

## Government Broadcasting Again Proposed

The broadcasting industry again faces a fight to keep the Federal Government out of the broadcasting business.

Although Congress last year killed four bills calling for erection of Government stations, the NAB has received notice that the author of at least one of these bills expects to reintroduce it during the session of Congress which started Tuesday.

Representative Celler (D-NY), author of a bill calling for establishment of a huge station in the Panama Canal Zone, said in the Congressional Record of January 3 that the State Department was encouraging him to reintroduce this measure.

In urging the enactment of his bill, Mr. Celler argues that a Government station is needed "to counteract and checkmate the vicious and ruthless German propoganda by radio and short wave pouring into all South American countries". The ostensible purpose of all four bills introduced last year was to counteract Nazi and Fascist propoganda.

Once the Government got into the broadcasting business, however, it would not be very long until the Federal stations were being used for far different purposes than that for which they originally were intended.

The NAB feels that establishment of a single Government station would be a long step toward complete Government ownership of the industry. The NAB will oppose the Celler bill, and all similar bills, with all its strength.

Only two other bills affecting broadcasting were introduced in the opening days of the new session. Representative Maloney (D-La), would require personal endorsements of products advertised on the air to be accompanied by statements that the endorsements were paid for. Representative Culkin (D-NY), would ban radio advertising of alcoholic beverages.

The Federal Communications Commission told Congress, in its annual report, that it had in mind only two pieces of legislation at the moment. One of these would give the Commission power to regulate the use of apparatus which utilizes radio frequency electric currents. The other would reduce the penalties for operation of radio equipment by unlicensed persons of school age. The penalties now are so stiff, the Commission said, that it is next to impossible to enforce regulations.

The Commission also urged Congress to give them funds for a larger personnel and review the reorganization of its administrative setup. The latter, the Commission said, was nearly complete.

Meantime the Commission's monopoly hearings were resumed after the holiday recess,

*(Continued on page 3186)*



**THE NATIONAL ASSOCIATION OF BROADCASTERS**

1626 K St., N. W. WASHINGTON Phone NA tional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## GOVERNMENT BROADCASTING AGAIN PROPOSED

*(Continued from page 3185)*

with NBC officials still on the stand. The Commission expected to complete testimony about NBC this week. Columbia is to follow.

Mr. Celler's promise to reintroduce his Government station bill was included in a long blast at the Nazis. At another point he said that the FCC "shall be encouraged by all means in its determination to support stations which refuse to allow their facilities to be used by those—enthusiastically misguided—to stir up race animosities and religious strife."

"There is not involved any violation of the right of freedom of speech," Mr. Celler added. "The late Justice Oliver Wendell Holmes once considered a similar situation and stated that free speech never gives the right to any man to yell 'fire' in a crowded theater."

## NAB IN NEW HOME

The NAB Headquarters is now on the ninth floor of the new Normandy Building, 1626 K Street, N.W., Washington, D. C.—just two blocks north of the White House.

The staff spent the holiday weekend moving from the National Press Building, and are now ready for visitors in the new quarters.

The phone number remains unchanged, NAtional 2080.

## MONOPOLY HEARING

Children's programs, liquor advertising and NBC profits were discussed at the FCC monopoly hearing January 4, resumed after a holiday recess. NBC officials are slated to conclude their testimony this week, with CBS scheduled to take the stand next week.

## JANUARY 4

The National Broadcasting Company henceforth will not accept on its networks any advertising for beer or light wines, Lenox R. Lohr, NBC President, stated. Mr. Lohr explained that the new regulation is an extension of the company's long standing ban against liquor advertising.

The NBC president was preceded on the stand by Mark Woods, Vice President and Treasurer of NBC, who explained the company's finances since it was organized in 1926. Mr. Lohr had not completed his testimony when the hearing recessed until tomorrow morning at 10:00 o'clock.

The company's liquor policy in the past has meant the barring

of considerable potential revenue, Mr. Lohr stated, but said that it was felt to be in the public interest to prohibit it.

Discussing policies toward advertising continuity, Mr. Lohr explained that general policies are laid down by the NBC Advisory Council, and supplemented in the company by details based on experience. Questioned by Chairman Frank R. McNinch of the Commission as to the extent to which NBC controls advertising copy, Mr. Lohr stated that NBC has complete and final authority as to what it broadcasts, and feels that responsibility is NBC's alone.

NBC's policies along these lines are now being set down in detailed written form, he continued, and after discussion will be distributed to all advertisers and agencies.

Concerning children's programs, Mr. Lohr said that, speaking as the father of five children as well as a broadcaster, he felt that the general quality of NBC's children's programs is satisfactory, and that comparatively few complaints about them are received.

Time is not sold for religious programs, he said, or to groups advocating particular theories or philosophies, because it is felt that the power of radio is so great that it would permit the richest of such groups to "sell" their particular beliefs to the public. NBC's religious programs, he said, are conducted under the auspices of the three great faiths in this country and are designed to have a general rather than a denominational religious appeal.

Under NBC's policy, he said, time is given for discussion of controversial subjects of general interest, and if issue is taken with such talks, representatives of the opposing viewpoint are given opportunity to reply.

Mr. Lohr stated that as far as the entertainment programs are concerned, he could see no reason why they all should not be sponsored, but that he felt that perhaps 15 to 25 percent of the programs were of a nature that would not benefit from commercial sponsorship.

In opening his testimony, Mr. Lohr explained that it is his duty to see that "policies of the company, in all of its operations, are so arranged as to best serve the company." The better service the company gives the public, he went on, the better it serves its own future.

Questioned by Philip J. Hennessey, Jr., NBC Counsel, concerning testimony by previous witnesses that the number of NBC-affiliated stations had grown from about 90 to 166 in the three years he has been president, Mr. Lohr stated this increase was a result of a study he had made. This study convinced him, he said, that such expansion would render greater service to listeners because it would enable NBC to make available to listeners in all parts of the country the programs on both its Blue and Red networks, that it would render greater service to advertisers by enabling them to have stations broadcasting their programs more nearly in accordance with their marketing needs and that it would benefit NBC by giving it more to sell.

Mr. Lohr explained that it is not his conception of public service to limit such programs as the Toscanini concerts to a few stations when the larger networks such as have been established by NBC can carry those concerts to all parts of the country thereby serving millions more listeners.

The policy of signing five-year contracts to supply program service to affiliated stations, Mr. Lohr stated, was another he had introduced. Radio's chief asset is service in the form of programs, he stated, and to operate successfully, it must set up a long-time plan of service, calling for some assurance of available facilities and revenue. Advertisers, he pointed out, would not be willing to use radio for advertising purposes if they could not be assured that the facilities they desired would be available.

Questioned as to whether he believed the listening public benefits from the fact NBC maintains an Artists Service Bureau, Mr. Lohr stated that he felt that such artist management had definite public benefits. The presence in the company of management experts enables NBC to discover and develop many young artists, he declared, and the facilities and opportunities of radio enable these young artists to attain success much more rapidly than would be the case otherwise. Artists experienced in other fields also benefit from such management, he continued, because radio technique is unique, and without proper guidance even established concert artists might not be a success on the air.

Asked whether he felt it was advisable for NBC to have two networks, Mr. Lohr stated he did for the reason that the radio audience has a variety of tastes, and that when one NBC network is serving one section of the audience, the other network can serve an entirely different section. Similar service by other competitive networks, he declared, satisfied still other groups, thus assuring the public of the maximum possible service.

In describing the finances of the company, Mr. Woods, who preceded Mr. Lohr on the stand, indicated that NBC had made a profit every year since it was founded in November, 1926, except for the period up to December, 1927. Income, it was shown, is derived at present from three sources—time sales, talent bookings, and house orchestra and other miscellaneous sources.

Over the entire lifetime of the company through 1937, the exhibits showed, NBC had expended \$263,519,451.30 of an income of \$282,404,984, leaving a net operating profit for the period of \$18,885,532.70, or 6.69 percent.

The National Broadcasting Company has outstanding 33,000 shares of stock, Woods testified. These originally were held by the Radio Corporation of America, General Electric Company and Westinghouse Electric and Manufacturing Company on a 50-30-20 percent basis, but since 1930 have been entirely held by the Radio Corporation.

Of NBC's net operating revenue, another exhibit showed \$11,400,000 has been paid in dividends; there has accumulated a surplus of \$2,440,436.37 and the balance of the \$18,885,532.70 has been used against other non-operating expenses, such as a reserve for losses on investments and contingencies.

Depreciation charges, Mr. Woods explained, have recently been adjusted in the light of experience with the life of particular types of radio equipment, the present schedule calling for complete replacement within periods ranging from four to ten years.

Certain of NBC's expenses rise as income drops, Mr. Woods brought out, due to the fact that when commercial programs go off the air they must be replaced by NBC at its own expense, but as income drops so do certain other expenses, such as the payment of agency commissions, payments to stations, and payments to talent at commercial rates, so that over the years income and expenses have maintained a close relationship.

## RADIO BILLS

A bill was introduced in the House on Tuesday by Representative Maloney (D-La). The bill (H. R. 94) requires that personal indorsement of articles by radio be accompanied by statement that the indorsement is paid for. The bill was referred to the House Committee on Interstate and Foreign Commerce, Representative Lea (D-Cal), chairman.

Representative Culkin (D-NY) introduced three bills (H. R. 251, 252 and 924) to ban radio advertising of alcoholic beverages. These bills were referred to the House Committee on Interstate and Foreign Commerce and are identical with the bills introduced by Mr. Culkin at the last session of Congress.

## FREE OFFERS

The "Espirit de Charme" Company, Hollywood, Calif., has asked at least one member to advertise beauty products "blended for the stars of Hollywood" on a commission basis.

Gussow, Kahn and Company, New York, is offering three transcriptions advertising Arco ice skates "to test the pulling power of your station."

The Selviar Broadcasting System, Inc., Chicago, has asked stations to help sell photo enlargements on a commission basis.

The NAB has notified these three firms that acceptance of their propositions would constitute violation of NAB's code of ethics.

## INDEX

	Page
Government Station Proposed . . . . .	3185
NAB In New Home . . . . .	3186
Monopoly Hearing . . . . .	3186
Radio Bills . . . . .	3187
Free Offers . . . . .	3187
FCC Television Application . . . . .	3187
FCC Brooklyn Orders . . . . .	3187
FCC Motions Docket . . . . .	3188
FCC Hearing for WNYC . . . . .	3188

## TELEVISION APPLICATION GOES TO SPECIAL FCC COMMITTEE

An application of the Milwaukee Journal Company to the Federal Communications Commission to inaugurate an experimental television service to the public, and a proposal for television transmission standards, were referred Tuesday to a committee of three commissioners for study and recommendation to the Commission.

The committee is composed of Commissioners Craven, Brown and Case.

The Journal Company's application, the FCC said, was the first application looking to establishment of an experimental program service for reception in the home as distinguished from fundamental research or technical experimentation in the art of developing television apparatus. The Commission has previously issued a number of licenses for technical experimentation only.

The proposed standards for television transmission were recommended to the Commission recently by the Radio Manufacturers Association. The Commission has taken no action upon the recommendation. Some manufacturers and experimenters have expressed opposition to the promulgation of standards.

## ORDER IN BROOKLYN CASES

The Federal Communications Commission on Tuesday issued the following order in the so-called Brooklyn cases:

1. That the motion of the Voice of Brooklyn, Inc. (WLTH), Docket 1967, and the United States Broadcasting Corporation (WARD), Docket 2039, to strike the proposed findings of fact on behalf of the Brooklyn Broadcasting Corporation (WBBC), Docket No. 1882, Be, and it is hereby denied;
2. That the time of the Voice of Brooklyn, Inc. (WLTH), Docket No. 1967, and the United States Broadcasting Corporation (WARD), Docket 2039, for the filing of answering briefs to said proposed findings of fact by the Brooklyn Broadcasting Corporation (WBBC), Docket No. 1882, Be, and it is hereby, Extended for a period of ten days from the effective date of this order;
3. That the time for the filing of a reply brief by the Brooklyn Broadcasting Corporation (WBBC), Docket 1882, Be, and it is hereby extended for a period of twenty days from the effective date of this order.

Order to become effective January 4, 1939.

The Commission having under consideration its Order dated December 5, 1938, in re Docket 4029 (WMBQ), Docket No. 4050 (WMBQ), Docket No. 3941 (Lillian E. Keifer), Docket 4302 (WWRL), Docket 4331 (Paul J. Gollhofer), and Docket No. 4622 (WCNW), and the Commission considering the fact that said Order removed from the air the only station operating in the Brooklyn metropolitan area on the assignment previously utilized by Station WMBQ;

The effective date of provision 3 of its Order of December 5, 1938, cancelling the modification of license mailed on June 16, 1938, to the Long Island Broadcasting Corporation, will be EXTENDED thirty days from January 5, 1939.

## FCC MOTIONS DOCKET

The FCC announced this week that its newly established Motions Docket procedure, set up under the New Rules of Practice and Procedure, which became effective January 1, would be inaugurated on Friday, January 6, at 10:00 a. m.

Thereafter a Motions Docket will be called at 10:00 a. m. on Friday of each week.

Under the old rules most of the motions and petitions were handled by a Commissioner without hearing the parties and without specific and uniform provision for the filing of opposition, although opposition was considered when it was offered.

Under the new plan the Commissioner designated to the Motions Docket will study the motions and petitions and will also hear the parties at an open hearing. Full provision has been made for notice and opposition both through the filing of counter-motions and counter-petitions and through argument. A member of the Law Department will be present at hearings.

Commissioner Walker said: "I regard the establishment of this Docket as a decided improvement in the Commission's procedure for the reason that it gives parties the opportunity to be present and to be heard on the motions and other matters before action is taken thereon."

The Commissioner presiding will pass upon all motions, petitions, or matters in cases designated for formal hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission.

## FCC SETS HEARING FOR WNYC APPLICATION

The Federal Communications Commission Tuesday set for hearing a petition of Mayor Fiorello H. LaGuardia, of New York City, in the matter of Station WNYC, municipally owned broadcast station of that city.

The Mayor petitioned the Commission to amend certain of its rules in order to permit the rebroadcasting of programs of high frequency and international broadcast stations, by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other government agencies, or other non-commercial non-profit-making organizations.

As now written the rules of the Commission do not prohibit the rebroadcasting of programs of high frequency broadcast stations but merely require the authority of the Commission for the rebroadcast. However, the rules do not permit regular broadcast stations to rebroadcast the

programs of international broadcast stations located within the United States except where wire lines are not available to transmit the programs to regular broadcast stations.

The Mayor's petition also asked that the Commission amend its rules which prohibit high frequency and international broadcast stations which are in an experimental status, from making any charge, directly or indirectly, for the transmission of programs.

In setting the matter for hearing the Commission opened the way for a complete discussion of the subject.

---

## EXAMINERS' REPORT

Broadcasting Station KROC, **Rochester, Minnesota**, operating on **1310 kilocycles**, 100 watts, 250 watts LS, unlimited time, applied to the Federal Communications Commission to change its frequency to **920 kilocycles**, 500 watts, 1000 watts LS, unlimited time to use a directional antenna at night. Also the South Nebraska Broadcasting Company applied to the Commission for a construction permit to erect a new station at **Hastings, Nebraska**, to use **920 kilocycles**, 1000 watts, 5000 watts LS, unlimited time, using a directional antenna day and night.

Examiner P. W. Seward, in Report No. I-757, recommended that both of these applications be denied. In the case of KROC, the Examiner found that a need was not shown for the additional service in the area proposed to be served and he also found that operating KROC as proposed would cause interference with some stations at night. When hearing was called, the South Nebraska Broadcasting Company, asking for construction permit, did not appear or offer evidence in support of its application and, therefore, the Examiner recommended that the application be denied as in default.

---

## DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Broadcasting Station WAIR, **Winston-Salem, North Carolina**, to authorize the unlimited time use of **1250 kilocycles** with 250 watts in lieu of the present daytime hours of operation.

The Commission in its decision stated that the granting of the application would result in objectionable interference to existing broadcasting stations. Also it was stated by the Commission that the need of nighttime broadcast service in the Winston-Salem area is not sufficient to warrant the granting of the application.

Commissioner Payne did not participate in this decision.

---

William F. Huffman applied to the Commission to establish a new broadcast station at **Wisconsin Rapids**,

**Wisconsin**, to operate on **580 kilocycles**, 250 watts, unlimited time with a directional antenna at night.

The Commission in its decision denied the application on the ground that it will not serve public interest. In connection with this denial the Commission said: "The proposed station will be limited to its 4.3 millivolt per meter contour at night. The record herein fails to disclose such a public need as will justify the Commission in departing from its present allocation standards in order to grant this application."

Commissioner Payne did not participate in this decision.

The Commission has denied an application of **WTAW, College Station, Texas**, for a construction permit to move part of its equipment and increase its hours of operation from its present assignment of specific hours to daytime hours of operation on its frequency of **1120 kilocycles**. The Commission granted the application of **KTBC, Austin, Texas**, to make certain changes in part of its technical equipment and to operate with a vertical antenna in lieu of a directional antenna previously authorized by the Commission.

In the case of **WTAW**, the Commission found in its decision that the applicant failed to show that the type of commercial program to be broadcast in the event the application was granted to be materially different from the type of program now received in the area proposed to be served by **WTAW**. In the absence of a compelling need the Commission stated "the Commission is loath to grant an application of one station which would have the effect of removing another station from the air." In the case of **KTBC**, the Commission found that the proposed station met the engineering requirements of the Commission.

Commissioner Payne did not participate in these decisions.

---

## FEDERAL COMMUNICATIONS

*Commission Locket*

---

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, January 9. They are subject to change.

### Monday, January 9

- WJRD**—James R. Doss, Jr., Tuscaloosa, Ala.—Renewal of license, **1200 kc.**, 250 watts, daytime.  
**WJRD**—James R. Doss, Jr., Tuscaloosa, Ala.—Modification of license, **1200 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1200 kc.**, 250 watts, daytime.

### Tuesday, January 10

- WKOK**—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license, **1210 kc.**, 100 watts, unlimited time. Present assignment: **1210 kc.**, 100 watts, S.H. (**WBAX**).

**WSNJ**—Eastern States Broadcasting Corp., Bridgeton, N. J.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, daytime.

### Wednesday, January 11

- NEW**—Sweetwater Radio, Inc., Sweetwater, Tex.—C. P., **1210 kc.**, 250 watts, daytime.  
**KTEM**—Bell Broadcasting Company, Temple, Tex.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.  
**WJAC**—WJAC, Inc., Johnstown, Pa.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.**, 100 watts, 250 watts LS, shares **WFBG**.

### Friday, January 13

- WTHT**—The Hartford Times, Inc., Hartford, Conn.—C. P., **1200 kc.**, 100 watts, 500 watts LS, unlimited time.  
**NEW**—Charles Greenblatt, Bridgeport, Conn.—C. P., **1190 kc.**, 250 watts night, 250 watts day, limited time.  
**WPEN**—Mariannina C. Iraci, Administratrix, Estate of John Iraci, Deceased, Transferor, and Arde Bulova, Transferee, Philadelphia, Pa.—Transfer of control of corporation; **920 kc.**, 1 KW, unlimited time (DA at night).

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings. They are subject to change.

### February 17

- WBAX**—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts, unlimited time.  
**WBAX**—John H. Stenger, Jr., Assignor, Stenger Broadcasting Corp., Assignee, Wilkes-Barre, Pa.—Voluntary assignment of license, **1210 kc.**, 100 watts, unlimited time.

### February 24

- NEW**—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.  
**NEW**—Presque Isle Broadcasting Co., Erie, Pa.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

### February 27

- WHLS**—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Company, Port Huron, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.  
**KLCN**—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

### February 28

- WHA**—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of **WMAQ**). Present assignment: **940 kc.**, 5 KW, daytime.  
**WMAQ**—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

### March 10

- WDAN**—Northwestern Publishing Co., Danville, Ill.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.  
**NEW**—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.**, 1 KW, unlimited time (DA at night).

### March 24

- KCMC**—KCMC, Inc., Texarkana, Tex.—C. P., **1340 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

# FEDERAL COMMUNICATIONS

## Commission Action

### APPLICATIONS GRANTED

- WHBY—WHBY, Inc., Green Bay, Wis.—Granted C. P. authorizing move of station from Green Bay to Appleton, Wis.; install new equipment and vertical radiator. Exact transmitter site and type of antenna to be determined with Commission's approval.
- WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted 30-day special temporary authority to operate with 5 KW night, in order to overcome interference from Cuban station CMQ.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- NEW—Spartanburg Advertising Co., Spartanburg, S. C.—Application for C. P. for new station to operate on frequency 1370 kc., 100 watts night, 250 watts day, unlimited time.
- NEW—Panama City Broadcasting Co., Panama City, Fla.—Application for C. P. to erect a new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- WHDH—Matheson Radio Company, Inc., Boston, Mass.—Application for C. P. to install new equipment and directional antenna system, increase power from 1 KW to 5 KW, and time of operation from daytime only to unlimited time, employing directional antenna for night operation. (To be heard before the Commission.) (Application designated for hearing to determine if interference might result with existing stations.)
- WNAC—The Yankee Network, Inc., Boston, Mass.—Application for modification of C. P., already in hearing docket, amended so as to request authority to install directional antenna system for nighttime operation, increase night power from 1 KW to 5 KW, and extend commencement date from 6-24-36 to 30 days after grant, and completion date to 180 days thereafter. To be heard before the Commission. (Application designated for hearing to determine the need for additional service, and because interference might result with four existing stations.)
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Application for C. P., already in hearing docket, amended so as to request authority to move transmitter to N. 5th St. at Calhoun Sts., Fort Worth, and studio at Trinity Life Bldg., Fort Worth; install new equipment and directional antenna system for nighttime use; change frequency from 1370 kc. to 930 kc.; and increase power from 100 watts night, 250 watts day, to 500 watts, unlimited time. (Application designated for hearing to determine the need for additional services, and because interference might result to three existing stations.)

### MISCELLANEOUS

- KUSD—University of South Dakota, Vermillion, S. Dak.—Present license further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than February 1, 1939.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted renewal of license for the regular period.
- WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted renewal of license for the regular period.
- W8XH—W8XIG—The Evening News Assn., Portable-Mobile.—Present license for experimental relay broadcast station extended on a temporary basis for the period ending February 1, 1939, pending determination upon application for renewal.
- W5XCL—W5XN—Tulsa Broadcasting Co., Inc., Portable-Mobile.—Present license for experimental relay broadcast station ex-

tended on a temporary basis for the period ending February 1, 1939, pending determination upon application for renewal.

- W3XEL—W3XEM—WFIL Broadcasting Co., Portable-Mobile.—Present license for experimental relay broadcast station extended on a temporary basis for the period ending February 1, 1939, pending determination upon application for renewal.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted special temporary authority to operate from 10 p. m., CST, December 31, 1938, to 1 a. m., CST, January 1, 1939, in order to broadcast special New Year's program.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 6:15 p. m., CST, until completion of East-West football game (approximately 6:30 or 6:45 p. m., January 2).
- WCLE—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted special temporary authority to operate from sunset at Cleveland (5:15 p. m., EST), until approximately 7 p. m., EST, on Monday, January 2, 1939, in order to carry the East-West All Star Charity Football Game from San Francisco.
- KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent for the period ending in no event longer than noon, January 4, 1939, for the Christmas holidays.
- CKLW—Western Ontario Broadcasting Co., Ltd., Windsor, Ontario, Canada.—Denied special temporary authority to broadcast over radio station CKLW the inaugural services from Lansing, Mich., on January 2, program originating in Lansing.
- WINS—Hearst Radio, Inc., New York City.—Denied special temporary authority to operate from local sunset (7:15 p. m., EST, January) to 7:30 p. m., EST, for the month of January, in order to rearrange its program so that a 15-minute news broadcast can be added to the schedule.
- WAIR—C. G. Hill, Geo. D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate from local sunset (January 5:30 p. m., EST) to conclusion of Rose Bowl football game (approximately 7:30 p. m., EST, January 2).
- KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 1 to 3 a. m., CST, January 1, in order to broadcast special Mutual New Year's Eve program.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted special temporary authority to operate during daytime hours with directional antenna for a period not to exceed ten days in order to check the performance of the directional antenna system that was rebuilt after the original antenna had been blown down.
- WNLC—Thames Broadcasting Corp., New London, Conn.—Granted extension of special temporary authority to operate from 4:45 to 5 p. m., EST, on Sundays, January 1, 8, 15, 22 and 29, 1939, in order to carry Father Coughlin series of one-hour programs.
- KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority to operate from local sunset (January 5 p. m. and February 5:45 p. m., PST) to the conclusion of the University of Oregon basketball games, in no event later than 11 p. m., PST, on January 6 and 7, January 27 and 31, and February 1, 1939.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 9 p. m., CST, January 3, 7, 1939, in order to broadcast basketball games of Purdue University.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to conclusion of City High School basketball games (approximately 9:15 p. m., PST) on January 3, 4, 6, 7, 14, 17, 18, 20, 21, 23, 24 and 28, 1939.
- WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted special temporary authority to use old transmitter (Type 1 C RCA) of station WEVD as auxiliary transmitter for a period not to exceed 30 days, pending receipt of and action on formal application for above authority, for emergency purposes only.
- WFBG—The Gable Broadcasting Co., Altoona, Pa.—Denied motion requesting that its application for modification of license to change hours of operation contingent upon the granting of application of WJAC to change its frequency be set for

hearing on the same date as the WJAC application is scheduled, namely, January 11, 1939.

NEW—United Theatres, Inc., San Juan, P. R.—Granted petition to take depositions on January 23 for use in hearing scheduled for February 14 in re application for new station.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied as in case of default the application for C. P. to move studio and transmitter to Denver, Colo.

WJIM—Harold F. Gross, Lansing, Mich.—Granted request to dismiss without prejudice the application for C. P. to use 630 kc., 500 watts, 1 KW LS, unlimited time, which was heretofore set for hearing.

NEW—Edward Breen and Allen R. Loomis, II, Fort Dodge, Iowa.—Granted petition for leave to amend so as to substitute a corporation (Northwest Broadcasting Company) as applicant, and for further hearing.

NEW—Ex. Rep. 1-493: Abraham Plotkin, Chicago, Ill.—Denied as in default the application for C. P. to use 1570 kc., 1 KW, unlimited time, which was designated for hearing and applicant failed to appear and submit evidence in support of said application.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Retired to the closed files the application for C. P. requesting authority to increase power to 1 KW night, 5 KW day, and make changes in equipment, which was later modified and set for hearing and the case on November 28, 1938, was denied as in default.

WNEL—Juan Piza, San Juan, P. R.—Granted authority for orders to take depositions in re application for renewal of license, scheduled for hearing on February 13, 1939, order to be issued nunc pro tunc as of December 30, 1938.

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted authority for orders to take depositions in re application for renewal of license, scheduled for hearing on February 13, 1939, order to be issued nunc pro tunc as of December 30, 1938.

WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted motion for continuance of hearing from January 6 to February 14, in re application for voluntary assignment of license of WAGA to the Liberty Broadcasting Corp.

WINS—Hearst Radio, Inc., New York City.—Granted C. P. to install new equipment and make changes in vertical antenna.

WJHL—Johnson City Broadcasting Co., Johnson City, Tenn.—Granted license to cover C. P. authorizing new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

NEW—KMTR Radio Corp., Hollywood, Calif., Portable-Mobile. Granted license to cover C. P. for new experimental relay station, frequencies 88000, 103800, 200000 and 300000 kc., on an experimental basis only, conditionally; 2 watts power.

NEW—KMTR Radio Corp., Hollywood, Calif., Portable-Mobile. Granted C. P. for new station, frequencies 88000, 103800, 200000 and 300000 kc., on an experimental basis only, conditionally; 2 watts power.

NEW—KMTR Radio Corp., Hollywood, Calif., Portable-Mobile. Granted C. P. for new station, frequencies 31100, 34600, 37600, 40600 kc., 50 watts.

W2XAF—General Electric Co., Schenectady, N. Y.—Granted modification of C. P. extending completion date from November 28, 1938, to February 28, 1939.

W9XBS—National Broadcasting Corp., Chicago, Ill.—Granted modification of C. P. to make changes in equipment.

#### APPLICATIONS FILED AT FCC

##### 720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension of special experimental authorization to operate regular broadcast transmitter for transmission of facsimile signals from 1 a. m. to 6 a. m., for the period 2-1-39 to 8-1-39.

##### 980 Kilocycles

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penna.—Construction permit to install new equipment and change transmitter location to Middle Road, Indiana Twp., Penna.

##### 1040 Kilocycles

WESG—Cornell University, Elmira, N. Y.—Extension of special experimental authorization to operate on 850 kc., daytime

to sunset at New Orleans, La., 1 KW, for period 2-1-39 to 8-1-39.

##### 1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authorization to operate simultaneously with KRLD, unlimited time, on 1040 kc., for the period 2-1-39 to 8-1-39.

##### 1370 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—Construction permit to make changes in equipment and antenna, change frequency from 1370 to 630 kc., increase power from 100 watts night, 250 watts daytime to 1 KW and hours of operation from sharing with KONO to unlimited.

##### 1400 Kilocycles

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—License to cover construction permit for move of auxiliary transmitter and increase in power of auxiliary to 1 KW, using directional antenna night.

##### 1420 Kilocycles

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Authority to transfer control of corporation from the present stockholders of Community Broadcasting Corp. to Mrs. Hugh M. (Nancy) Curtler, 843 shares common stock.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Modification of construction permit authorizing erection of new broadcast station requesting change in transmitter location to 101 W. Boardman St., Youngstown, Ohio, and antenna changes.

##### 1500 Kilocycles

KPLT—North Texas Broadcasting Co., Paris, Texas.—Modification of license to change hours of operation from daytime to unlimited using 100 watts power night.

#### MISCELLANEOUS

W1XOK—The Yankee Network, Inc., Boston, Mass.—Construction permit for reinstatement of construction permit (B1-PRE-107) expired. (Relay broadcast—experimental.)

W1XRZ—Hildreth & Rogers Co., Portable-Mobile (area of Lawrence, Mass.).—License to cover construction permit (B1-PRE-189) for new relay station (experimental).

NEW—WOAX, Inc., Portable-Mobile (area of Trenton, N. J.).—Construction permit for a new portable-mobile relay broadcast station on 2790 kc., 50 watts power. Amended: Frequencies to read 1622, 2058, 2150, 2790 kc.

NEW—Tampa Times Company, Portable-Mobile (area of Tampa, Fla.).—Construction permit for a new relay broadcast station on frequencies 1622, 2058, 2150 and 2790 kc., 40 watts power. Amended: Frequencies to read 1606, 2022, 2102, 2758 kc.

National Broadcasting Co., Inc., New York, N. Y.—Authority to transmit programs to Station CMQ, Havana, Cuba.



#### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

Alle-Rhume Remedy Co., Inc.—See Block Drug Company, Inc.

**Block Drug Company, Inc.**—Alleging dissemination of false advertisements concerning the therapeutic value of a medicinal or pharmaceutical preparation designated as Allenru, a complaint has been issued against two corporations located in Jersey City, N. J. The respondent companies are Alle-Rhume Remedy Company, Inc., manufacturer of the product, and Block Drug Company, Inc., the exclusive distributor.

Block Drug Company, Inc., it is alleged, owns and controls a considerable portion of the common stock of Alle-Rhume Remedy Company, Inc., and the affairs of both companies are controlled and directed by the same officers.

The complaint charges that the respondent companies falsely advertise that Allenru is guaranteed to remove the cause of sciatica, neuritis and lumbago; that its use will cause uric acid poisons to be eliminated in 24 hours and that pain, agony and inflammation will leave the body within 48 hours; that most of the aches, pains and lameness of rheumatism, sciatica, neuritis and rheumatic gout are caused and aggravated by excess uric acid and other circulating poisons, and that use of the preparation will swiftly stop the distress and agony caused by the conditions named when they are due to an excess of uric acid or other circulating poisons.

According to the complaint, Allenru is not a competent and an effective remedy for, nor will it cure or be of substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, or any other ailment, disease or condition, and it will not drive out the pain and agony caused by such ailments within 48 hours or in any other period of time. The complaint also alleges that excess uric acid and other circulating poisons do not cause, nor do they aggravate, most of the aches, pains and lameness resulting from rheumatism, sciatica, neuritis, and rheumatic gout.

The respondent companies' representation that Allenru is a safe, sensible, scientific formula free from harmful or pain deadening drugs is untrue, the complaint charges. (3678)

**M. L. Clein & Company**—Misrepresentation in the sale of cough and cold medicines is alleged in a complaint issued against M. L. Clein & Co., 219 Norris Bldg., Atlanta, and Max L. and Sadie B. Clein, the company's president and vice president.

Mentho-Mulsion, one of the respondents' products allegedly was advertised in newspapers, magazines and on the radio as being safe and as constituting a remedy or cure for every cough irrespective of the cause and as being capable of stopping cough spasms and relieving every cough regardless of its cause. (3674)

**Gair Manufacturing Company**—Frank E. Gairing, trading as Gair Manufacturing Company, 1446 Summerdale Avenue, Chicago, in the sale of wrist watches, distributes push cards bearing girls names, each of which conceals a number indicating the amount, ranging from 1¢ to 29¢, which the purchaser of a punch is to pay. The purchaser who selects a name corresponding to that beneath a master seal on the board receives a wrist watch, and the person who operates the card for the respondent receives a wrist watch or a cash award when all punches have been sold.

Literature and printed matter used by the respondent in the sale of his products features his trade name, Gair Manufacturing Company, by means of which he represents and implies that he is the manufacturer of the products sold by him, when such is not a fact. (3672)

**Greening Nursery Company**—Charging violation of the Federal Trade Commission Act in the sale of fruit trees and other nursery products, a complaint has been issued against Greening Nursery Company, Monroe, Mich.

In newspaper, periodical and circular advertising, the respondent company is alleged to represent directly and by implication that it is the world's largest grower of fruit trees; that its salesmen earn from \$110 part time to \$882 full time each month, and that the sale of its products is a non-competitive field which its agents and salesmen will have all to themselves, when such are not the facts.

The respondent company also is alleged to advertise that it has been propagating fruit trees by bud selection exclusively for 26 years and that its bud selection discovery is unduplicated in the nursery field, giving to fruit known performance characteristics which eliminate any chance or gamble on the part of growers, when such are not the facts. (3673)

**Reid Packing Company**—R. P. Reid, trading as Reid Packing Company, 320 South College Street, Charlotte, N. C., sells assortments which consist of salted peanuts packed in small, individual, sealed cartons which retail for 5 cents each. Sealed within a small number of the cartons are amounts of money in the sums of 5 cents, 10 cents, 25 cents, or \$1, but the ultimate purchaser cannot ascertain which cartons contain such sums until a selection has been made and the carton broken open. Under such a sales plan, a purchaser who obtains one of the sums of money does so wholly by lot or chance. (3677)

**D. A. Schulte, Inc.**, 384 Broadway, New York, supplies dealers with assortments consisting of boxes of candy and other articles of merchandise, together with a punch board bearing concealed numbers. Chances are sold for 5 cents and 10 cents each and purchasers obtaining certain specified numbers receive a box of candy or other item of merchandise. The punches on the board are arranged in 4 sections and the purchaser of the last punch in each of the sections, except the last, receives a box of candy. The purchaser of the last punch on the board is awarded an article of merchandise. The purchaser who does not qualify by punching one of the numbers calling for a prize receives nothing for his money other than the privilege of punching a number from the board. (3676)

**Swamp and Dixie Laboratories, Inc.**, 301-311 Rogers Ave., Fort Smith, Ark., is charged in a complaint with dissemination of false advertisements of medicinal products in violation of the Federal Trade Commission Act.

Swamp Chill and Fever Tonic, one of the respondent's products sold to retail druggists, is alleged to have been advertised as a doctor's prescription and as a safe, certain and permanent cure for malaria and every kind of fever and ague, and as being capable of breaking up malaria in three days, when, according to the complaint, such are not the facts. (3680)

**Wonder Wood-Tex Company**—Alleging misrepresentation in the sale of wood pulp articles such as copies of statuary, a complaint has been issued against W. M. Jacobson, 308 East 51st St., Chicago, trading as Wonder Wood-Tex Company.

The respondent is alleged to have represented that articles to be shipped to retailers and gift shop operators would be similar to samples displayed, when in fact the products shipped were inferior to samples, and that resale prices at which prospective purchasers could sell the articles would be 50 to 100 per cent more than the prices at which the respondent offered them, when in fact such resale prices were required to be approximately the same as the prices the dealers paid the respondent for the articles. (3675)

**Zendejas Products Corp.**—Alleging misrepresentation in the sale of a medicine advertised in Spanish over the radio and in newspapers and periodicals, a complaint has been issued against Zendejas Products Corporation, 200 West 51st St., Los Angeles, and against J. Silva, secretary and manager of the corporation, who also trades as Zendejas Products Company.

Zendejas Medicine, it is alleged, is represented as containing well-known curative qualities of many plants, barks and roots, and as helping to purify the blood, regulate its circulation and prevent blood clots. This medicine, it is also alleged, is advertised as a cure or remedy for ailments for which an iodized medicine could be prescribed, and as being of value in treating rheumatism, arthritis, and skin diseases.

The complaint alleges, however, that the respondents' representations are exaggerated and misleading, and that use of their false advertisements is likely to induce the purchase of medicinal preparations containing drugs. It is alleged that Zendejas Medicine contains drugs the indiscriminate sale of which is dangerous. (3679)

#### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**McCurrach Organization, Inc.**, Brooklyn, has been ordered to cease and desist from representing in advertisements or an labels

that the neckties it manufactures and sells under the trade name "Kerry Poplin" are woven in Ireland.

According to findings, use of the word "Kerry," which is the name of a county in Ireland, in conjunction with the word "Poplin," a fabric woven by hand in Ireland for generations, and well known for its quality, has the tendency to cause purchasers to believe that the neckties so designated were woven in Ireland, when in fact they were machine-woven by the respondent company at its place of business in this country. The Commission found that the representation that the neckties were woven in Ireland was emphasized by the use in advertisement of pictures depicting Irish rural scenes and portraying characters of Irish nationality. (2598)

**Pinaud, Inc.**, 220 East 21st St., New York, has been ordered to cease and desist from advertising that use of an eyelash cosmetic, designated Pinaud's Six-Twelve Creme de Mascara, will increase or promote the growth of eyelashes or cause eyelashes to be longer, heavier or of a silkier quality.

Findings are that the respondent company's representations as to the effectiveness of its preparation are exaggerated and false. (3420)

### STIPULATIONS

The Commission has entered into the following stipulations:

**Eastern Down-Feather Company**—Trading as Eastern Down-Feather Company, Clarence F. Borton and Raymond Wherril, 2534 West Pico Boulevard, Los Angeles, have entered into a stipulation to discontinue false and misleading advertising in connection with the sale of quilts.

In advertising their products, the respondents agree to cease use of the statements "½ price sale," "save one-half" or of any other similar representation which directly asserts or clearly implies that the price at which such products are advertised and sold is only one-half of their customary retail selling price. According to the stipulation, the advertised "one-half" price was misleading in that it did not represent a 50 per cent saving on the price at which the quilts were usually and customarily sold. (2341)

**Hartford Burial Case Company, Inc.**, 830 Maple Ave., Hartford, Conn., distributor of metal caskets and funeral supplies, agrees

to cease publishing or using photographs, drawings or any pictorial representations of concrete or other types of burial vaults sold by competitors which vaults have been disinterred and are in evident bad condition, and to refrain from any and all comment, the effect of which calls or tends to direct attention to such condition. (2340)

**Luber-Finer, Inc.**, 1119 South Hope St., Los Angeles, selling a device designated Luber-Finer, for use in the oil circulating system of internal combustion engines, agrees to cease representing that the product removes all causes of oil deterioration and furnishes new oil, and that it alone can control crank case acidity or meet the requirements for perfect lubrication. Other representations to be discontinued are that the device is the only oil refiner for motors, or that it starts where filters stop, unless it is made to appear that by the word "filter" is meant a device using fabric or fibrous filtering materials only. The respondent company also agrees to stop using the National Bureau of Standards' reports in advertising its product unless they are employed with no additional or inserted material such as interlining or comment. (02304)

**Scovill Manufacturing Company**, Waterbury, Conn., manufacturer of metal products, stipulates that it will cease and desist in trade promotional representations from use of the words "Scovill Gold" to designate products not made from gold, and from use of the word "gold," either independently or in connection with the word "Scovill" or with any other words, in a manner implying that its products are composed in whole or in part of gold, when such is not a fact. (2344)

**L. B. Patterson**, trading as Nu-Way Manufacturing Company, Des Moines, Iowa, in the sale of the Speed King Water Heater, stipulates that he will cease representing that this device, dropped into a vessel of water and plugged into any light socket, will give the user all the hot water wanted "in less time than it takes to whistle the chorus of a popular song," or that it provides the fastest way known of heating water. In his stipulation the respondent admits that, according to reliable scientific authority, the device does not afford the quickest known method of heating water, and will not heat it boiling hot in 60 seconds, or almost instantly. The respondent agrees to stop representing that salespersons or dealers will have an opportunity to earn any amount in excess of that made by regular salespersons under normal business conditions. (02296)

# FCC Assignments For January

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR  
MONTH OF  
January**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner  
Norman S. Case**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner  
T. A. M. Craven**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner  
George Henry Payne**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner  
Eugene O. Sykes**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner  
Thad H. Brown**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner  
Paul A. Walker**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

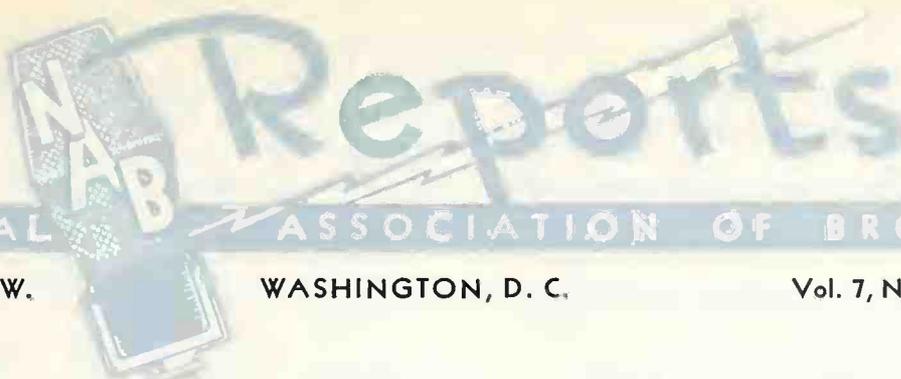
- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

**Secretary  
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer  
Ewell K. Jett**



## NAB to Press FCC on Questionnaire

The NAB will continue its persistent efforts to get the Federal Communications Commission to simplify its latest questionnaire, concerning ownership and control of broadcasting stations.

Each member will be advised immediately of any change the Commission decides to make.

Meantime, it must be assumed that the questionnaire, sent out January 5, must be filed with the Commission on or before January 25.

Commission officials have advised the NAB that any station unable to answer any question completely should answer to the best of its ability, with notice that an amended answer would be filed as soon as necessary information could be obtained.

NAB staff members held several conferences with Commission officials this week, in an effort to obtain some simplification of the questionnaire. Many broadcasters have let it be known that they felt answering the questionnaire in its present form would be an unjust burden.

Consultation with some of the leading radio attorneys in Washington developed the opinion that stations should answer the questionnaire, but that requests for its simplification should be pressed.

On the legislative front, all was comparatively quiet. Senators Capper (R-Kan) and Johnson (D-Col) reintroduced their bills to ban liquor advertising on the air, while Senator Sheppard (D-Tex) reintroduced his bill to forbid employment of radio operators less than 21 years old. In California, bills to free broadcasters from responsibility for remarks of speakers on their stations were introduced in the state legislature, while in the New York Assembly, several bills to forbid broadcasts which would stir up racial or religious enmity were dumped into the hopper.

A seasoned Capitol observer in Washington predicted that little if any "secondary" legislation, such as radio legislation, had much of a chance at the present session of Congress.

Neville Miller, NAB President, will leave Monday night for a swing through the West that will carry him to district meetings in Denver, Portland, San Francisco, Los Angeles and Mineral Springs, Texas.

A joint committee from NAB and the Radio Manufacturers Association is pushing forward plans for the greatest program to promote the American System of Broadcasting



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## NAB TO PRESS FCC ON QUESTIONNAIRE

(Continued from page 3195)

ever devised so far. The committee this week adopted four fundamentals of the campaign, detailed in another part of the REPORTS.

## MILLER TO ATTEND FIVE WESTERN DISTRICT MEETINGS

Plunging into the New Year with an intensive schedule of Association activities, President Neville Miller leaves Monday on an extensive swing-around-the-circuit to attend five NAB District Meetings at Denver, Portland, San Francisco, Los Angeles and Mineral Springs, Tex.

Districts, dates, and names of the Directors who will be in charge of the program are:

District 14—Denver, January 18, Eugene O'Fallon.

District 17—Portland, January 23, C. W. Myers.

District 15—San Francisco, January 25, Ralph R. Brunton.

District 16—Los Angeles, January 27, Donald W. Thornburgh.

District 13—Mineral Springs, Texas, February 2, O. L. Taylor.

In line with the policy adopted at the recent Board of Directors' meeting, meetings with the District NAB Sales Managers' groups will be held in conjunction with the regular full District Meetings. The following are chairmen of the NAB Districts:

District 13—Sam Bennett, KTAT, Forth Worth, Texas

District 14—Dan H. Vincent, KSL, Salt Lake City, Utah

District 15—As yet unnamed

District 16—Jack Gross, KEHE, Hollywood, California

District 17—W. Carey Jennings, KGW, Portland, Oregon

It is anticipated that the District Meetings will cover a full agenda of important industry problems. On schedule for discussion at all meetings are ASCAP, self-regulation of the industry; problem of controversial broadcasts, including religious and political broadcasts; copyright, phonograph records, status of the Bureau of Copyrights; Labor relations, Wage and Hour Law; industry relations with government: Congress, State and City; taxes; research, engineering, accounting, public relations, press-radio relations; NAB-RMA joint campaign; Federal Radio Education Committee; sales problems, free offers; and particular district problems.

While in Los Angeles on January 28, Mr. Miller will

take part in a radio program over the Mutual Broadcasting System which will also present Frank R. McNinch, Chairman of the FCC, and Secretary of the Interior Harold L. Ickes. Mr. McNinch and Mr. Ickes will speak from Washington. (The program is scheduled for 5 P.M., Eastern Standard Time.)

In Dallas, Mr. Miller will address the Rotary Club on Wednesday, February 1. Ed Kirby, Director of Public Relations, will accompany Mr. Miller on the trip.

## NAB, RMA ADOPT FUNDAMENTALS FOR JOINT CAMPAIGN

Adopting four fundamentals as the bases of the joint RMA-NAB industry-wide radio campaign, sub-committees met at Headquarters last week to complete details "to use radio, to sell radio".

These four fundamentals were regarded as basic to the all-radio campaign which will enlist the year-round cooperation of broadcasters, networks, manufacturers, distributors, and local retailers:

1. To increase the amount of listening.
2. To improve the quality of home reception.
3. To sell the excellence, variety and extent of American radio program service.
4. To sell the American System of Broadcasting and the contributions made thereto by the individual NAB stations.

Underlying the subcommittee's first planning session was the thought that increased listening and an increase in the number of radio sets ultimately showed up in the station rate card, and that on the other hand, a broader public appreciation of the variety and character of program service now being broadcast by radio stations ultimately created a demand for more and better radio sets, a foundation of mutual beneficial interest was established.

Beyond these considerations, however, was the fact that a program of joint activity which would unite all elements within radio would operate in the more rapid advancement and best interests of the American System of Radio.

While details of the comprehensive campaign are now being pursued, the committee members agreed that it would be administered through the Public Relations Department of NAB for the time being.

For the purpose of organizing every community behind the campaign, NAB broadcasters will be asked to invite retailers and distributors in their areas to a meeting which will be held either in the station studios or at some other agreeable location. The local broadcaster will be asked to serve as chairman of this meeting, and to present the entire project.

Details of this presentation are in preparation. Broadcasters will be furnished not only with printed material outlining the campaign, but will also be furnished with a transcription record which will dramatize this great forward step in radio and bring messages from the presidents of the National Association of Broadcasters and of the Radio Manufacturers Association.

It is anticipated that networks will contribute one program a week to the campaign. Transcriptions will be furnished non-network stations weekly. In addition, all stations will be enabled and encouraged to contribute their own programs, calculated to sell their own operations, as well as American radio generally.

Through factory cooperation, retailers will distribute NAB literature, such as "The ABC of Radio," in the eight million radio sets sold a year; will develop special window displays highlighting American radio program service and providing local stations with window-tie-up and program-schedule spotlights. Regularly scheduled newspaper and other advertising will be coordinated with the central themes of the campaign. Copy in the national advertising of manufacturers in all media will likewise be coordinated.

In order to clear up misunderstanding on the part of some retailers and broadcasters, the RMA is recommending to its advertising agencies that adequate provision be made in factory-dealer cooperative advertising for the inclusion of local radio.

Headquarters estimates the campaign will be ready for announcement about the third week in February.

Representing RMA were Bond Geddes, Executive Vice President; Sayre Ramsdell, Vice President, Philco; Frank Mullen, Director of Information, RCA. Neville Miller, President, and Ed Kirby, Director of Public Relations, represented NAB.

