Inc., Bellingham, Wash.—Transfer of control of corporation; 1200 kc., 100 watts, unlimited time.

Friday, February 19

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Okmulgee Broadcasting Corp., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.
NEW—Times Publishing Co., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.
NEW—The Record Publishing Co., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.
NEW—Richard S. Gozzaldi, d/b as Oak Cliff-Dallas County Broadcasting Co., Dallas, Tex.—C. P., 1500 kc., 100 watts, daytime.
NEW—A. L. Chilton, Dallas, Tex.—C. P., 990 kc., 1 KW, daytime.

APPLICATIONS GRANTED

- WGL—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted amended C. P. to move transmitter and studio sites locally, and install vertical radiator.
KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted C. P. approving transmitter and studio sites, and installation of vertical radiator.
WCBA—B. Bryan Musselman, Allentown, Pa.—Granted license to cover C. P. as modified; 1440 kc., 500 watts night and day, sharing with WSAN.
WSAN—WSAN, Inc., Allentown, Pa.—Granted license to cover C. P. as modified; 1440 kc., 500 watts night and day, sharing with WCBA.
KFRU—KFRU, Inc., Columbia, Mo.—Granted license to cover C. P.; 630 kc., 500 watts night, 1 KW day, share with WGBF, simultaneous day WGBF.
KOCA—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted license to cover C. P. as modified; 1210 kc., 100 watts, unlimited.
KWSC—State College of Washington, Pullman, Wash.—Granted license to cover C. P.; 1220 kc., 1 KW night, 5 KW day, sharing KTW.
KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted license to cover C. P. as modified; 1210 kc., 100 watts, unlimited.
KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted license to cover C. P. as modified; 1310 kc., 100 watts, daytime only.
KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted license to cover C. P. as modified; 1430 kc., 500 watts night, 2½ KW day, unlimited.
KAWM—A. W. Mills, Gallup, N. Mex.—Granted modification of C. P. approving transmitter and studio at 1100 E. Aztec Ave.
WJZ—National Broadcasting Co., Inc., New York City.—Granted modification of license to reduce operating power of auxiliary transmitter from 30 KW to 25 KW, and granted renewal of license of auxiliary transmitter for the period 2-1-37 to 8-1-37.

- WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted authority to determine operating power by direct measurement of antenna input.
- WAIR—C. G. Hill, Geo. D. Walker, Susan H. Walker, Winston-Salem, N. C.—Granted modification of C. P. approving transmitter site at N. Cherry St. Extension; change authorized equipment, and installation of vertical radiator.
- W7XBD—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. extending commencement date to February 15 and completion date to August 15, 1937.
- W3XJ—McNary & Chambers, near College Park, Md.—Granted license to cover C. P., frequency 1060 kc., A3 and special emission, 100 watts, 12 midnight to 6 a. m.
- W2XIN—Standard Cahill Co., Inc., Mobile (New York City)—Granted modification of license to change name to WBNX Broadcasting Co., Inc.
- NEW—National Broadcasting Co., Inc., New York City, Portable Mobile.—Granted license for new experimental broadcast station, frequencies 1614, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 25700, 26000, 27100, 31100, 34600, 37600, 40500, 86000-40000 and 401000 kc., 25 watts.

SET FOR HEARING

- NEW—Abraham Plotkin, Chicago, Ill.—Application for C. P. for new station; 1570 kc., 1 KW, unlimited.
- NEW—James R. Doss, Jr., Mobile, Ala.—C. P. for new station to operate on 1500 kc., 100 watts, daytime only, exact transmitter site to be determined with Commission's approval.
- NEW—Staunton Broadcasting Co., Inc., Staunton, Va.—Application for C. P. amended to request 1500 kc., 250 watts, daytime only, exact location to be determined subject to Commission's approval.
- KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Application for C. P. for changes in equipment; increase in power to 5 KW. To be heard before the Broadcast Division.
- WMBH—Joplin Broadcasting Co., Joplin, Mo.—Application for C. P. amended to request move of transmitter and studio sites locally; install new equipment and directional antenna system for nighttime operation; change frequency from 1420 kc. to 1380 kc., power from 100 watts night, 250 watts day, unlimited, to 500 watts, unlimited.
- KGKO—Wichita Falls Broadcasting Co., Fort Worth, Tex.—Application for modification of C. P. approving transmitter location near Ft. Worth; install new equipment and directional antenna for nighttime use; increase night power from 250 watts to 1 KW, day power from 1 KW to 5 KW.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Application for modification of license to change frequency from 1070 kc. to 1080 kc.
- KFEQ—K F E Q, Inc., St. Joseph, Mo.—Application for modification of license to increase hours of operation from daytime only to unlimited. Present authority: 680 kc., 2½ KW daytime only. To be heard by the Broadcast Division.
- WMFR—Radio Station WMFR, Inc., High Point, N. C.—Application for modification of license to increase hours of operation from daytime to specified hours, 6 a. m. to 7:30 p. m. Now operates on 1200 kc., 100 watts, daytime only.
- WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Application for modification of license to change frequency from 1300 kc. to 610 kc.
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Application for modification of license to increase night power from 1 KW to 5 KW. To be heard before the Broadcast Division. (Now operates on 900 kc., 1 KW night, 5 KW day, unlimited.)
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Application for modification of license to change frequency from 1420 kc. to 1430 kc.; increase power from 100 watts night, 250 watts day, unlimited, to 250 watts, unlimited.
- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Application for modification of license to increase night power from 1 KW to 5 KW. To be heard before the Broadcast Division.
- KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Application for modification of license to change frequency from 1040 kc. to 1260 kc.; increase hours of operation to unlimited.
- NEW—Earle Yates, Las Cruces, N. Mex.—Application for C. P. amended to request 930 kc., 500 watts, daytime only; exact transmitter site to be determined with Commission approval.

SPECIAL AUTHORIZATIONS

- WAAF—Drovers Journal Pub. Co., Chicago, Ill.—Granted special temporary authorization to broadcast a special DX program from 3 a. m. to 4 a. m., CST, February 21, 1937.
- WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authorization to operate from 8:45 to 10:15 p. m., CST, February 12, 22, 23 and March 1, 1937, in order to broadcast basketball games.
- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between the hours of 1 a. m. and 6 a. m., EST, for the period February 11 to February 25, 1937, in order to obtain suitable location for transmitter.
- WDEV—Charles B. Adams, Administrator of estate of Harry G. Whitehill, Waterbury, Vt.—Granted extension of special temporary authority for Chas. E. Adams, Administrator of the estate of Harry C. Whitehill to operate station WDEV instead of Mary M. Whitehill (deceased) Executrix of the estate of Harry C. Whitehill, pending receipt and/or action of application for assignment of him as the duly authorized administrator, but for the period beginning March 1 and ending no later than September 1, 1937.
- KGDY—Voice of South Dakota, Huron, S. Dak.—Granted special temporary authority to remain silent for a period of 30 days conditionally, for the purpose of rebuilding transmitter to comply with Rule 132.
- KALB—Alexandria Broadcasting Co., Alexandria, La.—Granted special temporary authority to operate from 6 to 7 p. m., CST, February 12 to 22, 1937, inclusive, in order to broadcast programs in observance of National Defense Week.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with station WSMK from 12 midnight, February 11, to 2:30 a. m., February 12, 1937, in order to broadcast CBS Red Cross Flood Relief Program.
- WPG—City of Atlantic City, Atlantic City, N. J.—Granted special temporary authority to operate from 12 midnight to 2:30 a. m., EST, February 11, in order to carry benefit CBS, NBC and Mutual network program on behalf of Red Cross flood relief.
- KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate simultaneously with KOB from 7:30 to 8 p. m., PST, Friday, February 12, in order to broadcast Lincoln Day address by Chester Rowell, Editor of the *San Francisco Chronicle*.

APPLICATIONS DISMISSED

- The following applications, heretofore set for hearing were dismissed at request of applicants:
- NEW—Wise Broadcasting Co., St. Paul, Minn.—C. P., 630 kc., 250 watts, unlimited (facilities of KGDE).
- KSLM—Oregon Radio, Inc., Salem, Ore.—C. P., 1240 kc., 250 watts, unlimited.
- NEW—Aberdeen News Co., Aberdeen, S. Dak.—C. P., 1390 kc., 1 KW, unlimited.

APPLICATION DENIED

- The following application, heretofore set for hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 104.6(c):
- NEW—J. D. Keating, Harvey Wells, L. J. Keating, Joe M. Meyer, and L. C. Keating, d/b as Vancouver Broadcasting Co., Vancouver, Wash.—C. P., 1500 kc., 100 watts, daytime.

RATIFICATIONS

- The Broadcast Division ratified the following actions authorized on the dates shown:
- WOPI—R. H. Smith, Bristol, Tenn.—Granted authority to use 250 watts output on 1500 kc. for handling emergency communications only.
- KLCN—Station KLCN, Blytheville, Ark.—Granted authority to operate with 250 watts power for transmission of emergency flood and relief communications only.
- WREC—WREC, Inc., Memphis, Tenn.—Granted authority to operate by terms of Rule 23 to use 5 KW power and operate nondirectional antenna at night while transmitting emergency messages only.

NEW—Nichols & Warinner, Long Beach, Calif.—Granted authority to use stations W6XKL and KIFO as licensed extension period 15 days beginning February 5 to 20 provided Commission is advised by telegram sent before each broadcast, the requirements of Rule 1002. Program in re settlement of Maritime strike in vicinity of San Pedro Harbqr.

W10XFR-W10XFQ—National Broadcasting Co., Inc., New York.—Granted authority to operate as licensed on February 8 to 15 to broadcast inquiring reporter, San Francisco, Calif.

W10XAI-W10XDX—National Broadcasting Co., Inc., New York.—Granted authority to operate as licensed on February 6 to broadcast description Wanamaker Mile Race.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted extension equipment test period 10 days from February 2, however, no tests permitted 4:20 a. m. to 4:40 a. m., EST, February 8, due to Commission monitoring schedule.

KABG-W6XKF-W6XLN-W10XGK—Ben S. McGlashan, Los Angeles, Calif.—Granted authority to operate as licensed for period of 30 days from Feb. 4 for relaybroadcast Midwinter Regatta.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted authority to use 2500 watts night while actually handling emergency messages only in accordance with Rule 23.

W9XPV-W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed daily except Tuesdays during February, 1937, for relaybroadcast from Douglas County Schools Farms WPA projects.

WJEP—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate as licensed February 22 to March 3 relaybroadcast Safety Campaign program.

KWKH—International Broadcasting Co., Shreveport, La.—Granted authority to operate KWKH with non-directional antenna while actually transmitting emergency messages in accordance with Rule 23 and the use of KILB and KABH for emergency message service only throughout emergency.

WRR—City of Dallas, Dallas, Tex.—Granted extension of special temporary authority to suspend tests on station KPVA's transmitter used by WRR as an auxiliary transmitter, as required by Sec. D of Rule 148, for period January 30 to Feb. 28, pending necessary changes to comply with Rule 132. (Conditional Clause), Effective as of January 30, 1937.

WSPR—Connecticut Valley Broadcasting Co., Springfield, Mass.—Granted special temporary authority to operate from 11 p. m., February 8, to 1:30 a. m., February 9, 1937 (instead of February 9 and 10 as authorized in grant of February 2), in order to broadcast a theater benefit for Red Cross Flood Relief.

WAAX—Crosley Radio Corp., Cincinnati, Ohio.—Granted special temporary authority to operate relaybroadcast station on frequencies 1622, 2058, 2150 and 2790 kc., 50 watts, for period February 5 to February 11, to feed WMC and/or WLW within radius of 200 miles of Memphis, Tenn.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted special temporary authority to operate during daytime hours until 4:30 p. m., EST, for the period February 8 to February 12, with power of 500 watts.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 5:30 p. m. to 10:30 p. m., EST, February 9, 12, 13, 19 and 20, 1937, (using 100 watts) to broadcast special sporting events from Lake Placid and a special Kiwanis Luncheon at Plattsburg.

KAAS—Transcontinental & Western Air, Inc., Washington, D. C.—Granted special temporary authority to operate regularly licensed aircraft transmitter KHART aboard Douglas Type plane, as a relay broadcast station on one day from February 6 to 10, inclusive, on the frequencies 2790 kc. and/or 2150 kc., plane flying over Los Angeles, in connection with demonstration of a special shielded loop antenna developed and to be broadcast over CBS national hookup.

The Broadcast Division granted the petition of Pape Broadcasting Corp., (WALA) Mobile, Ala., to intervene in the proceedings upon the application of H. O. Davis, Mobile, Ala., for C. P. Docket No. 4298.

The Broadcast Division granted the petition of Liner's Broadcasting Station, Inc. (KMLB), to intervene in the proceedings upon the application of Southland Industries, Inc. (WOAI), San Antonio, Tex., for C. P. Docket No. 4165.

The Broadcast Division granted the petition of T. E. Kirksey, Waco, Tex., to intervene in the proceedings upon the application of John S. Braun, for C. P. for new station at Waco, Docket No. 3934.

The Broadcast Division waived Rule 105.20 and granted the petition of Arkansas Broadcasting Co., Hot Springs, Ark., to intervene in the proceedings upon the application of Arkansas Radio & Equipment Co., Inc. (KARK) for Mod. of C. P. Docket 4263.

The Broadcast Division granted the petition of The Outlet Company, Providence, R. I., to intervene in the proceedings upon the application of Bay State Broadcasting Corp. for new station at Providence, R. I. Docket 4128.

The Broadcast Division granted the petition of John B. Cooley (KLPM) for permission to amend his application for C. P. to increase power, so as to specify 500 watts power at night instead of 1 KW. Docket 4211.

The Broadcast Division granted the petition of W. P. Stuart and directed that the effective date of its order of December 1, 1936, in granting and denying respectively, the applications of Southwest Broadcasting Co., Prescott, Ariz., for C. P., Docket 3797, and W. P. Stuart, Prescott, Ariz., for C. P. Docket 3906, be extended to Feb. 15, 1937.

The Broadcast Division denied the motion and supplemental motion of Woodman of the World Life Ins. Assn., respondent, for postponement of Oral Argument upon the application of WKZO, Inc., Docket 2412, now scheduled for February 4, 1937.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-269: W. T. Knight, Jr., Savannah, Ga.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time (site to be determined, subject to Commission's approval). Examiner M. H. Dalberg sustained.

NEW—Jack E. Brantley, Mrs. Jack E. Brantley, and Jack E. Brantley, Jr., Savannah, Ga.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner Dalberg sustained. Order effective March 23, 1937.

NEW—Ex. Rep. 1-289: Saginaw Broadcasting Co., Saginaw, Mich.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts night, 250 watts day, specified hours (site to be determined). Examiner M. H. Dalberg reversed.

NEW—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—Granted C. P. for new broadcast station to operate on 950 kc., 500 watts, daytime (site to be determined, subject to Commission's approval). Examiner Dalberg reversed. Order effective March 16, 1937.

NEW—Ex. Rep. 1-291: The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Denied C. P. for new broadcast station to operate on 630 kc., 250 watts, daytime (site to be determined, subject to Commission's approval). Examiner M. H. Dalberg sustained.

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—Denied C. P. (Commissioner Prall dissenting) for new broadcast station to operate on 630 kc., 250 watts, daytime (site to be determined). Examiner Dalberg reversed. Order effective March 23, 1937.

NEW—Ex. Rep. 1-295: Metro Broadcasting Co. (A. Tornek and R. Lillie), Los Angeles, Calif.—Denied C. P. for new broadcast station to operate on 820 kc., 250 watts, limited time with WHAS, Louisville, Ky. Examiner P. W. Seward sustained. Order effective March 23, 1937.

NEW—Ex. Rep. 1-312: The News Press Publishing Co., Santa Barbara, Calif.—Granted C. P. (Commissioner Case dissenting) for new broadcast station to operate on 1220 kc., 500 watts, unlimited time (site to be determined, subject to Commission's approval). Examiner George H. Hill sustained. Order effective March 16, 1937.

KICA—Ex. Rep. 1-328: Western Broadcasters, Inc., Clovis, N. Mex.—Granted modification of license to change hours of operation; 1370 kc., 100 watts. Order effective March 16, 1937.

RENEWAL OF LICENSES

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

KEPY, Spokane, Wash.; KGHL, Billings, Mont; KGW, Portland, Ore.; KLX Oakland, Cal.; KMJ, Fresno, Cal.; KOMO, Seattle, Wash.; KPOF, Denver, Colo.; KPRC, Houston, Tex.; KSAC, Manhattan, Kans.; KTAR, Phoenix, Ariz.; KTSA, San Antonio; WMJB, Greensburg Pa.; WIBW, Topeka, Kans.; WILL, Urbana, Ill.; WIND, Gary, Ind.; WKRC, Cincinnati, Ohio; WMAL, Washington, D. C.; and auxiliary; WNAX and auxiliary, Yankton, S. Dak.

MISCELLANEOUS

- Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted petition for acceptance of answer in re proceedings upon application of KARK, Little Rock, Ark., for modification of C. P. scheduled to be heard February 9, 1937. This application was for increase in power from 500 watts night, 1 KW LS, to 1 KW day and night.
- WDAY—WDAY, Inc., Fargo, N. Dak.; KOIN—KOIN, Inc., Portland, Ore.; WAVE—WAVE, Inc., Louisville, Ky.; WCSH—Congress Square Hotel Co., Portland, Me.; WAAT—Bremer Broadcasting Co., Jersey City, N. J.—Denied joint petition asking hearing upon application of World Publishing Co., Tulsa, Okla., for C. P. for new radio broadcasting station to operate on 940 kc., 1 KW night, 5 KW LS, unlimited time, be postponed, and that all pending applications for new or additional assignments on 940 kc. be consolidated for hearing.
- Earl Weir, St. Petersburg, Fla.—Denied petition asking Broadcast Division to reconsider its action in remanding to dockets application for new radio station for further action. The application is for a new station to operate on 1370 kc., 100 watts, unlimited time.
- Waterloo Times-Tribune, Waterloo, Iowa.—Granted petition to intervene at hearing of application of W. H. Hartman Co. (Docket 4340) for a new broadcast station at Waterloo, Iowa, to operate on 1420 kc., 100 watts, unlimited time.
- WOKO—WOKO, Inc., Albany, N. Y.—Granted petition to intervene in hearing of application of Troy Broadcasting Co. for permit to erect a new radio broadcasting station at Troy, N. Y., to operate on 950 kc., 1 KW, daytime, scheduled to be heard on March 16, 1936.

ORAL ARGUMENT GRANTED

- NEW—Ex. Rep. 1-334: Clarence C. Dill, Washington, D. C.—Granted oral argument to be held April 1, 1937.

PETITION DENIED

The Commission denied the petition of the Winston-Salem Journal Company for a rehearing in the matter of the application of C. G. Hill, George D. Walker, and Susan H. Walker, to erect a new 250-watt broadcasting station at Winston-Salem, N. C., to operate on 1250 kc., daytime (Ex. Rep. 1-217), which was granted by the Broadcast Division on September 29, 1936.

Judge Sykes voted to remand the case to the Dockets for rehearing.

PERMIT EXTENDED

The Commission in a general session extended the effective date of a construction permit issued to Dorrance D. Roderick, El Paso, Texas, from January 21, to 3 a. m. February 25. This is an authorization to construct and operate a new broadcast station in El Paso on the frequency 1500 kc., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass. 580 —License to cover construction permit (B1-P-1153) for directional antenna, move of transmitter and increase in power.
- NEW—Colonial Broadcasting Co., Morristown, N. J.—Construction permit for a new station to be operated on 620 kc., 1 KW, unlimited time. Directional antenna for night use.
- WNRI—S. George Webb, Newport, R. I.—Voluntary assignment 1200 of construction permit (1-P-B-2815) as modified, from S. George Webb to WNRI, Incorporated.
- NEW—Citizens Broadcasting Corp., Schenectady, N. Y.—Construction permit for a new station to be operated on 1240 1240 kc., 1 KW night, 5 KW day, unlimited time. Amended: Re- antenna.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of construction permit (B1-P-1145) for antenna changes and move of transmitter locally, requesting authority to extend commencement and completion dates.
- W3XJ—McNary and Chambers, Near College Park, Md.—License to cover construction permit for a new experimental broadcast station.

NEW—General Electric Co., Albany, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 150 watts.

NEW—Stromberg-Carlson Telephone Manufacturing Co., Mobile —Construction permit for a new relay broadcast station to be operated on 1606, 2022, 2102, 2758 kc., 100 watts, variable hours of operation.

Second Zone

NEW—S. O. & P. C. Ward, d/b as Louisville Broadcasting Co., 1210 Louisville, Ky.—Construction permit for a new station to be operated on 1210 kc., 250 watts, daytime.

Third Zone

NEW—The Birmingham News Co., Birmingham, Ala.—Construction permit for a new station to be operated on 590 590 kc., 500 watts night, 1 KW daytime, unlimited time. Amended: To change power from 500 watts night, 1 KW day to 1 KW day and night.

KADA—C. C. Morris, Ada, Okla.—Modification of license to move 1200 studio from Highway 48.1 Mi. North of Ada, Oklahoma, to 115½ S. Rennie Street, Ada, Oklahoma.

KRRV—Red River Valley Broadcasting Corp., Sherman, Texas.— 1310 License to cover construction permit (B3-P-1526) for changes in equipment and increase in day power.

NEW—F. W. Porton, Miami, Fla.—Construction permit for a new 1420 station to be operated on 1420 kc., 100 watts, unlimited time.

NEW—WDSU, Incorporated, New Orleans, La.—Construction 1500 permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

W3XAU—WCAU Broadcasting Co., Newtown Square, Pa.—Modification of license to include the frequency of 15290 kc.

WSMA—WSMB, Incorporated, Mobile—License to cover construction permit for a new relay broadcast station.

WSMC—WSMB, Incorporated, Mobile—License to cover construction permit for a new relay broadcast station.

NEW—Loyola University, New Orleans, La.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 7 watts, unlimited time.

NEW—Loyola University, New Orleans, La.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts, unlimited time.

Fourth Zone

KLPM—John B. Cooley, Minot, N. Dak.—Construction permit to 1240 make changes in equipment, install vertical antenna, change frequency from 1240 kc. to 1360 kc., change power from 250 watts to 1 KW day and night, change time from specified hours to unlimited and move transmitter locally. Amended: To change power to 500 watts, 1 KW day.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid 1370 City, S. Dak.—Construction permit to increase power from 100 watts to 100 watts night, 250 watts daytime and install new transmitter. Also make changes in antenna. (Filed in name of Black Hills Broadcast Co. of Rapid City.)

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction 1370 permit to change frequency from 1370 to 1450 kc., install a new transmitter, increase power from 100 watts to 1 KW, install directional antenna for night use and move transmitter from Commerce Trust Bldg., 10th & Walnut Sts., Kansas City, Missouri, to 5200 E. 11th Street, Kansas City, Missouri.

XXX—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of authority to transmit programs to stations CFRB, Toronto and CKAC, Montreal and to stations of the Canadian Radio Commission or its successor.

Fifth Zone

NEW—Dan B. Shields, Provo, Utah.—Construction permit for a 1200 new station to be operated on 1200 kc., 100 watts, unlimited time.

WALSH RADIO OPERATORS BILL

S. 1353

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1 (calendar day, FEBRUARY 3), 1937

MR. WALSH introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

A BILL

To amend section 318 of the Communications Act of 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

“SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator’s license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator’s license issued to him by the Commission: *Provided, however,* That the Commission may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles.”

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

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WASHINGTON RADIO HIGHLIGHTS

FCC answers questions of Senator Wheeler * * * *
Hampson Gary, FCC General Counsel, says Commission now has no authority to prevent newspapers from owning broadcast stations * * * * Suggests such legislation would be constitutional * * * * Commission informs Wheeler in detail of stations owned by newspapers and chains and controlled by both interests * * * * Possibility that freedom of the press might be involved * * * * As result of answer Senator Wheeler has announced that he will introduce a bill to prevent newspapers from obtaining more stations and possibly make them give up those they already own * * * * Craney (KGIR) addresses open letter to the Congress of the United States * * * * Makes answer to ASCAP and proposes an amendment to the Copyright Act of 1909 * * * * Amendment would clear copyright at the source, place full responsibility on persons originating performances including manufacturers of electrical transcriptions * * * * Hearing held on Dickstein Bill (H. R. 30) before House Committee on Immigration and Naturalization to protect artistic and earning opportunities for actors, etc. * * * * Senator Copeland makes favorable report from his Committee on Commerce on Pure Food and Drug Bill (S. 5) with few amendments * * * * Representative Culkin of New York introduces another bill to prevent alcoholic beverage advertising over radio.

FCC ANSWERS WHEELER

The Federal Communications Commission has sent its answer to Senator Burton Wheeler, of Montana, chairman of the Senate Committee on Interstate Commerce in connection with certain questions which he propounded dealing with newspaper ownership of broadcasting stations and network ownership of stations.

As the result of the Commission's answer Senator Wheeler has announced that he will introduce a bill making it unlawful for newspapers to own broadcasting stations. He contends that the effort of the bill will be to prevent monopoly of radio channels for public information.

Included in the answer of the Commission is an opinion of Hampson Gary, general counsel, as to whether the Commission now has power to prevent a newspaper from

owning a broadcasting station and expressing his opinion as to whether such legislation can be enacted.

Mr. Gary's complete answer to the Senator on the subject of the ownership of broadcasting stations by newspapers is as follows:

January 25, 1937.

MEMORANDUM TO THE COMMISSION:

Opinion of the General Counsel

In response to request of the Chairman of the Commission.

I.

Has the Commission authority, at the present time, to deny an application of a newspaper for radio facilities, on the ground that it is against public policy.

The question presented is whether the Commission may deny an application of a newspaper for a license on the ground that it is against "public policy". The specific standard, or guide, provided by Congress in the Communications Act of 1934 is whether or not the granting of an application for license is "in the public interest, convenience or necessity". It must be determined at the outset, therefore, whether there is a difference between the term "public policy" and the standard of "public interest, convenience and necessity". We think the two may be distinguished. "Public policy" has been defined as:

"that principle of law which holds that no one can lawfully do that which has a tendency to be injurious to the public or against the public good."

(*Spalding v. Maillet*, 188 P. 377; *Georgia Fruit Exchange v. Turnipseed*, 62 So. 542.)

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In the sense of the definition given, it might be said that "public policy" is synonymous with "public interest". However, as was said in *Weeks v. New York Life Insurance Company*, 122 S. E. 586:

"Public policy imports something that is uncertain, fluctuating, varying with the changing economic needs, social customs and moral aspirations of the people. A state has no public policy cognizable by the courts which is not derivable by clear implication from established law as found in its Constitution, statutes, and judicial decisions."

Again, in *Georgia Fruit Exchange v. Turnipseed*, *supra*, p. 544, the court said:

"Public policy is broader than the mere terms of the statute or statutes and embraces their general purpose and spirit."

See also *Smith v. San Francisco & M. P. R. Co.*, 47 Pacific 582, 589, where the phrase is defined as follows:

"Public policy is a term of vague and uncertain meaning, which it pertains to the law-making body to define, and courts are apt to encroach on the domain of that branch of government if they characterize a transaction as invalid because it is contrary to public policy, unless the transaction contravenes some positive statute or some well-established rule of law. * * *"

As was pointed out in *Rast v. Van Deman & Lewis*, 240 U. S. 342, 357:

"It is the *duty* and *function* of the legislature to discern and correct evils, and by evils we do not mean some definite injury but obstacles to a greater public welfare." (Italics supplied.)

This case is cited many times in other decisions, and we believe it is authority for the conclusion that a determination of "public policy" is the *function* of the legislature. Although it may be stated that the Federal Communications Commission is an arm of the Congress, or the agent of that legislative body, yet it is equally true that the Commission possesses only those powers specifically delegated to it by statute. (*Federal Radio Commission v. Nelson Bros. Bond & Mortgage Co.*, 289 U. S. 295.)

From the above it would appear that "public policy" is a broader and in some respects, a different term than "public interest," and that the determination of "public policy" is a function of Congress.

Since the Congress has delegated to the Commission the power to determine whether a grant of an application in any case will serve the "public interest" this is the only standard the Commission can apply, and our inquiry is limited to whether such standard furnishes au-

thority to deny applications from newspapers. We do not mean to infer from the above that the Commission, in applying the standard of "public interest, convenience or necessity" to a given set of facts, may not consider as a factor that the applicant before it owns or controls a newspaper.

The Supreme Court, in *Federal Radio Commission v. Nelson Bros. Bond and Mortgage Company*, *supra*, has defined the standard and indicated some of the limitations upon the power of the Commission:

"In granting licenses the Commission is required to act 'as public convenience, interest or necessity requires.' This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. Compare *N. Y. Central Securities Co. v. United States*, 287 U. S. 12, 24: The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services, and, where an equitable adjustment between States is in view, by the relative advantages in service which will be enjoyed by the public through the distribution of facilities."

See also the following language in *N. Y. Central Securities Co. v. United States*, 287 U. S. 24:

"Appellant insists that the delegation of authority to the Commission is invalid because the stated criterion is uncertain. That criterion is the 'public interest.' It is a mistaken assumption that this is a mere general reference to public welfare without any standard to guide determinations. The purpose of the Act, the requirements it imposes, and the context of the provision in question show the contrary."

It should be observed that the application of this standard by the Commission is subject to judicial review under Section 402(b) of the Act. Upon appeal from decisions of the Commission the court will examine the decision for the purpose of determining whether the Commission has stayed within the power thus delegated and therefore its decision was not arbitrary or capricious.

"A finding without substantial evidence to support it—an arbitrary or capricious finding—does violence to the law. It is without the sanction of the authority conferred. And an inquiry into the facts before the Commission, in order to ascertain whether its findings are thus vitiated, belongs to the judicial province and does not trench upon, or involve the exercise of, administrative authority." *Nelson Bros. case, supra*, p. 277.

In my opinion, therefore, the Commission does not have the authority, under the existing law and in the absence of an expression of public policy on the subject

by the Congress, to deny an application to a newspaper owner for radio facilities solely upon the ground that the granting of such an application would be against public policy. It is clear, however, that the Commission has the duty of examining the facts in each particular case to determine whether the granting of an application will serve "public interest, convenience or necessity". One fact among others to be considered by the Commission, is the business connections of the applicant, newspaper or other, and in my opinion the Commission has the power to refuse a license to a newspaper owner if upon all the facts before it in a given case the Commission is unable to find that the granting of such an application would serve public interest, convenience, or necessity.

II.

Whether legislation could be passed denying the right of newspapers to obtain broadcasting licenses in the future and requiring them to divest themselves of existing rights in broadcast stations within a reasonable time.

It is well settled that all radio broadcasting is within the regulatory power of Congress under the Commerce clause of the Constitution (*American Bond & Mortgage Company v. United States*, 52 F. (2d) 318; *Federal Radio Commission v. Nelson Bros. Bond & Mortgage Co.*, 289 U. S. 267). This power is "supreme and plenary" (*Minnesota Rate Cases*, 281 U. S. 362, 398); is "complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations, other than those prescribed in the Constitution." (*Gibbons v. Ogden*, 9 Wheat. 1, 196.) And the power to regulate includes the power to prohibit (*The Lottery Cases*, 188 U. S. 321).

It should be determined at the outset whether there exist any constitutional limitations upon the power of Congress to regulate interstate and foreign commerce. It would appear that if such limitations exist they may be found in the First or Fifth Amendments to the Constitution.

The portions of the First Amendment which need be examined in connection with the legislation proposed are as follows: "Congress shall make no law * * * abridging the freedom of speech, or of the press * * *." It is submitted that legislation such as that proposed would constitute no abridgment of freedom of speech or of the press since ownership or control of a radio broadcast station is not essential to the right to speak or the dissemination of news, and the owning or controlling of a broadcast station as a business has nothing to do with the freedom of speech or of the press as such, because the newspaper would still have the same right to communicate by printing or broadcasting, which is enjoyed by any other person or class.

This is demonstrated by the following language from the case of *Trinity Methodist Church, South, v. Federal*

Radio Commission, 62 Fed. (2d) 850, 853, in which the court affirmed a decision of the Commission refusing to renew the applicant's broadcast license:

"This is neither censorship nor previous restraint, nor is it a whittling away of the rights guaranteed by the First Amendment, or an impairment of their free exercise. Appellant may continue to indulge his strictures upon the characters of men in public office. He may just as freely as ever criticize religious practices of which he does not approve. * * * but he may not, as we think, demand, of right, the continued use of an instrumentality of commerce for such purposes, or any other, except in subordination to all reasonable rules and regulations Congress, acting through the Commission, may prescribe." (Italics supplied.)

Moreover, the freedom of the press is not abridged by a reasonable regulation of commerce promulgated by the Congress under constitutional authority for the protection of all the people, including the press.

In *Toledo Newspaper Co. v. U. S.*, U. S. 402, 419, Chief Justice White, speaking for the Court, dismissed the argument that a law providing for the punishment of contempts of court which obstructed justice was an interference with freedom of the press, in the following language:

"We might well pass the proposition by because to state it is to answer it, since it involves in its very statement the contention that the freedom of the press is the freedom to do wrong with immunity and implies the right to frustrate and defeat the discharge of those governmental duties upon the performance of which the freedom of all, including that of the press, depends." (Italics supplied.)

Chief Justice Fuller, in the case entitled *In Re: Rapier*, 143 U. S. 110, 134, said:

"We cannot regard the right to operate a lottery as a fundamental right infringed by the legislation in question; nor are we able to see that Congress can be held, in its enactment, to have abridged the freedom of the press. The circulation of newspapers is not prohibited, but the government declines itself to become an agent in the circulation of printed matter which it regards as injurious to the people. The freedom of communication is not abridged within the intent and meaning of the constitutional provision unless Congress is absolutely destitute of any discretion as to what shall or shall not be carried in the mails, and compelled arbitrarily to assist in the dissemination of matters condemned by its judgment, through the governmental agencies which it controls." (Italics supplied.)

Inasmuch as the granting of a license to operate a broadcast station does not give the licensee any vested property right (*American Bond & Mortgage Company v. United States*, 52 F. (2d) 318), (Sections 304 and 309(b) of the Communications Act of 1934) and since broadcast licenses must be renewed every six months, each application for renewal thereof being considered *de novo*, the right to hold or acquire property does not appear to be involved. For the same reasons the constitutional question presented in considering the power of Congress to deny newspapers the right to acquire broadcast stations in the future is not different from that presented as to its power to require them to divest themselves of the control of such stations within a reasonable time.

That protection of a person or class of persons to equality under the law exists under the Fifth Amendment is clearly indicated in the line of decisions noted herein: In the case of *U. S. v. Yount*, 267 F. 861, the court said, in discussing the power of Congress to "classify" as incidental to its power to regulate commerce:

"The 'due process of law' by which Congress is limited in the Fifth Amendment and the states by the Fourteenth Amendment is equivalent to the 'law of the land' and is intended to protect the citizen against arbitrary action, and secure to all persons equal and impartial justice under the law (italics supplied). *Davidson v. New Orleans*, 96 U. S. 97, 24 L. ed. 616; *Missouri Pacific Ry. v. Humes*, 115 U. S. 512, 6 Sup. Ct. 110, 29 L. ed. 463.

"It seems reasonably clear that the 'due process of law' provision of the Fifth Amendment is broad enough in its scope and purpose to include the 'equal protection of the laws' which no state may deny to any person under the provisions of the Fourteenth Amendment. *Leeper v. Texas*, 139 U. S. 462, 11 Sup. Ct. 577, 35 L. ed. 225; *Giozza v. Tiernan*, 148 U. S. 657, 13 Sup. Ct. 721, 37 L. ed. 599."

In *Nebbia v. U. S.*, 291 U. S. 502, the court observed (page 536):

"It is clear that there is no closed class or category of businesses affected with a public interest, and the function of courts in the application of the Fifth and Fourteenth Amendments is to determine in each case whether circumstances vindicate the challenged regulation as a reasonable exertion of governmental authority or condemn it as arbitrary or discriminatory. *Chas. Wolff Packing Co. v. Court of Industrial Relations*, 262 U. S. 522, 535, 67 L. ed. 1103, 1108, 43 S. Ct. 630, 27 A.L.R. 1280."

In stating that "classification is allowable under the provisions of the constitution" the court in the case of *U. S. v. Yount*, *supra*, cited the case of *Gulf Colorado & Santa Fe Railway v. Ellis*, 165 U. S. 150. In this latter

case the court said, at page 165, that the classification "must always rest upon some difference which bears a reasonable and just relationship to the act in respect to which the classification is proposed and can never be made arbitrarily and without any such basis."

The above cases indicate that classification is a necessary adjunct to the power to regulate. Since the proposed legislation would be a regulation of interstate commerce, and since it would discriminate against a class, the precise question involved is *whether the power of Congress to make such a regulation is limited by the due process clause.*

It would appear well settled that Congress, in the exercise of its power to regulate interstate commerce, may interfere indirectly with private rights which otherwise might be protected by the due process clause. In *Knox v. Lee* (Legal Tender Cases), 79 U. S. 457, it is said:

"That provision (due process clause) has always been understood as referring only to a direct appropriation and not to consequential injuries resulting from the exercise of lawful power. It has never been supposed to have any bearing upon or to inhibit laws that indirectly work harm or loss to individuals."

See also *United States v. Joint Traffic Ass'n.*, 171 U. S. 505; *Addyston Pipe & Steel Co. v. United States*, 175 U. S. 211; *Union Bridge Co. v. United States*, 204 U. S. 365; *Willoughby on Constitutional Law*, 2nd Ed., Sections 1225, 1227, Vol. 3 pp. 1857, 1861.

The criterion which must be applied is whether the legislative action has a reasonable relation to a purpose which is within Congressional authority. This principle is enunciated in the case of *Lewis Publishing Company v. Morgan*, 229 U. S. 288, wherein the legality of certain conditions imposed by Congress on the eligibility to use the second class mails was attacked on the ground that it violated both the First and Fifth Amendments. The court held that Congress by establishing "second class" postal matter was giving effect to a policy of favoring a wide spread circulation of newspapers, periodicals, etc., "in the interest of dissemination of current intelligence". The criterion applied by the Court in considering the validity of the legislation is indicated by the following excerpt, page 314, of the opinion:

"The question therefore is only this, Are the conditions which were exacted incidental to the power exerted of conferring on the publishers of newspapers, periodicals, etc., the privileges of the second class classification or are they so beyond the scope of the exercise of that power as to cause the conditions to be repugnant to the Constitution? We say this is the question since necessarily if the power exists to legislate by discriminating in favor of publishers, the right to exercise that power, carries with

it the authority to do those things which are incidental to the power itself or which are plainly necessary to make effective the principal authority when exerted. In other words, from this point of view, the illuminating rule announced in *McCulloch v. Maryland* and *Gibbons v. Ogden*, governs here as it does in every other case where an exertion of power under the Constitution comes under consideration. The ultimate and narrow question therefore is, are the requirements of the provision in question incidental to the purpose intended to be secured by the second class classification?"

The court sustained the conditions as being "incidental and necessary to the complete fruition of the public policy lying at the foundation of the privileges accorded".

Thus, it may be seen that if the proposed legislation denying newspaper owners the right to own or control a broadcast station has a reasonable relationship to a purpose which Congress has the power under the commerce clause to accomplish, then the incidental or indirect interference with personal liberty is not repugnant to the First or Fifth Amendments.

Furthermore, this test which the courts may apply as to whether *there is a reasonable relationship between the purpose and the means used to accomplish it*, must be clearly distinguished from the question as to the *wisdom of the end sought to be accomplished, or the policy adopted by Congress, power over which is vested solely within the legislative branch of the Government*.

In the *Lottery Case*, *supra*, this principle was stated as follows:

"In determining the character of the regulations to be adopted, Congress has a large discretion which is not to be controlled by the courts simply because in their opinion such regulations may not be the best or most effective that could be employed."

This principle is even more clearly stated in the case of *Northern Securities Co. v. United States*, 193 U. S. 197, which involves legislation of much the same class as that under consideration. The law in question was the provision of the Sherman Anti-Trust Act which prohibited "every combination," etc., in "restraint of trade". The fact that the purpose of the act was to prevent restraints of trade brought it within the power delegated to Congress under the Commerce clause, but the objection was made that it interfered with the "liberty" to contract which is guaranteed by the Fifth Amendment. The Court said:

"The means employed in respect of the combinations forbidden by the Anti-Trust Act, and which Congress deemed germane to the end to be accomplished, was to prescribe as a rule for *interstate and international commerce* (not for domestic com-

merce) that it should not be vexed by combinations, conspiracies or monopolies which restrain commerce by destroying or restricting competition. We say that Congress has prescribed such a rule, because in all the prior cases in this court the Anti-Trust Act has been construed as forbidding any combination which by its necessary operation destroys or restricts free competition among those engaged in interstate commerce; in other words, that to destroy or restrict free competition in interstate commerce was to restrain such commerce. Now, can this court say that such a rule is prohibited by the Constitution or is not one that Congress could appropriately prescribe when exerting its power under the commerce clause of the Constitution? Whether the free operation of the normal laws of competition is a wise and wholesome rule for trade and commerce is an economic question which this court need not consider or determine. Undoubtedly, there are those who think that the general business interests and prosperity of the country will be best promoted if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of our history. Be all this as it may, Congress has, in effect, recognized the rule of free competition by declaring illegal every combination or conspiracy in restraint of interstate and international commerce. As in the judgment of Congress the public convenience and the general welfare will be best subserved when the natural laws of competition are left undisturbed by those engaged in interstate commerce, and as Congress has embodied that rule in a statute, that must be, for all, the end of the matter, if this is to remain a government of laws, and not of men." (Pp. 337-338.)

It would appear from these cases that if Congress sees fit to declare a policy to be followed in the regulation of interstate commerce (broadcasting) and provides that in order to carry out that policy, no newspaper shall operate a broadcasting station, the Courts will not question the wisdom of the policy, but will consider such legislation *only* for the purpose of determining whether the prohibition has a reasonable relation to, or is a reasonable means of accomplishing an end which is within the regulatory power of Congress.

Factors which would militate against holding arbitrary or unreasonable the regulation of interstate commerce as herein proposed are the actual facts and usages attendant upon joint ownership and operation of a broadcast station and a newspaper.

It is submitted that these factors should not be examined for the purpose of passing on the wisdom of the legislation but only for the purpose of determining whether

an unreasonable or arbitrary classification has been made. *Chicago, B. & Q. R. R. Co. v. McGuire*, 219 U. S. 549. In that case the court said at page 569:

“* * * The scope of judicial inquiry in deciding the question of *power* is not to be confused with the scope of legislative considerations in dealing with the matter of *policy*. Whether the enactment is wise or unwise, whether it is based on sound economic theory, whether it is the best means to achieve the desired result, whether, in short, the legislative discretion within its prescribed limits should be exercised in a particular manner, are matters for the judgment of the legislature, and the earnest conflict of serious opinion does not suffice to bring them within the range of judicial cognizance.”

It is conceivable that situations might arise where the mutual control of a newspaper and a broadcast station would have no effect upon the operation of the station in the public welfare. If this be true, would an act barring *every* newspaper from owning or operating a broadcast station exceed the end to be accomplished? This question arose in connection with the Anti-Trust Act, *supra*, which prohibited “*every*” contract in restraint of trade. Prior to the Standard Oil case, 221 U. S. 1, the Supreme Court consistently held that when Congress said “*every*” it laid down a *policy* which the Court could not question, and the act, so interpreted, was held to be constitutional (*Addyston Pipe & Steel Co. v. United States*, 175 U. S. 211; *Northern Securities Co. v. United States*, *supra*). In the Standard Oil case, 221 U. S. 1, the Court established the well-known “Rule of Reason” which was applied in that and later cases. The different interpretation of the Anti-Trust Act, however, appears to have been based upon what the Court considered to be the common law concept of the term “restraint of trade” as used in the Act. The Court said:

“* * * It is certain that those terms (‘restraint of trade’ and ‘monopoly’) at least in their rudimentary meaning, took their origin in the common law, and were also familiar in the law of this country prior to and at the time of the adoption of the act in question.

“We shall endeavor, then, first to seek their meaning, * * * by making a very brief reference to the elementary and indisputable conceptions of both the English and American law on the subject prior to the passage of the Anti-Trust Act.”

While the interpretation placed upon the Act in the Standard Oil case, *supra*, might be said to weaken the former decisions as to the constitutionality of the Act as originally construed, it did not constitute a reversal of the former cases as to such constitutionality; but rendered a consideration of the question unnecessary.

Other analogous legislation is contained in Section 1, Paragraph 8 of the Interstate Commerce Act commonly known as the “Commodities Clause” which provides that:

“From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any state, * * * any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.”

This clause was held constitutional by the Supreme Court of the United States in the cases of *U. S. v. Delaware & Hudson Co.*, 213 U. S. 366 and *Delaware L. & W. R. R. Co. v. U. S.*, 231 U. S. 363.

In the former case the Government sought to enjoin five railroads from shipping coal over their lines. Some of these corporations owned and worked mines and transported over their own rails in interstate commerce the coals so mined either for their own account or for the account of those who had acquired title to the coal prior to the beginning of the transportation. As to this last group, the Government contended that the Act prohibited the carrying of any coal with which the line was formerly connected regardless of present ownership. One of the main defenses the companies claimed, on the other hand, was that the Act was unconstitutional because it deprived them of property without Due Process. The court pointed out that the broad interpretation contended for by the government would raise serious constitutional questions; that where an act is susceptible of two interpretations one of which would be constitutional and the other not, the construction upholding the validity of the law should be applied; and, therefore, construed the Act as applying only where there was an actual and a present connection between the company and the commodity. It was then concluded:

“We think it unnecessary to consider at length the contentions based upon the due process clause of the Fifth Amendment. * * * When, however, mere forms of statement are put aside and the real scope of the argument at bar is grasped, we think it becomes clear that in substance and effect the argument really asserts that the clause as construed by the Government is not a regulation of commerce, since it transcends the limits of regulation and embraces absolute prohibitions, which, it is insisted, could not be exerted in virtue of the authority to regulate. The whole support upon which the propositions and the arguments rest hence disappear as a result of the construction which we have given the

statute. Through abundance of caution we repeat that our ruling here made is confined to the question before us. Because, therefore, in pointing out and applying to the statute the true rule of construction, we have indicated the grave constitutional questions which would be presented if we departed from that rule, we must not be considered as having decided those questions. We have not entered into their consideration, as it was unnecessary for us to do so.”

The Delaware L. & W. case, *supra*, involved a question as to whether a shipment of hay to be used in feeding mules in mines owned by the defendant railroad was a violation of the Commodities Act. The railroad challenged the constitutionality of the Act and contended inter alia that, “It is a matter of complete indifference to the public * * * whether or not the railroad company does or does not engage in such transportation, so long as it continues lawfully to own and operate its mines, and the Commodities Clause in prohibiting such transportation has no reasonable relationship to the accomplishment and any legitimate public object, but is arbitrary, unreasonable and unnecessary and violates the Fifth Amendment.” The court in holding that the Act did have a reasonable relationship to the regulation of interstate commerce said:

“But the courts are not concerned with the question as to whether, in a particular case, there had been any discrimination against shippers or harm to other dealers. The statute is general and applies not only to those particular instances in which the carrier did use its power to the prejudice of the shipper, but to all shipments which, however, innocent in themselves, come within the scope and probability of the evil to be prevented.”

In making an analogy between these two cases and the question under consideration, the *Delaware and Hudson* case might be advanced as authority for the contention that a statute denying the right of *all* newspapers to operate radio stations would be unconstitutional as applied to an extreme situation; for instance, in a case where the owner of a Farmers’ Weekly in Minnesota applied for a license to operate a station in Washington, D. C.

However, the above quoted language from the *Delaware L. & W.* case is authority for the conclusion that if there is a reasonable relationship between the prohibition of mutual control of radio facilities and newspapers the courts would not be concerned with the question as to whether in a particular case such mutual ownership was actually detrimental to the operation of the station.

While the above mentioned authorities relative to legislation similar to that contemplated serve to establish the criterion which would be applied in testing the validity of the proposed statute, it is submitted that they afford no basis for a positive conclusion as to its constitutionality.

Section 11 of the Panama Canal Act of August 24, 1912, 37 Stat. 560 made it unlawful for any railroad or other carrier to own, operate, etc., “any common carrier by water operating through the Panama Canal or elsewhere with which such railroad or other carrier does or might compete for traffic or any vessel carrying freight or passengers on such water route or elsewhere with which such railroad or other carrier competes or might compete.” This Act further provided that the Interstate Commerce Commission should determine the extent or possibility of competition. A date was specified on which all common ownership should cease, but it was also provided that the Commission should determine whether any “such existing specified service” was being operated in the public interest, etc., and empowered it to grant extensions to those which were challenged to such consideration upon the merits of the individual case. The constitutionality of this legislation has not been successfully challenged to date. See *Lehigh Valley Railroad Co. v. U. S.* (Dist. Ct. E. Dist. Pa., May 12, 1916, 234 F. 682).

Legislation similar to the type contemplated herein is found in Sections 310(a) and 311 of the Communications Act of 1934 wherein the Commission is directed to refuse to grant a license to an enumerated class of persons, among them being aliens, representatives of foreign governments, foreign corporations, etc., and also any person found guilty of unlawful monopoly, as defined therein.

The proposed legislation would impose a prohibition against a class, i. e., newspaper owners, and, in that respect, would be analogous to Section 310(a) of the present act which contains a similar prohibition against aliens.

Senator Wheeler inquires:

“Whether, if the Commission has not such authority at the present time, legislation could be passed denying the right for all newspapers to acquire radio stations in the future and requiring all newspapers within a reasonable time to divest themselves of the ownership and control of such stations.”

A careful review of the decisions of the Supreme Court with respect to existing legislation which appears to be analogous or similar to that here suggested and those decisions with respect to the regulation of interstate commerce by the Congress and matters bearing a reasonable relation thereto, impel me to a conclusion that the constitutionality of an act of Congress denying the right to all newspaper owners as such to obtain broadcast licenses in the future and requiring all newspapers to divest themselves of such ownership or control within a reasonable time, is not free from doubt, and, therefore, I think the inquiry does not permit of a categorical answer.

However, let me add, it is established that all radio broadcasting is interstate commerce; that, under the

Constitution, the Congress has the power to regulate interstate and foreign commerce; that the criterion to be applied is whether the proposed legislation has a reasonable relation to a purpose which is within constitutional authority; and, that the power to regulate interstate and foreign commerce is limited only by the provisions of the Constitution itself.

I am of the opinion that the mutual ownership and control of newspapers and broadcast stations bears a reasonable relation to and has an effect upon interstate commerce, and therefore, if the Congress enacted a law of the purport suggested, it should meet the constitutional requirements.

Respectfully,

(Signed) HAMPSON GARY,
HAMPSON GARY,
General Counsel.

COPYRIGHT AMENDMENT PROPOSED BY CRANEY

Ed Craney (KGIR, Butte) in an open letter to Congress makes reply to a letter received from the General Manager of the ASCAP and proposes an amendment to the Copyright Act of 1909.

Mr. Craney would change the law so as to—

1. Place the responsibility for the public performance of music on the person originating the performance;
2. Make it necessary for Authors, Composers, and Publishers to identify the use they make of material in the public domain;
3. Leave the question of damages to the discretion of the court, and
4. Prevent assignees from collecting damages unless their assignments are recorded according to law.

The text of the Bill offered by Mr. Craney follows:

A BILL

To amend the Act entitled "An Act to Amend and Consolidate the Acts respecting Copyright", approved March 4, 1909, as amended, and for other purposes.

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

That Section 6 of Act entitled "An Act to Amend and Consolidate the Acts respecting Copyright", approved March 4, 1909, as amended, is hereby amended by striking out the period (.) at the end thereof and inserting in lieu thereof the following: ", Provided, that the application for registration, and the printed notices of copyright on the work shall specify under which version or versions of works copyright is claimed".

Sec. 2. (a) Section 25 of such Act is amended by adding after Subsection (b) the following new Subsection:

"(c) To pay to the copyright proprietor, in the case of an infringement by radio broadcasting, such damages as to the court shall appear to be just, provided, that the responsibility and liability for the use of copyrighted material in broadcasting on two or more stations simultaneously shall rest solely with the station originating the performance, and provided further, that the responsibility and liability for the use of copyrighted material in electrical transcriptions and other forms of recordings made exclusively for broadcasting purposes shall rest solely with the maker of such electrical transcriptions and other forms of recordings and his agents for distribution thereof to broadcasters."

(b) Subsections (c), (d) and (e) of Section 25 of such Act are hereby amended to read Subsections (d), (e) and (f), respectively.

Sec. 3. Section 44 of such Act is hereby amended by striking out the period (.) at the end thereof and inserting in lieu thereof, the following: ", and such default shall be a defense against any legal proceeding brought by the assignee as a result of use made of the copyrighted material subsequent to the date of assignment".

COMMISSION GRANTS NEW STATION

The Federal Communications Commission this week granted a construction permit for the erection of a new broadcasting station at Albert Lea, Minn., to the Albert Lea Broadcasting Corporation.

The new station will operate on 1200 kilocycles 100 watts and daytime only. The order is effective March 23.

CULKIN RADIO ADVERTISING BILL

A bill was introduced in the House this week by Representative Culklin of New York (H. R. 4738) "to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages." The bill has been referred to the House Committee on Interstate and Foreign Commerce.

The paragraph dealing with broadcasting in this bill is as follows:

"Sec. 4. It shall be unlawful to broadcast by means of any radio station for which a license is required by any law of the United States, or for any person operating any such station, to permit the broadcasting of any advertisement of alcoholic beverages or the solicitation of an order for alcoholic beverages."

PURE FOOD BILL REPORTED

Senator Copeland of New York this week reported from his Committee on Commerce the pure food and drug bill (S. 5) with a few amendments over the bill as it was originally introduced at the present session and printed

in full in NAB REPORTS. "There is no essential change in the advertising features. In reporting the bill out Senator Copeland has the following to say about the advertising situation:

"There has been controversy as to whether the Food and Drug Administration or the Federal Trade Commission should enforce the bill's provisions on advertising. On the premise that advertisements of foods, drugs, and cosmetics are nothing more than extensions of the labeling, this bill proposes that the control be vested in the Food and Drug Administration which enforces the provisions on adulteration and labeling. But, it does not have the effect of depriving the Federal Trade Commission of its jurisdiction to proceed against false advertising in such form as to make it an unfair method of competition. The bill specifically provides that it shall not be construed as impairing or diminishing the powers of the Federal Trade Commission.

"The bill simply provides that the district courts of the United States shall have the power to grant temporary and permanent injunctions against the dissemination of any advertisement which contains—

"any representation regarding any food, drug, device, or cosmetic or the ingredients thereof, or the substances therein, or the identity, strength, quality, purity, quantity, origin, source, harmlessness, or safety thereof, or the nutritional, dietary, curative, therapeutic, preventive, diagnostic, or beneficial effects thereof, or the safety or efficiency of the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any material particular."

BALDWIN ATTENDS MEETING

James W. Baldwin, managing director of NAB, attended the meeting of the Ohio State Broadcasters Association being held today in Cincinnati.

BROADCAST MEASUREMENTS

The Federal Communications Commission has announced that during the month of January 619 broadcasting stations were measured, with 58 not measured.

Of the number measured 492 had a maximum deviation within 0-10 cycles; 107 within 11-25 cycles; 17 within 26-50 cycles, and 3 over 50 cycles.

CHANGE OF OWNERSHIP RECOMMENDED

The Beverly Hills Broadcasting Corporation, licensee of Station KMPC, Beverly Hills, Calif., applied to the Federal Communications Commission to transfer all of the capital stock from the present holder, Pacific Southwest Discount Corporation, to George A. Richards.

Examiner Ralph L. Walker, in Report No. I-356, recommended that the application be granted. The Exam-

iner states that "the record discloses that the proposed transferee is in all respects qualified to own and operate a broadcast station and hence is likewise qualified to own all of the stock of the licensee corporation. Consideration of all of the facts leads to the conclusion that if the present application is granted Station KMPC will serve public interest as well or better than it does at the present time."

SECURITIES ACT REGISTRATIONS

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

- Pre-Cambrian Investments, Limited, Toronto, Canada. (2-2797, Form A-1)
- Crouch-Bolas Aircraft Corporation, Providence, R. I. (2-2798, Form A-1)
- Kennedy's, Inc., Boston, Mass. (2-2799, Form A-1)
- B. E. Hepler, et al., Trustees of Rio Grande Valley Gas Company, Jersey City, N. J. (2-2800, Form F-1)
- Investors Fund of America, Incorporated, New York City. (2-2802, Form A-1)
- The Casco Products Corporation, Bridgeport, Conn. (2-2803, Form A-2)
- Bondholders Committee for Republic of Colombia Dollar Bonds, New York City. (2-2804, Form D-1)
- Independence Fund of North America, Inc., New York City. (2-2806, Form C-1)
- Pennsylvania Water Company, Wilkesburg, Pa. (2-2808, Form A-2)
- National Brush Company, Aurora, Ill. (2-2809, Form A-2)
- American Discount Company of Georgia, Atlanta, Ga. (2-2811, Form A-2)
- United Goldfields Company, Reno, Nev. (2-2812, Form A-1)
- Wyatt Metal & Boiler Works, Dallas, Tex. (2-2813, Form A-1)
- Tokheim Oil Tank and Pump Company, Fort Wayne, Ind. (2-2816, Form A-2)
- Simplicity Pattern Co., Inc., New York City. (2-2817, Form A-2)
- The Superior Oil Company, Los Angeles, Calif. (2-2818, Form A-2)
- National Investors Corporation, New York City. (2-2819, Form E-1)
- Pennsylvania-Central Airlines Corporation, Pittsburg, Pa. (2-2820, Form A-1)
- Knudsen Creamery Co., of California, Los Angeles, Calif. (2-2822, Form A-1)
- Producers Corporation, Chicago, Ill. (2-2824, Form A-1)
- Rochester Button Company, Rochester, N. Y. (2-2825, Form A-2)
- Divco-Twin Truck Company, Detroit, Mich. (2-2826, Form A-2)
- Mid-West Rubber Reclaiming Company, St. Louis, Mo. (2-2827, Form A-2)
- Utah Radio Products Company, Chicago, Ill. (2-2828, Form A-1)
- The Carpenter Steel Company, Reading, Pa. (2-2829, Form A-2)
- The Pharis Tire and Rubber Company, Newark, Ohio. (2-2830, Form A-2)

FEDERAL TRADE COMMISSION ACTION Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3051. A complaint has been issued against **Lanteen Laboratories, Inc.**, 900 North Franklin St., **Chicago**, alleging unfair competition in the sale in interstate commerce of medicinal preparations and appliances for so-called feminine hygiene and other uses.

Other respondents named are **Lanteen Medical Laboratories, Inc.**, 900 North Franklin St., **Chicago**; **Medical Bureaus of Information**, 734 State Lake Building and 190 North State St., **Chicago**, 804 Industrial Bank Building, **Detroit**, and 161 Wisconsin Ave., **Milwaukee**; and **Rufus Riddlesbarger**, 1224 Pratt Boulevard, **Chicago**, an official of the two Lanteen companies.

Medical Bureaus of Information is said to be operated by Lanteen Medical Laboratories, Inc., to advertise and distribute information regarding the products of Lanteen Medical Laboratories, Inc., and Lanteen Laboratories, Inc.

In this advertising matter, the respondents' products are alleged to have been represented, directly and by implication, as safe, competent and effective cures and preventatives.

No. 3052. Unfair competition in the sale of women's hand bags is alleged in a complaint issued against **Morris White Mfg. Co., Inc.**, **New York** and **Bridgeport, Conn.**, and **Stylecraft Leather Goods Co., Inc.**, **New York** and **Scranton, Pa.** Both companies are under a single ownership and management and have their offices at 362 Fifth Avenue, **New York**.

Representations of the respondents are alleged to have misled purchasers into believing that certain articles were patented and that others were made of glove leather, when these were not the facts.

Nos. 3053-3054. Two **Chicago** firms, one dealing in rotary clocks and other merchandise, and the other selling hosiery, are named respondents in complaints alleging unfair competition through use of lottery methods in connection with the sale of their products.

One complaint charges that **National Manufacturers Distributing Co.**, 1420 South Halsted St., **Chicago**, distributes to its representatives sales outfits accompanied by pushcards bearing feminine names, and that the purchaser of a chance who selects a name corresponding to that concealed elsewhere on the card is given a rotary clock as a premium. According to the complaint, the pushcard contains disks concealing numbers, and bears printed instructions informing customers that "Nos. 1 to 29 pay what you draw. Over 29 pay only 29 cents." Under such a sales plan, the complaint alleges, the fact as to whether a customer pays from 1 to 29 cents for a clock and whether he receives nothing for the amount paid is determined wholly by lot or chance.

The respondent in the other complaint, **W. A. Leith**, trading as **Style Silk Co.**, 529 South Franklin St., **Chicago**, is alleged to use substantially the same pushcard method in the sale of silk hosiery, except that some of the numbers on the card he distributes are "free" draws, the cost of a chance ranges from 1 to 15 cents, and the premium awarded is one or more pairs of hosiery.

No. 3055. **Van-Tage Medicine Company, Inc.**, 1265 North Vermont Ave., **Los Angeles**, and its president, **G. H. Mosby**, are charged in a complaint with misrepresenting the therapeutic value of a medicinal preparation designated "Van-Tage".

In advertising matter and in radio broadcasts, the respondents are alleged to have falsely represented, among other things, that their preparation will throw off the poisons that foster stomach trouble and will permit the kidneys and liver to function properly; that within ten minutes it will stop gas and pains and will relieve backaches and bladder irritation; that it will give complete relief from indigestion, shortness of breath and dyspepsia; that it will relieve the causative factors of rheumatism and neuritis, and will clear up skin eruptions caused by impurities in the organs. According to the complaint, "Van-Tage" is not a satisfactory or competent remedy, cure or treatment for any of these conditions or ailments.

No. 3056. A **Sioux City, Iowa**, candy firm is charged in a complaint with unfair competition through sale of its products by means of a lottery. The respondents are **Wiuifred Sorenson** and **Edward Beales**, trading as **Sorenson-Beales Candy Co.**

Employing the push-card method of selling, the respondents are alleged to have placed in the hands of others the means of conducting lotteries in the sale of the respondents' products.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 2688-2747. Orders to cease and desist have been issued requiring two candy companies selling their products in interstate commerce to discontinue lottery methods in such sale. The respondents, **York Caramel Co.**, College Ave. and Oak Lane, **York, Pa.**, and **George Close Co.**, 243 Broadway, **Cambridge, Mass.**, were found to have violated Section 5 of the Federal Trade Commission Act.

The orders direct the respondents to stop distributing to jobbers and wholesalers candy so packed and assembled that its sales to the

public are to be made or may be made by means of a lottery, gaming device, or gift enterprise.

No. 2780. Under an order entered, **Charles R. Luce**, trading as **Luce & Co.**, 350 Mercer St., **Jersey City, N. J.**, is directed to desist from selling candy so packed and assembled that sales to ultimate purchasers are to be made, or may be made, by means of a lottery, gaming device, or gift enterprise.

The respondent is prohibited from assembling in the same assortment of candy pieces of uniform size and shape having centers of different color, together with small packages of candy which are to be given as prizes to purchasers procuring a piece of candy with a center of a particular color. The order also bars him from furnishing, either with assortments of candy or separately, display cards bearing legends informing purchasers that the candy is being sold to the public by lot or chance.

FTC CASES SETTLED

No. 2502. The Federal Trade Commission has dismissed its complaint against **Sterling Products, Inc.**, 170 Varick St., **New York City**, manufacturing and selling, among other things, **Phillips' Dental Magnesia** and **Danderine Hair Dressing**.

The complaint alleged that **Sterling Products, Inc.**, in violation of Section 7 of the Clayton Act, had acquired the capital stock of a competitor, **The R. L. Watkins Co., Inc.**, **New York City**, manufacturer of **Dr. Lyon's Tooth Powder** and **Glostora**, a hair dressing.

The complaint was dismissed for the reason that the evidence showed that purchase by the respondent corporation of the capital stock of the competing company did not result in a substantial lessening of competition or restraint of trade.

No. 2379. The Commission has issued an order settling its case against **The Nacor Medicine Co.**, 405 State Life Building, **Indianapolis**, by acceptance of a stipulation.

Under a complaint issued by the Commission in July, 1936, this company was charged with several misrepresentations, including the assertion that "Nacor" and "Nacor Kaps" were effective remedies or cures for asthma.

The stipulation was accepted for the purpose of closing without prejudice the pending proceeding and avoiding the expense of trial. The Commission reserved the right to reopen the case and resume prosecution should the facts warrant.

Under its stipulation, the respondent company agrees to assume all responsibility for testimonials it publishes and agrees not to print testimonials containing representations that its medicine is anything other than a relief from the paroxysms of asthma and that it is a cure for tuberculosis, colds, or bronchitis.

No. 2922. Motion of **Group Sales Corporation**, 215 West 39th St., **New York City**, to set aside the findings as to the facts and conclusion and order to cease and desist entered against it January 23, 1937, has been granted by the Commission. The Commission's complaint against the respondent corporation charges unfair methods of competition in connection with the sale of silk and rayon piece goods.

The Commission further ordered that the respondent corporation's stipulation as to the facts and motion to withdraw its answer and substitute answer, dated December 15, 1936, be stricken from the record, that the original answer, dated October 2, 1936, be reinstated into the record and the case proceed to trial in accordance with the Commission's regular procedure.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, February 22.

Tuesday, February 23

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—C. P., 1310 kc., 100 watts, daytime.

NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—C. P., 1310 kc., 100 watts, daytime.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Voluntary assignment of license, 1040 kc., 10 KW, shares-KRLD.

NEW—Bay State Broadcasting Corp., Providence, R. I.—C. P., 720 kc., 1 KW LS, limited time.

NEW—Walter H. McGenty, Rice Lake, Wis.—C. P., 1210 kc., 250 watts, daytime.

Wednesday, February 24

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—Paul B. McEvoy, Publisher, Hobart Democrat-Chief, Hobart, Okla.—C. P., 1420 kc., 100 watts, daytime.

Thursday, February 25

ORAL ARGUMENT BEFORE THE BROADCAST
DIVISION

Examiner's Report No. I-311:

KIT—Carl E. Haymond, Yakima, Wash.—C. P., 1250 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-323:

KFPM—Voice of Greenville, Greenville, Tex.—C. P., 1420 kc., 100 watts, daytime. Present assignment: 1310 kc., 15 watts, specified hours.

Examiner's Report No. I-325:

NEW—The Times Publishing Co., St. Cloud, Minn.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Michael F. Murray, St. Cloud, Minn.—C. P., 560 kc., 500 watts, daytime.

Examiner's Report No. I-337:

WOAI—Southland Industries, Inc., San Antonio, Tex.—Transfer of control of corporation; 1190 kc., 50 KW, unlimited time.

Friday, February 26

HEARING BEFORE AN EXAMINER
(Broadcast)

KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma City, Okla.—Renewal of license, 1310 kc., 100 watts, 250 watts LS, unlimited time.

KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma City, Okla.—Voluntary assignment of license; 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Frontier Broadcasting Co., Cheyenne, Wyo.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

KBPS—Benson Polytechnic School, R. T. Stephens, Agt., Portland, Ore.—Granted C. P. to make changes in equipment.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted C. P. to install new transmitter and vertical antenna and increase day power from 1 KW to 5 KW.

NEW—Southeastern Broadcasting Co., Inc., Portable.—Granted C. P. for new low frequency relay broadcast station; 1622, 2058, 2150 and 2790 kc., 25 watts.

NEW—Stromberg Carlson Tel. & Mfg. Co., Portable.—Granted C. P. for new low frequency relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 100 watts.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted license to cover C. P. authorizing changes in composite equipment and increase in day power from 100 watts to 250 watts.

WSMA—WSMB, Inc., Portable.—Granted license to cover C. P. of relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 40 watts.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted license to cover C. P. authorizing changes in equipment and increase in power and hours of operation from 100 watts night and day, unlimited, day, specified hours night, to 100 watts night, 250 watts day, unlimited time.

WSMC—WSMB, Inc., Portable.—Granted license to cover C. P. for relay broadcast station; frequencies 1606, 2022, 2102 and 2758 kc., 40 watts.

WTAG—Worcester Teleg. Pub. Co., Inc., Worcester, Mass.—Granted license to cover C. P. authorizing move of transmitter site, installation of directional antenna system, and increase in power from 500 watts, unlimited time, to 1 KW, unlimited time, employing directional antenna system for both day and night time operation.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of license to extend commencement date to 4-1-37 and completion date to 10-1-37.

KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Granted renewal of license for period March 1 to Sept. 1, 1937.

KSFO—The Asso. Broadcasters, Inc., San Francisco, Calif.—Granted renewal of license for period March 1 to September 1, 1937.

KADA—C. C. Morris, Ada, Okla.—Granted modification of license authorizing change in studio location.

National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs to Canadian stations CFCF and CRCT and the Canadian Radio Broadcasting Commission.

NEW—Allen T. Simmons, Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 100 watts.

W8XIQ—The WGAR Broadcasting Co., Mobile, Cleveland, Ohio.—Granted C. P. for changes in equipment and increase in power from 35 watts to 100 watts.

RENEWAL OF LICENSES

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

KEHE, Los Angeles, Calif.; KFDY, Brookings, S. Dak.; KFNF, Shenandoah, Iowa; KFRC, San Francisco, Calif., and auxiliary; KFYZ, Bismarck, N. Dak.; KHJ and auxiliary, Los Angeles; KHQ, Spokane, Wash.; KLZ, Denver; KOMO, auxiliary, Seattle, Wash.; KVI, Tacoma, Wash.; WAAF, Chicago; WBAA, W. Lafayette, Ind.; WBEN, Buffalo, N. Y., and auxiliary; WCAO and auxiliary, Baltimore; WDBO, Orlando, Fla.; WEAN, Providence, R. I.; WEEL, Boston; WFLA-WSUN, St. Petersburg, Fla.; WGBF, Evansville, Ind.; WGBI, Scranton, Pa.; WGR, Buffalo, N. Y.; WGST, Atlanta, Ga.; WIP, Philadelphia; WJAR, Providence, R. I.; WJAR auxiliary, Providence, R. I.; WKBN, Youngstown, Ohio; WKY, Oklahoma City, Okla.; WKZO, Kalamazoo, Mich.; WMMN, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WOW, Omaha, Nebr.; WQAN, Scranton, Pa.; WSPA, Spartanburg, S. C.; WSYR-WSYU, Syracuse, N. Y.; WTAD, Quincy, Ill.; WTAG, Worcester, Mass., and auxiliary; WTAR and auxiliary, Norfolk, Va.; WTMJ, Milwaukee, Wis.; WWNC, Asheville, N. C.

W9XAG—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—Granted renewal of facsimile broadcast station license.

W9XAF—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—Granted renewal of facsimile broadcast station license.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of facsimile broadcast station license.

SET FOR HEARING

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Application for C. P. for new station; 1200 kc., 100 watts, daytime.

NEW—Frank M. Stearns, Salisbury, Md.—Application for C. P. for new station; 1200 kc., 250 watts, daytime only.

KTEM—Bell Broadcasting Co., Temple, Tex.—Application for C. P. to make changes in equipment; change power and hours of operation to 100 watts night, 250 watts day, unlimited time.

NEW—G. Kenneth Miller, Tulsa, Okla.—Application for C. P. for new station; 1310 kc., 100 watts, unlimited time.

NEW—Summit Radio Corp., Akron, Ohio.—Application for C. P. for new special broadcast station; 1530 kc., 1 KW, unlimited time.

NEW—Arlington Radio Service, Inc., Arlington, Va.—Application for C. P. for new station; 850 kc., 250 watts, daytime only.

NEW—Clark Standiford and L. S. Coburn, Fremont, Nebr.—Application for C. P. for new station; 1420 kc., 100 watts, unlimited time.

NEW—George W. Young, St. Paul, Minn.—Application for C. P. for new station; 920 kc., 1 KW night, 5 KW day, directional antenna at night, unlimited time.

NEW—John C. Hughes, Phoenix City, Ala.—Application amended for C. P. to erect new station to operate on 1310 kc., 100 watts, daytime only, site to be determined.

KFXM—J. C. Lee and E. W. Lee, Lee Bros. Broadcasting Co., San Bernardino, Calif.—Application for C. P. to move transmitter locally to site to be determined with Commission's approval; install new equipment and vertical radiator; increase day power from 100 watts to 250 watts.

KGfJ—Ben S. McGlashan, Los Angeles, Calif.—Application for C. P. to move transmitter site to site to be determined with Commission's approval; install new equipment; install antenna to comply with Rule 131; change frequency from

1200 kc. to 1170 kc.; increase power from 100 watts to 250 watts night, 500 watts day. To be heard before the Broadcast Division.

NEW—Philadelphia Radio Broadcasting Co., Philadelphia, Pa.—Application for C. P. for new special station; 1570 kc., 1 KW, unlimited, exact transmitter site to be determined subject to Commission's approval.

NEW—Archie E. Everage, Andalusia, Ala.—Application for C. P. for new station; 1310 kc., 100 watts night, 250 watts day, unlimited.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Application for modification of license to increase day power from 2½ to 5 KW.

KGDY—Voice of South Dakota, Huron, S. Dak.—Application for authority to transfer control of the Voice of South Dakota (KFDY), Huron, S. Dak., from F. Koren, Robert J. Dean and M. W. Plowman, to Greater Kempeska Radio Corp.

SPECIAL AUTHORIZATIONS

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Granted extension of special temporary authority to operate a mobile 100-watt transmitter on 560 kc. between the hours of 1 and 6 a. m., PST, for the period February 15 to February 21, 1937, in order to make transmitter site survey.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted special temporary authorization to operate a 100-watt portable transmitter on 1500 kc. between the hours of 12 midnight and 6 a. m., for a period not to exceed 30 days, in order to make field intensity survey tests.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate with power of 300 watts while installing rectifier as authorized under C. P., for the period not to exceed 30 days.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with 1 KW at night, during month of March, 1937, pending filing of and action on license application to cover C. P. for this authority.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authorization to operate simultaneously with station WSMK from 10 p. m. to 12 midnight, EST, February 17, 1937, in order to broadcast Pittsburgh Red Cross Boxing Show for flood relief.

KA AJ—KGEL, Inc., San Angelo, Tex.—Granted special temporary authority to operate a mobile relay broadcast transmitter on a frequency of 2102 kc. on February 26, March 5, 12, and 19, 1937, for relaybroadcast from stock pens auction sale.

KA AJ—KGEL, Inc., San Angelo, Tex.—Granted special temporary authority to operate a mobile relay broadcast transmitter on a frequency of 2102 kc. from March 6 to 9, 1937, inclusive, for relaybroadcast from local Fat Stock Show.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 10 to 11 p. m., CST, March 4; from 12:30 to 6 p. m., CST, March 5, 6, 13, 20, 27, 1937, in order to broadcast high school basketball tournaments.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 4 p. m., CST, March 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, 17, 18, 22, 23 and 31; also from 9:15 to 10:30 p. m., March 11; and 2 to 5 p. m., CST, March 12, 1937 (provided KGGF remains silent), in order to broadcast special educational programs.

KGGF—Powell and Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 8:15 to 9:15 p. m., CST, March 24; also from 7:15 to 9:15 p. m., CST, March 25 and 30 (provided WNAD remains silent), in order to observe Easter vacation.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Granted special temporary authority to operate a 50-watt portable transmitter on 1140 kc. in the area approximately 16 miles southeast of Richmond, Va., along and near the James River, from 7 a. m. to 1 hour before local sunset (February sunset, 5:45 p. m., EST; March sunset, 6:15 p. m., EST), for a period not to exceed 30 days, in order to make site surveys. Such tests, however, not permitted during hours prescribed for Commission monitoring schedule.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with station WTRC from 6 to 7:30 p. m., CST, March 2, 4, 5, 6, 13, 20 and 27, 1937, for the purpose of broadcasting basketball games; also operate simultaneously with WTRC from 7:30

to 10 p. m., CST, March 7, 14 and 21, 1937, in order to broadcast service from St. Mary's Church.

APPLICATIONS DISMISSED

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

WDNC—Durham Radio Corp., Durham, N. C.—C. P., 590 kc., 1 KW, unlimited time.

NEW—Broadus McSwain, d/b as The Voice of the Times, Raleigh, N. C.—C. P., 1210 kc., 100 watts, daytime.

NEW—Ogdensburg Pub. Co., Inc., Ogdensburg, N. Y.—C. P., 1500 kc., 100 watts, unlimited time.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

KHAAE—Columbia Broadcasting System, Inc., New York City.—Granted authority to operate American Airlines station, 50 watts, 2830 kc., connection short wave broadcast from plane flying in vicinity of Cincinnati.

W8XIR-WAAQ—WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to operate as licensed 2-17-37 to 3-17-37, relaybroadcast interview school children.

WAAK-W4XBT-W4XBZ—WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed on Tuesdays for period of 30 days from February 16, to relaybroadcast industries and other important points, provided wire facilities not available.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted special temporary authority to operate a 100-watt test transmitter on 1450 kc. in Atlanta between the hours of 12 midnight and 6 a. m. for the period February 8 to February 17, in order to make field intensity survey tests.

WJBW—Chas. C. Carlson, New Orleans, La.—Granted special temporary authority to use transmitting equipment of WBNO for period not exceeding 30 days, pending repairs to WJBW's transmitter which was damaged by fire.

KAAS—Transcontinental & Western Air, Inc., Washington, D. C.—Granted special temporary authority to operate regularly licensed aircraft transmitter KHART aboard Douglas Type plane, as relaybroadcast station on 1 day from February 13 to 20, inclusive, on frequencies 2790 and/or 2150 kc., plane flying over Los Angeles, connection with demonstrations of special shielded loop antenna developed to be broadcast over CBS national hookup; frequencies 2790 kc. and/or 2150 kc., 80 watts.

The Broadcast Division granted the petition by the Ohio Broadcasting Company to intervene in the proceedings upon the application of the Sharon Herald Broadcasting Co. for C. P. for new station at Sharon, Pa., Docket No. 4201.

The Broadcast Division, in the exercise of its discretion under Rule 103.3, refused to accept the amendment, involving a change in equipment, to the application of WFTX, Inc., Docket No. 4365.

ORAL ARGUMENTS

Oral arguments were granted, to be held April 8, 1937, in the following cases:

Ex. Rept. No. 1-338, Harmon Leroy Stevens and Herman Leroy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.; Ex. Rept. No. 1-339, WMAS, Inc., Springfield, Mass.; and Ex. Rept. No. 1-341, Dallas Broadcasting Co., Dallas, Tex.

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rept. No. 1-273: Albert Lea Broadcasting Corp., Albert Lea, Minn.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime only. Site to be determined subject to Commission's approval. Examiner R. H. Hyde sustained. Order effective March 23, 1937.

NEW—Winona Radio Service, Winona, Minn.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime only. Site to be determined subject to Commission's approval. Examiner R. H. Hyde sustained. Order effective March 23, 1937.

KHSL—Ex. Rept. No. 1-340: Golden Empire Broadcasting Co., Chico, Calif.—Granted modification of license to change frequency from 950 kc. to 1260 kc.; change power from 250 watts day to 250 watts night, 250 watts day; and increase hours of operation from daytime to unlimited. Examiner R. H. Hyde sustained. Order effective March 23, 1937.

MISCELLANEOUS

- Geraldine Alberghane, Pawtucket, R. I.—Waived Rule 104.6(b) and accepted appearance in Docket 4387, being an application for a new station at Pawtucket, R. I., to operate on 720 kc., 1 KW, unlimited time. Respondents allowed to file answers within 10 days of the mailing of notices of this action.
- Hildreth & Rogers Co., Pawtucket, R. I.—Denied petition asking Commission to cancel bearing of application of Geraldine Alberghane and to deny application.
- E. Anthony & Sons, Inc., Pawtucket, R. I.—Granted petition to intervene at hearing of application of Geraldine Alberghane.
- WGN—WGN, Inc., Chicago, Ill.—Granted request that hearing on application of Geraldine Alberghane, scheduled for February 23, 1937, be continued indefinitely. Decided to hear Alberghane case before Broadcast Division.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted petition asking authority to intervene at hearing of application of Lou Poller for a permit to erect a new radio station at Scranton, to operate on 1370 kc., 250 watts, daytime.
- Paul B. McEvoy, Hobart, Okla.—Denied petition to reconsider and grant without a bearing application for C. P. to erect a new station in Hobart, Okla., to operate on 1420 kc., 100 watts, daytime only.
- KGB—Don Lee Broadcasting System, San Diego, Calif.—Denied petition to reconsider and grant without a bearing application for authority to increase day power from 1 to 5 KW.
- WGN—WGN, Inc., Chicago, Ill.—Denied motion asking hearing in Docket No. 4128, scheduled for February 23, 1937, be continued indefinitely. This is an application of Bay State Broadcasting Corp. for a permit to erect and operate a new radio station at Providence, R. I., using 720 kc., 1 KW LS. WGN, Inc., is respondent in these proceedings as WGN is the dominant clear channel station operating on 720 kc., 50 KW.
- Geraldine Alberghane, Pawtucket, R. I.—Accepted answer to appearance of the Bay State Broadcasting Corp. case, Docket 4128.
- John R. and Joe L. Peryatel and Richard K. Beauchamp, d/b as Beryatel Bros., Raton, N. Mex.—Waived Rules 104.6(b) and 105.25 and returned appearances filed 2 days late for proper verification as required by Rule 105.25, in Docket No. 4271, an application for C. P. for new station at Raton to operate on 1210 kc., 100 watts, unlimited time, scheduled to be heard March 8, 1937.
- WABY—Adirondack Broadcasting Co., Albany, N. Y.—Granted permission to intervene at hearing of application of Troy Broadcasting Co. for C. P. for new radio station at Troy, N. Y., to operate on 950 kc., 1 KW, daytime.
- O. Lee Stone, Florence, S. C.—Reaffirmed grant for C. P. made July 2, 1936, for new radio station to operate on 1200 kc., 100 watts, daytime, which was suspended and set for hearing because of protest filed by Don Lee Broadcasting Co. This protest has been withdrawn. Petition of WAIN for right to intervene "in hearing of application of O. Lee Stone, Docket 4112", dismissed.
- WLB—University of Minnesota, Minneapolis, Minn.; WCAL—St. Olaf College, Northfield, Minn.—Dismissed motion to strike the protests filed by KSTP, National Battery Broadcasting Co., St. Paul, Minn., which was directed against action of Commission of October 20, 1936, in granting, without a bearing, the applications of WLB and WCAL.

APPLICATIONS RECEIVED

First Zone

- WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-1189) to install new transmitter and antenna and increase power, requesting antenna changes and move of approximately 500 feet at same address.
- WMCA—Knickerbocker Broadcasting Co., New York, N. Y.—Modification of license to increase power of auxiliary transmitter from 500 watts to 1 KW.
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—License to cover construction permit (B1-P-790) for new equipment and increase in power, using directional antenna.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Authority to transfer control of corporation from Roger W. Clipp and Frank V. Becker to Delaware Channel Corp., 250 shares common stock.

- WGNV—Peter Goelet, Newburgh, N. Y.—License to cover construction permit (B1-P-1166) as modified for changes in equipment and move of studio and transmitter.
- WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Modification of license to change name from Olean Broadcasting Co., Inc., to WHDL, Inc.
- WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to make changes in antenna and move transmitter approximately 25 feet at same address. (This is a request to use WGR's antenna.)
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit to make changes in equipment and increase day power from 100 watts to 250 watts.
- W10XED—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.
- W10XGG—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.
- W10XCH—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.
- W10XV—National Broadcasting Co., Inc., Mobile.—License to cover construction permit for increase in operating power to 25 watts.
- NEW—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 26550 kc., 100 watts, unlimited time.

Second Zone

- NEW—Petersburg Newspaper Corp., Petersburg, Va.—Construction permit for a new station to be operated on 1370 kc., 100 watts, daytime. Amended to change frequency from 1370 kc. to 1210 kc., power from 100 watts to 100 watts night, 250 watts daytime, hours of operation from daytime to specified hours, and make changes in equipment. Requests facilities of WMBG.
- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Construction permit to make changes in equipment; install vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; move transmitter from 1150 No. Front Street, Sunbury, Pa., to site to be determined, Sunbury, Pa.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—License to cover construction permit (B2-L-543) for a new transmitter.
- NEW—West Virginia Newspaper Publishing Co., Clarksburg, W. Va.—Construction permit for a new station to be operated on 1250 kc., 1 KW, daytime.
- NEW—Great Lakes Broadcasting Corp., Cleveland, Ohio.—Construction permit for a new station to be operated on 1270 kc., 1 KW night, 5 KW daytime, unlimited time. To use directional antenna day and night. Amended to give exact transmitter site as 6 miles southwest of Cleveland Public Square, south of Biddulph Road, between Ridge Road and West 117th St., Brooklyn Township, Ohio.
- WSAJ—Grove City College, Grove City, Pa.—Modification of license to change specified hours and change studio site from Main and Broad St., Grove City College, to Hall of Science, Grove City College, Grove City, Pa.
- NEW—George W. Taylor Co., Inc., Williamson, W. Va.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime. Amended to change frequency from 1210 kc. to 1370 kc. and make changes in equipment.
- WHK—The Radio Air Service Corp., Cleveland, Ohio.—Modification of license to increase night power from 1 KW to 5 KW (5 KW day power requested by B2-ML-415).
- WCHV—Community Broadcasting Corp., Charlottesville, Va.—Construction permit to make changes in transmitting equipment and install vertical antenna; move transmitter from Stony Point Road, Charlottesville, Va., to Charlottesville, Va.
- WHP—WHP, Inc., Harrisburg, Pa.—License to cover construction permit (B2-P-1239) for new antenna and move of transmitter.
- NEW—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit for a new high frequency broadcast station to be operated on 26100 kc., 50 watts, unlimited time.
- NEW—Charleston Broadcasting Co., Vicinity of Charleston, W. Va.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts, variable hours.

NEW—Charleston Broadcasting Co., Vicinity of Charleston, W. Va.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts, variable hours.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—
780 Voluntary assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

NEW—The Tribune Co., Tampa, Fla.—Construction permit for a
940 new station to be operated on 940 kc., 1 KW night, 5 KW daytime, unlimited time. Amended to install directional antenna for night use and for approval of transmitter site at along Bayfront near Cypress Street, Tampa, Fla.

WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Construction
1200 permit to make changes in equipment and increase power from 100 watts to 250 watts. Amended to omit request for increase in night power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Modifica-
1200 tion of license to change power from 100 watts night, 250 watts daytime, to 250 watts day and night.

WGCM—WGCM, Inc., Mississippi City, Miss.—Authority to
1210 transfer control of corporation from Sam Gates to P. K. Ewing, 280 shares common stock.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—
1210 License to cover construction permit (B3-P-466) as modified for a new station.

NEW—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Row-
1310 land and A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts daytime.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—License
1310 to cover construction permit (B3-P-1468) for new transmitter and antenna.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—License
1310 to cover construction permit (B3-P-1403) for changes in equipment, increase in power, move of transmitter, and authority to carry WDAH schedule on KTSM transmitter.

WSMB—WSMB, Inc., New Orleans, La.—Modification of con-
1320 struction permit (B3-P-1446) for new equipment, further requesting equipment changes and move of transmitter from Algiers Naval Station to Behrman Highway, New Orleans, La., and extend commencement and completion dates.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Authority
1430 to transfer control of corporation from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co., 200 shares common stock.

KPLC—Calcasieu Broadcasting (T. B. Lanford, R. M. Dean and
1500 L. M. Sepaugh), Lake Charles, La.—License to cover construction permit (B3-P-1407) as modified for new equipment, increase in daytime power, and move of transmitter.

KPLT—North Texas Broadcasting Co., Paris, Tex.—Construction
1500 permit to make changes in transmitting equipment and antenna and increase power from 100 watts to 250 watts.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Modi-
1500 fication of construction permit (B3-P-1056) for new equipment; move of transmitter, requesting authority to make changes in equipment; move studio and transmitter from Corpus Christi, Tex., to Brownsville, Tex., and extend commencement and completion dates.

W4XBS—Memphis Commercial Appeal, Inc., Mobile.—Voluntary
assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

WABG—Memphis Commercial Appeal, Inc., Mobile.—Voluntary
assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

W4XCX—Stuart Broadcasting Corp., Knoxville, Tenn.—License
to cover construction permit for a new relay broadcast station.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—
Voluntary assignment of license from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co.

NEW—Southeastern Broadcasting Co., Inc., Portable.—Construc-
tion permit for a new relay station to be operated on 1622, 2058, 2150, 2790 kc., 30 watts. Amended to change power from 30 watts to 25 watts.

Fourth Zone

NEW—Northwest Publications, Inc., Duluth, Minn.—Construc-
580 tion permit for a new station to be operated on 920 kc., 250 watts, daytime. Amended to change frequency from 920 kc. to 580 kc.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Modification
1180 of construction permit (B4-P-1420) for a new transmitter, requesting extension of commencement and completion dates.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—License
1370 to cover construction permit (B4-P-725) as modified for a new station.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—License
1370 to cover construction permit (B4-P-475) as modified for a new station.

NEW—L. L. Coryell, Sr., and L. L. Coryell, Jr., d/b as L. L.
1450 Coryell & Son, Lincoln, Nebr.—Construction permit for a new station to be operated on 1450 kc., 250 watts night, 500 watts daytime, unlimited time.

NEW—Gerald A. Travis, La Porte, Ind.—Construction permit for
1500 a new station to be operated on 1500 kc., 100 watts night, 250 watts daytime, unlimited time.

Fifth Zone

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—License
1070 to cover construction permit (B5-P-1270) for changes in antenna, and move of studio and transmitter.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—
1180 Modification of construction permit (B5-P-1492) to install new transmitter, requesting changes in authorized equipment.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modifica-
1240 tion of license to change power from 500 watts night, 1 KW daytime, to 1 KW day and night.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension
1240 of special experimental authorization to operate with power of 1 KW (night) for period from 10-1-36 to 4-1-37. Amended to change period of time from 4-1-37 to 10-1-37.