### FREE OFFERS

Radio Program Associates, New York City, is offering a new "Doc Sellers True Stories" series, each containing a plug for True Story Magazine.

Each broadcaster receiving the offer might write to True Story magazine and suggest that he swap the quarter-hour program for a quarter-page station ad in True Story. If True Story agrees, the NAB will be very, very surprised.

The National Cooperative Milk Producers Federation, Washington, D. C., is asking for spot announcements asking listeners to buy more butter.

When the NAB informed Charles W. Holman, secretary of the Federation, that use of the announcements would constitute violation of the NAB Code of Ethics, Mr. Holman replied: "I'm not interested in your code of ethics!"

The American Institute of Baking, New York City, is offering script for women's programs, advising the ladies that they would hold their husbands' affections better if they kept slimmer by eating more bread. Breaded pork chops also are recommended.

Tom Fizdale, Inc., Chicago, is offering a radio star gossip script, plugging certain prominent performers.

The Panama Pacific Line, San Francisco, is offering "news" material for commentators, plugging the S.S. *Washington*.

The American Life and Accident Insurance Company,

### INDEX

	Page
NAB to Press FCC.....	3195
Miller to Attend Western Meetings.....	3196
NAB, RMA Adopt Fundamentals.....	3196
Free Offers.....	3197
Bills Introduced.....	3197
Asks Liquor Ad Ban.....	3197
Maloney Bill.....	3197
California Bills Would Exempt.....	3198
Monopoly Hearing.....	3198
ASCAP, Florida and Washington Appeals.....	3199
Canadian Society Loses Fee Increase.....	3199
WCAU Wins Injunction.....	3199
Engineering Conference.....	3199
NAB Advertising Book for Salesmen.....	3200
"ABC" Moving Fast.....	3200
Education Questionnaire.....	3200
Tax Calendar.....	3200
Welles Questionnaire.....	3200
Dues Classification Blanks.....	3200
McNinch Stays at FCC.....	3200
FCC to Go to Capitol.....	3201
FCC Turns Down ACA.....	3201

St. Louis, is offering a cost-per-injury proposition. The number of copies of the company's letters that has come to NAB indicates that the industry isn't interested.

### BILLS INTRODUCED

Three bills were introduced this week in the Senate dealing with broadcasting.

One bill (S.517), introduced by Senator Johnson (D-Col) which would amend the Communications Act of 1934 "to prohibit the advertising of alcoholic beverages by radio".

Senator Sheppard (D-Tex) introduced S.550 which would amend the Radio Act by making it mandatory that a radio station operator be 21 years of age with an exception that the Federal Communications Commission could allow younger persons to become amateur radio operators.

S.575 was introduced by Senator Capper (R-Kan) dealing with alcoholic beverages in interstate commerce. A paragraph of the bill prohibits advertising of this commodity on broadcast stations.

All three of these bills are identical with bills introduced by the same members of the Senate at the last session of Congress and all have been referred to the Committee on Interstate Commerce.

### ASKS LIQUOR AD BAN

W. S. Alexander, Administrator of the Federal Alcohol Administration Division of the Treasury, asked Congress in his annual report to ban radio liquor advertising.

### MALONEY BILL

Representative Maloney (D-La), author of a bill to require personal endorsers on radio programs to state that they were paid for the endorsements, gave the NAB the following statement this week about his bill:

There seems to be a growing tendency for persons who through achievement or other methods of gaining prominence and notoriety

to capitalize upon such by lending their voices, endorsing and recommending the use of various articles for the public, indicating and conveying by such endorsements the fact that they are qualified to so speak, whereas, in many instances these endorsers know very little of the articles they are recommending; they are simply selling their name for the endorsement thereby perpetrating a great imposition on the public. This form of advertising is not genuine and should be stopped.

While the practice is somewhat difficult to prevent, nevertheless, a requirement compelling them to state they are being paid for their statement on the air will act as a deterrent and be some measure of a protection to the public.

The Bill is not intended to affect those who are legitimately engaged in such undertakings, but it is directed at those who are making a racket out of this form of advertising that they are distinctly unqualified to perform. Some of the statements made by these endorsers we so frequently hear over the air and directed at the gullible are nothing short of being an insult to the intelligence of the average citizen.

## CALIFORNIA BILLS WOULD EXEMPT RADIO FROM SLANDER LIABILITY

Two bills introduced at the current session of the California legislature by Mr. Tenney would absolve broadcasting stations from liability for slanderous statements made by speakers. A third would waive the necessity of posting bond in libel and slander actions.

In the New York legislature, Messrs. Ferril, Nunan and Coughlin have introduced bills to make it a misdemeanor to incite racial or religious hatred. Section Six of the bills says:

"Any person who shall from any station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, located within this state, broadcast or make audible to others, within this state, through any radio receiver set, device or equipment of any nature or kind, located within this state, in any language, any speech, declaration, statement or pronouncement which in any way incites, counsels, promotes or advocates hatred, violence or hostility against any group or groups of persons residing or being within this state, by reason of race, color, religion or manner of worship of such group or groups, shall be guilty of a misdemeanor; and the owner of any such station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, for the transmission of sound, who shall knowingly permit the same or any part thereof to be used for such purpose, shall be guilty of misdemeanor."

The bills would provide a minimum fine of \$200 and a minimum jail sentence of 90 days for violation.

## MONOPOLY HEARING

NBC concluded its testimony and CBS started its, at the FCC hearing on alleged monopoly in the broadcasting industry. The day-by-day story of the hearing:

### JANUARY 5

The fact that the number of radio channels and stations is limited curtails the right of any individual to utilize those facilities to expound his own particular beliefs or doctrines, Leron R. Lohr, President of the National Broadcasting Company, declared. This implies, he continued, that use of such facilities must be designed to serve the public to the maximum possible extent, and the public is the millions of listeners rather than a speaker who would like to talk on the air.

However, Mr. Lohr stated, it is the belief and policy of the broadcasting industry that the public is served by talks on public affairs, and the networks therefore endeavor to present such talks by speakers representing varying points of view.

Discussing freedom of the air as against freedom of the press and freedom of speech, Mr. Lohr stated that it is his belief that any

"right" that exists in radio broadcasting is the right of the public to good program service. If individuals speaking either as individuals or as representatives of groups were given a legal right that would compel broadcasters to grant their requests for time, he said that right would have to be extended to every individual. Lack of channels and stations to accommodate the volume of requests that would result would make any such compulsion practically impossible, he pointed out, adding that if the air were filled with talks the listening public would grow so tired of speeches it would turn off its receivers and that this result would cause the entire American system of broadcasting to disappear.

If radio broadcasting had existed at the time the Constitution was drawn, the NBC President said, it is his belief that the "freedom of the air," viewed from the standpoint of the public, might have been incorporated in the Bill of Rights.

Discussing the present and future status of television Mr. Lohr stated that technically television is now as satisfactory as home movies, and at a stage of development perhaps comparable to the automobile as it was in 1912 to 1914.

The availability of program material and the high cost of operation are the two main obstacles now facing television he declared. Producing a television program for one hour a day for a period of one year, he said, would cost about a million dollars a year—two hours of television a day about two million dollars per year. This cost at present makes it prohibitive for any broadcaster to schedule television shows with great frequency he pointed out.

Recalling that NBC will start about three hours of television programs a week beginning this spring, Mr. Lohr said that a staff of about 40 people would be required for these programs, and that if NBC attempted to produce more than three hours a week it would require the immediate additional expenditure of about three and a half million dollars for additional equipment.

How networking of television programs will work out is still a question, he declared, for similar reasons. He estimated that a coaxial cable to carry television programs from coast to coast would cost \$100,000,000, with additional huge expenditures for television broadcasting stations along that line. Laboratory tests now being made indicate, however, that it may be possible to relay television programs by radio, thus bringing the cost down to a more reasonable basis, Mr. Lohr stated.

Opening his testimony, Mr. Lohr declared that it is necessary for a broadcasting company to earn a profit to insure that it will have funds at all times to meet emergency needs and provide for the best continuous service.

There is no conflict between this public service and the business interests of the company, he said, because the better the programs NBC broadcasts, the better it serves its listeners, and the better it is as an advertising medium.

Discussing the social aspects of broadcasting, Mr. Lohr said that radio is now entering the third stage of development. First, he explained, it was largely a novelty; second, it was primarily an entertainment medium; and now it is becoming a social force with powerful effect on public opinion. The welfare of the entire people is tied up with the use of this power he said. This is the reason, he declared, that NBC is careful within the limits of its policies to see that equal opportunity is given to all sides in discussions of important public questions. It also is the reason, he said, that broadcasters generally feel that they should not have any "editorial attitude" themselves on public questions.

Discussing so-called "educational" programs, Mr. Lohr stated that one great difficulty faced by broadcasters was the defining of what is educational. He introduced such a definition which was prepared for him by Dr. James Rowland Angell, former President of Yale and now Educational Counsellor for NBC. This reads as follows:

"Any program may be regarded as educational in purpose which attempts to increase knowledge, to stimulate thinking, to teach technique and method, to cultivate discernment, appreciation and taste, to enrich character by sensitizing emotions and inspiring socialized ideals that may issue in constructive conduct.

"Education is essentially the process by which individuals come to adjust themselves intelligently to life. Society has institutionalized much of this process in the form of schools, yet every event in a man's life exercises some educational effect upon him, and the relatively enduring moulds in which a given culture flourishes—its economic, social and political fabric—exert a constant and almost irresistible educational pressure. But we have extracted from all these meanings implicit in the term the notion of education as something which society or the individual consciously sets up to bring about the most valuable results in the life of each succeeding generation. It is at this point that radio comes into the picture."

Four types of educational programs were described by Mr. Lohr: 1. programs designed for use in schools, such as the NBC Music Appreciation Hour conducted by Dr. Walter Damrosch; 2. the National Farm and Home Hour type, serving the needs of a great body of citizens; 3. more general educational programs, "sugar coated with entertainment" and of high interest value, such as spelling bees and controversial discussions; and 4. programs of indirect educational benefit, such as religious programs.

Radio cannot do the work of schools, however, Mr. Lohr said, because formal education is not generally adaptable to broadcasting, inasmuch as radio programs must appeal to a wide audience. "And it is too easy to 'cut' classes by turning the dial," he added.

#### JANUARY 10

The degree of control exercised by the managers of Columbia's eight owned and one leased stations was the subject of considerable discussion at the first session of the hearing dealing with CBS.

Said Mefford Runyon, CBS Vice-President and principal witness of the day:

"We try, so far as possible, consistent with Columbia's general policy and with good network operation, to give our station managers in the various cities in which they operate, the same degree of freedom of choice which is enjoyed by an affiliated station operating purely as an affiliate of Columbia in that same city."

Previously, Frank Stanton, in charge of the CBS Research Division, had described the system's set-up, and had compared the size of CBS to the remainder of the broadcasting industry.

If a CBS-owned station manager thought he should supplant a network commercial with a local sustaining program, Mr. Runyon said, he consulted CBS headquarters, but the ultimate decision was up to the local manager.

Mr. Runyon testified that there were 1,724 full-time CBS employees at the end of 1937, and that 861 of these worked in New York City. The total payroll for these, he said, was \$5,309,330. He also described at length the set-up of the CBS Artists Bureau, and offered extensive figures as to the amount of time sold at the various CBS stations.

#### JANUARY 11

After Mr. Runyon concluded his testimony, Frank K. White, Treasurer, took the stand. He first described the financial set-up of the CBS and its subsidiary corporations, and outlined the financial history of the purchase of CBS stations.

### ASCAP, FLORIDA AND WASHINGTON APPEALS ARGUED BEFORE SUPREME COURT

Appeals from the Florida and Washington decisions involving the anti-monopoly statutes of those states were argued before the United States Supreme Court January 10. Tyrus A. Norwood, Assistant Attorney General, and Lucien H. Boggs, of Jacksonville, Florida, argued the Florida appeal in behalf of the State. Alfred J. Schweppe, of Seattle, represented the State of Washington. ASCAP was represented by Thomas G. Haight of New York.

The question involved in both appeals was the jurisdiction of the Federal court. It was contended by both Florida and Washington attorneys that the Federal court was without jurisdiction, in that ASCAP had not shown the jurisdictional amount of three thousand dollars to be involved either with respect to the Society or with respect to the individual complainants.

The Florida appeal also involved the question of monopoly. Mr. Boggs contended that a court of equity ought not lend its aid in furtherance of the monopolistic practices disclosed by the record. Considerable interest on this feature was indicated by several members of the Court. Mr. Justice Black repeatedly questioned ASCAP's counsel with respect to price-fixing. ASCAP counsel defended

such practices, arguing that they were necessary, and that the license fees were reasonable. Mr. Justice Butler, however, took occasion to comment that there was no such thing as a benevolent monopoly.

Both cases now are under consideration. Decisions by the Supreme Court normally are rendered within two months from the date of the argument.

### CANADIAN PERFORMING RIGHTS SOCIETY LOSES FEE INCREASE

The Canadian Copyright Appeal Board has denied an increase of fees to be paid by broadcasting stations in Canada, for the right to perform copyrighted music of the Canadian Performing Rights Society, Ltd. (The ASCAP interest in Canada). Under the Canadian law the Performing Rights Society must file its tariff of fees on or before each November 1 with the Secretary of State at Ottawa, and objections to the tariff may be lodged by users with the Canadian Copyright Appeal Board. The formula for determining fees is on the basis of the number of radio sets, and this year the Performing Rights Society demanded fourteen cents per set, as against eight cents per set last year. The Performing Rights Society also demanded an additional sum of \$36,370 from broadcasters under the provision of a recent amendment to the Canadian Copyright Act, which exempted owners of receiving sets operated in public places where no admission is charged from the payment of a public performance fee. The amendment provided that such fee, as far as practicable, should be collected from the broadcasting stations. The Appeal Board allowed only the sum of one thousand dollars to compensate for the loss of revenue from radio sets in public places, which sum is to be pro-rated amongst the more than eighty Canadian broadcasting stations.

### WCAU WINS INJUNCTION

The Dauphin County (Pa.) Court has enjoined the Pennsylvania Public Utility Commission from enforcing a state law which, among other things, banned horse race broadcasts.

The injunction was granted to Station WCAU, Philadelphia, and 21 other Pennsylvania stations, pending determination of the constitutionality of the law. The law was aimed to stop bookmaking, but was so worded as to affect broadcasting.

### ENGINEERING CONFERENCE

The NAB again reminds broadcast engineers of the second annual broadcast engineering conference to be held February 6-17 at Ohio State University, Columbus, Ohio.

The prospectus for the conference says, in part:

"The primary objective is to establish a common ground for discussion among leaders in the industry and operating

engineers. With this in mind the lecturers and discussion leaders have been selected from representative organizations to present some of the more important present-day problems found in the broadcasting field.

"An effort is also being made to look into the future, as is indicated by the session devoted to television and facsimile.

"Of particular interest will be a panel discussion led by Mr. Ring on the FCC report, 'Standards of Good Engineering Practice'."

### NAB DEVELOPING ADVERTISING BOOK FOR SALESMEN

In line with discussions with the NAB Sales Managers Committee, Headquarters is now developing a Standardized Visual Presentation of "Radio—The Advertising Medium".

This presentation will be brought up-to-date from time to time, and will be furnished commercial representatives of NAB stations, in loose-leaf form, with a stiff-back binder. The binder of convenient size, and with ready accessibility, will also be used to display other radio advertising material, calculated to be of direct help in the sale of local and spot business.

Blank pages would be furnished so that individual stations will have opportunity to adapt their own story in conjunction with the basic-industry story.

Suggestions as to character of material would be more than welcome at Headquarters.

### "ABC" MOVING FAST

The first print order of "The ABC of Radio"—25,000 copies—is moving fast.

Broadcasters are requested to transmit their orders into Headquarters as speedily as possible, as the greater number we order on the second press run will result in savings all the way around.

Should substantial savings be effected as a result of the second press run, the savings will be fairly distributed to all stations who have previously ordered.

For the convenience of members who have not yet sent in orders, prices for the forty-eight page illustrated booklet are as follows:

20 copies . . . . . @ 15¢ each (\$ 3.00)  
 100 copies . . . . . @ 12¢ each (\$12.00)  
 200 copies or more @ 10¢ each

### EDUCATION QUESTIONNAIRE

Mr. John W. Studebaker, United States Commissioner of Education, has indicated that some stations have failed to furnish him "a list of groups which have produced educational programs over the facilities of this station during the past six months". The Office of Education sent out the form for furnishing this information in September.

The NAB suggests that those stations who have not done so, complete the form and return it to the Office of Education as soon as possible. Copies of the form may be obtained at the NAB headquarters or at the Office of Education, Washington, D. C.

### TAX CALENDAR

#### Tax Returns and Wage Reports Under Federal Social Security Act

Date each Year	Title VIII	Title IX
On or before January 31.	File tax return and wage report for October, November, and December on Form SS-1a.	File tax return on Form 940. Payment in full at once, or first installment for taxpayers electing to pay quarterly.
On or before April 30.	File tax return and wage report for January, February, and March on Form SS-1a.	Second installment for taxpayers electing to pay quarterly.
On or before July 31.	File tax return and wage report for April, May, and June on Form SS-1a.	Third installment for taxpayers electing to pay quarterly.
On or before October 31.	File tax return and wage report for July, August, and September on Form SS-1a.	Fourth installment for taxpayers electing to pay quarterly.

### WELLES QUESTIONNAIRE

Several stations have written in with reference to the questionnaire on the Orson Welles' "War of the Worlds" broadcast. The questionnaire was sent out by Dr. Hadley Cantril of the Princeton University Project. Dr. Cantril is Associate Director of the Princeton Radio Project financed by the Rockefeller Foundation for the Federal Radio Education Committee. The Princeton Project is making studies on various phases of audience reaction to radio. The NAB recommends that members complete Dr. Cantril's questionnaire and return it to him at his New York address.

### DUES CLASSIFICATION BLANKS

The By-Laws of the National Association of Broadcasters provide that active members of the Association shall pay dues on receipts from the sale of time received during the previous calendar year.

In accordance with the By-Laws, on January 1 all NAB members were sent a dues classification blank which they were requested to execute and return to NAB headquarters.

Approximately one-third of the members have already executed and returned this statement. Those members which have not filed their statement are urged to do so at once. An additional copy of the classification blank may be obtained at headquarters should it be needed.

### McNINCH STAYS AT FCC

President Roosevelt at his press conference this week was asked if Chairman Frank R. McNinch would stay at the FCC or go back to the Power Commission. Mr. Roosevelt said Mr. McNinch would stay where he was until further notice.

## CASE NOMINATED

Norman S. Case, a member of the Federal Communications Commission since July 1, 1934, was renominated by President Roosevelt on Tuesday.

The new Communications Commission came into existence on July 1, 1934 at which time Governor Case was nominated for a four year period. His term expired on July 1, 1938 when he was given a recess appointment by the President. The nomination, sent to the Senate on Tuesday, is for a seven year period from July 1, 1938.

## FCC TO GO TO CAPITOL FOR MORE FUNDS

It is expected that the Federal Communications Commission will appear before a subcommittee of the House Committee on Appropriations next week in connection with the appropriation for the fiscal year starting next July 1.

The Commission is asking Congress for an appropriation of \$2,000,000 plus \$25,000 for printing and binding and \$13,175 for the Inland Waterway Radio Survey. This latter appropriation is only for a six months' period from July 1 to December 31, 1939. During the present year, the appropriation for the Commission is \$1,700,000 with \$25,000 for printing and binding and \$20,000 for the Inland Waterway Survey.

The increased appropriation this year would take care of 53 additional employees for the Commission of which 47 would be in the Washington headquarters and 6 in the field offices, to include attorneys, engineers and clerks.

## FCC TURNS DOWN ACA REQUEST FOR SURVEYS

The Joint Unemployment Council, American Communications Association (C.I.O.) recently asked the Federal Communications Commission that certain surveys be made in the broadcasting and communication industries. Insofar as broadcasting was concerned the Association asked that a survey be made of broadcast interference and that a second survey be made on broadcasting coverage. The Association also requested that a census of employment in the broadcast and general communications industries be made. In connection with this request the Commission, this week, has answered the Association as follows:

"The Commission has carefully considered your letter of October 21, 1938, in which you request that this Commission sponsor certain projects through the agency of the Works Progress Administration. You set forth therein the situation in regard to unemployed workers in the communication industry, which situation is the basis for your request.

"The Commission is in sympathy with any plan having for its objective the relief of the unemployed and would

welcome the opportunity to do what it could in this respect within the scope of its means and authority. In view of the statement you make relative to the general unemployment situation in the Communication industry, it is assumed that your recommendations as to affording relief applied to all communication workers irrespective of union affiliations. You will appreciate, of course, that the Commission could consider projects only on that basis.

"A careful study has been made of your suggestions. Several of the projects which you list have merit. However, a detailed analysis indicates that the Commission is not justified at this time in sponsoring them because of the practical difficulties involved. Furthermore, conferences between representatives of the Commission and the Works Progress Administration developed the fact that the Works Progress Administration would not look with favor upon projects which involve a house-to-house canvass. In addition to these practical difficulties, the Commission is unable to assign the necessary supervisory and planning personnel as its staff is already overburdened with regular work. Also, the funds available from the Commission appropriation are insufficient to permit the purchase of necessary technical apparatus required to carry out the projects.

"The Commission will continue to study those projects which appear to have greatest merit and, if it is found that the difficulties and personnel and financial restrictions can be overcome, consideration will again be given to the practicability of carrying out such of these as may be within the scope of Commission activities."

---

## EXAMINERS' REPORTS

Orville W. Lyerla applied to the Federal Communications Commission for a construction permit for a new station at **Herrin, Illinois**, to use **1310 kilocycles**, 100 watts, 250 watts LS, unlimited time. **WEBQ, Harrisburg, Illinois**, operating on **1210 kilocycles**, 100 watts, 250 watts LS, specified hours, asked to change its frequency to **1310 kilocycles**, unlimited time. **KFVS, Cape Girardeau, Missouri**, operating on **1210 kilocycles**, 100 watts, 250 watts LS, specified hours, applied for unlimited time.

Examiner P. W. Seward, in Report No. I-755, recommended that the application of Lyerla be granted, but that the applications of WEBQ and KFVS be denied. In the case of the Lyerla application the Examiner found that the evidence at the hearing showed a need for the service in the area proposed to be served, and he stated that the granting of the application is not expected to cause objectionable interference. In the case of Stations WEBQ and KFVS the Examiner stated that the applications could not be granted "within the purview of Section 307(b) of the Communications Act of 1934."

Broadcasting Station **KTBS, Shreveport, Louisiana**, applied to the Commission for a construction permit to change its operating assignment from **1450 kilocycles**, 1000 watts, unlimited time, to **620 kilocycles**, 1000 watts, 5000 watts LS, unlimited time.

Examiner Tyler Berry, in Report No. I-758, recommended that the application be granted. The Examiner found that while another station renders a service to a portion of the area proposed to be served, if the applicant is permitted to change its frequency and increase its daytime power, it will enable the station to enlarge and improve its service to the rural areas. While the Examiner found that the operation of the station as proposed would cause some slight interference, he did not consider it sufficient enough to deny the application.

Broadcasting Station **WDEL, Wilmington, Delaware**, applied for permission to increase its power from 500 watts to 1000 watts daytime, and to install new equipment. The station now operates on **1120 kilocycles**, unlimited time. It operates with 250 watts night.

Examiner John P. Bramhall, in Report No. I-759, recommended that the application be granted "conditioned upon compliance with the technical requirements of the Commission." It was found by the Examiner that a need for daytime service in the area proposed to be served "has been established." The Examiner also found that the granting of the application will not affect the economic interests of any existing station.

A Supplemental Report to Examiner's Report No. I-653 was issued this week. The McComb Broadcasting Corporation applied to the Commission for a construction permit for a new station at **McComb, Mississippi**, to use **1200 kilocycles**, 100 watts, daytime operation.

Examiner Tyler Berry, in this Supplemental Report, recommended that the application be granted. He found that there is a definite need for the proposed service and that no conflict will result by reason of interference with any station or any pending application.

Drohlich Brothers applied to the Commission for a construction permit for a new station at **Sedalia, Missouri**, to use **1500 kilocycles**, 100 watts, 250 watts LS, unlimited time.

Examiner Robert L. Irwin, in Report No. I-760, recommended that the application be granted. He stated that it has been shown that there is a need for a broadcast station in the area proposed to be served and that the operation of the proposed station would not cause "an increase in objectionable interference to the normally protected daytime contour of any existing broadcasting station, or to any facility requested in pending applica-

tions." He said also that it appears that there is sufficient economic support and "adequate talent available for broadcasts over the proposed station."

William Schield, Harold Smithson and Sydney R. Lewis applied to the Commission for authority to transfer control of the Golden Empire Broadcasting Company, licensee of Station **KHSL, Chico, California**, and Station **KVCV, Redding, California**, to Ray McClung, Horace E. Thomas and Stanley R. Pratt, Jr.

Examiner Robert L. Irwin, in Report No. I-762, recommended that the application be granted. He found that the transferees are in all ways qualified to continue the operation of Stations **KVCV** and **KHSL** and that the granting of the application would be in the public interest.

## DECISIONS OF COMMISSION

S. B. Quigley applied to the Federal Communications Commission for a construction permit for a new broadcast station at **Mobile, Alabama**, to operate on **1200 kilocycles**, 100 watts, daytime only. The Commission granted the application.

In its decision, the Commission found that a public need exists for the proposed service and that "availability of commercial support has been shown to an extent which reasonably assures finances sufficient to operate in the public interest." It was found also by the Commission that there would be no interference problem.

Commissioners Craven and Case did not participate in this decision.

The Commission has denied as in default the application of Abraham Plotkin for the erection of a new station at **Chicago, Illinois**, to use **1570 kilocycles**, 1000 watts, unlimited time. The application was set for hearing but the applicant failed to appear to submit evidence in support of the application.

Broadcasting Station **WGN, Newburgh, New York**, operating on **1210 kilocycles**, 100 watts, and sharing time with three stations, applied to the Commission to operate on **1220 kilocycles**, with 250 watts, daytime. The Commission granted the application.

It was found in the decision that there is a need for the additional daytime service proposed and that the station operating as proposed "will not interfere with the service of any other station."

Albert Steinfeld & Company applied to the Commission for authority to transfer control of the Arizona Broad-

casting Company, licensee of KVOA, **Tucson, Arizona**, to the KTAR Broadcasting Company. KVOA operates on **1260 kilocycles**. The Commission granted the application.

In its decision, the Commission stated that the transferee is in all ways qualified to own the stock of the Arizona Broadcasting Company and also that the transferee will authorize Station KVOA "to bring additional programs to the residents of Tucson, and will not diminish the broadcast service now rendered to the various civic, religious, educational, social, and charitable organizations of the community." The Commission also stated that the station operating as proposed "will not be under the control of, or under common control with, either of the two daily newspapers in Tucson, Arizona, or with the other existing broadcast station in Tucson."

Commissioner Craven did not participate in this decision.

---

The Associated Broadcasters, Inc., licensee of Broadcasting Station WEST, **Easton, Pennsylvania**, and the Keystone Broadcasting Corporation, licensee of Station WKBO, **Harrisburg, Pennsylvania**, both operating 250 watts daytime, 100 watts night, on **1200 kilocycles**, applied to the Commission to operate simultaneously at night or unlimited hours of operation for both stations. At present they operate simultaneously during daytime and share time at night. The Commission granted the applications.

It was found by the Commission that a public need exists for the additional broadcast service and no objectionable interference would be expected to result from the operation as proposed.

---

The Commission has granted the application of the General Electric Company for experimental broadcast and television stations at **Albany, New York, Bridgeport, Connecticut, and Schenectady, New York**. The frequency band for the Albany and Bridgeport stations will be **60,000 to 86,000 kilocycles**, and the Schenectady station's frequency, **42,000 to 56,000 kilocycles** with 40 watts power.

It was pointed out by the Commission in its decision that the company is in all ways qualified to construct and operate the television broadcast stations and the program of research and experimentation proposed, the Commission said, "gives reasonable promise of substantial contribution to the development of the television art." It was further stated by the Commission that the interests of existing television broadcast stations will not be adversely affected from an interference standpoint by reason of the establishment and operation of the proposed new stations.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, January 16. They are subject to change.

### Monday, January 16

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., **1240 kc.**, 1 KW, unlimited time (DA at night).

### Tuesday, January 17

KGEK—Elmer G. Beehler, Denver, Colo.—C. P. (requests change of studio and transmitter location), **1200 kc.**, 100 watts, daytime. Present assignment: **1200 kc.**, 100 watts, specified hours.

KGIW—Leonard E. Wilson, Assignor, E. L. Allen, Assignee, Alamosa, Colo.—Voluntary assignment of license, **1420 kc.**, 100 watts, specified hours.

KTSA—KTSA Broadcasting Company, Assignor, Sunshine Broadcasting Co., Inc., Assignee, San Antonio, Tex.—Voluntary assignment of license, **550 kc.**, 1 KW, 5 KW LS, unlimited time.

### Wednesday, January 18

WJBW—Charles C. Carlson, New Orleans, La.—C. P., **1200 kc.**, 100 watts, share WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.

### Thursday, January 19

#### Oral Argument Before the Commission

Examiner's Report No. I-739:

NEW—Tacoma Broadcasters, Inc., Tacoma, Wash.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Michael J. Mingo, Tacoma, Wash.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time (DA night and day).

### Friday, January 20

WRR—City of Dallas, Texas, Dallas, Tex.—C. P., **1280 kc.**, 1 KW, unlimited time.

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.**, 100 watts, daytime.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings and oral arguments. They are subject to change.

#### February 6

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Kingston Broadcasting Corp., Kingston, N. Y.—C. P., **1500 kc.**, 100 watts, daytime.

#### Further Hearing

KTRB—Thomas R. McTammany and William Bates, Jr., Modesto, Calif.—Renewal of license, **740 kc.**, 250 watts, daytime.

NEW—William H. Bates, Jr., Modesto, Calif.—C. P., **740 kc.**, 250 watts, daytime (requests facilities of KTRB).

#### February 14

NEW—Enrique Abarca Sanfeliz, San Juan, Puerto Rico.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres Incorporated, San Juan, Puerto Rico.—C. P., 580 kc., 1 KW, unlimited time.

WAGA—Liberty Broadcasting Co., Assignor, Atlanta, Ga.—Voluntary assignment of license to Liberty Broadcasting Corp., Assignee; 1450 kc., 500 watts, 1 KW LS, unlimited time.

## February 15

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., 880 kc., 250 watts, unlimited time (DA for night use).

NEW—The Gateway Broadcasting Co., Louisville, Ky.—C. P., 880 kc., 500 watts, unlimited time (DA night and day).

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P., 880 kc., 1 KW, unlimited time (DA day and night).

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

NEW—WDRG, Inc., Hartford, Conn.—Granted C. P. for new experimental broadcast station to be used as a relay service from WDRG studios to W1XPW utilizing a 100 watt frequency modulated transmitter of the Armstrong Type and directional antenna; frequencies 86000 to 400000, 401000 kc., and above, conditionally; 100 watts.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted license to cover C. P. and modifications thereof, authorizing change in transmitter site locally, installation of new equipment and vertical radiator, and increase in day power from 100 to 250 watts.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 50 KW power (used by broadcast station) for the transmission of facsimile signals experimentally and for modification of its authority to operate from 1 to 6 a. m., instead of from 2 to 6 a. m.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted extension of special experimental authority to operate synchronously with station WBBM from local sunset at Lincoln, Nebraska, to midnight for the period February 1 to August 1, 1939.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate synchronously with station KFAB from local sunset at Lincoln, Nebraska, to midnight for the period February 1 to August 1, 1939.

WAPI—Ala. Polytechnic Institute, Univ. of Alabama (board of control of radio broadcast station WAPI), Birmingham, Ala.—Granted extension of special authority to operate unlimited time on 1140 kc., with 5 KW power, employing directional antenna system for nighttime operation, for the period February 1 to August 1, 1939.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 25 KW power, unlimited time, employing directional antenna system for nighttime operation.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 10 KW power, full time for the regular license period.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Granted extension of special experimental authority to operate regular broadcast transmitter of station WLW for the experimental transmission of facsimile from 12 midnight to 6 a. m., using 50 KW power.

WHO—Central Broadcasting Co., Des Moines, Ia.—Granted extension of special authority for the transmission of facsimile signals over the regular broadcast transmitter of WHO during the experimental period between 12 midnight and 6 a. m., for the period February 1 to August 1, 1939.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authority to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset, for the period February 1 to August 1, 1939.

WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authority to operate unlimited time on 850 kc., with 10 KW power, for the period February 1 to August 1, 1939.

## RENEWAL OF LICENSES

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

KDKA and auxiliary, Pittsburgh, Pa.; KFAB, Lincoln, Neb.; KFEQ, St. Joseph, Mo.; KFI and auxiliary, Los Angeles; KGO and auxiliary, San Francisco; KIRO, Seattle, Wash.; KJBS, San Francisco; KJR (Lessee), Seattle; KMMJ, Clay Center, Neb.; KMOX, St. Louis, Mo.; KNX, Los Angeles; KOA, Denver, Colo.; KOAM, Pittsburg, Kans.; KOB, Albuquerque, N. Mex.; KPO, San Francisco; KRLD, Dallas, Tex.; KSL, Salt Lake City, Utah; KTKC, Visalia, Cal.; KVOO, Tulsa, Okla.; KXA, Seattle, Wash.; KYOS, Merced, Cal.; WAAW, Omaha, Neb.; WABC-WBOQ, New York City; WAPI, Birmingham, Ala.; WATR, Waterbury, Conn.; WBAP, Fort Worth, Tex.; WBBM and auxiliary, Chicago; WBZ and WBZA, Boston, Mass.; WCAL, Northfield, Minn.; WCAU, Philadelphia, Pa.; WCAU, auxiliary; WCBG, Chicago; WCCO, Minneapolis, Minn.; WCFL and auxiliary, Chicago; WDCY, Minneapolis; WEF and auxiliary, New York City; WEAU, Eau Claire, Wis.; WEEU, Reading, Pa.; WENR and auxiliary, Chicago; WEW, St. Louis, Mo.; WFAA, Dallas, Tex.; WGN, Chicago; WHAS, Louisville, Ky.; WHB, Kansas City, Mo.; WHDH and auxiliary, Boston, Mass.; WHEB, Portsmouth, N. H.; WIBG, Glenside, Pa.; WINS, New York City; WJZ and auxiliary, New York City; WKAR, E. Lansing, Mich.; WLB, Minneapolis, Minn.; WLS, Chicago, Ill.; WLW, Cincinnati, Ohio; WMAZ and auxiliary, Macon, Ga.; WMBI, Chicago, Ill.; WNYC, New York City; WNYC, auxiliary; WOAI and auxiliary, San Antonio, Tex.; WOI, Ames, Iowa; WOR and auxiliary, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPG, Atlantic City, N. J.; WRUF, Gainesville, Fla.; WRVA, Richmond, Va.; WSAZ, Huntington, W. Va.; WSB and auxiliary, Atlanta, Ga.; WSPR, Springfield, Mass.; WTAM, Cleveland, Ohio; WTBO, Cumberland, Md.; WTIC, Hartford, Conn.; WWL, New Orleans, La.; WWVA and auxiliary, Wheeling, W. Va.

The following stations were granted renewal of licenses for the period ending July 1, 1939:

KBPS, Portland, Ore.; KOTN, Pine Bluff, Ark.; WEED, Rocky Mount, N. C.; WHBQ, Memphis, Tenn.; WHLB, Virginia, Minn.; WKEU, Griffin, Ga.; WLEU, Erie, Pa.; WLLH, Lowell, Mass.; WMBS, Uniontown, Pa.; WNB, Binghamton, N. Y.; WOPI, Bristol, Tenn.; WPRA, Mayaguez, P. R.; WSVS, Buffalo, N. Y.; WSYB, Rutland, Vt.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted renewal of license for the period ending May 1, 1939.

KOOS—KOOS, Inc., Marshfield, Ore.—Granted renewal of license for the period ending June 1, 1939.

WCRW—Clinton R. White, Chicago, Ill.—Granted renewal of license for the period ending June 1, 1939.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted renewal of license for the period ending June 1, 1939.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted renewal of license for the period ending June 1, 1939.

W3XAU—WCAU Broadcasting Co., near Newton Square, Pa.—Granted renewal of international broadcast station license for the period ending November 1, 1939, subject to the condition that it is subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W6XAO—Don Lee Broadcasting System, Los Angeles, Cal.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W1XG—General Television Corp., Boston, Mass.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W9XG—Purdue University, W. Lafayette, Ind.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W2XDR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., already in the hearing docket, amended so as to request move of transmitter site approximately 20 miles from 17th and Holdrege St., Lincoln, Nebr., to N.W.  $\frac{1}{4}$  Sec. 30, R. 10 E., Twp. 10 N., Cass County, Nebr.; install new equipment and directional antenna system for nighttime operation; change frequency from 770 ke. to 1080 ke.; and increase power and time of operation from 10 to 50 KW, and from simultaneous day and sharing with WBBM night, experimental simultaneously day, synchronous night, WBBM, to unlimited time. (To be heard before the Commission.) This application was redesignated for hearing to be heard with the applications of WBBM and WBT to determine full time use of frequency 1080 ke. (a clear channel on which WBT now operates), and to ascertain if interference will result with 8 existing stations.

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Modification of license to change time of operation from sharing with WJAC to unlimited. This application designated for hearing to determine if interference might result to existing stations.

NEW—Birney Imes, Columbus, Miss.—C. P. for new station to operate on 1370 ke., with power of 100 watts night, 250 watts day, unlimited time.

NEW—Thomas R. McTammany, Modesto, Calif.—C. P., already in hearing docket, amended so as to request frequency 1340 ke., 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P. to move transmitter site locally; install new equipment and directional antenna system; and increase power from 500 watts night, 1 KW day, unlimited, to 1 KW night, 5 KW day, employing directional antenna for both day and nighttime operation. (Application was designated for hearing to determine if interference might result to existing stations.)

### MISCELLANEOUS

WHAI—John W. Haigis, Greenfield, Mass.—Granted extension of special temporary authority to operate from 4:45 to 5 p. m., EST, on Sundays, January 15, 22 and 29, in order to broadcast in their entirety the weekly broadcasts of Father Coughlin, using power of 100 watts only.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, January 6, 13, 20, 27, in order to broadcast special sessions of WFAS Request Club, Civic "Bulletin Board" Theatre Commentary, and "Music of Memory" features.

WRUF—University of Florida, Gainesville, Fla.—Granted extension of special temporary authority to rebroadcast the Navy time signals from Arlington for the period beginning 3 a. m., EST, February 1, and ending no later than 3 a. m., EST, August 1, 1939.

KIDW—Southwest Broadcasting Co., Lamar, Colo.—Granted special temporary authority to remain silent for a period of 30 days, pending action on application for voluntary assignment of license to The Lamar Broadcasting Co.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 ke., with power not to exceed 100 watts, for the period January 10 to February 8, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.

WGPC—Northside Broadcasting Corp., New Albany, Ind.—Granted applicant's request to take depositions in re appli-

cation for C. P. to use 880 ke., 250 watts, unlimited time (DA night), scheduled for hearing on February 15.

KTAT—Tarrant Broadcasting Co., Wichita Falls, Tex.—Granted applicant's motion for continuance of hearing now scheduled for February 7 on application to increase power from 1 KW, unlimited time, to 1 KW night, 5 KW LS, and to move station from Fort Worth to Wichita Falls, Tex., and to consolidate with hearing on application of applicant for authority to transfer control.

NEW—A. Corenson, tr/as Elgin Broadcasting Assn., Elgin, Ill.—Denied as in case of default the application for C. P. to use 1500 ke., 100 watts, daytime, since applicant failed to file a written appearance in accordance with Rule 104.6.

NEW—Central Broadcasting Corp., Worcester, Mass.—Granted motion to accept late appearance in re application for C. P. to use 1500 ke., 100 watts, 250 watts LS, unlimited time, now scheduled for hearing on February 6.

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—Granted applicant's motion for order to take depositions in re application for C. P. to use 1420 ke., 100 watts, 250 watts LS, unlimited time, scheduled for hearing on February 24.

NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—Case reopened for the presentation of evidence as to the citizenship of E. E. Benham. Order to be entered permitting the taking of depositions only as to the determination of the citizenship of E. E. Benham. (This matter was heard on December 19, 1938, and involves an application for C. P. to use 1320 ke., 250 watts, unlimited time (DA night.) (Exception by counsel for the Golden Empire Broadcasting Co. noted on the record.)

NEW—The Brockway Company, Watertown, N. Y.—Granted motion to intervene in the hearing in re the application of Edward J. Doyle for a new station in Rochester, N. Y., to operate on 1270 ke., 500 watts, daytime, scheduled for hearing March 6.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted applicant's motion for order to take depositions in re application for C. P. to use 880 ke., 500 watts, unlimited time (DA night and day), scheduled for hearing on February 15; also granted applicant's motion to accept an amendment to the application (for change in transmitter site) and retention of hearing date—February 15.

NEW—A. Corenson, tr/as Northwestern Broadcasting Assn., Evanston, Ill.—Denied as in case of default the application for C. P. to use 1310 ke., 100 watts, unlimited time, since applicant failed to file a written appearance in accordance with Rule 104.6.

NEW—Ed Bishop and John L. McCarty, d/b as The Dalhart Broadcasting Co., Dalhart, Tex.—Denied as in case of default the application for C. P. to use 1500 ke., 100 watts, 250 watts LS, unlimited time, since applicant failed to file a written appearance in accordance with Rule 104.6.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Denied special temporary authority to operate station WGAN from local sunset on January 7, in order to hold audience for President's speech, and to broadcast speech to conclusion. (This was disapproved because of violation of Rule 103.19, which specifically precludes this grant without hearing.)

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted petition to accept respondent's answer in re application of KCMC to change frequency from 1420 ke. to 1340 ke., and power from 100-250 watts LS, to 500 watts, 1 KW LS, scheduled for hearing January 9.

WMEX—The Northern Corp., Boston, Mass.—Denied motion for bill of particulars in re application for WLAC, Nashville, Tenn., for C. P. to use 1470 ke., 50 KW, unlimited time (DA night), scheduled for hearing on February 20.

KGB—Don Lee Broadcasting System, Inc., and KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Overruled joint petition for 30 days' extension, and granted extension until 10 a. m., January 25, in which to file proposed findings of fact and conclusions in re application of Hearst Radio, Inc., KEHE, for voluntary assignment of license; Earle C. Anthony, KECA, for C. P., and for voluntary assignment of license of KECA. (These cases were heard on December 7, 1938.)

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted motion for extension of time to file proposed findings (from January 6 to January 16, 1939) in re application for renewal of license and voluntary assignment of KGGC, which was heard on October 26, 1938.

- WLAC—J. T. Ward, d/b as WLAC Broadcasting Service, Nashville, Tenn.—Denied petition to reconsider and grant without a hearing the application to move transmitter site locally, install directional antenna system and new transmitter, and increase power from 5 KW to 50 KW, employing DA system for nighttime operation only. (Commissioners Sykes and Case voted "No" in this matter.)
- KDAL—Red River Broadcasting Co., Duluth, Minn.—The Commission rescinded its order of December 12, 1938, which designated for further hearing the application for renewal of license of station KDAL, and designating for hearing the application for consent to transfer control of station, and granted the application for transfer of control of KDAL from E. C. Reineke, N. D. Black, H. D. Paulson, Mrs. N. B. Black, C. H. Reineke, and Forum Publishing Company, Inc., to Dalton A. LeMasurier and Charles LeMasurier.
- WBIL—Arde Bulova, New York, N. Y.—Present license extended on a temporary basis only for a six months' period from February 1, 1939, subject to whatever action may be taken by the Commission upon the application of Greater New York Broadcasting Company.
- WGNC—F. C. Todd, Gastonia, N. C.—Granted modification of C. P. authorizing approval of transmitter and studio sites, changes in equipment, and installation of vertical radiator.
- WTHB—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted license to cover C. P. for new relay broadcast station to be used to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WFLA; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.
- WAUB—WSIX, Inc., Nashville, Tenn.—Granted license to cover C. P. for new relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WSIX; frequencies 1646, 2090, 2190 and 2830 kc., 40 watts.
- W9SGO—WDZ Broadcasting Co., Tuscola, Ill.—Granted license for new experimental relay broadcast station to be used to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WDZ; frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis only conditionally, 2 watts.
- KLPM—John B. Cooley, Minot, N. Dak.—Granted authority to make changes in automatic frequency control apparatus.
- KOME—Harry Schwartz, Tulsa, Okla.—Granted license to cover C. P. and modifications thereof, authorizing erection of new station in Tulsa to operate on 1310 kc., 250 watts, daytime only.
- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted authority to determine operating power by direct measurement of antenna input.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted special temporary authority to operate simultaneously with station WTAM from 7:45 to 10 p. m., PST, January 7, 14, 20, 21, 27, and February 3 and 4, in order to broadcast basketball games.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted special temporary authority to conduct tests during daytime, for a period beginning January 7 and ending in no event later than January 20, with reduced power of 250 watts and using an unmodulated carrier, in order to make proof of performance measurements for the directional antenna authorized by C. P.
- WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 8:45 to 10:30 p. m., CST, January 10 and 13, in order to broadcast basketball games.
- WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW and a conventional antenna for the period January 16 to February 14, pending installation of directional antenna authorized by grant of October 25, 1938.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays, January 23 and 30; February 6 and 13, in order to broadcast special program from La. State Univ., and special addresses by the President and members of the faculty of that University.
- KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate Relay Broadcast Station KSFM, on the frequencies 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal licensed frequencies for the period January 14 to February 12, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from Seattle to Auckland, N. Z., and return. Program material to be received by RCA Communications, Inc., receiving station at Point Reyes, Cal., for delivery to NBC network.
- W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate Experimental Broadcast Station W10XR, on frequencies 680 and 1070 kc., in addition to the normal licensed frequencies for the period January 18 to February 16, for the express purpose of making propagation studies in the vicinity of New York City.
- W2XDG—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency 38.65 megacycles for the period January 19 to February 17, pending definite arrangements to be made in the ultra high frequency bands.
- W10XAP—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate Relay Broadcast Experimental station as licensed, for period January 15 to January 29, as sound channel in association with the portable-mobile television broadcast.
- W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate Relay Broadcast Exp. stations, on freq. 31220 kc., for a period not to exceed 30 days, pending definite arrangements to be made to eliminate interference with Cleveland's Police radio system.
- W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate high freq. broadcast station on freq. 42.8 megacycles, power output of 40 KW, for the period January 15 to February 13, pending definite arrangements to be made in the ultra high freq. bands.
- WJBW—Charles C. Carlson, New Orleans, La.—Granted CP authorizing installation of new transmitter and for local move, with the condition that if the construction is not carried forward then the hearing will be held on the Renewal of License Application, (renewal of WJBW set for hearing on September 27, 1938), but if the construction is carried forward then the necessity for hearing on renewal is eliminated.
- KGGF—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 7:30 p. m., CST, February 7, 14, 21, 28 (provided WNAD remain silent), in order to broadcast special commercial programs.
- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate simultaneously with station WBAX from 6 to 8 p. m., EST, January 12, in order to broadcast ceremonies in connection with banquet of the 103rd Cavalry.
- National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate exp. relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W9XAP, W9XDV, W9XDW, W9XXD, W9XXC, W10XAH, W10KAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV, W10XY on the freqs. 3122 and 37.02 megacycles in lieu of present assignments 31.1 and 37.6 megacycles, for the period January 20 to February 18, pending adjustment of relay broadcast freq. assignments above 30 megacycles as contemplated by Gen. Order No. 19.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on January 21 and 28, and on February 4, 11, 18, in order to broadcast newscasts, musical programs, and other features of public interest; to operate from 8:30 to 10 a. m., EST, and from 2 to 3 p. m., EST, on January 22 and 29, and February 5, 12, 19, in order to broadcast religious services, newscasts, and musical programs; to operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EST, February 13, in order to broadcast musical programs and newscasts, provided WSVS remains silent.
- WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 10 a. m. to 12 noon, CST, and from 2 to 11 p. m., CST5, January 19 and 20, in order to broadcast annual radio debate tournament.

- WGPC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., and February 5:15 p. m., CST). to the conclusion of basketball games, on January 13, 21 and 28, and February 4, using 100 watts power.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m., EST, to the conclusion of the Heavyweight Championship Bout between Joe Louis and John Henry Lewis, on January 25.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on 1060 kc., on the night of January 11, from 9 to 10 p. m., EST, in order to broadcast a transcription of the Inaugural Address of Governor O'Connor.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m. and from 2 to 4 p. m., CST, on February 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 1939, and from 9:15 to 9:30 p. m., CST, on February 7, 14, 21, 28 (provided KGGF remains silent), in order to broadcast special educational program.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

- WIS—Station WIS, Inc., Columbia, S. C.—Voluntary assignment of license to The Liberty Life Insurance Co.

### 580 Kilocycles

- KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Extension of special experimental authorization to transmit facsimile signals from midnight to 6 a. m., PST, for period 3-1-39 to 9-1-39. (Section 4 (c) of application.)

### 880 Kilocycles

- NEW—The Gateway Broadcasting Company, Louisville, Ky.—Construction permit for a new broadcast station to be operated on 880 kc., 500 watts, unlimited time, studio located at 675 S. Fourth St. at Broadway, Louisville, Ky., transmitter at north of New Albany, Ind. Use directional antenna both day and night. Amended to give transmitter site as Louisville, Ky.