KSLM—Oregon Radio, Inc., Salem, Ore.—Construction permit to
1370 make changes in equipment and change frequency from 1370 kc. to 1110 kc., also change power from 100 watts to 500 watts.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—
1370 Construction permit to install a new transmitter and antenna; change frequency from 1370 kc. to 1440 kc., power from 100 watts night, 250 watts day, to 1 KW; and move studio and transmitter locally. Amended to change requested power from 1 KW to 500 watts night, 1 KW daytime.

NEW—Gallatin Radio Forum, Bozeman, Mont.—Construction
1420 permit for a new station to be operated on 1420 kc., 250 watts, daytime.

NAB REPORTS

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WASHINGTON RADIO HIGHLIGHTS

Five-year licenses for broadcasting stations proposed by Congressman Anderson of Missouri * * * * "There will be a reallocation," said Chairman Prall of the FCC when testifying before the Senate Appropriations Committee on February 12 * * * * When Senator Byrnes (South Carolina) said, "I hope you will not authorize those 500,000-watt superstations without the most careful consideration, because it will injure the local stations," Mr. Prall replied, "We will not, Senator" * * * * Printed record of hearings disclose also the FCC Chairman's belief that if the Commission "were authorized under the Act to quiet a station or delete it for a temporary period, if we might close the station for two weeks for a violation, or a month, or six months, it would have a salutary effect on the industry as a whole" * * * * Mr. Prall also said he thought it would be desirable to have authority as to programs and the direction of broadcast stations with respect to the use of the time they are selling advertisers * * * * Question of license fees was raised by Senators Green (Rhode Island) and McAdoo (California), and Chairman Prall said, "To be equitable we could only do it, in my opinion, on the basis of income" * * * * "It would be like an income tax," he said * * * * Chairman Prall sustained the view expressed by Senators Glass (Virginia) and McAdoo that it is not for the Commission "to tell a man he should or should not pay a certain price for a station."

BILL FOR FIVE-YEAR LICENSES

Representative Anderson of Missouri on Wednesday introduced a bill in the House "to prescribe five-year minimum terms for broadcasting licenses." The bill is as follows:

That section 307(d) of the Communications Act of 1934 is hereby amended to read as follows:

"(d) No license granted for the operation of a broadcasting station shall be for a shorter term than five years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not less than five years in the case of broadcasting licenses and not to exceed five years in the case

of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications."

Sec. 2. The amendments made by section 1 of this Act shall not apply to any broadcasting license in force on the date of enactment of this Act until it expires pursuant to the provisions of section 307(d) of the Communications Act of 1934 as in force prior to such date.

(Ed. Note—There is no issue less controversial among our membership. Enactment of this bill would greatly increase the stability of the industry. That, we believe, would be in the public interest.)

RADIO AMENDMENT REPORTED

The House Committee on Interstate and Foreign Commerce on Wednesday made a favorable report on H. R. 3898 providing for an amendment to the Communications Act of 1934 which would amend section 318 of the Act in connection with radio operators. The committee reported the bill with some minor amendments. The bill as it was reported by the committee and recommended for passage is as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued *hereunder*, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however, That the Commission if it shall find that the public interest, convenience or necessity will be served thereby may*

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waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: Provided, further, That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices."

COMMISSION DENIES TRI-STATE PETITION

The Federal Communications Commission sitting en banc on Wednesday denied the petition of the Tri-State Broadcasting Company for a rehearing in the application of Dorrance D. Roderick for authority to establish a new broadcasting station at El Paso, Texas, using 1500 kilocycles, 100 watts power, unlimited time on the air. Commissioner Stewart dissented.

FAMOUS-DORANA RADIO PRODUCTIONS

The Famous-Dorana Radio Productions of Chicago, Illinois, manufactures an electrically transcribed library service for lease to radio broadcasting stations. The license agreement offered to stations should be studied carefully. Section 2 of their agreement reads as follows: "All selections in the library are fully tax paid, and the station may use any selection on either sustaining or sponsored local broadcast without additional payment of tax or fee; it being understood that the station shall send a list of all selections, used on sponsored local radio broadcasts during the first six months, to the producer."

A member who questioned Famous-Dorana concerning this provision is now advised by letter dated February 15, 1937, and signed by Daryl C. Doran, as follows: "A radio station must hold a performing license from ASCAP before the station can use our transcriptions. We hold a license to make the recordings but not a performing license.

"I understand that a radio station pays a percentage of their gross net income (or some such basis) which gives them the right to use all ASCAP music as often as they wish, either from records, transcriptions, or with live talent. . . ."

YOUR PERSONAL PROBLEM CLINIC

And now Bernard Zissu of Radio Program Associates offers to radio stations *without cost* a new fifteen-minute transcribed program developed by the editors of *Physical Culture Magazine*. Any station performing these transcriptions on any basis other than that specified in its

rate card is violating both the letter and the spirit of paragraph 6 of the NAB Code of Ethics.

THE MUTUAL BENEFIT MANAGERS' RADIO CAMPAIGN

It is reported that time for an insurance program may be purchased at a 5 per cent discount. The discount is said to be based on a confidential arrangement made by the sponsors through its advertising agency.

This is called to the attention of members that they may have the opportunity of doing a little policing per paragraph 6 of the NAB Code of Ethics.

A. F. A. MEETS IN JUNE

The 33rd Annual Convention of the Advertising Federation of America will be held June 20th to 23rd, inclusive, at the Hotel Pennsylvania, New York City.

RECOMMENDS NO CHANGES FOR KWBG

Broadcasting station KWBG, Hutchison, Kans., applied to the Federal Communications Commission to change its frequency from 1420 to 550 kilocycles, its power increased from 100 to 250 watts, and that its present unlimited time be left that way.

Examiner Melvin H. Dalberg, in Report No. I-357, recommended that the application be denied. The Examiner states that "it appears from the record that while the granting of this application would result in an increase in the useful daytime service area which is sought as coverage, the useful night-time service area (should the station be operated as proposed) would be less than now exists."

POWER INCREASE RECOMMENDED FOR WCOA

Broadcasting station WCOA, Pensacola, Florida, operating unlimited time on 1340 kilocycles, applied to the Federal Communications Commission to increase its daytime power from 500 to 1,000 watts, and to continue its present 500 watts night-time power.

Examiner Melvin H. Dalberg, in Report No. I-359, recommended that the application be granted. He found that "the proposed operation of the applicant will not adversely affect the interest of any licensed station, nor are there any pending applications which involve the possibility of objectionable interference." He states that the granting of the application would be in the public interest.

RECOMMENDS DENYING CALIFORNIA STATION

Loyal K. King applied to the Federal Communications Commission for a construction permit for the erection

of a new broadcasting station at Pasadena, Calif., to use 1320 kilocycles, 250 watts, and daytime operation.

Examiner Ralph L. Walker, in Report No. I-358, recommended that the application be denied. The Examiner states that "there is no need shown for additional broadcast service." He states further that "the facts shown do not lead to the conclusion that a fair, efficient, and equitable distribution of radio service among the several states and communities would be accomplished by the granting of the application."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3057. American Mushroom Industries, Ltd., 28-30 Bloor St., West, Toronto, Canada, with an American branch office at 73 West Eagle St., Buffalo, N. Y., is charged with unfair competition in the sale of mushroom spawn, in a complaint.

Approximately 95 per cent of the respondent company's total sales are made in the United States, according to the complaint, and in this sale the respondent is alleged to have made misleading representations in its advertising.

The complaint charges that the respondent's advertising served to represent that there is a shortage of and a tremendously increasing demand for fresh mushrooms, and that this company's mushroom spawn will produce extraordinary financial returns to purchasers, may be planted in any idle space about the home, and that mushroom growing is an easy and pleasant occupation requiring no experience.

Nos. 3058-3059. A Baltimore ice cream cone manufacturer and a Brooklyn candy maker are charged in complaints with unfair competition in the sale of their products by means of lotteries. The respondent companies are **Maryland Baking Co.**, 1200 South Eutaw St., Baltimore, and **Mells Manufacturing Co.**, 250 Park Ave., Brooklyn.

Manufacturing cones and selling them to wholesalers, jobbers and ice cream manufacturers, Maryland Baking Co. is alleged to have distributed them packed and assembled with small printed slips a few of which were worded so as to entitle the recipient to an extra ice cream cone free of charge.

According to the complaint, the slips were so placed in the cones that the consumer could not ascertain whether or not he was entitled to a free cone until after he had bought a cone and partially consumed it. Whether he received an additional ice cream cone free was determined wholly by lot or chance, the complaint alleges.

No. 3060. American Television Institute, Inc., a correspondence school, and others, 433 East Erie St., Chicago, are charged in a complaint with unfair competition in the sale of courses in radio and television.

Representations made by the respondents are alleged to have had a tendency to mislead a substantial portion of the student public into erroneous beliefs regarding the respondents' courses, and to have caused them to enroll as students on account of such beliefs.

Certain representations made by the respondents in newspapers, booklets and general business correspondence are alleged to serve as representations that: Several young men are to be selected and trained for positions in radio television at the respondents' expense until actually employed; that a seventy-lesson course is offered, collection of the tuition fee being deferred until a job is obtained for the student at \$125 a month or more; that the respondents operate a widespread employment agency through which students are placed in paying positions upon graduation; that there is a shortage of radio television operators; that the respondents own a huge laboratory in which equipment is manufactured in great quantities; and that they operate television broadcasting stations

in which the pupils are given opportunity for graduate residence study. It was also represented, according to the complaint, that certain individual respondents are engineers for certain radio stations.

No. 3061. Glenn Laboratories, Inc., 287 West 127th St., New York City, selling a thyroid treatment for overweight, is charged with unfair competitive practices in violation of Section 5 of the Federal Trade Commission Act, in a complaint.

Offering "Dr. Thomas' Rx 157" for sale, the respondent company is alleged to have made representations tending to induce prospective buyers to purchase the product, believing it to be a safe, harmless and competent remedy or treatment for all classes and types of obesity. These representations are alleged to be false and misleading, both because of their content and because of what the respondent fails to disclose.

The product is alleged to have been advertised over the radio and in newspapers and magazines as a new preparation, constituting a simple new method, the use of which converts food into fuel and energy. It was advertised, according to the complaint, either expressly or by implication, that the product could be safely taken by laymen without advice of physicians.

No. 3062. Charging unfair competition in the interstate sale of a preparation for use in dyeing white or gray hair, a complaint has been issued against **J. Palazzolo**, 436 East 14th St., New York, manufacturer and distributor of this product, sold under the names "Otello Water" and "L'Acqua Otello."

L'Acqua Otello was advertised expressly or by implication as being not a dye but "a preparation which gives your hair a natural color, vitality," according to the complaint, and Otello Water was represented as "not a tincture but a compound that restores gray hair to its natural color."

The complaint also alleges that Otello Water was advertised in the same manner as capable of ending dandruff, baldness and falling hair and as a rejuvenator of the hair roots.

No. 3063. Misleading representations of the character of the business of a nursery product dealer is alleged in a complaint against **Earl E. May Seed Co.** and **Earl E. May**, Shenandoah, Iowa.

Engaged only in the transportation, sale and distribution of nursery stock purchased at wholesale from the actual growers, the respondent company is alleged to have advertised in a manner serving to represent that this company actually grows or propagates the nursery products it sells and that it owns and operates nurseries, farms or properties on which the nursery products it sells are grown.

These representations are alleged to have a tendency to mislead purchasers into the erroneous belief that when they buy nursery stock from the respondents they are buying directly from the grower and are receiving advantages that come from such direct purchasing.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01518. B. Max Mehl, Mehl Building, Fort Worth, Tex., trading as **Numismatic Company of Texas**, agreed to discontinue representing in the sale of his booklets entitled "The Star Rare Coin Encyclopedia" and "The Star Coin Book," and an illustrated folder giving information on coins, that any of them contain a certain number of illustrations, unless such is a fact; that they have been approved officially by any government official or agency, and that they are the most complete or most authoritative publications on the subject of coins.

No. 01519. W. H. Noll, trading as The Pinex Co., Fort Wayne, Ind., in its stipulation agreed to stop representing that its product "Pinex" is an effective remedy or competent treatment for coughs, unless such representation is qualified to indicate coughs due to colds. The respondent also will cease representing that his preparation is "100 per cent effective," that it will end bad coughs quickly, giving instantaneous relief from colds, and will discontinue other similar representations.

No. 01520. M. N. Bunker, 400 Reliance Building, Kansas City, Mo., trading as **Madame Serena**, will discontinue advertising, in connection with the sale of astrological charts, that an individual or strictly personal report or "scope" is made to a customer; that a "master secret" is given free so long as it is included in the price of a "handwriting report," and that the "master secret" will enable one to solve money problems, gain

happiness, double business, secure employment, or acquire a new grasp on life.

No. 01521. Psoriatex Laboratory, Inc., 1402 Real Estate Trust Building, Philadelphia, stipulates it will desist from representing that its product "Psoriatex" is a competent remedy in the treatment of psoriasis, unless the assertion is properly qualified, and that the preparation will relieve the most chronic cases, no matter how long affected. The company agreed to stop representing that psoriasis is a germ disease, or that the germs operate in the tissues of the skin or live on the oil in the skin. The respondent admitted that, according to reliable medical authority, the cause of psoriasis is unknown, and its duration, regardless of the treatment, is uncertain.

No. 01522. Charles Beahm, trading as Laborlite Manufacturing Co., 436 S. E. 6th Ave., Portland, Ore., agreed to cease representing that his trisodium phosphate washing preparation, designated "Laborlite," will sterilize or destroy all germs and will destroy all odors, and that it contains no harmful ingredients and is composed of harmless minerals.

No. 01523. L. Sachs, 1085 Washington Ave., New York City, trading as Plastex Industries, and selling novelties and molds for use in the manufacture of such novelties, stipulated he would cease representing inferentially by such an assertion as "We start you in business" that he gives financial assistance to any one who desires to enter into the business of manufacturing novelties by use of the molds he sells; that, by the assertion, "We place orders and buy goods", he will either buy, or procure purchasers for all of the articles a person may manufacture by use of his molds and materials, and that one cannot help but make perfect castings with his molds.

The respondent further agreed not to make unmodified claims of earnings in excess of the average earnings, under normal business conditions, of those who purchase molds or materials from him.

The respondent admitted, according to the stipulation, that he does not order or buy all of the products of his customers, but only as many as he can resell, for which he fixes and pays a wholesale price, and that no person purchasing his molds has earned the amounts of money represented.

No. 01524. Vaughan Brothers, Inc., 297 Farmington Road, Rochester, N. Y., in the sale of "No-Erb", will stop representing that this product is competent in the treatment of common ailments of the kidneys, liver or bowels, and that it has been of any material benefit to those in search of better health, or to those who have unsuccessfully tried other medicines. The company agrees also to discontinue other misleading representations.

No. 01525. Fannie L. Judy, 1420 Broadway, San Diego, Calif., trading as Judy Medicine Co., stipulated that she will stop representing "Judy's Tablets" as competent treatment for indigestion, nervous complaints, rheumatism, liver trouble, and other conditions, and that it is an effective remedy for headaches, unless this assertion is limited to relief of headaches due to constipation.

No. 01526. Takara Laboratories, 6314 Santa Monica Blvd., Hollywood, Calif., in the sale of "Takara Hygienic Powder", "Forfem", and "Takara Suppositories", agreed to desist from the representation, by direct statement or reasonable inference, that any one of its products is an effective destroyer of germ life, is the ideal preparation for feminine hygiene, and other similar allegations.

No. 01527. Moonshine Chemical Co., Inc., Pittsburgh, selling Moon-Shine Washing Fluid, signed a stipulation to discontinue advertising that the product destroys odors and kills germs, unless it is clearly indicated in connection with such representations that the product will not destroy all odors and will not kill all germs, including their spores; that it bleaches, removes stains and mildew, deodorizes, disinfects, and kills germs in one operation, and that it has a hundred helpful household uses.

Nos. 01528-01530. Stipulations have been entered into with two respondents for discontinuance of unfair advertising practices in connection with the interstate sale of their products. One is a Chicago dealer in a weight-reducing preparation. The other is a New York vendor of a physical culture course.

Respondents signing the stipulations are: (1) **Mrs. O. Debaugh, 4428 South Homan Ave., Chicago,** trading as **Raaxolyn Products, Raaxolyn Health Products, and Raaxolyn Laboratories,** and (2) **The Ring Book Shop, Inc.,** Madison Square Garden Arcade, **New York,** and **Nat Fleischer,** an individual, selling a course designated **Nat Fleischer's Universal Boxing Course and System of Exercise for Height Increase.**

Among advertising representations to be discontinued by the Chicago dealer are that her product, **Alpine for the Waistline,** is a powerful stimulant for the thyroid gland, is **Nature's Neutralizing**

Normalizer and gets at the cause of the fat. The respondent admitted that, according to scientific opinion, the medicinal value of her product is practically limited to that of a senna laxative, and would not act as a stimulant to the thyroid gland, and that it would not purge the intestinal tract of poisonous waste and act as a normalizer for the entire system.

No. 01529. Lehn & Fink, Inc., Bloomfield, N. J., in the sale of "Lysol", agreed to stop asserting in advertising that its product is "the" standard antiseptic in the sense that it is the official or scientific measure by which others are rated; and that it will protect from disease, unless the advertising indicates that the product's uses are generally limited to those of a household disinfectant and to cleansing instruments, appliances, and the person, and to prevent infection, promote antiseptic cleanliness, and destroy offensive odors. The respondent company stipulated that it would not advertise that doctors or nurses specify this preparation must be on hand in certain cases, or that it is effective for "marriage hygiene" as distinguished from "feminine hygiene".

No. 01531. D. H. Koumjian, trading as Del-Tox Chemical Co., 2100 Washington Boulevard, Baltimore, agreed to stop representations that the product he sells under the name "Del-Tox" disinfects as it cleans, sterilizes or kills all germs, and may be used for antiseptic deodorant baths.

No. 01532. E. D. Brown, B. C. Brown, G. F. Brown and M. E. Brown, of Sinking Spring, Pa., trading as F. M. Brown's Sons, will cease representing its poultry treatment product, "Minex", as an effective treatment for blackheads in turkeys, and that it is of value in prevention or treatment of worms, coccidiosis, and other poultry diseases. The product "Camotex" will no longer be advertised as a penetrating, healing spray for poultry capable of overcoming colds, bronchitis, diphtheria, and other diseases in poultry.

No. 1886. George F. Dodge, trading as Windsor Soap Co., Oneida and Bond Sts., Buffalo, agreed to stop use of the words "olive oil" on labels or in advertising matter to describe soap products whose fatty content is not composed wholly of olive oil, and use of the word "olive" in any manner so as to imply that the fatty content of the product so designated is composed wholly of olive oil, when such is not a fact. Dodge also will cease using the words "soap makers" or "factory" in any manner which may create the impression that he owns or operates a factory in which his products are manufactured, when this is not true.

No. 1887. Gero Products, Inc., 158 North Street, South Boston, Mass., stipulated that on cartons containing emergency first-aid kits it will desist from using exaggerated or misleading representations concerning the value of such kits, or the price at which they are sold or are intended to be sold. The stipulation sets out that on the cartons appeared the words "Price 35 Cents", which was not the price at which the kits were sold or intended to be sold, but was much in excess of the price at which they were actually sold in the usual course of trade.

Nos. 1889-1893. Sessions Clock Co., Forestville, Conn., and National Bedding Co., 1820 Delmar St., St. Louis, Mo., dealing, respectively, in clocks and mattresses, agreed to cease selling or distributing in interstate commerce products tagged or labeled with any fictitious, exaggerated or misleading price which is in excess of the price at which such products are sold or intended to be sold in the ordinary course of trade.

Nos. 1888-1900. Stipulations have been entered into with two food companies regarding unfair representations in interstate sales of food products. They are **B. H. and Isadore Rudo, 121 Cheap-side, Baltimore,** trading as **B. H. Rudo & Brother** and as **Atlantic Wholesale Grocery Co.,** and **George W. Hogue Extract Co., 620 Prospect Ave., Kansas City, Mo.,** doing business also as **George W. Hogue Manufacturing Co. and McMillen Products Co.**

Selling groceries at wholesale, the Baltimore firm agreed to stop branding or otherwise advertising its products as of "fancy" grade or quality when they were not of the grade or quality understood by the buying public to be entitled to that designation.

The Rudo firm agreed to cease employing stamps or brands that would indicate their products to be of higher quality than they are in fact.

The Kansas City Company, selling food flavors, agreed in its stipulation to discontinue use of the word "extract" as part of its corporate or trade name and in advertisements to describe products not extracts, or in any way tending to deceive buyers into believing that the firm manufactures or deals in extracts, when such is not a fact.

No. 1890. Marinette & Menominee Box Co., Marinette, Wis., in connection with the sale of boxes, agreed to desist from representing on letterheads or other printed matter that it has a

plant at Menominee, Mich., and from use of the words "Menominee, Mich." in connection with the words "plants at", or with any other words, so as to imply that it owns or operates plants at Menominee in which its products are manufactured, when such are not the facts.

No. 1891. Leo J. Ratheim, trading as St. Clair Graphite Co., 819 East Main St., Belleville, Ill., is engaged in the sale of an auxiliary lubricant known as "Graf-ex," intended to be added to ordinary lubricants and motor fuel oils. Ratheim signed a stipulation to discontinue advertising that, by use of "Graf-ex", oil and gas bills can be cut in half; and to cease other exaggerated claims regarding an alleged reduction in the quantity of oil and gasoline used. He also will stop representing that an advertised price of 85 cents for two pints of the product is "Two pints for the price of one". According to the stipulation, the product was regularly sold for 45 cents a pint.

No. 1892. Arcturus Radio Tube Co., 720 Frelinghuysen Ave., Newark, N. J., agreed that it will discontinue use of the word "metal" as descriptive of the radio tubes it sells, so as to imply that they are products which have become popularized and known to the trade and public as tubes in which the technical elements are sealed in a vacuum in steel, or wherein metal functions instead of glass. The stipulation provides that if the technical elements are sealed in a vacuum in glass encased in a metal shell, and the words "metal tube" are used to designate the metal covering, then such words shall be accompanied conspicuously by other suitable words so as to indicate clearly that the tube does not have its technical elements sealed in a vacuum in steel, and that it is a product other than one wherein metal functions instead of glass.

No. 1894. Schnefel Brothers, Inc., 684 South 17th Street, Newark, N. J., in connection with the sale of two nail polishes under the trade name "La Cross", agreed to discontinue putting into effect, by cooperative methods, any system for the maintenance of resale prices established by it. The corporation will stop seeking or obtaining agreements or assurances from wholesalers or retailers that they will cooperate in making effective any resale price maintenance system, and will cease seeking or obtaining assurances of cooperation from dealers failing to maintain established resale prices, that in the future they will adhere to such fixed resale prices, as a condition of their being further supplied with "La Cross" products.

No. 1895. New York Post, Inc., publisher of the New York Post and also engaged in printing and selling books, agreed to discontinue use in advertising matter of the phrase "embossed in gold" as descriptive of the titles and borders of certain books it sells, which are not, in fact, embossed in gold or gold leaf. The publishing company also will cease using the word "gold" in any way so as to create the impression that the material used on the titles and borders is gold or gold leaf, when such is not a fact. The stipulation points out that the publishing company in selling "The Complete Works of Charles Dickens", advertised that "the titles and decorative borders are richly embossed in gold, when, in fact, they were finished with a material which, though it simulated gold or gold leaf in appearance, actually contained no gold.

No. 1896. Trading as Superkleen Company, Sidney and Ben Warmbrand, 265 West 34th St., New York City, engaged in the sale of a cleaning fluid known as "Superkleen," have entered into a stipulation with the Federal Trade Commission to discontinue use of the words "Leaves No Rings," or any other words, on labels or in advertising matter which may imply that the product will not leave a ring on any fabric to which it may be applied.

No. 1897. Pine Products International, Inc., 254 West 31st Street, New York City, signed a stipulation under which it agreed to cease representations in advertising matter that its bath preparations, designated "Swiss Pine Bath," "Pine Bath Siberia" and "Bल्पine," possess such therapeutic properties as to render them a competent treatment for disorders of the nervous system, sleeplessness, neuritis, rheumatism, colds, and conditions of the respiratory system, the heart and lungs. The company also will desist from use of the word "imported," alone or with other words such as in the phrase "Imported Pine Essences," so as to imply that its products consist wholly of pine essence or are wholly imported, when such is not a fact, and from use of the word "laboratories" so as to imply that it owns or operates a laboratory.

No. 1898. The Mystic Foam Corporation, 6607 Carnegie Ave., Cleveland, selling another cleaning fluid designated "Mystic Foam," also signed a stipulation to cease misrepresenting its

product. It agreed to stop advertising that its preparation is a disinfectant, that it contains chemicals which instantly destroy bacteria and moths in fabrics on which it is used, or that it will eliminate the larvae or eggs of moths from fabrics treated with "Mystic Foam."

No. 1899. Holland Furnace Co., Holland, Mich., signed a stipulation to discontinue use in advertising matter of the assertion, "Find out why only Holland can guarantee perfect heat in every room," when, in fact, the Holland company is not the only furnace manufacturing concern which guarantees perfect or satisfactory heat in every room.

No. 2111. National Silver Co., 61-65 West 23rd St., New York, cutlery distributor, has been ordered to cease and desist from misrepresentations in the sale of its products through use of the words "stainless" and "stainpruf" as designations.

According to the findings, the word "stainless" stamped by manufacturers and distributors upon their cutlery, table cutlery and flatware, or used in advertising such ware and cutlery, has, through long and continued usage, come to signify to the manufacturer, the distributor, the retailers, and to the ultimate purchaser and user, that such cutlery is produced from the chromium-steel alloy, stainless steel.

Use of the word "stainless" as a trade name, brand or label for knives and flatware cutlery, or in advertising and representing these articles, is prohibited unless they are made of steel containing from 9 to 16 per cent of chromium and not more than 0.7 per cent carbon. These percentages of chromium and carbon, according to findings, represent the recognized proportions of these ingredients in cutlery stainless steel, an alloy produced from iron, chromium and carbon, and possessing to a high degree the quality of resisting oxidation and corrosion.

No. 2610. An order to cease and desist has been issued against Granite Arts, Inc., 1909 Leavenworth St., Omaha, Nebr., requiring that firm to discontinue certain unfair representations in the interstate sale of tombstones, monuments and grave markers, in violation of Section 5 of the Federal Trade Commission Act.

Manufacturing its products by mixing granite chips or powder with cement and molding this into a cast stone, this company is ordered by the Commission to cease representing that its cast stone products are granite, and to stop representing through use of a corporate or trade name or other words or phrases containing the word "granite," that its products are granite. Findings in the case are that the respondent does not manufacture any products from true granite.

No. 2825. Under an order entered, Cushing Refining & Gasoline Co., Cushing, Okla., is prohibited from unfairly disparaging Ethyl gasoline, and from falsely representing that all of the gasoline it manufactures and sells is produced by a new process and is superior to the product containing tetraethyl lead, also known as "Ethyl."

The respondent corporation has refineries at Cushing and Blackwell, Okla., and a branch office at Minneapolis.

According to the findings, the respondent corporation, prior to the issuance of the complaint in the Commission's proceeding, did not manufacture or sell gasoline containing tetraethyl lead, and was interested and engaged in presenting to the purchasing public all available arguments tending to lessen the desirability, effectiveness and safety of Ethyl gasoline. Findings are that the corporation during the summer of 1936, began selling Ethyl, described as a gasoline to which tetraethyl lead has been added for the purpose of eliminating knock or detonation encountered in high compression motors when driven by straight run gasoline.

No. 2919. Dollar Crystal Co., Redick Tower Building, Omaha, Nebr., has been ordered to discontinue certain unfair competitive methods in the sale of mineral water crystals, in violation of Section 5 of the Federal Trade Commission Act. These products are sold as "Genuine Texas Mineral Crystals," "Texas Mineral Water Crystals," and under other similar names.

The order bars representation by means of radio, advertising matter and testimonial letters that the respondent company's products have curative value other than as a laxative or purgative in treating diseases, and that they are not a habit-forming drug.

No. 2924. Joseph Lewin, 207 West 17th St., New York, trading as **Leev-No-Ring Chemical Co.,** has been ordered to cease and desist from representing, through use of the phrase "Leev-No-Ring" in his trade name and in advertising, that the cleaning fluids he sells can be used safely and without injury to the most delicate fabrics or materials.

Findings are that the respondent's preparations, when used on

certain dyed fabrics such as those containing non-fast or fugitive dyes, do affect the colors by causing them to bleed or run.

No. 2983. Selling home study psychology health courses, **Robert Holmes, Inc.**, and **Albert Goodman**, Fuller Building, Jersey City, N. J., have been ordered to cease and desist from exaggerating and misrepresenting the nature, value and effect of such courses.

The respondents are ordered to discontinue representing, among other things, that their course is a competent treatment for nervousness, indigestion, dizzy spells, sleeplessness, irregular heart, fatigue, worry or hashfulness, and that their treatment is entirely different from any other method and will bring positive and permanent relief from the physical ailments mentioned; that constipation, indigestion, cold sweats, dizzy spells and hashfulness are always caused by nervous exhaustion, and that for 25 cents, or any other nominal sum, one may learn how to conquer hashfulness, nervousness or embarrassment, may overcome his faults easily and enjoy life to the fullest.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, March 1:

Monday, March 1

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—C. P., 1160 kc., 250 watts, daytime.
- NEW—Broadus McSwain, d/b as "The Voice of The Times," Raleigh, N. C.—C. P., 1210 kc., 100 watts, daytime.
- NEW—D. L. Thornton, approximately between Centralia & Chehalis, Wash.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Chase S. Oshorn, Jr., Fresno, Calif.—C. P., 1440 kc., 500 watts, unlimited time.
- NEW—Central Broadcasting Corp., Centralia, Wash.—C. P., 1440 kc., 500 watts, unlimited time.
- NEW—J. D. Keating, Harvey Wells, et al., d/h as Vancouver Broadcasting Co., Vancouver, Wash.—C. P., 1500 kc., 100 watts, daytime.
- NEW—Vancouver Radio Corp., Vancouver, Wash.—C. P., 880 kc., 250 watts, daytime.

Tuesday, March 2

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Charles Porter & Edward T. Eversole, Festus, Mo.—C. P., 1420 kc., 100 watts, daytime.
- NEW—Northwestern Publishing Co., Danville, Ill.—C. P., 1500 kc., 250 watts, daytime.
- NEW—Curtis Radiocasting Corp., Indianapolis, Ind.—C. P., 1500 kc., 100 watts, 250 watts LS, specified hours.
- WKBV—Knox Radio Corp., Richmond, Ind.—Modification of license, 1500 kc., 100 watts, unlimited time. Present assignment: 1500 kc., 100 watts, specified hours.

Wednesday, March 3

HEARING BEFORE AN EXAMINER (Broadcast)

- KGA—Louis Wasmer, Spokane, Wash.—Modification of license, 950 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1470 kc., 5 KW, 5 KW LS, unlimited time.
- WJAR—The Outlet Co., Providence, R. I.—C. P. 890 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 890 kc., 1 KW, 1 KW LS, unlimited time.
- NEW—J. Leslie Doss, Sarasota, Fla.—C. P., 1390 kc., 250 watts, daytime.

Thursday, March 4

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-329:

NEW—Bayou Broadcasting Co., Houston, Texas.—C. P., 1210 kc., 100 watts, daytime.

Examiner's Report No. I-330:

NEW—Brownwood Broadcasting Co., Brownwood, Texas.—C. P., 1370 kc., 100 watts, daytime.

Examiner's Report No. I-240:

NEW—Continental Radio Co., Columbus, Ohio.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-241:

NEW—Continental Radio Co., Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

Friday, March 5

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Dr. William States Jacobs Broadcasting Co., Houston, Texas.—C. P., 1220 kc., 1 KW, 1 KW LS, unlimited.

APPLICATIONS GRANTED

- WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted modification of license to change time of operation from simultaneous day, share night with WLBC, to unlimited.
- WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted C. P. to move transmitter location locally, approximately 25 feet, and employ radiating system of WGR.
- WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted modification of C. P. for change in transmitter location approximately 500 feet from present site, and change in antenna system.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted modification of C. P. for extension of commencement date to 4-1-37, and completion date to 10-1-37.
- KVEC—Christina M. Jacobson, tr. as The Valley Electric Co., San Luis Obispo, Calif.—Granted modification of C. P. approving transmitter site, and extending commencement date to 30 days after grant and completion date to 90 days thereafter.
- WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Granted license to cover C. P. as modified; 1210 kc., 100 watts, unlimited.
- KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted authority to transfer control of corporation from First Trust Co. of St. Paul and G. P. Castner as Special Adm. of estate of L. J. Shields, deceased; Florence E. Brown and Emmet Butler as Trustees under will and testament of Frank M. Brown. Florence E. Brown as Guardian of estate of James L. Brown, a Minor, and Stanley Hubbard & National Battery Broadcasting Co., to: Gregory Gentling; 1310 kc., 100 watts, unlimited. Also granted renewal of license for the period December 1, 1936, to June 1, 1937.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the period 3-1-37 to 9-1-37; 920 kc., 250 watts night, 500 watts day, 6:30 p. m. to 1 a. m. daily, 5:30 p. m. to 1 a. m., Sunday. Also granted renewal of license for auxiliary transmitter; 920 kc., 250 watts day and night for auxiliary purposes only.
- WRDO—WRDO, Inc., Augusta, Maine.—Granted renewal of license for the period January 1 to July 1, 1937; 1370 kc., 100 watts, unlimited time.
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted extension of present license for a period of 1 month from March 1, 1937, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted renewal of license for auxiliary transmitter for the period February 1 to August 1, 1937.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted extension of present license for a period of 60 days from March 1, upon a temporary basis only, subject to such action as may be taken upon pending application for renewal.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted extension of present license for a period of 30 days from March 1, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted renewal of license for the period February 1 to August 1, 1937; 850 kc., 10 KW night and day, specified hours.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted renewal of license for the period March 1 to September 1, 1937; 570 kc., 500 watts day and night, unlimited time. Also granted renewal of license for auxiliary transmitter.

KFYO—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted further extension of present license for a period of 30 days, on a temporary basis, from March 1, subject to such action as may be taken upon pending application for renewal.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted further extension of present license for a period of 30 days, on a temporary basis, from March 1, subject to such action as may be taken upon pending application for renewal.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted renewal of license for the main transmitter for the period October 1, 1936, to April 1, 1937.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Granted renewal of license for the period March 1 to September 1, 1937.

KGFX—Mrs. Dana McNeil, Administratrix, Estate of Dana McNeil, deceased, Pierre, S. Dak.—Granted extension of present license for a period of 30 days, on a temporary basis, from March 1, 1937, pending action on application for consent to involuntary assignment of license.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted renewal of license for the period March 1 to September 1, 1937.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted extension of present license for a period of 30 days from March 1, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

KOAC—Oregon State Agr. College, Corvallis, Ore.—Granted extension of present license for a period of 30 days from March 1, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

WSYB—Philip Weiss, tr. as Philip Weiss Music Co., Rutland, Vt.—Granted special authority to operate from 9 to 10 a. m., EST, from March 1 to March 31, 1937, inclusive, in order to broadcast Rutland County Community programs.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license on a temporary basis only subject to whatever action may be taken on the application of station WPEN applying for facilities of WRAX.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Same for auxiliary transmitter.

NEW—Charleston Broadcasting Co., Portable, Charleston, W. Va.—Granted C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

NEW—Charleston Broadcasting Co., Mobile, Charleston, W. Va.—Granted C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

W10XED—National Broadcasting Co., Inc., Mobile, New York City.—Granted license to cover C. P. for changes in equipment and increase in power from 15 to 25 watts.

W10XGG-W10XCH—National Broadcasting Co., Inc., Mobile, New York City.—Granted license to cover C. P. for relay broadcast station license.

W10XV—National Broadcasting Co., Inc., Mobile, New York City.—Granted license to cover C. P. covering changes in equipment and increase in power from 15 to 25 watts.

WJAC—WJAC, Inc., Johnstown, Pa.—Granted license to cover C. P., 1310 kc., 100 watts night, 250 watts day, share WFBG.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted license to cover C. P. and modifications; 1370 kc., 100 watts, daytime only.

W4XCX—Stuart Broadcasting Corp., Mobile.—Granted license to cover C. P., frequencies 38900, 39100, 39300 and 39500 kc., on an experimental basis, 10.5 watts.

SET FOR HEARING

NEW—Galesburg Printing & Pub. Co., Galesburg, Ill.—Application for C. P. for new station, 1500 kc., 250 watts, daytime only, exact location of station to be determined subject to Commission approval.

NEW—W. W. Luce, Fort Lauderdale, Fla.—Application for C. P. for new station, 1050 kc., 1 KW, limited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Dan B. Shields, Provo, Utah.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Northwest Research Foundation, Inc., Seattle, Wash.—Application for C. P. for new special broadcast station, 1530 kc., 1 KW, unlimited time, exact transmitter site in Seattle to be determined subject to Commission approval. (Application was amended to change name from Ward Walker to Northwest Research Foundation, Inc.)

NEW—T. E. Kirksey, Waco, Tex.—Application for C. P. amended to request 930 kc., 250 watts night, 500 watts day, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Modification of license to change frequency from 1260 kc. to 620 kc.; increase power from 2½ KW to 5 KW.

WDRC—WDRC, Inc., Hartford, Conn.—Special experimental authority to install booster station in New Haven, Conn., to operate synchronously with WDRC (site to be determined); 1330 kc., 250 watts.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Renewal of license for the period March 1 to September 1, 1937; 570 kc., 1 KW day and night, unlimited. Temporary license granted pending outcome of hearing.

NEW—Clarence A. Berger and Saul B. Freeman, Coeur d'Alene, Idaho.—Application for C. P. amended to request 1200 kc., 100 watts, daytime only, exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—F. W. Berton, Coral Gables, Fla.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Roberts-MacNab Co., Arthur L. Roberts, R. B. MacNab, and A. J. Breitbach, Gen. Mgr., Bozeman, Mont.—Application for C. P. amended to request 1420 kc., 100 watts night, 250 watts day, unlimited time.

NEW—C. P. Sudweeks, Spokane, Wash.—Application for C. P. for new station, 950 kc., 500 watts night, 1 KW day, unlimited, exact transmitter site to be determined with Commission's approval.

WDEV—Chas. B. Adams, admr. of Harry C. Whitehill Estate and Excr. of Mary M. Whitehill Estate, Waterbury, Vt.—Application for renewal of license, 550 kc., 500 watts local sunrise to local sunset only. Granted temporary license pending hearing.

WBZA—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Application for C. P. to move transmitter locally, approximately 8 miles, to Agawam, Mass.; studio from Boston to Springfield, Mass.; install new equipment and directional antenna; change frequency from 990 kc. to 550 kc.; change time of operation from 1 KW night and day when synchronized with WBZ to unlimited time. (Desires facilities of WDEV.)

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Application for renewal of license for the period 9-1-36 to 3-1-37 (KSD and KFUD operating under temporary extensions pending time-sharing agreement). KSD operates on 550 kc., 1 KW night, 5 KW day, shares KFUD. Granted temporary license pending hearing.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Application for renewal of license for the period 3-1-37 to 9-1-37; **890 kc.**, 250 watts night, 500 watts day, unlimited. Granted temporary license subject to whatever action the Commission may take upon renewal application.

RENEWAL OF LICENSES

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

KFEL, Denver, Colo.; KFKA, Greeley, Colo.; KFRU, Columbia, Mo.; KUSD, Vermillion, S. Dak.; KVOB, Denver, Colo.; KWTO, Springfield, Mo.; WCOC, Meridian, Miss.; WDAF, Kansas City, Mo.; WELL, New Haven, Conn.; WFIL and auxiliary, Philadelphia, Pa.; WFMD, Frederick, Md.; WICC, Bridgeport, Conn.; WIS, Columbia, S. C.; WJAX, Jacksonville, Fla.; WLBZ, Bangor, Maine; WMC and auxiliary, Memphis, Tenn.; WORL, Boston, Mass.; WOSU, Columbus, Ohio; WQAM and auxiliary, Miami, Fla.; WSUI, Iowa City, Iowa; WREC, Memphis, Tenn.; WWSA, Harrisonburg, Va.

The licenses for the following stations were extended on a temporary basis only, for the period March 1 to April 1, 1937, pending receipt and/or action on applications for renewal:

KGBU, Ketchikan, Alaska; WGHS, Charleston, W. Va.; WJAY, Cleveland, Ohio; WLBL, Stevens Point, Wis.; WPHR, Petersburg, Va.; WSYR-WSYU auxiliary, Syracuse, N. Y.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license further extended on a temporary basis for the period March 1 to April 1, subject to such action as may be taken on application for renewal.

WPRP—Julio M. Conesa, Ponce, Puerto Rico—Present license further extended on a temporary basis only for the period March 1 to April 1, 1937, pending receipt and action on application for renewal.

KFUO—Evangelical Lutheran Synod of Mo., etc., Clayton, Mo.—Granted renewal of license on a temporary basis only, for the period ending September 1, 1937, subject to whatever action may be taken by the Commission upon the pending application for renewal.

KSEI—Radio Service Corp., Pocatello, Idaho—Granted renewal of license on a temporary basis only, for the period ending September 1, 1937, subject to whatever action may be taken by the Commission upon the pending application for renewal.

SPECIAL AUTHORIZATIONS

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Granted special temporary authority to operate from 8:30 to 11 p. m., EST, Tuesday, February 23, in order to broadcast a special message by Governor Davey to the Ohio State Legislature on flood relief and taxation.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate unlimited time for a period not to exceed 10 days, in order to rebroadcast flood relief messages and flood bulletins as waters move down the Mississippi river.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted special temporary authority to operate a 100 watt special experimental portable transmitter on **1000 kc.**, in the vicinity of Washington between the hours of 6 a. m. to local sunset (February sunset, 5:15 p. m., and March sunset, 5:45 p. m.) for a period not to exceed 30 days, in order to make survey for transmitter site.

KFNF—KFNF, Inc., Shenandoah, Iowa—Granted extension of special temporary authority to operate simultaneously with station WILL from 8 to 11 a. m., CST, daily except Sundays, during month of March, 1937.

WSYB—Philip Weiss, t/r as Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 11 p. m., EST, March 2, to broadcast local election returns; also to operate from 2 to 5 p. m., and 9 to 11 p. m., EST, March 5, 6 and 13, 1937, in order to broadcast Basketball Tournaments. Also granted special temporary authority to operate from 9 to 11 p. m., EST, February 25, 26 and 27, 1937, in order to broadcast basketball games played by the Mercury Club of Rutland County.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent from March 11 to 15, for the purpose of rebuilding transmitter to comply with Rule 132 (provided that the authority herein granted, to remain silent, shall not in any wise be construed as a finding by the Commission with respect to any applications of KGDY, which are now pending before the Commission, particularly the renewal application for said station, or upon any issues raised thereby).

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, Sundays, from March 1 to 31, 1937, incl., provided WBBL remains silent, in order to broadcast special programs.

APPLICATION DISMISSED

The following application heretofore set for hearing, was dismissed at request of applicant:

NEW—H. A. Hamilton, Spartanburg, S. C.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited.

APPLICATIONS RETIRED TO FILES

WTRC—The Truth Publishing Co., Elkhart, Ind.—Application for special temporary authority to operate simultaneously with WLBC from 7:30 to 10 p. m., CST, March 5, 6, 12, 13, 19, 20, 26 and 27, 1937, in order to broadcast the Elkhart High School basketball games and basketball tournaments.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Application for renewal of license for auxiliary transmitter.

ACTION ON EXAMINERS' REPORTS

KSEI—Ex. Rep. I-250: Radio Service Corp., Pocatello, Idaho—Granted renewal of license; **900 kc.**, 250 watts night, 500 watts day, unlimited time. Examiner Geo. H. Hill sustained. Order effective April 13, 1937.

WSBT—Ex. Rep. No. I-315: The South Bend Tribune, South Bend, Ind.—Denied C. P. to make changes in equipment, install directional antenna at night; change frequency from **1360 to 1010 kc.**, increase power from 500 watts to 1 KW, move transmitter from 4½ miles west of U. S. 2, South Bend, Ind., to 4 miles S. E. of Center of South Bend on South Jackson Road, ¼ mile east of Miami Highway, South Bend, and change hours of operation from sharing with WGES to unlimited time. Examiner Melvin H. Dalberg sustained.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Denied C. P. to install new equipment, change frequency from **1310 to 1010 kc.**, increase power from 100 watts to 250 watts night, 500 watts day, change hours of operation from day-time to unlimited. Examiner Dalberg sustained. Order effective April 20, 1937.

NEW—Ex. Rep. I-316: Dr. F. P. Cerniglia, Monroe, La.—Denied C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, unlimited time. Examiner Geo. H. Hill sustained. Order effective April 20, 1937.

ORAL ARGUMENTS GRANTED

WGBI—Ex. Rep. 1-342: Scranton Broadcasters, Inc., Scranton, Pa.—Oral argument to be held April 8, 1937.

NEW—Ex. Rep. 1-344: Hunt Broadcasting Association, Greenville, Texas.—Oral argument to be held April 15, 1937.

KALB—Ex. Rep. 1-348: Alexandria Broadcasting Co., Inc., Alexandria, La.—Oral argument to be held April 15, 1937.

NEW—Ex. Rep. 1-349: Hannibal Broadcasting Co., Hannibal, Mo.—Oral argument to be held April 15, 1937.

—and—

NEW—The Courier Post Pub. Co., Hannibal, Mo.—Oral argument to be held April 15, 1937.

EFFECTIVE DATES EXTENDED

KTFI—Ex. Rep. 1-249: Radio Broadcasting Corp., Twin Falls, Idaho—Effective date extended to March 2, 1937.

WMFF—Ex. Rep. 1-294: Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Effective date extended to March 2, 1937.

NEW—Ex. Rep. 1-277: J. T. Bilben & N. G. Barnard Walker, Minn.—Effective date extended to March 2, 1937.

NEW—Ex. Rep. 1-245: Southwest Broadcasting Co., Prescott, Ariz.—Effective date extended to March 16, 1937.

—and—

NEW—W. P. Stuart, Prescott, Ariz.—Effective date extended to March 16, 1937.

MISCELLANEOUS

KPRC—Houston Printing Co., Houston, Texas.—Granted temporary authority for 30 days to operate with 5 KW at night, station now operates on 920 kc., 5 KW day, 1 KW night.

H. O. Davis, Mobile, Ala.—Accepted appearance in re application for new broadcast station at Mobile.

Stanley Reid and Chas. Withnell Boegel, Jr., d/b as Rapids Broadcasting Co., Cedar Rapids, Iowa.—Denied petition to withhold action in the applications of Hannibal Broadcasting Co., Docket 4103, for a C. P. to erect a new broadcast station to operate on 1310 kc., with 100 watts, unlimited time, and the application of Courier-Post Pub. Co., Docket 4062, for a C. P. to erect new station at Hannibal, Mo., to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time.

Exchange Avenue Baptist Church, Oklahoma City, Okla.—Accepted appearance in re application for renewal of license and assignment of license.

KFXR—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted petition to intervene in hearing on application for renewal of license of Exchange Avenue Baptist Church, Docket 4329. Also granted motion to consolidate application for renewal of license with the application for assignment of license.

John S. Braun, Waco, Tex.—Denied petition to have application for new broadcast station at Waco, Tex., dismissed without prejudice.

WOSU—Ohio State University, Columbus, Ohio.—Accepted answer as respondent in Docket 4272, in re application of Central Michigan Radio Co. for new station at Mt. Pleasant, Mich.

WLWL—The Missionary Society of St. Paul the Apostle, New York City.—Dismissed the protest of The Missionary Society of St. Paul the Apostle and the Universal Broadcasting Corp. on behalf of WLWL, directed against action of the Commission of November 24, 1936, in granting without hearing application for consent to transfer control of WOV.

Richard E. O'Dea, Paterson, N. J.—Dismissed protest asking Commission to disapprove the provisions of the contract between John Iraci and Arde Bulova, which permits Iraci to become connected with station WNEW or to acquire any stock or interest therein directly or indirectly.

WOAI—Ex. Rep. 1-337: Southland Industries, Inc., San Antonio, Tex.—Oral argument continued to April 29, 1937.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

The Broadcast Division upon receipt of an informal request from Senator Josh Lee, extended the time within which to file appearances in the case of the application of KFXR for assignment of license, for a period of 15 days to February 10, 1937, and directed that the notice to this effect be sent to the applicant, and approved a reply to be sent to Senator Lee.

The Broadcast Division dismissed the petition of Arthur Faske requesting permission to file answers to applicants' appearances in Dockets Nos. 3941, 4050, 4029, 4302 and 4331, and denied his motion for continuance of the hearings in the same.

The Broadcast Division waived Rule 103.3 and accepted the amendment to the application of KFNF, Inc., Shenandoah, Iowa, Docket No. 4260.

The Broadcast Division granted the petition of KFNF, Inc., Shenandoah, Iowa, and accepted its answer as a respondent in the proceedings upon the application of Arkansas Radio and Equipment Co. (KARK), Little Rock, Ark., for modification of C. P., Docket No. 4263.

WEEI—Columbia Broadcasting System, Inc., New York City.—Granted extension of equipment test period 10 days from February 19, 1937.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted extension of special temporary authority to operate 100-watt test transmitter, 1450 kc., in vicinity of Atlanta, Ga., between hours of 12 midnight and 6 a. m., EST, for period February 18 to 27, 1937, in order to make field intensity survey tests.

The Broadcast Division vacated its action of February 16, 1937, in setting the application of Geraldine Alberghane, Docket 4187, for hearing before the Division, and in granting the petition of WGN, Inc., to continue the hearing indefinitely, and in lieu thereof directed that the application be heard before an Examiner as heretofore scheduled, on March 26, 1937, and that the motion of WGN, Inc., to continue the hearing indefinitely be denied.

The Broadcast Division granted the supplemental petition filed by WGN, Inc., requesting continuance of the hearing on application of the Bay State Broadcasting Corp. for new station at Providence, R. I., and directed that the hearing be continued until March 26, 1937, said application to be heard with application of Geraldine Alberghane for a new station at Pawtucket, R. I.

The Broadcast Division granted the petition of E. Anthony and Sons, Inc., to intervene in the hearing on the application of Bay State Broadcasting Corp.

The Broadcast Division denied the petition of the Arkansas Broadcasting Co. (KLRA) for reconsideration and grant of its petition to intervene in the proceedings upon the application of Hot Springs Chamber of Commerce (KTHS) for voluntary assignment of license, which was denied on November 6, 1936.

The Broadcast Division denied the request of attorney for Gomer Thomas, applicant for C. P., Docket No. 3768, for withdrawal of said application due to the applicant's intention to forego participation in the oral argument, and directed that oral argument on the exceptions be had as scheduled.

APPLICATIONS RECEIVED

First Zone

WEAN—The Yankee Network, Inc., Providence, R. I.—Construction permit to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW day. Amended to change name from Shepard Broadcasting Service, Inc., to The Yankee Network, Inc.

NEW—Debs Memorial Radio Fund, Inc., Brooklyn, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts, unlimited time.

W1XT—The Travelers Broadcasting Service Corp., Mobile.—License to cover construction permit for new equipment and increase in power.

W1XO—The Travelers Broadcasting Service Corp., Mobile.—License to cover construction permit for new equipment and increase power.

Second Zone

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—550 License to cover construction permit (2-P-B-3282) as modified, to make changes in equipment and increase power, using directional antenna night.

NEW—Washtenaw Broadcasters, Inc., Ann Arbor, Mich.—Construction permit for a new special broadcast station to be operated on 1550 kc., 1 KW, unlimited time.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, 1420 Ky.—Modification of construction permit (B2-P-1373) for changes in equipment and move of transmitter and studio, for approval of transmitter site at Walton Bldg., and studio at Main and Esplanade, Lexington, Ky. (at present licensed location).

W9XPZ—American Broadcasting Corp. of Kentucky, Lexington, Ky.—License to cover construction permit for a new relay broadcast station.

NEW—WBNS, Inc., Columbia, Ohio.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190 and 2830 kc., 175 watts, unlimited time.

W9XPY—American Broadcasting Corp. of Kentucky, Mobile.—License to cover construction permit for a new relay broadcast station.

Third Zone

- NEW—R. W. Page Corp., Phenix City, Ala.—Construction permit
1240 for a new station to be operated on 610 kc., 250 watts, unlimited time. Amended to change requested frequency from 610 kc. to 1240 kc., and give transmitter and studio sites to be determined, Phenix City, Ala.
- KCMC—KCMC, Inc., Texarkana, Tex.—License to cover construction permit (B3-P-1307) as modified for changes in equipment and move of transmitter and studio.
- W4XF—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit for a new relay broadcast station.

Fourth Zone

- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.
1200 —License to cover construction permit (B4-P-1481) for a new transmitter.
- NEW—Leon M. Eisfeld, Burlington, Iowa.—Construction permit
1310 for a new station to be operated on 1310 kc., 100 watts, unlimited time.
- NEW—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Mobile, Missouri.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 100 watts, unlimited time. Amended to change power from 100 watts to 50 watts.
- NEW—Zenith Radio Corp., Chicago, Ill.—Construction permit for a new television station to be operated on 42000-56000, 60000-86000 kc., 1 KW, unlimited time.

Fifth Zone

- KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Authority to
580 determine operating power by direct measurement of antenna.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of construction permit (B5-P-925) as modified, for changes in equipment, increase in power and move of transmitter, requesting extension of completion date from 4-6-37 to 6-7-37.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Modification of
1230 construction permit (B5-P-328) for new equipment, increase in power and move of transmitter, requesting extension of completion date from 3-15-37 to 5-15-37.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Modification of construction permit (B5-P-650) for new equipment and increase in power, requesting changes in authorized equipment, approval of antenna and approval of transmitter site at 5½ miles northeast of Long Beach, California.

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—
1310 Modification of construction permit (B5-P-759) for a new station, requesting changes in authorized equipment, approval of transmitter site at Sebastopol Road, Santa Rosa, California, approval of vertical antenna and change studio site from 425-427 Mendocine Avenue to Sebastopol Road, Santa Rosa, California.

NEW—M. J. Urie, tr/as Richfield Broadcast Co., Richfield, Utah.
1370 —Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.

Hawaiian Zone

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—
1320 Modification of license to change frequency from 1320 kc. to 580 kc.

NAB REPORTS

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WASHINGTON RADIO HIGHLIGHTS

President Roosevelt appoints American delegates to preliminary North American Radio Conference to be held at Havana, beginning March 15 * * * * Commander Craven, FCC chief engineer, to be chairman * * * * Expected that general conference to be participated in by governments of Western Hemisphere in November, also probably at Havana * * * * Preliminary conference will formulate agenda for later general conference * * * * March 15 conference will be participated in by United States, Canada, Cuba and Mexico * * * * Expected to take only one week.

PRELIMINARY NORTH AMERICAN RADIO CONFERENCE

Announcement was made this week by the State Department of a conference to begin at Havana, Cuba, March 15, which will be preliminary to a general North American Radio Conference to be held in November of this year. The President has appointed American delegates to the preliminary conference. In its official announcement the State Department says:

"This Government has accepted an invitation of the Government of Cuba for participation in a preliminary regional radio conference to be held at Habana from March 15 to 22, 1937, for the purpose of consulting with representatives of the Governments of Cuba, Canada and Mexico regarding radio matters in this hemisphere, particularly broadcasting. The object of the meeting will be a consideration of problems of interest to all of the participating governments and the formulation of an agenda for a formal regional radio conference to be held in early November of this year and to be participated in by the governments of the Western Hemisphere.

"Commander T. A. M. Craven, Chief Engineer of the Federal Communications Commission, has been selected to act as chairman of the American delegation to the preliminary conference. The other delegates of this Government are to be Mr. E. K. Jett, Assistant Chief Engineer, and Mr. Gerald C. Gross, Chief of the International Section of the Federal Communications Commission, and Mr. Harvey B. Otterman of the Treaty Division of the Department of State."

OPERATORS BILL PASSES HOUSE

With no debate the House of Representatives has passed H. R. 3898 which amends section 318 of the Communications Act of 1934, dealing with operators. A similar bill is now pending in the Senate. The bill as it passed the House is as follows:

"That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further,* That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices."

SECURITIES ACT REGISTRATIONS

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

- Chasers, Inc., New York City. (2-2832, Form A-1)
- Mercantile Credit Corporation, New Orleans, La. (2-2833, Form A-1)
- Soundview Pulp Company, San Francisco, Calif. (2-2834, Form A-2)
- Orogrande-Frisco Gold Mines, Inc., Spokane, Wash. (2-2836, Form A-1)

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Bering Straits Tin Mines, Inc., Seattle, Wash. (2-2837, Form A-1)
 Samson United Corporation, Rochester, N. Y. (2-2839, Form A-2)
 Civic Finance Corporation, Passaic, N. J. (2-2840, Form A-1)
 Silver Strike Mining Company, Murray, Idaho. (2-2841, Form A-1)
 Insured Investors, Incorporated, Kansas City, Mo. (2-2843, Form C-1)
 Martin Custom Made Tires Corp., New York City. (2-2844, Form A-1)
 Seaboard Commercial Corporation, New York City. (2-2846, Form A-2)
 Metropolitan Personal Loan Corporation, New York City. (2-2847, Form A-1)
 North American Distillers, Inc., New Orleans, La. (2-2848, Form A-1)
 United Endowment Foundation, Inc., New York City. (2-2849, Form C-1)
 General Investors Trust, Boston, Mass. (2-2850, Form A-1)
 Wascanna Mines Limited, Toronto, Canada. (2-2851, Form A-1)
 Fort Rouille Mining Corporation Limited, Toronto, Canada. (2-2852, Form A-1)
 Spooner Gold Mines Limited, Toronto, Canada. (2-2853, Form A-1)
 Colorado Silver Mines, Inc., Denver, Colo. (2-2854, Form A-1)
 United Stove Company, Ypsilanti, Mich. (2-2855, Form A-2)
 Kingston Products Corporation, Kokomo, Ind. (2-2856, Form A-2)
 Burd Piston Ring Company, Rockford, Ill. (2-2857, Form A-2)
 Austin Silver Mining Company, Austin, Nev. (2-2859, Form A-1)
 The Greenwich Gas Company, Greenwich, Conn. (2-2860, Form A-2)
 The Dickson Oil Company, Oklahoma City, Okla. (2-2861, Form A-1)
 Rustless Iron and Steel Corporation, Baltimore, Md. (2-2862, Form A-2)
 Independence Fund of North America, Inc., New York City. (2-2864, Form C-1)
 Allied Kid Company, Boston, Mass. (2-2865, Form A-2)
 Municipal Tax Certificates Incorporated, Cleveland, Ohio. (2-2866, Form A-1)
 Oswego Falls Corporation, Fulton, N. Y. (2-2868, Form A-2)
 Voting Trust for stock of Richardson and Boynton Company, New York City. (2-2869, Form F-1)
 Republic Petroleum Company, Los Angeles, Calif. (2-2870, Form A-2)
 Powdrell & Alexander, Inc., Danielson, Conn. (2-2871, Form A-2)
 Converse Rubber Company, Malden, Mass. (2-2872, Form A-2)
 Scott Paper Company, Chester, Pa. (2-2873, Form A-2)
 Spiegel, Inc., Chicago, Ill. (2-2874, Form A-2)
 Investors Management Corporation, Pittsburgh, Pa. (2-2875, Form A-1)
 Colonial Decorative Corporation, New York City. (2-2876, Form A-1)

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3064. Use of unfair methods of competition, including fictitious price marking, is alleged in a complaint issued against **J. C. Brush, C. R. Dickinson and C. V. Brush**, 412 Halsey St., Newark, N. J., and six corporations which they direct and control, all engaged in the sale and distribution of shaving and dental creams, toilet goods and similar commercial preparations.

The corporate respondents are **Trade Laboratories, Inc.**, also trading as **Redd Chemical Co., Modern Brands, Inc., Perlox Laboratories, Inc., Pearl-White Laboratories, Inc.**, and **Dr. Daily's Laboratories, Inc.**

Several brands of shaving and dental creams sold by the respondents allegedly are marked by them with retail prices ranging from 35 to 60 cents, which, according to the complaint, are not intended to be the true retail value or the true retail prices of the merchandise so marked, and which are far in excess of such true value and true retail prices intended to be charged and actually charged the ultimate purchasers.

The complaint sets out that when a customer purchases a product of the type marketed by the respondents, he expects and usually receives a tube or an amount of the product commensurate with the size of the carton in which the product is packed. The respondents' cartons, the complaint alleges, are capable of holding much larger or longer tubes of their product than the tubes which the cartons actually contain.

No. 3065. Standard Distributors, Inc., 114 East 32nd St., New York, and **Louis H. Geller**, president of the corporation, are named respondents in a complaint alleging unfair competition through providing retailers with the means of conducting lotteries in the sale of radios and food beaters and mixers, and through misrepresentation of certain products and facilities furnished these merchants.

The alleged lottery scheme is said to involve use of paraphernalia furnished by the respondents, including keys and a padlock, such keys being distributed by a merchant to customers with each purchase of a stated amount of goods, usually 25 cents worth. In this manner, according to the complaint, a merchant may pass out a large number of keys, sometimes as many as 4500, two of which fit the padlock. The two lucky key holders are alleged to receive prizes, usually a radio or a food mixer and beater, by means of a game of chance.

The respondents' plan is alleged to be falsely represented to the merchants as a sales promotion plan to get the respondents' product before the public, when in fact, according to the complaint, it is a plan to dispose of the respondents' products to the merchants. The latter are allegedly advised that they may participate in the plan without cost in that the respondents sell them this plan, including the merchandise to be given as prizes, at a price equivalent to one cent a key for the keys furnished, and that the respondents will pay the retailers one cent for each key returned for refund, thereby restoring to the retailers all money paid to the respondents, if all the keys are returned. However, the complaint charges that the respondent corporation fails and refuses to redeem the keys returned at one cent each, or to pay the merchants all or a substantial part of the money forwarded by them to the respondents.

No. 3066. Russek's Fifth Avenue, Inc., 5th Avenue at 36th Street, New York City, engaged in the sale of women's wear, is charged in a complaint with use of unfair methods of competition in connection with the interstate sale of certain dresses.

In advertising matter, the respondent corporation allegedly described the dresses in question as "Satin and Silk Jersey Dresses" and as "Silk Afternoon Dresses." The complaint charges that such representations were false and misleading to purchasers in that the dresses referred to as being silk and satin were not composed of genuine silk, but were made of other materials.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 9101. Airmaster Corporation, 140 South Dearborn St., Chicago, assembler and distributor of exhaust fans, ventilators and propellers, agreed to stop using in advertising matter representations which materially exaggerate the volume of air delivered by its fans, or which materially understate the power required to operate them.

In its catalogue, the respondent corporation, according to the stipulation, advertised that Airmaster propellers would give maximum air delivery with minimum power requirement. Figures taken from the catalogue purporting to show the approximate air delivery and power consumption of certain of the respondent corporation's fans are compared in the stipulation with figures for the same elements arrived at by scientific methods. This comparison, in most instances, shows an overstatement of the volume of air delivered and an understatement of power consumed. Such advertisements, according to the stipulation, tended to mislead and deceive purchasers regarding performance of the company's fans.

No. 1902. Sanotuf Mattress Co., 1010 North 10th St., St. Louis, agreed to cease selling or supplying its customers with its mattresses which bear any false, fictitious or misleading price known to be in excess of the price at which such products are intended

to be sold and usually are sold at retail. According to the stipulation, the company affixed to certain mattresses labels bearing purported retail price marks of \$29.50 or \$39.50, when, in fact, such prices were greatly in excess of the prices at which the products were customarily sold.

No. 1903. Brower Manufacturing Co., 209-215 North 3rd St., Quincy, Ill., manufacturing a line of poultry supplies, including automatic feeders, brooders, heaters, and a feed mixer called "Giant Whirlwind Mixer," agreed to stop advertising to the effect that the Giant Whirlwind Mixer measures up to the exacting demands of the United States Government, or is being successfully used in the Government's soil erosion work, or other representations of similar meaning implying that the device has been officially sanctioned or approved by the Government, when such is not a fact.

No. 1906. Cast Stone Co., Inc., 223 West Spruce St., Columbus, Ohio, manufacturer of concrete burial vaults, under the terms of its stipulation, will stop advertising that its vaults, in all cases, will appreciate with time, harden with age, and finally become adamant or of impenetrable hardness. The company also agreed to stop asserting that its vaults will endure for centuries or for all time, free from the inroads of water or rodents, and assure safe and peaceful rest throughout the years. The company will cease using representations directly implying that the material of which its vaults are made is the only material which, regardless of burial conditions, is strong and dependable enough to infinitely exclude water, when such is not a fact.

The stipulation points out that vaults made of concrete, in many cases, are subject to the effect of and are appreciably affected by corrosion caused by the presence in the soil of alkali and other soluble chemicals.

No. 1912. Jacob S. Glekel and Jacob Press, trading as Eagle Corrugated Products Co., 783 6th Ave., New York, stipulated that they will stop using as a brand for their corrugated fiber boxes the word "maker", or any other words of equivalent meaning, which tend to convey to customers the belief that Glekel and Press are the manufacturers of their products or that they own or operate a factory in which the boxes they sell are made, when such is not a fact. The boxes in question, the stipulation sets out, were stamped with a brand which included the words "Certificate of Box Maker."

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, March 8:

Monday, March 8

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW**—John R. and Jos. L. Peryatel and Richard K. Beauchamp, d/b as Peryatel Bros. & Richard K. Beauchamp, Raton, N. Mex.—C. P., 1210 kc., 100 watts, 100 watts LS, unlimited time.
- NEW**—The Central Michigan Radio Co. (James Bourland, John Tebbel, Gerald J. Cotter and Ray D. Markel), Mt. Pleasant, Mich.—C. P., 570 kc., 250 watts, 250 watts LS, unlimited time.
- WPEN**—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of license, 920 kc., 250 watts (directional antenna), 500 watts LS, unlimited time (requests facilities of WRAX). Present assignment: 920 kc., 250 watts (directional antenna), 500 watts LS, S-WRAX.
- WPEN**—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Authority to transfer control of corporation to John Iraci; 920 kc., 250 watts (directional antenna), 500 watts LS, S-WRAX.
- WRAX**—WRAX Broadcasting Co., Philadelphia, Pa.—Authority to transfer control of corporation to John Iraci; 920 kc., 250 watts (directional antenna), 500 watts LS, S-WPEN.

FURTHER HEARING TO BE HELD BEFORE AN EXAMINER AT HOTEL JOHN SEVIER, JOHNSON CITY, TENN.

- NEW**—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, March 9

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW**—David J. Mercier and Geo. F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—C. P., 830 kc., 500 watts, daytime.
- NEW**—H. A. Hamilton, Spartanburg, S. C.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW**—Leonard A. Versluis, Grand Rapids, Mich.—C. P., 830 kc., 500 watts, daytime.

Wednesday, March 10

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW**—F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—C. P., 1200 kc., 100 watts, daytime.
- NEW**—James D. Scannell, Lewiston, Maine.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW**—The Ogdensburg Publishing Co., Inc., Ogdensburg, N. Y.—C. P., 1500 kc., 100 watts, unlimited time.

Friday, March 12

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW**—Elmira Star-Gazette, Inc., Elmira, N. Y.—C. P., 1200 kc., 250 watts, daytime.
- WREN**—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Authority to transfer control of corporation; 1220 kc., 1 KW, 5 KW LS, shares KFKU.

FURTHER HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW**—Radio Enterprises, partnership of R. Lacy and J. R. Curtis, Lufkin, Tex.—C. P., 1310 kc., 100 watts, daytime.
- NEW**—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Tex.—C. P., 1310 kc., 100 watts, daytime.

APPLICATIONS GRANTED

- WJEJ**—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted C. P. to move transmitter site and install vertical radiator.
- WJNO**—Hazlewood, Inc., W. Palm Beach, Fla.—Granted C. P. to make changes in equipment and increase day power to 250 watts.
- WKRC**—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted license to cover C. P. as modified, 550 kc., 1 KW night, 5 KW day, unlimited time, using directional antenna for night-time operation subject to reduction of day power to 1 KW when WOSU is operating.
- WSAU**—Northern Broadcasting Co., Inc., Wausau, Wis.—Granted license to cover C. P. as modified; 1370 kc., 100 watts, daytime only.
- WWAE**—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted license to cover C. P., 1200 kc., 100 watts night-day, unlimited day, share WFAM night.
- WGNY**—Peter Goelet, Newburgh, N. Y.—Granted license to cover C. P. as modified; 1210 kc., 100 watts night and day, sharing WBRB, WFAS and WGBB.
- WLAP**—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted modification of C. P. to change transmitter site to Walton Bldg. and studio to Main and Esplanade, locally.
- KOB**—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of C. P. authorizing changes in equipment.
- KMJ**—McClatchy Broadcasting Co., Fresno, Calif.—Granted authority to determine operating power by direct measurement of antenna input.
- KANS**—Charles C. Theis, Wichita, Kans.—Granted voluntary assignment of license to the KANS Broadcasting Co., 1210 kc., 100 watts, unlimited.
- WBAX**—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted license to cover C. P., 1210 kc., 100 watts, specified hours.
- Cruft Laboratory, Harvard University, Cambridge, Mass.**—Granted C. P. for new special experimental station to be used to make continuous automatic observations of the upper atmosphere; 600 watts peak average 2 watts; frequencies 2000 to 8000 kc., unlimited.

KCMC—KCMC, Inc., Texarkana, Tex.—Granted license to cover C. P. as modified; 1420 kc., 100 watts, unlimited.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Granted modification of C. P. to extend completion date from 3-17-37 to 5-15-37.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted amended C. P. authorizing installation of new equipment and increase in power to 10 KW.

NEW—Charleston Broadcasting Co., Charleston, W. Va.—Granted C. P. for new high frequency station; 26100 kc., 50 watts.

NEW—Ben S. McGlashan, Los Angeles, Calif.—Granted C. P. for new high frequency station on an experimental basis; frequencies 88000, 120000, 240000 and 500000 kc., 500 watts.

W9XPZ—American Broadcasting Corp. of Kentucky, Mobile, Lexington, Ky.—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

W1XO—The Travelers Broadcasting Service Corp., Mobile, Hartford, Conn.—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 50 watts.

W1XT—The Travelers Broadcasting Service Corp., Mobile, Hartford, Conn.—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 100 watts.

W9XPY—American Broadcasting Corp. of Ky., Mobile, Lexington, Ky.—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10.5 watts.

NEW—Oscar C. Hirsch, tr/as Hirsch Battery and Radio Co., Portable Mobile, Cape Girardeau, Mo.—Granted C. P. for new relay broadcasting station; frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.

SET FOR HEARING

NEW—General Electric Co., near Belmont, Calif.—Application for C. P. for new international station; frequencies 9530 kc., 15330 kc., 20 KW. The purpose is to obtain a further use of these channels which are now licensed to W2XAD and W2XAF at Schenectady, in order that satisfactory transmission may be made to the Far East.

NEW—S. O. Ward and P. C. Ward, d/b as Louisville Broadcasting Co., Louisville, Ky.—C. P. for new station, 1210 kc., 250 watts, daytime only, exact transmitter site to be determined with Commission's approval.

NEW—Valley Broadcasting Co., Youngstown, Ohio.—C. P., already in hearing docket, amended to request 1350 kc., 1 KW, unlimited time, using directional antenna for night-time operation.

WEAN—The Yankee Network, Inc., Providence, R. I.—Application for C. P. amended to request installation of new equipment, increase in day power from 1 to 5 KW, employing directional antenna system.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Application for C. P. to move transmitter locally to site to be determined; install new equipment and vertical radiator; increase day power from 100 to 250 watts.

WBRY—American-Republican, Inc., Waterbury, Conn.—Application for C. P. to make changes in equipment; increase in day power from 1 to 5 KW. To be heard before the Broadcast Division.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Application for C. P., already in hearing docket, amended to request: move transmitter locally near Belmont, Cambridge, Mass.; install directional antenna; increase power and time of operation from 500 watts, daytime only, to 1 KW, unlimited time, using directional antenna for night-time operation.

WSMK—WSMK, Inc., Dayton, Ohio.—Application for C. P. amended to request: move transmitter site locally; install new equipment and directional antenna; increase power and time of operation from 200 watts night, 200 watts day, simultaneous day (KQV), specified hours night, to 250 watts night, 500 watts day, unlimited, using directional antenna system for night-time operation.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Application for C. P. to make changes in equipment; install directional antenna system for night-time use; increase power from 500 watts night-day, simultaneous day operation with WSMK and specified hours night, to 1 KW, unlimited.

KFRU—KFRU, Inc., Columbia, Mo.—Application for modification of license to increase night power from 500 watts to 1 KW.

NEW—Young People's Assn. for the Propagation of the Gospel, Shark River Bay, N. J.—Application for C. P. for new station, 640 kc., 5 KW daytime to local sunset at dominant station KFI.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Voluntary assignment of license to KOOS, Inc.; 1200 kc., 250 watts, daytime.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to WBNO, Inc.; 1200 kc., 100 watts day-night, S-WJBW. The renewal application for WBNO, together with applications of WJBW and Southern Broadcasting Corp., New Orleans, were scheduled to be heard March 22. This hearing will now be continued in order that application for assignment of license may be heard together therewith.

NEW—Northwest Publications, Inc., Duluth, Minn.—Application for C. P., already in hearing docket, amended to request 580 kc., 250 watts, daytime only, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Church of Jesus Christ of Latter-Day Saints, Salt Lake City, Utah.—Application for C. P. for new international broadcast station on an experimental basis in Saltair, Utah; frequencies 6080, 11830, 17780 kc., 50 KW, unlimited, exact transmitter site to be determined subject to Commission's approval.

SPECIAL AUTHORIZATIONS

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 8:45 to 11 a. m. and 5 to 6 p. m., CST, March 5, and from 4 to 5 p. m., CST, March 13, provided WILL remains silent, in order to broadcast sectional and regional basketball tournament.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate simultaneously with KOB, Thursday, March 4, 1937, from 7:30 to 8 p. m., PST, in order to broadcast President's address to be given at Democratic Victory Dinner.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with KFNF from 11 a. m. to 4 p. m., CST, March 18; 3 to 4 p. m., CST, March 19; 1:15 to 4 p. m., CST, March 20, 1937, and simultaneously with KUSD from 4 to 5 p. m., CST, March 18 and 19 (provided WBAA remains silent), in order to broadcast Illinois State High School Athletic Assn. basketball tournament.

KFUO—Evangelical Lutheran Synod of Missouri, Etc., Clayton, Mo.—Granted special temporary authority to broadcast a DX program, using power of 1 KW, on March 6, 1937, from 1 to 3 a. m., CST.

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted special temporary authority to operate old equipment on a temporary basis only while present transmitter is being moved, for the period April 20 to 29, 1937.

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to rebroadcast the Navy time signals from Arlington for a period not to exceed 3 a. m., EST, August 1, 1937.

W8XAN—The Sparks-Withington Co., Jackson, Mich.—Granted special temporary authority to operate television broadcast station W8XAN at Plant No. 3, E. Ganson St., Jackson, Mich., on 42000-56000, 60000-86000 kc., 100 watts, to communicate in accordance with Rule 1031 and hours of operation in accordance with Rule 983, for a period not to exceed 30 days, due to fire at Plant No. 1.

APPLICATIONS DENIED

KFDY—South Dakota State College, Brookings, S. Dak.—Denied special temporary authority to operate from 7:30 to 9:15 p. m., CST, Friday, March 5, 1937, in order to broadcast "Little International Livestock Show."

The following application, heretofore set for hearing, was denied as in cases of default for failure of applicant to file an appearance and statement of facts in accordance with Rule 104.6 (c):

NEW—Edward Goodberlet and Harry J. Frahn, d/b as Greater Muscle Shoals Broadcasting Co., Sheffield, Ala.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS DISMISSED

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

- NEW—Service Life Ins. Co., Omaha, Nebr.—C. P., 1500 kc., 100 watts, unlimited time.
- NEW—Archie E. Everage, Andalusia, Ala.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited.
- NEW—D. L. Thornton, between Centralia and Chehalia, Wash.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.

RATIFICATIONS

The Broadcast Division ratified the following actions authorized on the dates shown:

- W9XPV-W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed for a period of 30 days from February 22 to March 23, relaybroadcast from train running between Villa Grove and Tuscola.
- WBAM-WBAN-W2XMI-W2XMJ—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted authority to operate WBAM and WBAN as licensed February 21 to March 7, relaybroadcast inauguration revised traffic regulations New York City. Also operate W2XMI and W2XMJ as licensed February 28 to March 2, relaybroadcast Sportsmen's Show.
- K6XCJ—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted extension of program test period to April 1, 1937.
- WSGN—Birmingham News Co., Birmingham, Ala.—Granted extension of program test period 30 days from February 22.
- W9XES—Midland Broadcasting Co., Kansas City, Mo.—Granted extension of operation as licensed for period of 30 days from February 28, relaybroadcast series of children's educational programs.
- WHP—WHP, Inc., Harrisburg, Pa.—Granted extension of authority to operate with reduced power 10 days from February 24.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 to 11:30 p. m., MST, March 2, 9, 16, 23 and 30, 1937, to broadcast boxing and wrestling bouts.
- WCAX—Burlington Daily News, Burlington, Vt.—Granted special temporary authority to operate from 6:30 to 10:30 p. m., EST, March 2, in order to broadcast basketball games and local election returns; from 8 to 10:30 p. m., March 6, and from 1:30 to 4 p. m.; 8:45 to 10:30 p. m., EST, March 13, 1937, in order to broadcast basketball games.

The Broadcast Division granted the petition of Head of the Lakes Broadcasting Co., WMFG, to intervene in the proceedings upon the application of Walter H. McGenty for C. P. for new station at Rice Lake, Wis.

The Broadcast Division granted the petition of Central Broadcasting Corp., Centralia, Wash., to intervene in the proceedings upon the application of D. L. Thornton, Chehalia, Wash., for C. P.

The Broadcast Division granted the petition of Cheyenne Radio Corp. to intervene in the proceedings upon the application of The Frontier Broadcasting Company for C. P. for new station at Cheyenne, Wyo.

The Broadcast Division granted the petition of Voice of Greenville, Greenville, Texas, for consolidation of oral argument on Examiner's Report on its application (Docket No. 3758) and the oral argument in the application of Hunt Broadcasting Assn. (Docket No. 3242).

The Broadcast Division granted the petition of George H. Payne, San Jose, Calif., to intervene in the proceedings upon the application of Central Broadcasting Corp., Centralia, Wash., for C. P.

The Broadcast Division granted petition of George H. Payne, San Jose, Calif., to intervene in the proceedings upon the application of Chase S. Osborn, Jr., Fresno, Calif., for C. P.

The Broadcast Division denied the petition of Luther Bohanon to intervene in the proceedings upon the application of Exchange Ave. Baptist Church of Oklahoma City, Okla., KFXR, for voluntary assignment of license.

The Broadcast Division extended the effective date of its order of November 24, 1936, in denying the application of the Interstate Broadcasting Corp., KLO, Ogden, Utah, for a period of 30 days from February 25, 1937, or until March 27, 1937.

ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. No. 1-284: Donald A. Wike and H. E. Studebaker, d/b as Wike & Studebaker, Baker, Ore.—Denied C. P. for new broadcast station to operate on 1370 kc., 100 watts

night, 250 watts day, unlimited time (site to be determined, subject to Commission's approval). Order effective April 27, 1937. Examiner John P. Branhall reversed.

- KUJ—Ex. Rep. 1-300: KUJ, Inc., Walla Walla, Wash.—Denied C. P. to install new equipment; change frequency from 1370 kc. to 1250 kc., increase power from 100 watts to 250 watts and move transmitter from 2d and Rose Sts., Walla Walla, to site to be determined, subject to Commission's approval, unlimited time. Order effective April 27, 1937. Examiner R. L. Irwin reversed.

- KIT—Ex. Rep. 1-311: Carl E. Haymond, Yakima, Wash.—Granted C. P. to install new transmitter (site to be determined, subject to Commission's approval), erect a vertical antenna; change frequency from 1310 kc. to 1250 kc. and increase power from 100 watts night, 250 watts day to 250 watts night, 500 watts day, unlimited time. Order effective April 27, 1937. Examiner R. L. Irwin sustained.

- WHAT—Ex. Rep. 1-317: Independence Broadcasting Co., Inc., Philadelphia, Pa.—Denied C. P. to install new equipment, change frequency from 1310 kc. to 1220 kc., increase power from 100 watts to 1 kw., change hours of operation from sharing with WTEL to unlimited time, move transmitter from Hotel Pennsylvania, Philadelphia, to Whitemarsh Township, Pa., and install directional antenna. Order effective May 4, 1937. Examiner M. H. Dalberg sustained.

- NEW—Ex. Rep. 1-345: H. Wimpy, Albany, Ga.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts night, 250 watts day; unlimited time (site to be determined subject to Commission's approval), facilities of WGPC. Examiner M. H. Dalberg sustained.

- WGPC—Americus Broadcast Corp., Albany, Ga.—Granted renewal of license, 1420 kc., 100 watts, unlimited time. Order effective April 27, 1937. Examiner Dalberg sustained.

- NEW—Ex. Rep. 1-346: United States Broadcasting Co., Toledo, Ohio.—Dismissed with prejudice application for C. P. for new broadcast station to operate on 1200 kc., 100 watts daytime, site to be determined, subject to Commission's approval. Examiner Geo. H. Hill sustained.

- NEW—United States Broadcasting Co., Columbus, Ohio.—Dismissed with prejudice, application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner Hill sustained. Order effective March 2, 1937.

- WCAP—Ex. Rep. 1-347: Radio Industries Broadcast Co., Asbury Park, N. J.—Dismissed with prejudice application for modification of license to increase power from 500 watts to 1 kw, 1280 kc., share time with WTNJ and WCAM. Examiner R. L. Irwin sustained in part. Order effective March 2, 1937.

ORAL ARGUMENTS

- WNBC—Ex. Rep. 1-350: State Broadcasting Corp., New Britain, Conn.—Granted oral argument to be held April 22, 1937.
- NEW—Ex. Rep. 1-353: Hildreth & Rogers Co., Lawrence, Mass.—Granted oral argument to be held April 22, 1937.
- NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Granted oral argument to be held April 22, 1937.

EFFECTIVE DATE OF RULE POSTPONED

The effective date of Rule 981 was further postponed for a period of 6 months from March 15, 1937, to give the manufacturers additional time in which to perfect this equipment for sale to the licensees (this rule relates to frequency monitors).

MISCELLANEOUS

- Chase Osborn, Jr., Fresno, Cal.—Denied petition requesting postponement of further consideration of the application of George Harm for a new station at Fresno, Calif., to operate on 1310 kc., 100 watts, unlimited time. Osborn is an applicant for a new station at Fresno to operate on 1440 kc., 500 watts, unlimited time.
- Woodman of the World Life Insurance Association, Omaha, Nebr.—Granted petition to intervene in hearing on application of Service Life Insurance Co. for a new station at Omaha to operate on 1500 kc., 100 watts, unlimited time.

Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Affirmed action of September 26, 1936, granting the application for a C. P. for a new broadcasting station at Hammond to operate on 1460 kc., 5 kw., subject to the limitation that the operation of the said station extend during daytime hours until local sunset at Buffalo, N. Y.

Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Denied petition asking the Commission to reconsider action of February 9, 1937, in designating application for hearing and grant the same. This application requests approval of transmitter site, installation of new equipment and directional antenna for night, and increase in night power from 250 watts, to one kw., and increase in day power from one kw. to five kw.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Denied motion asking Commission to deny the application as in cases of default, of H. O. Davis, Mobile, Ala., for C. P. for new station to operate on 610 kc., 250 watts night, 500 watts LS, unlimited time.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Denied petition requesting reopening of hearing in re application for CP to install new equipment and increase day from 250 watts to 1 kw.

KRLH—Midland, Tex.—Denied petition asking Commission to reconsider and grant without hearing application for modification of license to change frequency from 1420 kc., to 1210 kc., daytime.

NEW—Ex. Rep. 1-272: Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Extended effective date of Order to March 9, 1937.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Retired to the files petition for rehearing before the Broadcast Division of application for authority to install new equipment; change frequency from 860 kc. to 1120 kc., change hours of operation from daytime to unlimited, and to operate with 500 watts at night, 1 KW day, employing a directional antenna during nighttime operation.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Remanded to the Docket application to move transmitter, make changes in equipment, etc.

APPLICATIONS RECEIVED

First Zone

WRC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to install new transmitter and vertical antenna; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; move transmitter from 3308 14th Street, N. W., Washington, D. C., to Ager Road, Chillum Township, Maryland. Amended re antenna.

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Construction permit for a new station to be operated on 1200 kc., 100 watts power, daytime operation. Amended to make changes in equipment, change power from 100 watts to 100 watts night, 250 watts day, time from daytime to unlimited.

NEW—John W. Haigis, Greenfield, Mass.—Construction permit to be operated on 1210 kc., 250 watts, daytime operation.

Second Zone

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Authority to install automatic frequency control apparatus.

WSPD—The Fort Industry Co., Toledo, Ohio.—Modification of license to increase night power from 1 to 5 KW.

W8XAN—The Sparks-Withington Co., Jackson, Mich.—Construction permit to make equipment changes and move transmitter to East Ganson St., Jackson, Mich.

W8XAN—The Sparks-Withington Co., Jackson, Mich.—License to cover above.

Third Zone

NEW—Florida West Coast Broadcasting Co., Inc., Clearwater, Fla.—Construction permit to erect a new broadcast station to be operated on 1300 kc., 250 watts power, unlimited time. Contingent upon WIOD changing frequency from 1300 kc. to 610 kc.

WGST—Georgia School of Technology, Atlanta, Ga.—Authority 890 to determine operating power by direct measurement.

WGST—Georgia School of Technology, Atlanta, Ga.—License to 890 cover construction permit (B3-P-1296) as modified for equipment changes, increase in power, and move of transmitter.

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit 1360 to install a new transmitter, erect a vertical antenna, and increase power from 250 watts to 500 watts.

NEW—State Broadcasting Corp., New Orleans, La.—Construction 1370 permit to erect a new broadcast station to be operated on 1370 kc., 100 watts power, unlimited time.

NEW—W. W. Hunt, F. Harvey Miller and J. B. DeMotte, d/b 1500 as Ocala Broadcasting Co., Ocala, Fla.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts night power, 250 watts day power, unlimited time.

Fourth Zone

KFNF—KFNF, Inc., Shenandoah, Iowa.—Construction permit to 890 install new transmitter; increase power from 500 watts, 1 KW day, to 1 KW night and 5 KW day. Amended: Move transmitter from 407 Sycamore St. to intersection of Highway No. 3 and Ferguson Ave. ext. near Shenandoah, Iowa, and install directional antenna for night use.

NEW—Glenn E. Webster, Decatur, Ill.—Construction permit to 1290 erect a new station to be operated on 1290 kc., 250 watts, daytime hours of operation.

KCKN—The WLBK Broadcasting Co., Kansas City, Kans.—Modification of license to change name of applicant from The 1310 WLBK Broadcasting Co. to The KCKN Broadcasting Company.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Modification 1320 of construction permit (B4-P-952) for new equipment, increase in power, directional antenna, requesting further changes in equipment and extend commencement date 30 days.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, 1330 Iowa.—Authority to determine operating power by direct measurement of antenna power.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Authority 1370 to make changes in automatic frequency control apparatus.

NEW—L. L. Coryell, Sr., and L. L. Coryell, Jr., d/b as L. L. 1450 Coryell & Son., Lincoln, Nebr.—Construction permit for new broadcast station to be operated on 1450 kc., 250 watts night, 500 watts day power, unlimited time. Amended to change type of equipment, increase night power from 500 watts to 1 KW, give transmitter site as Lancaster Township, Nebraska.

KSJS—R. J. Laubengayer, Salina, Kans.—Modification of construction permit (B4-P-1004) for new station, requesting 1500 change in transmitting equipment, increase in power from 100 watts to 100 watts night, 250 watts day, and approval of transmitter site at U. S. 40, 1.3 miles west of business section, Salina, Kansas, and approval of antenna.

NEW—South Bend Tribune, South Bend, Ind.—Construction permit for a new high frequency relay station on 31100, 34600, 37600 and 40600 kc., 1 watt, variable hours of operation, mobile.

NEW—South Bend Tribune, South Bend, Ind.—License to cover above.

NEW—South Bend Tribune, South Bend, Ind.—Construction permit for a new low frequency relay broadcast station on 1622, 2058, 2150, 2790 kc., 50 watts, variable hours, mobile.

NEW—South Bend Tribune, South Bend, Ind.—License to cover above.

NEW—South Bend Tribune, South Bend, Ind.—Construction permit for a new high frequency broadcast station on 25950 kc., 100 watts, unlimited time.

NEW—South Bend Tribune, South Bend, Ind.—License to cover above.

Fifth Zone

NEW—Radiotel Corporation, San Diego, Calif.—Construction permit for new station on 920 kc., 500 watts power, unlimited time. Amended: Re stockholders.

KVOD—Colorado Radio Corp., Denver, Colorado—Construction
920 permit to change frequency from **920 kc.** to **630 kc.**, change hours of operation from share with KFEL to unlimited time, increase power from 500 watts to 1 kilowatt, install directional antenna for night use and move transmitter from outside of Denver, Colorado, to North of Denver, Colorado. Amended: To make changes in directional antenna and change transmitter site re: geographical location.

KTKC—Tulare-Kings Counties Associates, Chas. A. Whitmore,
1190 President, Visalia, Calif.—Modification of construction permit (B5-P-816) for new station to make changes in equipment, for approval of transmitter and studio sites at Visalia, California.

NEW—Scott M. Matheson, d/b as Provo Broadcast Co., Provo,
1210 Utah.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts power, unlimited time.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.
1290 —Modification of construction permit (B5-P-126) for increase in power from 1 kilowatt to 1 kilowatt night, 5 kilowatts day, make equipment changes, give transmitter site as site to be determined, requesting further changes in equipment, installation of vertical antenna and approval of transmitter site at S. W. of Salt Lake City, Utah.