### 890 Kilocycles

- KARK—Arkansas Radio & Equipment Co., Inc., Little Rock, Ark.—Modification of construction permit (B3-P-197) for new equipment, increase power and move transmitter, requesting change in power from 500 watts, 1 KW day, to 1 KW day and night. Amended to change application from a modification of construction permit, B3-MP-404, to a construction permit, B3-P-2318, re Commission's order of 5-27-38. Also to use directional antenna at night.

### 940 Kilocycles

- WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitting equipment and increase power from 250 watts to 1 KW.

### 1040 Kilocycles

- KRLD—KRLD Radio Corp., Dallas, Texas—Extension of Special Experimental Authorization to operate simultaneously with WTIC, unlimited time for the period 2-1-39 to 8-1-39.

### 1200 Kilocycles

- NEW—Miles A. Metzger, Tuscaloosa, Ala.—Construction permit for a new station on 1200 kc., 100 watts night, 250 watts day, unlimited time (facilities of WJRD). (Sections 12b, 26 and 29b.)
- KOOS—KOOS, Inc., Marshfield, Oregon—License to cover construction permit (B5-P-2219) for installation of new transmitter.
- KVNU—Cache Valley Broadcasting Co., Logan, Utah—License to cover construction permit for new station.

### 1210 Kilocycles

- NEW—Western Broadcasting Co., Partnership—Cecil Bott, Nettie Bott, Matilda Lannon, Harold L. McCracken, Cheyenne, Wyo.—Construction permit for new broadcast station to be

operated on 1210 kc., 100 watts night, 250 watts daytime, unlimited time. (Signature.)

- WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine—Construction permit to install new equipment and increase power from 100 watts to 100 watts night and 250 watts daytime.

### 1260 Kilocycles

- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Construction Permit to make changes in transmitting equipment.

### 1280 Kilocycles

- WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to install an auxiliary transmitter. (Sec. 16 (d) of application.)

### 1300 Kilocycles

- WHBL—Press Publishing Co., Sheboygan, Wis.—Modification of construction permit (B4-P-1320) for new transmitter, and increase in power, further requesting changes in transmitter.
- WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—License to use old transmitter as an auxiliary.

### 1310 Kilocycles

- NEW—John R. Pepper, Greenville, Miss.—Construction permit to erect new broadcast station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.

### 1370 Kilocycles

- KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Voluntary assignment of license to Helen Townsley.

### 1420 Kilocycles

- WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to install new transmitter, directional antenna for night use, change frequency from 1420 kc. to 1290 kc., increase power from 100 watts night, 250 watts daytime, to 1 KW, and move transmitter. Amended to request 500 watts night and 1 KW daytime.
- NEW—Grant Union High School District, North Sacramento, Calif.—Construction permit for new broadcast station for 1420 kc., 100 watts, daytime. Amended to request 1370 kc.
- KRLH—Clarence Scharbauer, Midland, Tex.—License to cover construction permit for installation of new equipment. (Section 10 (c) of application.)

### 1500 Kilocycles

- WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—Authority to determine operating power by direct measurement of antenna power.
- KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Modification of construction permit for new station requesting change in equipment and approval of transmitter location at 109 E. 5th St., Amarillo, Texas, and approval of antenna.
- WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—License to cover construction permit for new station.
- KOVC—KOVIC, Inc., Valley City, N. Dak.—Authority to install new automatic frequency control equipment.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction permit to move transmitter and erect new antenna.
- WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Modification of license to change hours of operation to request WCNW facilities amended to request unlimited time and facilities of WCNW and WMBQ.

## MISCELLANEOUS

- WIXPW—WDRC, Inc., Meriden, New Haven, Conn.—Modification of construction permit for new high frequency broadcast station requesting extension of required date of completion from 3-11-39 to 6-1-39.
- W6XBE—General Electric Co., San Francisco, Calif.—Modification of construction permit for new international broadcast station requesting extension of required date of completion from 2-1-39 to 5-1-39.
- NEW—KUJ, Inc., Portable-Mobile in area of Walla Walla, Wash.—Construction permit for new relay broadcast (experimental) station to be operated on 31100, 34600, 37600 and 40600 kc., 7.5 watts.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile in area of Tacoma, Wash.—Construction permit for new relay broadcast station to be operated on 1646, 2090, 2190 and 2830 kc., 10 watts.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile in area of Tacoma, Wash.—License to cover above (B5-PRY-155).

NEW—San Mateo Junior College District, San Mateo, Calif.—Construction permit for new Non-Commercial Broadcast station for 41060 kc., 100 watts. Amended for location at North Delaware and Peninsular Ave., San Mateo, Calif., and power of 25 watts.

NEW—WBEN, Inc., Buffalo, N. Y.—License for a new facsimile broadcast (experimental) station. (Section 9(a)).

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**Associated Arts**—Charging misleading representations in the sale of photographic enlargements and the frames therefor, a complaint has been issued against George H. Lewis, 909 Union Ave., Northside, Pittsburgh, trading under the names Associated Arts, Blackstone Academy of Fine Arts, Van Dyke Art Association, and Sterling Art Association.

Through his agents the respondent falsely represents, the complaint alleges, that paintings, hand-painted portraits, Colura portraits or Polychrome portraits will be furnished customers, when in fact the products delivered are cheap, quickly made tinted photographic enlargements produced at a cost of \$1.25 each.

According to the complaint, customers are induced to sign orders or contracts in the guise of "certificates" purporting to entitle them to such pictures on payment of \$2.95, which is alleged to be the "cost of production," although the value is represented to be \$25 or a similar amount. Later, it is alleged, other representatives of the respondent attempt to coerce customers into purchasing frames for the pictures and often succeed in collecting an exorbitant price of \$15 or more each.

The complaint alleges that the respondent's selling methods are directed toward accomplishing the sale of the frames at exorbitant prices and that his activities in obtaining contracts for the alleged portraits are merely "bait" or "come-on" tactics which enable high pressure salesmen to sell the frames at excessive prices. (3681)

**Blackstone Academy of Fine Arts**—See Associated Arts.

**Fresh Grown Preserve Corp.**—See Sun Distributing Company, Inc.

**Rite Packing Corporation**—See Sun Distributing Company, Inc.

**Sterling Art Association**—See Associated Arts.

**Sun Distributing Company, Inc.**—Misrepresentation in the sale of fruit preserves is alleged in a complaint issued against Fresh Grown Preserve Corporation, Sun Distributing Company, Inc., and Rite Packing Corporation, all of 32 Thirty-third St., Brooklyn, and Murray and Leo Greenberg, officers and part owners of the three corporations.

Charging violation of the Federal Trade Commission Act, the complaint alleges that the respondents sell to wholesale and retail grocers and bakers fruit preserve products advertised and labeled "pure fruit preserves" and as "pure preserves" when in fact such products are not preserves or pure preserves within the meaning and popular acceptance of such words.

According to the complaint, the expressions "preserves" and "fruit preserves" mean products prepared from a mixture of clean sound fruit with sugar in a proportion of at least 45 pounds of fruit to each 55 pounds of sugar cooked to an appropriate consistency.

The respondents' preparations, it is alleged, do not contain a fruit content of the aforementioned proportion but have an average fruit content deficiency of 48 per cent in that the fruit content averages approximately 22 pounds of fruit to each 55 pounds of sugar. (3682)

**United States Rubber Company** and one of its subsidiaries, U. S. Tire Dealers Corporation, both of 1790 Broadway, New York, are charged in a complaint with violation of the Robinson-Patman Act in that they have engaged in unlawful price discrimination in connection with the sale of automotive vehicle tires.

Since 1935, the complaint alleges, United States Rubber Company has conducted its business chiefly through subsidiary corporations, some of which in turn own or control, through voting stock ownership, still other operating companies. The respondent U. S. Tire Dealers Corporation, an operating subsidiary, allegedly is engaged principally in the sale and distribution of rubber products, including tires, manufactured by other subsidiaries of United States Rubber Company. Its merchandising and pricing policies are determined and dictated by United States Rubber Company, and the same set of officers serve both companies, the complaint alleges.

Sales to wholesalers and retailers of tires bearing the respondent companies' brands, the complaint charges, are made by the respondent U. S. Tire Dealers Corporation pursuant to "distributor sales agreements" and "service station dealer sales agreements," entered into from year to year, which provide that tires will be sold to the distributor or dealer at the prices shown in the respondents' current price list known as "United States Prices," less certain trade, functional, quantity and volume discounts. (3685)

**U. S. Tire Dealers Corporation**—See United States Rubber Company.

**Universal Studios, Inc.**—Charging unfair representation in the sale of photographs and photographic products, a complaint has been issued against Universal Studios, Inc., 187 East Seventh St., St. Paul, Minn., and against Harry I. Sanders, R. and Lorraine H. Smith, its officers and principal stockholders, who also trade under the name Universal Studios.

Through their agents the respondents are alleged to have represented that they were making a special offer at a reduced price whereby the prospective purchaser by use of a coupon could obtain a picture variously represented as being an oil painting, a portrait in oil colors, a gold tone painting or an oil colored portrait of the value of \$5, or a big value, for 59 or 69 cents.

The respondents are alleged further to have represented that the coupon distributed by them or under their direction was worth \$4.41 to the holder and was made possible under a special trade concession on the part of certain local merchants.

The complaint alleges, however, that the pictures sold and distributed were neither of a \$5 or a "big value," nor was \$5 the regular price charged therefor. The offer was not special or at a reduced price, according to the complaint, but the prices of 59 and 69 cents were the usual selling prices. The coupon or certificate issued was not worth \$4.41 or any other amount, and did not represent a special trade concession, it is alleged. (3684)

**Van Dyke Art Association**—See Associated Arts.

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**American Toy Works**—An order has been issued against Adolph Wein, 3724 Twenty-fourth St., Long Island City, N. Y.,

trading as American Toy Works, directing discontinuance of certain misleading representations in the sale of toys.

The order requires the respondent to cease and desist from representing that any of the toys he sells which are made in Japan or in any other foreign country are made in the United States.

He is also ordered to stop representing, through use of the trade name American Toy Works, or in any other manner, that he is a manufacturer of toys, and to cease advertising that boxes of crayons sold by him contain any definite number of crayons other than the number actually so contained. (3528)

**Sunbeam Laboratories**—Prohibiting unfair representations in the sale of a cosmetic preparation, an order has been issued against Leopold Levoy and Nathan C. Blacher, trading as Sunbeam Laboratories, Los Angeles.

The order directs that they cease representing their product, Nailife, as being beneficial for dry or splitting nails, and as being the perfect nail food and a scientific preparation which will transform irregular, broken nails into well formed, symmetrical ones. The order also bars the assertion that use of the preparation will make nails strong and healthy.

Findings are that the value of the use of the respondents' preparation is limited to forming a protective covering for the nails, that it will not accomplish the results claimed and that the respondents' representations are exaggerated and untrue and constitute false advertisements in violation of the Federal Trade Commission Act. (3267)

### STIPULATIONS

The Commission has entered into the following stipulations:

**L. L. Adcox Trade School**, 237 N. E. Broadway, Portland, Ore., a vocational school offering a combination home-study and practical course designated Master Diesel Course, has entered into a stipulation to cease and desist from misleading representations in the sale of such course.

The respondent company agrees to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field or the actual earning power or probable salaries, advancements or future security of graduates. The respondent company also stipulates that it will cease representing that any person, though lacking in proper education, experience or aptitude, can become a competent and expert Diesel man by taking its course of instructions. (2343)

**Elizabeth Arden, Inc.**—See Elizabeth Arden Sales Corporation.

**Elizabeth Arden Sales Corporation**, Elizabeth Arden, Inc., and Florence M. Lewis, trading as Elizabeth Arden, all of 681 Fifth Ave., New York, have entered into a stipulation to discontinue misleading representations in the sale of cosmetics, including Ardena Velva Cream Mask, Eight Hour Cream, Venetian Orange Skin Cream and Ardena Orange Skin Cream.

The respondents agree to cease advertising that use of any of the products named, either alone or in combination, will remove or prevent lines or wrinkles or have any effect upon such conditions other than to temporarily soften the appearance thereof; that their use "lifts muscles", affects the contours of the face in any way, refines the pores, or nourishes the skin, or that they are recommended for skins lacking natural nutritive qualities. (02303)

**Diesel Engine Service**—See School of Diesel.

**David E. Kennedy, Inc.**, 58 Second Ave., Brooklyn, manufacturer of products designed for floor and wall use, agrees to stop representing by the use either of the words "Kentile" or "tile" in

its advertising matter or in any other way, that its products are tile as that term is generally understood in the trade and by the general public, unless in immediate conjunction with these words there appear in conspicuous type other words designating the material or substance of which such products are made, such as wood tile, glass tile, rubber tile, asbestos tile, copper tile, cork tile, metal tile, or asphalt tile. (2349)

**Leonard Custom Tailors Company**, Textile Building, Cincinnati, also trading as Avon Park Clothes, has entered into a stipulation to discontinue certain misleading representations in the sale of men's clothing.

The respondent company stipulates that it will cease using the word "worsted" alone or in connection with the word "tropical", or with other words, as descriptive of suits not composed of wool.

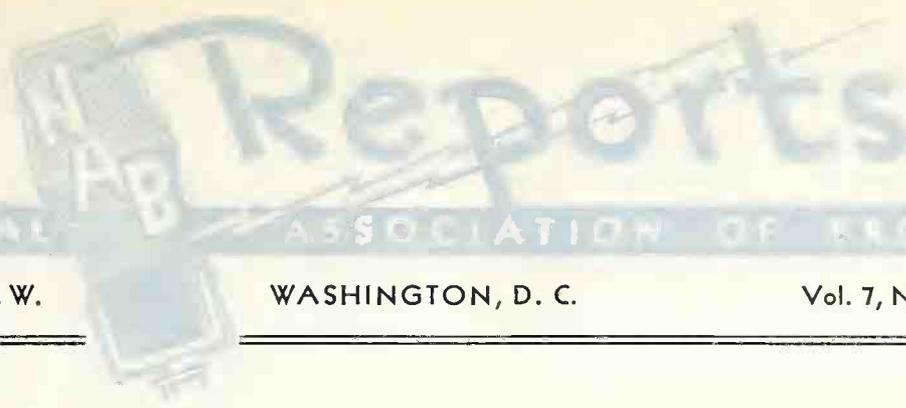
If, according to the stipulation, such suits are composed in substantial part of wool and in part of other material, and the word "worsted" is properly used as descriptive of the wool content, then such word shall be accompanied by other words in equally conspicuous type to indicate clearly that the product is not made entirely of worsted but also contains other material. (2331)

**W. H. Long Company**—W. H. Long, 101 West Austin Ave., Chicago, trading as W. H. Long Company, in advertising various items of shop and office equipment, agrees to cease use of the expression Factory-Direct-to-You, implying that the respondent manufactures the products advertised or actually owns and operates the plant in which they are made. According to the stipulation, substantially all the products sold by the respondent under the representation Factory-Direct-to-You were not manufactured by him but were purchased from others. (2350)

**Mitchell Syrup & Preserving Co.**—Trading as Mitchell Syrup and Preserving Company, R. D. Mitchell and John L. Gardella, 4461 Jefferson Ave., Detroit, manufacturers of prepared fruit products, agree to cease advertising, describing, labeling or otherwise representing their products or any fruit or prepared fruit products as being preserves, pure preserves, or pure raspberry, black raspberry, blackberry, apricot, peach or pineapple preserves, or other designated fruit preserves when such products contain less than a ratio of not less than 45 pounds of the designated fruit to each 55 pounds of sugar. The respondents also stipulate that they will stop employing the words pure, preserve or preserves, either alone or in conjunction with other words or representations, implying that the products designated are in fact preserves, which are defined as preparations containing fruit and sugar in a ratio of not less than 45 pounds of fruit to each 55 pounds of sugar. (2347)

**School of Diesel**—E. T. Whetstone, 209 Castle Bldg., Tulsa, Okla., trading variously as School of Diesel, School of Diesel, U. S. A., Diesel Engine Service and Diesel Engine Service of Oklahoma, conducts a residence school and a home-study correspondence course in Diesel mechanics and operation. He agrees to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field and to cease making misleading representations regarding the character, nature, quality or scope of the course or educational service he offers or the actual or probable earnings of students. Whetstone also stipulates that he will cease using any name or title such as Vocational Guidance Department, Employment Service, Technical Library, Vocational Director or Lifetime Scholarship, which has a tendency to mislead students or prospective students as to the character of his school or its courses, and will discontinue using the trade names Diesel Engine Service or Diesel Engine Service of Oklahoma or names of similar import implying that he has a shop, mechanical equipment and the technical training to service Diesel engines, when such are not the facts. The respondent agrees to stop employing as a part of his trade name or otherwise the letters U. S. A. or other letters or symbols indicating that he is officially connected with the United States Government or that his course is conducted according to Government requirements, when such are not the facts. (2348)





## FCC Committee Suggests 1-Year Licenses

The broadcasting industry's plea for longer licenses was answered this week when an FCC committee recommended that the term of licenses be extended from six months to at least one year.

This recommendation was included in a report to the whole Commission on the hearings on rules and regulations which started last June 6.

The committee also recommended that present rules governing power be left unchanged pending "a more intensive accumulation of facts and a consequent study of the economic factors involved" in super-power.

Although the committee commented that it was difficult to prescribe program standards "because initiative and reasonable freedom of action are essential to the American system of broadcasting," it set forth thirteen "practices" which it said should be taken into consideration in renewing licenses.

Network organization should be encouraged rather than discouraged, the committee said. Newspaper ownership, transcriptions, absentee ownership, international problems and other subjects also were discussed at length in the 31-page document, mailed by the Commission to all stations.

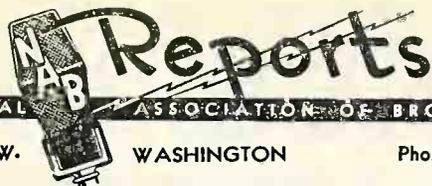
### Other developments of the week:

The deal with E. V. Brinckerhoff and Company, Inc., to continue the NAB Bureau of Copyrights tax free music library collapsed when Mr. Brinckerhoff told Neville Miller, NAB President, that he would be financially unable to perform the obligations of the proposed contract.

The FCC refused NAB's request for simplification of the ownership questionnaire, due January 25. Chairman Frank R. McNinch told Mr. Miller that the information requested was necessary in the current monopoly investigation. Columbia had the stand at this week's hearings. Mutual is slated to start next week.

Four of last year's bills and one new measure, all of which the industry will oppose, were dumped into the congressional hoppers. Senator Schwollenbach (D-Wash), by three bills, would compel broadcasters to turn over their microphones for discussion of controversial issues. Representative Celler (D-NY) would have the federal government build and operate a station in the District of Columbia. Senator Reynolds (D-NC) would have the government build four stations for maritime broadcasts.

The American Federation of Radio Artists (A. F. of L.) threatens to strike against



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NA tional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

### FCC COMMITTEE SUGGESTS 1-YEAR LICENSES

(Continued from page 3211)

all advertising agencies which refuse to sign an agreement including a minimum wage scale the union has fixed. No date for the walk-out has been fixed.

### COPYRIGHT DEAL COLLAPSES

The following correspondence explains the collapse of the deal between the NAB and E. V. Brinckerhoff and Co., Inc., for continuation of the NAB Bureau of Copyrights, approved at the last meeting of the NAB Directors:

E. V. Brinckerhoff & Co., Inc.,  
29 West 57th Street, New York.  
January 16, 1939.

Mr. Neville Miller, President  
National Association of Broadcasters  
1626 K Street, Northwest  
Washington, D. C.

Dear Neville:

This will confirm the decision arrived at during the meeting of Judge Robinson, Paul Spearman, Mr. Fletcher and you with regard to the NAB Bureau of Copyrights, Inc.

As agreed at that conference, there is nothing for us to do but withdraw our bid.

Should there be any other arrangement made or should you wish us to, we should be glad to consider making another bid.

Sincerely,  
(Signed) BRINK  
E. V. Brinckerhoff.

EVB:HC

P.S. At your convenience will you please have returned to me our original contract with the papers attached thereto, including the letter of guarantee.

January 16, 1939.

### TO THE BOARD OF DIRECTORS:

Since the last meeting of the Directors in Washington on December 12, 1938, I have diligently attempted to

close the transaction concerning the NAB transcription library with E. V. Brinckerhoff and Company in accordance with the bid submitted to the Directors by Mr. Brinckerhoff.

Due to unavoidable circumstances, the negotiations have taken longer than expected. However, I spent most of last Friday and Saturday with Mr. Brinckerhoff during which time the terms and conditions of the proposed contract were carefully discussed. Mr. Brinckerhoff was accompanied by legal counsel at the second conference and at the conclusion thereof Mr. Brinckerhoff stated he would be unable financially to perform the obligations of the proposed contract and, therefore, withdrew his offer which he had submitted to the Board of Directors on December 12.

I am leaving Washington for a trip to attend District meetings in Denver, Portland, San Francisco, Los Angeles and Dallas, and shall return to Washington, February 6. I shall discuss the copyright question with the broadcasters at these District meetings and shall continue to study it and shall expect to make a report to the Board of Directors at an early date. I shall be glad to have your suggestions.

With best regards, I am

Very truly yours,

NEVILLE MILLER

### DISTRICT 14 MEETING

The District 14 meeting this week adopted a resolution saying it was the sentiment of the district that all broadcasters immediately should meet their obligations under the Federal Radio Education Committee agreement.

Neville Miller, NAB President, and Ed Kirby, Public Relations Director, represented headquarters at the meeting held January 18-19 in Denver.

Other resolutions called for:

The NAB to move toward revision of the 1909 copyright law "that justice be done to all parties."

Congress to relieve broadcasters of unfair liability for the utterances of political candidates.

Mr. Miller to proceed hastily to make arrangements with responsible parties for continuation of the NAB library of tax-free music, in view of the Brinckerhoff withdrawal.

The NAB to ask Congress to place the responsibility for network shows upon the originating source.

"Wholehearted cooperation" with Mr. Miller.

The following members registered for the meeting:

Bishop, Frank, KFEL; Carman, Frank C., KUTA; Carrol, R. E., KWYO; Chamberlin, Howard R., KLZ; Craney, E. B., KGIR-KPFE; Crapsey, A. W., KOA; McClellan, T. G., KLZ; McCracken, H. L., KQRS; McGill, J. H., KGHF; MacPherson, James, KOA; Moyer, Holly, KFEL; O'Fallon, Gene, KFEL; Owen, Robert H., KOA; Pyle, Wm. D., KVOD; Ritchie, Sen C. P., KGHF; Sharp, Ivor, KSL; Siebert, Herbert, KWYO; Ekrem, T. C., KVOD; Fox, S. S., KDYL; Elmer, John, WCBM;

Glade, Earl J., KSL; Hilliard, L. L., KGKY; Howell, Charles, KFXJ; Howell, Rex., KFXJ; Hurt, Franke, KFXD; Jacobsen, Jessie, KFBB; McCaig, Don, KFEL; Soule, O. P., KTFI-KSEI; Wagstaff, W. E., KDYL; Wuth, Arthur, KLZ; Yocum, Edw. M., KGHL; Hathaway, Don F., KDFN.

## Labor

### AFRA THREATENS STRIKE AGAINST ADVERTISING AGENCIES

The American Federation of Radio Artists (A. F. of L.) is threatening to strike against advertising agencies which refuse to sign contracts including a minimum wage scale the union has proposed.

No date for the strike has been set, but Mrs. Emily Holt, the union's executive secretary, and George Heller, associate secretary, are holding a series of mass meetings this week in New York, Chicago and Los Angeles to obtain a vote of confidence.

Joseph L. Miller, NAB Labor Relations Director, conferred this week with both Mrs. Holt and John A. Benson, President of the American Association of Advertising Agencies, about the situation. Mr. Miller offered both Mrs. Holt and Mr. Benson his services as mediator. Both thanked him and said they would call on him if they felt his services would be useful.

AFRA dealt for some time with the AAAA, but withdrew from the conference after the AAAA, disclaiming authority to make any deal, suggested a wage scale somewhat below the one AFRA proposed. Mrs. Holt now says that the strike will not affect any individual agency which signs a contract. Whether the agencies will stick together is still a question.

AFRA already has contracts with NBC and CBS covering sustaining artists, and so a strike would not affect sustaining programs from those networks. A strike probably would affect quite seriously the content of network commercials built by agencies. Eddie Cantor is AFRA president.

#### WAGE AND HOUR

Elmer F. Andrews, Wage and Hour Administrator, has suggested to Congress, in his first annual report, that the act might be amended to exclude from overtime provisions employees making \$400 or more a month, not otherwise excluded by executive and professional exemption. The NAB is of the opinion that \$400 is too high a figure. Joseph L. Miller, Labor Relations Director, will discuss this situation soon with the Special Wage and Hour Committee, to explore the possibility of supporting Mr. Andrews' suggestion if the figure is revised. Mr. Miller would appreciate comment from members, including figures on how many non-exempt employees each station has, making more than \$40 a week; also the number making more than \$50 a week.

## INDEX

	Page
FCC Committee Suggests One Year Licenses .....	3211
Copyright Deal Collapses .....	3212
District 14 Meeting .....	3212
Labor .....	3213
Legals .....	3213
FCC Questionnaire .....	3215
Free Offers .....	3215
Monopoly Hearing .....	3215
New Legislation .....	3216
Father Coughlin .....	3217
NAB News Review .....	3217
New Frequencies .....	3217
Cycle Deviation .....	3217
Success Stories .....	3217
Panama Treaty .....	3217

### OHIO STATE MEETING

Joseph L. Miller, Labor Relations Director, will talk to the Ohio State Broadcasters Association about broadcasting labor problems, in Columbus January 28.

## Legal

### STATE TAX ON BROADCASTING

State statutes and municipal ordinances which impose a license or franchise tax upon broadcasting stations uniformly are unconstitutional. They may not be exacted by any state or municipality, since they are an unconstitutional burden upon interstate commerce. This should be brought to the attention of the proper authorities before action is taken by the enacting bodies. All broadcasters located in states and municipalities which are contemplating such taxation are urged to communicate with Headquarters for details of the principles of law involved and to cooperate with their local committees and district directors to the end that useless litigation involving such legislation may be avoided.

### PROPOSED FEDERAL, STATE LEGISLATION AFFECTING BROADCASTING

The following bills have been introduced in the respective legislatures:

#### Congress

H. R. 94 (Mr. Maloney, La.) PAID TESTIMONIALS—To require announcement of paid "recommendations" (testimonials), if any, at time of broadcast. Referred to Interstate and Foreign Commerce Committee.

H. R. 251 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit radio advertising of alcoholic beverages. Referred to Interstate and Foreign Commerce Committee.

H. R. 252 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 251, except that it specifically defines "alcoholic beverage" as including "beer, ale, wine, gin, whiskey, or brandy." Referred to Interstate and Foreign Commerce Committee.

H. R. 253 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of intoxicating

liquor advertising, either by mail or otherwise, including radio broadcasting. Referred to Interstate and Foreign Commerce Committee.

H. R. 924 (Mr. Culin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 253, except that it pertains to "alcoholic beverages" and is not limited to "intoxicating liquor." Referred to the Interstate and Foreign Commerce Committee.

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Referred to Interstate Commerce Committee.

S. 547 (Sen. Lodge, Mass.) COPYRIGHT—To create renewal rights in author of articles in periodicals, encyclopedia, etc., when such articles are not separately copyrighted but were included in copyright of periodical or other composite work. Referred to Patents Committee.

S. 550 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 by limiting the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. The bill as introduced refers to Section 303 (e), whereas the correct designation is 303(1). A corrected bill will be introduced.

S. 575 (Sen. Capper, Kans.) LIQUOR ADVERTISING—Same as H. R. 924. Referred to Interstate Commerce Committee.

S. 594 (Sen. Reynolds, N. C.) GOVERNMENT RADIO STATIONS—To establish marine schools in each state and other purposes, including the construction and operation by each school of one or more stations on "a wave-length and power prescribed by the Maritime Commission." Referred to Commerce Committee.

#### FEDERAL CONGRESS

S. 635 (Sen. Schwollenbach, Wash.) COMMUNICATIONS ACT—To strike Section 315 of the Communications Act and to require each station to set aside regular and definite periods of desirable day and evening time for uncensored discussion on "non-profit basis of public, social, political, and economic problems, and for educational purposes." Qualified candidates for public office are not covered by the amendment. Referred to Interstate Commerce Committee.

S. 636 (Sen. Schwollenbach, Wash.) COMMUNICATIONS ACT—To add to Section 315 with respect to candidates for public office the requirement that the station shall keep complete records open to public inspection. Referred to Interstate Commerce Committee.

S. 637 (Sen. Schwollenbach, Wash.) COMMUNICATIONS ACT—To strike Section 326 and substitute in lieu thereof a similar provision with respect to censorship by the Commission with the proviso that it does not exempt stations from liability for defamatory, profane, indecent or obscene language or action broadcast by any officer, employee, agent or representative of the station. Referred to Interstate Commerce Committee.

H. R. 2721 (Mr. Celler, N. Y.) GOVERNMENT RADIO STATION—To construct and maintain Government radio-broadcasting station in vicinity of Washington by Secretary of the Navy, with programs under direction of the United States Commissioner of Education. Referred to Naval Affairs Committee.

### State Legislatures

#### ARKANSAS:

H. 8 (Weisenberger) PREMIUM TAX—To repeal Act 238 of 1937 taxing the giving away of money or other things of value for advertising. Referred to Education Committee.

S. 56 (Higginbotham) COPYRIGHTS—UNFAIR TRADE PRACTICES—Declaring illegal certain monopolistic abuses practiced under the guise of copyrights by price fixing combinations, monopolies and pools; enforcing the Arkansas Anti-Trust Statutes; creating a State Anti-Monopoly Board; providing for the service of process on non-residents and providing additional funds for Old Age Pensions. Referred to Judiciary Committee.

#### CALIFORNIA:

A 148 (Rosenthal) RADIO TRANSMISSION—An act for the construction of two radio broadcasting stations and the maintenance and operation thereof by the University of California. Referred to Universities Committee.

A 246 (Tenney) SLANDER—Absolves radio stations from liability for slander. Referred to Judiciary Codes.

A 248 (Tenney) LIBEL AND SLANDER—BOND—Waiving the necessity of posting a bond in libel and slander actions. Referred to Judiciary General Committee.

A 263 (Tenney) RADIO STATION'S LIABILITY—Exempting radio stations from liability for statements made. Referred to Crime Problems Committee.

A 666 (Gilbert) RADIO ADVERTISING—Provides penalties for false advertising by radio. Referred to Crime Problems Committee.

A 826 (Millington) RADIO BROADCASTS—Relating to radio broadcasts in foreign languages. Referred to Judiciary General Committee.

#### COLORADO:

S 94 (Constantine) SOUND AMPLIFIERS—An act relating to use of sound equipment. Referred to State Affairs Committee.

S. 95 (Constantine) MICROPHONES—Relating to unlawful use. Referred to State Affairs Committee.

H 12 (Griffith) THEATRICAL EMPLOYMENT AGENCIES—Relates to theatrical employment agencies, amending Statute 1935 annotated, Chapter 97, Section 165-179 incl. Referred to Industrial Relations Committee.

H 44 (Townsend) H 1 (Crowley-Anderson) SERVICE TAX REPEAL—Repeals 2 per cent tax enacted in 1937. Referred to Ways, Means and Finance Committee.

H 137 (Kline) SHORT WAVE RADIO—Relates to short wave radio sets in automobiles and business establishments. Referred to Appropriations Committee.

H 300 (Hornbaker) SERVICE TAX—To amend the Public Revenue Service Tax Act of 1937, Chapter 240. Referred to Finance, Ways and Means Committee.

H 352 (King) SERVICE TAX—To amend the Public Revenue Service Tax Act of 1937. Referred to Finance, Ways and Means Committee.

H 413 (Crowley) SOUND AMPLIFICATION—Relating to the unlawful use of microphones and other sound amplifying equipment. Referred to Criminal Jurisprudence Committee.

H 408 (Crowley) SOUND AMPLIFICATION—Relating to the use of microphones and other sound amplifying equipment. Referred to Criminal Jurisprudence Committee.

#### GEORGIA:

H 21 (Evans) RADIO COMMISSION—To repeal an act establishing the Georgia Radio Commission. Referred to State of Republic Committee.

#### MASSACHUSETTS:

S 34 (Skibinski) MUNICIPAL ADVERTISING—Authorizing cities and towns to appropriate money for municipal advertising purposes. Referred to Municipal Finance Committee.

S 41 (Burke) LIBEL OF RACES—Prohibiting the libel of races. Referred to Constitutional Law Committee.

H 337 (Mass. St. Fed. of Labor) EMPLOYMENT OFFICES—Providing for the regulation of private employment offices. Referred to Mercantile Affairs Committee.

#### MICHIGAN:

H 50 (Hamilton) GAMBLING TRANSMISSION—To amend the criminal code to make telegraphic, telephone, and radio reports of wagers and bets a felony. Referred to State Affairs Committee.

#### NEW YORK:

A 9 (Ferril) (Same as S 14) RACE HATRED—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race color, religion or manner of worship. Penal Law, §514-a new. Referred to Codes Committee.

S 14 (Nunan) (Same as A 9).

S 19 (Coughlin) (Same as S 14; A 9).

#### NORTH CAROLINA:

H 13 (Fenner) TAXATION—ALL FORMS—To raise revenue; affects all forms of taxation; inheritance, corporation, license, and auto; amends the liquor laws somewhat; involved amendments to gift and personal property taxes on tangibles and intangibles. Referred to Finance Committee.

H 44 (Taylor) RADIO BROADCASTING—FRANCHISE TAX—Imposes a franchise tax of 3 per cent on the gross receipts of all radio broadcasting companies. Referred to Finance Committee.

S 12 (Taylor) TAXATION—ALL FORMS—To raise revenue; affects all forms of taxation; inheritance, corporation, license and auto; amends the liquor laws somewhat; involved amendments to gift and personal property taxes on tangibles and intangibles. Referred to Finance Committee.

OKLAHOMA:

H 170 (Sweeney) RADIO BROADCASTING—Provides facilities for the use of radio broadcasting stations.

WASHINGTON:

S 5 (Kyle) COPYRIGHTS—Repealing Chapter 218 of the laws of 1937 protecting copyrights.

S 15 (Sullivan) PURE FOOD AND DRUG ACT—Amending the Pure Food and Drug Act to prevent the manufacture, advertising or sale of adulterated food or drugs; misbranding, false advertising; regulating the sale of dangerous habit forming drugs and of new drugs. Referred to Medicine Committee.

### MAP DEMANDS

The Association recently has received a number of letters from members which indicate that certain map companies are making a drive against stations, alleging that the stations have infringed copyrights covering maps. The stations receiving such communications from map companies will greatly assist the NAB in its investigation by sending complete details to Headquarters.

### FCC QUESTIONNAIRE

Numerous member stations have inquired concerning the interpretation of question 12(a) and (b) of the FCC individual licensee questionnaire [question 14(a) and (b) of the licensee corporation questionnaire]. An inquiry at the Commission brought the following answer: If question (a) is answered "Yes," the answer to question (b) must include a complete list of all advertising agencies from which business has been received, stating with respect to each the basis for the payment of compensation, the amount and percentage of such compensation and any arrangements with the agency for making payment. Station representatives also should be included with the percentage basis and the gross sum paid to them. Officials of the Commission state that it is not necessary to submit copies of contracts.

[The NAB's efforts to obtain simplification of the questionnaire were unsuccessful. Neville Miller brought the situation to the attention of Chairman Frank R. McNinch who said that the information sought was necessary for the current monopoly investigation.]

### FREE OFFERS

The NAB regrets that it erroneously listed as a "cost-per-inquiry" proposal in the Reports of January 6 a proposition by the Selviar Broadcasting System, Inc., Chicago. The proposition calls for a "package deal."

A free seed offer from the Pan American Society of Tropical Research, New Orleans, has been investigated, and the NAB has found no flagrantly commercial or controversial aspect. When the listener responds to the proposed announcement, he gets a small package of seeds and a leaflet describing the climatic and historic glories of Peru.

A member reports an offer from the Bureau for Natural Pearl Information, New York, which is obviously commercial.

The NAB is investigating offers from the Non-Sectarian League for Americanism, Chicago, and Hansen Associates ("This Has Happened"), New York City. Any member desiring information should write to headquarters.

### MONOPOLY HEARING

The financial history and organization of CBS was examined in detail at the FCC hearing on alleged monopoly in the broadcasting industry. The day-by-day story of the hearing:

#### JANUARY 12

Frank K. White, CBS Treasurer, was the only witness. After discussing the company's bookkeeping methods, he started to tell the financial history of the company, starting with the organization of the United Independent Broadcasters, Inc., in 1927, by Edward Ervin, Arthur Judson, H. M. Newman and J. Andrew White. Mr. White then told how Mr. Loucheim and Messrs. I. D. and Leon Levy of Philadelphia came into the company that same year by buying 1,020 shares of the 3,000 authorized shares of stock. In September, 1928, the Paley family obtained 2,515 shares of the then-authorized 5,000 shares of stock, by purchases from Mr. Loucheim and others. Mr. White then told how the authorization in December, 1928, was increased to 7,500 shares, and how, the following August, the 7,500 shares were exchanged on a pro rata basis for 50,000 shares of Class A and 50,000 shares of Class B stock. Mr. White said he could not tell who got the 2,500 shares issued in December, 1928, but that control of the company was not affected. On August 8, 1929, the entire Class A issue of 50,000 shares was sold to the Paramount-Famous-Lasky Corporation, which, with additional shares which P-F-L had obtained meanwhile, was sold back in 1932. Mr. White then continued the story of various stock transactions, concluding that day by stating that the company had increased its stock since 1927 from 1,000 to 3,000,000 shares; that \$1,551,155 had been received by the company in cash, and an additional \$41,000 represents the value of agreements signed and obligations cancelled, in payment for this stock; and that the company had paid \$11,194,681 in cash dividends.

#### JANUARY 13

Mr. White continued his discussion of CBS stock issues, financial statements, bookkeeping and related subjects. Commissioner Brown broke into the questioning at one point for an inquiry as to control. It was developed that on January 1, 1938, Mr. Paley controlled 52 per cent of the Class B stock and 11.4 per cent of the Class A. The Paley family acquired control in 1928 and retained it, except during the period when Paramount owned half the outstanding stock.

At the afternoon session, Edward R. Murrow, CBS European Director, described at length how the company covered this year's European crises. Then Hugh A. Cowham, Commercial Engineer in charge of Traffic, told the Commission about the relationship between CBS and the A. T. and T., and how wires for network operation were obtained and operated.

#### JANUARY 17

Mr. Cowham continued his testimony. He was followed by Ralph F. Colin, New York, counsel for CBS and Mr. Paley personally, who went into more detail about the stock transaction with Paramount. Mr. Porter, Commission Counsel, at one point said:

"Now, to sum up this transaction, between 1929 and 1932, this exchange of stock simply means Mr. Paley makes a million dollars and the Paramount Corporation makes a million dollars; some stockholders of Columbia sell 10,000 shares of Paramount for something, and then the whole deal is called off? That is the sum total of the whole thing?"

"Subject to a correction on your estimate of the profit, I think that is true," Mr. Colin replied. "Mr. Paley's and the stockholders profits were not the total amounts received because their stock had cost them something. There was a substantial profit, however."

Mr. Paley was on the stand most of the day, devoting most of his direct testimony to CBS program policies. At the afternoon session, he was cross-examined at length about the financial structure and history of the company. Commission counsel appeared to be particularly interested in 1,300,000 shares of CBS stock held in the corporation treasury.

Mr. Porter: So far as you can testify at the present time then there is no plan either yourself or on the part of the corporation with respect to any possible disposition of the 1,300,000 odd shares of stock?

Mr. Paley: None whatsoever.

Q. Either in the corporation or in the corporation's treasury?

A. None whatsoever and that consideration would not be up to the particular group you have referred to. It would be a matter that would have to be considered by the directors and by the stockholders.

Q. Which, incidentally, you very largely control, don't you, Mr. Paley?

A. Well the statements I have made in answer to your questions indicate to what extent that holds true.

Later, Mr. Paley said, in reply to questions, that the corporation intended to finance its television costs out of profits and had no special plans for financing.

Herbert V. Akerberg, in charge of station relations, took the stand to describe the CBS relationship with affiliated stations.

### CELLER INTRODUCES BILL FOR GOVERNMENT STATION

Several bills affecting broadcasters have been introduced in Congress during the past week, one of which (H. R. 2721) was by Representative Celler, of New York, providing for the construction and operation of a government owned Pan American radio station. The bill, which was referred to the House Committee on Naval Affairs, is identical with a bill introduced by Mr. Celler at the last session of Congress and on which no action was taken.

The bill authorizes an appropriation of \$700,000 for the construction of the station under the direction of the Secretary of the Navy, and an appropriation of \$100,000 a year is also authorized for operation and maintenance of the station.

Provision is made in the bill for the arranging of the programs by the United States Commissioner of Education and general policies would be made by an advisory council to be composed of the Secretary of State, the Director General of the Pan American Union, the chairman of the Federal Communications Commission, and the United States Commissioner of Education.

According to the provisions of the bill the station would be located in Washington.

Senator Schwollenbach of Washington introduced bills Senate 635, Senate 636, and Senate 637, all of which would amend the Communications Act of 1934. They have been referred to the Senate Committee on Interstate Commerce.

Senate 635 requires that broadcasting stations shall set aside regular periods for uncensored discussion of public questions. This bill amends Section 315 of the Communications Act by striking it out and by inserting 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 non-profit 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 license be revoked or renewal refused because of material so broadcast."

Senate 636 provides that a broadcasting station shall keep complete records open for public inspection for all applications for time of all rejected applications, and the reason for such rejections, and all additions and changes requested in various programs.

Senate 637 strikes out the whole of section 326 and inserts 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: *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."

Senator Reynolds of North Carolina introduced a bill (S. 594) to establish Marine Schools.

In connection with this bill there is a section dealing with the establishment of radio stations. The bill has been referred to the Senate Committee on Commerce and the radio section of the bill is as follows:

"(d) Each such nautical school shall further construct and operate within its maritime district a radio station or stations, of a wave length and power described by the Maritime Commission, for intercommunication between the various schools and to be available as a coastal radio network for defensive purposes if needed as a screen against foreign radio penetration and propaganda, in times of war or national emergency; also for intercommunication with the Maritime Commission offices in Washington; and for broadcasting by voice to United States ships, trawlers, fishing boats, coasting vessels, aircraft, and other ships at sea or in foreign ports: *Provided*, That not less than four such radio stations be of a power and short wave length capable of being received around the world—one to be located on the Atlantic coast, one on the Pacific, one on the Gulf coast, and one on the Great Lakes: *Provided* further, that such worldwide stations shall broadcast daily programs containing hydrographic information, weather reports, storm warnings, time signals, distress reports, market prices for fishermen, quotations, news events, and other information of interest and value to citizens of the United States engaged in occupations at sea or abroad, particularly the masters of small craft not equipped with wireless transmitters and operators who may receive such broadcasts by voice through the installation of simple, inexpensive receivers mounted in the pilothouse near the steering wheels of their vessels. Such worldwide maritime broadcasts shall open and close with the national anthem and shall consist of programs and information prepared by the Maritime Commission. All such broadcasts shall be prefixed and designated as 'Maritime Radio Service' for delivery to United States ships and citizens at sea, and to American Embassies, consuls and citizens abroad. By permission of the Chairman of the Maritime Commission, the several departments of the Government shall be allowed free service over said worldwide broadcast stations for the dispatch of coded voice messages or straight information to United States emissaries and residents living in foreign lands where censorship and controlled press prevent the ordinary delivery of reliable

information; or, for such other purpose as the several departments may elect to use said stations' service.

"(e) To insure the maximum circulation of such broadcasts through the 'Maritime Radio Service' the Maritime Commission shall encourage the installation aboard United States ships and craft, of all classes, of short-wave receivers and sound distributing equipment, so that the greatest number of vessels may be in constant touch with home shores, wherever they may be in various corners of the world, through said broadcasting service; thereby, reducing the loss of life or property and risks at sea through the ability to direct by voice the attention of a maximum number of ships to any case of distress or emergency; and, by such installations to reduce the probabilities of casualties and the related insurance rates upon vessels and cargoes. Such 'Maritime Radio Service' shall further be used to transmit to United States ships, officers, passengers and crews at sea, programs of a moral, educational, and religious nature upon the various days of the week, to the end that an esprit de corps may be created and sustained to increase the assurances that the United States ships will at all times, in face of storms or adverse conditions, be operated by spirited and inspired personnel of the highest possible caliber; thus, adding human assurance to property insurance."

#### FATHER COUGHLIN

The Western Union advised NAB this week that it had delivered 70,000 telegrams to Congressmen, protesting against a proposal to lift the embargo on arms shipments to Loyalist Spain, following Father Coughlin's radio request Sunday for protests to that effect. Postal carried an additional 14,600.

The Philadelphia Record reports that two signs, "Keep Frankfurter Out," were carried by pickets in front of WDAS Sunday afternoon. The station has been picketed each Sunday since it cut off Father Coughlin.

#### NEW NEWS REVIEW

A new issue of the NAB News Review, in two parts, is in the mail. One part includes comment on Neville Miller's statement about religious broadcasts; the other has comment on other phases of broadcasting.

#### NEW FREQUENCIES ALLOCATED

The allocation of three new frequencies in the 2,000 to 3,000 kilocycle band for exclusive use in forestry service in preventing and combating forest fires, was announced this week by the Federal Communications Commission. Considerable research was necessary to find these frequencies as this band is already shared by police, government, ship, coastal harbor, aviation, and relay broadcasting stations.

#### CYCLE DEVIATION

During the month of December, according to the Federal Communications Commission, 702 broadcasting stations were measured and 54 were not measured.

Of the number measured 609 had a maximum deviation within 0-10 cycles; 83 deviated within 11-25 cycles; and 9 deviated within 26-50 cycles with 1 having a deviation of over 50 cycles.

#### SUCCESS STORIES WANTED

Stations that have success stories on department store contracts please forward any promotional material on such

programs to Headquarters Office. Numerous requests are received for information on success stories of department store programs and the information will be helpful to other member stations.

#### PANAMA TREATY

The Vice President has referred to the Committee on Foreign Relations a convention between the United States and the Republic of Panama, for the regulation of radio communications in the Republic of Panama and the Canal Zone, which was signed in Washington on March 2, 1936.

## FEDERAL COMMUNICATIONS COMMISSION

#### EXAMINER'S REPORT

J. Samuel Brody applied to the Federal Communications Commission for a construction permit for a new station at **Sumter, South Carolina**, to operate on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time; and Station WIS, Inc., **Columbia, South Carolina**, applied for special authority for synchronous station to be operated on **560 kilocycles**, with 10 to 100 watts power, from local sunset to sunrise at Sumter.

Examiner John P. Bramhall, in Report No. I-761, recommended that the Brody application be denied but that the application of WIS, Inc. for the synchronous station be granted "conditioned upon compliance with the technical requirements of the Commission." Dealing with the Brody application, the Examiner stated that the applicant does not have technical qualifications to construct and operate the proposed station and that "his financial ability is very doubtful in view of his numerous contradictory statements with respect to his assets." In connection with WIS application, the Examiner found that the research and experimentation proposed will be conducted by a qualified staff and that "because of the character of the program of research and experimentation to be carried on, it is believed that the same will contribute substantially to the broadcast art."

#### DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Station WRBL, **Columbus, Georgia**, to permit it to change its assignment from **1200 kilocycles**, 100 watts night, 250 watts day, unlimited time, to **1330 kilocycles**, 1000 watts, unlimited time, to use a directional antenna at night.

In its decision, the Commission stated that the applicant failed to show that public need exists for the additional service "as would justify a curtailment of the

present good service area of Station WRBL in some directions, and to authorize operation of a regional station which will be limited to its 4.7 millivolt per meter contour at night."

The Commission has granted renewal of license of Station KMPC, **Beverly Hills, California.**

At one time, according to the Commission, the program of the station as to certain broadcasts was in question. Two hearings were held. As the result of a further investigation said the Commission "the evidence developed at the further hearing reveal that the station carried announcements sponsored by the Basic Science Institute to the effect that such Institute was a chiropractic organization possessed of the ability to diagnose various physical ailments and give advice as to the treatment to be administered therefor. The chief member of the staff of the organization is one who during 1935 was identified with the Alhambra Electronic Institute, a similar organization which functioned much in the same manner as the present one. He was arrested, tried and found guilty of violating the California State Medical Act. In its decision upon the application of Station KMPC for renewal of license in 1935 (Docket No. 2850), the Commission condemned the part played by the station in promulgating the schemes of the Alhambra Electronic Institute. The similarity of the present scheme with that conducted in 1935, coupled with the fact that the chief promulgator thereof is the same, should normally have placed the station on notice to inquire into the practices to be advertised. Assuming the propriety of one advertising his skill in the diagnosis and treatment of human ills, certainly stations should carefully investigate this and similar enterprises to which they are requested to lend their facilities in foisting upon the public representations and claims concerning the treatment of human disease and misery. It is enough that advertising continuity of such character be offered a station to cause it to carefully scrutinize the same, as well as thoroughly investigate the particular scheme to be presented. In this instance, the Commission feels that since subsequent to 1935 the management and ownership of the station has completely changed, and due to the fact that the program has long since been discontinued, the future service of the station will not be affected by its past conduct."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, January 23. They are subject to change.