NEW—George H. Payne, San Jose, Calif.—Construction permit
1440 for new broadcast station to be operated on **1010 kc.**, 1 kilowatt, unlimited time. Amended: To change type of equipment, make changes in vertical antenna, change frequency from **1010 kc.** to **1440 kc.**, power from 1 kilowatt to 500 watts. Omit request for KQW's facilities.

KRNR—Southern Oregon Broadcasting Co., Roseburg, Oregon.—
1500 Voluntary assignment of license from Southern Oregon Publishing Co. to News-Review Company.

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WASHINGTON RADIO HIGHLIGHTS

Chairman Prall of the Federal Communications Commission was designated by the President on Wednesday to succeed himself as chairman for a period of one year from March 11 * * * * Copeland pure food and drug bill passes the Senate with little debate * * * * Commissioner Stewart dissents in important newspaper-radio case * * * * January broadcast advertising increases over same month of last year * * * * New copyright bill introduced in House and several new radio bills.

PRALL REAPPOINTED CHAIRMAN

President Roosevelt announced at his press conference on Wednesday that he had designated Anning S. Prall, chairman of the Federal Communications Commission, to succeed himself as chairman for a period of one year. The term as chairman expired on March 11.

NEW BROADCAST STATION GRANTED

The Federal Communications Commission this week granted a construction permit for the erection of a new broadcast station at Indianapolis, Ind., to Glenn Van Auken, to use 1050 kilocycles, 1,000 watts, and daytime operation. The order is effective May 11.

EXTENSION OF DATE OF RULE 981

The Broadcast Division of the Federal Communications Commission has further extended the working date of Rule 981 for six months from March 15. This rule requires all relay, international, television, facsimile, high frequency, and experimental broadcast stations to have in operation by September 15, 1936, a frequency monitor. This monitor does not have to be approved by the Commission but must have an accuracy of one half the allowed tolerance of the class of station with which it is to be used. It is believed that sufficient commercial monitors will be available within six months so that all stations of this class can be equipped as required.

NEW RADIO ENDORSEMENT BILL

Representative Maloney of Louisiana has introduced a bill (H. R. 5300) in the House "to require that personal endorsements of articles by radio be accompanied by a statement that the endorsement is paid for." The

bill, which has been referred to the House Committee on Interstate and Foreign Commerce, will be found on page 1985 of this issue.

PURE FOOD BILL PASSES SENATE

Senator Copeland's pure food and drug bill (S. 5) passed the Senate on Tuesday of this week with few amendments and practically no debate.

The bill as it passed the Upper House puts the advertising features of the bill under the direction of the Department of Agriculture instead of the Federal Trade Commission.

At a recent press conference the President stated that he was not satisfied with the bill and the amendments made did not take care of his objections. It is reported that the bill may be held up indefinitely in the House.

RADIO OPERATORS QUALIFICATION BILL

Representative Welch of California has introduced a bill (H. R. 5376) in the House in connection with the qualifications of radio operators which would amend the Communications Act. The bill, which has been referred to the House Committee on Interstate and Foreign Commerce, is as follows:

That section 303 (1) of the Communications Act of 1934 (U. S. C., 1934 ed., title 47, sec. 303), is amended by inserting the words "who are twenty-one years of age or over" after the words "United States", so that the amended paragraph will read:

"(1) Have authority to prescribe the qualifications of station operators, to classify them according to the duties

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to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States who are twenty-one years of age or over as the Commission finds qualified;”.

NEW COPYRIGHT BILL

Representative Daly of Pennsylvania has introduced a new bill (H. R. 5275) in the House dealing with the copyright situation. The bill, which has been referred to the House Committee on Patents, is different from the Daly bill of the last session of Congress and is also different from any of the copyright bills now pending in either House of Congress.

IOWA STATION RECOMMENDED

The Central States Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Council Bluffs, Iowa, to use 1500 kilocycles, 100 watts power, and unlimited time on the air.

Examiner Melvin H. Dalberg, in Report No. I-360, recommended that the application be granted. He found that “there is an apparent need for the additional service in the area proposed to be served, and the proposed program service is of a satisfactory nature.” The Examiner states further that “the proof seems to be clear that the operation of the proposed station would not result either in objectionable interference from it or to it from any existing station.”

STEWART DISSENTS ON KTSM DECISION

Commissioner Stewart has issued the following dissenting opinion in connection with the decision rendered a short time ago by the Federal Communications Commission in the KTSM case. Commissioner Stewart said:

“Dorrance D. Roderick applied for a permit to construct a new broadcast station at El Paso, Texas, to operate unlimited time with 100 watts power on the frequency 1500 kc. The Broadcast Division having granted that application, the Tri-State Broadcasting Company, Incorporated, licensee of Station KTSM, located at El Paso, has petitioned the full Commission to grant a rehearing under Section 405 of the Communications Act of 1934.

“There are now two time-sharing local stations in El Paso, apparently operated as a single full-time station. On the facts of the present case there are presented the questions of the need for another broadcast station in El Paso and the ability of that area to support a second station. The Division found that there was both need and support for applicant’s proposed station.

“The determination of need is a subjective process. There is no yard stick which can be applied against any

given set of statistics with the invariable result that the need for another broadcast station is or is not demonstrated. The best the Commission can do is to receive such testimony as is offered and announce its opinion as to the need. The opinion may be dignified by calling it a conclusion or a finding of fact, but nevertheless it remains an opinion, a kind of enlightened and informed guess.

“The finding of a need for an additional broadcast station in El Paso rests almost entirely upon applicant’s testimony that he wants a station and that some people he talked to would like to see another station in El Paso and are willing to advertise over it. Applicant introduced no witnesses other than himself to establish the need for a station in El Paso nor did he introduce depositions from persons in El Paso as to such need. Instead, he relied upon his impression of what people told him, a procedure which made effective cross-examination impossible. While I have no doubt that the publisher of such an important newspaper as the *El Paso Times* would be able to procure depositions supporting his desire for a broadcast station, it seems to me that the affirmative testimony in the present record is decidedly weak. In fact, if the applicant’s self-serving declarations were disregarded, it would be difficult to find any affirmative testimony at all.

“The intervenor, Station KTSM, presented as an expert a witness who testified as to the inability of the El Paso area to support another broadcast station. The Broadcast Division apparently declined to attach significant weight to his testimony; and it found there was sufficient potential advertising reasonably to assure adequate financial support for another broadcast station in El Paso.

“Developments subsequent to the hearing, as recited in the petition for rehearing, throw grave doubt upon the validity of the finding of adequate support. Thus, the opinion of the Broadcast Division states, and apparently substantial reliance is placed upon the fact, that ‘the evidence shows that three newspapers are now supported in the City of El Paso.’ The petition for rehearing states that subsequent to the hearing one of those newspapers has ceased publication with a statement of ‘regret that economically it is apparent El Paso can not adequately support three English newspapers.’ The petition further states that the other two newspapers, one of which is owned by a corporation in which applicant holds the majority of stock, have since the hearing entered into an arrangement ‘for the joint printing, sale and distribution of their newspapers, and for the sale of advertising, without affecting the ownership of either property.’ While such an arrangement is not unknown to the newspaper world, it is sufficiently unusual to create a strong implication that El Paso is having difficulty in supporting two English language newspapers conducted along the usual

competitive newspaper lines. These two developments subsequent to the hearing cast grave doubt upon the correctness of the finding that El Paso can support an additional broadcast station.

"Whenever reasonable doubt exists as to the ability of a community to support two stations, the Commission should look to the possible consequences of the operation of more than one station. In my opinion there is such a doubt on the record in the present case.

"The applicant herein owns the majority of the stock of the corporation publishing the *El Paso Times*, a daily newspaper published in El Paso. He testified that the newspaper and the broadcast station would be separate with reference to their business management and operation but otherwise identified with each other. The station will receive space rent free in a building on which the newspaper pays rent. Members of the newspaper staff will be used to produce programs. Applicant's proposed rates, which he admits are not based on the probable cost of operation of the station, are lower than those of KTSM. In the application for the station, it is recited that applicant is 'able and willing to operate station at loss, if necessary.' Many of the persons who are said to have agreed to buy time on applicant's station are now patrons of KTSM. Applicant's newspaper does not list the programs of KTSM; the manager of that station testified that applicant had given as his reason for not listing the programs that KTSM was competitive to the newspaper.

"From the above it is apparent that applicant is prepared to throw the resources of his newspaper behind his proposed broadcast station. In any struggle for existence between the two competing broadcast stations, the odds seem greatly in favor of the continuance of the station herein authorized. In that circumstance, the only broadcast station in El Paso will be owned and operated by the dominant stockholder in one of the two English language newspapers in the community. I believe the Commission should consider whether such a result is desirable.

"The criterion by which the law requires the Commission to judge applications is that of 'public interest, convenience or necessity.' It is my opinion that the application of this criterion requires that matters which have a bearing upon the ownership and control of broadcast stations should be given appropriate consideration. I believe that the ownership or control of broadcast stations by newspapers has an important bearing upon public interest.

"The newspaper has long served the community as its source of news and its guide to the offerings of the local and national market places, and, to some extent, has moulded the pattern for its thinking. As a purveyor of current news, until recently it has had no competitors. Similarly, until recently it has had relatively little competition for local advertising, although this has not been

true for national advertising. As to its influence upon thought patterns (except as influenced by its news columns), it has had to share the field with many others.

"Broadcasting directly challenged the newspaper in all three fields. It could deliver news faster (though normally in much less detail) than the newspaper. When the leading press associations refused to serve broadcast stations except upon a highly restrictive basis, independent press associations sprang up to furnish news to the stations. Local and national advertisers found radio a valuable method of putting their wares before the public. By bringing into the home the views of men whose views on public questions varied widely among themselves, broadcasting encouraged its listeners to do more thinking for themselves on those questions.

"Most important of all this, as I see it, is that the broadcast station has given the public a source of information independent of the newspaper. That many newspapers honestly endeavor to present a true picture of the course of events, I firmly believe. That some distort that picture to conform to the views of the publisher is apparent to anyone who gives thought to what he is reading, and who has any check on its accuracy. Editorial views are not always confined to the editorial page—they are sometimes permitted to influence the presentation of news. No one can question that there must be editorial discretion; no one should be expected to believe that such discretion may not, frequently or infrequently, reflect the prejudices of the editor or publisher.

"Most readers are dependent upon the intellectual integrity of the publisher, editor and reporters of the newspaper they read. The events reported are outside their personal experience and beyond their ability to test. Reading additional newspapers to get additional enlightenment is not practicable for most people. 'All I know is what I read in the papers' is more than the slogan of a well-remembered humorist; until recently at least, it was the confession of a national dependence.

"Broadcasting has given the listener the means of checking on the newspaper. More important, it has given him a means to supplement the information he gets from the paper, to get matter denied him in the process of editorial selection or because of the limited resources of the publisher. This does not mean that he always gets better or more accurate information over the radio. The reverse may often be the case. Editorial discretion is a part of the broadcaster's stock in trade as it is of the publisher. There are instances in which the broadcaster has used his editorial discretion in a manner heartily to be condemned by fair minded men. The main thing is that where the newspaper and the broadcast station are separately controlled, the listener may receive the full benefit of both—that he has more chance to decide for himself what is really happening, what its influence upon him, his family,

his community, his country is likely to be. Obviously the newspaper and the broadcast station can not be checked against each other when both are under the same control. To some this solicitude for channels of information, independent of each other may seem a counsel of confusion; to me, it is a principal hope of democracy.

"As possibly shedding some light on the question of public interest as affected by newspaper control of broadcast stations it may be observed that one of the most direct requests that the Commission limit the freedom of speech of broadcasters was made on behalf of the American Newspaper Publishers' Association. That Association, on June 22, 1936, requested the Commission to fix definite periods as the only times at which news could be broadcast.

"Persons familiar with developments in broadcasting are aware of the exceeding rapidity with which broadcast stations are passing into newspaper control. It is not possible to compile a list of newspaper controlled broadcast stations with assurance that it is complete. This is due to the fact that the Commission does not require the disclosure of information leading to ultimate control. Where the application of a station shows that its stock is owned by another company, the name of the owning company does not always give a clue to its real business. Thus one can not state with absolute finality the number of broadcast stations owned or controlled by or affiliated with newspapers or persons interested in publishing newspapers. The number may be somewhat larger than that given below.

Existing Stations Controlled by Newspapers
200

Pending Applications to Transfer Existing Stations to Newspaper Control
8

Pending Applications for New Stations to be Newspaper Controlled
103

"To show the rate of growth of newspaper control, it is of interest to note the date since which there has been continuous newspaper control of each of the 200 broadcast stations presently so controlled. There may be slight errors in the assignment of five stations in the following

"Likewise it is not possible to define in a single term all types of relationship between newspapers and broadcast stations. In some cases the company owning a newspaper owns the broadcast station; in some the same holding company owns both; in some each is owned by a separate holding company, in turn owned by the same persons; in some the publisher of the newspaper owns the station as an individual; and there are several other variations of the same general idea. For simplicity of expression I am referring to all such cases collectively as newspaper controlled stations. In the total figures for newspaper controlled stations given below, there are included 29 existing stations and 12 pending applications where the ascertainable newspaper interest is 49% or less or the common relationship is one which may fall short of control.

"In an endeavor to obtain complete information as to newspaper control of broadcast stations, I have supplemented the information disclosed by the Commission's records with such outside information as is available. The totals given below include four existing stations where the newspaper interest is not apparent from the Commission's records; in these cases the interest common between the newspaper and the broadcast station may be short of controlling. Within the limitations set out above, the following figures show the situation with respect to newspaper controlled broadcast stations as of February 16, 1937:

table due to the incompleteness of some of the records. The dates have been divided into three unequal groups, corresponding roughly to the three periods in the regulation of broadcasting:

Dates from which newspaper control has been continuous

<i>Pre-Federal Radio Commission (6 years)</i>		<i>Federal Radio Commission (7½ years)</i>		<i>Federal Communications Commission (2½ years)</i>	
<i>Year</i>	<i>Number of Stations</i>	<i>Year</i>	<i>Number of Stations</i>	<i>Year</i>	<i>Number of Stations</i>
1921	1	1927	4	1934 (2nd half)	10
1922	16	1928	6	1935 (1st half)	11
1923	3	1929	9	(2nd half)	15
1924	3	1930	12	1936 (1st half)	23
1925	2	1931	21	(2nd half)	26
1926	5	1932	12	1937 (Jan. 1 to Feb. 16)	8
		1933	5		
		1934 (1st half)	8		
Total	30	Total	77	Total	93

"It will be observed that comparatively few of the present stations were newspaper controlled during the highly experimental period prior to the creation of the

Federal Radio Commission. Newspaper control of most of them dates from the time when broadcasting had definitely demonstrated its value as a news distributing

medium and its power to make money as an advertising medium. More than one-half of them have come under newspaper control since January 1, 1934, after the revenues of broadcast stations had stood up so significantly during the depression. The greatest rate of increase has occurred since the establishment of the Federal Communications Commission. I shall not labor the rate of progression at which newspaper control has proceeded in recent months nor attempt to picture the future if that growth continues unabated. In 1936 the Commission approved nearly twice as many newspaper stations as during 1935. In the period January 1-February 16, 1937, eight newspaper controlled stations have been authorized; in the same period of 1936 none were authorized.

"There is no reason to believe that the demand for newspaper controlled stations will not continue. Although broadcast stations have come under newspaper control at a constantly accelerating rate, there were pending on February 16, 1937, a total of 111 applications the granting of which would result in other stations coming under newspaper control. The corresponding figure stood at 97 on October 1, 1936, at 87 on August 1, 1936, and at 62 on February 1, 1936. In other words, in spite of the rapidity with which newspaper stations have been authorized, there has been a steady increase in the number of applications yet to be acted upon. Even the open-handed policy thus far pursued has not been able to keep up with the demands of newspapers for broadcast stations.

"To those newspaper stations which were among the pioneers in the development of broadcasting, much credit is due. However, the table shows that few of the stations presently controlled by newspapers were among the pioneers. Most of the newspapers now controlling stations merely jumped on the bandwagon.

"Of more than passing interest is the following: in the case of only 78 out of the total of 200 newspaper controlled stations does the newspaper interest date from the construction permit or other original authorization. In the other 122 cases the newspaper interest has been projected into an already existing station.

"There are 103 cities in which the only broadcast station is newspaper controlled, 8 cities with two broadcast stations each in which both stations are newspaper controlled, and 2 cities with three broadcast stations each in which all three are newspaper controlled. Thus there are 113 cities in which all local broadcast stations are under newspaper control.

"Applying the foregoing statements to the present case, it seems to me that the Commission should not create a situation which may result in the control of the only local broadcast station passing to a newspaper. In reaching this conclusion, I consider it immaterial whether the editorial policy and practices of the *El Paso Times* are better or worse than those presently followed by Station KTSM.

The Commission must be concerned with the possibilities inherent in the situation, not with the particular manifestations of editorial discretion.

"The application for rehearing should be granted."

Broadcast Advertising In January

HIGHLIGHTS OF THE MONTH

Total broadcast advertising in January amounted to \$10,369,556, a decrease of 6.7% from the level of the preceding month but a 29.1% increase over gross time sales for the corresponding month of last year. The usual seasonal declines occurred in all portions of the medium. Compared to last January only regional networks failed to show a gain, declining 3.3%. The principal increase was registered in the national non-network field where advertising rose 42.2% over January, 1936.

Although all advertising media experienced the downward seasonal trend during January, radio broadcasting declined to the least extent when compared to December. Advertising in national magazines declined 26.1%, national farm papers 14.2%, and newspapers 25.3%.

Non-network advertising declined 12.8% as compared to December. Local station advertising decreased to the greatest extent, dropping 24.1%. Clear channel and regional station advertising declined 8.1% and 13.3%, respectively. A decline in volume of advertising was recorded in all sections of the country although the Pacific and Mountain Area declined to the least extent. Regional station advertising and advertising in the New England-Middle Atlantic Area showed the greatest gain over last January. However, all sizes of stations and geographical districts showed marked increases in non-network advertising.

Transcriptions showed the greatest decrease of any type of rendition during the month, declining 22.7%. However, all types dropped below the level of last month. Live talent volume declined 5.6%, records 11.4%, and announcements 17.2%. Records and announcements in the national non-network field and records and transcriptions in the local field showed the greatest gains when compared to last January.

Principal gains in national network advertising were registered in the radio set, gasoline and accessory and household equipment sponsor groups, while the clothing, confectionery, soap and kitchen supply, and miscellaneous groups declined as compared to last month. Clothing, confectionery, and tobacco advertising gained in the regional field, whereas accessory and drug volume declined. A decrease of 68.3% in national non-network automotive advertising was recorded during the month. In the local field, toilet goods, soaps and kitchen supplies, and accessories and gasoline showed increases and radio set, drug, clothing and automotive advertising dropped as compared

to December. Retail broadcast advertising during January declined 30.5% as compared to the previous month but remained 21.3% ahead of last January.

TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of January is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

Class of Business	Gross Time Sales	
	Dec., 1936	Jan., 1937
National networks.....	\$6,185,441	\$6,061,387
Regional networks.....	99,416	92,169
National non-network.....	2,461,200	2,313,700
Local.....	2,373,500	1,902,300
Total.....	\$11,119,557	\$10,369,556

Total broadcast advertising continued the usual seasonal trend by declining 6.7% from the level of the previous month. During the previous year the decline for this period amounted to 7.5%. All portions of the medium declined at about the usual seasonal amount. National network volume declined 2.1%, regional networks 7.2%, national non-network business 5.9%, and local advertising 19.8%.

Gross time sales for the month were 29.1% ahead of the volume recorded for last January. National non-network business showed the greatest gain, rising 42.2%. National network volume rose 27.8% and local advertising 20.9%. Regional network volume declined 3.3%.

COMPARISON WITH OTHER MEDIA

Radio broadcasting experienced the slightest decline in gross sales for the month of any of the major advertising media. National magazines declined 26.1% from the level of December, national farm papers 14.2%, and newspaper volume 25.3%. Broadcast advertising also showed the greatest gain over January 1936. Whereas radio broadcasting increased gross sales 29.1% over last January, national magazines gained 9.8%, national farm papers 28.3%, and newspaper volume remained at approximately the same level.

Advertising volume by major media during the month of January is found in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales	
	Dec., 1936	Jan., 1937
Radio broadcasting.....	\$11,119,557	\$10,369,556
National magazines ¹	12,264,808	9,065,572
National farm papers ¹	631,615	541,539
Newspapers ²	52,867,000	39,486,000
Total.....	\$76,882,980	\$59,462,667

¹ Publishers Information Bureau.

² Estimated.

NON-NETWORK ADVERTISING

Total non-network advertising followed the usual seasonal trend by declining 12.8% as compared to last month. Advertising over local stations declined to the greatest extent, falling 24.1% below the level of December. Non-network advertising over clear channel and high-powered regional stations declined 8.1%, while regional station volume decreased 13.3%.

Compared to January of last year, non-network advertising volume increased 31.7%, all classes of stations showing gains. Clear channel and high-powered regional station volume increased 22.3%, regional station volume 50.6%, and non-network advertising over local stations 13.2%.

Non-network advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	Gross Time Sales	
	Dec., 1936	Jan., 1937
Over 1,000 watts.....	\$1,983,600	\$1,823,100
250-1,000 watts.....	2,122,500	1,839,900
100 watts.....	728,600	553,000
Total.....	\$4,834,700	\$4,216,000

Declines in non-network advertising volume were experienced in all sections of the country as compared to last month. However, the volume in the Pacific and Mountain Area declined only 2.9% as against a decrease of 13.6% in the New England-Middle Atlantic Area, 14.4% in the South Atlantic-South Central Area, and 15.6% in the North Central Area.

The New England-Middle Atlantic Area showed the greatest gain over the corresponding month of last year, non-network advertising in that area rising 59.9%. Other regions experienced increases over last January as follows: South Atlantic-South Central Area 24.0%, North Central Area 21.6%, and Pacific and Mountain Area 29.4%.

Non-network advertising by geographical districts is found in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	Gross Time Sales	
	Dec., 1936	Jan., 1937
New England-Middle Atlantic Area.....	\$1,270,900	\$1,097,900
South Atlantic-South Central Area.....	915,500	783,000
North Central Area.....	1,854,900	1,564,700
Pacific and Mountain Area.....	793,400	770,400
Total.....	\$4,834,700	\$4,216,000

NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Transcription volume showed the greatest drop in the non-network field as compared to December, although all types of rendition registered declines. Total transcription volume declined 22.7% below last month's level. Live talent volume decreased 5.6%, records 11.4%, and announcements 17.2%. Compared to the volume of the corresponding month of 1936, total transcriptions rose 14.1%, live talent 36.6%, records 56.1%, and announcements 38.1%.

In the national non-network field, transcriptions dropped 18.7% as against last month. Live talent vol-

ume remained practically unchanged, while records and announcements registered gains of 4.9% and 3.4%, respectively. As against last January, transcriptions rose 9.4%, live talent 59.6%, announcements 74.4%, and record volume more than tripled.

In the local non-network field, transcriptions declined 34.6% from December but remained 35.6% above the level of the corresponding month of last year. Live talent declined 11.3% from last month, records 14.1%, and announcements 27.6%. Compared to last January, live talent gained 17.8%, records 41.4%, and announcements 20.3%.

Non-network advertising by type of rendition is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		Local		Total	
	Dec., 1936	Jan., 1937	Dec., 1936	Jan., 1937	Dec., 1936	Jan., 1937
Electrical transcriptions.....	\$874,800	\$710,850	\$291,120	\$190,130	\$1,165,920	\$900,980
Live talent programs.....	1,168,200	1,169,850	1,187,890	1,053,140	2,356,090	2,222,990
Records.....	14,400	15,110	86,410	74,200	100,810	89,310
Announcements.....	403,800	417,890	808,080	584,830	1,211,880	1,002,720
Total.....	\$2,461,200	\$2,313,700	\$2,373,500	\$1,902,300	\$4,834,700	\$4,216,000

SPONSOR TRENDS IN JANUARY

Principal gains to be registered over last month in the national network field were in the radio set, gasoline and accessory and household equipment groups. Clothing, confectionery, soaps and kitchen supply and the miscellaneous groups showed the major declines. All other sponsor groups showed little change. With exception of miscellaneous advertising, all sponsor groups showed gains over last January, principal gains being registered in the financial, radio set, soap and kitchen supply and automotive groups.

Clothing, confectionery and tobacco advertising showed increases in the regional network field as compared to December. Accessory and drug volume showed the principal declines. As compared to last January, clothing, beverage, accessory and financial advertising showed the major gains, while the drug, confectionery and household equipment groups registered declines.

In the national non-network field, automotive advertising declined 68.3% as compared to December. Accessory, clothing, and radio set advertising also showed substantial declines. All groups gained as compared to last January except the amusement, automotive, clothing, and radio set groups.

Toilet goods, soaps and kitchen supplies, and accessories and gasoline showed the only increases of importance in the local field as compared to December. Radio set, drug, clothing and automotive groups declined. With

the exception of amusements, drugs, toilet goods and confectionery, all groups were ahead of last January's totals.

Broadcast advertising during January by major product and service groups is found in Table VI on page 1978.

Detailed information regarding various sponsor groups during the month of January is as follows:

1a. **Amusements.** Compared to December, national non-network volume down 2.1% and local 24.5%. Total down 21.3%. National non-network down 27.5% and local 3.9% as against last January. Total down 9.2%.

1. **Automotive.** National network volume increased 6.9% over last month. Regional network volume declined from \$950 to \$540. National non-network and local business declined 68.3% and 31.8%, respectively. National network volume 82.4% ahead of last January. National non-network business declined 79.7% and local advertising increased 4.8%.

2. **Accessories and gasoline.** National network volume 27.4% above December and local advertising up 48.6%. Regional network volume down 21.2% and national non-network 33.1%. Gains over corresponding month of last year as follows: national networks 12.6%, regional networks 35.9%, national non-network 50.0%, and local 53.4%.

3. **Clothing.** Compared to December, national network volume down 23.6%, national non-network business 36.8%, and local advertising 30.2%. Regional network

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(JANUARY 1937)

Type of Sponsoring Business	National Networks	Regional Networks	Gross Time Sales		Total
			National Non-network	Local	
1a. Amusements.....	—	—	\$6,210	\$28,930	\$35,140
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$617,494	\$540	43,730	76,400	738,164
(2) Accessories, gas and oils.....	468,051	16,160	131,600	108,830	724,641
3. Clothing and apparel.....	29,718	3,345	32,620	271,240	336,923
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	613,537	9,176	521,420	61,360	1,205,493
(5) Toilet goods.....	1,085,472	4,860	132,920	16,210	1,239,462
6-8. Food products:					
(6) Foodstuffs.....	1,261,951	27,593	589,190	261,920	2,140,654
(7) Beverages.....	367,242	10,338	71,190	101,590	550,360
(8) Confections.....	131,170	3,000	44,760	11,660	190,590
9-10. Household goods:					
(9) Household equipment and furnishings.....	39,156	2,655	61,640	168,710	272,161
(10) Soap and kitchen supplies.....	355,702	200	112,510	8,930	477,342
11. Insurance and financial.....	74,410	1,812	19,450	100,560	196,232
12. Radios.....	285,710	—	6,500	19,520	311,730
13. Retail establishments.....	—	—	18,260	160,250	178,510
14. Tobacco products.....	421,369	8,420	143,460	7,500	580,749
15. Miscellaneous.....	310,405	4,070	378,240	498,690	1,191,405
Total.....	\$6,061,387	\$92,169	\$2,313,700	\$1,902,300	\$10,369,556

volume more than doubled. As against last January, national network volume rose 3.2%, local advertising 21.0%, and regional network volume tripled. National non-network advertising declined 3.5%.

4. *Drugs and pharmaceuticals.* National network volume alone increased over last month, rising 6.4%. Regional network volume declined 27.4%, national non-network business 2.5%, and local advertising 31.1%. Compared to the corresponding month of the preceding year, national network volume increased 20.7% and national non-network business 17.5%. Regional network volume declined 33.8% and local business 31.5%.

5. *Toilet goods.* National network volume and national non-network business down 7.6% and 10.6%, respectively, from December. Regional network volume remained the same, while local business increased 33.4%. Compared to last January, national network volume increased 15.6%, regional network volume 19.7%, and national non-network business 88.7%. Local advertising declined 29.5%.

6. *Foodstuffs.* Compared to last month, national network volume increased 3.1% and national non-network business 3.0%. Regional network business dropped 2.5% and local advertising 17.5%. As against the corresponding month of last year, national networks increased 38.7%, national non-network 76.8%, and local advertising 22.2%. Regional networks declined 4.3%.

7. *Beverages.* Compared to the previous month, national network volume declined 11.7%, national non-network business 11.5%, and local advertising 8.8%. Regional network business rose 15.3%. Gains over last January as follows: national networks 2.6%, national non-

network 64.3%, and local advertising 13.6%. Regional network business more than doubled.

8. *Confectionery.* National network volume 27.3% below December. Regional network volume and local advertising increased 56.7% and 15.1%, respectively. National non-network advertising declined 6.6%. Compared to the corresponding month of 1936, national network volume increased 4.0% and national non-network business 23.6%. Regional network volume dropped 55.7% and local business 33.3%.

9. *Household equipment.* As against last month, national network volume increased 26.5% and national non-network business 14.7%. Regional network business declined 9.6% and local business 21.8%. National network volume 1.8% above last January. National non-network business up 25.9% and local advertising 29.5%. Regional network business down 63.1%.

10. *Soaps and kitchen supplies.* National network business decreased 27.8% from December. Regional network business dropped from \$960 to \$200. National non-network and local volume increased 4.1% and 22.6%, respectively. Compared to last January, national networks increased 45.7%, national non-network 155.4%, and local advertising 23.3%.

11. *Financial and insurance.* National network volume 12.3% below December and regional network volume down 3.2%. National non-network up 10.6% and local advertising remained the same. Gains over last January as follows: national networks 110.2%, regional networks 44.0%, national non-network 79.9%, and local advertising 42.6%.

12. *Radios.* National network volume 57.8% above December. National non-network volume and local advertising down 79.5% and 45.4%, respectively. National network volume 207.8% greater than last January. National non-network business declined 55.0%, while local increased 75.0%.

13. *Department and general stores.* National non-network volume declined 17.5% as against December and local 29.0%. National non-network business 67.8% above corresponding month of last year. Local volume up 29.8%.

14. *Tobacco products.* Compared to last month, national network volume increased 4.3%, regional network volume 30.7%, and national non-network business 8.0%. Local advertising declined 2.4%. Gains over last January as follows: national networks 17.3%, regional networks 29.3%, national non-network business six times as great, and local business 56.9%.

15. *Miscellaneous.* As against last month, national network volume declined 28.7%, regional network volume 34.5%, and local advertising 20.6%. National non-network business increased 19.1%. Compared to the corresponding month of last year, national network volume declined 10.8% and regional network volume 50.6%. National non-network and local business gained 87.7% and 26.7%, respectively.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	Gross Time Sales	
	Dec., 1936	Jan., 1937
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$113,730	\$73,310
Gasoline stations, garages, etc.....	28,570	28,140
Clothing and apparel shops.....	426,290	291,610
Drugs and toilet goods:		
Drug stores.....	20,790	9,080
Beauty parlors.....	5,960	7,680
Food products:		
Grocery stores, meat markets, etc.....	46,960	51,010
Restaurants and eating places....	30,310	19,350
Beverage retailers.....	2,610	1,980
Confectionery stores.....	2,480	7,390
Household goods:		
Household equipment dealers.....	59,880	53,820
Furniture stores.....	141,680	103,390
Hardware stores.....	19,780	6,290
Radio retailers.....	36,110	14,330
Department and general stores....	247,990	176,600
Tobacco shops.....
Miscellaneous.....	227,340	135,000
Total.....	\$1,410,480	\$978,980

RETAIL BROADCAST ADVERTISING

Retail broadcast advertising over individual stations during January declined 30.5% as compared to the preceding month. This decline compares to a 29.4% drop registered at the same time last year. Retail broadcast

advertising still remained 21.3% ahead of the level of January, 1936. Decreases were fairly general as compared to December, only beauty parlors, grocery and confectionery stores showing increases. As compared to last January, clothing stores, household equipment dealers, furniture and department stores showed the principal gains, while drug stores, beverage retailers, and grocery store advertising registered declines.

Retail broadcast advertising during the month is found in Table VII.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3067. Making and selling automobile accessories, **Banner Manufacturing Co.**, 841 East 43rd St., **Brooklyn**, is charged with unfair competition in the sale of its products, in a complaint.

Banner Radiator Glycerine, marketed by the respondent company, was advertised as a safe anti-freeze, according to the complaint, while this product and other anti-freeze preparations of the respondent company were represented as furnishing the user protection against inferior compounds, the company certifying that the products were made in strict conformity of standard under strict supervision of the company's own laboratories.

These representations are alleged to lead the public into believing that the respondent company's anti-freeze solutions are safe and harmless for general use, are made under strict supervision of laboratories and manufactured at the company's premises, when in fact, according to the complaint, these assertions are not the facts and the company does not operate a laboratory for manufacturing, compounding and testing these products along scientific lines.

No. 3068. **Levy Bros. China Co., Inc.**, 467 Keap St., **Brooklyn**, is charged in a complaint with unfair competition in the sale of chinaware.

Labels on certain of the respondent company's products are alleged to have created the impression that they or the decorations thereon originated in Limoges, France, when this was not a fact. Chinaware made and decorated in Limoges has a favorable and valuable reputation in the United States, the complaint points out.

No. 3069. Alleging use of unfair methods of competition in the sale of a medicinal compound designated "Eucathol," a complaint has been issued against **The Eucathol Co., Inc.**, **Shawnee, Okla.**

The respondent corporation advertises over the radio and in newspapers, magazines and other printed matter, and allegedly represents, expressly or by implication, that use of Eucathol will prevent and cure, or is beneficial in the treatment of insect bites, sunburn, asthma and hay fever, catarrh, colds, scalds and burns, skin disorders, influenza and pneumonia, and other ailments.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1904. **William Alt**, 107 South Wells St., **Chicago**, engaged in the sale of toiletries, razor blades, notions and household utilities, will cease using on labels and in catalogues exaggerated or misleading representations concerning the value of his merchandise or the prices at which it is sold or intended to be sold in the usual course of trade. He also will stop using the word "New York" in any manner so as to imply that he has an office or a place of business in New York City, when such is not a fact. Alt trades as Star Novelty Utilities and Star Products Co., and, according to the stipulation, labeled certain of his products with the words "Star Products Company, New York, Chicago," when, in fact, he did not have a place of business in New York.

No. 1905. Dilex Institute of Feminine Hygiene, 33 West 47th St., New York City, engaged in selling, under the trade name La Dila Hygienic Institute, a product designated "La-Dila Method," agreed to discontinue making certain representations, the effect of which was to directly assert or imply that use of the feminine hygiene preparation it sells could be relied upon generally to accomplish the results claimed for it.

No. 1909. Munsell's Mineral Products Co., 1415 Sharp Building, Lincoln, Nebr., engaged in compounding and selling household remedies under the name "Munsell's Mineralization Tablets," stipulated that it will cease representing that its products, used alone, are a specific or remedy for any human ailment, but reserved its right to represent that they are beneficial to the general health in cases where they may supply a deficiency of any mineral salt which may be lacking and which deficiency has produced, or is tending to produce, a diseased condition. The company also will cease representing that its products are safe for self-medication if they contain any drug or ingredient, such as fluoride, in a quantity which may prove harmful when taken otherwise than under the direction of a physician. The stipulation sets out that there is no established authority for believing that mineral salts, when taken alone, will correct human ailments.

Nos. 1910-1913. Unfair representations in the interstate sale of extracts and an orange juice concentrate, will be banned by two concerns. These respondents are: **Alfredo Wanderlingh**, 2321 First Avenue, New York, trading as **Venus Importing Co.**, and **Bireley's, Inc.**, 1117 North Mansfield Avenue, Hollywood, Calif.

Wanderlingh, in the sale of extracts, agreed to stop employing the word "importing" as part of or in connection with the trade name under which they were sold, and to cease using this word or the word "importati" on labels implying that the articles referred to are imported from Italy or elsewhere, or that Wanderlingh is an importer, when such are not the facts.

Use of the phrase "Laboratorio Chimico Italiano" to imply that Wanderlingh maintains a chemical laboratory in Italy, will be discontinued, as will be the use of pictorial or other representations tending to indicate that medals or crosses were awarded Wanderlingh in connection with exhibition of his products at an exposition or fair.

Bireley's, Inc., in the sale of "Bireley's Dairy Orange Juice" and "Bireley's Orangeade," stipulated that it would cease seeking or obtaining agreements, promises or assurances from distributors that they would cooperate with Bireley's in a system of resale price maintenance for Bireley products.

The respondent corporation's product is said to have been sold to a large number of distributors and to several chain stores. Distributors were required to sign a written agreement that Bireley's would fix a minimum retail price and that the distributors would not under any circumstances sell for less than the prices so established.

No. 2860. Gulf Coast Oil Company of Mississippi, Inc., 3331 St. Charles Ave., New Orleans, has been ordered to discontinue unfair methods of competition through simulation of the brand names and trade marks of the products of competitors, including Gulf Refining Co., and Ethyl Gasoline Corporation and its licensees. The order also is directed against Anthony Paciera, president of the respondent corporation.

The respondents are ordered to cease and desist from representing, through use of the word "Gulf," either alone or with other words simulating the brand names under which Gulf Refining Company sells its products, that their motor oils and gasolines are those of their competitor. The respondents also are directed to discontinue making the same representation through use of any symbol, term or device.

In advertising their products, the respondents are not prohibited from using their entire corporate name or any trade or brand name which includes the words "Gulf Coast," so long as they do not use the word "Gulf" in any manner unless the word "Coast" appears in close proximity thereto in letters equally prominent and of the same type. The order does not prevent the respondents from using any yellow or orange color scheme on their stations, pumps and other equipment.

Nos. 2882-2777. Practices permitting use of a lottery or game of chance in the sale of candy to jobbers and wholesalers for resale to retailers, are prohibited under orders to cease and desist issued against **The Euclid Candy Co.**, of California, Inc., 715 Battery St., San Francisco, and **Plantation Chocolate Co., Inc.**, 3150 Janney St., Philadelphia.

Candy assortments sold by the respondent companies to wholesalers and retailers were arranged so that prizes could be given to

consumers procuring certain candies designated by a color different from the other candies in the collections, according to the findings.

No. 2901. An order to cease and desist has been entered directing **National Kream Co., Inc.**, 360 Furman St., Brooklyn, to cease and desist from unfair methods of competition in the sale of flavoring extracts.

The respondent corporation is ordered to discontinue advertising or representing, through use of words of any foreign language, or through symbols or picturizations, that flavoring extracts manufactured in the United States are produced in Italy or any other foreign country and imported into this country. Other representations ordered discontinued are that the respondent corporation's extracts were exhibited or awarded a prize at any exposition.

FTC CLOSES CASE

No. 2751. The Federal Trade Commission has closed its case against **Thomas Leeming & Co., Inc.**, 101 West 31st St., New York, that respondent having entered into a stipulation with the Commission to discontinue certain unfair trade practices in connection with the sale of a treatment for the relief of pain designated "Baume Analgesique" or "Baume Bengue." The Commission's complaint was issued March 30, 1936.

Under the stipulation, the respondent corporation will cease representing that Baume Bengue will allay or relieve pain in any part of the body except in the local area of application; will stay in the area where it is applied until the pain is banished, and will penetrate deeper or through muscles to the pain itself.

The claim that Baume Bengue is the only "true" Baume Analgesique also will be discontinued, as will any similar representation which may reasonably be taken to imply that there are no other reputable or authentic preparations on the market of substantially similar ingredients and therapeutic properties.

In closing the case, the Commission reserved the right to reopen it, should the facts warrant, and to resume prosecution of the complaint in accordance with regular procedure.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, March 15:

Monday, March 15

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—H. O. Davis, Mobile, Ala.—C. P., 610 kc., 250 watts, 500 watts LS, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Waterloo Times-Tribune Pub. Co., Waterloo, Iowa.—C. P., 1370 kc., 100 watts, daytime.

NEW—Harold Thomas, Pittsfield, Mass.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, March 16

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Arthur H. Croghan, Minneapolis, Minn.—C. P., 1310 kc., 100 watts, daytime.

NEW—Troy Broadcasting Co., Inc., Troy, N. Y.—C. P., 950 kc., 1 KW, daytime.

Wednesday, March 17

HEARING BEFORE AN EXAMINER

(Broadcast)

KRLH—Clarence Scharbauer, Midland, Texas.—Modification of license, 1210 kc., 100 watts, daytime.

Thursday, March 18

HEARING BEFORE THE COMMISSION
EN BANC *

* (There is a petition pending for postponement of this hearing.)

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time. (Requests facilities of WARD, WVFW and WLTH). Present assignment: 1400 kc., 500 watts. Share-WLTH, WARD and WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts. Share-WLTH, WARD and WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts (Auxiliary transmitter). Share-WARD, WLTH and WVFW.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time. (Requests facilities of WARD, WLTH and WBBC). Present assignment: 1400 kc., 500 watts. Share-WARD, WLTH and WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts. Share-WARD, WLTH and WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—C. P. to make changes in equipment; 1400 kc., 500 watts. Share WARD, WLTH and WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Transfer of control of corp.; 1400 kc., 500 watts. Share WARD, WLTH and WBBC.

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license, 1400 kc., 1 KW, unlimited time. (Requests facilities of WBBC, WLTH, WARD and WVFW)

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—C. P. to move transmitter; 1400 kc., 500 watts. Share WVFW, WLTH and WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts. Share WVFW, WLTH and WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp., 1400 kc., 500 watts. Share WVFW, WLTH and WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts. Share WARD, WVFW and WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp., 1400 kc., 500 watts. Share WARD, WVFW and WBBC.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P., 1400 kc., 500 watts, unlimited time. (Requests facilities of WBBC, WLTH, WARD and WVFW)

APPLICATIONS GRANTED

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted C. P. approving transmitter site 0.85 miles from present location; change in composite equipment, and installation of vertical radiator.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted C. P. for changes in directional antenna.

KMAC—W. W. McAllister, San Antonio, Texas.—Granted license to cover C. P.; 1370 kc., 100 watts night, 250 watts day, share KONO.

KFJB—Marshall Electric Co., Inc., Marshalltown, Ia.—Granted modification of C. P. to extend completion date from 3-18-37 to 5-18-37.

KCKN—WLBF Broadcasting Co., Kansas City, Kans.—Granted modification of license to change name from WLBF Broadcasting Co., to The KGKN Broadcasting Co.

KRRR—Southern Oregon Publishing Co., Roseburg, Ore.—Granted authority for changes in automatic frequency control apparatus.

KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted license to cover C. P. and modifications thereof, 1500 kc., 100 watts night, 250 watts day, unlimited.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted license to cover C. P. and modifications thereof; 890 kc., 1 KW night, 5 KW day, unlimited time; also granted authority to determine operating power by direct measurement of antenna input.

KJBS—Julius Brunton & Sons Co., San Francisco, Cal.—Granted license to cover C. P.; 1070 kc., 500 watts night and day, limited time.

KSFO—Associated Broadcasters, Inc., San Francisco, Cal.—Granted modification of C. P. to move transmitter site locally.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of C. P. to extend completion date from April 6 to June 7, 1937.

KRNT—Iowa Broadcasting Co., Des Moines, Ia.—Granted Modification of C. P. to make changes in transmitting equipment and antenna system authorized by C. P.

WSMB—WSMB, Inc., New Orleans, La.—Granted modification of C. P. for authority to change transmitter site authorized by C. P. from Algiers Naval Station to Behrman Highway, New Orleans.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted Modification of C. P. to move station to Brownsville, exact studio sites and type of antenna to be determined with Commission's approval; installation of new equipment; and extension of commencement date to 60 days after grant and completion date to 180 days thereafter.

WMCA—Knickerbocker Broadcasting Co., New York City—Granted modification of license to increase operating power of auxiliary transmitter from 500 watts to 1 KW for emergency purposes only.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted authority to make changes in automatic frequency control apparatus.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

Columbia Broadcasting System, Inc., New York City.—Granted extension of authority to transmit programs to Canadian stations CFBR and CKAC and to stations of the Canadian Broadcasting Corp. (formerly Canadian Radio Broadcasting Commission).

NEW—General Electric Company, Albany, N. Y.—Granted C. P. for new high frequency broadcast station; frequencies 31600, 35600, 38600 and 41000 kc., 150 watts.

SET FOR HEARING

NEW—Petersburg Newspaper Corp., Petersburg, Va.—Application for C. P. for new station; 1210 kc., 100 watts night, 250 watts day, specified hours. Full time Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays; 6 to 10:30 a. m., 1:30 to 5:30 p. m., 7 to 7:30 p. m., 9:30 to midnight, EST, Sundays. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Carolinas Radio, Inc., Charlotte, N. C.—Application for C. P. for new station; 880 kc., 500 watts night, 1 KW day, unlimited, exact transmitter and studio sites to be approved.

NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, Tex.—Application for C. P. for new station amended to request 1500 kc., 100 watts, unlimited.