Monday, January 23

- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—C. P., 560 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 560 kc., 1 KW, unlimited time.  
NEW—Bureau of Education, A. Corenson, Owner and Manager, Montebello, Calif.—C. P., 1420 kc., 100 watts, daytime.

Tuesday, January 24

- NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.  
WMSD—Estelle P. Chapman and Everett L. Chapman, Transferor. Authority to transfer control of corporation; 1400 kc., 100 watts, unlimited time.

Wednesday, January 25

- WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—C. P., 1380 kc., 1 KW, unlimited time. Present assignment: 1380 kc., 500 watts, 1 KW LS, unlimited time.  
NEW—Bowling Green Broadcasting Co., Bowling Green, Ky.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.  
WGH—James W. Baldwin, Transferor, Daily Press, Inc., Transferree, Newport News, Va.—Authority to transfer control of corporation; 1310 kc., 100 watts, 250 watts LS, unlimited time.

Friday, January 27

Further Hearing

A Broadcast Matter

- NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—C. P., 1320 kc., 250 watts, unlimited time (DA at night).

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings. They are subject to change.

February 27

- WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Modification of license, 1370 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1370 kc., 250 watts, daytime.  
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.  
KYA—Hearst Radio, Inc., San Francisco, Calif.—Renewal of license, 1230 kc., 1 KW, 5 KW LS, unlimited time.

April 18

- WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, shares WBNO.  
WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, shares WBNO.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted extension of special experimental authority to operate on 710 kc., with 1 KW power, unlimited time, for the period February 1 to August 1, 1939, upon the same conditions and limitations as heretofore imposed, and may be terminated by the Commission at any time without advance notice or hearing if in its discretion the need for such action arises.  
KOVG—George B. Bairey, Valley City, N. Dak.—Granted authority to transfer control of KOVC, Inc., licensee of station KOVC, from George B. Bairey to R. Giseliuss, H. G. Harring-

ton, Milton Holiday, J. P. Katz, Lloyd H. Lee, M. E. McCarty, Selma Manoles, C. J. Meredith, Karl J. Olsen, E. J. Pegg, O. S. Peterson, B. R. Pfusch, John Piller, J. J. Schmitz and Herman Stern. (Station operates on 1500 kc., 100 watts night, 250 watts LS, unlimited time.)

KRBM—Roberts MacNab Co., Bozeman, Mont.—Granted voluntary assignment of C. P. (authorized to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time) from the present permittee, Roberts-MacNab Co., Arthur L. Roberts, R. B. MacNab, Jr., A. J. Breitbach, General Manager, to KRBM Broadcasters.

W2XBF—William G. H. Finch, New York City.—Granted C. P. to change transmitter location of station from 37 West 47th St. to 1819 Broadway, New York, and install new antenna.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KSCJ—Perkins Brothers Company (The Sioux City Journal), Sioux City, Iowa.—Application for C. P. to install a directional antenna system for nighttime operation and increase night power from 1 KW to 5 KW. (To be heard before the Commission.) Application designated for hearing to determine if interference might result to existing stations, and because of violation of Rule 120.

NEW—Don Lee Broadcasting Co., San Francisco, Calif.—Application for C. P. for new television broadcast station (site to be determined in San Francisco or immediate vicinity), on an experimental basis, under the provisions of Rules 1031, 1033 and 1034, requesting frequencies 42000-56000 kc., aural and visual power 250 watts, unlimited time, in accordance with Rule 983.

NEW—Lawrence J. Heller, Washington, D. C.—Application for special experimental authority to install a synchronous station near the intersection of River Road and Wisconsin Avenue, Washington, D. C., exact site to be determined with Commission's approval, and to operate on 1310 kc. with power of 10 to 100 watts, unlimited time, in addition to regular station (if and when granted) of Lawrence J. Heller (C. P. for new station requesting 1310 kc., 100 watts night, 250 watts day, unlimited time). (Application designated for hearing to determine need for this service, and because of possible interference with existing stations. To be heard with application for C. P.)

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Application for modification of license to change hours of operation to unlimited time, facilities of WMBQ and WCNW (station now operates on 1500 kc., 100 watts night, 250 watts day, S.H.). This application designated for hearing to ascertain if interference might result to existing stations, and to be heard with other related applications for these facilities.

### MISCELLANEOUS

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Present license extended on a temporary basis for a period of 3 months, pending investigation and report on facts and circumstances surrounding certain broadcasts.

NEW—Clarence A. Berger and Saul S. Freeman, Coeur D'Alene, Idaho.—Denied as in cases of default application for modification of C. P., which was designated for hearing on December 15, 1938, as applicant failed to appear and offer evidence in support of application.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Denied petition to reconsider and grant application for renewal of license, which has been designated for hearing. (Commissioner Craven voted to grant petition.)

W9XAA—Chicago Federation of Labor, Chicago, Ill.; and Radio Service Corp. of Utah, Saltair, Utah.—Denied motion of Chicago Federation of Labor that the Commission reconsider its action of November 21, 1938, in designating for hearing the application for consent to assignment of license for International Broadcast Station W9XAA from Chicago Federation of Labor to Radio Service Corp. of Utah; and the application for permit to move said international station from Chicago to Saltair, Utah, increase power and install new equipment, and denied motion filed on behalf of assignee, Radio Service Corp. of Utah.

KFRU—KFRU, Inc., Columbia, Mo.—Denied petition of respondent, KFRU, to remand for further hearing the applications of KVOD, Denver, Colo., and KFEL, Denver, for C. P.'s; and motion in opposition thereto, filed on behalf of KVOD; the motion to strike said petition to remand, filed by KFEL; and the opposition filed by KFRU, Inc., to said motions in opposition, and to strike said petitions to remand.

WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with station WFBC from 12 noon to 1 p. m., EST, with power of 100 watts, January 17, in order to broadcast ceremonies incident to the inauguration of the Governor of Pennsylvania.

WATS—Allen T. Simmons, Akron, Ohio, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc., 100 watts.

WILL—University of Illinois, Urbana, Ill.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 1 KW to 5 KW, using directional antenna system.

WCLS—WCLS, Inc., Joliet, Ill.—Granted license to cover C. P. authorizing changes in equipment.

KCRJ—Charles C. Robinson, Assignor, Central Arizona Broadcasting Co., Assignee, Jerome, Ariz.—Granted petition to take depositions of Della Tovrea Stuart in re application for assignment of license of KCRJ.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted request of applicant for authority to take depositions in re application for C. P. to change frequency from 1310 kc. to 880 kc., power from 250 watts to 1 KW, hours of operation from daytime to unlimited; directional antenna for day and night use; move station and install new transmitter.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.; and NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—Granted petitions of applicants to dismiss applications for new stations, requesting operation on frequency 1310 kc., 100 watts, daytime only, without prejudice.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted applicant's petition for enlargement of depositions order (to include additional witnesses), in re application for C. P. for new station to operate on 880 kc., 500 watts, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—Granted applicant's motion for authority to take depositions (supplemental) in re application for C. P. for new station to operate on 580 kc., 1 KW night, 5 KW LS, unlimited time.

NEW—Pee Dee Broadcasting Co., Florence, S. C.—Granted applicant's petition for extension of time for filing proposed findings in re application of Pee Dee Broadcasting Co. for 1200 kc., 100 watts night, 250 watts LS, unlimited time (facilities of WOLS), and application for modification of license of WOLS to change hours of operation from daytime to unlimited, and power from 100 watts to 100 watts night and day, and for renewal of license of WOLS.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted applicant's petition for acceptance of late appearance in re application for modification of license to change hours of operation from daytime to unlimited, 250 watts LS. (Now operates on 1500 kc., 250 watts, daytime only.)

NEW—Aubrey G. McCabe and Trim W. Aydlett, tr/as Albemarle Broadcasting Co., Elizabeth City, N. C.—Granted applicant's petition to take depositions in re application for new station to operate on 1370 kc., 100 watts night, 250 watts LS, unlimited time.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted modification of C. P. approving transmitter and studio sites; changes in authorized equipment and installation of a vertical radiator.

NEW—Bureau of Education, A. Corenson, Owner and Manager, Montebello, Calif.—Granted motion of applicant to accept late appearance in re application for C. P. for new station to operate on 1420 kc., 100 watts, daytime only.

NEW—K. E. Schonert and Oscar L. Turner, d/b as Olney Broadcasting Co., Olney, Ill.—Denied applicant's motion to strike part of proposed finding of stations WGBF and WBOW. (The Olney Broadcasting Co. has applied for a C. P. for a new station to operate on 1210 kc., 100 watts night, 250 watts LS, unlimited time, facilities of WEBQ.)

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted petition of applicant for authority to take depositions in re application for C. P. to install directional antenna for night use; change hours of operation from day-

- time to unlimited. (Now operates on **900 kc.**, 500 watts, daytime.)
- KCRJ**—Charles C. Robinson, Assignor, Central Arizona Broadcasting Co., Assignee, Jerome, Ariz.—Granted petition of applicants for authority to take depositions in re application for assignment of license of **KCRJ** from Charles C. Robinson to Central Arizona Broadcasting Co. Station operates on **1310 kc.**, 100 watts night, 250 watts LS, unlimited time.
- WKRC**—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to operate simultaneously with station **WOSU** during daytime, using power of 5 KW, for a period of 30 days, in order to determine whether the simultaneous operation of **WKRC** at its maximum power and **WOSU** results in any objectionable interference.
- WJBW**—Charles C. Carlson, New Orleans, La.—Continued to April 18, 1939, the hearing heretofore scheduled for January 18 on the application for renewal of license for **WJBW** and modification of license to change time of operation from sharing with **WBNO** to unlimited.
- WIBG**—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator.
- WEED**—William Avera Wynne, Rocky Mount, N. C.—Granted C. P. to install a new transmitter.
- WGRM**—P. K. Ewing, Grenada, Miss.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 to 250 watts.
- KBND**—The Bend Bulletin, Bend, Ore.—Granted license to cover C. P. authorizing erection of a new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time.
- WPTF**—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on Saturday evenings, January 14, 21, 28, and February 4, in order to carry the complete programs of the NBC Symphony Orchestra.
- WSAJ**—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 to 10:30 p. m., EST, January 20, in order to broadcast basketball games; to operate from 2:30 to 4:15 p. m., EST, January 14, in order to broadcast dedication service of new Administration Building.
- KHBG**—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (January, 5:30 p. m., CST), to midnight on January 30, in order to broadcast President's Ball Dance.
- National Broadcasting Co., New York City.—Granted special temporary authority to transmit network programs to Havana, Cuba, for rebroadcast on standard broadcast station **CMX**, operating on **1260 kc.** with approximately 4 KW power, antenna directive to the east, pending action on NBC application (B1-FP-59), for a period of 30 days, in order to continue service to Havana listeners heretofore provided by station **CMQ**, which service has been suspended because of interference caused by recent changes made by station **CMQ**.
- KTHS**—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Denied special temporary authority to operate simultaneously with station **WBAL** on **1060 kc.**, from 5:30 to 6:15 p. m., CST, Mondays, through Fridays, January 10 to 31, included, in order to broadcast daily resume of activities of the Ark. State Legislation.
- W3XPI**—Monumental Radio Co., Baltimore, Md. (Portable-Mobile).—Granted license to cover C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, conditionally, 2 watts.
- W3XPJ**—Monumental Radio Co., Portable-Mobile (State of Maryland).—Granted license to cover C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, conditionally, 2 watts.
- WAAO**—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, Portable-Mobile (area of Bloomington, Ill.).—Granted license for new relay broadcast station; frequencies **1606, 2022, 2102** and **2758 kc.**, 100 watts.
- KSLM**—Oregon Radio, Inc., Salem, Ore.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.
- WDSM**—Fred A. Baxter, Superior, Wis.—Granted modification of C. P. to install composite equipment instead of standard as previously authorized.
- KTHS**—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted authority to make changes in automatic frequency control apparatus.
- W9XAP**—National Broadcasting Co., Inc., New York City.—Granted modification of C. P. to make changes in equipment.
- WMMN**—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted license to use former main transmitter as an auxiliary for emergency purposes only, using 500 watts night, 1 KW LS.
- WCCO**—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted special temporary authority to rebroadcast over station **WCCO** the broadcast of traffic control from Plane **NC-37-358**, with call letters **CR-8**, of the Minn. National Guard, operating on **4495 kc.**, on January 28, in connection with the Annual St. Paul Winter Ice Carnival Parade.
- WCBN**—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay broadcast station **WCBN**, aboard the aircraft **YANKEE CLIPPER**, owned by Pan American Airways Co., on the frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.**, in addition to the normal licensed frequencies, for the period January 19 to February 17, to relay broadcast special programs during flight of Yankee Clipper between Alameda, Cal., and Hong Kong and return, and to be broadcast by CBS.

## APPLICATIONS FILED AT FCC

### 710 Kilocycles

- WOR**—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to make changes in antenna and transmitting equipment.

### 1190 Kilocycles

- WATR**—The **WATR** Co., Inc., Waterbury, Conn.—Modification of construction permit (B1-P-1207) for change in frequency, increase in power, move of transmitter, changes in equipment, install directional antenna for day and night use, further requesting changes in transmitting equipment. Amended: To change type of equipment.

### 1200 Kilocycles

- WMFR**—Radio Station **WMFR**, Inc., High Point, N. C.—License to cover construction permit (B3-P-2286) for auxiliary transmitter. Amended: Re: hours of operation.

### 1210 Kilocycles

- KROY**—Royal Miller, Sacramento, Calif.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

### 1230 Kilocycles

- NEW**—John F. Arrington, Jr., Valdosta, Ga.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, daytime. Amended: To request unlimited hours of operation.

### 1270 Kilocycles

- KGCA**—Charles Walter Greenley, Decorah, Iowa.—License to use station **KWLC**'s transmitter, located at 600 Leiv Erickson Drive, Decorah, Iowa, and move **KGCA**'s studio from 201-203 Water St., to 111½ Winnebago St., Decorah, Iowa.

### 1330 Kilocycles

- WDRC**—**WDRC**, Inc., Hartford, Conn.—Construction permit to install directional antenna for night use and increase night power from 1 to 5 KW. Amended: To request use of directional antenna for both day and night.

### 1370 Kilocycles

- WIBM**—**WIBM**, Inc., Jackson, Mich.—License to cover construction permit (B2-P-2206) for new antenna and equipment changes, and move of transmitter and studio to new site. Amended: Re: hours of operation.
- NEW**—Northwest Broadcasting Co., Fort Dodge, Iowa.—Construction permit for a new station on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Amended: To change name from Edward Breen and Allen R. Loomis II, to Northwest Broadcasting Company, and change from a partnership

to a corporation, and give studio site as site to be determined, Fort Dodge, Iowa.

**KGKL**—KGKL, Inc., San Angelo, Texas.—Modification of license to change power from 100 watts, 250 watts day, to 250 watts' day and night.

#### 1420 Kilocycles

**KRLH**—Clarence Scharbauer, Midland, Texas.—License to cover construction permit (B3-P-2273) for installation of new equipment. Amended: Re: Hours of operation.

#### MISCELLANEOUS

**WAUT**—Evansville on The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-PRY-131) for new low frequency relay station.

**KAOD**—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover construction permit (B5-PRY-135) for a new low frequency relay station.

**NEW**—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit for a new portable-mobile relay broadcast station (experimental) on **31100, 34600, 37600, 40600 kc.**, 2 watts power, A-3 emission.

**NEW**—Pacific States University, Los Angeles, Calif.—Construction permit for a new non-commercial educational broadcast station to be located at 1117 Venice Blvd., Los Angeles, Calif., on **41300 kc.**, 100 watts power, A-3 emission.

**Columbia Broadcasting System, Inc.**, New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corporation.

**W8XLT**—WLEU Broadcasting Corp., Erie City, Penna.—Construction permit for reinstatement of relay broadcast station W8XLT under new corporate name.

**W8XLT**—WLEU Broadcasting Corp., Erie City, Penna.—License to cover above.

**W4XA**—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Modification of construction permit (B3-PHB-62) requesting frequency of **25450 kc.**, instead of present authorized frequencies.

**NEW**—John V. L. Hogan, New York, N. Y.—Construction permit for a new high frequency (experimental) broadcast station on **41200 and 111500 kc.**, 1000 watts power. Amended: To delete the frequency of **111500 kc.**

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**Lux Company**—See Lux-Visel Company, Inc.

**Lux-Visel Company, Inc.**—A complaint has been issued charging Lux-Visel Company, Inc., 415 West Franklin St., Elkhart, Ind., with unfair and deceptive acts and practices in connection with the sale of an electric hot water heater. The respondent company trades as The Lux Company and as Superlux, and sells its product under the name Lux Electric Water Heater or Superlux Electric Water Heater.

In its advertising matter the respondent company allegedly makes a purported "free offer", representing and implying to the purchasing public and to prospective salesmen that by purchasing one heater at a stipulated amount they will receive an additional heater free, or that by purchasing in larger quantities they will receive other heaters without charge. According to the com-

plaint, the price charged for the one heater and the so-called "free" heater is the regular and customary price charged for two heaters, and does not constitute a free offer. (3683)

**Uneeda Underwear Corporation**—Charging misrepresentation of the fiber content of knitted undergarments for women, a complaint has been issued against Abraham Tabachnick, trading as Uneeda Underwear Company, 335 Van Siclen Ave., Brooklyn. The respondent is the manufacturer of the garments he sells to wholesale and retail dealers and to other customers.

By means of labels, tags and markers, the respondent allegedly designates certain garments as containing 33 $\frac{1}{3}$  per cent silk and wool, when, in fact, they are composed of 92 per cent cotton and 8 per cent rayon. Other garments represented as containing 15 per cent silk and wool are composed of 90 per cent cotton and 10 per cent rayon, the complaint alleges. In neither case, do the undergarments contain silk mixed with wool of any kind, it is alleged.

According to the complaint, the respondent sells other undergarments composed of 78 per cent cotton, 9 per cent rayon and 13 per cent wool, which are falsely labeled as containing "30% wool and rayon". On these labels, the complaint charges, the respondent accentuates the word "wool" by use of large type, while the word "rayon" is printed in much smaller type. (3686)

#### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Detective Publishing Company**—An order has been entered requiring Al Dunlap, trading as The Detective Publishing Company, 1029 South Wabash Ave., Chicago, to discontinue advertising that the Durite Bullet-Proof Vest he manufactures and sells has "successfully stood the highest Government test of all bullet-proof vests".

The Commission found that the National Bureau of Standards, at the request of the Federal Bureau of Investigation, made tests which disclosed that the respondent's product did not stand the highest Government test of all bullet-proof vests. (3402)

**S. Goldenburg & Company**—See La Perla Vineyard Company.

**Frederick Loeser & Co., Inc.**, Fulton and Bond Sts., Brooklyn, has been served with an order requiring it to cease using certain words and phrases having a capacity to mislead purchasers of fabrics, women's wearing apparel, and other like products.

Such articles, when they are not composed wholly of silk, are not to be advertised by use of the words Satin, Taffeta, or Crepe, under the order, unless such descriptive words are employed to designate the type of weave or construction, in which case they shall be qualified by including in immediate connection therewith words clearly naming the fiber or material from which the product is made.

The order also prohibits use of the word Silk or the term Pure Dye to designate fabrics not composed wholly of unweighted silk, although it provides that if an advertised fabric is composed partly of unweighted silk and partly of rayon or a material other than unweighted silk, such description shall be accompanied by other words accurately describing each constituent fiber in the order of its predominance by weight. (3502)

**Par-Tex Hosiery Mills**—Edward E. Partain, trading as Par-Tex Hosiery Mills, 2814 Elm St., Dallas, Tex., in connection with the sale of hosiery, has been ordered to cease and desist from certain practices deemed to be in violation of the Federal Trade Commission Act.

Among practices prohibited are representation that hosiery purchased will be of a grade, quality, texture and color corresponding to samples selected by purchasers, unless in fact the product delivered does correspond to such samples; supplying hosiery different from samples; unduly delaying correction of mistakes in filling orders; failing and neglecting to make adjustments as promised; retaining hosiery sent in by purchasers for exchange or adjustment

of mistakes, and failing or neglecting to refund the money paid by such purchasers.

Findings are that the respondent shipped to purchasers hosiery inferior to that represented by agents and in many instances not of the size and color indicated by the buyer. (3510)

**La Perla Vineyard Company and Ramshead Distilling Company.** both of 1404-1406 South Canal St., Chicago, have been ordered to cease and desist from representing, through use of the word "distilling" or the word "vineyard" in a corporate or trade name, on labels, in advertising matter or in any other manner, that they are distillers, that they manufacture the wines or other alcoholic beverages they sell, or that they own, operate or control a vineyard or place where wines or other alcoholic beverages are manufactured.

The order also is directed against Harry Ex, who is president of both respondent corporations and who trades as S. Goldenburg & Co. and as Ramshead Products Company.

Through use of the word "vineyard" in its corporate name and in other ways, La Perla Vineyard Company represents, the Commission found, that it is the producer and manufacturer of the wines it sells, when in fact it is engaged in processing, bottling and distributing wines at wholesale. The Commission also found that the company, through statements upon its stationery and in other ways, represents that it owns the famous La Perla Vineyard, located at St. Helena, Calif., when such is not a fact. (3433)

**Ramshead Distilling Company**—See La Perla Vineyard Company.

**Sinnock & Sherrill, Inc.**—Misrepresentation of the gold fineness of pen knives is prohibited under an order to cease and desist entered against Sinnock & Sherrill, Inc., 15 Maiden Lane, New York.

Certain pen knives manufactured and sold by the respondent company allegedly are stamped with the symbol 10K or 14K. According to the Commission's findings, neither the knives nor their mountings are gold of 10 or 14 carat fineness or quality as indicated, but consist of a mounting which is composed for the most part of a base metal and is so constructed as to have the appearance of solid gold, when in fact only the outer shell of such mounting is solid gold. (3421)

**Texas Tasty Company**—Under an order to cease and desist, Floyd Irl Sorrells, trading as Texas Tasty Company, 904 West Richmond St., Fort Worth, Tex., has been directed to discontinue certain misleading representations in the sale of a confection known as Penny Nips.

Among the representations prohibited are that the confection is a non-competitive item of merchandise which will remain in marketable condition at temperatures up to 132 degrees, and that the liquid therein is pure fruit juice.

The respondent also is ordered to cease advertising that officials of Fort Worth or any other city have certified the purity of the confection, unless such certification actually has been obtained.

The order forbids the representation that for the purpose of aiding a dealer in selling Penny Nips under contract with the respondent, the latter's agents will remain in a territory allotted to a dealer until such time as the dealer shall have sold merchandise equal to the amount of money he has advanced the respondent under the contract. (3487)

**Thorson's Soap Lake Products Company**—Trading as Thorson's Soap Lake Products Company, Roxie Thorson, of Soap Lake, Wash., has been ordered to cease and desist from misrepresenting the therapeutic benefits to be obtained from the use of certain mineral salt preparations she sells in interstate commerce.

The preparations are sold under designations such as Thorson's Soap Lake Salts, Thorson's Effervescent Soap Lake Salts, Thorson's Soap Lake Liniment, and Thorson's Skin-Aid Soap Lake Ointment.

In connection with the sale of her preparations, the respondent is ordered to discontinue representing that the mineral salts contained therein, which are obtained from the waters of Soap Lake, will prevent or cure, or are beneficial in the treatment of, stomach, liver, bowel and kidney conditions; diseases of the blood and

skin; diabetes, pyorrhea, pleurisy, high blood pressure, nervous ailments, constipation, arthritis, or any similar ailments or afflictions. (2832)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Ad-Lee Company, Inc.**, 825 South Wabash Ave., Chicago, has entered into a stipulation to cease certain misleading representations in the sale of the Ever-Ready Merchandiser, a coin-operated vending machine, and of confections for use therein.

Under the stipulation, the respondent company agrees to cease overstating and misrepresenting the opportunities for profits to be made in the vending-machine merchandising business and the actual profits made by Ever-Ready Merchandisers.

The respondent company agrees to cease representing that a cash return on the investment is guaranteed to the buyer of a machine and to stop misrepresenting, either directly or by concealment of facts, that the expense of a merchandising business through vending machines is automatically kept at a minimum, thus always assuring maximum profits. (2356)

**Hemphill Corporations**, Glendale, Calif., and Hemphill agree to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field and the actual earning power or probable salaries of graduates and students, and to stop using representations implying that the respondents are in a position to offer employment to their graduates, or will procure it for all their graduates, when such are not the facts. They also agree to stop advertising their business or courses under the "Help Wanted" classification so as to imply that they have positions open and available when in fact the purpose of such advertising is only to enroll students.

The respondents agree to stop representing that their combination course will equip one generally for any position in the Diesel field, when such is not a fact. (2354)

**Hot Flash Company** in the sale of a so-called faucet type water heater, Louis Newland, Louis B. London and Maurice Grober, 151 West 26th St., New York, agree to discontinue use in advertising matter of representations implying that their devices can be operated as cheaply as most household electrical devices or are capable of supplying hot water of any stated gallonage and of any specified temperature in excess of what is actually the fact. They also agree to cease representing that the Hot Flash devices, employing the recommended use of a 20 ampere, 125 volt fuse plug in connection with the kind of circuit found in the ordinary home, is either safe, sane or sound, when such is not a fact. (2353)

**Lewis Druggist Supply Company**—Joseph S. Massimo, trading as Lewis Druggist Supply Company, 621 Broadway, New York, in the sale of prophylactics, agrees to stop using the word "manufacturer" or other words of similar meaning in advertisements or in any other way to imply that he manufactures the products he sells or owns and operates the factory in which they are made. According to the stipulation, the respondent does not manufacture such articles. (2357)

**Midwest Radio Corporation**, 905 Broadway, Cincinnati, agrees to stop illustrating or describing a radio set or other merchandise and quoting therewith a display price in the advertising copy which is not the actual price as illustrated or described. The respondent company also stipulates that it will cease illustrating a high-priced set and quoting a price which applies to a less expensive set, or otherwise making representations in advertising copy which do not conform accurately to the representations and illustrations in the sales catalog. The respondent agrees to refrain from quoting a price which does not cover the complete set as illustrated, unless in juxtaposition therewith and in equally conspicuous type the explanation is made that the price quoted applies only to specified parts or items and no more. (2351)

**Milk Minerals Company, Inc.**, 400 Rush St., Chicago, selling Darical Wafers, a mineral food supplement, agrees to cease advertising that the use of its product will safeguard the health of expectant and nursing mothers, unless this assertion is expressly limited to supplying calcium requirements, and to discontinue representing that nervousness, insomnia and "run down" condition will be treated effectively in any substantial proportion of cases by the administration of Darical Wafers, or that calcium deficiency is to any great extent responsible for such conditions. (02305)

**Rombro Brothers**—Unfair competition in connection with the sale of men's shirts will be discontinued by Jacob and Theodore Rombro, trading as Rombro Brothers, 22-24 South Howard St., Baltimore, under a stipulation they have entered.

The respondents agree to cease using the letters "U. S. A." either independently or in connection with other words or in any manner to imply that the shirts so labeled or advertised have been made for the United States Government or the Army, in accordance with Government specifications, or have been disposed of by the Government or the Army as surplus stock. (2363)

**Sam Sandor**, 2207 Clybourn Ave., Chicago, also known as S. B. Saunders, engaged in a printing and publishing business under the assumed or trade name of Fidelity Sales Promotion Service, stipulates that he will cease distributing sales-promotion cards so designed that their use by retail merchants constitutes or may constitute the operation of a lottery, game of chance or gift enterprise. He also agrees to stop supplying to retailers or other sales-promotion cards or sales-booster plans or schemes which are used or may be used without alteration or rearrangement to conduct a lottery, game of chance or gift enterprise when distributed to the consuming public. (2358)

**Vocational Service, Inc.**, Los Angeles, Calif., agrees to cease representing that it is dedicated to an impartial and disinterested helpful guidance service to the student in selecting the right training and was founded by outstanding men in the industrial educational field. It stipulates that it will stop promising, either directly or inferentially, to recommend qualified vocational schools

in the broad field of arts and crafts suitable to whatever line would be appropriate to the inquirer or to "find the right school for the right student," whatever his inclination or aptitude when in fact no schools are recommended except the three mechanical schools whose courses the respondent sells.

Among other practices to be discontinued are the use of statements implying that the respondent's agents are not salesmen but impartial investigators of the prospect's qualifications, and the use of the assertion that a school represented by the respondent is "very strict" about admitting students. The respondent also will cease conveying the impression by guile, artifice or subtlety that it is a rare privilege to be permitted to purchase its clients' course when in fact such course is available to any mechanically minded person who can pay for it.

The respondent, in referring to its sales agents, agrees to stop employing that title "Registrar" or any other words the effect of which is to imply that such representatives have any official or other capacity than that of salesmen. (2355)

**Dallas E. Winslow, Inc.**—Misleading representations in the sale of automobile parts and accessories will be discontinued by Dallas E. Winslow, Inc., distributor, Detroit, under a stipulation.

The respondent company agrees to cease using the trade names Continental-DeVaux Parts and Service Division, Continental Automobile Company, or the names Continental or DeVaux or the word "division" in connection with any trade name, and to discontinue otherwise designating itself in a manner implying that it is in any way connected with Continental Motors Corporation and Continental Automobile Company, which formerly manufactured and sold automobiles under the name DeVaux and Continental, or that its business is conducted by them as a division of their establishment, when such are not the facts. (2352)

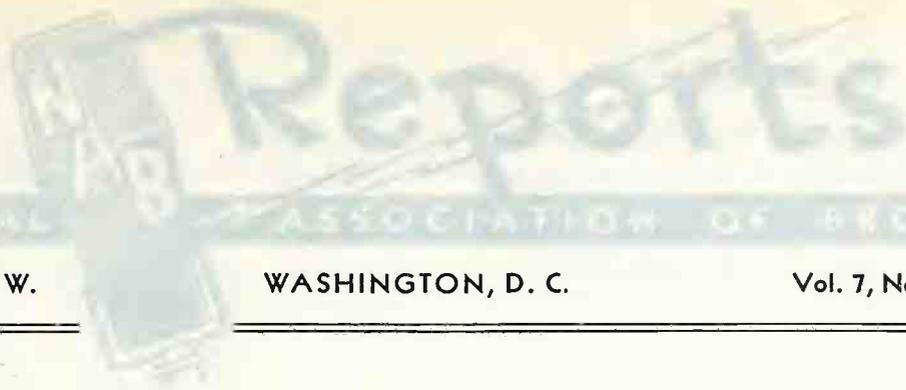
#### FTC CASE CLOSED

The Federal Trade Commission has issued an order closing without prejudice its case against The Crane Chocolate Company, 1225-1227 McGee St., Kansas City, Mo., charged with using lottery methods in the sale of candy to ultimate consumers.

In closing its case the Commission points out that the respondent company has filed with the Secretary of State of Missouri an affidavit of dissolution.

The case is closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.





## President Proposes New Radio Commission

President Roosevelt sent word to the Capitol this week that he wanted the present Federal Communications Commission dissolved and a new three man agency set up to administer the radio law. In a letter to the Chairmen of both Senate and House Interstate Commerce Committees, he also suggested the need for clear-cut Congressional policies on broadcasting, in short, an entire new Radio Act.

Senator Wheeler (D-Mont), Chairman of the Senate Committee, responded favorably at once to the suggestion that a new three man agency succeed the present seven man Commission. It was reported that the Senator would introduce very soon a brief amendment to the 1934 Communications Act, making definite changes. As to a general revision of radio law, Senator Wheeler was said to feel that Congress could move more slowly. Some of Mr. Roosevelt's most trusted advisors were said to be giving this matter a great deal of thought with a view to sending to Congress the Administration's ideas along this line at some future date.

Neville Miller, NAB President, said it was gratifying that the President had recommended that Congress lay down radio policies in new legislation "so clear that the new administrative body will have no difficulty in interpreting them". The President had put his finger on the core of the radio problem, Mr. Miller added.

"Through the National Association of Broadcasters, the radio broadcasting industry stands ready to cooperate with Congress, the President and the administrative agency in establishing a durable radio administration which will permit the future development of broadcasting to its fullest possibilities", Mr. Miller said.

At a press conference shortly after he had asked for new legislation, Mr. Roosevelt told reporters that the principal difficulty with the present radio law was its failure to announce any policy for the Federal Communications Commissioners to follow. The law should state definitely the radio policy of the United States, he said. Among the things the President felt the new law should deal with were the ownership of stations, newspaper ownership, and control of stations by chains.

Chairman Frank R. McNinch made the following comment on the President's proposal: "I am wholly sympathetic with the President's proposal for a reorganization of the Commission. I recommended to the President some time ago that the Commission be reorganized."

Mr. McNinch conferred with Senator Wheeler and Representative Lea (D-Cal), Chairman of the House Interstate Commerce Committee, the day after they had received the



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone National 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## PRESIDENT PROPOSES NEW RADIO COMMISSION

(Continued from page 3225)

President's letter, and just before Senator Wheeler said that he favored the substitution of a three man agency for the present Commission.

The text of the President's letter follows:

"Although considerable progress has been made as a result of efforts to reorganize the work of the Federal Communications Commission under existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission. I have come to the definite conclusion that new legislation is necessary to effectuate a satisfactory reorganization of the Commission.

"New legislation is also needed to lay down clear Congressional policies on the substantive side—so clear that the new administrative body will have no difficulty in interpreting or administering them.

"I very much hope that your Committee will consider the advisability of such new legislation.

"I have sent a duplicate of this letter to Chairman Lea of the House Committee on Interstate and Foreign Commerce, and I have asked Chairman McNinch of the Commission to discuss this problem with you and give his recommendations."

The day after Mr. Roosevelt's letter was made public, Representative Connery (D-Mass.) and Wigglesworth (R-Mass.) introduced resolutions calling for sweeping House investigations of both the FCC and the broadcasting industry. Mr. Connery introduced a similar resolution last year. It died. Mr. Wigglesworth introduced a resolution last year calling for an investigation of the ownership of radio stock by FCC employees. It also died.

The only other measure of importance was a bill by Representative Celler (D-N.Y.) which would exempt broadcasters from liability for libelous and slanderous statements made on the air by others than station owners, operators or employees. (H. R. 2981).

## MILLER ATTENDS MEETINGS AT PORTLAND, SAN FRANCISCO

Enthusiastic meetings at Portland and San Francisco greeted Neville Miller, NAB President, this week during his tour of the western districts.

C. W. Myers, KOIN-KALE, District 17 Director, presided at the Portland meeting after he and Mayor Joseph Carson had met Mr. Miller. After a thorough discussion of other important issues before the broadcasting industry, Mr. Miller set into the copyright problem, telling how he had appointed a lawyers' committee which hopes by June to have decided (a) on what terms the industry would negotiate with ASCAP in the future and (b) what would be done in the event that negotiations failed. After Mr. Miller finished his discussion, E. Claude Mills, ASCAP chairman of the administrative committee, talked to the broadcasters.

Arch Bright, KFPY, Spokane, presided at the sales managers meeting, at which Ed Kirby, NAB Public Relation Director, discussed the forthcoming campaign to promote the American System of Broadcasting.

Those registered at the Portland meeting:

C. W. Myers, KOIN-KALE, Portland; W. Carey Jennings, KEX, Portland; H. Q. Cox, KGW, Portland; John Egaw, KWJJ, Portland; Louis Wasmer, KHO-KGA, Spokane, Wash.; Jack Buchanan, KMO, Tacoma, Wash.; Glenn McCormick, KORE, Eugene, Ore.; Lee Bishop, KMED, Medford, Ore.; E. T. Irvin, KVI, Tacoma, Wash.; Vernice Irvin, KVI, Tacoma, Wash.; Dorothy Doernbecker, KVI, Tacoma, Wash.; C. O. Chatterton, KGW, Portland; B. F. Fisher, KOMO, Seattle, Wash.; Roy Hunt, KOIN, Portland; Ted Kooreman, KALE, Portland; Art Kirkharnd, KOIN, Portland; Clyde Phillips, KOIN, Portland; James C. Wallace, KAST, Astoria; Harvey Winson, KHQ, Spokane; Arch L. Bright, KFPY, Spokane; George H. Hager, KFPY, Spokane; Harry Spence KXRO, Aberdeen; Fred Goddard, KXRO, Aberdeen; Tom Olson, KGX, Olympia; H. T. Quilliam, KIRO, Seattle; E. D. Pedersom, KOL, Seattle; Archie Morton, KIRO, Seattle; Robert E. Priebe, KRSC, Seattle; J. Elroy McCaw, KELA, Centralia; Archie Taft, KOL, Seattle; T. W. Symons, KXL, Portland; Harry Read, KSLM, Salem; Frank H. Loggan, KBND, Bend (Ore.); Sheldon Sackett, KOOS, Cors Bay; J. A. Morton, KIRO, Seattle; Marshall Pengra, KRNR, Roseburg; Harry Benson, KOIN, Portland; Chas Couch, KOIN, Portland; Stanley Church, KOIN, Portland; Judge John C. Kendall, Portland.

Again at San Francisco, Mr. Miller discussed the copyright and other major industry problems. Guy Hamilton of the McClatchy newspaper-radio interests gave a talk on why his company was going into facsimile broadcasting. Howard Lane presided at the sales managers meeting, where Mr. Kirby again spoke of the NAB-RMA campaign.

Those at the meeting:

Les Hacker, KVEC, San Luis Obispo, Calif.; E. P. Franklin, KJBS, San Francisco, Calif.; C. J. Harper, KQW, San Jose, Calif.; Charles Whitmore, KTKC, Visalia, Calif.; C. P. Scott, KTKC, Visalia, Calif.; Henry M. Jackson, CBS, San Francisco, Calif.; Fred MacPherson, KRE, Berkeley, Calif.; John C. Clifton, KVEC, San Luis Obispo, Calif.; C. L. McCarthy, KQW, San Jose, Calif.; Art Westlund, KRE, Berkeley, Calif.; Lloyd E. Yoder, KPO-KGO, San Francisco, Calif.; Vann Conners, KQW, San Jose, Calif.; H. O. Feibig, KQW, San Jose, Calif.; Ralph Brunton, (Director) KJBS, San Francisco, Calif.; Howard Walters, KDON, Monterey, Calif.; Preston D. Allen, KLX, Oakland, Calif.; Wilt Gunsendorfer, KSRO, Santa Rosa, Calif.; William C. Grove, KSAN, San Francisco, Calif.; S. H. Patterson, KSAN, San Francisco, Calif.; S. W. Warner, KLS, Oakland, Calif.; F. Wellington, KLS, Oakland, Calif.; William B. Smullin, KIEM, Eureka, Calif.; Howard Lane, McClatchy Broadcasting Company, Sacramento, Calif.; William Pabst, KFRC, San Francisco, Calif.; Guy C. Hamilton, McClatchy Broadcasting Company, Sacramento, Calif.; Lou Keplinger, KARM, Fresno, Calif.; George Harm, KARM, Fresno, Calif.; Will Thompson, KROY, Sacramento, Calif.; W. B. Brunton, KJBS, San Francisco, Calif.; W. I. Dumm, KSFO, San Francisco, Calif.; Philip G. Lasky, KSFO, San Francisco, Calif.

## MILLER URGES ADVERTISERS TO HELP IMPROVE PROGRAMS

Neville Miller, NAB President, urged American advertisers to join the broadcasting industry in continuing to improve programs, in a speech this week before the San Francisco Advertising Club.

"The American broadcaster more and more is regarding himself as a steward in the public interest—and rightly so," Mr. Miller said.

"He is responsible for what goes out over his station, even when you, the advertiser, produce the program and sign your name to it. Therefore, you share in this social responsibility and I know you will be the first to acknowledge it. It is up to the broadcaster and advertiser, jointly, to improve radio; to elevate tastes, if possible; to hold to existing standards while pioneer efforts are being made elsewhere in radio's program spectrum.

"At this time, American broadcasters are re-appraising our old program codes. Radio has moved with such amazing rapidity, it has opened up so many new social frontiers, that we believe it is time we take stock. In this important forward step we invite, we expect, we need, the support of all advertisers. You are no less concerned with improved program service than we are. A faulty program, whether sustaining or commercial, is no less damaging to you than it is to us, ultimately.

"The whole future of radio as a public service institution, and radio as an effective advertising medium, begins and ends in the program service we give.

"In the weeks ahead, you will hear much of the program study which the National Association of Broadcasters is making. It is, we believe, a sincere demonstration of radio's ability to regulate itself; a demonstration of American industrial democracy.

"We welcome your suggestions; we rely on your cooperation. Working together, we have been able to give American listeners the finest, most expensive radio entertainment and service in the world, at not one cent of cost to him. Working still closer together, we will be able to make still greater contributions, as competition, creative genius and incentive drive us forward to new areas of radio's undiscovered lands."

### MILLER ON CBS

Neville Miller, NAB President, will speak Saturday afternoon at 5 p. m., Eastern Standard Time, from Los Angeles over a CBS network, NOT Mutual, as announced in the Reports of January 13.

### FREE OFFERS

"Seth Parker" has asked stations using his Sunday night NBC commercial to plug that program with four ten-minute transcriptions Sunday afternoons.

## INDEX

	Page
President Proposes New Radio Commission	3225
Miller on West Coast	3226
Miller Addresses Advertisers	3227
Miller on CBS	3227
Free Offers	3227
Wagner Act Amendments	3227
AFRA Strike	3228
Wage and Hour Act	3228
AFRA Certified	3228
Radio Reporters Ask Recognition	3228
McNinch on Air Freedom	3229
Monopoly Hearing	3231
Reports Binders	3231
Dues Classification	3231
FTC Index	3231
FCC on Stand	3232
Brown Acting Chairman	3232
Legal	3232
Engineering Notes	3235
Frequency Graphs	3236

"I feel that if we do this that we will increase the Seth Parker listening audience in your section and it will guarantee the program remaining over your station for a longer time," his letter said.

Advised of this request, the NAB immediately notified Philips H. Lord ("Seth Parker") that use of the transcriptions would be bad practice.

"If a station gave you free time, every evening program seven days a week would be entitled to the same treatment," the NAB letter added. "You readily can see what the result would be: a couple of hours every afternoon would be devoted to plugging programs to come that night.

"We hope to hear from you that you agree such a practice would be a dangerous precedent and might make for 'bad radio.'"

The duPont Style News Service, New York City, is offering a script telling how Cellophane can be used in decorations, while Paramount Pictures, Inc., is offering two records of popular songs, each carrying a plug for Paramount movies. The NAB has advised both firms that use of their offers would constitute violation of the NAB Code of Ethics.

The NAB has notified the Elgin Distributors Company, Los Angeles, that the Code forbids the acceptance of their cost-per-inquiry proposition for selling electric razors.

## Labor

### WAGNER ACT AMENDMENTS

The long-discussed A. F. of L. amendments to the Wagner Act were introduced this week by Senator Walsh (D-Mass.). They probably will provide the basis for a long, bitter fight before the session ends because conservative Southern Democrats and many Republicans alike agree

with the A. F. of L. that the Act must be amended. The C.I.O. and many New Dealers, on the other hand say that there should be no changes.

Evidently seeking to gain employer support for the whole long list of amendments, the A. F. of L. drafted two which employer groups long have demanded. These would state the employer's right to express his opinion about unions, so long as he does not threaten his employees with any punishment for joining; and give the employer the right to petition for an employee election, in cases of dispute about the proper collective bargaining agency.

The others were aimed to prevent the NLRB from freezing craft unions out of industries where workmen of more than one craft were employed; to prevent the board from invalidating contracts without hearing from all parties involved; and to protect both employers and employees from alleged "bias" on the board's part.

### AFRA STRIKE

Emily Holt, AFRA Executive Secretary, told the NAB on Thursday that the threatened strike against advertising agencies might come "at almost any time."

However, Mrs. Holt is dickering with several agencies, and she will not likely call out her members as long as there is much hope of signing up some of the larger ones.

She said that P. K. Wrigley and agencies which handle some of his accounts had come to terms in Chicago. This was the first break in the agency front.

AFRA, an A. F. of L. affiliate, is asking for higher wages.

### WAGE AND HOUR ACT

If you have a contract with a technicians' union, if that contract calls for 2,000 hours or less work each year, and if you obtain a certificate from the National Labor Relations Board that your union is "bona fide," you need not pay time and one-half for overtime under the wage and hour act. (*Section 7B2.*)

Two thousand hours amounts to 50 weeks of 40 hours each. Many contracts with the I. B. E. W. (A. F. of L.) and the A. C. A. (C. I. O.) provide for this number, in that they call for two weeks' vacation with pay each year.

The Labor Board announced this week that it would certify as bona fide any union which it has certified as a collective bargaining agency at any time, unless it found some good reason to reverse its stand in particular local cases. Both the I. B. E. W. and the A. C. A. have been certified many times. The Associated Broadcast Technicians also has been certified.

All this is not of a great deal of importance, however, because most contracts that have come to the NAB's attention provide for time and one-half for overtime.

### AFRA CERTIFIED

The National Labor Relations Board has announced certification of the American Federation of Radio Artists

(A. F. of L.) as sole collective bargaining agent for staff actors, singers, and announcers and all free-lance actors, singers and announcers employed by Pulitzer Publishing Company, at Radio Station KSD, St. Louis, Missouri.

Included in the stipulated unit are minors but not "hill-billies." The company and the union and the Board entered into a stipulation on December 21, 1938, stipulating that the union represented a majority of the employees in the agreed-upon appropriate unit.

### RADIO REPORTER ASKS FOR CAPITOL RECOGNITION

Fulton Lewis, Jr., Washington reporter for the Mutual Broadcasting System, applied this week for admittance to the House and Senate press galleries, from which broadcasting reporters have been barred. He sent the following letter to Alfred F. Flynn, chairman of the newspapermen's standing committee in charge of the galleries:

I am addressing this to the Standing Committee of Correspondents through you as chairman.

As you know, I have been engaged for more than a year in presenting, each night, over the coast-to-coast network of the Mutual Broadcasting System, a news program of events in Washington.

I am not connected with any newspaper or press association, but gather my own information, prepare it, and personally deliver it over the Mutual network of 108 stations.

I have studied carefully the rules governing the press galleries, on page 663 of the Congressional Directory, and I am able to comply fully with all the provisions in Paragraph 1.

The question of my admission to the Gallery hinges on the Standing Committee's interpretation of the rules; i. e., whether it follows the broad and true purpose that Congress had in mind when the press gallery was established, or whether it follows the narrow and strict confines of the words, "newspapers or newspaper associations," which, of course, were stipulated in a day when no other form of news dissemination was envisioned.

It would be very simple to circumvent this entire problem by merely assuming a newspaper connection, thus becoming eligible to the gallery on that score; but I feel that is mere evasion of a question which sooner or later must be met, squarely and honestly.

I respectfully submit that except for the physical arrangement of letters which make up the words, "newspaper" and "radio," my daily function is precisely the same, in principle and theory, as that of any newspaper correspondent or press association representative. I gather news for the purpose of informing the public. I prepare that news, just as a reporter or correspondent prepares it. I transmit it over wires, to disseminating media in cities all over the United States, and each of these media delivers that news to its own local public. The only differences are:

(1) That I use voice transmission from here to the distributing medium, whereas the newspaper or press association, for economic and practical reasons, usually uses mechanical telegraphic communication; as a matter of fact, in many cases, voice transmission (by telephone) is actually used by the newspapers. . . .

(2) That instead of using the medium of ink pressed on paper and hand delivery, for which the public is forced to pay three to ten cents, in order to know what has transpired in its own Congress and Government—the news I collect is distributed by electrical waves and received by the public free of charge. (In this connection, I have many letters from listeners who say they cannot afford to subscribe to newspapers, and if they were not able to gather around the one radio in their village each afternoon, they would be unable to know what is transpiring in their Congress and Government.)

I respectfully submit that the whole issue for your consideration hinges on these two points. And I also respectfully submit that your interpretation of these points must be determined by one of two points of view:

(1) Whether the press gallery in the United States Congress was set up as a facility of free and honest government, to keep the American people informed on the developments of their servants in Congress . . . or . . .

(2) Whether it was an exclusive charter to the printing business, to forever hold a monopoly on the dissemination of news which transpires in the Senate and House of Representatives, and whether that charter was intended to exclude any and every other mechanical process for accomplishing the same objective, which might at any later time be developed by science.

I do not mean to convey by this letter that I believe the press gallery should be thrown open to any and all newscasters; in other words, to mere radio announcers, who receive prepared copy, and who only perform the mechanical function of reading that copy into a microphone. They are, to the radio medium of news distribution, what the printer or pressman is to the newspaper medium. There is no logical reason why they need the facilities of the press gallery.

But in all fairness and sincerity, I do believe that those representatives of radio who, like the news correspondents and reporters, gather their own news and prepare it for delivery to the public, are entitled to the same facilities as those correspondents and reporters.

The final question is whether radio shall be allowed to share the present facilities, or whether it shall be given equal but separate facilities.

I shall appreciate consideration of this application and an early reply concerning your decision.

## McNINCH DISCUSSES FREEDOM OF THE AIR

Chairman Frank R. McNinch of the FCC delivered so important an address Thursday, January 26, at Chapel Hill, N. C., on "Freedom of the Air" that the text is printed below with the thought that each NAB member might like to give it careful study.

Mr. McNinch posed the question: What would the Bill of Rights have said about radio? Then he discussed the issue at length from his viewpoint, concluding that an eleventh item in the Bill of Rights might have "embraced adequate safeguards against the enactment of any legislation abridging the right of the people to hear all sides of any important public controversy."

The text of the speech:

Among the many complex problems involved in broadcasting, probably the most important one is that of safeguarding individual liberties and rights guaranteed by our Constitution. I go further and say that the problem is to safeguard not only the rights and liberties guaranteed by the Constitution but the rights and liberties which are protected by the spirit of the Bill of Rights, and which I doubt not would have been written into that charter of freedom had radio as we know it today existed then.

Let us attempt to answer the question—What would the Bill of Rights have said about Radio. We all know the story of the Bill of Rights. We know that the people of the Colonies, as a condition to the approval of our Constitution, insisted that it contain an explicit guarantee against interference with their precious individual rights and liberties.

Fundamentally the Bill of Rights provides for protection of individual liberties against governmental invasion. The first ten amendments to the Constitution are limitations upon the power of the Federal Government which prevent action in derogation of individual rights. They all possess the feature in common, that is, the rights which are protected are rights which every person in the United States possesses and is able to exercise. It is important to emphasize that the liberties protected by the Bill of Rights are individual liberties to be enjoyed by every person and not rights or liberties only capable of exercise by particular persons or by a select class or group.

It goes without saying that the framers of the Bill of Rights would have indignantly rejected any attempt by any person or group seeking special privilege, to have included in our fundamental law any guarantee of special privilege or right to a part of our people and a denial of that privilege or right to the rest of our people. The rights of individuals, which are protected under our Constitution, are only those rights which all individuals have and may exercise.

What further guarantee would the people of the Colonies have exacted as a condition to approval and ratification of the Constitution had radio been known in 1791? What individual rights would they have asserted and what protection for such rights would they have demanded against governmental use, regulation or control of this then unknown and unimagined medium of mass communication? If this problem had been before them, they would not have tried to reach a solution by labored analogy, but would have met it directly and squarely. I think we can and should meet the issue in the same way today. Parenthetically, I may say, that I have, in trying to deal with broadcasting, attempted to find analogies to illuminate the problems with which I have been confronted, and I am convinced that there is no analogy. The most important relation between broadcasting and anything else that we know about is one of essential difference rather than of similarity.

All of us know what broadcasting reception is. We know that through the use of receiving sets millions can and do at the same time hear the same sound, whether it be voice, instrumental music, or just plain noise. Those millions may be scattered over an area of square miles in extent. We know too that while every person in the United States is potentially a radio listener, the very limited number of frequencies for broadcasting makes possible only a handful of broadcast stations. There is only one broadcasting station for about every 175 thousand people in this country.

You know, of course, that broadcasting is only a small corner of the radio picture. While it is true that recent developments make it appear likely that the high frequencies and ultra high frequencies may play a major part in the future development and uses of radio, it is likely new and important uses for radio will be found, and that thus the demands for the facilities of radio will keep pace with scientific advances in this field. Today the medium frequency band of 2 thousand to 3 thousand kilocycles is providing service for police, government, ship, coastal harbor, aviation, relay broadcasting, and forestry service, and these services are rapidly extending. Navigation and aviation alike, as we know them today, would be impossible without radio. On Tuesday of this week eight ships at sea sent out distress calls with potential disasters imperiling the lives of passengers. The day before ten lives were snatched from certain death in an angry sea when the British seaplane Cavalier radioed the single word "sinking." Instantly the combined forces of the Army, Navy, Coast Guard, Merchant Marine and the airline companies went into immediate action to rescue the imperiled. International communication without radiotelephone and radiotelegraph service would hardly be able to meet present-day demands. Modern crime prevention and detection are to a large degree dependent on radio. I am not confiding any state secret when I tell you that our plans for national defense are to a very considerable extent built around radio. You all know at least something of the services rendered by our radio amateurs in times of disaster. In the field of broadcasting itself, that is, in the field where intelligence is disseminated to the general public by radio waves as distinguished from communications not intended for general reception, more and more space in the ether will be necessary for television, facsimile broadcasting, and other kindred uses.

It may be of interest to you to dwell for a few moments on these advances in the broadcast field which show promise of development in the very near future. Facsimile and television for some time now have been incubating in the scientific laboratories of the nation and have made rapid technical advancement in recent months.

Facsimile broadcasting, as the term implies, covers the broadcasting to the public and reception in the home or office of pictures, printed matter, drawings, or any material where a permanent record is desired. The Commission at the present time has licensed a number of stations to conduct facsimile broadcasting of this type. Such transmissions already include a small, compact, illustrated news bulletin.

The Commission is now seriously studying the problems involved in the regulation of television so that it will function as a public service. We are told that in Europe tremendous strides have been made toward the development of a television service for the general public. Let me assure you that the television demonstrations which have been made to members of the Commission and its engineers, in the United States, are at least as good, if not better, than the service available abroad.

Returning to our problem again, we cannot approach it on the assumption that we are in a transition period which will shortly end with an unlimited number of transmitters available, so that every person who desires may broadcast. Instead, we must recognize that one of the essential elements of our problem is that there will always be hundreds of thousands more speakers and potential speakers than there are broadcast stations. The number

of people who can broadcast over any of these stations is limited by the number of hours in the day, days in the week, weeks in the year, and years in a lifetime. Let us for the moment assume that every broadcast station operates twenty-four hours a day, every day in the year, and that during the period of its operation no time is devoted to anything but persons who desire to speak. If it be suggested that a right should be recognized and protected in every person to speak over the radio, simple arithmetic would make it plain that this right to speak would be only for a matter of seconds or minutes in a lifetime. I have no desire to do more than suggest the additional complications which would be involved if it were to be provided that every speaker have an area, and an audience of equal size.

In considering our rights as citizens of a free and democratic nation, we can be safely guided by our instinctive reactions to an attempt by some third person to control our conduct or our thinking. If someone, be he a spokesman in his own name or in the name of some organization or group, were to tell you that you could not attend a church of your own choice, you would not hesitate to assert your inalienable right to worship where and as you please. Religious freedom under our Constitution is a freedom possessed and enjoyed by every person. But if someone were to inform you that you could not speak over the radio on a given occasion, I do not believe you would feel that you were being deprived of an inalienable right.

An alternative to the recognition of a right in every individual to speak on the radio suggested quite frequently is that a right be recognized in a few people, who believe they have something of importance to say, to speak on the radio. Now, it is no part of our democratic system of government and certainly there was no disposition evidenced by the people who insisted on the inclusion of the Bill of Rights in our Constitution to make it a part of our system, that certain people by reason of their religious, political, social or economic views should have rights which other citizens do not have. Many people today, however, assert very vociferously that particular individuals have some peculiar or special right to broadcast because of the views that they desire to express or because of the organization they represent. No such claim of right can be supported without denying an equal right to many other citizens.

I cannot escape the conclusion that under our Constitution either all of us have an equal right to speak over the air or none of us has any right to speak over the air. What I learned of democratic principles during my boyhood here in North Carolina makes it impossible for me to believe that my right or your right or the right of any person to speak depends upon his holding any particular view or any particular position. This, I take it, is the American view, and however much it may be belittled by some of our totalitarian neighbors, I for one thank God for it.

From what I have said I think you will all agree that there is not and cannot be any such thing as "free speech" for all our 140 millions of citizens to broadcast their ideas. Sheer physical limitations make this impossible. Nothing is clearer to me than that the use of the phrase, "free speech," as a label, connoting as it does to all Americans freedom of *all* to speak, to describe a situation where only those relatively few licensed by the Government and their necessarily limited number of permittees can speak at all, is highly misleading.

A basic necessity is that the Federal Government, in regulating broadcasting, make radio reception possible. It is necessary for the Government to make it possible to have regulated broadcast stations if broadcast service is to be available at all to the people of the United States, for obviously the electrical interference resulting from promiscuous operation of stations on any frequency with any power and at any time of day would produce nothing but chaos. Broadcasting stations are licensed and regulated primarily for the entertainment and information of our people.

In the United States where democratic ideals and principles are dominant, it is inconceivable that broadcast stations are licensed to serve a few select and privileged people as a medium of communication of their ideas to the rest of us. Can you doubt that the people of this country who insisted on the inclusion of the Bill of Rights in the Constitution would have insisted that neither the Government nor any special group selected or licensed by the Government should have the right to use, regulate or control the expression of ideas and dissemination of information by means of broadcasting in such a manner as to impose its or their views upon the people of this country? Any suggestion to the contrary would have been as repugnant to our people then as I am sure it is to our people today. Broadcasting cannot, as long as we retain the principles of our Constitution become a propaganda medium serving the interests of any administration, Democratic or Republican, or any political, religious or economic organization or any individual

however rich or powerful to the exclusion of others. This does not mean that political, religious, economic or social questions may not be discussed over the radio without doing violence to our Constitution, nor does it mean that persons who are either biased or prejudiced may not be given opportunity to express their bias or prejudice over the radio. It does mean, however, that if any of these questions are discussed, a complete and rounded discussion of all important aspects of the controversy should be given for the benefit of all listeners. Whether such a presentation is achieved through debate or expression otherwise of opposing views is not material. The important and necessary requirement for the protection of the listeners is that all sides be given, if any side is given on any important controversial, social, political, economic, or religious question.

With respect to broadcasting, the one thing that every person in the United States possesses in common with every other person is the ability to hear radio programs. In the sense that this is something common to all persons, it meets one test which is met by the rights which are recognized and protected by the Bill of Rights. I have no hesitation in saying that if the need for protecting the right to hear had been as apparent to those people who insisted on a Bill of Rights as it is today, to us who observe conditions in countries where its existence is denied and in some of which, indeed, instead of a right to hear there is imposed upon the people an obligation to listen, they would have taken steps to include a guarantee protecting their rights as listeners. Perhaps it would have been an 11th Amendment, and would have embraced adequate safeguards against the enactment of any legislation abridging the right of the people to hear all sides of any important public controversy.

I personally have a very strong distaste for the idea that anyone, whether he be a high Government official or whether his command is backed by the persuasive power of economic coercion, can tell me what to say or what not to say. I equally dislike the notion that I or anybody else has the duty, the right or the obligation to tell anybody else what he may or may not say, whether it be over the air or on the street corner.

No matter how much I may disagree with the views expressed, I would never advocate that anyone be punished for expressing his views over the air on any side of a controversial question which is discussed over the air, nor hold it against a radio station for letting anyone express his views. But I have the strong conviction that no one should be allowed to have his particular views on a controversial subject broadcast to the exclusion of those holding different views. Unless all sides of an important controversial question are adequately given on the air, the listening public will be incompletely informed. I advocate, in fairness to all listeners, that they be permitted to hear all sides of an important question, and that licensees of broadcast stations or persons to whom they may give or sell time be prevented from taking an unfair, unAmerican, undemocratic advantage, by telling their side of a controversy to the public and preventing the other side of the story from being told as well.

I am convinced that broadcasters in America today have not and do not seek or desire to exercise any such power. I am equally sure that the Federal Government does not. I am no less sure that the people of the United States do not want either the Government or the broadcasters or the persons to whom broadcasters may permit the use of their facilities to debase to their own selfish purposes this great natural and scientific gift which should be used for the benefit of us all.

I am not very greatly exercised about any impending danger to our form of government or our national well-being resulting from what anyone may say over the radio however prejudiced or biased, so long as those who hear him also hear opposing views. I have far too much confidence in the intelligence, judgment, discrimination and fair mindedness of our people to see any menace in that sort of treatment of controversial questions. I fear the harm to the listening public which results not from what is said but from what is left unsaid. Far more dangerous, to my mind, than the use of broadcast facilities by persons for propaganda purposes, would be the attempt on the part of the Government or those in control of broadcast stations to suppress the expression of views contrary to their own. Our people are coming more and more to depend on radio for information. To provide listeners with only one side of a controversial question and prevent them from forming an informed, intelligent judgment by suppressing the views of the other side is as serious as the dissemination of false information.

In my judgment, there is profound confusion of thought in the minds of many whose honesty of purpose is seeking to protect civil liberties of the American people I do not question. Many well-intentioned persons hold to the mistaken notion that the right of free speech, which is protected by the first amendment, is in-

volved in problems arising from a demand made for time on the air by persons or organizations. The problem is not one of free speech, but rather one of free and open discussion of all controversial subjects which may be discussed at all. In their zeal to protect what they consider to be individual rights, they overlook the rights of every individual as a listener in asserting the supposed right of a particular individual to talk. In so doing they are advocating, unwittingly I am sure, a theory which in its implications is subversive of all of our traditional American principles of individual rights and civil liberties.

I do not want to close without adverting to the question of censorship of radiobroadcasting. In this vital question I want no misunderstanding to exist as to my position. I am unalterably opposed to government censorship of broadcasting in any manner, shape or form. I do not think the government should directly or indirectly dictate what shall or shall not be said or who shall or shall not speak over the air on any public question.

A broadcaster's duty is to see that his station is never used by persons or groups especially interested in some public question in such a way that his station's listeners are left without sufficient information to make their own independent judgments on questions they should help to decide. The right to hear over the air all sides of a controversial question, if one side is presented, and protection from being required to listen to only one side of an important public question to the exclusion of all others, is what, in my humble opinion, the American people of Colonial days, if they had known broadcasting in those times, would have insisted upon in the Bill of Rights. It is also the right which the people of the United States today should enjoy, uniformly and fully.

## MONOPOLY HEARING

CBS contracts with affiliates and programs were discussed at the FCC monopoly hearing. The day-by-day account:

### JANUARY 19

Herbert V. Akerberg, Station Relations Director for CBS, was on the stand throughout the day, describing in detail the development of the contract between the network and affiliates and how the contract works in its present form. He recalled that the first contract, between United (Columbia's predecessor) and affiliates, lasted just three months. It provided that the network would provide the affiliate with 10 hours' service each week, commercial or sustaining, and pay the affiliate \$500 a week. That deal, Mr. Akerberg pointed out, put the network in the red. In cross-examination, the right of affiliates to substitute local sustaining programs for network commercials was one of the most discussed topics. Mr. Akerberg said that affiliates had this right, and frequently used it. It previously had been stressed that the managers of CBS-owned stations had the same right, and also exercised it.

### JANUARY 20

Gilson Gray, CBS Commercial Editor, was on the stand. The amount of time devoted to advertising in CBS commercials and children's programs were the topics in which the Commission appeared to express the most interest. Mr. Gray pointed out that the CBS policy called for a maximum of 10 per cent advertising after 6 p. m., and 15 per cent during the daytime, with 40 seconds additional for daytime 15 minute programs. From October 4, 1937, to January 2, 1938, daytime commercials contained 14.32 per cent advertising, while nighttime commercials contained 7.32 per cent. During the week of October 4, 1937, for example, only four programs "went over" for a total of 51 seconds. After CBS in 1935 adopted a new policy for children's programs, Mr. Gray said, it lost \$1,250,000 in business because proposed children's programs did not meet CBS standards.

CBS, Mr. Gray said, had lost upward of \$9,000,000 worth of business in all because of its program standards.

There was a great deal of discussion of the "Gangbusters" program, in which Commissioner Walker joined. Mr. Porter said the Commission had received a great many complaints from parents about that program and that "the viewpoint is taken by some educators in letters that we get that the program encourages crime." Mr. Gray said the "Gangbusters" program was not intended for children. At that point, Mr. Walker asked whether CBS had made any studies to determine whether children didn't listen more often to "adult" programs than they listened to those intended for children. Mr. Gray said the network had done this.

Mr. Walker: Well, do children actually listen to these programs that you put on as children's programs?

Mr. Gray: Yes, indeed.

Mr. W.: I know by experience they listen to some of these others, and I am wondering why you don't have your child psychologist examine into some of these others. . . .

Mr. G.: Mainly, as I stated, Mr. Commissioner, because we have felt that we shouldn't program all our programs day and evening, adult programs, purely from a child's viewpoint.

Mr. W.: Well, I am wondering whether as a matter of fact children, particularly boys from 9 to 13, aren't more inclined to listen to "Gangbusters" than they are to other programs which you want to style child programs.

Mr. G.: Not necessarily. Some of the children's programs have very large audiences.

Mr. Walker, a little later, again suggested that the network might try to find out how many children were listening to some adult programs and, in the same connection, to see what "objectionable" matter was in these.

Mr. Gray replied that if CBS did that, "we would put ourselves in the position of arranging all of our programs from the child standpoint." To that Mr. Walker said: "You might also put yourself in the position of protecting a good many children, might you not?" Later, Mr. Walker said: "I didn't intend to leave the impression that I thought programs ought to all be designed for children, but I did want to leave the impression that some of these programs like 'Gangbusters,' which comes on at hours when children will listen to them and when they would listen to them in preference to the programs which you want to design for children; that I think there is some duty there for the operation of your child psychologist, if you have one."

## JANUARY 24-25

W. B. Lewis, vice-president in charge of programs, took the stand to discuss programs—a discussion that continued through most of two days. After telling the Commission that CBS employed 340 persons to work on programs alone, he described the functions of each department under him and then turned to their output, emphasizing the public service CBS was rendering. He disclosed that, in February, Columbia would add a new musical feature:

"There is a new program starting under the direction of Raymond Page, a new orchestra of 100 men which probably will be one of the finest orchestras ever brought together, of skilled radio men, and where the Philharmonic presents the best in serious music and the Saturday night Swing Session the best in pure jazz music, this orchestra is going to play with all the skill they know how and all the skill modern arrangers can give them, a great library of songs that fall between strictly classical and strictly jazz, and that will be as much of an innovation in an orchestra, I believe, as has been on radio."

In cross-examination the first day, Mr. Porter appeared to be particularly interested in the set-up of the various advisory boards and committees Columbia had engaged. Cross-examination continued the following morning, with emphasis on CBS policy for handling controversial issues and what was being done to develop new talent and new ideas.

Frederic A. Willis, assistant to the president, in charge of short-wave operations, then described what CBS was doing in his field, particularly with regard to programs directed to South America.

## NAB REPORTS BINDERS

A limited supply of 1939 binders for the NAB REPORTS are available at headquarters at a price of \$1.00 each, postpaid. All members have been sent one binder and will be billed on their February 1 statement.

## DUES CLASSIFICATION BLANKS

NAB members that have not sent their dues classification blanks to headquarters are urged to do so immediately. It will enable our accounting department to send you a correct dues statement on February 1.

## FEDERAL TRADE INDEX

There has been mailed to each member station, for insertion in the 1938 weekly REPORTS binder, a list, alpha-

betically arranged, of the Federal Trade Commission orders as printed in the weekly NAB REPORTS during 1938. It is hoped this index will be helpful in quickly finding FTC information on any firm or product named that appeared in last year's weekly NAB REPORTS.

### FCC ON THE STAND

All of the members of the Federal Communications Commission were present on Monday at an executive meeting of the Subcommittee of the House Committee on Appropriations regarding FCC appropriations for the coming fiscal year.

However, Chairman Frank R. McNinch and Commissioner Walker were the only two Commissioners to be heard. Mr. Walker was on the stand in connection with the telephone report which was sent to the last session of Congress.

In addition to the Commissioners, various division heads of the Commission were heard on the appropriation, through which the Federal Communications Commission is asking for \$300,000 more for the coming fiscal year than it has during the present year.

It is reported that Chairman McNinch was questioned in detail as to high power, newspaper ownership of broadcast stations, and the purge at the Commission. Details will be available when the appropriation bill is made public.

### BROWN ACTING CHAIRMAN

Chairman Frank R. McNinch of the FCC named Commissioner Thad H. Brown, Republican, as acting chairman during Mr. McNinch's absence this week.

## Legal

### CONNECTICUT PROPOSES COPYRIGHT DISCLOSURE STATUTE

A bill was introduced in the Connecticut Legislature last week by Senator Enquist of Bradford, Connecticut, which requires full disclosure of all copyrighted musical compositions sought to be licensed within the state. The proposed legislation likewise prohibits blanket licensing at blanket fees unless users are granted the option of obtaining licenses on a use basis (per piece).

The bill provides that all copyright owners intending to sell, license or otherwise dispose of public performance rights in the state must first file with the Secretary of State a list describing each such musical composition. The information required includes the name, title and date of copyright; the number or other identifying symbol of the United States copyright office; the names of the author, the publisher, and the present owner. The objec-

tive stated in the bill is to fully advise persons in the state in order that they may "avoid being overreached by false claims of ownership and also avoid committing innocent infringement of said works."

Further provisions of the bill make it unlawful for two or more owners of copyrights of musical compositions to combine together for the purpose of issuing blanket licenses unless each individual copyright owner included in the group also shall make available each separate composition owned by him on a per piece basis. As a condition precedent to the issuing of blanket licenses by a combination, the bill provides that the per piece performance price must be filed with the Secretary of State with an affidavit of the copyright owner that the prices have been determined "by such copyright owner acting for himself and not, either directly or indirectly, in concert or by agreement with the owner or owners of any other copyrights." The bill permits "reasonable classifications determined by use and function of the users . . . with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications."

### COURT OF APPEALS REVERSES FCC IN WKBB CASE

The Court of Appeals on January 23rd reversed the Communications Commission in the case of Sanders Brothers' Radio Station, licensee of WKBB. The Commission had granted the application of the *Telegraph Herald* for the construction of a station which would operate in competition with WKBB. The Court of Appeals based its decision on the fact that the Commission made no finding concerning the matter of economic injury. The opinion points out that WKBB has lost large sums of money in the past and states that "where it is shown that the effect of granting a new license will be to defeat the ability of the holder of the old license to carry on in the public interest, the application should be denied unless there are overwhelming reasons of a public nature for granting it."

### SESAC LIST INCLUDES NEW PUBLISHERS

A new list of music publishers affiliated with the Society of European Authors and Composers, Inc. (SESAC), dated January 1, 1939, includes a number of new catalogues on which performing rights are claimed. The complete list as revised to January 1, follows:

ACCORDION MUSIC PUBLISHING CO.; New York  
including:  
*DEIRO, PIETRO*  
ADLER (See EDITION ADLER)  
ALBRIGHT MUSIC COMPANY (See NATIONAL MUSIC CO.)  
ALFORD, HARRY L.; Chicago  
ALTSCHULER, J.; Warsaw  
AMERICAN MUSIC, INC. (See CROSS & WINGE)

- APOLLO MUSIC COMPANY; New York  
ARCT. M.; Warsaw  
ASHMALL COMPANY, WM. E. (See McLAUGHLIN & REILLY CO.)
- BARNES, A. S. and COMPANY, INC.; New York  
BARWICKI, K. T.; Poznan  
BEIRLY COMPANY (See CHART MUSIC PUBLISHING HOUSE, INC.)  
BELMONT MUSIC COMPANY (See COLE)  
BERGE MUSIC CO. (See McLAUGHLIN & REILLY CO.)  
BRAUN, HUBERT J.; Chicago  
BRAUN MUSIC CO. (See BRAUN, HUBERT J.)  
BRAUN ORGANIZATION, THE (See BRAUN HUBERT J.)  
BROADCAST MUSIC PUBLISHERS (See NATIONAL MUSIC COMPANY, INC.)  
BRYANT MUSIC COMPANY; New York
- CALUMET MUSIC CO. (See COLE)  
CATHOLIC MUSIC PUBLISHING COMPANY (See McLAUGHLIN & REILLY CO.)  
CHART MUSIC PUBLISHING HOUSE, INC.; Chicago  
including:  
*BEIRLY COMPANY, ALFRED*  
*COANACHER, B.*  
*HUFFER PUBLICATIONS, FRED. K.*  
*LITTIG MUSIC PUBLISHING CO., FRANK*  
*WARDE COMPANY, HARRY*  
*WESTERN ACCORDION MUSIC COMPANY*  
COANACHER, B. (See CHART MUSIC PUBLISHING HOUSE, INC.)  
COLE, M. M., PUBLISHING CO.; Chicago  
including:  
*BELMONT MUSIC COMPANY; Chicago*  
*CALUMET MUSIC COMPANY; Chicago*  
*HAPPY CHAPPIES LTD. (See VINCENT, HOWARD & FREEMAN, LTD.—VINCENT and HOWARD, LTD.—FREEMAN, MORSE M.)*  
*MODERNE EDITION (See MODERNE PUBLICATIONS)*  
*MODERNE PUBLICATIONS; Chicago*  
also including compositions taken over from  
*HEARST MUSIC PUBLISHING CO., LTD. OF CANADA*  
*VINCENT, HOWARD & FREEMAN, LTD.; Los Angeles*  
*VINCENT and HOWARD, LTD.*  
*FREEMAN, MORSE M.*
- COMPOSERS PRESS, INC., THE; New York  
CROSS & WINGE, INC; Portland, Ore.  
including:  
*MASTER MUSIC MAKERS; Portland*  
*AMERICAN MUSIC, INC.; Portland*  
*WESTMORE MUSIC CORPORATION; Portland*
- CULLA, ANTONIO; Barcelona  
(compositions as per list issued)
- DAHLQUIST PUBLISHING COMPANY (See MUSIC PRODUCTS CORPORATION)  
DEIRO, PIETRO (See ACCORDION MUSIC PUBLISHING CO.)  
DE VAIGNIE MUSIC CORPORATION (See NATIONAL MUSIC COMPANY, INC.)  
DI BELLA, O.; New York
- EDICIONES RODOCH (C. RODRIGUEZ); Bilbao  
(compositions as per list issued)  
EDICIONES A. URMENETA; Barcelona  
(compositions as per list issued)  
EDITION ADLER; Berlin  
(Successor, HEINRICHSHOFEN'S VERLAG; Madgeburg)  
EDITION "JASTRZAB"; Warsaw  
including:  
*RUDNICKY, WALERY; Warsaw*  
*"W.J.R."; Warsaw*  
*RZEPECKI, J.; Warsaw*
- EDITIONS FERMATA (See EDITIONS INTERNATIONALES FERMATA)  
EDITIONS INTERNATIONALES FERMATA; Buenos Aires  
(South American Publications)  
EDITIONS INTERNATIONALES FERMATA; Warsaw (European Publications)  
EDITIONS "OLYMPIA"; Warsaw  
EDITIONS PRO ARTE; Lwow-Warsaw
- FAIRBANK COMPANY, H. W. (See NATIONAL MUSIC CO.)  
FERMATA (See EDITIONS INTERNATIONALES FERMATA)
- FORBERG, ROB.; Leipzig  
*INTERNATIONAL EDITION; Leipzig*
- GEBETHNER & WOLFF; Warsaw  
GEHRMANS MUSIKFORLAG, CARL; Stockholm  
GILBERT MUSIC COMPANY (See McLAUGHLIN & REILLY CO.)  
GOSPEL MUSIC PUBLICATIONS (See HATHAWAY, FRANKLIN EARL)  
GRABCZEWSKI, F.; Warsaw
- HABERER-HELASCO, HERMANN; Madrid-Berlin-Lisbon  
HALL & McCREARY CO.; Chicago  
HANSON, EDDIE (See NATIONAL MUSIC COMPANY, INC.)  
HAPPY CHAPPIES (See COLE)  
HARMONIE-VERLAG; Berlin-Glarus (Switzerland)  
HART'S MUSIC COMPANY (See NATIONAL MUSIC CO.)  
HATHAWAY, FRANKLIN EARL, Music Publisher; Chicago  
including:  
*GOSPEL MUSIC PUBLICATIONS; Chicago*  
HEARST MUSIC PUBLISHING CO. (See COLE)  
HELASCO (See HABERER-HELASCO)  
HOFFMAN COMPANY, RAYMOND A.; Chicago  
HUFFER PUBLICATIONS, FRED. K. (See CHART MUSIC PUBLISHING HOUSE, INC.)
- IDZIKOWSKI, LEON; Warsaw  
INTERNATIONAL EDITION (See FORBERG)
- JASTRZAB (See EDITION "JASTRZAB")  
JEWEL MUSIC PUBLISHING CO.; New York
- KEENE, INC., HANK; South Coventry, Conn.  
KELMAN MUSIC CORP.; New York  
KING MUSIC HOUSE, INC.; K. L.; Fort Dodge, Ia.  
KJOS MUSIC CO., NEIL A.; Chicago
- LEBENDIGER, HENRYK (See EDITIONS INTERNATIONALES FERMATA)  
LITTIG MUSIC PUBLISHING CO., FRANK (See CHART MUSIC PUBLISHING HOUSE, INC.)  
LITURGICAL MUSIC COMPANY (See McLAUGHLIN & REILLY CO.)
- MASTER MUSIC MAKERS (See CROSS & WINGE)  
McLAUGHLIN & REILLY CO.; Boston, Mass.  
including:  
*LITURGICAL MUSIC COMPANY; Boston, Mass.*  
*CATHOLIC MUSIC PUBLISHING COMPANY; Boston, Mass.*  
Also including composition taken over from  
*WM. E. ASHMALL COMPANY; Arlington, N. J.*  
*BERGE MUSIC COMPANY; New York, N. Y.*  
*JOHN SINGENBERGER; St. Francis, Wisc.*  
*OTTO SINGENBERGER; Mundelein, Ill.*  
*GILBERT MUSIC COMPANY; Chicago, Ill.*
- MODERNE EDITION (See COLE)  
MODERNE PUBLICATIONS (See COLE)  
MORA, JOSE; Barcelona (compositions as per list issued)  
MUSIC PRODUCTS CORPORATION; Chicago  
including:  
*DAHLQUIST PUBLISHING COMPANY; Chicago*
- NATIONAL MUSIC COMPANY, INC.; Chicago  
including:  
*ALBRIGHT MUSIC COMPANY; Chicago*  
*BROADCAST MUSIC PUBLISHERS; Chicago*  
*(See EDDIE HANSON)*  
*FAIRBANK COMPANY, H. W.; Chicago*  
*HART'S MUSIC COMPANY; Chicago*  
*POPULAR MUSIC PUBLICATIONS; Chicago*  
*SELECT MUSIC COMPANY; Chicago*  
*STANDARD MUSIC COMPANY; Chicago*  
*(See EDDIE HANSON)*  
*STANDARD SONGS; Chicago*  
*(See EDDIE HANSON)*  
*WINDSOR MUSIC COMPANY; Chicago*  
also including compositions taken over from  
*EDDIE HANSON*  
*DE VAIGNIE MUSIC CORPORATION*  
NATTRASS-SCHENCK, INC.; New York  
NOWA SCENA; Warsaw
- OLYMPIA (See EDITIONS. OLYMPIA)  
ORDUNA, LEOPOLDO; Barcelona  
(compositions as per list issued)

PAGANI, O., & BRO.; New York  
 PARKS COMPANY, J. A., THE; York, Neb.  
 POLSKIE TOWARZYSTWO MUZYKI WSPOLCZESNEJ; War-  
 saw  
 POPULAR MUSIC PUBLICATIONS (See NATIONAL MUSIC  
 COMPANY)  
 FREEMAN (See COLE)  
 PRO ARTE (See EDITIONS PRO ARTE)  
 "PWP" PRZEDSTAWICIELSTWO WYDAWNICTW POLSKICH  
 (ASSOCIATION OF POLISH PUBLISHERS); Warsaw  
 RADIO CITY GUITAR STUDIO; New York  
 RIALTO MUSIC PUBLISHING CO.; New York  
 RODOCH (See EDICIONES RODOCH)  
 RODRIGUEZ (See EDICIONES RODOCH)  
 RONDO-VERLAG; Berlin-Zurich (Switzerland)  
 RUDNICKI, WALERY (See EDITION "JASTRZAB")  
 RZEPECKI (See EDITION "JASTRZAB")

SAJEWSKI, W. H.; Chicago  
 SCHMITT MUSIC COMPANY, PAUL A.; Minneapolis  
 SCHUBERTH, EDWARD, & CO., INC.; New York  
 SELECT MUSIC COMPANY (See NATIONAL MUSIC CO.)  
 SESAC PUBLICATIONS; New York  
 SEYFARTH, G.; Lwow  
 SINGENBERGER, JOHN (See McLAUGHLIN & REILLY CO.)  
 SINGENBERGER, OTTO (See McLAUGHLIN & REILLY CO.)  
 SMITH MUSIC CO., INC., WM. J.; New York  
 SOLUNA STRA (See HABERER-HELASCO)  
 STAHL, WM. C.; Milwaukee  
 STAMPS-BAXTER MUSIC COMPANY, Dallas, Texas; Chat-  
 tanooga, Tenn.; Pangburn, Ark.  
 STANDARD MUSIC COMPANY (See NATIONAL MUSIC  
 COMPANY, INC.)  
 STANDARD SONGS (See NATIONAL MUSIC COMPANY,  
 INC.)

THORSINGS MUSIKFORLAG, ALFRED; Copenhagen  
 TOWARZYSTWO WYDAWNICZE MUZYKI POLSKIEJ; War-  
 saw

UNION DE COMPOSITEURS; Barcelona, Spain  
 (compositions as per list issued)  
 URGELLES, J.; Barcelona (compositions as per list issued)  
 URMENETA (See EDICIONES A. URMENETA)  
 VINCENT, HOWARD & FREEMAN (See COLE)  
 VITAK-ELSNIC CO.; Chicago

WARDE COMPANY, HARRY (See CHART MUSIC PUBLISH-  
 ING HOUSE, INC.)  
 WARSZAWSKIE TOWARZYSTWO MUZYCNE (WARSAW  
 MUSIC SOCIETY); Warsaw  
 WESTERN ACCORDION MUSIC COMPANY (See CHART  
 MUSIC PUBLISHING HOUSE, INC.)  
 WESTMORE MUSIC CORPORATION (See CROSS & WINGE)  
 WINDSOR MUSIC COMPANY (See NATIONAL MUSIC CO.)  
 "W.J.R." (See EDITION "JASTRZAB")

YANGUAS, MARIANO; Madrid  
 (compositions as per list issued)  
 "ZAIKS" ZWIĄZKU AUTOROW, KOMPOZYTOROW I  
 WYDAWCOW; Warsaw  
 (Authors-Composers and Publishers Association of Poland)

**SESAC also claims to control all performing rights to the  
 compositions and works as indicated, of the following:**

EULENBURG, ERNST; Leipzig (Symphonic Orchestral works)  
 FISCHER, VERLAG, S.; Berlin (Radio plays)

GORDON, PAUL; Berlin-Paris (Radio plays, one act plays,  
 sketches, scenes, skits, short stage plays and short operettas)

LIENAU'SCHE MUSIKVERLAGE;  
 Berlin  
 including:  
 CARL TOBIAS HASLINGER;  
 Vienna  
 H. R. KRENTZLIN; Berlin  
 MUSIKVERLAG HASLINGER;  
 Vienna  
 MUSIKVERLAG ADOLF  
 KOESTER; Berlin  
 SCHLESINGER'SCHE BUCH &  
 MUSIKHDLG; Berlin  
 OTTO WERNTHAL; Berlin

(Symphonic Orchestral  
 Works and Musical  
 Dramatical Works)

REINECKE, GEBRUEDER; Leipzig  
 including:  
 JOH. FOERSTER; Pirna  
 GUSTAV HAUSHAHN; Magde-  
 burg  
 J. LOEBEL; Zittau  
 RICH. NOSKE; Borna

(Symphonic Orchestral  
 Works and Musical  
 Dramatical Works)

SCHUBERTH, Jr., FRITZ; Leipzig (Symphonic Orchestral Works  
 and Chamber Music)

STEINGRAEBER VERLAG; Leipzig (Orchestral Works and  
 Chamber Music)

VIEWEG, CHR. FRIEDR.; Berlin (Orchestral Works, Chamber  
 Music and Musical Dramatical Works)

NOTE: Foreign published editions of musical compositions and  
 works originally published and copyrighted by American publishers  
 are not to be deemed covered herein.

## PROPOSED FEDERAL, STATE LEGISLA- TION AFFECTING BROADCASTING

The following bills have been introduced in the respec-  
 tive legislatures:

### Congress

H. R. 2981 (Mr. Celler, N. Y.) LIBEL—SLANDER—Exempts  
 station from liability for libel or slander when station proves the  
 exercise of due care to prevent the utterance of such statements.  
 Referred to Judiciary Committee.

H. R. 926 (Mr. Daly, Penna.) COPYRIGHTS—To amend and  
 consolidate acts respecting copyright, including the creation of a  
 copyright in recording artists for renditions reproduced on phono-  
 graph records, disks, sound tracks, or any other substances. Re-  
 ferred to Patents Committee.

H. R. 1964 (Mr. Luce, Mass.) COPYRIGHTS—To create re-  
 newal rights in author of articles in periodicals, encyclopedias, etc.,  
 when such articles are not separately copyrighted. Same as S. 547.  
 Referred to Patents Committee.

### State Legislatures

#### ARIZONA:

H 7 (Carreon) SALES TAX—To amend the sales tax. Referred  
 to Judiciary, County Affairs and Ways and Means Committee.

H 75 (Smith, McGowan) RADIO ADVERTISING—To amend  
 limitation of election expense to include radio advertising, in the  
 same manner as newspaper advertising.

#### CALIFORNIA:

A 1018 (Burns) DRUGS—SALE AND ADVERTISING—  
 Tightens up laws governing the fraudulent sale and advertising of  
 drugs. Referred to Public Health Committee.

A 1147 (Atkinson) FOOD and DRUG ACT—FALSE ADVER-  
 TISING—To create a consumers protective commission under the  
 Food and Drug Act to protect consumers against adulteration and  
 false advertising, and furthermore provide for hearings on products  
 and for advising public of findings. Referred to Public Health  
 Committee.

#### COLORADO:

H 177 (Cheever and Davis) POLICE RADIO SYSTEM—Making  
 an appropriation for a survey for a state-wide police radio system.  
 Referred to Appropriations Committee.

H 493 (Alden) THEATRICAL EMPLOYMENT AGENCIES—  
 Relating to theatrical employment agencies and to amend sections  
 165 to 179, both inclusive, chapter 97, 1935. Colorado Statutes  
 Annotated. Referred to Labor Committee.

H 602 (Kline) RADIO INTERFERENCE—To prohibit the  
 installation, maintenance or operation or use of any electrical or  
 mechanical device or instrument or facility which generates, or  
 creates electrical interference with radio reception. Referred to  
 State Affairs Committee.

H 618 (Kline) RADIO COMMUNICATIONS—Relates to re-  
 ception, interception, publishing or divulging of radio communica-  
 tions . . . especially with reference to police or confidential radio  
 communications. Referred to State Affairs Committee.

H 622 (Kline) RADIO—Regulating the use of short wave radio reception sets or devices. Referred to State Affairs Committee.

H 636 (Kline) RADIO—Prohibiting the use of short wave radio reception sets or devices except by the departments of the Federal Government, State and Municipal Police Departments, and other public governmental agencies. Referred to State Affairs and Reapportionment Committee.

H 749 (Strong) GROSS INCOME TAX—Imposes a tax on the receipts from gross income. This act replaces the income tax, the service tax and the sales tax. Referred to State Affairs Committee.

H 1095 (Griffith) SERVICES TAX—Relating to a tax on services. Amends Chap. 240, 1937 Service Laws. Referred to State Affairs Committee.

H 977 (Anderson) SERVICE TAX—Relating to additional public revenue and to amend Chapter 240, Session Laws of Colorado, 1937, and as so amended to reenact the same. Referred to Denver City Affairs Committee.

H 1022 (Baker) LIBEL—Relating to libel; to protect citizens in their legal rights; and to fix penalties for the violation thereof. Referred to Judiciary Committee.

H 1023 (Baker) LIBEL—Concerning libel and establishing a cause of action therefor in certain cases. Referred to Judiciary Committee.

S 417 (Ritchie) RADIO INTERFERENCE—Relating to the installation of any electrical device which causes electrical interference with radio reception. Referred to State Affairs & Public Lands Committee.

S 418 (Ritchie) RADIO INTERCEPTION—Relating to the reception, interception and publishing radio communications. Referred to State Affairs & Public Lands Committee.

#### MASSACHUSETTS:

H 832 (Boston Hotel Assoc.) MUSIC—PUBLIC PLACES—Providing for granting of licenses for holding on the Lord's Day certain concerts by innholders, common victuallers, eating places and other persons. Referred to Legal Affairs Committee.

H 901 (Bowker) RADIO BROADCASTING—Provides for regulating of radio broadcasting concerning libelous statements. Referred to Constitutional Law Committee.

#### MINNESOTA:

H 36 (Johnson) SMALL LOANS—Regulates small loan business (\$300 and less); and advertising thereof, including broadcasting. Referred to Public Welfare Committee.

H 151 (McNulty) CREDITORS' CLAIMS—Exempting personal, chemical, radio and electrical equipment from claims of creditors. Referred to Public Welfare Committee.

H 184 (Brophey) RADIO PROGRAM REGULATION—Memorializing Federal Communications Commission to modify license of stations, allowing on programs persons under indictment for or convicted of felonious crimes.

#### NEW YORK:

A 74 (Cariello) (Same as S 181) SMALL LOANS—Makes violations relative to restrictions of advertising rates, terms or conditions for loans of \$300 or less, as misdemeanor. Referred to Banks Committee.

A 276 (Garcia-Rivera) PAWNBROKERS INTEREST RATES—Requires pawnbrokers to express as interest rate, a rate per cent per annum on unpaid principal balances and all rates advertised, broadcast or published must express such rate. Referred to Judiciary Committee.

S 198 (Hastings) MUSICIANS—CIVIL SERVICE EMPLOYEES—Makes it unlawful for band or orchestra composed principally of civil service employees to furnish music at any function not connected with public department or bureau. Referred to Civil Service Committee.

S 181 (Farrell) (Same as A 74) SMALL LOANS—Makes violations relative to restrictions on advertising, display, publishing or broadcasting rates, terms or conditions for loans of \$300 or less, a misdemeanor. Referred to Banks Committee.

S 200 (Hastings) MUSICIANS—SCHOOL—ORCHESTRAS—Makes it unlawful for band or orchestra connected with public school, college or institution to furnish music at function not connected with such school, college or institution except where no organized civilian band or orchestra exists and except for patriotic parades and celebrations of national holidays. Referred to Education Committee.

#### OREGON:

S 102 (Kenin) CIVIL RIGHTS—Guaranteeing all persons civil rights in public places.

#### WASHINGTON:

H 50 (Reilly) DEFAMATORY BROADCASTS—An act relating to the broadcast of defamatory matter over the facilities of radio broadcasting stations, and defining the liability therefor. Referred to Judiciary Committee.

## Engineering Notes

### MAN-MADE INTERFERENCE

One of the principal germs that attack the radio industry is man-made interference. Sparking commutators, poor joints on power lines, leaky insulators, neon signs, switches, telephone dialing, oil burners, electric razors, some business equipment, X-rays, electric arcs such as sun lamps, diathermic equipment used in hospitals and by doctors and hundreds of other electrical appliances to be found everywhere are all potential sources of severe interference to radio reception.

Up to date the effort expended to reduce the interference caused by such equipment has been spotty and spasmodic. Engineers have spent much time in devising circuits that would be free from these disturbances, but, on standard broadcasts, all these methods have failed. The reason is that these disturbances are radio waves, just as the waves from the transmitter. The receiver accepts all waves within a certain frequency band, including those from man-made electric impulses. The receiver can differentiate between the waves of one station and that of another, only because the waves are of different frequencies, but electrical impulses produce radio waves covering the whole broadcast band and more, so that wherever tuned, the receiver is likely to accept them and turn them into the background noise well known to radio listeners.

The existence of this man-made interference means that the broadcaster must lay down a signal strong enough to overcome it. In some places it is practically impossible to overcome this noise with any reasonable amount of power at the transmitter. In most cities it is much stronger than the other forms of disturbances, and therefore controls the amount of power needed to provide a good radio service, and consequently the initial investment and operating costs.

The National Association of Broadcasters is starting work in cooperation with other groups toward the reduction of interference.

Some interest was shown by Congress at the last session. A bill was presented giving the F. C. C. jurisdiction over equipment producing radio waves, but not necessarily used for communication. The bill was lost in the last minutes of legislative scramble and was not passed. It may be presented again at this session.

One of the most grievous forms of interference is that which comes from medical equipment. This interference is so important that a meeting was called recently to discuss that particular problem. The meeting is described below.

#### *Methods of Reducing Interference*

The best method to reduce interference is usually to locate its source and attack the cause there. In many cases, simple filter circuits between the equipment causing trouble and the associated circuits or lines will eliminate the trouble. In other cases, it is necessary to put a metal screen around the equipment, as well as to filter the power line. This elaborate method is the only one which will eliminate the interference from certain diathermic machines now in common use.

The British Standards Institution has made a study of methods of reducing interference and has published a very complete booklet on the subject. It should be referred to by anyone interested in exact data on the filtering and screening recommended for electrical equipment, a host of which are covered in this booklet. It is entitled "British Standard Specification for Components for Radio-Interference Suppression Devices (excluding devices for traction equipment)" and may be obtained from the British Standards Institution, 28 Victoria Street, London, S.W.1 The number of the booklet is 613-1935.

Another attack on the problem is to use an aerial at the receiver, so located that it will receive a minimum of interference. For that purpose, the aerial should be coupled to a twisted lead by means of a transformer, and the other end of the twisted-wire line coupled to the set by another transformer. The twisted lead may be as much as several hundred feet long, so that the aerial may be located in a "quiet" spot. The antenna described is manufac-

tured and made available in kit form by a number of the manufacturing companies in the field. These kits can be obtained at low cost from most radio retailers. It is found that a ground wire is usually better as a ground than a water pipe or the steel structure of the building. It is also found desirable to point the aerial toward the source of noise.

The Engineering Division of the NAB is taking steps to contact manufacturers of various kinds of equipment designed to reduce radio interference, as well as to contact power companies in an attempt to cooperate with them to reduce the interference produced along their systems. Electrical disturbances caused by loads connected to power systems frequently travel along the power lines for distances up to several miles, producing interference over wide areas. It is interesting to note that the Rural Electrification Administration of the Federal Government, in its later installations, is taking specific steps to test their installations for radio interference.

The first cooperative step with a whole industry has been made with the medical profession. A meeting was held for this purpose in New York on January 9, 1939.

#### *Diathermic Interference*

Diathermic interference, particularly troublesome in U. H. F. and television reception, is usually recognized by the noise characteristic of a thermionic tube excited with raw A. C. In the broadcast band, X-ray and ultra-violet lamps are some of the more common offenders. Some equipment, other than diathermic equipment, also produce this form of interference.

As the ultra-high frequencies are opening up to various forms of broadcasting, the interference from another type of medical machine, those used to produce heating of the tissues or of surgical knives, becomes even more important.

It was largely on account of such machines that a bill was prepared for Congress amending the present Communications Act by giving power to the F. C. C. to control equipment transmitting radio waves, but not necessarily used for communications. This bill was apparently forgotten in the last minutes of the last session of Congress, but may be reintroduced at the present session. In several countries there exists legislation controlling the degree of interference caused by diathermic machines. Canada, in particular, has quite rigid regulations on the subject and is putting them into force.

In view of this pending problem, Mr. Howard Carter, Secretary of the Council of Physical Diathermy, of the American Medical Association, arranged a meeting with the cooperation of the Engineering Division of the F. C. C. to discuss the nature of the interference caused by diathermic equipment and methods of reducing it. There were invited, at this meeting, representatives of the American Medical Association, doctors, manufacturers of diathermic equipment, radio manufacturers and broadcasters. Mr. Wilmotte represented the National Association of Broadcasters.

Mr. Jett, Chief Engineer of the F. C. C., was the first speaker. He explained that the Havana Agreement had recommended the allocation of 3 frequencies for diathermic equipment. These frequencies were 12, 25 and 50 megacycles. On studying the radio spectrum, he stated, however, that it would not be possible to allocate these frequencies because they were already available for services that were so important that they could not be changed. He referred to the bill presented at the last session of Congress and offered to cooperate in any way possible to reduce diathermic interference.

Mr. Jett was followed by Assistant Chief Engineer Ring, who demonstrated the effect of interference from diathermic machines located in the basement in a building some distance away from the room in which the meeting was held. The demonstration indicated the type of interference, well known to users of radio, that could be expected in the ultra-high frequencies, both on audio and television machines.

Mr. O. B. Hanson, Vice-President of NBC, stated that, in their television demonstrations, interference from diathermic machines had always been detectable and had, some times, made the demonstration impossible, even though the signal strength was of the order of  $\frac{1}{2}$  volt per meter. He indicated that a normally good signal for television would be of the order of 4 mv/m, and that, in quiet locations, it might be about 0.8 mv/m. The background noise should be 50 db. below the field strength. He then showed slides indicating the degree of interference that had been met by the NBC engineers, frequently making reception impossible. On the question of the part of the spectrum most affected, he pointed out that practically all the diathermic machines in New York operated within the television band allocated to NBC and CBS.

These statements of Mr. Hanson were corroborated by a representative of Philco.

Messrs. Beverage, of RCA Communications, and Pratt, of Mackay Radio, presented evidence showing the interference that diathermic machines produced on point-to-point communication.

Dr. Wheeler, Chief of the Technical Information Section of the F. C. C., explained that the only methods that were available at this time to reduce the degree of interference from diathermic machines were

1. screening of the room in which the instruments were used, and using line filters
2. allocating certain frequencies which should be kept to an accuracy of .05%.

He gave figures of the bands that were affected by diathermic interference covering the bands from 5 to 20 megacycles. The worst band appears to be between 12 and 13 megacycles where in a 24 hour period he found that 82% of the channels were affected at one time or another by diathermic interference.

In connection with the screening of rooms, Mr. Hanson stated that the cost of screening a room with wire screening in the Rockefeller Center had been \$89.00, including labor. The size of the room was 8' x 10' x 9'.