NEW—John W. Haigis, Greenfield, Mass.—Application for C. P. for new station; 1210 kc., 250 watts, daytime only, exact transmitter site to be determined with Commission's approval.

NEW—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland and A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Application for C. P. for new station; 1310 kc., 100 watts night, 250 watts day, unlimited, exact transmitter and studio sites to be determined with Commission's approval.

NEW—George H. Payne, San Jose, Calif.—Application for C. P. amended so as to request 1440 kc., 500 watts, unlimited, exact transmitter site to be determined with Commission's approval.

NEW—Howard A. Miller, Galesburg, Ill.—Application for C. P. amended to request 1500 kc., 100 watts, daytime only, exact transmitter site to be determined.

NEW—John D. Fields, Inc., Las Vegas, Nev.—Application for C. P. amended to request 1370 kc., 100 watts, unlimited, exact transmitter site to be approved.

NEW—World Publishing Co., Tulsa, Okla.—Application for C. P. amended to request 940 kc., 1 KW night, using directional antenna, 5 KW day, unlimited.

NEW—Thomas R. Waters, Jr., Sydney R. Lines, Jr., and Gomer Thomas, d/b as Skagit Broadcasting Asso., Bellingham, Wash.—Application for C. P. amended to request 1200 kc., 100 watts night, 250 watts day, unlimited time, exact trans-

mitter and studio sites and type of antenna to be determined with Commission's approval (facilities of KVOS).

NEW—Voice of Detroit, Inc., Detroit, Mich.—Application for C. P. amended to request 1120 kc., 500 watts night, 1 KW day, unlimited, directional antenna for night-time operation only. Exact transmitter and studio sites to be determined with Commission's approval.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Application for C. P. to move locally, transmitter to 100 N. Pulaski Road and studio to 14 North Western Ave.; install new equipment.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Application for C. P. for approval of transmitter site at 5200 E. 11th St., Kansas City, Mo.; installation of new equipment and directional antenna system; change frequency from 1370 kc. to 1450 kc.; increase power from 100 watts to 1 KW, DA night-time.

KGO—National Broadcasting Co., San Francisco, Calif.—Application for C. P. amended to request move of transmitter to near Belmont, Calif.; install vertical radiator and new equipment; increase power from 7½ KW to 50 KW.

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—Application for C. P. amended to request move of transmitter site locally to East Shore Lake Kampeska; change frequency from 1210 kc. to 1340 kc.; increase power from 100 watts, unlimited, to 250 watts night, 500 watts day, unlimited. Desires facilities of KGDY.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Application for C. P. amended to request change in transmitter site to E. Shore Highway and studio to 2337 Shattuck Ave.; install new equipment and vertical radiator; change frequency to 1440 kc.; increase power to 500 watts night, 1 KW day, unlimited.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Application for C. P. to move transmitter site locally; change equipment; install directional antenna system; change frequency from 1310 kc. to 1290 kc.; increase power from 100 watts night, 250 watts day, unlimited, to 500 watts night, 1 KW day, using directional antenna for night-time operation.

KGKL—KGKL, Inc., San Angelo, Tex.—Application for C. P. to move transmitter locally in Tom Green County; install new equipment and vertical radiator; change frequency from 1370 kc. to 940 kc.; increase power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day, unlimited.

KSLM—Oregon Radio, Inc., Salem, Ore.—Application for C. P. to install new equipment; make changes in antenna; change frequency from 1370 kc. to 1110 kc.; increase power from 100 watts, unlimited, to 500 watts, unlimited. To be heard before the Broadcast Division.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Application for modification of license for increase in night power from 1 KW to 5 KW. To be heard before the Broadcast Division.

NEW—West Virginia Newspaper Publishing Co., Clarksburg, W. Va.—Application for C. P. for new station; 1250 kc., 1 KW, daytime only, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Radiotel Corp., San Diego, Calif.—Application for C. P. for new station; 920 kc., 500 watts, unlimited time, transmitter site to be determined.

NEW—Scott M. Matheson, d/b as Provo Broadcast Co., Provo, Utah.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Application for modification of license to increase night power from 500 watts to 1 KW.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Application for modification of license to increase night power from 1 KW to 5 KW (day power increase from 2½ KW to 5 KW has been requested and designated for hearing 2-16-37). To be heard before the Broadcast Division.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Application for modification of license to increase night power from 100 watts to 250 watts. To be heard before the Broadcast Division.

WSPD—The Fort Industry Co., Toledo, Ohio.—Application for modification of license to increase night power from 1 KW to 5 KW.

APPLICATIONS DENIED

WQDM—E. J. Regan and F. Arthur Bostwick, St. Albans, Vt.—Denied special temporary authority to operate on frequency 1370 kc. with 100 watts power at location authorized by C. P.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Denied special temporary authority to operate on frequency 610 kc. with 1 KW from 1 a. m. to 6 a. m., EST, from March 14 to 23, 1937, for the purpose of conducting antenna and field intensity data to be used in support of application requesting change in frequency to 610 kc.

The following application, heretofore set for hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 104.6 (c):

NEW—Malcolm H. Clark (Clark Radio Service), Amarillo, Tex.—C. P., 1500 kc., 100 watts night, 100 watts LS, unlimited time.

APPLICATIONS DISMISSED

NEW—John S. Braun, Waco, Tex.—On February 23, 1937, the Broadcast Division denied the petition of this applicant requesting dismissal without prejudice of application for C. P. for new station, 1500 kc., 100 watts LS, daytime only. The application is, therefore, now dismissed with prejudice.

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

NEW—Lou Poller, Jessup, Pa.—C. P., 1370 kc., 250 watts LS, daytime.

WMFR—WMFR, Inc., High Point, N. C.—Modification of license, 1200 kc., 100 watts, specified hours.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. 1-351: Golden Empire Broadcasting Co., Marysville, Calif.—Granted oral argument to be held April 8, 1937.

NEW—Ex. Rep. 1-352: George Harm, Fresno, Calif.—Granted oral argument to be held April 29, 1937.

WAAB—Ex. Rep. 1-355: Bay State Broadcasting Corp., Boston, Mass.—Granted oral argument to be held April 29, 1937.

ACTION ON EXAMINERS' REPORTS

KGDM—Ex. Rep. 1-227: E. F. Peffer, Stockton, Calif.—Denied modification of license to change power from 1 KW day to 1 KW night and day; change hours of operation from daytime to limited; 1100 kc. Examiner Ralph L. Walker sustained. Order effective May 4, 1937.

NEW—Ex. Rep. 1-313: Glenn Van Auken, Indianapolis, Ind.—Granted C. P. for new broadcast station to operate on 1050 kc., 1 KW, daytime (site to be determined, subject to Commission's approval). Examiner P. W. Seward sustained. Order effective May 11, 1937.

NEW—Ex. Rep. 1-318: Asheville Daily News (Harold H. Thoms, owner), Asheville, N. C.—Remanded to docket for further hearing application for C. P. for new broadcast station to operate on 1370 kc., 100 watts, unlimited time.

KXL—Ex. Rep. 1-319: KXL Broadcasters, Portland, Ore.—Granted renewal of license; 1420 kc., 100 watts night, 250 watts day, share time with KBPS (KXL 6/7 time, KBPS 1/7 time). Also granted authority to transfer control of corporation from H. B. Read to T. W. Symons and E. B. Craney. Examiner P. W. Seward sustained. Order effective May 11, 1937.

EFFECTIVE DATE EXTENDED

KTFI—Ex. Rep. 1-249: Radio Service Corp., Pocatello, Idaho.—Effective date of order extended to March 23, 1937.

SPECIAL AUTHORIZATIONS

WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authorization to operate with reduced power pending arrival of new transformer for a period not to exceed thirty days.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authorization to operate simultaneously with WILL from 8 a. m. to 11 a. m. and 5 p. m. to 6 p. m. daily, except Sundays, during the month of April, 1937.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authorization to operate simultaneously with WILL from 4 p. m. to 5 p. m., March 21 and 28, 1937, in order to broadcast additional Eastern time programs.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted special temporary authorization to operate from 2 to 3 p. m., AST, March 26, 1937, in order to broadcast a religious service on Good-Friday from a local church.

WGBF—Evansville On The Air, Inc., Evansville, Ind.—Granted special temporary authorization to operate simultaneously with KFRU, from local sunset (6:15 p. m., CST) to 12 midnight, with reduced power of 250 watts, on March 20 and 27, 1937, in order to broadcast semi-final and final state championship basketball games.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authorization to operate simultaneously with WGBF, from local sunset (6:15 p. m., CST) to 12 midnight, with reduced power of 250 watts, on March 20 and 27, 1937, in order to broadcast semi-final and final state championship basketball games.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authorization to maintain and employ the present licensed 6-B transmitter of station WKRC as station's auxiliary transmitter without approved frequency monitor and modulation monitors (waiver of Rule 145), for a period not to exceed thirty days to commence on the date the pending application for license for new transmitter is granted by the Commission. Station WKRC will be held responsible for deviation of more than 50 cycles even though permitted to operate without a frequency monitor.

WOW—Woodman of the World Life Insurance Association, Omaha, Nebr.—Granted extension of special temporary authorization to operate with power of 5 KW at night for the period beginning March 28, 1937, and ending in no event later than April 26, 1937.

WEEL—Columbia Broadcasting System, Inc., Boston, Mass.—Granted special temporary authorization to maintain and employ the present licensed transmitter as auxiliary unit without an approved frequency monitor (waiver of Rule 145), (station to be held responsible for deviations of more than 50 cycles from assigned frequency, even though it is permitted to operate without approved frequency monitor (Rule 144), for a period of thirty days from March 1, 1937, during program tests; also maintain present transmitter as auxiliary unit for period thirty days commencing date upon which pending application for license (B1-L-550) for new transmitter is granted.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authorization to operate from 12:30 p. m., to 2:30 p. m., March 26, 1937, in order to broadcast Union Services direct from the auditorium of the First Presbyterian Church of Calumet, Mich.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authorization to operate from local sunset (6:30 p. m.) to 9 p. m., March 15 to 20, inclusive, and March 22 to 27, 1937, inclusive, in order to broadcast Lenten Church Services.

WHBB—W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Granted special temporary authorization to operate nighttime hours on March 10, 1937, in order to carry election returns on Alabama referendum on state repeal of 15th. amendment.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted special temporary authorization to operate from local sunset (6:30 p. m.) to 9 p. m., EST, March 11, 1937, in order to broadcast annual banquet of the High Point Chamber of Commerce from ballroom of the Sheraton Hotel.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authorization to operate from local sunset (8:15 p. m.), to the conclusion of President Roosevelt's speech on Tuesday, March 9, 1937.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authorization to operate a minimum of seven hours daily, instead of unlimited time, for the period beginning March 23, 1937, and ending in no event later than March 29, 1937, inclusive, in order to observe the spring vacation at the State University of Iowa.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authorization to operate with a power not to exceed 25 watts on the following frequencies: 550, 590, 650, 710, 780, 830, 890, 940, 990, 1050, 1100,

1140, 1190, 1240, 1300, 1350, 1400, 1460, 1520, 1550, and 1600 ke., between the hours of 1 a. m. and 6 a. m., for a period not to exceed three weeks from April 16, 1937, in order to obtain information on the performance of roof antennas by taking measurements of the field produced by new tower at various heights.

MISCELLANEOUS

KRKO—Lee E. Mudgett, Everett, Wash.—Granted petition asking Commission to continue for approximately 90 days hearing on application for C. P. for new radio broadcasting station to operate on 1420 ke., 100 watts night, 250 watts LS, unlimited time. Hearing now scheduled for March 29, 1937.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Denied petition asking that hearing upon its application for modification of license to authorize operation on frequencies of 890 ke., 5 KW, unlimited, be held on or about March 29, 1937. This application is scheduled to be heard before the Broadcast Division at a date to be determined.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted petition to intervene in proceedings relative to application of Edward Hoffman for modification of license of station WMIN to change frequency from 1370 ke. to 1360 ke., and to increase night power from 100 watts to 250 watts, day power to remain the same: 250 watts.

NEW—Fayette Broadcasting Corp., Uniontown, Pa.—Reconsidered action of December 1, 1936, and granted application for new radio broadcasting station at Uniontown to operate on 1420 ke., 250 watts, daytime only; KQV, Pittsburgh, Pa., has withdrawn protest. Action subject to approval by Commission of transmitter site.

KXYZ—Harris County Broadcasting Co., Houston, Tex.—Granted petition to intervene in hearing on application of Dr. William States Jacobs for C. P. to erect new 1 KW, unlimited time station, to operate on 1220 ke. Hearing scheduled for April 5, 1937.

NEW—W. E. Whitmore, Roswell, N. Mex.—Denied petition asking Commission to reconsider action of January 19, 1937, and grant without hearing application for new radio broadcasting station at Hobbs, N. Mex., to operate on frequency of 1500 ke., 100 watts, daytime only.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted petition to intervene in proceedings relative to application of Malcolm H. Clark for C. P. to authorize new broadcasting station at Amarillo, Tex., to operate on 1500 ke., 100 watts, unlimited time.

NEW—W. H. Hartman Company, Waterloo, Ia.—Granted motion asking Commission to continue for approximately 60 days hearing upon application for C. P. for new broadcast station at Waterloo, Ia., to operate on 1420 ke., 100 watts, unlimited time. Hearing now scheduled for April 2, 1937.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas.—Granted informal request for further extension of the working date of Rule 132, with respect to equipment, for a period not to exceed 45 days, within which time the station shall have complied with Rule 132 and the station advised no further extension will be granted.

RATIFICATIONS

The Broadcast Division ratified the following actions authorized on the dates shown:

WSAU—Northern Broadcasting Co., Inc., Madison, Wis.—Granted extension program test period 30 days from March 1, 1937.

WGNY—Peter Goelet, Newburgh, N. Y.—Granted extension program test period 30 days from March 1, 1937.

W8XIK-W8XFO—Crosley Radio Corp., Cincinnati, Ohio.—Granted authority operate W8XIK as licensed on March 8, 15, 22 and 29 relaybroadcast street interviews program, "For Men Only." Also granted authority operate W8XFO as licensed on March 5, 12, 19 and 26 relaybroadcast polo matches at Cavalry Armory.

KPLC—Calcesieu Broadcasting Co., Lake Charles, La.—Granted extension program test period 30 days from March 5, 1937.

W9XPN-W9XPV—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority operate as licensed for period 30 days beginning March 5 for relaybroadcast WPA projects and March 4 and 5 relaybroadcast material from plane over Decatur, Ill.

W10XV-W10XGC—National Broadcasting Co., Inc., New York, N. Y.—Granted authority operate as licensed March 6 and 7 in New York City relaybroadcast program "Feeding a City."

WAAK-W4XBT-W4NBZ—WSOC, Inc., Charlotte, N. C.—Granted authority operate as licensed on Tuesdays beginning March 23 for a period not to exceed 30 days ending April 21, 1937, for relaybroadcast from industries and other important points provided wire facilities are not available. Also to operate as licensed on March 17, from Shrine Country Club in Mecklenburg County for broadcast over WSOC.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to use licensed 6-B 1 KW transmitter as an auxiliary for the period beginning February 12 and ending in no event later than March 13 during program test period.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST (March sunset, 6:15 p. m.), on Tuesdays, Thursdays, Saturdays, and Sundays, during the month of March, 1937, pending compliance with Rule 131 on modification of license application requesting this authority.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate simultaneously with KOB from 5:30 p. m. to 6 p. m., PST, February 27, 1937, in order to broadcast talk by Governor LaFollette of Wisconsin in reply to Senator Wheeler's talk on judiciary proposal.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authority to operate simultaneously with WILL from 5 p. m. to 6 p. m., CST, daily, except Sundays, during the month of March, 1937.

The Broadcast Division waived Rule 106.22 and granted the motion of Ann Arbor Broadcasting Co., Inc., for authority to take depositions in support of its application reconstruction permit for new station, Docket No. 4178.

The Broadcast Division waived Rule 104.6 and accepted the appearance of Dr. William States Jacobs Broadcasting Company in the hearing on its application for construction permit for new station at Houston, Texas, Docket No. 4269, and denied the motions of Bayou Broadcasting Company, Southland Industries, Inc., and Wren Broadcasting Company to default the application for failure to file appearance within the time prescribed by Rule 104.6. The Broadcast Division directed that the hearing date of Dr. William States Jacobs Broadcasting Co. (Docket No. 4269) be changed from March 5 to April 5, 1937.

The Broadcast Division waived Rule 105.20 and granted the petitions of McClatchy Broadcasting Co., Fresno, Calif., and George Harm, Fresno, Calif., to intervene in the proceedings upon the application of Chase S. Osborn, Jr., for C. P. for a new station at Fresno, Calif., Docket No. 4366.

The Broadcast Division granted the petition of E. F. Peffer (KGDM), Stockton, Calif., to intervene in the proceedings upon the application of Peninsula Newspapers, Inc., Palo Alto, Calif., for C. P. for new station (Docket 3845).

The Broadcast Division granted the petition of Pacific Agricultural Foundation, Ltd. (KQW), San Jose, Calif., to intervene in the proceedings upon the application of Peninsula Newspapers, Inc., Palo Alto, Calif., for C. P. for new station.

The Broadcast Division granted petition of United Theatres, Inc., to intervene in the hearing upon the application of Juan Piza for C. P. for new station at San Juan, P. R., Docket 4309, and denied the petition of United Theatres, Inc., for postponement of hearing upon said application.

APPLICATIONS RECEIVED

First Zone

WEEL—Columbia Broadcasting System, Inc., Boston, Mass.—590 License to cover construction permit (B1-P-1196) for new equipment, increase in power, and move of transmitter.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—1210 Special experimental authorization to operate simultaneously with WBRB, sharing as before with WGBB and WGNV, for regular license period.

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—1210 Modification of construction permit (B1-P-529) for approval of transmitter site at Centerton and Burlington Roads, Upper Deerfield, N. J., and studio at Pearl and Commerce Streets, Bridgeton, N. J.

NEW—Hearst Radio, Inc., Washington, D. C.—Construction permit for a booster station on 1310 kc., 250 watts, to operate synchronously with main transmitter of proposed broadcast station daytime only, site to be determined in or near Washington, D. C. Requests facilities of WOL, contingent on the granting of WOL's application for frequency of 1230 kc.

NEW—Hearst Radio, Inc., Washington, D. C.—Construction permit for a booster station on 1310 kc., 250 watts, to operate synchronously with main transmitter of proposed broadcast station daytime only, site to be determined in or near Washington, D. C. Requests facilities of WOL, contingent on the granting of WOL's application for frequency of 1230 kc.

Second Zone

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va. 890 —Construction permit to install a new transmitter and increase power from 500 watts, 1 KW day, to 1 KW night, 5 KW day. Amended to install directional antenna for night use.

NEW—John Stewart Bryan, Petersburg, Va.—Construction permit for a new station to be operated on 1370 kc., 100 watts, daytime. Amended to change name from John Stewart Bryan, Douglas Freeman and Tennant Bryan, co-partners, to John Stewart Bryan; change requested frequency from 1370 kc. to 1210 kc., power from 100 watts to 100 watts night, 250 watts daytime, hours of operation from daytime to unlimited except Sunday, when WBBL operates between 10:30 a. m. to 1:30 p. m., 5:30 to 7 p. m., and 7:30 to 9:30 p. m., EST; and make changes in requested equipment. Requests facilities of WMBG.

NEW—Arlington Radio Service, Inc., Arlington, Va.—Construction permit for a new station to be operated on 850 kc., 250 watts, daytime. Amended to change frequency from 850 kc. to 1510 kc., and hours of operation from daytime to unlimited, using 250 watts power.

WGAL—WGAL, Inc., Lancaster, Pa.—License to cover construction permit (B2-P-1330) for move of transmitter and studio and install new antenna.

W8XIK—The Crosley Radio Corp., Cincinnati, Ohio.—License to cover construction permit for changes in equipment and increase in power.

W8XIL—The Crosley Radio Corp., Mobile.—License to cover construction permit for changes in equipment and increase in power.

WAAX—The Crosley Radio Corp., Cincinnati, Ohio.—License to cover construction permit for a new relay broadcast station.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

NEW—Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 40 watts.

Third Zone

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—890 Authority to transfer control of corporation from Radio, Inc., to T. H. Barton, 617 shares of common stock.

WBBZ—Adelaide L. Carrell, Representative, Estate C. L. Carrell, 1200 Deceased, Ponca City, Okla.—Construction permit to install new equipment, make changes in antenna, and increase day power from 100 watts to 250 watts. Amended to change name from Howard Johnson, Representative, Estate C. L. Carrell, Deceased, to Adelaide L. Carrell, Representative, Estate C. L. Carrell, Deceased.

WFTC—Jonas Weiland, Kinston, N. C.—License to cover construction permit (B3-P-944) as modified for a new station.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to change frequency from 1200 kc., to 620 kc.; make changes in equipment; increase power from 100 watts, 250 watts daytime, to 500 watts day and night; and install directional antenna for night use.

WDSU—WDSU, Inc., New Orleans, La.—Construction permit to 1250 install a new transmitter, increase power from 1 KW to 5 KW, and make changes in antenna system.

NEW—The Enterprise Co., Beaumont, Tex.—Construction permit 1400 for a new station to be operated on 1400 kc., 500 watts, unlimited time.

WJPO—Baton Rouge Broadcasting Co., Baton Rouge, La.—Modification of construction permit (B3-P-975) for new equipment, increase in power, change of frequency and hours of operation, further requesting changes in antenna, move of transmitter from Magnolia and 5th Street, Baton Rouge, La., to Baton Rouge, La.; change hours of operation from specified hours to unlimited time and extend commencement and completion dates. Amended to change requested hours of operation from unlimited time to unlimited time except 8 to 9 p. m. Monday.

WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Modification of 1450 construction permit (B3-P-745) for move of transmitter and studio, requesting authority to install new equipment, for approval of transmitter site at Parkway Drive and East Avenue, Atlanta, Ga., and approval of antenna. Amended to change requested transmitter site from Parkway Drive and East Avenue to between Memorial Drive and Glenwood Drive, Atlanta, Ga.

WKUE—Radio Station WKUE, Griffin, Ga.—Construction permit 1500 to change frequency from 1500 kc. to 1310 kc., hours of operation from daytime to unlimited time, using 100 watts power, and install vertical antenna.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit for a new relay broadcast station to be operated on 1606, 2022, 2102, 2758 kc., 40 watts.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit above.

Fourth Zone

KUSD—University of South Dakota, Vermillion, S. D.—License 890 to cover construction permit (B4-P-1503) for a new transmitter.

WBAA—Purdue University, W. Lafayette, Ind.—Construction 890 permit to install new transmitter, make changes in antenna, change power from 500 watts, 1 KW day to 5 KW day, change hours of operation from specified hours to daytime only, and move transmitter ½ mile on Northwestern Ave., W. Lafayette, Indiana.

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—920 Construction permit for a new station to be operated on 920 kc., 1 KW night, 5 KW daytime, unlimited time. To use directional antenna night.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Modification of 1120 construction permit (B4-P-1566) to install vertical antenna, move transmitter, further requesting authority to install a new transmitter.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modification of 1200 construction permit (B4-P-1054) as modified, for changes in equipment, move of transmitter and new antenna, requesting extension of completion date from 3-18-37 to 5-18-37.

KIUL—Garden City Broadcasting Co. (Homer A. Ellison & Frank 1210 D. Conard), Garden City, Kans.—Voluntary assignment of license from Garden City Broadcasting Co. (Homer A. Ellison & Frank D. Conard), to KIUL, Incorporated.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—1210 Authority to determine operating power by direct measurement of antenna.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of 1260 construction permit (B4-P-1473) for changes in equipment, new antenna, increase in power and move of transmitter, requesting changes in authorized equipment.

NEW—Key City Broadcasting Co., Kenneth Baker, Hartwell 1500 Gaus, and V. A. Bernier, Kankakee, Ill.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

Fifth Zone

KSFO—Associated Broadcasters, Inc., San Francisco, Cal.—Modification of 560 construction permit (B-P-1512) for new transmitter and antenna, increase in power and move of transmitter, further requesting move of transmitter from Block 490, South of Second St. to approximate S. E. corner Seawall, Lot No. 344, San Francisco, California.

KGIR—KGIR, Incorporated, Butte, Montana—License to cover 1340 construction permit (B5-P-1175) for new equipment, vertical antenna and move of studio and transmitter.

KGAR—Tucson Motor Service Co., Tucson, Arizona.—Modification of 1370 license to change frequency from 1370 kc. to 890 kc. and power from 100 watts night, 250 watts day to 250 watts day and night. Amended: To change requested frequency from 890 kc. to 1340 kc.

KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to 1370 make changes in equipment, install vertical antenna, increase power from 50 watts to 100 watts night, 250 watts daytime, and move transmitter and studio. (Violation Rule 104.7)

KOY—Salt River Valley Broadcasting Co., Phoenix, Arizona.—1390 License to cover construction permit (B5-P-1516) as modified, for new equipment, move of transmitter.

NEW—C. W. Moses, R. W. Workman, J. Allan Moses, a partnership, Hobbs, New Mexico.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

WDNC—Durham Radio Corp., Durham, N. C.—Construction 1500 permit to install a new transmitter and directional antenna for night use, change frequency from 1500 kc. to 600 kc., power from 100 watts to 1 KW and move transmitter. (Sections 4 (a), 22 and 26.)

KRNR—Southern Oregon Publishing Co., Roseburg, Oregon.—1500 Authority to make changes in automatic frequency control apparatus.

W6XB—Earl A. Nielsen, Mobile—Voluntary assignment of license from Earl A. Nielsen to Salt River Valley Broadcasting Co.

KABF—James McClatchy Co., Mobile.—Voluntary assignment of license from James McClatchy Company to McClatchy Broadcasting Company.

Hawaiian Zone

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—1320 Modification of license to change frequency from 1320 kc. to 580 kc. Amended re antenna.

K6XCJ—Honolulu Broadcasting Co., Ltd., Honolulu, Territory of Hawaii.—License to cover construction permit for a new relay broadcast station.

MALONEY ENDORSEMENT BILL

H. R. 5300

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1937

MR. MALONEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed

A BILL

To require that personal endorsements of articles by radio be accompanied by a statement that the endorsement is paid for.

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 amended by inserting "(a)" before "All" and by adding at the end thereof the following new subsection:

"(b) It shall be unlawful for any individual to broadcast by radio communication any recommendation of the use of any article and, in such broadcast, to indicate that such person has used such article, unless such individual shall, at the time of such broadcast, also broadcast the fact, if true, that the recommendation was secured by the promise or payment of money or other valuable consideration, or that such person has been promised or has received money or other valuable consideration for the broadcast of which such recommendation is a part."

The National Association of Broadcasters

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

NAB REPORTS

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WASHINGTON RADIO HIGHLIGHTS

An investigating committee of its own members has been appointed by the FCC to look into alleged irregularities in practice before the Commission * * * * Senator Pittman introduced a resolution in the Upper House of Congress calling for an investigation into the practicability of broadcasting Congressional debates and other proceedings at the Capitol * * * * Connery talks before radio experts at meeting and forecasts passage of his resolution calling for a general investigation of radio and broadcasting * * * * Senator White of Maine asked complete radio investigation in speech on the floor of the Senate.

SENATOR WHITE ASKS RADIO INVESTIGATION

Senator Wallace H. White, Jr., of Maine, long time friend of the broadcasting industry, in a speech on the floor of the Senate on Wednesday asked for a complete investigation of the broadcasting and radio industry. He charged that inordinate amounts of money are being made by broadcasters. Senator White also took up the question of newspapers owning broadcasting stations and asked that this be included in any investigation that might be held. These ideas are in line with those of Senator Wheeler, of Montana, chairman of the Committee on Interstate and Foreign Commerce of which Senator White is a member.

FCC APPOINTS INVESTIGATING COMMITTEE

At a meeting of the full membership of the Federal Communications Commission, a special investigating committee members of the Commission was appointed to investigate alleged irregularities of practices at the Commission.

Commissioner Payne was made chairman of the committee and the other members include Commissioners Stewart and Brown. No official announcement has been made by the Commission either as to the scope or purpose of the investigation.

RADIO INVESTIGATION HEARING

Representative Connery of Massachusetts appeared a few days ago before the Rules Committee of the House,

having before it the Connery resolution calling for an investigation of radio and broadcasting. Mr. Connery made a good many charges before the committee, including the fact that broadcasting stations are controlled by the so-called public utility trusts. The Rules Committee has taken no action yet on the resolution, pending further hearings, the dates of which have not yet been set.

CONGRESSIONAL BROADCAST RESOLUTION

Senator Pittman of Nevada has introduced a resolution in the Senate (S. Res. 93) providing for investigating the advisability of broadcasting the proceedings of Congress. The resolution, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

"Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation of the advisability of broadcasting by radio the proceedings of the Congress upon matters of public importance and of having assigned to the various classes of radio stations for that purpose bands of frequencies of wave lengths. The committee shall report to the Senate as soon as practicable the results of its investigation, together with its recommendations.

"For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fifth Congress, to employ such clerical and

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other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$——, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.”

CONNERY ON RADIO INVESTIGATION

Contending that radio is a natural resource, Representative Connery of Massachusetts, addressing a meeting of the American Section of the International Committee on Radio at the Cosmos Club, this city, argued that it would be good for the broadcasting industry if Congress does have a radio investigation. Connery has a resolution pending in the House calling for such an investigation.

He said that there is a radio monopoly and he stated that in his opinion this vast power of reaching the people of the country should not be lodged in the hands of a few.

Mr. Connery contended that he is not an enemy of either radio or the broadcasters and he insisted that he has no axe to grind. A monopoly in radio, he said, is dangerous to American liberty. He stated that he had hundreds of communications from all over the country protesting against the radio monopoly. It is vital to the American people, he said, to have the investigation he proposes in his resolution. If radio is honest, he said, the industry will have nothing to fear from such a committee as he proposes to carry on a radio investigation.

Senator Wallace H. White, Jr., of Maine, retiring president of the American Section, stated that because of the temper of members of Congress, he believed that if the House did not make a radio investigation that one would be made by the Senate.

Senator Duffy of Wisconsin addressed the meeting on the subject of his copyright bill and he spoke at some length on the ASCAP situation, reading a number of letters from constituents in his state to show what the society has done in some instances. He predicted that the Senate Patents Committee would hold hearings on the copyright bill during this session.

Commander T. A. M. Craven, chief engineer of the FCC, was elected president of the American Section at the meeting. Other officers elected for the coming year include; Louis G. Caldwell, vice president; Howard S. LeRoy, treasurer; and F. P. Guthrie, secretary. Executive counsel includes: John W. Guider, chairman; A. L. Ashby, Thad H. Brown, William R. Vallance, J. H. Dellinger, and Francis C. DeWolf.

APPOINTMENT ANNOUNCED

Secretary of the Interior Harold L. Ickes has announced the appointment of Shannon Allen as assistant director of the W. P. A. Educational Radio Project in the Office of Education, U. S. Department of the Interior.

Mr. Allen, who was given a leave of absence as night manager of the National Broadcasting Company's Washington division, will assume his new duties as editor of the Educational Radio Project's script and editorial divisions immediately, succeeding Leo S. Rosencrans, who resigned to take a position with Wilding Motion Pictures, Inc. Mr. Allen brings with him more than 10 years of radio work training and some 15 years' experience as a newspaperman.

SECURITIES ACT REGISTRATION

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

- Rodama Gold Mines, Ltd., Vancouver, B. C., Canada. (2-2877, Form A-1)
- The American Brake Shoe and Foundry Company, New York City. (2-2878, Form A-2)
- Treasure State Oil Producing Co., Great Falls, Mont. (2-2879, Form A-1)
- Cashay Corporation, New York City (2-2880, Form A-1)
- The Kansas Pipe Line & Gas Company, Phillipsburg, Kansas. (2-2882, Form A-1).
- Investors Fund C, Inc., Jersey City, N. J. (2-2883, Form A-2)
- Schutter Candy Company, Chicago, Ill. (2-2884, Form A-2)
- The Tappan Stove Company, Mansfield, Ohio (2-2885, Form A-2)
- Hewitt Rubber Corporation, Buffalo, N. Y. (2-2886, Form A-2)
- Memphis Commercial Appeal Company, Memphis, Tenn. (2-2887, Form A-2)
- The Finance Company of America at Baltimore, Baltimore, Md. (2-2888, Form A-2)
- Air Devices Corporation, Chicago, Ill. (2-2889, Form A-1)
- Bireley's, Inc., Los Angeles, Cal. (2-2891, Form A-1)
- Palmer-Bee Company, Hamtramck, Mich. (2-2892, Form A-2)
- Sun Glow Industries, Inc., Mansfield, Ohio. (2-2893, Form A-2)
- Securities Acceptance Corporation, Omaha, Neb. (2-2894, Form A-2)
- Pittsburgh Metallurgical Company, Incorporated, Niagara Falls, N. Y. (2-2895, Form A-2)
- The National Guarantee and Finance Company, Columbus, Ohio. (2-2896, Form A-2)
- Railway Equipment & Realty Company, Ltd., Oakland, Cal. (2-2897, Form A-2)
- Income Estates of America, Inc., Philadelphia, Penn. (2-2898, Form C-1)
- The Bender Body Company, Cleveland, Ohio. (2-2899, Form A-2)
- Ferro Enamel Corporation, Cleveland, Ohio. (2-2901, Form A-2)
- The Mineral Point Mining Company, Denver, Col. (2-2902, Form A-1)
- Motors Securities Company, Inc., Shreveport, La. (2-2903, Form A-1)
- Merchants Distilling Corporation, Terre Haute, Ind. (2-2904, Form A-1)
- The Granby Consolidated Mining, Smelting and Power Co., Ltd., Vancouver, B. C. (2-2906, Form A-2)
- Key Company, East St. Louis, Ill. (2-2907, Form A-2)
- Lion Oil Refining Company, El Dorado, Ark. (2-2908, Form A-2)
- The Angostura-Wuppermann Corporation, Norwalk, Conn. (2-2909, Form A-2)
- Toklan Royalty Corporation, Tulsa, Okla. (2-2910, Form E-1)
- California Concentrators, Ltd., New Orleans, La. (2-2911, Form A-1)

IOWA STATION RECOMMENDED

The Sioux City Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Sioux City, Iowa, to use 1420 kilocycles, 100 watts and 250 watts LS, with unlimited time. C. W. Corkhill also applied to the Commission for a construction permit for the erection of a station at the same place to use the same frequency and unlimited time, with 100 watts power.

Examiner George H. Hill, in Report No. I-362, recommended that the application of the Sioux City Company be granted but that of Mr. Corkhill be denied. The Examiner found that no interference would be caused by the erection of the proposed station, and that sufficient talent is available. However, he states that Mr. Corkhill's "showing with respect to bank credit, which would be extended him to the amount of \$6,500 or more, is not corroborated by any witness."

RECOMMENDS NEW SATELLITE STATION

The Merrimac Broadcasting Company, Inc., licensee of WLLH, Lowell, Mass., applied to the Federal Communications Commission for special experimental authority to construct a satellite station at Lawrence, Mass., to be operated synchronously with WLLH on 1370 kilocycles with variable power from 10 to 100 watts. On March 25, 1936, Hildreth & Rogers Company filed with the Commission a motion to designate for hearing the application, which motion was duly acknowledged by the Commission. On April 24, 1936, the Commission announced that the Broadcast Division had granted the application of the Merrimac Company.

Examiner George H. Hill, in Report No. I-361, recommended "that if the application of Hildreth & Rogers Company be denied, that the Commission affirm its grant of the application of Merrimac Broadcasting Company, Inc. (WLLH), for special experimental authority to construct and operate a satellite station to be located at Lawrence, Mass., and to operate synchronously with Station WLLH, at Lowell, Mass., on 1370 kilocycles, with variable power of from 10 to 100 watts, contingent upon the selection of an approved transmitter site." The Examiner states further that "the program of research and experimentation proposed by the applicant indicate reasonable promise of substantial contribution to the advancement of the radio art."

SUGGESTS ALABAMA STATION

Isadore Goldwasser applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Anniston, Ala., to use 1420 kilocycles, 100 watts, and daytime operation.

Examiner Ralph L. Walker, in Report No. I-364, rec-

ommended that the application be granted. He found that "the proposed station would provide a signal of sufficient strength to give satisfactory service in a city which does not now receive such service during the day from existing stations." He states also that "the use of the assignment requested will not result in objectionable interference to any existing station."

DENIAL OF FLORIDA STATION RECOMMENDED

Bay County Publishers, Inc. applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Panama City, Florida, to use 1420 kilocycles, 100 watts, and unlimited time on the air.

Examiner P. W. Seward, in Report No. I-366, recommended that the application be denied. He found that the "applicant does not seem to be financially qualified to construct and operate the proposed station." The Examiner said further that "the granting of this application would not serve public interest, convenience and necessity. If the application be granted it would afford this applicant a monopoly upon all means of advertising in the area proposed to be served, which is not considered to be in the public interest."

RECOMMENDS DENYING TEXAS STATION

The State Capitol Broadcasting Association filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Austin, Texas, to use 1120 kilocycles, 100 watts power, and specified hours of operation.

Examiner Ralph L. Walker, in Report No. I-363, recommended that the application be denied. The Examiner states in part that the testimony showed that "there is no suggestion of a need for an additional station except for the purpose of covering an area larger than that served by the existing station." He states further that "not only would the service area of the proposed station be limited to a lesser radius than that normally expected of a regional station, but such operation would result in serious and objectionable interference unreasonably curtailing the satisfactory service area of another station heretofore authorized."

NEW OREGON STATION RECOMMENDED

Harold M. Finlay and Eloise Finlay filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at La Grande, Ore., to use 1420 kilocycles, 100 watts and 250 watts LS, and unlimited time on the air.

Examiner P. W. Seward, in Report No. I-367, recommended that the application be granted "provided a trans-

mitter site is selected which meets the requirements of the Commission and that the antenna be constructed to comply with Commission Rule 131."

The Examiner states that "the evidence adduced indicates that a need does exist for a radio broadcast station in the area proposed to be served." He found that the proposed station would be in the public interest.

KENTUCKY STATION RECOMMENDED

The Lincoln Memorial University filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Middleboro, Ky., to use 1210 kilocycles, 100 watts night and 250 watts LS, and unlimited time.

Examiner P. W. Seward, in Report No. I-365, recommended that the application be granted. He found that "the evidence adduced at the hearing shows that a need exists for additional radio service in the area proposed to be served by the applicant." The Examiner found that no interference would be expected to result from the granting of the application and its construction would be in the public interest.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3070. Alleging unfair competition in the sale of perfumes and toilet article to retailers and peddlers a complaint has been issued against **Mills Sales Company of New York, Inc.**, 901 Broadway, New York City, and **David, Evelyn, Walter and Joseph Jacoby and Estelle J. Kruger**, individually and as officers of the company.

False and misleading advertising in catalogues, price lists and other printed matter is alleged to have had the effect of misleading consumers into mistakenly believing that certain merchandise sold by the respondents is of a superior quality because of the high retail prices marked thereon; that the respondents manufacture the products advertised, are large scale operators and have been in business for many years; that they are importers of perfumes, notions and other toiletries, and that certain perfumes sold by them are made in and imported from France, or other foreign countries.

The complaint points out the well known custom of manufacturers of marking on articles or the containers thereof the suggested retail prices for use of the retailers. It is alleged that the respondents marked prices in this manner far in excess of the ordinary retail price of the articles, thus giving the impression that the products so marked were of a superior quality.

No. 3071. A complaint has been issued charging **William H. Pearce & Co.**, 52 South Second St., Philadelphia, with unfair trade practices in connection with the sale of an appliance for use on open top gas stoves or ranges. **William H. Pearce** and **Philip S. Shassian**, partners in the firm, and **E. E. Brazelton**, 200 South Kennelworth Ave., Elmhurst, Ill., in charge of field agents for the company, also are named respondents.

In circulars and pamphlets, the respondents allegedly advertise that their appliance, known as the "Pearce Stove Top," will reduce gas bills, increase the cooking capacity of the stove or range, prevent the burners from clogging, and add to the sanitary condition of the stove. They also represent, it is charged, that every

appliance is properly ventilated to insure proper combustion, and that their company is the oldest and largest of its kind in the world.

No. 3072. Five respondents engaged in the sale of electro-magnetic appliances known as "Harmony Belts," designed for self-therapeutic treatment of various diseases and ailments, have been served with a complaint charging use of unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act. The belt is described as being so constructed that when it is connected to electric current a magnetic field is created within its circumference.

The respondents are **Joseph C. Bradley**, 4 St. Clair St., West, Toronto, Canada; **John M. Schulz**, 425 West Ferry St., Buffalo; **William M. Ireland**, 1423 South Boston St., Tulsa, Okla.; **Frieda E. Breslin**, 37 South Washington St., Wilkes-Barre, Pa., and **A. R. Erbe**, 509 Luzerne Ave., West Pittston, Pa.

The complaint points out that the iron in the human system is non-magnetic and that electro-magnetism has no effect upon bacteria, which are the cause of many ailments and diseases, or upon their growth, reproduction or virulence. Use of the belt, the complaint charges, has not produced and cannot produce any demonstrable physical or physiological change or effect in the body in the prevention, cure or relief of any ailment, disease or pathological condition.

No. 3073. A complaint has been issued charging **Emile Carpentier**, trading as **Dr. Emile Carpentier**, 68 Chestnut St., Hillsdale, N. J., with unfair competition in the interstate sale of a medicinal compound.

Assertions made by Carpentier in printed matter circulated among prospective customers, are alleged to have served, directly or through implication, as representations with respect to the efficacy and therapeutic value of the compound sold, to the effect that it would cure tuberculosis of the lungs, larynx, bones, intestines and the brain, also chronic bronchitis, chronic gastritis, and ulcerated duodenum, stomach and intestines.

No. 3074. **Kolynos Co.**, New Haven, Conn., has been served with a complaint charging unfair competition in the sale of Kolynos tooth paste.

In the respondent company's advertising matter are alleged to have appeared representations to the effect that its tooth paste erases or removes stain and tartar; that it will whiten teeth several shades in a few days; and that it cleans teeth down to the white enamel without injury.

Other representations are alleged to have been made to the effect that Kolynos almost instantly kills millions of germs which cause most ailments of teeth and gums; that it keeps the teeth and mouth thoroughly clean and healthy on account of its germicidal and antiseptic properties, and that it will remove or conquer bacterial mouth.

No. 3075. Misleading representations in the sale of medicinal products are alleged in a complaint issued against nine individuals, trading as **Herbal Medicine Company** and **Natex Company**, 219 West Saratoga St., Baltimore.

The respondents named in the complaint are **George Earl McKewen**, **George McKewen**, **Mrs. George McKewen**, **Samuel Oler**, **Mrs. Samuel Oler**, **Albert W. Oler**, **Leroy Burdette**, **Mrs. Leroy Burdette**, **James Howard, Jr.**, and **Publicity Engravers**. These respondents are copartners trading under the two company names in the sale of "Herb Doctor Compound" and "Natex."

These preparations are alleged to have been advertised, either directly or through implication, in a manner representing that they form competent and effective cures, remedies or treatments for stomach troubles, rheumatism, neuritis, liver troubles, and other ailments, when, according to the complaint, these assertions were misleading and untrue.

No. 3076. Violation of the brokerage section of the Robinson-Patman Anti-Price Discrimination Act is alleged in a complaint issued against 11 chains of retail stores, dealing principally in food products, and their purchasing organization, **Procon Grocery Service Co., Inc.**, 205 East 42nd St., New York City.

The chain groups named as respondents, with their principal places of business, are as follows:

Kroger Grocery and Baking Co., 35 East 7th St., Cincinnati; **American Stores Co.**, 424 North 19th St., Philadelphia; **First National Stores, Inc.**, 5 Middlesex Ave., Somerville, Mass.; **National Tea Co.**, 1000 Crosby St., Chicago; **Safeway Stores, Inc.**, 5th and Jackson Sts., Oakland, Calif.; **David Pender Grocery Co.**, Norfolk, Va.; **Southern Grocery Stores, Inc.**, Atlanta, Ga.; **Eisner Grocery Co.**, 202 South Market St., Champaign, Ill.; **Steiden Stores, Inc.**, 414 Baxter Ave., Louisville, Ky.; **Danahy-Faxton Stores, Inc.**, Bailer Ave. and Clinton St., Buffalo, and **Fisher Grocery Co.**, 229

East Adams St., Springfield, Ill., in which Leon Fisher and Albert Eisner are partners.

The Commission's complaint was brought under that section of the Robinson-Patman Act which makes it unlawful

"for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid."

No. 3077. The Texas Company, 135 East 42nd St., New York, distributor of petroleum products and automobile parts and accessories through more than 40,000 service stations, is charged, in a complaint with promoting a so-called exclusive dealing policy in the sale of accessories. The complaint alleges violation both of Section 3 of the Clayton Act and Section 5 of the Federal Trade Commission Act.

Violation of the exclusive dealing section of the Clayton Act is alleged through leasing and renewing leases of service stations at which Texas Company products are sold, and through making sales to and contracts with lessees, licenses and contracting dealers for sale of its merchandise, all on the condition and with the understanding that they shall not use or deal in the parts and accessories sold by certain of the respondent's competitors.