Mr. Horle appeared for the R.M.A. and expressed his desire to cooperate for any effort of the doctors and manufacturers to decrease the interference. Mr. Wilmotte, for the NAB, explained that as a consumer of diathermic interference, he could hardly believe that anybody would question the importance of this interference from the point of view of the broadcaster, and the service which this broadcaster was in duty-bound to render to some 26,000,000 homes in the United States. He also expressed his desire, and the desire of the National Association of Broadcasters, to do everything possible to assist in reducing the degree of interference, and to cooperate with manufacturers and users of diathermic equipment.

The medical profession were represented by numerous well-known authorities and surgeons. Most of them expressed their understanding of the problems that faced the radio industry and were willing to do what was necessary in order to reduce it, provided that the use of diathermic equipment in assisting the cure of diseases and sometimes in preventing death was not handicapped. They pointed out that the economic problem was a major element, for eventually the patient would pay for any extra cost that the hospitals or the private practitioner had to meet. The importance of diathermic equipment for the medical profession was dramatically presented by the use of a film showing cancer operations using diathermic knives. The presentation of the film drove many of the radio representatives into various shades of green, but there was no doubt left in their minds that, while the radio problems were important, it was also important to make diathermic machines as easily available to the public as possible. The statistical information presented indicated that there were 30,000 to 40,000 short wave diathermic machines in use valued between \$15,000,000 and \$20,000,000. It was believed that the X-ray equipment in use had a value of some \$200,000,000.

The manufacturers of diathermic equipment expressed their desire for cooperation, but in one case at least seemed to be greedy in their request for frequency bands. One speaker requested band of width plus or minus 5% at the following wave lengths: 96 meters, 48 meters, 24 meters, 12 meters, 6 meters, 3 meters,  $1\frac{1}{2}$  meters and everything below 25 centimeters. He also wanted to be permitted to use damped waves as well as C.W. To support this request, he stated that it was generally believed that different frequencies produced different results and that damped waves were sometimes more favorable than C.W. The evidence on which these beliefs are based seems highly questionable, however.

Another speaker for the manufacturers requested that before the F.C.C. took any action in issuing rules that they be allowed to study the problem for 6 months from this date, and that eventually the manufacturers should be given 2 years to liquidate their stock and the doctors 8 years to change their equipment.

Finally, the meeting passed a resolution requesting the F.C.C. and the Council of Physical Diathermy to form a committee of all interested groups to study the problem of decreasing the interference from diathermic equipment.

(From the NAB Engineering Committee).

## GRAPHS ON RADIO FREQUENCIES

Graphs which show the upper limits of radio frequencies usable at various seasons and times of day have been prepared by Newbern Smith, S. S. Kirby, and T. R. Gilli-

land of the Radio Section, National Bureau of Standards.

These "maximum-usable-frequency curves" are based on the extension, by these research workers, of vertical-incidence ionosphere measurements to the calculation of radio transmission over a distance. The graphs show the variation of the maximum frequencies that can be used for radio sky-wave communication over given distances with the time of day or year. The graphs also show the skip distances for all frequencies.

A general rule for selecting a frequency for practical radio communication over a given distance at a particular time is: Use the highest available frequency that will not skip. This is most important during daylight hours, because of the greater absorption at the lower frequencies.

The daily and seasonal variations of the ionosphere occur regularly, and the variations from year to year may be estimated at reasonable length of time in advance. To the extent that these variations are known, it, therefore appears possible to predict maximum usable frequencies for use on some future date. (From the Commerce Department.)

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission this week granted the application of the Eastern Carolina Broadcasting Company for a construction permit for a new station at **Goldsboro, North Carolina**, to operate on **1370 kilocycles**, 100 watts, unlimited time. The grant was made subject to the following condition: "The permittee herein shall file an application for modification of construction permit specifying the exact transmitter location, within two months after the effective date of this Order. If, for any reason, such application cannot be submitted with the time allowed, an informal request for extension of time must be submitted stating the necessity therefore."

It was found by the Commission in its decision that Goldsboro does not receive primary broadcast service from any existing station, and this is needed in the Goldsboro area. The Commission found also that the proposed station will receive sufficient advertising support from the merchants in Goldsboro to justify its continued operation and it was further found that there is sufficient talent in Goldsboro for the production of the proposed programs.

The Commission has granted the application of Station WMFD, **Wilmington, North Carolina**, to make changes in equipment and to increase hours of operation from 100 watts, daytime only, to 250 watts day, 100 watts

night, and to continue operation on the present assigned frequency of **1370 kilocycles**.

In its decision, the Commission stated that there is need for primary nighttime service in Wilmington and that the station operating as proposed will not cause objectionable interference and will serve a more extensive area than before "except possibly in the direction of Goldsboro, N. C."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, January 30. They are subject to change.

Monday, January 30

- W9XAA—Chicago Federation of Labor, Chicago, Ill.—Renewal of license, **6080, 11830, 17780 kc.**, 500 watts, unlimited time.  
W9XAA—Chicago Federation of Labor, Assignor, Chicago, Ill.—Voluntary assignment of license to Radio Service Corp. of Utah, assignee; **6080, 11830, 17780 kc.**, 500 watts, emission A-3, unlimited, according to Rule 983.  
W9XAA—Radio Service Corp. of Utah, Saltair, Utah (Transmitter).—C. P., **6080, 11830, 17780 kc.**, 10000 watts, emission A-3, unlimited, according to Rule 983.

Thursday, February 2

### ORAL ARGUMENT BEFORE THE COMMISSION

Examiner's Report No. I-742:

- NEW—Clifton A. Tolboe, d/b as Citizens Voice and Air Show, Provo, Utah.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time.  
NEW—Provo Broadcasting Co., Provo, Utah.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-744:

- KSAL—R. J. Laubengayer, Salina, Kansas.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-747:

- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md. (Studio).—Special experimental authority for satellite station, **1270 kc.**, 10 to 100 watts, unlimited, synchronously with WFBR.

Examiner's Report No. I-748:

- KFRO—Voice of Longview, Longview, Texas.—C. P., **1340 kc.**, 1 KW, unlimited time (DA at night).

Examiner's Report No. I-750:

- WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Modification of license, **1200 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARING

During the week the Commission has announced the following tentative date for a future broadcast hearing. It is subject to change.

March 8

- KFPW—Southwestern Hotel Co., Fort Smith, Arkansas.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

- KQW**—Pacific Agricultural Foundation Ltd., San Jose, Cal.—Granted modification of C. P. to move transmitter site locally approximately 7½ miles, make changes in authorized equipment and install directional antenna system for day and nighttime operation.
- W2XAF**—General Electric Co., Schenectady, N. Y.—Granted modification of C. P. as modified authorizing use of frequencies **6190** and **21590 ke.**, in addition to frequency **9530 ke.** Frequencies **6190** and **21590 ke.** are granted upon the express condition that it is on a temporary basis only and subject to cancellation by the Commission without advance notice or hearing at any time. No authority contained herein shall be construed as a finding by the Commission that the operation of this station upon these frequencies is or will be in the public interest beyond the express terms hereof.
- W6XBE**—General Electric Co., San Francisco, Cal., Treasure Island.—Granted modification of C. P. as modified authorizing use of frequency **6190 ke.**,\* in addition to frequencies now assigned to the station, make circuit changes, and extend commencement date to 60 days after grant and completion date to 180 days thereafter. (\* Authority to use this frequency is granted upon the express condition that it is on a temporary basis only, and subject to cancellation by the Commission without notice or hearing at any time.)
- NEW**—The Crosley Corp., Cincinnati, Ohio.—Granted license for new facsimile broadcast station on an experimental basis under the provisions of Rules 980-987 and 1040-1045 to operate on frequency **26000 ke.**, on an experimental basis only, conditionally, 1000 watts.
- WREC**—WREC, Inc., Memphis Tenn.—Granted voluntary assignment of license from station WREC, Inc., to Hoyt B. Wooten, d/b as WREC Broadcasting Service; **600 ke.**, 1 KW, 5 KW LS, DA, unlimited time.
- WBAL**—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special experimental authority to operate simultaneously with station KTHS on **1060 ke.**, with 10 KW power, from 6 a. m. to local sunset at Hot Springs, Ark.; and from local sunset at Hot Springs to 9 p. m., EST; and to operate synchronously with station WJZ on **760 ke.**, with 2½ KW, employing DA from 9 p. m., EST, for the period ending August 1, 1939.
- WTIC**—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authority to operate simultaneously with station KRLD, Dallas, Tex., on the frequency **1010 ke.**, with 50 KW, for the period ending August 1, 1939.
- WESG**—Cornell University, Elmira, N. Y.—Granted extension of special experimental authority to operate on **850 ke.**, with 1 KW power, from daylight to sunset at New Orleans, for the period ending August 1, 1939.
- KRLD**—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authority to operate simultaneously with station WTIC, Hartford, Conn., for the period ending August 1, 1939.
- KTHS**—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted extension of special experimental authority to operate on **1060 ke.**, with 10 KW, simultaneously with station WBAL, from 6 a. m. to LS daily, suspend until 8 p. m., and limited from 8 p. m. to midnight, for the period ending August 1, 1939.
- KWJJ**—KWJI Broadcast Company, Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1040 ke.**, limited time and resume operation from 9 p. m. to 3 a. m., PST, for the period ending August 1, 1939.
- KELO**—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Granted C. P. to install new equipment and increase day power from 100 to 250 watts.
- NEW**—Puget Sound Broadcasting Co., Inc., Portable-Mobile (area of Tacoma, Wash.).—Granted C. P. for new relay broadcast station; frequencies **1616, 2090, 2190** and **2830 ke.**, 10 watts. Also granted license to cover same.
- NEW**—Salt River Valley Broadcasting Co. (Phoenix, Ariz.), Portable-Mobile.—Granted C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 ke.**, on an experimental basis only conditionally, 2 watts.
- NEW**—KUJ, Inc., Portable-Mobile (vicinity of Walla Walla, Wash.).—Granted C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 ke.**, on an experimental basis only conditionally, 7.5 watts.
- WEVD**—Debs Memorial Radio Fund, Inc., New York City.—Granted license to operate formerly licensed main transmitter of Station WEVD as an auxiliary at present transmitter location.
- WSTP**—Piedmont Broadcasting Corp., Salisbury, N. C.—Granted license to cover C. P. authorizing new station to operate on **1500 ke.**, 100 watts night, 250 watts day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Rule 137.
- KVNU**—Cache Valley Broadcasting Co., Logan, Utah.—Granted license to cover C. P. authorizing new station to operate on **1200 ke.**, 100 watts, unlimited time.
- WHBL**—Press Publishing Co., Sheboygan, Wis.—Granted modification of C. P. to make further changes in equipment.
- K6XCJ**—Honolulu Broadcasting Co., Ltd., Portable-Mobile, Honolulu, T. H.—Granted modification of license to change authorized power without new construction from 20 to 12 watts.
- NEW**—Harry M. Ayers, Portable-Mobile (vicinity of Anniston, Ala.).—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 ke.**, 10 watts.
- NEW**—WOAX, Inc., Portable-Mobile (vicinity of Trenton, N. J.).—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 ke.**, 50 watts.
- NEW**—Tampa Times Company, Tampa, Fla. (Portable-Mobile).—Granted C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 ke.**, 40 watts.
- NEW**—Paducah Broadcasting Co., Inc., Portable-Mobile (area of Paducah, Ky.).—Granted C. P. for new experimental relay broadcast station, frequencies **38900, 39100, 39300** and **39500 ke.**, on an experimental basis conditionally, 40 watts.
- W1XOK**—The Yankee Network, Inc., Boston, Mass.—Granted application for reinstatement of a C. P. as modified for new fixed relay broadcast station on an experimental basis, frequencies **130000, 135000, 140000** and **145000 ke.**, on an experimental basis subject to change without prior notice or hearing, 250 watts; to be used to relay high fidelity programs using frequency modulation from a site in Boston, Mass., for a new multiplex broadcast service to be transmitted from a 50-KW experimental high frequency broadcast station located at Paxton, Mass.
- WAUT**—Evansville on the Air, Inc., Evansville, Ind., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 ke.**, 50 watts.
- WIRE**—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted license to cover C. P. authorizing move of old main transmitter to the new transmitter site of station WIRE, employing same as an auxiliary transmitter with a power of 1 KW, for emergency purposes only.
- KOOS**—KOOS, Inc., Marshfield, Ore.—Granted license to cover C. P. authorizing new equipment.
- KOVC**—KOVC, Inc., Valley City, N. Dak.—Granted authority to make changes in automatic frequency control apparatus.
- WOCB**—Cape Cod Broadcasting Co., Barnstable, Mass.—Granted modification of C. P. authorizing approval of transmitter and studio sites, installation of a vertical radiator, and changes in authorized equipment.
- NEW**—National Broadcasting Co., Inc. (area of Cleveland, Ohio), Portable-Mobile.—Granted C. P. for new experimental relay broadcast station, frequencies **31100, 34600, 37600** and **40600 ke.**, on an experimental basis only conditionally, 2 watts. Also granted license covering same.
- NEW**—Northwestern Publishing Co., Portable-Mobile (vicinity of Danville, Ill.).—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 ke.**, 100 watts.
- WAUQ**—Onondaga Radio Broadcasting Corp. (Portable-Mobile), Syracuse, N. Y.—Granted license to cover C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 ke.**, 50 watts.

- W9XUG—Eugene P. O'Fallon, Inc., Portable-Mobile (vicinity of Denver, Colo.).—Granted license to cover C. P. for new relay broadcast station, frequencies 39700, 39900, 40800 and 41400 kc., on an experimental basis conditionally, power 0.8 watts.
- W1XRZ—Hildreth & Rogers Co., Portable-Mobile (vicinity of Lawrence, Mass.).—Granted license to cover C. P. for new relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis only, conditionally, 10 watts.
- W8XSC—Michigan State College, E. Lansing, Mich.—Granted C. P. to make changes in equipment and increase power from 15 to 50 watts.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—C. P. to make changes in equipment and increase day power from 100 to 250 watts. (Application set for hearing because of possible interference with existing stations.)
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—C. P. to make changes in equipment and increase day power from 100 to 250 watts. (Set for hearing because it would possibly cause interference to existing stations.)
- WJMS—WJMS, Inc., Ashland, Wis.—C. P., already in hearing docket, amended so as to request operation on 1370 kc., 100 watts, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval. (Set for hearing because it would involve possible interference with existing stations.)
- NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P. for new station to operate on frequency 1200 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. Requests facilities of station KVOS.
- KOVC—KOVIC, Inc., Valley City, N. Dak.—C. P. to move transmitter site locally, exact site to be determined with Commission's approval; install new equipment; make changes in vertical radiator; change frequency from 1500 kc. to 1340 kc.; and increase power from 100 watts, 250 watts day, unlimited time, to 500 watts night, 1 KW day. (Set for hearing because it would involve possible interference.)
- KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P. to increase power and time of operation from 100 watts, daytime, to 100 watts, unlimited time. (Application set for hearing because it would involve possible interference.)
- WQDM—Regan & Bostwick, St. Albans, Vt.—Modification of license to change time of operation from daytime only to daytime until local sunset at WHK, Cleveland. (Application set for hearing because it would involve increase in service.)
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—C. P. to make changes in composite equipment and increase power from 1 KW to 5 KW. (Set for hearing because of possible interference with Canadian Station CBM during winter months.)
- WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license to increase time of operation from 100 watts daytime to 100 watts unlimited time. (Set for hearing because of possible interference with existing stations.)
- NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P. for new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—C. P. for new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time; exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- NEW—M. C. Reese, Phoenix, Ariz.—C. P., already in hearing docket, amended so as to request operation on 1200 kc., with power of 100 watts night, 250 watts day, unlimited time.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., already in hearing docket, amended so as to request move

of transmitter and studio sites locally; make changes in equipment; install DA system; change frequency from 1370 kc. to 1120 kc.; and increase power from 100 watts, 250 watts LS, to 500 watts, 1 KW day, employing DA system for nighttime operation.

- KFVD—Standard Broadcasting Co., Inc., Los Angeles, Calif.—Application for modification of license to change power and time of operation from 1 KW, limited time, to 500 watts night, 1 KW day, unlimited time. (To be heard before the Commission.) (Set for hearing because of possible interference to existing station WHO.)
- NEW—W. B. Greenwald, Topeka, Kans.—C. P. for new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- KPLT—North Texas Broadcasting Co., Paris, Tex.—Modification of license to increase power and time of operation from 250 watts, daytime only, to 250 watts day, 100 watts night, unlimited time. (Application set for hearing to determine if possible interference would result.)

### SPECIAL AUTHORIZATIONS

- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted special temporary authority to operate during daytime hours with directional antenna for a period not to exceed ten days, beginning January 24, in order to enable the engineer to make additional measurements concerning the performance of the directional antenna system.
- WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with WAZL from 10:30 a. m. to 11:30 a. m., EST, on February 17, in order to permit WILM to broadcast consecration of Rev. Dr. Arthur R. McKinstry.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted extension of special temporary authority to operate from 6 to 7 p. m., EST, daily during the month of February, 1939, in order to broadcast weather reports only, and no other broadcasts.
- WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings for the period beginning Sunday, February 5, and ending no later than March 6, in order to broadcast certain educational programs.
- WGN—WGN, Inc., Chicago, Ill.—Granted special temporary authority to use the WENR transmitter equipment located at Downers Grove, Ill., formerly used as main transmitter for stations WENR-WLS, and now used as auxiliary transmitter for WENR-WLS under Commission licenses, for a period of 30 days (beginning February 1 and ending no later than March 2), in order to give WGN an opportunity to move present transmitter equipment located 4 miles east of Elgin, Ill., to its new location pursuant to C. P.
- KRAB—Mervel M. Valentine, Laredo, Tex.—Denied special temporary authority to operate from 2 to 3 a. m. for the period beginning today and ending no later than February 7, using power of 250 watts in order to experiment with flooding ground system.

### HEARING DOCKET

In the following case:

KTRB, Modesto, California.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event longer than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary license to contain the following clause: "This license is granted expressly upon a temporary basis only and upon the express condition that it is subject to whatever action may be taken by the Commission upon the renewal application of this station. Nothing contained herein 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."

In the following cases:

WESG, Elmira, New York; WJAG, Norfolk, Nebraska.—The Commission directed that the present license of the above-mentioned stations, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period

ending in no event longer than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary licenses to contain the following clause: "This license is granted on the express condition that it be 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."

In the following case:

KWJJ, Portland, Oregon.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event longer than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary licenses to contain the following clause: "This license is granted on the express condition that it be on a temporary basis only and subject to the right of the Commission to make effective any changes or modifications herein which may be necessary in order to comply with any decision of the Commission which may be entered after hearing in any proceeding of which licensee was duly notified or in which licensee participated. Nothing contained herein shall be construed as a finding that the operation of the station is or will be in the public interest beyond the express terms hereof."

In the following case:

WHKC, Columbus, Ohio.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event later than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary license to contain the following clause: "This license is granted upon a temporary basis only, and upon the express condition that it is subject to whatever action may be taken upon the pending application of this station for renewal of license and upon the application of WKBN Broadcasting Company (B2-ML-577) for modification of license. Nothing contained herein shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof."

In the following case:

WMAQ, Chicago, Illinois.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event later than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary license to contain the following clause: "This license is granted upon a temporary basis only, and upon the express condition that it is subject to whatever action may be taken upon the pending applications of this station for renewal of license and the University of Wisconsin (Station WHA) for construction permit (Docket 5373). Nothing contained herein shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof."

In the following case:

WLW, Cincinnati, Ohio.—Extension of special experimental authorization to operate with 500 KW day and night, using directional antenna system at night, for the period beginning 3 a. m., Eastern Standard Time, February 1, 1939, and ending 3 a. m., Eastern Standard Time, August 1, 1939.—The Commission directed that an extension of the above-mentioned station's existing special temporary experimental authorization be issued subject to the following condition: "This special temporary experimental authorization is granted on the express condition that it is subject to whatever action may be taken by the Commission upon the pending application of this station for renewal of special experimental authority. Nothing contained herein 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."

#### LICENSE RENEWALS GRANTED

The Commission granted the following applications for renewal of broadcast station licenses:

KEX, Portland, Oregon; KFBI, Abilene, Kansas; KFVD, Los Angeles, California; KGDM, Stockton, California; KGU, Hono-

lulu, Hawaii; KIEV, Glendale, California; KSOO, Sioux Falls, South Dakota; KTHS, Hot Springs National Park, Arkansas; KWKH, Sbreveport, Louisiana; KYW, Philadelphia, Pennsylvania; WBAL, Baltimore, Maryland; WBT, Charlotte, North Carolina; WCAZ, Carthage, Illinois; WDW, Tuscola, Illinois; WGAN, Portland, Maine; WGV, Schenectady, New York; WGY (Auxiliary), Schenectady, New York; WHAM, Rochester, New York; WHAM (Auxiliary), Rochester, New York; WHO, Des Moines, Iowa; WJJD, Chicago, Illinois; WJR, Detroit, Michigan; WJR (Auxiliary), Detroit, Michigan; WLAW, Lawrence, Massachusetts; WOV, New York, New York; WPTF, Raleigh, North Carolina; WPTF (Auxiliary), Raleigh, North Carolina; WSM, Nashville, Tennessee; WSM (Auxiliary), Nashville, Tennessee.

In the following cases:

WCBS, Springfield, Illinois; WGIL, Galesburg, Illinois; WKBB, E. Dubuque, Illinois; WLAP, Lexington, Kentucky; WMSD, Muscle Shoals City, Alabama.—The Commission directed that the applications for renewal of licenses of the above-mentioned applicants be granted for the period ending 3 a. m., Eastern Standard Time, July 1, 1939.

In the following cases:

W8XHV, The Evening News Association, Portable-Mobile; W3XEL, WFIL Broadcasting Co., Portable-Mobile; W5XCL, Tulsa Broadcasting Co., Portable-Mobile; W3XEM, WFIL Broadcasting Co., Portable-Mobile; W7XBH, Benson Polytechnic School (R. T. Stephens, Agent), Portable-Mobile.—The Commission directed that the applications for renewal of Relay Broadcast (experimental) station licenses of the above-mentioned applicants be granted for the period ending 3 a. m., Eastern Standard Time, December 1, 1939, subject to the following conditions and limitations: "This license is granted upon an experimental basis only, and upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or bearing, if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station upon the frequencies authorized is or will be in the public interest beyond the express terms hereof."

In the following case:

W4XFG, The National Life & Accident Insurance Co., Inc., Portable-Mobile.—The Commission directed that the application for renewal of relay broadcast (experimental) station license of the above-mentioned applicant be granted for the period ending 3 a. m., Eastern Standard Time, December 1, 1939, subject to the following conditions and limitations: "This license is granted upon an experimental basis only, and upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station upon the frequencies authorized is or will be in the public interest beyond the express terms hereof."

The Commission granted the following applications for renewal of Television Broadcast (experimental) station licenses for the term beginning 3 a. m., Eastern Standard Time, February 1, 1939, and ending 3 a. m., Eastern Standard Time, February 1, 1940, subject to the following conditions and limitations: "This license is granted upon an experimental basis only, and upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station upon the frequencies authorized is or will be in the public interest beyond the express terms hereof."

W2XAX, New York, New York; W2XBS, New York, New York; W2XBT, Camden, New Jersey; W3XAD, Camden, New Jersey; W3XEP, Camden, New Jersey; W10XX, Portable—Camden, New Jersey; W9XAL, Kansas City, Missouri.

#### MISCELLANEOUS LICENSE GRANTS

In the following case:

KGBU, Ketchikan, Alaska.—The Commission directed that the license of the above-mentioned station expiring 3 a. m., Eastern Standard Time, March 1, 1937, and heretofore extended at regular intervals on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following cases:

KUMA, Yuma, Arizona; WAPO, Chattanooga, Tennessee; WHLS, Port Huron, Michigan.—The Commission directed that the licenses of the above-mentioned stations expiring 3 a. m., Eastern Standard Time, January 1, 1939, and heretofore extended on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, pending receipt of and determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following case:

KUSD, Vermillion, South Dakota.—The Commission directed that the license of the above-mentioned station expiring 3 a. m., Eastern Standard Time, September 1, 1938, and heretofore extended at regular intervals on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following cases:

W3XPF, Springfield, Pa.; W3XE, Philadelphia, Pa.; W3XP, Philadelphia, Pa.; W9XK, Iowa City, Iowa; W9XUI, Iowa City, Iowa.—The Commission directed that the licenses of the above-mentioned Television Broadcast (experimental) stations expiring 3 a. m., Eastern Standard Time, February 1, 1939, be extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following case:

WAXG, Florida Capitol Broadcasters, Inc., Portable-Mobile.—The Commission directed that the license of the above-mentioned relay broadcast station expiring 3 a. m., Eastern Standard Time, October 1, 1938, and heretofore extended at regular intervals on a temporary basis to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following case:

KVOS, Bellingham, Washington.—The Commission directed that the license of the above-mentioned station expiring 3 a. m., Eastern Standard Time, December 1, 1938, and heretofore extended on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, and upon the express condition that it is subject to whatever action may be taken by the Commission with respect to the pending applications of this station for renewal of license and the Bellingham Broadcasting Co., Inc., for construction permit (B5-P-2241), subject further to the condition that nothing contained in said extension of license 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, in no event longer than 3 a. m., Eastern Standard Time, April 1, 1939.

In the following cases:

W8XIG, The Evening News Association, Portable-Mobile; W6XLN, Ben S. McGlashan, Portable-Mobile; W5XN, Tulsa Broadcasting Company, Inc., Portable-Mobile.—The Commission directed that the licenses of the above-mentioned relay broadcast (experimental) stations expiring 3 a. m., Eastern Standard Time, December 1, 1938, and heretofore extended on a temporary basis to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

#### MISCELLANEOUS

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:30 to 11 p. m., CST, January 26, in order to broadcast Port Arthur High School Commencement Address.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, D. C., over station WJBY for the period ending in no event later than 3 a. m., EST, June 1, 1939.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted special temporary authority to operate with in-

creased power (from 500 watts to 1 KW) from 9 to 9:30 p. m., CST, on Wednesdays and Thursdays, January 18, 19, 25, 26, and February 1, 2, 8, 9, 15 and 16, in order to broadcast educational talks.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (January 4:45 p. m. and February 5:30 p. m., PST), for the period beginning January 23 and ending in no event later than February 21.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on 1180 kc., using 5 KW power, for the period January 23 to February 21, 1939.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period January 22 to February 20, 1939, pending arrangements and filing of application for C. P. to move station.

WGTM—WGTM, Inc., Wilson, N. C.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., EST) to midnight on January 30, in order to broadcast President's Birthday Ball and other activities in connection with that event.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (February 6 p. m., CST) to 11:05 p. m., in order to broadcast the following: February 5, 12, 19, 26, church services; February 6, 13, 20, 27, American Legion meetings; February 1, 8, 15, 22, wrestling matches; February 4, 11, 18, 25, E. Texas Chamber of Commerce programs; February 3, 10, 17, 24, Community Jamboree, using 100 watts only.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority to operate from local sunset (February 5:45 p. m. and March 6:15 p. m., PST) to 11 p. m., PST, February 10, 11, 18, 24, and March 4, in order to broadcast University of Oregon basketball game.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast (experimental) station W2XUP, on the frequency 25700 kc. in lieu of normal licensed frequencies, for the period January 18 to February 16, pending definite arrangements to be made in the ultra high frequency bands.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate high frequency broadcast station as licensed, for a period not to exceed 30 days, to retransmit the transmissions from general experimental station W2XCH, in connection with certain demonstrations and research being carried on by the two stations in the field of frequency modulation.

KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate relay broadcast station KSFM on frequencies 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal licensed frequencies, for the period January 23 to February 21, 1939, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from Seattle to Auckland, N. Z., and return by way of Hong Kong, China. Program material to be received by RCA Communications, Inc., receiving station at Point Reyes, Calif., for delivery to NBC network.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Denied special temporary authority to operate unlimited time for the period January 16 to January 31, owing to formal opening of station WCOV.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—Granted authority to take depositions in re application for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted petition to intervene in the hearing on the application of St. Lawrence Broadcasting Corp., Ogdensburg, N. Y., for C. P. for a new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time, on condition that petitioner comply with the Commission's rules by serving the applicant's attorney with copy of the petition.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted special temporary authority to conduct equipment test for the use of 5 KW power during daytime hours, for a period of 30 days, in order to eliminate interference from other radio stations and inclement weather conditions experienced in

- conducting tests during the regularly authorized testing period.
- WCBN**—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay broadcast station WCBN aboard the aircraft *Yankee Clipper*, owned by Pan American Airways Co., on the frequencies 2400, 4800, 6430, 8655, 12862.5, 17310 and 23100 kc., in addition to the normal licensed frequencies, for the period ending no later than February 17, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda, Calif., thence to New York, London and return, and to be broadcast by CBS.
- WTOL**—The Community Broadcasting Co., Toledo, Ohio.—Granted special temporary authority to operate from 7:30 p. m., EST, to the conclusion of basketball games between Toledo University and New York on January 27 and 30, 1939.
- W1XPW**—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XPW authorized by modification of C. P. on the frequency of 43.4 megacycles, with power output of 1 KW, for the period January 24 to February 22, pending definite arrangements to be made in the ultra high frequency bands.
- KHBG**—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (February 6 p. m., CST) to 9 p. m., CST, on February 5, 12, 19 and 26, in order to broadcast Sunday Evening church services.
- WHJB**—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 9 p. m., EST, January 30, to 1 a. m., EST, January 31, in order to broadcast speeches and music of President's Birthday Ball.
- W10XAP**—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast experimental station W10XAP, as licensed, for the period January 30 to February 8, as sound channel in association with the portable mobile television broadcast (experimental) station W2XBT.
- WFIL**—WFIL Broadcasting Co., Philadelphia, Pa.—Granted petition as by agreement between parties for dismissal of application without prejudice, for C. P. to increase power from 1 KW unlimited time to 1 KW night, 5 KW LS, unlimited time, install new transmitter and directional antenna for day, scheduled to be heard January 23.
- WGRC**—Northside Broadcasting Corp., New Albany, Ind.—Granted petition to modify deposition order by insertion of the words "or any other officer or officers authorized to administer oaths" following the name of the notary. This involves an application for change of frequency from 1370 kc. to 880 kc., 250 watts unlimited with directional antenna (now has 250 watts daytime).
- NEW**—Thomas R. McTammany, Modesto, Cal.—Granted motion to dismiss without prejudice, the application for a new station to operate on 1340 kc., 250 watts, unlimited time, requesting facilities of KTRB.
- NEW**—William H. Bates, Jr., Modesto, Cal.—Granted motion to dismiss without prejudice, the application for a new station to operate on 740 kc., 250 watts, daytime only, requesting facilities of KTRB.
- KTHS**—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted applicant's petition to dismiss without prejudice, the application for C. P. to move transmitter and studio, install new transmitter, using directional antenna at night; change frequency from 1040 kc., to 1060 kc., and hours of operation from S-KRLD to unlimited.
- WAAF**—Corn Belt Publishers, Inc. (Transferor), and Ralph W. Dawson, et. al. (Transferees), Chicago, Ill.—Granted petition for leave to amend the application for consent to transfer of control of station WAAF.
- WGH**—James W. Baldwin, (Transferor), Daily Press, Inc. (Transferee), Newport News, Va.—Granted petition to reconsider and grant without a hearing, the application for consent to transfer control of corporation from James W. Baldwin to the Daily Press, Inc. (Station operates on 1310 kc., 100 watts, 250 watts LS, unlimited time).
- KDNC**—Democrat-News Co., Inc., Lewistown, Mont.—Retired to the closed files the application for modification of C. P., which requested extension of completion date for new station to December 3, 1938.
- WRVA**—Larus & Bros. Co., Inc., Richmond, Va.—Granted special temporary authority to operate new transmitter as authorized by C. P., during daylight hours, for a period ending in no event later than February 18, in order to make field intensity measurements.
- KSFM**—National Broadcasting Co., Inc., New York City, Portable-Mobile.—Granted special temporary authority to operate relay broadcast station KSFM, on frequencies 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal licensed frequencies for the period January 28 to February 26, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from Calif. to New York and Europe and return. Program material to be received by RCA Communications, Inc., receiving station at Riverhead, N. Y., for delivery to NBC network.

## APPLICATIONS FILED AT FCC

### 580 Kilocycles

- KMJ**—McClatchy Broadcasting Co., Fresno, Calif.—Extension of special experimental authority to use transmitter for transmission of facsimile signals from midnight to 6 a. m., PST, 1 KW for period 3-1-39 to 9-1-39.

### 630 Kilocycles

- KXOK**—Star-Times Publishing Co., St. Louis, Mo.—Construction permit to install new transmitter, make changes in directional antenna (for use both day and night), change frequency from 1250 to 630 kc., power increase from 1 KW to 1 KW night; 5 KW day, move transmitter from ½ mile N. W. of Venice, Ill., to near Washington Park, Ill. (Contingent on WGBF and KFRU).

### 650 Kilocycles

- WSM**—The National Life and Accident Insurance Co., Nashville, Tenn.—Extension of special experimental authorization to operate a facsimile station from 12 midnight to 6 a. m., CST, on 650 kc., 50 KW power, for period from 2-1-39 to 8-1-39.

### 900 Kilocycles

- KSEI**—Radio Service Corp., Pocatello, Idaho.—License to cover construction permit (B5-P-2159) for a new transmitter.

### 980 Kilocycles

- KDKA**—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penna.—Construction permit to install new equipment, change transmitter site from approximately 1.2 miles South of Saxonburg, Saxonburg-Culmerville Road, Butler County, Penna., to Middle Road, Indiana Twp., Penna. Amended: To give transmitter site as Clearview Road, at Route 8, Allison Park, Hampton Township, Penna.

### 1180 Kilocycles

- KEX**—Oregonian Publishing Co., Portland, Oregon.—Authority to transfer control of corporation from O. L. Price, Trustee (KGW and KEX), to the beneficiaries of the Pittock Will Trust, 470 shares common stock. Amended: To give beneficiaries as: Kate P. Hebard, Susan P. Emery, Caroline P. Leadbetter, Louise P. Gantenbein and E. B. MacNaughton (Trustee for: Virginia T. Thorsen, Marjorie P. McDougall, Barbara F. Pittock, Roberta P. MacNaughton, Fredrika F. Pittock and Henry L. Pittock) (old form).

### 1200 Kilocycles

- WJNO**—WJNO, Inc., West Palm Beach, Fla.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

### 1210 Kilocycles

- WGCM**—WGCM, Inc., Mississippi City, Miss.—Modification of license to move studio from Great Southern Golf Club (East Beach, Gulfport), Mississippi City, Miss., to Hotel Markham, 14th St. and 25th Ave., Gulfport, Miss.
- WHBF**—Rock Island Broadcasting Co., Rock Island, Ill.—License to cover construction permit (B4-P-1878) for changes in frequency, power, move of transmitter, and install new transmitter and directional antenna (night use).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license to change hours of operation from shares with WGNV, WBRB and WGBB to shares with WGBB and WBRB (requests hours released by WGNV).

#### 1250 Kilocycles

WGBF—Evansville On the Air, Inc., Evansville, Ind.—Construction permit to install new transmitter and directional antenna (for night use), change frequency from 630 to 1250 kc., power from 500 watts, 1 KW day to 1 KW night, 5 KW day, hours of operation from simultaneous day, shares with KFRU night, to unlimited time, and move transmitter from 10 miles north of Evansville, Ind., on U. S. Highway No. 41, to rural, Evansville, Ind. (contingent on KXOK and KFRU).

#### 1270 Kilocycles

NEW—Broadcasting Corporation of America, Riverside, Calif.—Construction permit for a new station on 1270 kc., 250 watts, unlimited time. Amended: Re: antenna.

#### 1310 Kilocycles

KRQA—J. Laurance Martin, Santa Fe, N. M.—Voluntary assignment of license from J. Laurance Martin to New Mexico Broadcasting Co. (form).

#### 1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Construction permit to install new transmitter, antenna changes, change frequency from 630 to 1370 kc., decrease power from 500 watts, 1 KW day, to 100 watts night; 250 watts day time from simultaneous day, shares WGBF night to unlimited time, move transmitter from 1200 Broadway, to site to be determined, Columbia, Mo. (contingent on KXOK and WGBF).

#### 1380 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Penna.—Modification of license to increase power from 500 watts night, 1 KW day to 1 KW day and night.

#### 1420 Kilocycles

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—Construction permit for a new station on 1420 kc., 100 watts night, 250 watts day, unlimited time.

#### 1430 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Construction permit to make changes in transmitting equipment, increase power from 250 watts to 1 KW and change frequency from 1430 to 740 kc.

#### 1500 Kilocycles

NEW—Frank A. Robinett, Trinidad, Col.—Construction permit for new station on 1500 kc., 100 watts night, 250 watts day, unlimited time (old form and not filed in duplicate).

### MISCELLANEOUS

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 CFCE and CBL, (formerly CRCT), and the Canadian Broadcasting Corp.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**Farnan Brass Works Company**—See Mueller Company.

**Hays Manufacturing Company**—See Mueller Company.

**Kitson Company**—See Mueller Company.

**A. Y. McDonald Manufacturing Company**—See Mueller Company.

**Mueller Company**—A complaint has been issued charging five manufacturers with combining and agreeing to fix and maintain prices in connection with the sale of corporation stops and curb stops, a type of pipe fitting used in water works and gas systems and sold principally to municipalities and owners of public utilities.

The respondent companies, said to constitute substantially all of the manufacturers of such products in the United States, are Mueller Company, Decatur, Ill.; A. Y. McDonald Manufacturing Company, Dubuque, Iowa; Hays Manufacturing Company, Erie, Pa.; Farnan Brass Works Company, Cleveland, and Kitson Company, Philadelphia.

The complaint charges that the respondent companies, for the purpose of effectuating their agreement, have fixed and maintained the prices at which their products are sold; have fixed and maintained uniform terms and conditions of sale; have submitted uniform and identical bids to purchasers, and have used coercive measures to compel jobbers to maintain the prices fixed by the respondent companies. (3690)

**Signode Steel Strapping Company**—Use of contracts, which involve so-called exclusive dealing agreements in violation of Section 3 of the Clayton Act, is alleged in a complaint issued against Signode Steel Strapping Company, 2600 Northwestern Ave., Chicago, which maintains branch offices in New York, Boston, Philadelphia, Cleveland and San Francisco.

The respondent company is engaged in processing and selling flat steel strapping used in the wrapping and bundling of packages and boxes, and it manufactures, leases, and licenses the use of patented tools for stretching and fastening such flat steel strapping. The company also is a distributor of steel tying wire, and sells and leases machines in which the wire is used in the tying and bundling of boxes and packages.

The complaint charges that the respondent company leases and licenses the use of its steel strapping tools, and sells and leases its wire tying machines, on the condition or agreement that the lessee or licensee or other users thereof will not use the flat steel strapping or steel tying wire sold by any of its competitors. (3688)

### STIPULATIONS

The Commission has entered into the following stipulations:

**Automatic Chain Company**, 116 Chestnut St., Providence, R. I., jewelry manufacturer, has entered into a stipulation to discontinue certain misleading representations in the sale of its products.

In its advertising matter or as a stamp, marking or label for neck chains or other articles, the respondent agrees to cease using the term "12Kt 1/20", either alone or in connection with the words "gold filled", or otherwise, when in fact the gold content of such mounting is other than 25/1000 fine gold or better.

The respondent also agrees to stop using the term "14K 1/10", either alone or in connection with the words "gold filled" or otherwise, when in fact the gold content of the articles so described is not 14K 1/10 or better and does not assay at least 52.5/1000 fine gold throughout.

The stipulation points out that in the jewelry trade the mark "12Kt 1/20" is understood to mean that one-twentieth by weight of the entire article is 12-carat gold, or that, on a fractional basis, the gold content is 25/1000 fine gold. The mark "14K 1/10" means that one-tenth by weight of the entire article is 14-carat gold, or, on a fractional basis, 58.3/1000. Allowing for a 10 per cent tolerance, an article so marked is deemed misbranded which does not have an actual fine gold content of 52.5/1000.

The respondent company stipulates that it will stop guaranteeing or otherwise representing that an article is gold filled or otherwise in strict accordance with the commercial standards issued by the United States Department of Commerce and approved by the American Standards Association, when such is not a fact. (2366)

**Sidney Blumenthal & Co., Inc.**, 1 Park Ave., New York, and two of its subsidiaries, Saltex Looms, Inc., and Shelton Looms Distributing Corporation, have entered into stipulations to discontinue misbranding certain plush and pile fabrics which simulate furs in appearance.

Saltex Looms, Inc., is engaged in the manufacture of fabrics at Bridgeport, Conn., while Shelton Looms Distributing Corporation is the Pacific Coast distributing agency for the parent company.

The companies stipulate that in connection with the sale of plush and pile fabrics they will cease using, or furnishing others for their use, labels bearing the word "seal", either alone or with the word "Hudson", or any other words so as to imply that the products thus labeled are made from the fur of the seal, when such is not a fact. According to the stipulation, certain of the labels bear the picture of seals on an ice flow, and the companies agree to stop using such labels.

Under the stipulations, the companies further agree not to use labels bearing the word "Sealkin" or "molekin", or any other phonetic spelling or contraction of the words "sealskin" and "moleskin", so as to imply that the products to which such words refer are fabricated from the skin of a seal or mole, when such is not a fact. (2359-2360-2361)

**Consolidated Specialty Company**—Jacob Ruderman, trading as Consolidated Specialty Company, 364 East 54th St., Brooklyn, agrees that, in the sale of various articles of merchandise to ultimate consumers, he will discontinue the use of any lottery, alleged gift enterprise or scheme of chance whereby the article to be purchased and the price to be paid therefor are determined by lot or chance. (2364)

**Co-operative Service**—Donald A. Thomas, trading as Co-operative Service, 77 Swan St., Buffalo, N. Y., in the sale of a booklet entitled How to Make Money, agrees to cease representing that through its purchase one can obtain employment, or that the booklet is filled with practical information on obtaining jobs. (02309)

**Dannemiller Coffee Company**—See Joseph Victori & Company, Inc.

**Dermique, Inc.**, 420 Lexington Ave., New York, will discontinue advertising its Beauty Sleep preparation by means of representations, the effect of which is to convey the idea that the product, when externally applied to the skin, will correct or remove wrinkles and lines over night or at all, regardless of the cause thereof, or will refine crepey skin and large pores or cause sagging contours to become firm or solid, when such are not the facts. (2370)

**Mother Gray Company**—Allen S. Olmsted, trading as Mother Gray Company, Le Roy, N. Y., in the sale of Mother Gray's Sweet Powders for children, will cease advertising the product as a competent remedy in the treatment of stomach disorders, headache, feverishness or colds, and will discontinue representing that use of the preparation tends to regulate the bowels, reduce fever and relieve headaches or stomach disorders, unless such malady or ailment is caused by temporary constipation. (02310)

**M & M Bag & Suitcase Company**—Meyer Brodie and Morris White, trading as M & M Bag & Suitcase Company, 26 Exchange

Place, Jersey City, N. J., stipulate that they will cease marking, stamping, branding or otherwise designating their luggage by use of a picturization of the head or any other characteristic representation of a steer, cow, or animal so as to imply that the material of which the bags are made is in fact leather, the hide or skin of an animal tanned, tawed or otherwise dressed for use, when such is not a fact. (2367)

**Neverlift Company, Inc.**, 6903 Woodlawn Ave., Chicago, vendor of a device known as Neverlift Iron Rest for easing the work of ironing clothes, agrees to cease representing that this product sells so easily on a one-minute demonstration that a sale is made on nearly every call, and that distributors can make 150 per cent profit, unless it is explained that the distributor must purchase the device in lots of 5,000 and sell them all at 50 cents retail in order to make the profit. The respondent company stipulates that it will not advertise its "Sample Offer Plan" as free so long as the recipient must buy a given number of the devices to obtain the "free" sample. (02306)

**Perkins Products Company**, 5535 West 65th St., Chicago, selling flavored, powdered soft drink bases designated Kool-Aid, agrees to stop using the words grape, cherry, strawberry or raspberry as descriptive of the flavors of those products which are synthetically flavored and do not contain flavoring made from the fruit or juice of the fruits named, unless, in each instance, the descriptive word is accompanied by a word or words in equally conspicuous type clearly indicating that the flavoring is synthetic or an imitation of the genuine fruit flavor. The respondent also agrees to stop employing the terms "fruity" or "purest ingredient" as descriptive of any product that is synthetically flavored to imitate the flavor of a fruit. (02312)

**Permanent Concrete Products, Inc.**, Greenville, Ohio, manufacturer of concrete burial vaults, stipulates that it will cease using the word "permanent" in its trade or corporate name or in any other manner to imply that its vaults will give everlasting protection to either caskets or bodies encased therein, when such is not a fact. The company also will discontinue use of the slogan "100 Year Products" or of any representation referring to the durability or other qualities of its vaults in the absence of substantiating proof as to the truth thereof. (2362)

**Plastex Company**—F. C. Rath, trading as Plastex Company, 740 Rush St., Chicago, agrees to cease advertising that his booklet, "The Technique of Leg Wrapping," contains instructions for suitable or efficacious treatment of serious disorders of the leg or that the information in the booklet is based on intensive study by leg specialists. The respondent also agrees to stop representing that the application of a cloth boot, or bandaging, is a competent remedy in the treatment of old leg sores and other disorders of the leg. (02307)

**Pope Laboratories**—H. P. Clearwater, trading as Pope Laboratories, 20 F St., Hallowell, Maine, selling a counter-irritant ointment designated Joint Ease, agrees to cease representing it as a competent treatment for rheumatism or neuritis, unless limited to its palliative local relief from the discomforts of these conditions, and to desist from asserting that the preparation will relieve ailments of the joints, irrespective of location. (02308)

**Premier Laboratories, Inc.**, Trenton, N. J., in the sale of face powder, agrees to cease representing through the use of over-sized cartons or containers or in any other manner that a substantially larger quantity or amount of powder is contained therein than is actually the case. (2365)

**Monsieur Sakele**—George A. Sakele, trading as Monsieur Sakele, 101 West 44th St., New York, stipulates that he will cease advertising unqualifiedly that Egyptian Sun Tan Creme is capable of preventing sunburn, freckles or dry skin and that his cosmetic products are the result of 5,000 years of experience. (02311)

**Thermo Roller Corporation**, 12 East 32nd St., New York, engaged in selling a device for reducing excess weight called the

Thermo Roller, will discontinue representing that use of the product eliminates excess weight and does more in a few minutes, to remove fatty tissue than hours of strenuous and laborious exercise. The respondent admits in its stipulation that, according to reliable scientific authority, the use of its device will not in all cases effect a reduction in weight. The respondent company agrees to stop advertising that this roller provides a competent remedy in the treatment of arthritis, lumbago, sciatica, rheumatism, constipation or insomnia. (02314)

**Joseph Victori & Company, Inc.**—Two New York coffee dealers have entered into stipulations to cease misleading representations in the sale of their products. The respondents are Joseph Victori & Co., Inc., 164 Pearl Street, New York, and Dannemiller Coffee Company, 116 Thirty-Ninth Street, Brooklyn.

Both companies agree to cease employing the name Rico Cafe as a trade name or otherwise to designate a blend of coffees sold by them so as to imply that such product is Puerto Rican coffee or a blend thereof, when such is not a fact.

According to the stipulations, both companies distributed a blend of coffee advertised as "Rico Cafe, Blended and Roasted, Solivellas & Co., Sucrs., Yauco, Puerto Rico," when in fact, the coffee so designated was not produced in Puerto Rico, but was a blend of coffees imported from Central and South America and Arabia, and blended and roasted by Dannemiller Coffee Company at its plant in Brooklyn.

Joseph Victori & Co., Inc., agrees to discontinue listing or designating any coffee product as Cafe Rico which is not the actual blend of coffee packed and marketed by Cafeteros de Puerto Rico, a cooperative organization of Puerto Rican coffee blenders, who market a high-grade coffee under the trade name Cafe Rico.

Dannemiller Coffee Company agrees to stop representing, by means of labels or in any other way, that it is a blender and roaster of coffee in Yauco or elsewhere in Puerto Rico, when such is not a fact. (27371 and 2372)

**Mme. C. J. Walker Manufacturing Company, Inc.**, Indiana Ave. at West St., Indianapolis, in the sale of Madam C. J. Walker Products, stipulates that it will stop representing its preparations advertised as hair growers by means of assertions implying that, when used on the scalp or hair, they will promote hair growth or prevent the hair from falling out or will accomplish these or other results when such assertions are contrary to medical or other evidence. The respondent agrees to cease advertising that its shampoo product, through application to hair or scalp, will nourish the hair through the roots thereof. (2373)

**Woltra Company, Inc.**, 18 West 22nd St., New York, in the sale of dental floss, agrees to cease using on its labels, in its advertising matter, or otherwise, the word "Sterilized" as descriptive of its product so as to imply that it is sterile at the time of its purchase or will remain so until removal from its package. (2369)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**American Optical Company** and **Bausch & Lomb Optical Company**, two of the largest manufacturers of optical goods in the United States, have been served with orders directing them to cease and desist from price discriminations in violation of the Robinson-Patman Act.

Respondents in the two cases are:

American Optical Company, a voluntary association, and its officers, who are: George B. Wells, president; Ira Mosher, vice president and general manager; Charles O. Cozzens and John M. Wells, vice presidents; Edward E. Williams, treasurer; A. Turner Wells, secretary; Albert E. Wells, chairman of the board, and American Optical Company, a corporation organized to transact business in certain states where the association does not operate, the corporation's capital stock being owned or controlled by the association, according to findings.

Bausch & Lomb Optical Company, Rochester, N. Y.; Colonial Optical Company, Inc., New York; McIntire, Magee & Brown Company, Philadelphia; Riggs Optical Company, Consolidated,

Chicago; Riggs Optical Company, Inc., San Francisco; Southeastern Optical Company, Richmond, Va.; and the White-Haines Optical Company, Columbus, Ohio, the six last named respondents being wholesalers in which Bausch & Lomb owns a controlling voting stock interest.

Findings are that American Optical Company's products are manufactured at Southbridge, Mass., and distributed through 220 branch stores operating as wholesale outlets for adjacent territories. Bausch & Lomb Optical Company's products are distributed chiefly through the six respondent wholesaler corporations. These wholesalers, it was found, deal principally in Bausch & Lomb merchandise, their pricing policies are coordinated and controlled by Bausch & Lomb, and such merchandise is sold by each of them at uniform prices fixed by Bausch & Lomb. (3232-3233)

**Bausch & Lomb Optical Company**—See American Optical Company.

**Cal-A-Mo Laboratories**—Guy J. Banta, trading as Cal-A-Mo Laboratories, 706 South Hill St., Los Angeles, has been ordered to cease and desist from misleading representations in the sale of Cal-A-Mo Reducing Bath.

Under the order, the respondent is directed to cease representing that Cal-A-Mo is a reducing preparation containing ingredients which will get rid of excess fat or that by use of this preparation the user will be enabled to bathe off excess fat or float fat away.

A further representation prohibited is that Cal-A-Mo dissolves fat or penetrates the skin pores in such a manner as to cause loss of fat and reduction in weight, or that Cal-A-Mo contains any ingredient which has a medicinal or therapeutic value or effect in reducing weight or which affects the metabolism of fat, or that use of Cal-A-Mo is harmless in all cases.

Through use of the word "Laboratories" or any term of similar meaning as part of his trade name, the respondent is directed to cease representing that he owns, operates or maintains a laboratory for manufacturing, testing or experimenting with his preparation, until he actually owns and operates or directly controls a laboratory for such purposes. (3185)

**Carter Carburetor Corporation**, St. Louis, one of the largest manufacturers of automobile carburetors, has been ordered to cease and desist from entering into contracts for the sale of its products and from granting preferential prices and discounts therefor, in violation of Section 3 of the Clayton Act.

The order requires the respondent company to cease and desist from making or renewing contracts with service stations or other retail dealers on the condition that they shall not use or deal in the products of a competitor of the respondent; from fixing prices to be charged or discounts to be allowed such purchasers on the same condition, and from notifying them that if they deal in competing products they will be required to pay a higher price for Carter products, or their service station contracts will be terminated.

The order prohibits the respondent from requiring any distributor or wholesaler of its products to engage in any of the foregoing practices; or to charge, or threaten to charge, for Carter products higher prices than would be charged if the purchaser did not deal in goods of a competitor of the respondent; or to terminate the service contract of, or refuse to sell to, any service station using or dealing in the merchandise of a Carter corporation competitor.

The Commission further ordered the respondent to desist from inducing or attempting to induce any service station dealing in such products to refuse to deal in the goods of any of its competitors or to terminate or violate any contract between such service station and a Carter competitor. (3279)

**Columbia Refining Company**, 4402 Twenty-third St., Long Island City, N. Y., distributor of motor oils and lubricants, has been ordered to cease and desist from making misleading representations in the sale of its products.

The order prohibits the representation, through use of the word "Refining" or any word or term of similar import and meaning, in corporate name, catalogs, advertising material or in any other manner, that the respondent company is a manufacturer or refiner of lubricating oils and greases, unless it owns and operates or directly controls a refinery in which such preparations are manufactured or refined by it. (3517)

**Eastern Distributing Company**—See Universal Trading Company.

**Empire Distributing Company**—See Universal Trading Company.

**Kelvinator Corporation**—See Ross Roy Service, Inc.

**National Biscuit Company**, New York, has been served with an order requiring it to cease and desist from certain practices found to be in violation of the Federal Trade Commission Act and of Section 3 of the Clayton Act, which prohibits exclusive dealing contracts.

The order directs that the respondent company cease entering into any contract, agreement or understanding with wholesalers, jobbers or other dealers in bakery and packaged food products to the effect that such dealers shall not deal in products of this class made by any one other than National Biscuit Company.

Under the order, the respondent company is to desist from agreeing to pay and from paying to such dealers commissions, discounts or compensation of any kind upon the agreement or understanding of such dealer that he shall not deal in the products of a competitor of National Biscuit Company.

The order further prohibits the making of any sale or contract for the sale of bakery and packaged food products for use, consumption or resale, or the fixing of a price charged therefor, or discount from, or rebate upon such price, on the condition, agreement or understanding that the purchaser thereof shall not use or deal in the goods, wares, merchandise, supplies or other commodities of competitors of National Biscuit Company. (3607)

**National Products**—See Universal Trading Company.

**National Sales & Novelty Company**—An order to cease and desist from the use of lottery methods in the sale of merchandise, including radios, to ultimate purchasers has been entered against J. A. Schwartz, trading as National Sales & Novelty Co., 1407 Diversey Parkway, Chicago.

The order requires the respondent to discontinue supplying to other push cards or other lottery devices for the purpose of enabling such persons to sell merchandise by the use thereof. The respondent

also is ordered to cease mailing or shipping to his agents and to distributors or to members of the public lottery devices so prepared or printed as to enable such persons to sell or to distribute merchandise by the use of such lottery devices. (3253)

**National Scientific Products Company**—Harland L. Herb, trading as National Scientific Products Company, 644 Diversey Parkway, Chicago, is required to cease and desist from representing that his medicinal preparation designated Prostories is a remedy or cure, or a competent and effective treatment, for prostatitis or any other infections, diseases or disorders of the prostate gland. (3240)

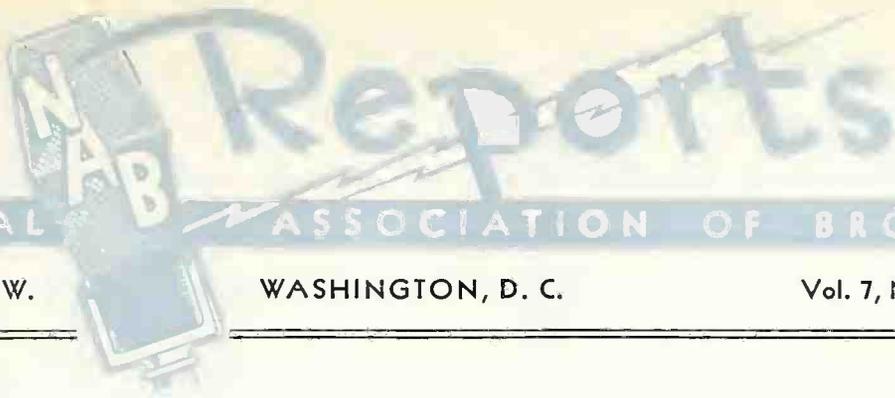
**Ross Roy Service, Inc.**, and Kelvinator Corporation, both of Detroit, have been served with an order requiring them to cease and desist from certain unfair methods of competition in the sale of books and literature containing statistical compilations for use of manufacturers in advertising their products.

The Commission's order requires the two respondent companies to cease and desist from representing that the statistical data or comparisons offered for sale by The Ross Roy Service, Inc., are authoritative and unbiased or that Ross Roy Service, Inc., is an independent organization not affiliated with any manufacturer, when in fact the cost of such publication or any part thereof is borne by the manufacturer whose product is used as a base for such data or comparisons.

The respondents also are ordered to cease disparaging, through the medium of advertising literature, or under the guise of statistical data, comparisons, or in any other manner, the products of competitors of those manufacturers whose products are used as a base for such comparisons. (3125)

**Universal Trading Company**—Prohibiting use of lottery devices in the sale of merchandise to the ultimate consumer, an order to cease and desist has been issued against Isidore Stein, 1453 East New York Ave., Brooklyn, trading as Universal Trading Company, Eastern Distributing Company, Empire Distributing Company and The National Products.

In the sale of comb and brush sets, flashlights, pen and pencil sets, cigarette cases and lighters, razor blades and other articles, the respondent is directed to cease and desist from supplying to others pull cards or other lottery devices to enable them to dispose of or sell merchandise by the use thereof. (3554)



## McNinch Will Propose Radio Law Change

A draft of a proposed amendment to the Communications Act which would reduce the membership of the Federal Communications Commission from seven to three was expected to be the subject of a conference to be held within the next twenty-four hours between Chairman Frank R. McNinch of the Federal Communications Commission and Senator Burton K. Wheeler of Montana, Chairman of the Senate Committee on Interstate Commerce. While it is understood that a tentative draft of the bill has been completed, Chairman McNinch indicated that announcement of the text would not be made until after his conference with Congressional leaders.

The Senate Committee on Interstate Commerce reported favorably the nomination of Governor Norman S. Case to be a member of the Federal Communications Commission. President Roosevelt sent Governor Case's nomination to the Senate recently and the favorable report of the Committee is taken to mean that the appointment will be confirmed by the Senate.

Following the break-down of negotiations between the American Association of Advertising Agencies and the American Federation of Radio Artists, the Association of National Advertisers called a conference of national advertisers to discuss ways and means of averting a general radio strike. The conference appointed a committee of advertising agencies to continue negotiations with the radio artists' organization, looking toward an agreement. This committee asked the networks to assist in the negotiations and it is understood that they were persuaded to make a network program agreement with the Union, under which the agencies would be relieved from the necessity of signing a contract. As this issue of the NAB REPORTS went to press, negotiations were still in progress and the networks promised a public announcement upon the completion of negotiations.

Upon learning of the turn that negotiations had taken in New York, Neville Miller, NAB President, sent a telegram to the networks urging them to consider carefully the present and possible future affect of any contract that might be agreed upon on affiliates and suggested that the matter be discussed with the affiliates before any contract is signed. He pointed out that the Executive Committee of the NAB will meet next Thursday and that the Committee stands ready to assist in any way possible.

A resolution pledging whole-hearted cooperation with President Miller and the re-organized NAB was adopted by the members of the Sixteenth District at their meeting held in Los Angeles last Friday.

Following the Los Angeles meeting, President Miller proceeded to Mineral Wells,



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## McNINCH WILL PROPOSE RADIO LAW CHANGE

(Continued from page 3247)

Texas, where he spoke last Thursday at a well-attended meeting of the Thirteenth District comprising the state of Texas.

The Monopoly Investigation, which has been in progress since the middle of last November, continued during the current week with the Columbia Broadcasting System nearing the completion of the presentation of its data. It was expected that the Mutual Broadcasting System would commence its testimony sometime next week.

The Federal Communications Commission postponed from March 1st to March 15th the time for all licensees to file financial statements in accordance with Section 15.11 of the New Rules of Practice and Procedure which became effective January 1, 1939. The Commission announced that the new forms will soon be available for distribution to licensees.

## McNINCH TO SEE WHEELER

Chairman Frank R. McNinch of the Federal Communications Commission expects to confer today with Senator Wheeler of Montana, Chairman of the Senate Committee on Interstate Commerce having jurisdiction over radio. It had been expected that Chairman McNinch would give the Senator a draft of a proposed bill which would change the number of the membership of the Communications Commission from 7 to 3. Last week, the Chairman had a conference with Senator Wheeler at which time it was announced that such a bill would be drafted for the Senator and delivered early this week. However, the matter has been delayed and it was reported Thursday that Mr. McNinch wanted to talk further with the Senator before presenting a final draft of the bill. It is expected that the bill will be drafted in the next few days.

A well founded report at the Commission is to the effect that the McNinch recommendations will only go into the question of reducing the number of members of the Commission and such other changes as are necessary to be made in those parts of the radio law which might conflict with a 3-man Commission. It is expected later that a second bill will be introduced in Congress which

will take up some of the points suggested by the President as policy matters which could very well be incorporated in the law itself. The question of newspaper ownership, power, chain ownership of stations, and similar matters were suggested by the President at a recent press conference as policies which could well be laid down by Congress itself in the law.

Senator White of Maine has drawn a bill suggesting changes in the radio law. At present, he only has a rough draft of the bill and has stated that he has not definitely decided whether he will introduce it at this time or not.

Senator Sheppard of Texas this week introduced a bill (S. 1095) in the Senate to amend Section 303 of the Communications Act of 1934 dealing with the age of radio operators. His bill amends that section so that it will read as follows: "(1) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States who are twenty-one years of age or over as the Commission finds qualified: Provided, That the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned."

The Senate Committee on Interstate Commerce has ordered a favorable report on the nomination of Federal Communications Commissioner Norman S. Case.

## MILLER'S AFRA WIRE TO NETWORKS

Upon learning of the turn the AFRA negotiations had taken in New York, President Miller from Mineral Wells, Texas, on February 2, addressed the following wire to John Benson, President of the American Association of Advertising Agencies, the Columbia Broadcasting System and the National Broadcasting Company:

"Have been informed that CBS and NBC contemplate signing contract with AFRA this afternoon. Urge you to consider carefully present and possible future effect your action on affiliates and that matter be discussed with affiliates before contract is signed. Executive Committee of NAB will meet February 9 and stands ready to assist in any way possible."

## MILLER ATTENDS MEETINGS OF 16TH AND 13TH DISTRICTS

Mr. Miller attended the Sixteenth District meeting held in Los Angeles, Friday, January 27th, presided over by Donald Thornburgh, Director of the District. An enthusiastic meeting was held and a resolution by Harrison Holliday, seconded by Leo Tyson, President of the Southern California Broadcasters Association, was passed pledging whole-hearted cooperation with President Miller and the reorganized NAB.

A resolution was also adopted urging all members in the Sixteenth District to pay the FREC assessment.

The meeting of the Thirteenth District (Texas) was held Thursday, February 2nd, at the Crazy Hotel, Min-

eral Wells, Texas. O. L. Taylor, director from the Texas District, presided. The meeting was well attended. President Miller spoke on the current problems facing the broadcasters.

Those in attendance were:

Martin Campbell, WFAA, Dallas; O. L. Taylor, KGNC, Amarillo; James R. Curtis, KFRO, Longview; Frank Smith, KXYZ, Houston; Carl Haverlin, Los Angeles, Calif.; E. P. Humbert, WTAU, College Station; Robert Brooks, Texas State Network, Fort Worth; J. Bert Mitchell, Jr., KGKL, San Angelo; Howard Barrett, KBST, Big Spring; Karl O. Wyler, KTSM, El Paso; L. E. Bredberg, KTSM, El Paso; Max Bentley, KRBC, Abilene; Bill Robertson, KRBC, Abilene; Lonnie Preston, KGKL, San Angelo; M. M. Valentine, KPAB, Laredo; R. W. Bennett, KPAB, Laredo; J. S. Sloan, KNEL, Brady; Marion Crawford, KNEL, Brady; Herbert Denny, Standard Radio, Dallas; DeWitt Landis, KFYO, Lubbock; Foster Fort, KCMC, Texarkana; Tilford Jones, KRIS, Corpus Christi; B. F. Orr, KTRH, Houston; Harold Hough, WBAP, Fort Worth; Ralph Nimmons, WFAA, Dallas; Herb Southard, WBAP, Fort Worth; Ken Sibson, KRGV, Weslaco; Harold C. Scott, KSAM, Huntsville; Jim Speck, KAND, Corsicana; M. E. Danbom, KGKB, Tyler; Gene Cagle, KFJZ, Fort Worth; Hugh Half, WOAI, San Antonio; J. M. Moroney, WFAA, Dallas; Truett Kimzey, Texas State Network, Fort Worth; Kern Tips, KPRC, Houston; H. A. Hutchinson, Texas State Network, Fort Worth; Burton Bishop, KTEM, Temple; Frank Mayborn, KTEM, Temple; Sid Patterson, KPND, Pampa; and Ray Barnes, KPND, Pampa.

## MONOPOLY HEARING

CBS witnesses continued to testify at the FCC monopoly hearing. The day-by-day account:

### JANUARY 26

Paul W. Kesten, Vice President of Columbia, in general supervision of sales, sales promotion, engineering, television and other divisions, was on the stand all day. He described the functions of the various subdivisions under his supervision, including the objectives of the research department in relation to the needs of present and prospective clients; sales methods were covered in some detail, a copy of Columbia's contract with advertisers was introduced in evidence and its various provisions explained. Rates and the method by which they are determined were discussed and Columbia's method of classifying national advertisers was explained. Mr. Kesten stated that about \$38,000,000 in advertising is placed with networks by the ten largest advertising agencies. He stated that the figures on spot time are not known, but that the amount of time bought locally is estimated to be about equal to the time bought on networks; that the second ten agencies purchase about \$16,000,000 in network time; that 24.8 cents of each advertiser's dollar goes to stations. Columbia's activities in the field of television were described briefly. Mr. Kesten said that an RCA transmitter is used and that by the middle or end of this year Columbia will have spent about \$1,350,000 in television.

### JANUARY 27

Arthur Judson, President of Columbia Concerts Corporation, the principal CBS subsidiary rendering service to artists, described the organization of and methods used by the Concerts Corporation. He stated that this company at present serves about 375 cities while the NBC artists bureau serves about 200 cities in the United States and Canada. He denied that territory was divided between the Concerts Corporation and NBC, but explained that an effort is made to avoid disrupting the field for artists services by both operating in the same field. Mr. Judson stated that the Concerts Corporation owned 49 per cent of the stock of Columbia Management of California, a service division "organized to take care of artists in radio and moving pictures on the Pacific Coast." The remaining 51 per cent is owned by CBS. The history and development of the concert management business was traced from 1926 and the activities of the various organizations which ultimately were merged in the Concerts Corporation were discussed.

Arthur S. Padgett, auditor for CBS, testified that CBS owned 55 per cent of the voting stock and 128 shares of the preferred stock of the Concerts Corporation and that the remainder is owned by

## INDEX

	Page
McNinch to See Wheeler .....	3248
Miller's AFRA Wire .....	3248
Miller Attends Meetings of 16th and 13th Districts ..	3248
Monopoly Hearing .....	3249
Broadcasting Industry Data for 1938 .....	3249
Ohio State Association Meets .....	3251
"No Free Air" .....	3251
Distilled Spirits Resolution .....	3251
NAB Convention .....	3251
A Reminder .....	3251
Financial Statements March 15 .....	3251
Rules of Practice Amended .....	3252
State Legislators Act to Curb Music Monopolies .....	3252
Phonograph Record and Transcription Broadcasts ..	3252
California Proposes Station Protection Against Libel ..	3253
New Jersey Broadcasting Statute Held Unconstitutional ..	3253
Proposed Federal, State Legislation Affecting Broadcasting .....	3253

the individuals whose businesses were consolidated into the Concerts Corporation. He stated that, as of July 1, 1938, CBS's stock purchases and loans to Concert Corporation amounted to \$548,340.43 and that CBS had received an average return on the investment of about 2 per cent.

## JANUARY 31

William B. Lodge, CBS engineer in charge of radio frequency division of the engineering department, stated that he agreed "in general with the statements made by Messrs. Jolliffe and Lent" relative to the historical development and background of the present allocation structure which is an outgrowth of the structure set up in 1928. He outlined the technical developments and improvements in transmitting and receiving equipment since 1928, stating that a modern 1 kilowatt station today could give the same service as a 40 kilowatt using the equipment available in 1928. He attributed to FCC General Order 116, which required stations to remain within 50 cycles of their assigned frequency, the equivalent of a twenty-five to one power increase and stated that, in the case of shared channels, when this is combined with the technical improvements in equipment, the result from the standpoint of listeners is equivalent to a one thousand to one power increase—that a one kilowatt station today could give as much service as a 1000 kilowatt station on a shared channel would have given in 1928. Mr. Lodge discussed other technical developments such as the automatic volume control which he said is helpful only where the signal is undistorted and is not subject to selective fading. Detailed explanations of CBS exhibits were given.

## FEBRUARY 1

Mr. Lodge resumed testifying and continued his explanation of CBS exhibits. Cross-examination by FCC counsel consumed the greater part of the day. Mr. Frank Stanton, CBS director of research, who previously had testified, was recalled to the stand. He described the manner in which various CBS exhibits had been prepared and the source from which the material portrayed was obtained. Exhibits disclosing receiving set ownership, domestic set sales, nation-wide network gross billings, comparison of network and station-revenues, and other statistical data were admitted in evidence.

## BROADCASTING INDUSTRY DATA FOR 1938

### 1939 Broadcasting Yearbook

The 1939 Broadcasting Yearbook reports that gross time sales of the industry in 1938 is estimated at \$150,118,400, an increase of 4.2 per cent over the 1937 figure of \$144,142,482. Though the increase from 1937 to 1938 is smaller than that experienced in past years, it is a

notable increase because general advertising shows a decrease for the same period. The yearbook shows the following break-down for portions of the medium:

### Radio Advertising Gross Time Sales (1938)

Portion of the medium	Gross time sales	
	1938	1937
Nat. networks	\$ 71,728,400	\$ 69,612,482
Reg. networks	3,620,000	3,530,000
Nat. and Reg. non-network	34,680,000	33,000,000
Local	40,090,000	38,000,000
<b>Total</b>	<b>\$150,118,400</b>	<b>\$144,142,482</b>

The yearbook also reports estimates of net time sales for the year 1938 at \$122,890,000. This figure represents actual receipts from the sale of time after all discounts are deducted. The figure compares with \$117,908,973 for 1937 as reported by the Federal Communications Commission tabulated from responses to their Order No. 38. A comparison of the 1938 estimate with the FCC 1937 figures by portions of the medium follows:

### Radio Advertising Net Time Sales

Portion of the medium	Net time sales	
	1938	1937
Nat. networks	\$ 57,880,000	\$ 56,192,396
Reg. networks	2,970,000	2,854,047
Nat. and Reg. non-network	24,380,000	23,117,136
Local	37,660,000	35,745,394
<b>Total</b>	<b>\$122,890,000</b>	<b>\$117,908,973</b>

Local business received the largest gain from 1937 to 1938 of the various portions of the medium. Its percentage increase is 5.4. National and regional non-network increased 5.1%. National network and regional networks increased 3%. The entire industry increased 5.4%.

### Radio Today

The January issue of *Radio Today* estimates that 6,000,000 radio sets were sold during the year 1938. 600,000 were exported, 800,000 were automobile radios and 4,600,000 were home radios. The following table sets forth estimates of radio sets in use as estimated for January 1, 1938, and January 1, 1939:

### Radio Sets In Use

	Jan. 1, 1938	Jan. 1, 1939
U. S. homes with radios	26,666,500	27,500,000
Extra and "second" sets in above	6,000,000	7,500,000
Automobile radios in use	5,000,000	5,800,000
<b>Total radio sets in use, U. S.</b>	<b>37,666,500</b>	<b>40,800,000</b>
Total homes with autos	18,500,000	19,000,000
Total residence telephones	12,000,000	13,250,000
Total homes with electricity	22,500,000	24,000,000
Total homes in U. S.	32,000,000	32,250,000
Population U. S.	129,500,000	130,600,000

*Radio Today* also included an estimate of the distribution of radio homes by states as follows:

### Homes With Radios By States

Ala. ....	387,700	Maine ....	210,100	Okla. ....	463,400
Ariz. ....	81,100	Md. ....	366,600	Ore. ....	290,900
Ark. ....	264,800	Mass. ....	1,058,200	Pa. ....	2,266,300
Calif. ....	1,771,000	Mich. ....	1,164,300	R. I. ....	158,500
Colo. ....	243,500	Minn. ....	577,900	S. C. ....	211,300
Conn. ....	419,200	Miss. ....	215,000	S. Dak. ....	135,650
Del. ....	58,800	Mo. ....	849,300	Tenn. ....	469,400
D. C. ....	160,900	Mont. ....	116,500	Texas ....	1,073,600
Fla. ....	308,900	Neb. ....	294,000	Utah ....	113,000
Ga. ....	383,300	Nev. ....	29,900	Vt. ....	90,350
Idaho ....	100,700	N. H. ....	126,900	Va. ....	408,200
Ill. ....	1,912,100	N. J. ....	1,063,000	Wash. ....	452,300
Ind. ....	841,900	N. Mex. ....	63,800	W. Va. ....	355,200
Iowa ....	598,800	N. Y. ....	3,217,300	Wisc. ....	635,200
Kan. ....	380,300	N. C. ....	421,500	Wyo. ....	50,900
Ky. ....	514,900	N. Dak. ....	122,100	Total,	
La. ....	308,500	Ohio ....	1,693,000	U. S. ....	27,500,000

### PRINTERS' INK (Weekly)

*Printers' Ink* carries an extensive article in their January 26th issue entitled "1938 Advertisers." The article sets forth a comparison of advertising expenditures in network radio, general magazines and farm publications. The information is of particular interest to broadcasters because it further illustrates advertiser acceptance of the radio advertising medium. The article concerns itself with 42 advertisers who spent more than a million dollars each in the three media during 1938 and with 322 advertisers spending more than one hundred thousand dollars each during 1938. The following tables for these two groups of advertisers comparing 1938 with 1937 expenditures represents high commendation to radio:

	Totals	Magazines	Radio	Farm
<b>The Million Dollar Advertisers</b>				
42 Advertisers for 1938	\$103,639,302	\$48,816,566	\$50,150,945	\$4,671,791
Same advertisers for 1937	105,162,431	56,274,221	43,501,325	5,386,885
Amount of Change	\$ 1,523,129	\$ 7,457,655	\$ 6,649,620	\$ 715,094
Per cent of Change	- 1.4	- 13.2	+ 15.3	- 13.3
<b>The One Hundred Thousand Dollar Advertisers</b>				
322 Advertisers for 1938	\$181,904,720	\$103,963,386	\$69,248,927	\$8,692,407
Same advertisers for 1937	191,535,077	118,767,613	63,153,255	9,614,209
Amount of Change	\$ 9,630,357	\$ 14,804,227	\$ 6,095,672	\$ 921,802
Per cent of Change	- 5.3	- 12.4	+ 9.7	- 9.6

The figures used are drawn from Publishers' Information Bureau, Inc., of New York. The *Printers' Ink* article includes also an alphabetical listing of all the advertisers spending one hundred thousand dollars or more in the three media in 1938 with comparison with their 1937 expenditures. There is also included an industrial break-down of the \$140,372,925 spent in magazines in 1938 compared with the \$162,148,656 for 1937. Magazine lineage figures are given for individual magazines for the years 1934 through 1938. Network billings are presented for NBC, CBS, and Mutual, 1934 through 1938 and a break-down to industrial classifications for the year 1938.

## OHIO STATE ASSOCIATION MEETS

The Ohio Association of Broadcasters met in Columbus, Ohio, Saturday, January 28. Joseph Miller, Director of Labor of the NAB, attended the meeting and discussed the Wage and Hour Law as it affects the broadcast industry. Great interest was shown in the various subjects on the agenda.

Those in attendance were:

H. H. Hoessly, Carl Everson, B. A. Manring, Bob French, WHKC, Columbus, Ohio.  
J. H. Ryan, E. Y. Flanigan, Robert K. Richards, George L. Young, WSPD, Toledo, Ohio.  
Neal A. Smith, Ed Bronson, WCOL, Columbus, Ohio.  
J. L. Reinsch, D. A. Brown, WHIO, Dayton, Ohio.  
Don Ioset, WBLV, Lima, Ohio.  
R. C. Higgy, WOSU, Columbus, Ohio.  
W. I. Orr, WBNS, Columbus, Ohio.  
Walter A. Callahan, WLW, Cincinnati, Ohio.  
Eugene Carr, WGAR, Cleveland, Ohio.  
V. S. Pribble, WTAM, Cleveland, Ohio.  
Sidney TenEyck, WSMK, Dayton, Ohio.  
R. D. Borland, WHK-WCLE, Cleveland, Ohio.  
W. P. Williamson, Jr., WKBN, Youngstown, Ohio.

### "NO FREE AIR"

An article entitled, "No Free Air", will appear in the February 11 issue of the *Saturday Evening Post*. This item will be of interest to all broadcasters.

### DISTILLED SPIRITS RESOLUTION

The following article appeared in the October-December 1938 "Repeal Review" published in Washington by "Repeal Associates, Inc.":

#### GIVE CREDIT WHERE CREDIT IS DUE

On December 13, 1938, the Board of Directors of the National Association of Broadcasters, representing 397 of the country's 700 broadcasting stations, unanimously adopted the following resolution:

"RESOLVED: That it is the sense of the NAB Board of Directors that American broadcasting stations should not carry advertising for distilled spirits commonly called hard liquor."

It is understood that this resolution was passed upon the recommendation of the Chairman of the Federal Communications Commission, the official licensing board for all radio broadcasting stations.

In all probability the action of the National Association of Broadcasters will result in the elimination of radio advertising of distilled spirits.

Unquestionably in the near future we are going to see the organized Drys taking full credit for this "reform," and we venture to predict that they will insist that this is a move to punish the liquor industry for its sins.

As a matter of fact, this resolution of the National Association of Broadcasters does nothing more than carry out a policy recommended and adopted fully two years ago by manufacturing distillers.

On January 2, 1936, the Distilled Spirits Institute gave to the newspapers the following statement:

"Manufacturing distillers—included in the membership of the Distilled Spirits Institute, Inc.—will discontinue advertising their products over the radio beginning January 1, 1936. This decision was reached after a thorough canvass of industry members, a preponderance of whom have never engaged in this form of advertising."

For this and other self-imposed regulations looking to the general good of the country, the liquor industry should be given not only credit but wholehearted and sympathetic public support.

Vituperations of the Drys to the contrary, the people in the alcoholic beverages business are human beings just like the rest of us. It would be endowing them with super-human virtue to expect them to feel continued enthusiasm for self-regulation if when they voluntarily make sacrifices for the general good, they are treated to scorn rather than commendation.

### NAB CONVENTION

The Association of American Railroads announced this week a special reduced round-trip rate from any point in the United States to both World Fairs (New York and San Francisco). A round-trip coach fare is \$90.00; first class ticket, \$135.00, plus regular sleeping or Pullman charges.

The NAB convention will meet on the Pacific Coast this summer. The dates will be announced shortly. It is not too early to make plans to attend the convention and combine a vacation trip at the same time. Plan to take the family to the convention this summer.

### A REMINDER

The Second Annual Broadcast Engineering Conference, sponsored by the Department of Electrical Engineering, Ohio State University, will be held from February 6 to 17, 1939. A lecture-demonstration, "Words, Waves, and Wires," will be presented February 7 by Dr. J. O. Perrine of the A. T. & T. There will also be discussion of television, facsimile and other important problems.

### FINANCIAL STATEMENTS MARCH 15

Balance sheets showing the financial condition of broadcast stations have to be filed each year with the Federal Communications Commission. The order in this regard stated that the station licensees must file these reports on March 1 of each year. Due to the fact that the forms for 1938 figures have been delayed in being sent out the Commission this week extended the time this year until March 15. In this connection the Commission made public the following statement:

Section 15.11 of the Commission's Rules of Practice and Procedure, approved November 28, 1938, and made effective January 1, 1939, provides that each licensee of a standard broadcast station shall file with the Commission on or before March 1 of each year a balance sheet showing the financial condition of the licensee as of December 31 of the preceding year and an income statement for the preceding calendar year.

The forms to be used for the year 1938 in compliance with this rule will soon be available for distribution. Due to this delay

in the distribution of the forms, the time limit for the filing of these data for the year 1938 will be extended to March 15, 1939.

The forms provide in general for the filing of a balance sheet as of December 31, 1938, and information as to earnings and other data for the year 1938, similar to what were required for the year 1937 by Commission Order No. 38. They provide also for the submission of data on personnel for the week beginning December 11, 1938, and information as to program service for the same week, similar to the data and information that were required by the Commission's Order of April 22, 1938.

The principal changes from the 1937 reports concern the earnings from the sale of time. With respect to earnings from sales to networks, such earnings are to be shown as "Sales to national networks", "Sales to regional networks", and "Sales to other networks." With respect to earnings from other sales of time, the division will be made among "Sales to national users", "Sales to regional users", "Sales to local users", and "Sales to other persons", such as sales of time through lease to others or other bulk-sales arrangements. In each case of network sales, the name of the network and the total number of hours furnished to the network will be required.

## RULES OF PRACTICE AMENDED

The Federal Communications Commission on Tuesday amended certain sections of its Rules of Practice and Procedure so that they will now read:

"Sec. 9.01 *Service, proof of service.* All pleadings, petitions, motions, or other documents (other than applications under Title II, formal complaints, supplemental complaints, cross-complaints and amended complaints) filed in any proceeding shall be served by the party filing the same upon all parties of record, as follows:

"Service upon common carriers shall be made as provided in Section 413 of the Communications Act of 1934, as amended.

"In all other cases whenever under these rules service is required or permitted to be made upon a party, and such party is represented by an attorney of record in the proceeding, the service shall be made upon the attorney. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

"Proof of service as provided in the foregoing shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgment shall be made on all copies filed."

In order to correct an error in the headnote of Sec. 15.17 the letter "s" was deleted in "broadcast services" so that the headnote will read:

"Sec.15.17 Multiple applications; broadcast service."

The second paragraph of Section 16.02 was deleted and a new rule adopted. Accordingly Section 6.03 will read as follows:

"Sec. 6.03 *Complaints.* Communications to the Commission complaining of anything done, or omitted to be done, in contravention of the provisions of the Act, except formal and informal complaints filed under Part 16 hereof, may, in the discretion of the Commission, be investigated or otherwise acted upon in any manner the Commission may deem expedient; but such communications shall not be deemed to be either formal or informal complaints within the meaning of these rules, irrespective of any action taken thereon by the Commission."

The Title of Part 6 as amended will read:

### "Part 6. PETITIONS AND COMPLAINTS"

A change in the Table of Contents will be as follows:

Change "Part 6. PETITIONS" to read: "Part 6. PETITIONS AND COMPLAINTS." The following new sub-part heading added: "Complaints . . . 6.03."

## Legal

### STATE LEGISLATORS ACT TO CURB MUSIC MONOPOLIES

Bills have been introduced in the legislatures of four states seeking to protect the citizens of those states against the activities of pools controlling the public performance of copyrighted music. A bill similar to the present statutes in Washington, Montana and Tennessee has been introduced in Arkansas by Senator Higginbotham. The constitutionality of such a bill is now pending before the federal courts in the three states in which it was adopted, and it is claimed to be unconstitutional as abrogating rights created by the Federal Copyright Act. The bill introduced in Connecticut (NAB REPORTS, January 27) is said to meet all constitutional objections and to be based upon decisions of the United States Supreme Court which define the rights of state legislatures in similar matters.

The legislature of Illinois has before it a bill to outlaw in the state combinations or pools of the copyright owners of musical compositions. The details of this bill were not available at the time of going to press but will be covered in a future issue of the NAB REPORTS. In Indiana a bill has been introduced which provides for the licensing of all persons except composers seeking to dispose of public performance rights within the state and imposes a franchise tax of 5 per cent on gross receipts.

### PHONOGRAPH RECORD AND TRANSCRIPTION BROADCASTS

A bill has been introduced in South Carolina and was passed by the House January 31, which abrogates any common law rights to restrict or collect royalties on a commercial performance of phonograph records or electrical transcriptions which have been sold in commerce for use within the state. Such rights do not arise under any federal laws, but are claimed by recording artists under the common law of the respective state. The entire bill is as follows:

#### "REGULAR SESSION

##### A Bill

"To prevent claims for additional compensation, fees or payment after sale of phonograph records, transcriptions or any form of recorded music and entertainment, or collection of licenses for the use of same after sale, by any performing artist, manufacturer or organization representing such performing artist or manufacturer, and to protect the purchaser thereof in its or their use for any purpose whatsoever.

Be it enacted by the General Assembly of the State of South Carolina:

"SECTION 1: When any phonograph record or electrical transcription, upon which musical performances are embodied, is sold in commerce for use within this State, all asserted common law rights to further restrict or to collect royalties on the commercial use made of any such recorded performances by any person is

hereby abrogated and expressly repealed. When such article or chattel has been sold in commerce, any asserted intangible rights shall be deemed to have passed to the purchaser upon the purchase of the chattel itself, and the right to further restrict the use made of phonograph records or electrical transcriptions, whose sole value is in their use, is hereby forbidden and abrogated.

"SECTION 2: Nothing in this act shall be deemed to deny the rights granted any person by the United States Copyright Laws. The sole intentment of this enactment is to abolish any common law rights attaching to phonograph records and electrical transcriptions, whose sole value is in their use, and to forbid further restrictions or the collection of subsequent fees and royalties on phonograph records and electrical transcriptions by performers who were paid for the initial performance at the recording thereof.

"SECTION 3: All acts or parts of acts in conflict herewith are hereby expressly repealed.

"SECTION 4: This Act shall take effect upon its approval by the Governor."

## CALIFORNIA PROPOSES STATION PROTECTION AGAINST LIBEL

Three bills have been entered in the California legislature for the purpose of protecting broadcast stations against defamatory statements uttered by "any lessee of broadcasting time." Two bills which seek to amend the Penal Code and the Civil Code respectively exempt the owner of a station from liability except when the owner of the station affirmatively declares that the statements are made in behalf of the owner. These sections are as follows:

"No person, firm or corporation owning or controlling a broadcasting station shall be liable for statements made by any lessee of broadcasting time, or any person speaking for or on behalf of, or at the request of such lessee, or his agent, except when the person, firm or corporation owning or controlling the broadcasting station affirmatively declares that such statements are made for and in behalf of such person, firm or corporation."

The third bill requires that a written undertaking in the sum of \$500.00 with at least two competent and sufficient sureties shall be filed with the clerk of the court in all suits for libel or slander before the clerk of the court may issue summons therein.

## NEW JERSEY BROADCASTING STATUTE HELD UNCONSTITUTIONAL

The Radio Broadcasting Act, Title 48, Chapter 11 of the Revised Statutes of New Jersey, recently was held unconstitutional in its application to the Bound Brook transmitter of the National Broadcasting Company, by a specially constituted three judge federal court. The statute generally provided for the regulation of radio broadcasting by the Board of Public Utility Commissioners of the State of New Jersey.

The National Broadcasting Company contended that this type of regulation is exclusively within the power of Congress, but the state urged that the act is not unconstitutional insofar as it applies to radio transmission when the radius does not extend beyond state lines. The court stated that it was not called upon to decide this difference between the defendants and the National Broadcasting Company, as it was admitted that the operation of the Bound Brook station would constitute interstate com-

merce. A permanent injunction was issued restraining the Board of Public Utility Commissioners of the state from proceeding against the National Broadcasting Company.

## PROPOSED FEDERAL, STATE LEGISLATION AFFECTING BROADCASTING

The following bills have been introduced in the respective legislatures.

### Congress

H. R. 1651 (Mr. Dickstein, N. Y.) IMMIGRATION OF PERFORMING ARTISTS—Denies admission to United States for professional engagement of actor, singer or dancer where country of origin does not grant, both in law and in fact, substantially similar privileges to citizens of the United States. Referred to Immigration and Naturalization Committee.

H. R. 3582 (Mr. Flannery, Penna.) ADVERTISING—Requires informative advertising of imported articles. Referred to Interstate and Foreign Commerce Committees.

H. Res. 70 (Mr. Connery, Mass.) F. C. C. INVESTIGATION—Provides for exhaustive investigation of Federal Communications Commission. Referred to Rules Committee.

H. Res. 72 (Mr. Wigglesworth, Mass.) BROADCASTING AND F. C. C. INVESTIGATION—Provides for investigation of the broadcasting industry in the United States and of the acts, rules, regulations and policies of the Communications Commission. Referred to Interstate and Foreign Commerce Committee.

S. 1095 (Senator Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 (1). Corrected bill in substitution for S. 550. Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee.

### STATE LEGISLATURES

#### ARKANSAS:

SCR 13 (Mason) CCC—RADIO COMMUNICATION—Memorializing Arkansas delegation in Congress to cause enactment of legislation requiring Military discipline and such training as map reading, bridge building, and radio communication for CCC camps. Adopted in Senate.

#### COLORADO:

H. 308 (Thomas) PRESS COMMUNICATIONS—Relating to confidential communications to members of the press. Referred to Mines and Mining Committee.

#### CONNECTICUT:

S. 264 RADIO EQUIPMENT—STATE POLICE.—Providing for full radio equipment for state police. Referred to Judiciary Committee.

S. 830 (Enquist) COPYRIGHT—Providing that it shall be unlawful to dispose of performing rights in copyright musical compositions, except under conditions set forth; owners of copyright not to combine for purposes of issuing blanket licenses upon a blanket fee except as stated. Referred to Judiciary Committee.

#### GEORGIA:

H. 243 (William et. al.) LIBEL—Provides for the giving of notice to newspapers, magazines or periodicals before the institution of a suit for damages. If publication due to honest mistake or if there are reasonable grounds to believe statements were true, only special or actual damages can be recovered provided retraction was published within ten days of receipt of notice. This bill does not protect broadcasting stations, but applies solely to newspapers, magazines or periodicals. Referred to General Judiciary Committee.

S. 69 (McGinty) LIBEL—NEWSPAPERS AND MAGAZINES—Amending the State Laws governing libel in newspapers and magazines. Referred to Public Printing Committee.

#### ILLINOIS:

H. 115 (Woodward) MUSIC COPYRIGHTS—Outlaws, in the state, combinations of owners of musical copyrights. Referred to Speaker's Table.

INDIANA:

H. 228 (Ferguson) MUSIC COPYRIGHTS—An act providing for license for public use of copyright music by the composer only unless licensed by the state treasurer; imposes franchise tax on gross receipts from such uses. Referred to Judiciary A Committee.

MASSACHUSETTS:

H. 824 (Lasell) EMPLOYER-EMPLOYEE RELATIONS—Provides for an investigation by an unpaid commission to be appointed by the Governor of conditions relating to employer and employee, with a view to recommending such legislation as is necessary or desirable. Referred to Labor and Industries Committee.

H. 1668 (Milano) RACING MEETINGS—BROADCASTING—Relative to broadcasting results of certain horse and dog racing meetings. Referred to Legal Affairs Committee.

MINNESOTA:

H. 232 (McNulty) ATTACHMENT EXEMPTIONS—Amending Stat. 1927, Sec. 9447, Subd. 12, to exempt chemical, radio, and electrical apparatus kept for personal use from attachment. Referred to Public Welfare Committee.

H. 237 (McNulty) ATTACHMENT EXEMPTIONS—Amending Stat. 1927, Sec. 9447, Subd. 5, to exempt radios and personal sporting equipment from attachment.

S. 205 (Novak) CREDITORS' CLAIMS—Same as H. 151. Exempting personal chemical, radio, and electrical equipment from claims of creditors.

S. 264 (Larson) ATTACHMENT EXEMPTIONS—Same as H. 232. Amending Stat. 1927, Sec. 9447, Subd. 12, to exempt chemical, radio, and electrical apparatus kept for personal use from attachment.

S. 287 (Kelly) LOTTERIES—OLD AGE PENSIONS—To legalize lottery for old age pensions. Referred to General Legislation Committee.

MONTANA:

H. 1199 (Lambert) MECHANICAL MUSICAL INSTRUMENTS TAX—For registering mechanical musical instruments and tax based on revenue from operation.

NEBRASKA:

Bill 380 (Klaver) INVESTMENT COMPANIES—RADIO STATION—Prohibits investment companies from having an interest in radio stations.

NEW HAMPSHIRE:

H. 307 (O'Shan) ADVERTISING—Relating to advertising. Referred to Judiciary Committee.

NEW YORK:

A. 400 (Wilson) RACE HATRED—Same as S. 325. Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion, or manner of worship. Referred to Codes Committee.

A. 519 (Giordano) RACE HATRED—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

S. 325 (Condon) RACE HATRED—Same as A. 400. Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

PENNSYLVANIA:

H. 103 (Rosenfeld) RACE HATRED—Making it a misdemeanor to disseminate or publish in any manner, or to have in possession for the purpose of disseminating, any matter inciting or advocating hatred, violence, or hostility against any group of persons in this state, by reason of race, color, religion or manner of worship. Referred to Judiciary Special Committee.

SOUTH CAROLINA:

H. 46 (Evans) COPYRIGHT—PHONOGRAPH RECORDS AND TRANSCRIPTIONS—Abrogates any common law rights to restrict or to collect royalties on commercial performances of phonograph records or electrical transcriptions which have been sold in commerce for use within the state. Referred to Judiciary Committee.

TENNESSEE:

H. 352 (Fowler and Townsend) AMEND REVENUE BILL. Same as S. 249. An act to provide for amendments to the General Revenue Bill, (Chapter 108 of the Public Acts of 1937) affecting

19 items, including taxes on dealers in automobiles and equipment, collection agencies, dealers in fireworks, automatic oil furnaces, tobacco dealers, restaurants, bottlers of soft drinks, building and loan associations, investors' syndicates, radios and supplies, etc. S. 249 (Moore and Lindsay). Same as H. 352.

UTAH:

S. 20 (MacFarlane) PURE FOOD AND DRUG LAW—Rewrites the pure food and drug law.

WASHINGTON:

H. 91 (Guisinger) WORKMEN'S COMPENSATION—RADIO AND REFRIGERATOR—Placing radio and electrical refrigerator installers and repairmen under the extra hazardous employment classification. Referred to Insurance Committee.

## FEDERAL COMMUNICATIONS COMMISSION

### PROPOSED FINDINGS OF FACT

The Federal Communications Commission this week in a Proposed Finding of Fact recommended the granting of the application of John T. Alsop, Jr. for the erection of a new broadcast station at **Ocala, Florida** to operate on **1500 kilocycles**, 100 watts, unlimited hours. This is the first case handled under the new procedure of the Commission and the Proposed Findings of Fact takes the place of the Examiners' Reports which were formerly used. All parties will now have an opportunity to file exceptions and to request Oral Argument on the proposed report.

The Commission in this Proposed Finding stated that there is a need for additional service in the area proposed to be served and that the operation of the station would not cause objectionable interference with the operation of any other existing station or with any station in a pending application. The Commission found also that the granting of this application will not adversely affect the economic interests of any other station.

### DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Broadcasting Station KLS, **Oakland, California**, to install a new transmitter and to increase its power from 250 watts to 500 watts. The station operates on **1280 kilocycles**, unlimited time.

It was found by the Commission that the application would cause objectionable interference to KFBB at Great Falls, Montana, and that the applicant failed to show sufficient need for the proposed increase of power for Station KLS to justify the increased interference that would result to Station KFBB.

The Commission also denied the application of WRSP, Inc., for the erection of a new station at **Wisconsin**

**Rapids, Wisconsin**, to operate on **1500 kilocycles**, 250 watts daytime, 100 watts nighttime, unlimited hours of operation.

In its decision in this case the Commission said: "Upon consideration of the facts shown, including the fact that it is the apparent intention of the applicant to operate the proposed local station under the supervision and management of persons who are not associated with community interests and are not shown to be qualified to operate the proposed station in accordance with the best interest of the local community; the fact that the nighttime service range of the station would be subjected to a substantial restriction in area by interference from other stations; and the fact that radiobroadcast service is available to residents of the area proposed to be served; the Commission is of the opinion and finds that the applicant has failed to sustain the burden of showing that the public interest, convenience, and necessity would be served by the granting of the application."

The application of **KDAL, Duluth, Minnesota**, for renewal of license has been granted by the Commission. The station operates on **1500 kilocycles**, 100 watts, unlimited time.

It was found by the Commission in its decision that prior to July 1937 the station "had been operated other than in accordance with good engineering practices." But the station, the Commission said, has corrected the discrepancies and it "is now operating in accordance with the standards of good engineering practice." The Commission stated the public interest will be served by the granting of the application.

## EXPERIMENTAL BROADCAST STATIONS

The Federal Communications Commission has made public the following list of experimental broadcast stations having licenses as of January 1:

- W3XDD—Bell Telephone Laboratories, Inc., Whippany, N. J.—**560, 900, 1340 kc.**, 50 KW, emission A3.  
W9XC—Central Broadcasting Co., Mitchellville, Iowa.—**1000 kc.**, 1 KW, emission A3 (C. P. only).  
W1XCS—Connecticut State College, Storrs, Conn.—**100000, 110000, 200000, 300000 kc.**, 250 watts, emission A3 and Special.  
W1XEY—Connecticut State College, Storrs, Conn.—**86000-400000, 401000 kc.** and above, 500 watts, emission A3.  
W8XO—The Crosley Corp., near Mason, Ohio.—**700 kc.**, 500 KW, emission A3.  
W2XBF—William G. H. Finch, New York, N. Y.—**31600, 35600, 38600, 41000 kc.**, 1 KW, emission A2, A3 and Special.  
W10XAB—C. J. MacGregor, Mobile (North Polar Region, vicinity Ellesmere Island).—**2398, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 31100, 34600, 37600, 40600, 86000 to 400000 kc.**, 400 watts, emission A3.  
W2XKI—National Broadcasting Co., Inc., New York, N. Y.—**175000-180000 kc.**, 15 watts, emission A3, A4.  
W10XF—National Broadcasting Co., Inc., Portable.—**1614, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above, 25 watts, emission A1, A2, A3.

- W10XR—National Broadcasting Co., Inc., Portable-Mobile.—**1614, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 25700, 26000, 27100, 31100, 31600, 37600, 40600, 86000-400000, 401000 kc.** and above, 100 watts, emission A1, A2, A3.  
W4XFN—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—**300000, 330000, 360000 kc.**, 15 watts, emission A3.  
W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—**63500 kc.**, 150 watts, emission A2, A3.