The respondent company is alleged to have entered into contracts with B. F. Goodrich Co., Firestone Tire & Rubber Co., Champion Spark Plug Co., Westinghouse Lamp Co., Handy Governor Corporation, of Detroit, and Anderson Company, of Gary, Ind., to purchase various accessories to be distributed for the most part through its lessees and contracting dealers, the respondent company receiving a commission on sales. Accessories made by such companies are alleged to have been furnished to and forced upon its dealers by The Texas Company on the condition and with the understanding that they should not deal in products competing with these manufacturers' makes of accessories for which The Texas Company had contracted. In certain instances the respondent company allegedly threatened cancellation of service station contracts to compel operators to deal exclusively in products of the manufacturers named.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01533. B & P Company, Cleveland, selling "B & P Wrinkle Eradicators and Frowners," stipulates that it will stop representing that persons using these products may become free of wrinkles, and that these preparations will remove ridges, furrows and crow's feet from the face, enable one to attain charm and youthful appearance, and other similar representations. In its stipulation, the respondent company admits that although its products may tend to retard the formation of wrinkles and frowns, they will not remove either wrinkles or frowns after they are formed.

No. 01534. F. Ad. Richter & Co., Inc., Berry and South 5th Sts., Brooklyn, in the sale of Anchor Pain Expeller, agrees to discontinue advertising that the product is a competent remedy in treating rheumatism, neuritis or sciatica; that it drives out pain or agony and is the prescription of a famous doctor.

The respondent company admits that, according to reliable medical authority, its preparation is not competent in treating the pathological conditions advertised, and its therapeutic value is limited to palliative relief of minor pains. The respondent company also admits that there is no evidence that its preparation is the prescription of a famous doctor.

No. 01535. Samuel Bernstein Hair Company, 59 Temple Place, Boston, in the sale of "Avol Beauty Preparations," agrees to desist from the representation that its preparation "Kwiksett," will nourish the scalp; that "Fome" will recondition the hair and impart a luster or sheen to the hair, and that the use of "Fome" before waving, dyeing or bleaching the hair will assure the best results. The respondent company also stipulates that it will cease designating any of its products as "Cuticle Oil," "Cuticle Remover," "Muscle Oil," "Tissue Cream" or "Hair Conditioner."

No. 01536. Dr. Pierre Chemical Co., Chicago, in its stipulation, agrees to stop representing that Boro-Phenoform, a suppository, provides the safest and surest method of feminine hygiene yet discovered and that it is amazingly powerful.

No. 01537. Humphrey's Homeopathic Co., LaFayette and Prince Sts., New York, distributor of Humphrey's 77, agrees to stop representing that that product will cure a cold or will get rid of a cold the minute one feels it coming on. The respondent company will also cease asserting that its preparation is a scientific remedy or that Humphrey's remedies, backed by a reputation for dependability of almost 100 years, are based on modern scientific formulas. In its stipulation the respondent admitted that, according to the weight of scientific authority, any benefits derived from taking Humphrey's 77 for colds would be only palliative.

No. 01538. Kinox Co., Inc. Rutland, Vt., selling Callous-Ease for treating corns, callous spots and bunions, stipulates that it will discontinue asserting that its product absorbs corns, callouses, tender spots, or hard growths, and that it is a competent treatment for foot troubles, unless the representations are confined to relief of conditions of the foot for which the preparation may be efficacious.

No. 01539. Gramercy Chemical Co., Inc., 201 East 16th St., New York City, trading as Tarson Chemical Co., agreed to cease representing that its product designated "Tarson" is absolutely harmless to the hands and finest fabrics and may be used in washing woollens or silks; that it has no equal for removing odors and stains from clothing or for washing dishes, and that it is the greatest water softener and ten times quicker than soap. The company admitted the cleaning powder may be used safely in washing or cleaning washable fabrics, but cannot be recommended for all fabrics, especially silks and woollens.

No. 01540. D. Friedman, M. D., 6425 Hollywood Blvd., Hollywood, Calif., stipulates that he will stop representing a treatment for asthma, sinus, and hay fever, as giving complete relief just from a trial thereof, and that the formulas sold by him are scientific home treatments which will get at the root of the trouble and prevent a return of the symptoms, and other similar representations. The respondent admits that while the prescriptions submitted may temporarily relieve some acute symptoms of hay fever, asthma, and other forms of bronchitis, and may aid in connection with other treatments of sinus, they cannot be considered a complete treatment for the conditions mentioned. The respondent also agrees to stop representing that he is able to diagnose or to judge what treatments a patient may require from reading a symptom chart filled out by the patient.

No. 01541. Nu-Dell Manufacturing Company, 501 West Huron St., Chicago, distributor of "Nu-Life Nail Conditioner," agrees to stop representing directly or otherwise that its preparation will lubricate and nourish the nails, or will keep them strong, healthy, smooth and pliable, or that it constitutes a competent treatment for chipping, breaking and peeling of nails. The stipulation also prohibits the representation that this product replaces or replenishes the natural oils of the nail or corrects hangnails.

No. 01542. William Omness, trading as Western Michigan Chemical Co., 1383 Lakeshore Drive, Muskegon, Mich., stipulated that he will discontinue advertising that his chemical solution called "Chlorite" is antiseptic, and will cease representing that it is a deodorant and kills bacteria, unless these claims are qualified by assertions that the product will not destroy all odors and will not kill all bacteria, including their spores. Omness also agreed to stop representing that Chlorite will disinfect bread boxes, drain pipes, garbage cans, sick room equipment, and other articles, unless directions are given for first thoroughly cleansing the surface to be disinfected and then stirring or rubbing the solution over the entire surface.

No. 01543. McKesson & Robbins, Inc., of Bridgeport, Conn., operating under the trade name of Spurlock-Neal Co., Nashville, Tenn., agrees, in its sale of the product Carboil, that it will cease representing the preparation as a competent treatment for cuts, festers, burns, bites and risings, unless the assertions are limited to certain minor and temporary conditions. Also, Carboil is not to be advertised as being more than a mild antiseptic, counter-irritant and analgesic that tends to reduce inflammation and pain and hasten the maturity and suppuration of boils.

No. 01544. D. J. Hinman, 121 West 42nd St., New York, trading as Hinman Publishing Co., has entered into a stipulation to discontinue unfair representations in advertising and selling a pamphlet entitled "The Secret of M. S. R." or the "Realization Secret."

In his stipulation, the respondent agrees to cease advertising that the pamphlet contains any "secret" or other information not

generally available to students of various schools of mental science, or that it contains the ultimate secret of every religion, or of every system of metaphysics, or is the key that opens the way to either health or wealth.

No. 01545. R. M. Kallejian, trading as Prapion Laboratories, Los Angeles, in the sale of Prapion Remedy, agrees to stop advertising it as a competent treatment or effective remedy for all stomach disorders, or for nervous indigestion, hyperacidity, biliousness, dizziness and a dozen other ailments. In his stipulation, the respondent admits that although his preparation may be of value as a sedative, astringent, and laxative, it is not regarded by current medical opinion as a competent treatment or as an effective remedy in the various pathological conditions of the stomach.

No. 2745. An order to cease and desist has been issued against **Kalo Inoculant Co., 1007 Main St., Quincy, Ill.,** prohibiting unfair competition in the sale of legume seed inoculants called "Humogerm," consisting of nitrogen-fixing bacteria in a humus base. Through wholesalers, retailers and jobbers of seed these inoculants are sold to growers of leguminous crops, who mix them with legume seed to promote the growth of crops and enrich the soil.

Among specific representations barred, under the order, is the assertion that the containers in which the respondent company's products are sold are packed with 15,000,000,000 legume germs, or any other definitely specified quantity or number and type of such germs, unless and until such data have been scientifically ascertained by a controlled bacteriological count made by a competent bacteriologist using scientifically approved methods.

The order bans representation that a definitely specified number and type of nitrogen-fixing bacteria are in the containers at any time other than the time of packing, by use of language indicating that the container is "guaranteed packed with" such definite number and type of bacteria.

No. 2938. Pike-Hansen, Inc., 113 North Franklin St., Chicago, has been ordered to cease and desist from unfair methods of competition in the sale of men's clothing.

According to the findings, salesmen travel throughout the country and solicit orders for clothing to be made at the respondent corporation's place of business. Findings are that because of lack of skill and experience on the part of the salesmen in taking measurements, or because of lack of skill on the part of the workmen in making the clothing, the garments delivered to purchasers do not fit in the same manner as tailor-made garments.

FTC CLOSES CASE

No. 2435. An order closing its case against **Distillers Co., Ltd., Edgar Road, Linden, N. J.,** has been entered by the Federal Trade Commission. The Commission's complaint had charged the company with violation of Section 5 of the Federal Trade Commission Act through misuse of the word "Distillers" in its trade name and in advertising matter.

The case was closed when, upon consideration by the Commission of the complaint, together with the respondent company's motion and affidavit, it appeared that the company has engaged and is now engaged solely in the manufacture and sale of gins which it produces by a process of rectification whereby tax-paid purchased alcohol is redistilled over juniper berries and other aromatics.

Under existing laws and regulations, the respondent company is permitted to label gin so produced as distilled gin and required to state on labels who distilled it.

In closing the case, the Commission reserved the right to reopen it should future facts and circumstances warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, March 22:

Monday, March 22

HEARING BEFORE AN EXAMINER (Special Broadcast)

WAPO—W. A. Patterson, Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited. Present assignment: 1420 kc., 100 watts, daytime.

Tuesday, March 23

HEARING BEFORE AN EXAMINER

(Broadcast)

KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif.—C. P., 1400 kc., 250 watts, 1 KW LS, unlimited. Present assignment: 1210 kc., 100 watts, unlimited time.
NEW—Salinas Newspapers, Inc., Salinas, Calif.—C. P., 1390 kc., 250 watts, daytime.
NEW—The Bend Bulletin, Bend, Ore.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited.

Wednesday, March 24

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Juan Piza, San Juan, Puerto Rico.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.
WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—C. P., 880 kc., 5 KW, daytime. Present assignment: 920 kc., 1 KW, daytime.

Friday, March 26

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Geraldine Alberghane, Pawtucket, R. I.—C. P., 720 kc., 1 KW, daytime.
NEW—Bay State Broadcasting Corp., Providence, R. I.—C. P., 720 kc., 1 KW LS, limited time.
WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Company, Selma, Ala.—Modification of license, 1500 kc., 100 watts, unlimited time. Present assignment: 1500 kc., 100 watts, daytime.
WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Company, Selma, Ala.—Voluntary assignment of license, 1500 kc., 100 watts, daytime.

APPLICATIONS GRANTED

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted C. P. approving transmitter site at E. End Miller St., and installation of vertical radiator.
KPLT—North Texas Broadcasting Co., Paris, Tex.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted license to cover C. P. as modified, frequency 1390 kc., 500 watts night, 1 KW day, unlimited.
KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted license to cover C. P., 1310 kc., 100 watts night, 250 watts day, S-WDAH, and authority to carry WDAH schedule.
WGAL—WGAL, Inc., Lancaster, Pa.—Granted license to cover C. P., 1500 kc., 100 watts night, 250 watts day, unlimited.
KUSD—University of South Dakota, Vermillion, S. Dak.—Granted license to cover C. P., 890 kc., 500 watts, S-KFNF and WILL.
WEEL—Columbia Broadcasting System, Inc., Boston, Mass.—Granted license to cover C. P., 590 kc., 1 KW night, 5 KW day, unlimited, using directional antenna system for day and night-time operation.
WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted modification of C. P. to install new equipment.
KTKC—Tulare-Kings Counties Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Granted modification of C. P. approving transmitter site and changes in equipment.
KOIL—Central States Broadcasting Co., Omaha, Nebr.—Granted modification of C. P. for changes in authorized equipment.
KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted authority to determine operating power by direct measurement of antenna.
WTEL—Foulkrod Radio Engr. Co., Philadelphia, Pa.—Granted authority to install automatic frequency control apparatus.
NEW—University of Alaska, College, Alaska.—Granted C. P. and license for special experimental station for the purpose of making ionosphere measurements in the polar regions; frequencies each even 100 kilocycles from 1500 to 16000 kc.,

provided licensee shall listen on each frequency to determine whether or not the transmission will cause interference to any service operating on that frequency or on an adjacent channel; 200 watts peak, .5 watt average; unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted conditionally extension of special experimental authorization to operate 1 KW night for the period 4-1-37 to 10-1-37.

KRNR—Southern Oregon Publishing Co., Roseburg, Ore.—Granted voluntary assignment of license to News-Review Co., 1500 kc., 100 watts night, 250 watts day, unlimited.

WNRB—Memphis Broadcasting Co., Memphis, Tenn.—Granted authority to transfer control of corporation from Memphis Commercial Appeal, Inc., to Memphis Commercial Appeal Co., 200 shares of common stock.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted voluntary assignment of licenses of WMC, W4XCA, W4XBS and WABG from Memphis Commercial Appeal, Inc., licensee, to Memphis Commercial Appeal Co., newly organized corporation.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted renewal of license of high frequency experimental broadcast station for the period 4-1-37 to 4-1-38; frequency 26400 kc., 500 watts.

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Granted renewal of high frequency experimental broadcast station license for the period 4-1-37 to 4-1-38; frequency 25950 kc., 1 KW.

W8XWJ—The Evening News Association, Detroit, Mich.—Granted 90-day extension of present high frequency broadcast station license; frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.

SET FOR HEARING

NEW—Press-Union Publishing Co., Atlantic City, N. J.—C. P. amended to request 1200 kc., 100 watts night, 250 watts day, unlimited, exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—George W. Taylor Co., Inc., Williamson, W. Va.—C. P. amended to request 1370 kc., 100 watts, daytime only.

NEW—R. W. Page Corporation, Phenix City, Ala.—C. P. for new station amended to request 1240 kc., 250 watts, unlimited, exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—Amended C. P. requesting new station at Watertown, N. Y., to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time, site and antenna to be approved. (To be heard with related applications.)

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Application for modification of license to add frequency 1529 kc. to present assignment 9590 kc., 6060 kc., 10 KW, unlimited.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Application for modification of license to increase power to 1 KW employing directional antenna day and night.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Application for modification of license to increase power to 1 KW employing directional antenna system day and night.

NEW—WRBC, Inc., Cleveland, Ohio.—Application for C. P. for new station amended to request 880 kc., 1 KW unlimited using directional antenna for nighttime operation.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Authority to transfer control of corporation from Roger W. Clipp and Frank V. Becker, to: Delaware Channel Corp.—250 shares common stock. (Station operates on 800 kc., 250 watts day, unlimited SS at Dallas, Texas.)

SPECIAL AUTHORIZATIONS

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to rebroadcast the Easter Sunday services from the USS Pennsylvania over radio station KNX on 48500 kc. on March 27 and 28, 1937.

W1XG—General Television Corp., Boston, Mass.—Granted special temporary authority to operate a portable test transmitter on present licensed frequencies of Station W1XG for a period not to exceed 10 days between the hours of 1 and 6 a. m., in order to make field intensity survey tests.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to remain silent March 25, 27, 28 and 29, 1937, and to operate a minimum of 1 hour on Friday, March

26, 1937, in order to observe the Easter holidays at Luther College.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted special temporary authority to operate formerly licensed transmitter at near Des Moines, Wash., as described in license dated 8/15/36, as an auxiliary for period not to exceed 30 days pending application for C. P., without approved modulation monitor.

WRVA—Larus & Bro. Company, Inc., Richmond, Va.—Granted extension of special temporary authority to operate a 50 watt portable transmitter on 1140 kc., in the area approximately 16 miles southeast of Richmond, Va., along and near the James River, from 7 a. m. to 1 hour before local sunset March sunset, 6:15 p. m., April sunset, 6:45 p. m.), for the period March 18 to April 2, 1937, in order to make site surveys.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1 KW at night, during month of April, 1937, pending filing of and action on license application to cover C. P. for this authority. Also granted special temporary authority to operate a 50 watt test transmitter on 560 kc., between the hours of 1 and 6 a. m., EST, for a period not to exceed 30 days, in order to make a site survey in Philadelphia and surrounding territory. However, such tests not permitted during monitoring schedule.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 5 p. m., CST, April 1, 5, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 22, 26, 27; also 2 to 4 p. m., and 7:45 to 10:30 p. m., CST, April 28; 2 to 4 p. m. and 9:15 to 10:30 p. m., CST, April 29; and 2 to 5 p. m., CST, April 30, 1937 (provided KGFF remains silent), in order to broadcast special educational programs.

APPLICATIONS RETIRED TO CLOSED FILES

KEX—Oregonian Publishing Co., Portland, Ore.—Application for special temporary authority to operate simultaneously with KOB from 6:15 to 7 p. m., PST, March 12, 1937.

WGCM—WGCM, Inc., Mississippi City, Miss.—C. P. granted to change frequency power and hours of operation, was retired to the closed files, because the Commission on January 5, effective January 26, 1937, granted station WJBO at Baton Rouge, La., the facilities of WGCM's C. P.

Inasmuch as no application for further extension of time, or for a license has been filed, the following C. P.'s were retired to the closed files:

KFPI—Symons Broadcasting Co., Spokane, Wash.—Granted 5/1/36; date of expiration 1/1/37.

KREC—Radio Sales Corp., Seattle, Wash.—Granted 6/12/36; date of expiration 2/12/37.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted 11/10/36; date of expiration 3/2/37.

APPLICATIONS DISMISSED

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

NEW—Loyal K. King, d/b as Radio & Television Research Co., Los Angeles, Calif.—C. P. 1570 kc., 1 KW, unlimited.

KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Modification of license 1260 kc., 250 watts unlimited.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—C. P. 1220 kc., 500 watts unlimited.

NEW—James R. Doss, Jr., Mobile, Ala.—C. P. 1500 kc., 100 watts; daytime

KGNF—Great Plains Broadcasting Co., North Platte, Neb.—Modification of license, 1430 kc., 1 KW, S. H.

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—C. P. 1120 kc., 250 watts; daytime.

EXAMINERS' REPORTS SUBMITTED FOR THE PERIOD MARCH 6 TO 15, 1937

NEW—Ex. Rep. 1-360: Central States Broadcasting Co., Council Bluffs, Iowa.—Application for C. P. for new station; 1500 kc., 100 watts, unlimited time. Examiner Dalberg recommended grant of application.

WLLH—Ex. Rep. 1-361: Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Applied for special experimental authority to construct a satellite station at Lawrence, Mass., to be operated synchronously with WLLH on 1370 kc., with variable power from 10 to 100 watts. Examiner Hill recommended a grant conditionally.

NEW—Ex. Rep. 1-362: Sioux City Broadcasting Co., Sioux City, Iowa.—Application for C. P. for new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited time. Examiner Hill recommended a grant. And C. W. Corkhill, Sioux City, Iowa.—Application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited. Examiner Hill recommended denial.

NEW—Ex. Rep. 1-363: State Capitol Broadcasting Assn. (R. B. Anderson, Pres.), Austin, Texas.—Application for C. P. for new station; 1120 kc., 100 watts, specified hours. Examiner Walker recommended denial.

NEW—Ex. Rep. 1-364: Isadore Goldwasser, Anniston, Ala.—Application for C. P. for new station 1420 kc., 100 watts, daytime. Examiner Walker recommended grant.

WLMU—Ex. Rep. 1-365: Lincoln Memorial University, Middlesboro, Ky.—Application for C. P. to establish a new station to operate on 1210 kc., 100 watts night, 250 watts LS, unlimited time. Examiner Seward recommended grant.

NEW—Ex. Rep. 1-366: Bay County Publishers, Inc., Panama City, Fla.—Application for C. P. for new station to operate on 1420 kc., 100 watts unlimited. Examiner Seward recommended denial.

NEW—Exp. Rep. 1-367: Harold M. Finlay & Eloise Finlay, La Grande, Ore.—Application for C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts LS., unlimited. Examiner Seward recommended grant.

ORAL ARGUMENT GRANTED

KWBG—Ex. Rep. 1-357: The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Oral argument to be held April 29, 1937.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. 1-307: North Jersey Broadcasting Co., Inc., Paterson, N. J.—Denied C. P. for new broadcast station to operate on 620 kc., 250 watts, daytime. Examiner John H. Bramhall sustained. Order effective May 18, 1937.

MISCELLANEOUS

WLB—University of Minnesota, Minneapolis, Minn.; WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.; WCAI—St. Olaf College, Northfield, Minn.—Denied joint petition asking hearing before Broadcast Division en banc of application of WTCN for modification of license so as to operate full time on 1250 kc. and the applications of WCAI and WLB to share time on 760 kc., 5 KW daytime. These applications are scheduled for hearing before an examiner but no date has been fixed.

Power City Broadcasting Corp., Niagara Falls, N. Y.—Denied petition asking Commission to reconsider its action in denying application for C. P. to erect new broadcast station at Niagara Falls, N. Y., to operate on 630 kc., 250 watts, daytime, and to grant the same.

WBBZ—Adelaide Lillian Carrell, Ponca City, Okla.—Granted extension for 30 days of Rule 132, pending action on application to install new equipment and vertical radiator, also to increase day power to 250 watts.

WHBB—Selma Broadcasting Co., Selma, Ala.—Denied petition asking order to take depositions in re application for modification of license to increase hours of operation from daytime to unlimited.

WJAR—The Outlet Co., Providence, R. I.—Granted petition to intervene at hearing of application of Geraldine Alberghane for C. P. for new station at Pawtucket, R. I., to operate on the frequency 720 kc., with 1 KW daytime. Her application has been set for hearing on March 26, 1937.

Washtenaw Broadcasters, Inc., Ann Arbor, Mich.—Granted petition to intervene at hearing of application of Ann Arbor Broadcasting Co., Inc., for C. P. to erect new broadcast station at Ann Arbor, Mich., to operate on frequency of 1550 kc., 1 KW, unlimited time.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted petition to intervene in proceedings relative to application of the Philadelphia Radio Broadcasting Co., Philadelphia, Pa., for a C. P. to erect a new special broadcast station at Philadelphia to be operated on frequency of 1570 kc., 1 KW, unlimited time.

S. O. Ward and P. C. Ward, d/b as Louisville Broadcasting Co., Louisville, Ky.—Hearing scheduled for May 14, 1937, on application for C. P. to erect and operate new broadcast station at Louisville, Ky., on 1210 kc., 100 watts, unlimited

time, to be consolidated with hearing of application of Louisville Times Company for same facilities. Hearing on Louisville Times' application, set for hearing April 5, 1937, continued to May 14, 1937.

KLX—Tribune Building Co., Oakland, Calif.—Denied motion asking Commission to dismiss application of Chauncey W. Hammond for C. P. to establish a new broadcast station at Oakland Calif., to operate on 1280 kc., 1 KW, unlimited time.

EFFECTIVE DATE EXTENDED

In Report No. 126, dated March 9, 1937, the item appearing under this heading should have read:

KTFI—Ex. Rep. 1-249: Radio Broadcast Corp., Twin Falls, Idaho.—Effective date of order extended to March 23, 1937.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

W8XFO—Crosley Radio Corp., Cincinnati, Ohio.—Granted authority to operate as licensed on March 17, for relaybroadcast professional tennis matches.

WIEF—Miami Broadcasting Co., Inc., Miami, Fla.—Granted authority to operate as licensed for the period 3-18 to 3-21, inclusive, rebroadcast 24th Annual Biscayne Bay Regatta in Miami.

WBAM-WBAN—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted authority to operate as licensed 3-15 and 3-16 in New York City for relaybroadcast program "It's Midnight in Manhattan."

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted extension program test period 30 days from March 10, 1937.

WJEP—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate as licensed period March 15 to 24 for relaybroadcast Safety Campaign in Rochester.

W8XIR-WAAW—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of authority 30 days to operate as licensed March 18 to April 16, inclusive, for relaybroadcast interviews with school children.

NEW—James D. Scannell, Lewiston, Me.—Application for C. P., 1420 kc., 100 watts, unlimited time, was dismissed at request of applicant and order forwarded to all interested parties.

WQDM—Regon & Bostwick, St. Albans, Vt.—Denied request to operate on 1370 kc., 100 watts, at location authorized by C. P.

The Broadcast Division granted motion of Charles C. Carlson (WJBW), New Orleans, La., for an order to take depositions in support of his application for renewal of license, Docket No. 4330.

The Broadcast Division granted the petition by Cornell University (WESG), Elmira, N. Y., to intervene in the proceedings upon the application of Elmira Star-Gazette, Inc., for C. P. for new station, Docket 4307.

The Broadcast Division granted the petition by WDOD Broadcasting Co. (WDOD), Chattanooga, Tenn., to intervene in the proceedings upon the application of F. W. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga., for C. P. for new station, Docket No. 3979.

The Broadcast Division granted the petitions of Minneapolis Broadcasting Corp. (WTCN), Dr. Geo. W. Young (WDGY), and Edward Hoffman (WMIN) to intervene in the proceedings upon the application of Arthur H. Groghan for C. P. for new station at Minneapolis, Docket 4172.

The Broadcast Division granted the petition of the Waterloo Times-Tribune Publishing Co. to receive and consider the depositions taken in Docket 3884.

The Broadcast Division granted the petition of the West Texas Broadcasting Co., Wichita Falls, Tex., for leave to amend its application of C. P. for new station in Wichita Falls, Docket 4218, with regard to the site selected, and directed that the amendment to this application with regard to the site be accepted without interrupting the progress of the hearing now scheduled for March 29, 1937. The Broadcast Division also directed that all parties be notified immediately.

The Broadcast Division granted the petition of Hearst Radio, Inc., to intervene in the proceedings upon the application of the Adirondack Broadcasting Co., Inc. (WABY), Albany, N. W., for modification of C. P., Docket 4368.

The Broadcast Division granted the petition of the City of Dallas (WRR), Dallas, Tex., Intervenor, for postponement of oral

amendment on the exceptions to Ex. Rept. No. 1-341 on the application of the Dallas Broadcasting Co. for C. P. for new station at Dallas, Tex., Docket 3920, and directed that the date for said oral argument be continued to May 13, 1937.

The Broadcast Division waived Rule 104.6 (b), on its own motion, and accepted the answer filed on behalf of Interstate Broadcasting Co., Inc., to the appearance of Ann Arbor Broadcasting Co., Inc., applicant for new station at Ann Arbor, Mich., Docket No. 4178, and directed that said answer be made a part of the record.

APPLICATIONS RECEIVED

First Zone

NEW—Fall River Herald News Publishing Co., Fall River, Mass.—**1210** Construction permit for a new station to be operated on **1240 kc.**, **1 KW**, unlimited time. To use directional antenna. Amended to make changes in equipment, change requested frequency from **1240 kc.** to **1210 kc.**, power from **1 KW** to **100 watts night**, **250 watts daytime**, and install vertical antenna instead of directional antenna.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to replace RCA Composite Type Exp. VT transmitter of **10 KW** with Westinghouse Composite Type VT **700 watts** and add **A1** and **A2** to emission.

Second Zone

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority **1170** to determine operating power by direct measurement of antenna.

NEW—The Ohio Broadcasting Co., East Liverpool, Ohio.—Construction permit for a new station to be operated on **1350 kc.**, **250 watts**, daytime. Amended to change requested frequency from **1350 kc.** to **1270 kc.**, and make changes in proposed antenna system.

WCMI—Ashland Broadcasting Co., Inc., Ashland, Ky.—Construction permit to install a new transmitter; make changes in antenna; change frequency from **1310 kc.** to **1120 kc.**, power from **100 watts night**, **250 watts daytime**, to **250 watts night**, **1 KW day**; move transmitter from **20th and Greenup Streets**, Ashland, Ky., to site to be determined, Ashland, Ky.

W8XKD—The Toledo Broadcasting Co., Mobile.—Voluntary assignment of construction permit from the Toledo Broadcasting Co. to The Fort Industry Co.

WAAJ—The Toledo Broadcasting Co., Mobile.—Voluntary assignment of construction permit from The Toledo Broadcasting Co. to The Fort Industry Co.

NEW—Allen T. Simmons, Tallmadge, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **31600**, **35600**, **38600**, **41000 kc.**, **100 watts**.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **31600**, **35600**, **38600**, **41000 kc.**, **200 watts**. Amended to delete frequencies **31600**, **35600**, **38600**, **41000 kc.** and add frequency **26550 kc.**

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **31600**, **35600**, **38600**, **41000 kc.**, **200 watts**. Amended to delete frequencies **31600**, **35600**, **38600**, **41000 kc.** and add the frequency **26550 kc.**

Third Zone

KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Voluntary **550** assignment of license from KTSA Broadcasting Co. to Hearst Radio, Inc.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—License to **900** use RCA 1001-A, **1 KW** transmitter as an auxiliary for emergency purposes only.

NEW—Southern Broadcasting Corp., New Orleans, La.—Construction permit for a new station to be operated on **1200 kc.**, **100 watts**, share **WJBW**, requests facilities of **WBNO**. Amended to make changes in requested equipment, change hours of operation from share **WJBW** to unlimited, power

from **100 watts** to **100 watts night**, **250 watts daytime** and studio site from **226 Carondelet Street** to **527 Canal Street**, New Orleans, La. Requests facilities of **WJBW**.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification **1200** of construction permit (**B3-P-1396**) for new transmitter and antenna, increase in power and move of transmitter and studio, requesting approval of transmitter site at **Talbotton Road**, Columbus, Ga., and studio at **12th & Broadway**, Columbus, Ga., and approval of vertical antenna. Amended to change requested transmitter site from **Talbotton Road** to **15th Avenue and 30th Street**, Columbus, Ga.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification **1200** of construction permit (**B3-P-1396**) for a new transmitter and antenna, increase power and move studio and transmitter locally, further requesting changes in transmitting equipment; change frequency from **1200 kc.** to **950 kc.**, power from **100 watts night**, **250 watts day**, to **250 watts night**, **500 watts day**, and make changes in antenna. Amended to change requested frequency from **950 kc.** to **1330 kc.**

KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Modification **1240** of construction permit (**B3-P-1472**) for new transmitter and vertical antenna, further requesting authority to make changes in equipment and extend commencement and completion dates.

KAND—Navarro Broadcasting Assn., J. C. West, President, Corsicana, Texas.—Modification of construction permit (**B3-P-703**) for a new station, requesting changes in authorized equipment, change authorized transmitter site from **Corner Main & Fifth Avenue** to $\frac{1}{2}$ mile north of city on **Highway 75**, Corsicana, Texas, and studio from **Corner Main & Fifth Avenue** to **Corner Beaton & Collin Streets**, Corsicana, and extend commencement and completion dates.

KFXR—Exchange Avenue Baptist Church of Oklahoma City, **1310** Oklahoma City, Okla.—License to cover construction permit (**B3-P-1141**) as modified for new equipment.

KFRO—Voice of Longview, Longview, Tex.—License to cover **1370** construction permit (**B3-P-1308**) as modified for new equipment and increase in power.

NEW—Standard Life Insurance Co. of the South, Jackson, Miss.—**1420** Construction permit for a new station to be operated on **1420 kc.**, **100 watts night**, **250 watts daytime**, unlimited time.

WACO—KTSA Broadcasting Co., Waco, Tex.—Voluntary assignment of license from **KTSA Broadcasting Co.** to **Hearst Radio, Inc.**

NEW—Spartanburg Junior Chamber of Commerce, Dr. D. Lesesne **1420** Smith, Pres., Spartanburg, S. C.—Construction permit for a new station to be operated on **1420 kc.**, **100 watts night**, **250 watts daytime**, unlimited time.

KNOW—KUT Broadcasting Co., Austin, Tex.—Voluntary assignment of license from **KUT Broadcasting Co.** to **Hearst Radio, Inc.**

KROD—Dorrance D. Roderick, El Paso, Tex.—Modification of **1500** construction permit (**B3-P-947**) for a new station, requesting authority to change authorized transmitter site from **900 Hammett Blvd.** to **2,250' south of Spruce Street** on line of **Boone Street** extended southward, El Paso, Texas.

WDNC—Durham Radio Corporation, Durham, N. C.—Construction permit to install a new transmitter and directional antenna for night use; change frequency from **1500 kc.** to **600 kc.**, power from **100 watts** to **1 KW**; move transmitter **5 miles** from the **Washington-Duke Hotel**, Main Street, Durham, N. C., to **Durham, N. C.** Amended to give transmitter site as near **Durham, N. C.**

Fourth Zone

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license to **1130** change time from **6 a. m.**, **CST**, until **LS** at **Salt Lake City**, Utah, to **6 a. m.** **Eastern Standard Time** (Chicago, daylight saving) until local sunset at **Salt Lake City**, Utah.

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—**1210** Authority to install automatic frequency control.

KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—License to **1370** cover construction permit (**B4-P-1211**) as modified for a new station.

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—
1370 Construction permit to make changes in transmitting equip-
ment and increase power from 100 watts to 100 watts, 250
watts daytime.

NEW—Minnesota Broadcasting Corp., Minneapolis, Minn.—Con-
struction permit for a new high frequency broadcast station
to be operated on 26100 kc., 150 watts, unlimited time.

W9XAI—The Journal Company, Milwaukee, Wis.—Construction
permit for replacement of transmitter and increase in power
from 7.5 watts to 50 watts.

NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Con-
struction permit for a new relay broadcast station to be
operated on 1622, 2058, 2150, 2790 kc., 40 watts.

NEW—The Journal Company (The Milwaukee Journal), Mil-
waukee, Wis.—Construction permit for a new relay broad-
cast station to be operated on 1646, 2090, 2190, 2830 kc.,
50 watts.

Fifth Zone

KVI—Puget Sound Broadcasting Co., Tacoma, Wash.—Construc-
570 tion permit to use old W.E. 106-B transmitter as an auxiliary

and move transmitter from near Des Moines, Wash., to 950
Pacific Avenue, Tacoma, Wash.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—
780 Voluntary assignment of license from Evening Herald Pub-
lishing Co. to Hearst Radio, Inc.

NEW—Robert E. Clements, Huntington Park, Calif.—Construc-
1160 tion permit for a new station to be operated on 1160 kc.,
250 watts, daytime.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Modification of con-
1420 struction permit (B5-P-733) for new equipment, increase
in power, change of frequency and move of transmitter,
requesting new equipment, vertical antenna and approval
of transmitter site at Midway between Preston & Warner
and 9th & 10th Streets, Lewiston, Idaho.

Hawaiian Zone

NEW—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—
1010 Construction permit for a new station to be operated on
1010 kc., 250 watts, unlimited time.

NAB REPORTS

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 MAR. 25, 1937

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WASHINGTON RADIO HIGHLIGHTS

Representative Wigglesworth appearing this week before the Rules Committee of the House urging favorable action on Connery radio investigation resolution charges radio monopoly * * * * Calls attention to station sales at prices he charges are far in excess of replacement cost of station transferred * * * * Says thorough investigation of radio and broadcasting should go far to help many of present evils * * * * FCC Commissioner Stewart makes elaborate talk on radio at Duke University, again airing his ideas on newspaper-owned broadcasting stations and discussing whole broadcast situation in its many ramifications. * * * * FCC Amends its Rule 101.7 * * * * Both Houses of Congress pass radio operators bill.

WIGGLESWORTH SUPPORTS CONNERY RESOLUTION

Representative Wigglesworth of Massachusetts appeared before the Rules Committee of the House on Tuesday in support of the Connery resolution calling for a radio and broadcasting investigation by a committee of the House.

It is understood that the committee wishes to give Representative Connery another chance to appear before the committee before action is taken on the resolution. He is out of town and will not return until next week. Therefore, it is not expected that the Rules Committee will take any action on the resolution until sometime next week at the earliest.

"It is perfectly apparent," Mr. Wigglesworth told the committee on Tuesday, "that certain definite objectives were sought by Congress through the Federal Radio Act of 1927 and the Federal Communications Act of 1934. Among these objectives were the elimination of private ownership in the channels of interstate and foreign radio transmission, the elimination of undesirable trafficking in licenses issued by the Federal government and the elimination of monopoly or the evils of monopoly. No one can read the provisions of the Acts referred to without coming to this conclusion.

"Nevertheless, it appears today that we are confronted by a virtual monopoly in the hands of the three big broadcasting companies of the nation, National, Columbia and Mutual. It also appears in the absence of further explanation that we have failed to eliminate

private ownership or its equivalent in radio channels as well as undesirable trafficking in radio licenses, with all the possibilities with which we have been familiar in the past in other fields for the capitalization of earnings and profits to the detriment of the American people.

"The evidence indicates that all of the 40 so-called clear channels are owned, operated or affiliated with the big 3 broadcasting chains. 96% of the broadcasting stations with full time or substantial power are said to be owned or in some way tied in with the three big chains. Of 2,500,000 watts of full time night power allocated to the industry, less than 60,000 watts or 3% is available to stations which are not affiliated with the big 3. No independent full time station is licensed to operate at night with a power of more than 1,000 watts in contrast to some 200 stations affiliated with the big 3, many of which have 50,000 watts, one of which has 500,000 watts. In several states such as North Carolina, Rhode Island and Utah it is said that there is no independent station operated at night. In other states, I am informed, including Arkansas, Connecticut, Florida, Georgia, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Virginia and Washington, less than 1% of the power authorized for use at night is available to independent stations. This and other evidence indicates in some measure at least, the extent of monopoly by the big 3.

"The evidence also indicates instance after instance of the transfer of licensed broadcasting stations for a consideration far in excess of the replacement cost of the station transferred. It includes other instances where

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the transfer has been in the form of a lease for periods in excess of the original license, limited by law to a maximum of three years.

"One of the most striking cases of this character is afforded in the transfer of Station KNX, Los Angeles, to the Columbia Broadcasting Station. The replacement value of the station amounted to about \$217,000. After the deduction of accounts receivable, cash and good will, the value of the physical property amounted, I am told, to about \$63,000. The consideration paid for the assignment was \$1,250,000 or about twenty times the value of the physical property. Among the leases referred to is a lease of a station with replacement value of less than \$500,000 for an annual rental of \$219,000 for a period of seven years; the lease for a period of ten years with an option for renewal for another ten years and still another instance of a lease for a period of 99 years. The lessor in certain instances appears to obtain not only a fixed rental but a substantial percentage of the profits realized by the lessee.

"These transactions in the absence of further explanation appear to indicate that we have failed to date to bring about either the elimination of private ownership or its equivalent in radio channels or the undesirable trafficking in radio licenses. Unless this is accomplished the opportunity remains for the capitalization of government gratuities and for all the scandals of the past in other fields.

"A thorough going impartial investigation into the entire situation should serve to establish the extent and effects of monopoly in the broadcasting field. It should serve to determine the extent to which the elimination of private ownership and trafficking in licenses has been accomplished. It should serve to throw light on the matter of proper program control. It should serve to determine the earnings of the industry, whether or not rates charged are reasonable and what contribution, if any, the industry may be fairly asked to make to the Federal Treasury. The industry today is dependent for its very existence on Federal licenses. It pays nothing for these licenses, yet it commands a gross income which has been estimated for 1937 as amounting to between \$125,000,000 and \$135,000,000.

"A thorough going investigation seems to me imperative with a view to obtaining the objectives sought by Congress with proper protection for the American people."

FCC AMENDS RULE 101.7

At a meeting of the full membership of the Federal Communications Commission the following amendment to Rule 101.7 of the Commission's rules of practice and procedure, effective immediately, was adopted, with Commissioner Walker dissenting:

"Rule 101.7 is hereby amended by adding after the first sentence thereof a new sentence to read as follows:

"The provisions of this rule shall not apply to any person practicing, appearing or acting as an attorney in behalf of any municipality, or State or the Federal Government in any case, claim, contest, or other proceeding before the Commission or before any division or agency thereof."

The rule in its entirety, as amended, now reads:

"101.7. No person serving as an attorney at law in the Federal Communications Commission on or after July 1, 1935, shall be permitted to practice, appear, or act as an attorney in any case, claim, contest, or other proceeding before the Commission or before any Division or agency thereof until 2 years shall have elapsed after the separation of the said person from the said service. The provisions of this rule shall not apply to any person practicing, appearing or acting as an attorney in behalf of any municipality, or State or the Federal Government in any case, claim, contest or other proceeding before the Commission or before any Division or agency thereof. The term 'attorney at law' includes attorney-examiner. Nothing herein shall be construed to prevent any former officer or employee of the Federal Communications Commission from appearing as a witness in any hearing, investigation, or other proceeding before it."

RADIO OPERATORS BILL PASSES

The Senate has passed H. R. 3898, which has already passed the House and has gone to the President for signature before it becomes law. The bill amends section 318 of the Communications Act of 1934, dealing with operator's licenses. As it passed both Houses of Congress and becomes law it is as follows:

That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further,* That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices."

SECURITIES ACT REGISTRATIONS

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

The Trane Company, LaCrosse, Wis. (2-2912, Form A-2)
Windsor Land Company, Jersey City, N. J. (2-2913, Form A-1)
Shawnee Pottery Company, Zanesville, Ohio. (2-2914, Form A-1)
Broadway Department Stores, Inc., Los Angeles, Cal. (2-2915, Form A-2)
Hummel-Ross Fibre Corporation, Hopewell, Va. (2-2916, Form A-2)
The Hartford Electric Light Company, Hartford, Conn. (2-2917, Form A-2)
The Connecticut Power Company, New London, Conn. (2-2918, Form A-2)
San Jose Water Works, San Jose, Cal. (2-2919, Form A-2)
Girard Investment Company, Philadelphia, Pa. (2-2920, Form A-2)
Old Diamond Gold Mines Limited, Madoc, Ontario, Canada (2-2921, Form A-1)
Queensboro Gold Mines Limited, Toronto, Canada (2-2922, Form A-1)
Le Roi Company, West Allis, Wis. (2-2923, Form A-2)
Blair Distilling Company, Chicago, Ky. (2-2924, Form A-1)
Truax-Traer Coal Company, Chicago, Ill. (2-2925, Form A-2)
The Dobeckmun Company, Cleveland, Ohio (2-2927, Form A-2)
Commercial Discount Company, Los Angeles, Cal. (2-2928, Form A-2)
General Household Utilities Company, Chicago, Ill. (2-2929, Form A-1)
Gamble-Skogmo, Inc., Minneapolis, Minn. (2-2930, Form A-2)
Gulfboard Oil Corporation, Houston, Texas (2-2931, Form A-1)
Western Auto Supply Company, Kansas City, Mo. (2-2932, Form A-2)
Aetna Ball Bearing Manufacturing Company, Chicago, Ill. (2-2933, Form A-2)
Marine Midland Corporation, Jersey City, N. J. (2-2934, Form E-1)
Boston Fund, Inc., Boston, Mass. (2-2935, Form A-1)
Sonoco Products Company, Hartsville, S. C. (2-2936, Form A-2)
Committee for the Protection of Gold Debentures of Utilities Power & Light Corporation, New York City (2-2937, Form D-1)
Noblitt-Sparks Industries, Inc., Columbus, Ind. (2-2938, Form A-2)
Fedders Manufacturing Company, Inc., Buffalo, N. Y. (2-2940, Form A-2)
The Hinde & Dauch Paper Company, Sandusky, Ohio (2-2941, Form A-2)
United Stockyards Corporation, Chicago, Ill. (2-2942, Form A-1)
G. C. Murphy Company, McKeesport, Pa. (2-2943, Form A-2)

MORE TIME FOR WBAX

Broadcasting Station WBAX, Wilkes-Barre, Pa., applied to the Federal Communications Commission for a change from specified hours on the air to unlimited time. The station operates on 1210 kilocycles, with 100 watts power.

Examiner John P. Bramhall in Report No. I-371, recommended that the application be granted "conditioned upon compliance with Rule 131." He found that "need for additional service in the area proposed to be served has been conclusively shown."

APPLICATION RECOMMENDED FOR DENIAL

John R. and Joe L. Peryatel and Richard R. Beauchamp filed an application with the Federal Communications Commission for a constructive permit for the

erection of a new broadcasting station at Raton, N. M., to use 1210 kilocycles, 100 watts power and unlimited time on the air.

Examiner P. W. Seward in Report No. I-369 recommended that the application be denied without prejudice. When the case came on for hearing no appearance was made by the applicants nor was an appearance entered by any attorney representing the applicants. The Examiner has therefore recommended that the application be denied without prejudice.

NORTH CAROLINA STATION RECOMMENDED

H. W. Wilson and Ben Farmer applied to the Federal Communications Commission for a construction permit for the erection of a new station at Wilson, N. C., to use 1310 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. I-368 recommended that the application be granted. He found that a need does not exist in the area proposed to be served for additional daytime broadcast service and that granting of the application would be in the public interest.

STATION DENIAL RECOMMENDED

The Falls City Broadcasting Corporation, filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Falls City, Nebr., to use 1310 kilocycles, 100 watts power and unlimited time on the air.

Examiner Ralph L. Walker in Report No. I-370 recommended that the application be denied. He states that "operation of the proposed station at night will cause objectionable interference, seriously curtailing the service area of an existing station. No objectionable interference will result from operation daytime only." He states on the other hand that "at least two existing stations provide satisfactory signals for primary day service in Falls City, and the area as a whole has good service from a number of additional stations."

DENIAL OF KRLH CHANGES RECOMMENDED

Broadcasting station KRLH, Midland, Texas, filed an application with the Federal Communications Commission asking that its frequency be changed from 1420 to 1210 kilocycles. The station operates on 100 watts and daytime only.

Examiner P. W. Seward in Report No. I-376 recommended that "in view of the fact that applicant seems to have abandoned his application for change of frequency and has failed to prosecute same on the date set by the Commission, it is recommended that the same be denied for want of prosecution."

ALABAMA STATION DENIAL RECOMMENDED

H. O. Davis filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcast station at Mobile, Ala., to use 610 kilocycles, 250 watts night and 500 watts L. S. unlimited time on the air.

Examiner P. W. Seward in Report No. I-374 recommends that the application be denied, because the applicant failed to appear and prosecute his application when the case was called for hearing.

DENIAL RECOMMENDED FOR STATION

Harold Thomas applied to the Federal Communications Commission for a construction permit for the erection of a new station at Pittsfield, Mass., to use 1310 kilocycles, 100 watts night and 250 watts LS unlimited time operation.

Examiner P. W. Seward in Report No. I-375 recommended that the application be denied. He found that "the evidence adduced at the hearing does not establish a need for additional radio service and particularly is the evidence insufficient to show that the station would have adequate commercial support to insure its proper and efficient operation."

RECOMMENDS DENIAL OF PERMISSION TO TRANSMIT PROGRAMS

J. L. Statler doing business as the Baker Hospital at Muscatine, Iowa, applied to the Federal Communications Commission for permission to transmit programs to stations in Canada and Mexico.

Examiner Ralph L. Walker in Report No. I-373 recommends that the application be denied. He found that the testimony concerning the financial condition of the applicant and plans "for technical operation is confined to his own broad general statements, without detailed facts sufficient to form the basis for a definite conclusion with reference thereto." The Examiner found that the granting of the application would not serve the public interest.

RECOMMENDS DENYING APPLICATIONS

J. R. Roberts applied to the Federal Communications Commission for an extension of time to construct a station at Gastonia, N. C., which was to operate with 1420 kilocycles, 100 watts and unlimited time. Also Virgil V. Evans asked for a construction permit at the same place to use the same frequency, power and time.

Examiner John P. Bramhall in Report No. I-378 recommended that both of the applications be denied. He found that granting either of the applications would not be in the public interest.

RECOMMENDATIONS FOR PITTSFIELD AND NEW HAVEN

Broadcasting station WELI, New Haven, Conn., now operating on 900 kilocycles, 500 watts power and daytime applied to the Federal Communications Commission to modify its license to use 930 kilocycles, 250 watts night and 500 watts LS and unlimited time on the air. Also Lawrence K. Miller applied to the Commission to construct a new station at Pittsfield, Mass., to use 930 kilocycles, 250 watts and daytime operation.

Examiner P. W. Seward in Report No. I-372 recommended that the changes requested by WELI be granted but that the application of Miller be denied. Granting of the first application would not cause interference the Examiner found and but in the case of the Miller application he states that the evidence did not show the need for additional radio service in the area proposed to be served.

STEWART DISCUSSES HIS VIEWS ON BROADCASTING

An elaborate presentation of his views on broadcasting was made on Tuesday night by Commissioner Irvin Stewart, vice chairman of the Federal Communications Commission in an address at Duke University.

In connection with his talk Commissioner Stewart said that "the public control of radio is of a fairly recent date. If I have left you with the impression that there are more problems than answers at the present time, I have but reflected the truth. The problems are there. To refuse to admit their experience will not solve them. Upon their solution will depend the eventual reception of radio by the public; and upon that depends the future not only of the public control of radio, but of radio itself."

In connection with his remarks dealing with broadcasting Mr. Stewart said in part:

The person who has the largest stake in American broadcasting is the listener. While the investment of the individual listener in his receiving set is small compared to that of the broadcast station owner or that of the large advertiser, in the aggregate the total investment in receiving sets is far greater than that in transmitting stations or in advertising time. In theory, broadcasting is for the benefit of the listener. It should be; for its heart is an uncompensated use of public property, and the listener is the man who foots the bill for broadcasting when he pays the cost of governmental regulation and when he buys the advertised product.

One corollary of the American system in which broadcasting is supported by advertising revenue is generally overlooked. Somewhat over-simplified for emphasis, it is that a broadcasting system supported by advertising is one in which broadcast stations are located where the advertisers want them, not where they will best serve the country as a whole. This corollary is not entirely free in its operation for Congress, in setting up the regulatory authority, has said that in granting facilities, the Commission must so distribute them "as to provide a fair, efficient, and equitable distribution of radio service" to each state. This general statutory requirement has operated as a limitation upon the complete freedom of broadcast station owners to locate their stations where the prospect of advertising revenue was the greatest.

Another characteristic of the American system of broadcasting is that the initiative in the establishment of stations for the most part comes from persons who have a private interest, usually financial, in the ownership of the stations. Their primary purpose is not to locate the proposed station so as to serve that portion of the population of the United States most in need of radio service. Generally speaking, the primary consideration of the applicant is that of financial return, not of service rendered. In practice this means intense competition for stations in areas with large population, and little demand for stations where population is comparatively sparse. The result is a distribution of broadcast stations in the United States which no engineer would attempt to defend as an efficient way to deliver broadcasting service to the country as a whole.

SERVICE AREAS

From the standpoint of the transmitted signal, broadcast stations have a primary service area and a secondary service area. In the former the program is transmitted by the ground wave directly and the service is good from the standpoint of the strength and consistency of the received signal. In the latter, the program is transmitted by the sky wave which is reflected back to earth. In strength and consistency, the signal received in the secondary service area varies with the seasons from good, through mediocre, to completely unusable.

Partly as a result of the fortuitous distribution of broadcast stations, a considerable portion of the population of the United States residing in most of its area is dependent upon secondary service. In December 1933, over one-third of the population of the United States residing in more than three-fourths of its total area was dependent upon secondary service at night. These figures have undoubtedly been slightly improved since that time, but there still remains a substantial portion of the population residing in the larger part of the area of the United States which has no radio service reliable at all times.

In 1928, the Federal Radio Commission set up a classification under which broadcast channels were divided into three categories: clear, regional and local. Local channels were designed to provide urban coverage by stations of low power duplicated on the same frequency at frequent intervals. Regional channels were designed to provide coverage for a city and a small surrounding area by stations with intermediate power, two or more stations with sufficient geographical separation being licensed to use the same frequency.

CLEAR CHANNELS

Clear channels were designed to provide rural coverage. On such channels, there was to be but one station operating with comparatively high power, having its secondary service area interference-free in order that large areas might be served.

At this point, the economics of the American system of broadcasting come into play. With clear channel stations designed to provide rural coverage, most of them are located in the larger cities. The New York metropolitan area has four clear channel stations, Chicago four, Philadelphia two and Los Angeles two. Due to the breaking down of certain clear channels, there are now a total of 47 stations operating on the 40 clear channels. Twenty of them are located in metropolitan areas having a population of a million or more; fourteen in metropolitan areas having a population ranging from a quarter-million to a million. Forty-three of the 47 clear channel stations are located in metropolitan areas having a population of 100,000 or over. Thus our urban farmers are bountifully cared for. Perhaps these figures were in the mind of the president of the company which owns all the stock in one of the broadcasting networks, when he recently said: "The rural listener is served on a parity with the city dweller." Or perhaps he had in mind that while over three-quarters of the area of the United States has no primary service, there are 30 broadcast stations in New York City and 19 each in Chicago and Los Angeles.

CHAINS

This leads me to another phenomenon in the American broadcasting picture, the networks or chains. In addition to about

40 local or regional chains there are three chains providing coast-to-coast service at the present time. All of the high power clear channel stations upon which the rural areas depend for broadcast service are owned or are affiliated with one of these three. A result of this is that a considerable portion of the population of the United States is largely dependent upon programs from chain stations. The duplication of programs on chain stations may make it more certain that persons in those parts of the United States dependent upon unreliable secondary service will be able, on any given evening, to receive a particular program from one or more stations. The duplication also means, unfortunately, that the choice of programs is very severely limited. It must be disconcerting to be able to receive only two or three stations satisfactorily and find the same program on all of them, especially if it is not a program that appeals to one's particular taste. The duplication of programs on clear channels raises the fundamental question as to how successfully clear channels are meeting their declared purpose when they are used to pound the same program in on the listener from several stations rather than to give him a selection from which to choose the program to which he wishes to listen.

The three coast-to-coast networks own a comparatively small number of stations, but they provide programs for a total of 249 out of the 696 broadcast stations in the United States, including practically all of the more powerful stations. In affiliating with a chain, the local station usually loses control over some of its most desirable hours for broadcasting, the important evening hours. The national advertiser dealing with the chain has first call upon those hours. The local program, whether sustaining or commercial, can be used during the hours reserved by the chain only if the national claim is not exercised.

CHAIN PROGRAMS

Undoubtedly the chains have made available to small communities programs which it would have been difficult for them to receive otherwise. They have made it possible for national audiences to listen to programs of national importance. But, with three organizations in a position to determine what programs shall be carried on the most powerful broadcast stations all over the country at the times when most people are free to listen, it is small wonder that the cry of monopoly has been raised. At the present time there is pending before the House of Representatives a resolution providing for an investigation of charges of the existence of a monopoly in radio broadcasting.

While Congress in the Radio Act of 1927 and again in the Communications Act of 1934 specifically gave to the Commission power to issue special regulations applicable to radio stations engaged in chain broadcasting, there are no such regulations at the present time, nor have any ever been in effect.

TRANSFERS OF LICENSES

One matter in which there has been a great deal of interest recently is that of transfers of broadcast station licenses. It will be recalled that, in granting station licenses, the Commission is limited by the applications filed with it. Similarly, in connection with applications for consent to the transfer of station licenses, the Commission passes only upon the would-be transferee who has been selected as his successor by the present licensee. Assuming the qualifications of the transferee, there remains an interesting question with respect to the price to be paid for the assignment of the license.

You will recall that broadcast station licenses are issued for six month periods. The licensee has certain physical assets in the form of a transmitter, studios and associated equipment. When he sells his station, subject to the approval of the Commission, what is he selling? Can he transfer an expectancy of the renewal of the license? There has been no determination that he can. Has he any interest beyond that of the value of the physical equipment, and, if so, what is its nature?

According to one school of thought, the consideration paid for the transfer is a matter between the two individuals in which the Commission has no interest. According to another school of thought, the law has been so carefully drawn by Congress to ex-

clude any possibility of any rights in the licensee other than those granted on the face of the license itself, that the Commission should be on guard against anything looking toward the building up of a vested right in a station license.

RADIO LICENSE

My own views coincide with those of the latter group. A radio station license is personal to the licensee, granted after a finding that his holding the license will be in the public interest. There is nothing in that finding which says that he may sell the license to the highest bidder who may be technically qualified. Station licenses are not pieces of merchandise; they are evidences of a privilege to serve the public. Surely this must have been one reason why Congress carefully restricted the license period to not more than three years and the Commission has further restricted it to six months.

There have been suggestions that, if the Commission does not explore its own powers to check sales of broadcast stations at inflated prices, Congress might recapture for the public the profit on the transfer of public property. Bear in mind that broadcasters pay nothing for the privileges they receive from the government, and that the taxpayers pay the cost of the administration which makes it possible for the broadcasters to operate at a profit. Sooner or later broadcasters may be asked what would be unfair about an act of Congress taking in the form of taxes the excess of the sale price over the value of the physical equipment transferred.

The transfer of licenses at prices far in excess of the value of the physical equipment involved will sooner or later offer a tempting field for the middleman.

While licensees have agitated for longer license periods, at the same time they have acted as though they were to be the beneficiaries of an indefinite grant of public facilities. Thus, in one instance, a price of \$1,250,000 was paid for a broadcast station where the original cost of the fixed assets was approximately \$177,000. This would seem a high price for the privilege of being on the air for the remainder of a six-month period.

LEASE EQUIPMENT

Again holders of a six-month license have leased their physical equipment for periods of from one to fifteen years at annual rentals approximating the value of the equipment. Yet physical equipment without the privilege of transmitting would have only a junk value.

Further, contracts of affiliation between station licensees and the broadcasting chains sometimes run for two years or even for five years, although the station licenses run only for six months.

A fairly recent device has been the sale of stock in certain licensee corporations to the public in a manner to yield the promoters far more than the entire cost of the station while leaving them in control of the station with a majority of the stock.

Some of the things I have mentioned have been with the approval of our Commission and our predecessor, the Federal Radio Commission. I have some fear of the outcome, some fear that the claim may be made that the Government, through the Commission, has in a measure estopped itself. If the short-sightedness and cupidity of station licensees should eventually lead to Government ownership (and I am not an advocate of Government ownership), the Government will undoubtedly be met with wholly fictitious values which it will be claimed it has approved. Likewise, if Congress should in a measure equalize opportunity for the use of broadcasting by making broadcast stations common carriers, a highly inflated rate base is in sight.

A related matter which merits serious attention is the rapid increase in the number of situations where two or more broadcast stations are coming under the same control. This development is occurring through the transfer of existing stations even more than through the construction of new stations. At times it takes the form of a single control of all, or of the more important, stations in a particular community. Again it is in the form of single control of stations in different localities. When the Commission is awarding an invaluable public property of limited proportions, carrying great power with it, and for which there is great demand, how much of it should be allotted to one man for

his own benefit? The Commission must find the answer to that question.

NEWSPAPER CONTROL OF BROADCAST STATIONS

Another matter which is in the public eye at the moment is that of newspaper control of broadcast stations. As of February 16, 1937, of the less than 700 broadcast stations, exactly 200 were controlled by or affiliated with newspapers. One factor of great interest in these figures is the length of time in which the newspaper interest has been present in the stations.

Of the 200 newspaper controlled or affiliated stations 99 have a newspaper interest which began sometime in the 13-year period between January 1, 1921, and January 1, 1934, and 101 have a newspaper interest which began sometime in the slightly more than three years between January 1, 1934, and February 16, 1937. On the latter date there were pending 111 applications the granting of which would result in other stations coming under newspaper control. So it is that after a most prodigal grant of newspaper applications, there remain pending what is probably the largest number of newspaper applications in the history of radio.

Is there any element of public interest in this rapid extension of newspaper control over broadcasting? I believe that, at least in certain situations, there is. The community has long been dependent upon the newspaper for its news and its advertising. Its thinking has been influenced by the columns of the newspapers, by the method of presentation as well as by the editor's choice of what he will print and what he will not.

RELIEVES CITIZENS

To some extent the broadcast stations have relieved the citizen of his dependence on the newspaper. The fact that a newspaper does not print all or part of a particular speech loses some of its significance if a man can hear the speech in its entirety on his receiving set. News services are now available to the broadcast station owner as they are to the newspaper. When the newspaper and the station are separately controlled, one can be checked against the other. When they are under the same ownership, how long will this be true? To my mind there is an important public interest involved in that question.

The subject is one on which there is a wide divergence of views. Probably not many people gave much thought to the situation when newspapers had an interest in comparatively few stations. The rapid increase in newspaper stations in the last three years has given rise to fear in some quarters that the public interest might be adversely affected. If the acceleration of the last three years continues for long into the future, the entire broadcasting picture may change.

There is a bill pending in the House of Representatives to divorce newspapers and broadcast stations. Another of similar intent has been promised for the Senate. If either bill is pressed, the ensuing hearings should be as interesting as they promise to be bitter. The cry of monopoly of news and information is being heard to some extent. I think we shall hear more of it. And soon the question will be raised as to whether America is so short of men who can be trusted to control the avenues through which information is passed on to the public, that we must entrust the two principal avenues to the same group of men.

Men will differ in the weight they attach to the matter of newspaper control of broadcast stations as well as in the treatment they will propose. I can not agree with those who contend that the matter has no element of public interest which may be considered by a Commission granting applications under a statutory standard of "public interest, convenience or necessity."

ADVERTISING

One of the complaints most frequently raised against broadcasting is the character of advertising permitted and the length of time occupied by advertising blurbs. The Commission's powers in this field are not well defined and they have never been thoroughly explored. On the one hand, there is the flat statutory bar against censorship of broadcast programs. On the other, there is the equally flat requirement that broadcast stations may be licensed

only when public interest, convenience or necessity will be served thereby. May and should the Commission consider the type of advertising and the character of products advertised in passing upon public interest?

The Commission has declined to renew station licenses in three cases where the stations were used largely for the promotion of questionable ventures in which the station owners were interested. It has called a number of stations for hearing in connection with the advertising of certain products, chiefly patent medicines. It has indicated its displeasure in certain extreme cases where the station owner and the advertiser were so heedless of public responsibility that they joined hands in pushing products the use of which might lead to death or permanent disability—to the profit of the broadcaster and of the advertiser.

How effectively the Commission can regulate advertising has never been shown and need never be shown if broadcast station licensees will accept the public responsibilities that go with a broadcast station license. Good taste can not be legislated, and I suspect that it can not even be administratively required. Good taste, a sense of public responsibility and elementary decency on the part of broadcast licensees should make it unnecessary for the Commission ever to explore the possibilities of its power effectively to regulate advertising.

PROSPERITY FOR BROADCASTERS

At the present time the rising tide of prosperity for the broadcasters may simplify the problem of objectionable advertising. With the increased demand for the inflexible number of hours available on any station, the station owner is in a position to use the increased demand to require better programs and better taste in both programs and advertising announcements on the part of those sponsors whose contracts he accepts. He is equally in a position to increase his rates and to sell the time to the advertiser who will pay the higher rates rather than the one whose programs and whose products are in better taste. This is merely another of the numerous instances where broadcasters are privileged to choose between an enlightened far-sighted selfishness and a short-sighted "bird-in-the-hand" variety. The extent to which the Commission's powers will need to be explored rests upon the decisions of the broadcasters.

PROGRAMS

Broadcast programs vary widely in their quality. Variation of content is desirable, of course, as the tastes of individuals vary. The variation in quality, however, is enormous. There are numerous high quality programs of all types. But there are also numerous, perhaps more numerous, programs of all types of mediocre or extremely low caliber. Program content offers an interesting sphere of speculation about Commission power, although it is one in which the Federal Radio Commission and our Commission have done little. On the technical side, the Commission has steadily increased its requirements that a broadcaster should have physical equipment meeting high engineering standards before he receives a license to operate. The necessity for such a requirement seems elementary, and no one today would seriously question the Commission's right and its duty to impose high technical standards.

Is there an analogy in the program field? Can the Commission set up minimum standards of program quality which all licensees would have to meet? Standards of engineering efficiency are fairly easy of formulation and of application. Standards of program quality would be difficult both of formulation and of application. I for one, however, am not prepared at this time to state that standards of program quality are impossible either of formulation or application. The field is one in which the Commission has done nothing—it may possibly remain one in which the Commission will do nothing. The answer must depend upon the broadcaster. Programs of uniformly high caliber voluntarily provided by broadcast station licensees would probably leave the question of the Commission's power to impose program standards and the practicability of the exercise of such power untested and unexplored. Failure of licensees to provide programs of uniformly high quality might lead to an exploration of this field as perhaps more desirable than certain other alternatives.

As elsewhere in dealing with broadcasting we must hold public interest paramount. "Public interest" is more than a phrase to which an applicant for broadcast facilities must give lip service. It is a constant reminder that the station licensee has the temporary use free of all charge of an invaluable facility which belongs to all the people. The American people control the frequencies which are the *sine qua non* of broadcasting; they have merely made a temporary and conditional loan of those frequencies to the present licensees of broadcast stations. The condition is that the operation of their stations will be in the public interest. That should mean good programs at the very least.

CENSORSHIP

As it may be claimed that a requirement that broadcast stations furnish good programs amounts to censorship, I shall discuss that subject next. Indeed no discussion of the public regulation of radio would be complete without some reference to censorship.

Last year the country went through a bitter political campaign. All shades of opinion were expressed in varying degree—in many cases to the point of complete boredom of the listeners—and there was no complaint that the Commission was trying to censor anybody. In three widely publicized incidents which reached the Commission the cry of censorship was raised, but not against the Commission.

In one instance two California stations refused to carry an address of the President of the United States without payment. When some individuals in California complained against this refusal, the Commission stated that the stations acted within their legal rights in declining to carry the President's address.

In the second case the owner of a broadcast station who had carried—for pay—the speeches of Candidates Roosevelt and Landon, refused to carry—for pay—the speeches of Candidate Browder, although the law is very specific that if a station's facilities are made available to any candidate for a public office, they must be made available to all candidates for that office. When the Commission asked the station owner to explain his conduct in the matter, he decided to let Candidate Browder speak.

The third incident was the debate between a Senator and a phonograph record, which some stations refused to carry. Although there was a half-hearted attempt in some quarters to show that the Commission was in some way censoring the Senator, I think that most people, certainly including the Senator himself, realize that the affair was one between the Senator and the broadcast chain which could not make up its mind whether to carry his speech.

I know of no instance of censorship or attempted censorship of broadcasting by the Federal Communications Commission. To complete the picture I want to add, however, that the Commission has the right to look into a licensee's conduct of his station as an aid in determining from a study of his past conduct whether public interest would be served by the renewal of his license. In nine years of Commission regulation under that power, five renewals of licenses have been refused primarily because of past programs. Where appeals were taken from those decisions, the Commission was sustained by the courts, which agreed with the Commission that the past conduct of the licensees indicated that their future holding of station licenses would not be in the public interest. The courts shared the views of the Commission that this was quite different from censorship.

There is another place at which censorship can be sought, however: at the station itself. Congress has not seen fit to make broadcast stations common carriers. In consequence, the station owner can carry such programs as he pleases, and refuse such as he wishes within the broad limits of the Commission's findings on public interest. So it is that the station owner can, and upon occasion does, refuse to carry programs contrary to his own views or his own interests. For a discussion of the subject of censorship by the stations themselves I suggest the pamphlet report by the American Civil Liberties Union entitled "Radio Is Censored!"

Facts regarding censorship are hard to obtain because there is no requirement of records showing refusals of time and the reasons therefor. A bill now before Congress would require each station to keep such records. To date it has not been acted upon.

The refusal of a station owner to permit the use of his facilities for the expression of views inimical to his own may have serious results. In a large part of the country only a very few stations can be heard consistently. When a minority group is refused expression of its views over a single broadcast station, it means that those views can not be heard in a section of the country where that station is the only one received.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3078. University Forum, Inc., and Delta Theta Chi Sorority, of 1811 Prairie Ave., Chicago, and 354 O'Farrell St., San Francisco, respectively, are charged with unfair competition in the sale of books, in a complaint.

Selling and distributing a series of books entitled "University Forum" and "Effective Speech," the respondent corporations are alleged to have represented to prospective customers in different cities that alleged chapters of Delta Theta Chi were being established in such cities as a sorority for professional or business women. It was represented, according to the complaint, that while the prime purpose of the sorority was social, it had certain cultural aspects. Prospective members agree to pay \$45 initiation or membership fee, and other annual dues, it is charged.

Prospective members are alleged to have been informed that to further the cultural aspect of the sorority an alleged local chapter would be given two sets each of the "University Forum" and "Effective Speech" series, one set to remain at the local chapter rooms for use of members, the other to be placed in possession of the educational director of the chapter. Prospective members are also alleged to have been told that they would receive instruction under supervision of a college or university professor.

The complaint charges that the representation that Delta Theta Chi Sorority is a professional or business women's sorority is not true, and that the sorority is only an outlet for the publications offered for sale. Delta Theta Chi Sorority is not a sorority in any sense of the word, according to the complaint, and representations to the effect that members would receive supervised instruction under a university professor are not true, it is alleged.

No. 3079. Phoebe Phelps Caramel Co., 74 Fulton St., Boston, is charged in a complaint with unfair competition in the sale of candies to wholesalers, jobbers and retailers.

Assortments of candy were so packed and assembled by the respondent company as to involve use of a lottery scheme when resold to consumers, according to the complaint.

No. 3080. A complaint has been issued charging **Louis Kipilman**, trading as **Majestic Laboratories**, 128-04 111th Ave., Richmond Hill, Long Island, N. Y., with unfair competition in the interstate sale of "Kipzeme Ointment."

This product, according to the complaint, was advertised in a manner having a tendency to mislead buyers into believing that Kipzeme heals all leg sores, and is an adequate remedy in the treatment of old, aggravated leg sores, skin eruptions, eczema, and kindred ailments.

The fact is, according to the complaint, that the respondent's representations are false and misleading and the preparation will not accomplish in all cases the results claimed for it.

Nos. 3081 and 3083. Sale of merchandise by means of plans involving lottery schemes, in violation of Section 5 of the Federal Trade Commission Act, is alleged in two complaints.

Albert J. Tarrson, 230 East Ohio St., Chicago, is respondent in one complaint. Trading as **National Advertisers Co.**, **A. J. Sales & Manufacturing Co.**, **The Tarrson Co.**, and **Pla-Pal Radio & Television Co.**, Tarrson is engaged in the sale of cameras, pen and pencil sets, radios, safety razors, clocks, and other merchandise.

In the second complaint, the respondents are **Mitchell Bazelon** and **Charles Harris**, 946 Diversey Parkway, Chicago, who trade as **Park-Laue Candy Co.**, and **Charris Specialty Co.**, and sell candy, cocktail shakers, watches, pipes, cigarette cases and lighters, and other novelty products.

The respondents in both cases allegedly employ push-card or punch-board lottery methods in selling their merchandise. They are said to distribute the merchandise, together with push cards or punch boards, to retailers direct, or through wholesalers, thus placing in the hands of others the means of conducting lotteries in the sale of such merchandise to ultimate purchasers.

No. 3082. A complaint has been issued charging **The Solvotone Co.**, 4303 Cottage Grove Ave., Chicago, and **Jessie Rogers**, individually and as president of the corporation, with unfair competition in the interstate sale of "Solvotone," a medicinal preparation.

This product, according to the complaint, was advertised in a manner tending to mislead buyers into believing that it is a cure for serious and dangerous conditions of the body, such as gallstones, appendicitis, and ulcer of the stomach, and that its use prevents the necessity of surgical operations to relieve such conditions.

No. 3084. A complaint alleging false and misleading representations in connection with the sale of medicinal preparations, designated as "Dr. Warner's Remedies," has been issued against **Warner's Renowned Remedies Co.**, 13 East 25th St., Minneapolis.

The complaint charges that use of the preparations in the treatment of certain ailments does not have the beneficial therapeutic value claimed, and that the products are not, as implied in advertising matter, manufactured under the supervision or formula of a member of the medical profession, nor are they generally prescribed by Dr. H. H. Warner.

The preparations which the respondent company is alleged to have falsely advertised in booklets, circulars and show-window displays are known as "Warner's Renowned Vaginal Creme," "Warner's Renowned Frem Pills" and "Warner's Renowned Vigo Tablets."

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01546. David H. Fulton, trading as The Vendol Co., 1 West Biddle St., Baltimore, will stop representing that either Vendol or Vendol Laxative Tablets is a herb, a root or vegetable compound; that Vendol will correct any physical ailment, and that it is an effective remedy for certain disorders of the stomach, liver and kidneys, unless confined to the relief of such ailments and when they may be due to conditions that can be benefited by use of Vendol. Fulton agrees to cease publishing any statement purporting to be the formula for any of his preparations, unless it contains all of the ingredients of the preparation, and will stop using the symbol "Rx" to indicate that Vendol was prescribed by a physician.

No. 01547. Gordon E. and Maynard E. Jenks, trading as Jenks Brothers, 144 Bank St., Elkhart, Ind., stipulate that they will desist from representing in advertising matter that the Rectal Ointment they sell is a competent remedy in the treatment of hemorrhoids or piles, and that Lax-A-Ton Herb Tea is a competent remedy in the treatment of constipation or any more effective than ordinary laxatives in relieving temporary constipation. Assertions that Lax-A-Ton Herb Tea is a tonic or recommended by herbiol authorities or botanists, will be discontinued.

No. 01548. Konjola, Inc., 18 North Water St., East Port Chester, Conn., agreed that in the sale of Konjola it will cease representing, among other things, that the product is a competent treatment for rheumatism, neuritis, or disorders of the digestive tract, unless limited to palliative relief; that it banishes stomach, digestive or skin disorders; helps rid the system of poisons and relieves nervousness or pains caused by intestinal trouble, and that it is a new discovery and nature's remedy for stomach distress.

No. 01549. Omega Chemical Co., 33 34th St., Brooklyn, signed a stipulation to cease advertising that Omega Oil, a preparation for external application, relieves deep-seated or stubborn pain, unless such representations are so qualified as to exclude those pains which cannot be benefited by the product's therapeutic action, and are so worded as not to imply that the product will have therapeutic effect upon the underlying causes of pain in every instance. Other representations to be discontinued are that the medical profession is agreed that the formula for Omega Oil makes it outstanding; that the preparation will afford complete relief within any definite period of time, and that it is a more competent treatment than other preparations of similarly effective ingrediency in the treatment of colds, or quicker or safer in affording palliative relief from the ordinary pain and discomfort of colds.

No. 01550. **H. P. Clearwater, Ph.D., Hallowell, Me.**, engaged in the sale of Clearwater's Treatment, agrees to discontinue advertising that by use of the treatment one may get rid of rheumatism, neuritis, arthritis, sciatica or lumbago, in the sense of preventing further attacks due to the same or other causes. He also will cease representing that rheumatism is caused only by the absorption of poisonous toxins, chemically developed in the intestines by putrefaction of certain undigested food elements, and that uric acid does not cause rheumatism.

Nos. 01551-01553. **R. E. Stults, 1623 West Grand Avenue, Chicago**, selling a course in detective training, and **Jim Lund, River Falls, Wis.**, vendor of a book entitled "One Thousand Ways to Get Rich," have entered into stipulations to discontinue unfair advertising practices in the sale of these commodities.

Stults, trading as The United Detective System, agrees to stop advertising in connection with the sale of his course that experience is unnecessary in order to be a detective and that the training obtained through his course will of itself actually prepare a person for a good paying and permanent position; enable one to operate a detective business in his own home, no matter where he lives, and that there are thousands of detective positions open each year.

Lund, under his stipulation, will cease advertising that his book, "One Thousand Ways to Get Rich," affords a most unique opportunity, enabling one to make money at home, and that it offers an opportunity worth its weight in gold, gives "twenty ways to make a million," and contains 1,000 formulas, plans and secrets for making money in spare time at home.

No. 01552. **H. R. Walde, Lake Wales, Fla.**, selling Walde's Wonder Salve, agrees to stop advertising it as an effective treatment for all kinds of infections, boils, burns, wounds, sores or sprains and as a protection against infection of any kind, particularly wounds from rusty nails.

No. 01554. **American Maize Products Co., 100 East 42nd St., New York**, agrees to stop advertising its syrups by means of assertions that dextrose is a "mysterious" element, that it replaces burned-up body tissues, revives tired muscles and nourishes starved nerves. The company also will stop asserting that any of its syrups is "extra rich" or "extra plentiful" in dextrose, and that any of its products has been "recommended," as distinguished from "accepted," by the American Medical Association. The respondent company admits that the composition and functions of dextrose in the body's metabolism have been known for several years, and are not mysterious, and that the company's syrups do not contain dextrose in amounts sufficient to warrant it in representing them as "extra rich" or "extra plentiful" therein.

No. 01555. Trading as **B. C. Remedy Co., Germaine Bernard and C. T. Council, of Durham, N. C.**, stipulate that they will cease representing B. C. Remedy as ranking first in the Nation, unless reliable statistics show this to be true, and will stop advertising that, by use of this remedy, one may "banish" headaches or muscular aches or cause them to "vanish." They also agree to cease asserting that B. C. relieves pain within three or four minutes or within any other definite time.

No. 01556. Trading as **Peter Falor Co., Elmer J. Jacobs, 301 West 9th St., Kansas City, Mo.**, has entered into a stipulation to discontinue false and misleading advertising in connection with the sale of clothing.

Jacobs agrees to cease representing that sweater coats are given free, for advertising purposes, to persons making written requests for them; that any person writing for a free sweater coat will receive one without being required to purchase anything, and that a free sweater is given to only one person in each locality.

No. 01557. **Associated Pharmacists of Baltimore, Inc., 6 East Mulberry St., Baltimore**, agrees to stop representing that its product, Q-623, is a competent treatment or an effective remedy for rheumatism, neuritis, sciatica, or lumbago, unless the assertion is limited to the relief of pain resulting from such conditions, and that the product is "a prescription of a famous specialist." In its stipulation the respondent company admitted that while the product may be of some benefit in relieving the pains resulting from the conditions for which it is represented as a remedy, the preparation cannot be depended on to produce results to the extent advertised. The respondent company also admitted that its product is not the prescription of a famous specialist.

No. 01558. **Manikin Products, Inc., 200 5th Ave., New York**, in the sale of "Manikin Tea," agrees to cease advertising that its use will enable a person to have the sylph-like figure of a fashion manikin, and will produce a fashionable figure or a youthful, athletic figure. The respondent company also agrees to stop representing that Manikin Tea is "pure and harmless" or "safe," and that it is a competent treatment or an effective remedy for obesity.

In its stipulation, the company admits that a preparation of the composition of its product would have laxative and diuretic properties, but in and of itself would have no appreciable effect in reducing weight. The company also admits that any preparation containing senna or bladderwrack is, according to the consensus of medical opinion, if taken in sufficient quantities over a period of time, capable of producing harmful effects.

No. 01559. **Dr. A. F. Jacobson and Arthur Carlsten, 29 East Madison St., Chicago**, trading as D'Arten Pharmacol Co., agree to discontinue advertising that D'R 10 Cream Liniment affords an effective relief from the aches, pains and soreness of rheumatism or arthritis; that it is a "new scientific" compound of "penetrating oils," and that nothing like it was ever offered before or that it has no equal.

No. 01560. Under a stipulation entered into the **Clorox Chemical Co., 850 42nd Ave., Oakland, Calif.**, agrees to discontinue representing that its washing fluid, sold under the name "Clorox," kills typhoid, diphtheria, scarlet fever and many other infectious germs in less than ten seconds.

The company also will cease advertising that Clorox will remove stains and destroy odors, unless such representations are properly qualified. The company admitted that it is not generally practical to use Clorox to kill odors in the air, and that the product will not remove some stains.

No. 1916. **Refrigeration Engineering Institute, Inc., 260 West Federal St., Youngstown, Ohio**, has entered into a stipulation to discontinue unfair methods of competition in connection with the sale of courses of instruction in electric refrigeration and air conditioning.

The corporation agreed to desist from use of the word "Institute" as part of or in connection with its corporate name; use of the words "Institute" or "Institution" so as to imply that it is an organization of members of the refrigeration engineering industry for the purpose of considering and solving the problems of such industry, and from use in advertising matter, or in sales talks by its agents, of representations implying, in any manner contrary to the facts, that members of the industry are cooperating in conducting the school, that they are glad to employ its graduates, or otherwise lend the school their aid.

Nos. 1936, 1938, 1939, 1941, 1943, 1944, 1950. Six New York retail stores and one in Brooklyn have entered into stipulations to discontinue false and misleading advertising in which they improperly describe the materials or fabrics composing certain merchandise sold in interstate commerce.

The New York companies signing the stipulations are **James McCreery & Co., 5th Ave. & 34th St.**; **Gimbel Brothers, Inc., 33rd St. & Broadway**, which also has a store in Philadelphia; **Hecht Brothers Co., Inc., 53 West 14th St.**, which also has stores in Baltimore and Washington; **Roaman's, 32 West 39th St.**; **Laue Bryant, Inc., 1 West 39th St.**, and **Dunham Men's Shop, Inc., 315 5th Ave.** The Brooklyn store signing a stipulation is **Frederick Loeser & Co., Inc., Fulton & Bond Sts.**

According to the stipulations, the companies misused one or more of such terms as "silk," "satin," "linen," and "Harris Tweed," as descriptive of women's wearing apparel, neckties, men's robes, coats, and linings for luggage.

Each of the companies agreed to cease and desist from using the word "silk," either alone or with other words, as descriptive of articles of merchandise, or of the fabrics used in making such merchandise, when, in fact, they are not composed of silk; and from the use of the word "silk" in any manner so as to imply that the products to which the word "silk" is related are composed of silk, when such is not a fact.

FTC DISMISSES COMPLAINT

No. 2839. The Federal Trade Commission has dismissed its complaint against **Louis Schear and Jack Schrader, 239 Fourth Ave., New York**, charging them with unfair competition in the sale of novelties. Trading as **Schear and Schrader**, the respondents were alleged to have sold a novelty game called "Hindu Cones" in imitation of the product of a competitor.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission this week due to hearings before the entire Commission. A meeting will be held later this week.

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, March 29:

Monday, March 29

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Robert Raymond McCulla, Oak Park, Ill.—C. P., 1500 kc., 100 watts, daytime.

FURTHER HEARING BEFORE AN EXAMINER

NEW—West Texas Broadcasting Co., Wichita Falls, Texas.—C. P., 1380 kc., 1 KW, unlimited time.
NEW—Wichita Broadcasting Co., Wichita Falls, Texas.—C. P. 620 kc., 250 watts, 1 KW, LS, unlimited time.
NEW—Faith Broadcasting Co., Inc., Wichita Falls, Texas.—C. P., 1380 kc., 1 KW, 5 KW, LS, unlimited time.
KFPL—C. C. Baxter, Dublin, Texas.—Voluntary assignment of license, 1310 kc., 100 watts, 100 watts LS (C. P. 100 watts, 250 watts LS), unlimited time.
KFPL—WFTX, Incorporated, Wichita Falls, Texas.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

Wednesday, March 31

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Wm. W. Ottaway, Port Huron, Mich.—C. P., 1370 kc., 250 watts.
WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—C. P., 1070 kc., 250 watts, daytime. Present assignment: 1070 kc., 100 watts, daytime.
NEW—Frazier Reams, Mansfield, Ohio.—C. P., 1370 kc., 100 watts, daytime.

Thursday, April 1

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

KGCC—Ex. Rep. No. I-104: The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, specified hours.
NEW—Ex. Rep. No. I-324: John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime.
NEW—Ex. Rep. No. I-334: Clarence C. Dill, Washington, D. C.—C. P., 1390 kc., 1 KW, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.

Friday, April 2

HEARING BEFORE AN EXAMINER (Broadcast)

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Modification of C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited time.
WSSC—WSOC, Inc., Charlotte, N. C.—C. P., 600 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 1210 kc., 100 watts, 250 watts LS, unlimited time.
NEW—Charles Porter and Edward T. Eversole, Festus, Mo.—C. P., 1420 kc., 100 watts, daytime.

APPLICATIONS RECEIVED

First Zone

WDEV—Charles B. Adams, Executor estate of Mary M. Whitehill 550 and Administrator of estate of Harry C. Whitehill, Waterbury, Vt.—Construction permit to install new equipment

and increase power from 500 watts to 1 KW. Amended to change name from Mary M. Whitehill, Executrix of estate of Harry C. Whitehill to Charles B. Adams, Executor estate of Mary M. Whitehill and Administrator of estate of Harry C. Whitehill.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—License 1210 to cover construction permit (B1-P-1514) for changes in equipment.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—1360 Modification of license to change power from 1 KW night, 5 KW day to 5 KW day and night.

W3XL—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to add the frequencies 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000, 401000, kc., and above, and add A1 and A2 emission.

Second Zone

NEW—The Ohio Broadcasting Co., Salem, Ohio.—Construction 780 permit for a new station to be operated on 1420 kc., 100 watts, daytime. Amended to change requested frequency from 1420 kc. to 780 kc., power from 100 watts to 250 watts, change type of transmitting equipment and make changes in proposed antenna system.

NEW—The Ohio Broadcasting Co., Marion, Ohio.—Construction 1200 permit for a new station to be operated on 880 kc., 250 watts, daytime. Amended to change requested frequency from 880 kc. to 1200 kc., power from 250 watts to 100 watts, make changes in transmitting equipment and antenna.

NEW—The Ohio Broadcasting Co., Steubenville, Ohio.—Construction 1420 permit for a new station to be operated on 780 kc., 250 watts, daytime. Amended to change requested frequency from 780 kc. to 1420 kc., power from 250 watts to 100 watts, change type of transmitting equipment and make changes in proposed antenna system.

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va. 1500 —Modification of construction permit (B2-P-728) for a new station, requesting approval of vertical antenna, transmitter site at Belle Isle, Richmond, Va., and studio site at 107 S. Seventh Street, Richmond, Va. Amended to make changes in transmitting equipment.

NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts.

Third Zone

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—620 Modification of license to change frequency from 1450 kc. to 620 kc., power from 1 KW to 500 watts night, 1 KW daytime.

WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, Fla.—620 Modification of license requesting that the license of WFLA-WSUN be severed in order to form two stations under the call letters WFLA and WSUN, to operate specified hours. WFLA—unlimited Monday, Wednesday and Friday; share, WSUN, Sunday. WSUN—unlimited Tuesday, Thursday and Saturday; share, WFLA, Sunday. WFLA studio at Auditorium Music Hall, Clearwater, Fla. WSUN studio at Recreation Pier, St. Petersburg, Fla.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Modification of 1200 construction permit (B3-P-840) as modified for a new station, requesting changes in equipment.

NEW—G. Kenneth Miller, Tulsa, Okla.—Construction permit for 1310 a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to make changes in equipment, change in power from 100 watts day and night to 250 watts day and hours of operation from unlimited time to daytime only.

NEW—A. Annas, K. C. Elliott, C. L. Green and C. D. Newton, 1370 d/b as Hickory Broadcasting Co., Hickory, N. C.—Construction permit for a new station to be operated on 1370 kc., 100 watts, daytime.

KTOK—Oklahoma Broadcasting Co. (formerly KGFG), Oklahoma 1370 City, Okla.—License to cover construction permit (B3-P-1463) as modified for equipment changes and move of transmitter and studio locally.

KTEM—Bell Broadcasting Co., Temple, Texas.—Construction 1370 permit to make changes in equipment and change power and hours of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time. Amended to change hours of operation from unlimited to daytime.

Fourth Zone

- KGFX**—Ida A. McNeil, Pierre, S. D.—Involuntary assignment of **630** license from Dana McNeil to Ida A. McNeil. Amended to give assignee's name as Ida A. McNeil, Administratrix of the estate of Dana McNeil, deceased, and change transmitter and studio sites to 203 instead of 510 Summit Avenue.
- KFEQ**—KFEQ, Inc., St. Joseph, Mo.—Construction permit to in- **680** stall a new vertical antenna and move transmitter 8 miles from Pauline and Elwood Streets, St. Joseph, Mo., to $6\frac{3}{4}$ miles southeast of St. Joseph, Mo.
- WILL**—University of Illinois, Urbana, Ill.—Modification of con- **890** struction permit (B4-P-1219) for directional antenna and move of transmitter, requesting extension of completion date from 5-22-37 to 7-22-37.
- KSOO**—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. D.— **1110** Construction permit to make changes in equipment and increase power from $2\frac{1}{2}$ KW to 5 KW.
- KFOR**—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Construc- **1210** tion permit to install a new transmitter and directional antenna for night use, change frequency from **1210 kc.** to **1450 kc.**, power from 100 watts night, 250 watts day to 1 KW night, 5 KW day and move transmitter from 4706 S. 48th Street, Lincoln, Nebr., to Stevens Creek Township, Sec. 21, near Lincoln, Nebr.
- WHBU**—Anderson Broadcasting Corp., Anderson, Ind.—Authority **1210** to install automatic frequency control.
- KROC**—Southern Minnesota Broadcasting Co., Rochester, Minn.— **1310** Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.
- NEW**—Clark Standiford, L. S. Coburn and A. C. Sidner, Fremont, **1370** Nebr.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to add the name of A. C. Sidner to partnership, change frequency from **1420 kc.** to **1370 kc.**, and make changes in proposed antenna system.

- WROK**—Rockford Broadcasters, Inc., Rockford, Ill.—License to **1410** cover construction permit (B4-P-1430) for changes in equipment, new antenna and increase in day power.
- NEW**—Gazette Printing Co., Janesville, Wis.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 2 watts.

Fifth Zone

- KRKD**—Radio Broadcasters, Inc., Los Angeles, Calif.—Authority **1120** to transfer control of corporation from Frank P. Doherty to J. F. Burke, Sr., and Loyal K. King 10,000 shares of common stock.
- NEW**—Dan B. Shields, Provo, Utah.—Construction permit for a **1210** new station to be operated on **1200 kc.**, to 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1210 kc.**
- KSRO**—The Press Democrat Publishing Co., Santa Rosa, Calif.— **1310** Modification of construction permit (B5-P-759) for a new station, requesting changes in authorized equipment, approval of transmitter site at Sebastopol Road, Santa Rosa, Calif., approval of vertical antenna and change studio site from 425-427 Mendocino Avenue to Sebastopol Road, Santa Rosa, Calif. Amended to change requested transmitter site from Sebastopol Road to Stony Point Road, Santa Rosa, Calif., and studio from Sebastopol Road to Press Democrat Building, Santa Rosa, Calif.
- NEW**—Anne Jay Levine, Palm Springs, Calif.—Construction per- **1370** mit for a new station to be operated on **1200 kc.**, 100 watts night, 250 watts daytime, unlimited time. Amended to change requested frequency from **1200 kc.** to **1370 kc.**, change geographic location of proposed transmitter site and make changes in proposed antenna.
- KLS**—S. W. Warner and E. N. Warner, d/b as Warner Brothers, **1440** Oakland, Calif.—License to cover construction permit (B5-P-1451) for a new antenna and move of transmitter and studio.