Following are the noncommercial educational broadcast stations as of January 1:

- WCNY—Board of Education, City of New York, Brooklyn, N. Y.—**41100 kc.**, 500 watts, emission A3 (C. P. only).  
WBOE—Cleveland City Board of Education (Chas. H. Lake, Supt.), Cleveland, Ohio.—**41500 kc.**, 500 watts, emission A3.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, February 6. They are subject to change:

### Monday, February 6

- NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.  
NEW—Kingston Broadcasting Corp., Kingston, N. Y.—C. P., **1500 kc.**, 100 watts, daytime.

### Further Hearing (Broadcast)

- KTRB—Thomas R. McTammany and William Bates, Jr., Modesto, Calif.—Renewal of license, **740 kc.**, 250 watts, daytime.

### Tuesday, February 7

- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—C. P., **900 kc.**, 500 watts, unlimited time (DA at night). Present assignment: **900 kc.**, 500 watts, daytime.

### Wednesday, February 8

- NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.**, 1 KW, unlimited time (DA at night).

### Thursday, February 9

#### Oral Argument Before the Commission

Examiner's Report No. I-745:

- WSEI—Radio Service Corporation, Pocatello, Idaho.—C. P., **600 kc.**, 1 KW, unlimited time (DA for day and night). Present assignment: **900 kc.**, 250 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-756:

- KPAC—Port Arthur College, Port Arthur, Tex.—C. P., **1220 kc.**, 500 watts, unlimited time (DA at night). Present assignment: **1260 kc.**, 500 watts, daytime.

### Friday, February 10

- KCRJ—Charles G. Robinson, Assignor, Central Arizona Broadcasting Co., Assignee, Jerome, Ariz.—Voluntary assignment of license, **1310 kc.**, 100 watts, 250 watts LS, unlimited time.  
WHBB—S. A. Cisler, Jr., G. W. Covington, Jr., and H. A. Shuman, Transferors, and Bascom Hopson, Transferee, Selma, Ala.—Transfer of control of corporation; **1500 kc.**, 100 watts, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

February 27

- WHLS—Harmon LeRoy Stevens, and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.
- KYA—Hearst Radio, Inc., San Francisco, Calif.—Renewal of license, **1230 kc.**, 1 KW, 5 KW LS, unlimited time.

March 14

- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 100 watts, 250 watts LS, specified hours.
- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Renewal of license, **1370 kc.**, 100 watts, 250 watts LS, specified hours.
- NEW—Lane J. Horrigan, d/b as Copper Country Broadcasting Co., Hancock, Mich.—C. P., **1370 kc.**, 100 watts, 250 watts LS, specified hours. (Requests facilities in part of WHDF.)

March 21

- NEW—Southern Oregon Broadcasting Co., Grants Pass, Oregon.—C. P., **1310 kc.**, 100 watts, unlimited time.

April 3

- KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.**, 500 watts, unlimited. Present assignment: **1340 kc.**, 250 watts, unlimited time.

April 6

- NEW—Edward J. Doyle, Rochester, N. Y.—C. P., **1270 kc.**, 500 watts, daytime.

April 7

- NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.
- NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., **1140 kc.**, 250 watts, daytime.

April 18

- WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.
- WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts, unlimited time.
- WBAX—John H. Stenger, Jr., Assignor, Stenger Broadcasting Corp., Assignee, Wilkes-Barre, Pa.—Voluntary assignment of license, **1210 kc.**, 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of license to increase day power from 500 watts to 1 KW.
- KIDW—The Southwest Broadcasting Co., Lamar, Colo.—Granted renewal of license from February 1 to July 1, 1939; also granted voluntary assignment of license from the Southwest Broadcasting Co. to the Lamar Broadcasting Co. Station operates on **1420 kc.**, 100 watts, specified hours.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Application for C. P. to install new equipment and increase day power from 100 to 250 watts. Applications designated for hearing because interference would possibly be caused to existing stations, and pending applications would involve an increase in service for Maine.
- NEW—Martin K. Calaway and Harry S. Hooper, Marysville, Cal.—Application for C. P. for new station to operate on frequency **1420 kc.**, 100 watts night, 250 watts day, unlimited time; exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- NEW—Coastal Broadcasting Co., Brunswick, Ga.—Application for C. P. for new station to operate on frequency **1500 kc.**, 100 watts night, 250 watts day, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval.
- NEW—Grant Union High School District, N. Sacramento, Cal.—Application for C. P. already in hearing docket, amended so as to request frequency **1370 kc.**, 100 watts daytime only; exact transmitter site and type of antenna to be determined with Commission's approval. Application set for hearing because interference would possibly be caused to existing stations.
- NEW—Thumb Broadcasting Co., Brown City, Mich.—Application for C. P. already in hearing docket, amended so as to request frequency **880 kc.**, 1 KW, daytime only; exact transmitter site and type of antenna to be determined with Commission's approval. Application set for hearing because interference would possibly be caused to existing stations.
- KGKL—KGKL, Inc., San Angelo, Texas.—Application for modification of license to increase night power from 100 watts to 250 watts. (To be heard before the Commission). This application is contingent upon the adoption of new rules which would permit operation of Class 4 stations with 250 watts nighttime operation.
- WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Application for C. P. to move transmitter site locally, from 1002 Brady St., Davenport, to Bettendorf, Iowa; install new equipment and DA system; change frequency from **1370** to **1390 kc.**, and increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time, employing DA system for nighttime operation. Application set for hearing because interference would possibly be caused to existing stations, and would involve an increase in service.
- WDRG—WDRG, Inc., Hartford, Conn.—Application for C. P. already in hearing docket, amended so as to request installation of directional antenna system for day and nighttime operation, and increase in night power from 1 KW to 5 KW. (To be heard before the Commission). Application designated for hearing because of violation of Rule 120, and because interference would possibly result to existing stations.
- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Application for C. P. already in hearing docket, amended so as to request authority to install a DA system for nighttime operation. (To be heard before the Commission). Application designated for hearing because interference would possibly be caused to existing stations, and pending applications from N. C. would involve increase in service.

### MISCELLANEOUS

- WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 8 to 9:30 p. m., CST, on January 26, in order to broadcast the State Highway Safety Meeting being held on the campus that night.
- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m., and from 2:00 p. m. to 6:00 p. m., AST; on Sundays, February 5, 12, 19, 26, 1939, in order to broadcast baseball games; to operate February 22, 1939, from 9:00 a. m. to 11:00 a. m., and from 2:00 p. m. to 6:00 p. m., AST, in order to broadcast baseball games; to operate from 10:00 p. m., February 22, 1939, to 1:00 a. m., February 23, 1939, in order to broadcast dance in Washington's honor; to operate from 10:00 p. m. to 1:00 AST, the following day on February 4, 11, 18, and 25, 1939, in order to broadcast festivals of La Candelaria.
- WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate portable 100 watt transmitter on the frequency of **930 kc.** daytime, for the period beginning January 31, 1939, and ending in no event

- later than February 14, 1939, in order to make survey for new transmitter location.
- KGEK**—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 12 midnight, MST, on January 30, 1939, in order to broadcast program of President's Birthday Ball.
- KTEM**—Bell Broadcasting Co., Temple, Texas.—Granted special temporary authority to operate from local sunset (January, 5:45 p. m., CST), to 11:00 p. m., CST, on January 28, 1939, in order to broadcast President's Birthday Ball.
- KHBG**—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (February, 6:00 p. m., CST), to conclusion of wrestling matches sponsored by charity committee of the Lions Club on February 2, 9, 16, and 23, 1939.
- KWTO**—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5:00 to 6:00 a. m., CST, on 1 KW only, for the period beginning February 7, 1939, and ending in no event later than March 9, 1939, in order to conduct experimental farm programs.
- WCPO**—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Denied motion to remand to examiner the application of WBOW, Banks of Wabash, Inc., Terre Haute, Ind., for C. P. to change equipment and antenna; move transmitter and studio locally; change frequency from 1310 ke. to 1200 ke. (Ex. Rep. 1-746).
- KFSD**—Airfan Radio Corp., San Diego, Calif.—Granted petition for extension of time in which to file proposed findings of fact and conclusion from January 25 to February 1, 1939, in re applications of KEHE, Hearst Radio, Inc., Los Angeles, for voluntary assignment of license to Earle C. Anthony, Inc.; and of KECA to move station to San Diego and assign license to Worcester Broadcasting Corp.
- WMFF**—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted motion to admit depositions in evidence and to reopen the record for such purpose, in re applicant's application for C. P. to change assignment from 1310 ke., 100 watts, 250 watts LS, to 1240 ke., 1 KW, unlimited time, DA night.
- WEXL**—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted motion to dismiss application, without prejudice, for C. P. to change assignment from 1310 ke., 50 watts, unlimited time, to 1300 ke., 250 watts, unlimited time.
- WBAX**—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted motion for 60-day continuance of hearing (from Feb. 17) on application for renewal of license of WBAX, and for voluntary assignment of license to Stenger Broadcasting Corp.
- NEW**—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted petition to take depositions in re application for new station to operate on 1310 ke., 100 watts, unlimited time.
- WPRO**—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted extension of time to file brief from January 19 to January 26, in re application of Peter J. Calderone, Providence, R. I., for new station to operate on 1270 ke., 250 watts, daytime.
- NEW**—United Theatres, Inc., San Juan, P. R.—Granted authority to take depositions of an additional witness in re application for a new station at San Juan to operate on 580 ke., 1 KW night, 1 KW LS, unlimited time, directional antenna for day and nighttime operation.
- WBBC**—Brooklyn Broadcasting Corp., and other Brooklyn cases.—Granted petition for extension of time within which to file reply brief and the date for filing of the reply brief of Brooklyn Broadcasting Corp. was extended until February 6, 1939.
- KGEK**—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 p. m. to 2:15 p. m., MST, on February 6, 13, 20, and 27, 1939, in order to broadcast livestock auction and merchants programs from Ft. Morgan, Colorado.
- NEW**—The Monocacy Broadcasting Co., Frederick, Md.—Granted motion to continue hearing on application for C. P. for new station at Rockville, Md., to use 1140 ke., 250 watts, daytime, for period of 60 days from February 7.
- WHA**—University of Wisconsin, Madison, Wis.—Granted petition to accept late appearance, and an additional 10 days granted respondents to file appearance, in re application for C. P. to change assignment from 940 ke., 5 KW daytime, to 670 ke., 50 KW, unlimited.
- WHLS**—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Granted motion to take depositions in re application for modification of license of WHLS to add 100 watts night and unlimited hours to present assignment of 1370 ke., 250 watts daytime.
- NEW**—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted petition to postpone hearing for 60 days from February 7, 1939, on application for C. P. to erect a new station to operate on 1420 ke., 100 watts, unlimited time.
- WEED**—William Avera Wynne, Rocky Mount, N. C.—Granted petition to accept respondent's WEED) answer to applicant's appearance in re application of Suffolk Broadcasting Corp., Suffolk, Va., for C. P. to use 1420 ke., 100 watts night, 250 watts day, unlimited time.
- KCMC**—KCMC, Inc., Texarkana, Tex.—Granted applicant's petition to dismiss without prejudice the application for C. P. to change assignment from 1340 ke., 500 watts, 1 KW LS, unlimited, to 1420 ke., 100 watts, 250 watts LS, unlimited.
- NEW**—The Brockway Company, Watertown, N. Y.—Granted continuance to April 6 of hearing on application of Edward J. Doyle, Rochester, N. Y., for C. P. for new station to use 1270 ke., 500 watts, daytime. Petitioner has an application for a new station at Watertown, N. Y., which has been continued indefinitely pending outcome of Watertown, N. Y., cases in litigation.
- WTOL**—The Community Broadcasting Co., Toledo, Ohio.—Granted special temporary authority to operate from 7:30 p. m. to the conclusion of basketball game between Toledo University and New York on January 31, 1939, instead of January 30, as authorized by grant of January 21, 1939.
- WPTF**—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on February 11, 18 and 25, 1939, and March 4, 1939, in order to carry the complete programs of the NBC Symphony Orchestra.
- W1XOJ**—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on the frequency 43000 ke., with power not to exceed 100 watts, for the period February 9 to March 10, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.
- KPAR**—Pan American Airways, Inc., New York City.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard the plane NC-18602 owned by Pan American Airways, Inc., bearing call letters KHCHB, as a relay broadcast station on the frequencies 1622, 2058, 2150 and 2790 ke., to relay broadcast programs while the aircraft is en route to San Francisco from Seattle, for the period January 27 to February 25. Programs to be broadcast over the station networks of NBC and CBS.
- WMIN**—WMIN Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to rebroadcast on 1370 ke. from 2:30 to 2:35 p. m., CST, January 28, program originating in an airplane of the St. Paul Winter Carnival, broadcast by short wave.
- WOEH**—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WOEH on the frequencies 4797.5, 6425, 8655 and 12862.5 ke., in addition to the normal licensed frequencies, for a period not to exceed 30 days, for the express purpose of conducting transmission tests for determination of service requirements which will render best program transfer between Los Angeles and San Francisco in emergencies when normal wireless connections are interrupted.
- WMAZ**—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 7:15 p. m., EST, January 30 to 1 a. m., EST, January 31, in order to broadcast President's Ball celebration.
- WHBI**—May Radio Broadcast Corp., Newark, N. J.—The Commission reconsidered its previous action in designating for hearing the application for renewal of license and granted the application without a hearing. A complaint against a program broadcast by this station has been referred to the Federal Trade Commission. Investigation indicated that a program allegedly not in the public interest concerning which complaint had been made was not in fact broadcast by the station.
- WMBC**—Michigan Broadcasting Co., Detroit, Mich.; WMIN Broadcasting Co., St. Paul, Minn.—The Commission reconsidered its previous action in designating for hearing the applications for renewal of licenses and granted the applica-

- tions without a hearing. Certain programs alleged to involve lotteries are no longer being carried by the stations.
- KFOX**—Nichols & Warinner, Inc., Long Beach, Calif.—The Commission reconsidered its previous action in designating for hearing the application for renewal of license and granted the application without a hearing. Certain programs allegedly involving fortune telling and misleading medical advertising regarding which complaint was made have been discontinued.
- KYA**—Hearst Radio, Inc., San Francisco, Calif.—The Commission reconsidered its previous action in designating for hearing the application for renewal of license and granted the application without a hearing. Certain point to point communications in alleged violation of the terms of the station's license were discontinued. Full announcements are now being made regarding the sponsorship of certain programs where formerly there was no announcement of sponsorship, as required by the Act.
- WBAX**—John H. Stenger, Jr., Wilkes-Barre, Pa.—The Commission denied the petition for reconsideration and grant of applications for renewal of license and for voluntary assignment of license.
- WELI**—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from 10 p. m., to midnight, EST, on January 30, in order to broadcast program from New Haven Armory in conjunction with President's Birthday Ball.
- W8XLT**—WLEU Broadcasting Corp., Portable-Mobile (vicinity of Erie Co., Pa.)—Granted reinstatement of C. P. heretofore granted, and license to cover same, for experimental relay broadcast station to use frequencies **31100, 34600, 37600 and 40600 kc.**, conditionally; 2 watts. Present license of W8XLT to be cancelled.
- W6XBE**—General Electric Co., Treasure Island, San Francisco, Cal.—Granted modification of C. P. as modified, extending completion date from February 1 to May 1, 1939.
- W1XPW**—WDRG, Inc., Meriden, Conn.—Granted modification of C. P. as modified, extending completion date from March 11, 1939 to June 1, 1939.
- WATR**—The WATR Company, Inc., Waterbury, Conn.—Granted modification of C. P. to change type of equipment.
- WKAR**—Mich. State College, E. Lansing, Mich.—Granted modification of C. P. approving transmitter site and vertical radiator and installation of other than previously authorized equipment.
- KRLH**—Clarence Scharbauer, Midland, Tex.—Granted license to cover C. P. authorizing installation of new equipment.
- WMFR**—Radio Station WMFR, Inc., High Point, N. C.—Granted license to cover C. P. authorizing installation of composite 100 watt transmitter for auxiliary purposes only.
- WIBM**—WIBM, Inc., Jackson, Mich.—Granted license to cover C. P. authorizing installation of new antenna system, changes in equipment and move of studio and transmitter locally.
- WGPC**—Americus Broadcasting Corp., Albany, Ga.—Granted modification of license to change corporate name from Americus Broadcast Corp. to The Albany Broadcasting Co., Inc.
- WFMJ**—William F. Maag, Jr., Youngstown, Ohio.—Granted modification of C. P. approving transmitter site and installation of vertical radiator.
- KWEW**—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with KBST from 8 to 9 p. m., MST, on January 30, in order to broadcast President's Birthday Ball Celebration.
- WGAN**—Portland Broadcasting System, Inc., Portland, Me.—Granted special temporary authority to operate from 8 p. m. to 12 p. m., EST, on January 30, in order to broadcast talks by local persons on behalf of campaign for funds to combat infantile paralysis and President's speech (11:15 p. m. to 12 p. m.).
- KMPC**—KMPC, The Station of the Stars, Inc., Beverly Hills, Cal.—Granted special temporary authority to operate from 8 p. m., PST, to conclusion of celebration of Beverly Hills 25th Anniversary, on January 30.
- KOME**—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, on January 30, in order to broadcast President's Birthday Ball, using 100 watts only.
- KBTM**—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, on January 30, in order to broadcast local celebration of President's Ball.
- KFDM**—Magnolia Petroleum Co. (Owner), and Sabine Broadcasting Co. (Licensee of station KFDM), Beaumont, Tex.—Granted application for voluntary assignment of license to Beaumont Broadcasting Corporation, effective 3 a. m., EST, January 31, 1939, as the Commission has now been furnished with satisfactory evidence that the contracts of April 21, 1937, and May 24, 1937, have been modified in accordance with the Commission's order of December 16, 1938.
- NEW**—Mountain Top Trans Radio Corp., Denver, Colo.—Denied petition to reopen the record in re application for C. P. (Docket 4896), for further evidence, and the opposition thereto, filed by F. W. Meyer, Intervener.
- KOAC**—Oregon State Agricultural College, Corvallis, Oregon.—Granted petition of KOAC (Commissioner Sykes, voting "No"), to reconsider a petition to reopen the hearing in re the application for modification of license of station KOY, Salt River Valley Broadcasting Co., Phoenix, Ariz., to change frequency from **1390 to 550 kc.**
- WMBR**—Florida Broadcasting Co., Jacksonville, Fla.—Denied petition (Commissioners Craven, Sykes and Case voting "no"), filed by WMBR, for rehearing in re the application of the Metropolis Company, Jacksonville, Fla., for a new station.
- WHLS**—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 8 p. m. to midnight on January 30, in order to broadcast President's Birthday Ball celebration, using 100 watts only.
- KOME**—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, on January 30, in order to broadcast President's Birthday Ball, using 100 watts only.
- KBTM**—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, on January 30, in order to broadcast local celebration of President's Ball.
- WGAN**—Portland Broadcasting System, Inc., Portland, Me.—Granted special temporary authority to operate from 8 p. m. to 12 p. m., EST, on January 30, in order to broadcast talks by local persons on behalf of campaign for funds to combat infantile paralysis and President's speech (11:15 p. m. to 12 p. m.).
- KMPC**—KMPC, The Station of the Stars, Inc., Beverly Hills, Cal.—Granted special temporary authority to operate from 8 p. m., PST, to conclusion of celebration of Beverly Hills 25th Anniversary, on January 30.
- WELI**—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from 10 p. m. to midnight, EST, on January 30, in order to broadcast program from New Haven Armory in conjunction with President's Birthday Ball.
- WHLS**—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 8 p. m., to midnight on January 30, in order to broadcast President's Birthday Ball celebration, using 100 watts only.
- WILL**—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with stations WIBW and WCHS with power reduced to 250 watts, from 7:55 to 9:55 p. m., CST, on February 3 and 25; from 7:25 to 9:25 p. m., CST, February 6, 11, 20 and 27; from 6:25 to 8:25 p. m., CST, on February 13, in order to broadcast University basketball games.
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted authority to operate from 7:15 p. m., PST, to conclusion of basketball games on February 4, 10, 11, 13, 14, 17, 18, 20, 21, 24, 25, 28, and March 1, 3 and 4, 1939.
- WMC**—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW power night, for the period February 4 to March 5, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, or reduces power so that additional interference is not involved. This authority is granted conditionally and may be cancelled at any time without advance notice or hearing, if the Commission finds the need for such action arises.
- KJBS**—Julius Brunton & Sons Co., San Francisco, Cal.—Granted special temporary authority to operate simultaneously with station WTAM from 7:45 to 10 p. m., PST, February 10, 17, 21, and 24, in order to broadcast basketball games.

W9XAK—Kansas State College of Agr. and Applied Science, Manhattan, Kans.—Extended present television broadcast experimental station license upon a temporary basis only, for the period February 1 to March 1, 1939, pending determination upon application for renewal.

#### APPLICATIONS FILED AT FCC

##### 560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Extension of special temporary authorization to conduct experimental farm programs.

##### 900 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—Special temporary authorization to operate portable 100-watt transmitter on frequency 930 kc. daytime, for the period beginning January 31, 1939, and ending in no event later than February 14, 1939, in order to make survey for new transmitter location.

##### 990 Kilocycles

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as "Brown County Broadcasting Co.," Brownwood, Tex.—Construction permit for a new station on 990 kc., 1 KW power, daytime operation.

##### 1200 Kilocycles

KGEK—Elmer G. Beehler, Sterling, Colo.—Special temporary authorization to broadcast livestock auction and merchants programs from Ft. Morgan, Colo.

KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-2123) for new antenna and move of transmitter, requesting authority to change type of transmitter and extend commencement date to 90 days after grant and completion date to 90 days thereafter.

KGEK—Elmer G. Beehler, Sterling, Colo.—Special temporary authorization to operate from 8:45 p. m. to 12 midnight, MST, on January 30, 1939, in order to broadcast program of President's Birthday Ball.

##### 1210 Kilocycles

WCOV—John S. Allen and G. W. Covington, Montgomery, Ala.—License to cover construction permit (B3-P-1051) as modified for a new station.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Special temporary authorization to transmit special programs on February 2, 9, 16, and 23, 1939.

##### 1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of construction permit (B1-P-1881) as modified for new equipment, move transmitter, increase power and install directional antenna for day and night use, further requesting authority to extend completion date from 3-15-39 to 9-15-39.

##### 1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Construction permit to install a new antenna; move transmitter from City Hall, Second and Walnut Sts., Blytheville, Ark., to Railroad and Walnut, Blytheville, Ark., and studio from 205 W. Main St., Blytheville, Ark., to same site as transmitter. Amended: re antenna.

##### 1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—License to cover C. P. (B4-P-2052) for a new station.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Special temporary authorization to broadcast special programs.

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Tex.—Modification of license to change hours of operation from share with KMAC to unlimited (contingent on KMAC being granted new frequency).

KTEM—Bell Broadcasting Company, Temple, Tex.—Special temporary authorization to operate from local sunset January 28, 1939, in order to broadcast President's Birthday Ball.

##### 1420 Kilocycles

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

##### 1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit (B1-P-1918) for move of transmitter.

#### MISCELLANEOUS

NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new relay broadcast (experimental) station on 40300, 41200, 41600, 41800 kc., 50 watts power. Superceding application requests 41800 kc., 50 watts power, located 1 River Road, Schenectady, N. Y.

W2XH—General Electric Co., Schenectady, N. Y.—License to cover C. P. (B1-PVB-14) for a new television station.

NEW—World Wide Broadcasting Corp., Norwood, Mass.—Construction permit for a new international broadcast station on 11730, 15130 kc., 20000 watts power. Amended: Transmitter location at 1218 State Highway, Norwood, Mass.

W4XA—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Modification of construction permit (B3-PHB-62) to request 25450 kc. Amended to request 26150 kc. in lieu of present authorized frequencies.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—License to cover construction permit (B3-PHB-61) for move of transmitter.

WBAQ—Bamberger Broadcasting Service, Inc., Newark, N. J.—License to cover construction permit (B1-PRY-141) for a low frequency relay station.

WAHL—Paducah Broadcasting Company, Inc., Paducah, Ky.—License to cover construction permit (B2-PRY-151) for a low frequency relay station.

W5XFW—KUBA, Inc., Siloam Springs, Ark.—License to cover construction permit (B3-PRE-200) for an experimental relay station.

KAOD—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of C. P. (B5-PRY-135) for changes in equipment and to reduce power from 20 to 10 watts.

KAOD—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover above.

KAIH—Earle C. Anthony, Inc., Los Angeles, Calif.—License to cover C. P. (B5-PRY-110) for a new low frequency relay station.

W4XHY—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—License to cover construction permit (B3-PRE-229) for a new relay broadcast (experimental) station.

W5XFV—KUBA, Inc., Siloam Springs, Ark.—License to cover construction permit (B3-PRE-199) for a relay broadcast (experimental) station.

W9XBS—National Broadcasting Company, Inc., Chicago, Ill.—License to cover construction permit (B4-PHB-57) as modified for equipment changes, increase in power, and move of transmitter.

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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:

**Burn, Pollak & Beer**—Charging the use of misleading representations in the sale of a line of fabrics known as loden cloth, a complaint has been issued against Seymour Burn, Arthur Pollak

and Franz Beer, trading as Burn, Pollak & Beer, 381 Fourth Ave., New York.

Obtaining their fabrics from foreign sources, the respondents are alleged to make representations tending to deceive purchasers into believing that the only genuine Tyrolese loden cloth in the United States is that possessed by the respondents and their customers; that only one mill in the former Austrian province of Tyrol produces genuine loden cloth; that only that loden cloth, the fiber of which has been washed in the waters of the streams of Tyrol, has the appearance and finish of genuine loden cloth, and that genuine Tyrolese loden cloth is made only from wool grown in the Tyrol.

The complaint alleges that the respondents' representations are exaggerated and untrue in that loden cloth is made in many countries and its manufacture is not confined to the former Austrian Tyrol; that genuine Tyrolese loden cloth is produced by many mills in the Tyrol, and that at the time the respondents allegedly made their representations, genuine Tyrolese loden cloth was not offered exclusively in the United States by or through the respondents. (3696)

**Canadian Chamois & Leather Corporation**, 220 West Nineteenth St., New York, has been served with a complaint charging misleading representations in the sale of leather interlinings for coats and for similar garments under the trade name Cham-O-Line.

The complaint charges that in advertisements and on letterheads, invoices, price lists and tags, the respondent company made representations having a tendency to deceive buyers into believing that its interlining product is chamois, which is the skin of the chamois antelope or the oil-tanned skin of the sheep. According to the complaint, the respondent's product is not chamois, but is made from wild pig and skins other than oil-tanned sheepskin or the chamois antelope. (3691)

**Factory-To-You Company**—See Southern Manufacturing Company.

**Moskin Stores, Inc.**—See Southern Manufacturing Company.

**Renesol Corporation**—Charging misleading representations in the sale of Renesol, a medicinal preparation for treating epilepsy, a complaint has been issued against The Renesol Corporation, 551 Fifth Ave., New York, and Maurice Goldberg and Charles Goldblatt, who control and manage the corporation.

The respondents are alleged to have disseminated false advertisements concerning the remedial and curative properties of their product. According to the complaint, they have represented that their preparation will assure to the user a normal, happy and healthy life; that it contains no harmful drugs; that it is not habit-forming, and that it is safe to use.

These representations are exaggerated and misleading, according to the complaint, which alleges that the product will not assure a healthy life; that it contains harmful drugs, may be habit-forming, and cannot be used indiscriminately with safety.

The respondents' advertisements also are alleged to be false because they fail to reveal that use of the preparation under conditions prescribed in the advertisements and under customary conditions may result in serious illness as well as nervous and mental disorders. (3695)

**Southern Manufacturing Company**—Complaints alleging violation of the Federal Trade Commission Act in the sale of wearing apparel have been issued against Casenbury Crowe, trading as Southern Manufacturing Company and as Factory-To-You Company, 1806 Broad St., Rome, Ga., and against Moskin Stores, Inc., 370 Seventh Ave., New York.

In the sale of men's clothing by means of traveling agents who take orders, Casenbury Crowe is alleged to represent that the suits to be delivered will be made-to-measure or made-to-order and of material selected by purchasers from samples exhibited by agents, and that customers will have opportunity to examine and try on the garments before payment of the balance due.

The complaint alleges that the garments delivered are not made-to-measure but are of the ready-made type; that customers are not given an opportunity to try them on, and that the suits are

shipped C. O. D. with no chance to return them if unsatisfactory. The clothing delivered, it is alleged, does not fit in the same manner as does made-to-order clothing, and in many instances the respondent does not deliver garments made from the material selected from samples, and in such instances refuses to return the customer's money or to deliver clothing made from the material selected.

Although employing the phrases "Manufacturing Company" and "Factory-To-You" in her trade names, the respondent, according to the complaint, is not a manufacturer owning or operating a plant in which her products are made.

Moskin Stores, Inc., operates a chain of retail stores including Moskin Credit Clothing Company, 729 Seventh St., N. W., and Star Credit Clothing Company, 825 Seventh St., N. W., Washington, D. C. It is alleged to advertise that customers purchasing certain men's suits or overcoats or women's garments for \$22.50 each will receive free certain additional articles advertised as having values of \$7.85, \$6.95, and other amounts.

The complaint alleges that the respondent company does not give any of the specified items free, but that their prices are included in the prices of the other articles offered for sale. (3692 and 3693)

**Spencer Business College**—Alleging violation of the Federal Trade Commission Act in the sale of correspondence school courses, a complaint has been issued against Melvin B. and Mary F. Selcer, and Clay and Charlotte Spencer, co-partners trading as Spencer Business College, 310 Carondelet St., New Orleans. The complaint also includes as a respondent Ray Axton, manager of the respondents' "Extension Division."

In the sale of secretarial and business administration courses, the respondents' agents, known as "Registrars", are alleged to represent to prospective purchasers that they have been especially selected for an offer of enrollment; that the "Registrars" have special authority to sell meritorious persons such offers; that students so selected are offered an especially low price for advertising purposes, and that selected prospects are to be recipients of "scholarships" entitling them to the full course of instruction, the number of scholarships available being limited.

These representations are alleged to be exaggerated and deceptive, and a further representation of the respondents that they maintain branch offices in numerous cities other than New Orleans is not true, according to the complaint. (3694)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Ace Premium Company**—See Ideal Gift Company.

**Boyd Houser Candy Company**—Boyd Houser, trading as Boyd Houser Candy Company, 307 Washington Ave., North, Minneapolis, and The Newton Products Company, 3rd and Lock Sts., Cincinnati, are prohibited, under orders entered from using lottery methods in the sale of candy to ultimate purchasers.

The orders direct both respondents to cease and desist from selling and distributing candy so packed and assembled that sales to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise. The orders also require the respondents to discontinue supplying dealers with any lottery device, either with assortments of candy or other merchandise, or separately, which device is to be used or may be used in selling such candy or other merchandise to the public.

The Newton Products Company, which the Commission found distributed candy by means of the so-called "break and take" lottery method, was ordered to cease assembling in the same package pieces of candy of uniform size and shape having centers of a different color, together with larger pieces or other articles of merchandise which are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color. (3506 and 3599)

**Harmony-Electro Manufacturers**—An order has been entered requiring Joseph C. Bradley, 4 St. Clair Ave., West, Toronto, Canada, and his four sales agents in the United States, to cease and desist from misrepresentations concerning the therapeutic value of a device designated the Harmony Electro-Magnetic

Health Appliance. Bradley trades as Harmony-Electro Manufacturers.

The respondent agents are John M. Schulz, 345 West Ferry St., Buffalo; William M. Ireland, Tulsa, Okla.; Frieda E. Breslin, 75 South Wells St., Wilkes-Barre, Pa., and A. R. Erbe, 509 Luzerne Ave., West Pittston, Pa.

The device is described as a belt which, when connected with electric current, creates a magnetic field.

Whether acting individually or under a common understanding, the respondents are ordered to cease and desist from representing that the so-called Harmony Belt is an effective, safe, tested, tried and proven therapeutic agent, and that the electro-magnetism generated by it thoroughly relaxes one, strengthens vitality, assists oxidation and aids metabolism.

Other representations to be discontinued are that use of the belt has any therapeutic value in treating rheumatism, arthritis, headache, sore eyes, high blood pressure, paralysis, eczema, catarrh, anemic condition, hay fever, ulcers, acidosis, old age troubles, kidney and bladder troubles, or any other ailment. (3072)

**Ideal Gift Company**—Orders to cease and desist from the use of lottery methods in the sale of merchandise to ultimate consumers have been entered against S. C. Ross, trading as Ideal Gift Company, 64 West Randolph St., Chicago; Irving Schwartz, trading as Lloyd's Distributing Company, 521 Fifth Ave., New York; Charles M. Bregstone, trading as The Veltrola Company, 180 North Wacker Drive, Chicago, and Harry J. Snyderman, trading as Ace Premium Company, 423 South Fifth St., Minneapolis.

The respondents are ordered to cease selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices. They also are required to discontinue mailing or shipping to their agents and distributors, or to members of the public, lottery devices so prepared or printed as to enable the operators thereof to sell or distribute merchandise by the use of such devices.

Through the use of pull cards or punch boards the respondents distribute their merchandise to the purchasing public wholly by lot or chance, the Commission found.

According to the findings, Ross is engaged in selling rotary clocks and fountain pen and pencil sets; Schwartz sells electric razors, radios and fountain pens; Bregstone is a distributor of electric razors, wrist watches and silverware sets, and Snyderman deals in cigarettes, cigarette lighters and cases, leather goods, jewelry, cameras, clocks and other articles of merchandise. (3205, 3277, 3327 and 3581)

**Lloyd's Distributing Company**—See Ideal Gift Company.

**Newton Products Company**—See Boyd Houser Candy Company.

**Veltrola Company**—See Ideal Gift Company.

## STIPULATIONS

The Commission has entered into the following stipulations:

**Banfi Products Corporation**, 206 Spring St., New York City, will cease representing that the preparation known as Felsina Ramazzotti is an effective remedy for, or is of value in preventing, colds, catarrh, influenza, bronchitis, pneumonia, or gastric acidity, or that it is a competent treatment for heaviness of the stomach, unless this claim is limited to flatulence or gas formation. The respondent company also will cease representing that its preparation is used in all parts of the world and that Mahatma Gandhi has approved or expressed any opinion concerning it. (02316)

**Bastian Brothers Company**, Rochester, N. Y., in promoting the sale of its jewelry products, agrees to stop stamping, branding, labeling or otherwise designating as "gold" any article the quality of which is less than 10 carats fineness, unless the word "gold" is immediately accompanied by a quality mark indicating clearly

and accurately its degree of fineness throughout the article, as, for example, "8K Gold."

According to the stipulation, an article described as gold is understood in the jewelry trade to be 10 carats or more in fineness. (2378)

**Belding-Heminway-Corticelli**, 119 West 40th St., New York City, in the sale of dental floss, will cease using on labels or otherwise the word "sterilized" to imply that the product is sterile at the time of purchase and removal from its original package. (2380)

**Bishop Company, Inc.**, North Attleboro, Mass., in the sale of its optical goods, stipulates that it will cease stamping, marking or labeling spectacle frames or mountings with the term "1/10-12K" either alone or in connection with the initials "G.F.," or otherwise, when in fact the gold content of such articles is not 1/10-12K or better and does not assay at least 45/1000 fine gold throughout.

The stipulation points out that in the optical and jewelry trade the marks "1/10-12K" and "1/10-12 K.G.F." mean that one-tenth by weight of the entire article is 12-carat gold, or that, on a fractional basis, the gold content is 50/1000 fine gold. Allowing for a 10 per cent tolerance, any article so marked is deemed misbranded if it does not have an actual fine-gold content of 45/1000. (2376)

**Cisco, Inc.**, New York City, in the sale of men's and women's muffler's and scarves, agrees to stop using on its brands or labels or in advertisements the phrase "all silk", the word "silk" or any other silk-connoting word as descriptive (1) of a product not composed entirely of silk, or (2) of a substantial silk content of a product, such content containing metallic weighting.

The stipulation provides that if the word "silk" or another word connoting silk is used to describe the weighted silk content of a product substantially so weighted, the fact that the product is weighted and the percentage of the weighting shall be clearly indicated, as, for example, "silk with 45% metallic weighting". The stipulation further provides that if the product is composed in part of rayon and in greater part of weighted silk, all representations pertaining to the article shall clearly disclose the rayon content as well as the fact that the silk content is weighted, as, for example, "Silk (weighted 45%) and Rayon". (2383)

**Consolidated Products Company**, Danville, Ill., manufacturer of four supplemental feed products for poultry and hogs, sold under the trade name Semi-Solid, agrees to cease use in its advertising matter of the word "milk" to designate a product which is not in fact whole milk. (2368)

**Frederic Eschenburg**—Engaged in the sale of calling and business cards, Frederic Eschenburg, 39-41 Cortlandt St., New York, has entered into a stipulation to discontinue misleading representations in the sale of his product.

The respondent agrees to cease employing the word "engraving" or "embossed" in advertising matter as descriptive of his cards, either independently or in connection with other words so as to imply that they are engraved or are the result of impressions made from inked engraved plates. (2374)

**Gate City Optical Company**—Two companies selling optical goods and supplies in interstate commerce have entered into stipulations to discontinue misleading representations regarding the gold content of spectacle mountings.

Gate City Optical Company, 1114 Grand Ave., Kansas City, Mo., and Louis Jacobitti, trading as National Optical Company, 18 Columbia St., Newark, N. J., are the respondents.

Gate City Optical Company agrees to cease using the word "certified", as descriptive of an article not analyzed or appraised by an authorized impartial agency, and to discontinue use in its advertising or as a stamp or marking for its spectacle mountings of the term "1/10-12K", alone or in connection with the initials "AaA1", or in any way, when in fact the gold content of the mountings is other than 45/1000 fine gold or more.

Louis Jacobitti, trading as National Optical Company, stipulates that in the sale of spectacle mountings he will desist from stamping

or labeling them with the term "1/10 12Kt", either alone or in connection with the initials "G. F.", or in any way, when in fact the gold content of the mountings is other than 1/10 12K or assays other than 45/1000 fine gold or more. Jacobitti also agrees to stop guaranteeing or otherwise representing that a product contains not less than 45/1000 fine gold, when the fine gold content is actually less. (2385 and 2386)

**George's Radio Company**, Washington, D. C., in the sale of household appliances, agrees to stop representing that a price quoted for merchandise is "special", when in fact it is the regular price. According to the stipulation, Wasserman advertised that he was selling for \$34.50 a certain gas range having a regular value of \$59.50, when in fact the price of \$34.50 quoted as an introductory offer was not special, as it was the only price at which he sold such range. Wasserman also will cease advertising, when such is not a fact, that a certain type of gas range sold by him was selected by the United States Government for PWA new housing projects because of its greater efficiency and longer life. (2382)

**Handy Governor Corporation**, manufacturer of governors and other automotive devices, has entered into a stipulation to cease misleading representations in its advertising matter. The corporation has headquarters at 3925 West Fort St., Detroit.

In the sale of governors, the corporation stipulates that it will cease use in its advertisements of the phrase "Close to 90 per cent of all 1938 trucks specify Handy", or of any similar representation the effect of which conveys the idea that approximately nine-tenths of all trucks manufactured in 1938 were equipped with Handy governors. (2381)

**National Optical Company**—See Gate City Optical Company.

**Prime Manufacturing Company**—A dealer in electrical equipment used for fencing in livestock has entered into a stipulation to discontinue misleading representations in advertising. The respondent is The Prime Manufacturing Company, 1669 South First St., Milwaukee.

The respondent company agrees to cease representing that its electric fence, comprising a controller and a single wire enclosure, or "one wire plus a touch of electricity", holds live stock, unless it is explained that one wire is effective only for animals of approximately the same size or height. The respondent also agrees to stop asserting that its method of fencing saves any definite amount of money in excess of the average savings effected. (02315)

**Royal China, Inc.**, Sebring, Ohio, has entered into a stipulation to discontinue unfair competitive practices in connection with the sale of chinaware it manufactures.

Royal China, Inc., agrees to desist from representing, or cooperatively engaging with the purchasers in representing, that they are its direct salesmen, or that any business relationship exists between Royal China, Inc., and such purchasers, except that, under regular sales agreements, they buy the products of the respondent company. (2388)

**H. M. Sheer Company**, Quincy, Ill., dealer in equipment and supplies including brooders and broiler plants, will discontinue advertising that "9 out of 10 make a big success" in the broiler business; that with an investment of \$33 or any other amount charged as an initial payment, a purchaser of the respondent's products may start a profitable poultry business, and that any offer is a free trial offer so long as a cash deposit is required prior to the delivery of equipment. (02313)

**Southwestern Diesel Schools, Inc.**, 1801 Walker Ave., Houston, Tex., and **Public Office Preparation, Inc.**, 225 West 8th St., Kansas City, Mo., have entered into stipulations to discontinue certain misrepresentations concerning correspondence courses of instruction they sell in interstate commerce.

Southwestern Diesel Schools, Inc., sells a combination home study and practical course in Diesel engine mechanics and operation, in addition to conducting a vocational school in Houston. Public Office Preparation, Inc., sells correspondence courses intended to prepare students for examinations for Civil Service positions with the United States Government.

Both companies agree to cease overstating the opportunities for employment for those studying their courses, and to discontinue misrepresenting the actual earning power, probable salaries, promotions or future security of their graduates and students.

Under its stipulation, Southwestern Diesel Schools, Inc., agrees to stop representing that the prospective student is offered complete theory and shop training in his home town, when such is not a fact, and that the Diesel industry offers financial independence and even greater opportunities than did the automotive industry. The respondent company also will refrain from designating its course as "Diesel Engineering" so long as it does not maintain the full curriculum of an approved engineering school.

Public Office Preparation, Inc., stipulates that it will cease representing that it is especially prepared or authorized to give full information regarding Civil Service examinations; that a Civil Service position will be guaranteed to any of its students who may pass the examination with a satisfactory grade, and that it has placed more people in Government positions in three years than Harvard University has placed in 300 years. The company also agrees to desist from the use in circulars of terms and phrases so worded as to mislead prospective students into the belief that they are dealing with the United States Government, when such is not a fact. (2375 and 2379)

**Tenex Manufacturing Corporation**, Passaic, N. J., casein glue manufacturer, under a stipulation entered agrees to cease using on its labels or in advertisements the word "waterproof" or the phrase "immune to water" as descriptive of its Tenex Glue when in fact the product is not waterproof. (2377)

**C. J. Tiller Company**, Omaha, Nebr.—Clayton J. Tiller, trading as C. J. Tiller Company, in the sale of typewriter ribbons, agrees to stop the use in advertising matter of the words "Sea Island" as descriptive of products not made of Sea Island cotton, and to discontinue the use of such words together with tropical island scenery, or in any other way, to imply that the products he sells are manufactured of Sea Island cotton, when such is not a fact.

Tiller also agrees to desist from representing that he has sold "thousands" or any other indicated amount of a certain brand of desk letter trays for \$3.50 or any other price, when such is not a fact, and to discontinue using the phrase "manufacturers of" on letterheads or otherwise, when in fact he did not own and operate a factory for manufacture of his products. (2384)

**William H. Wise & Co., Inc.**, New York City, publisher, in the sale of books, agrees to stop using in advertisements or trade promotional literature the phrases "stamped in gold", "richly stamped in gold", or "rich gold stamped" as descriptive of bindings not stamped in gold or gold leaf. The respondent also agrees to cease representing that a book offered for sale is "new" or being published for the "first time" or that "never before have the contents been gathered together in one volume", when such are not the facts, and to discontinue quoting a fictitious price as being the regular price of a book. The company also will stop advertising that a price offered is made possible only through thousands of orders received prior to publication or because of the cooperation of many friends and customers, when such are not the facts. (2387)

#### FTC CLOSES CASE

The Federal Trade Commission has closed its case against Jowett Institute of Physical Culture, Scranton, Pa., charged with misrepresentation of the effectiveness of its correspondence courses.

In closing the case, the Commission makes known that the corporation has been inactive for more than one year and has been dissolved.

# FCC Assignments For February

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR  
MONTH OF  
February**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner  
Paul A. Walker**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner  
Norman S. Case**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner  
T. A. M. Craven**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner  
George Henry Payne**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner  
Eugene O. Sykes**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner  
Thad H. Brown**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

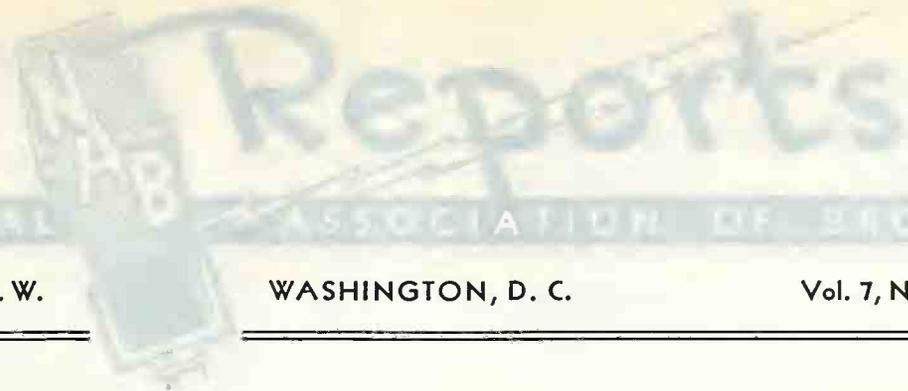
**Secretary  
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer  
Ewell K. Jett**





## Wheeler Introduces New FCC Bill

Senator Wheeler (D-Mont) introduced his bill this week to abolish the FCC and substitute a new three-man commission, with a promise that he later would propose legislation to re-define Congressional broadcasting policy.

“My observation over a long period of years convinces me that big commissions are a mistake,” Mr. Wheeler said in a statement issued simultaneously with the introduction of his bill. “Personal responsibility is lost.” Often we know that matters are badly handled, but we can’t tell where or how the mishandling starts, or where to put the blame. Commonly, too, a big board lacks cohesion and morale. It is very likely to be an aggregation of individualists, each working too much in his own way and to his own ends, with too little common purpose of serving the public interest.

“In the Communications Commission such conditions have been aggravated because the Commission for years has been plagued by politics—not simple party politics alone, but the politics of big business too. The best way to eliminate politics is to center responsibility, carefully defined and appropriately limited, in a small group, where it cannot be dodged or divided. That way I think we can get results.”

The NAB Legislative Committee, in session when the bill was introduced, gave it careful study and will recommend to the Executive Committee, meeting here Saturday and Sunday, what position the NAB should take.

The Wheeler bill, the text of which is carried in another part of the REPORTS, provides for a bipartisan commission, the members of which would serve six year terms. The commission would make decisions on all contested cases in broadcasting, telegraph, telephone and radio point-to-point communication. Three administrative assistants would handle matters in these three fields where no commission decision was necessary.

Hearings would be conducted as at present by the commission’s legal staff. The bill also would set up a new research division to work on “problems related to telephone and telegraph, the analysis of listener responses to radio programs and the handling and study of listener complaints and endorsements”. This same division also would handle publicity and information.

All present commission employees would be transferred to the new commission for 60 days and could be continued in a temporary status for not more than 4 months. They would be given preference for a permanent appointment.

Mr. Miller called in the Legislative and Executive Committees immediately after his return from a successful trip through NAB’s western Districts. Along with the Wheeler

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## WHEELER INTRODUCES NEW FCC BILL

*(Continued from page 3265)*

bill, the Celler bill to protect broadcasters from libel on the part of outside speakers and numerous other measures received the Legislative Committee's attention. It was decided to have a lawyers' committee go over the Celler bill and to propose any amendments needed before NAB endorsement.

The copyright question in general and the collapse of the Brinckerhoff deal for the continuation of the NAB Bureau of Copyrights will share with the legislative situation most of the Executive Committee's discussion. Dates for the annual convention plan, for San Francisco next summer also will be discussed.

### Wheeler's Statement

Senator Wheeler (D.-Mont.) issued the following statement Thursday after introducing the Administration bill to abolish the Federal Communications Commission and to substitute a three-man Federal Radio and Communications Commission:

The bill I am introducing to create a new Federal Communications and Radio Commission, replacing the present Federal Communications Commission, is intended to correct looseness and uncertainty to functioning and diffused responsibility. It provides for a board of three to head the Commission, with one of the three serving as chairman and principal executive officer. The Board would be bi-partisan, with not more than two members drawn from any political party.

The staff organization would be compact, and closely integrated internally and in its relation to the Board. Provision is made for division of functions as between broadcasting, telephone and telegraph and international radio and communications, with provisions to assure that none of these functions shall be slighted.

My observation over a long period of years convinces me that big commissions are a mistake. Personal responsibility is lost. Often we know that matters are badly handled, but we can't tell where or how the mishandling starts, or where to put the blame. Commonly, too, a big

board lacks cohesion and morale. It is very likely to be an aggregation of individualists, each working too much in his own way and to his own ends, with too little common purpose of serving the public interest.

In the Communications Commission such conditions have been aggravated because the Commission for years has been plagued by politics—not simple party politics alone but the politics of big business too. The best way to eliminate politics is to center responsibility, carefully defined and appropriately limited, in a small group, where it cannot be dodged or divided. That way I think we can get results.

In this new set-up responsibility would be centered squarely upon the members of the small Board and the staff functioning under its direction.

The bill transfers to the new agency all jurisdiction, powers, duties and functions of the Federal Communications Commission under the Communications Act of 1934, as amended. Insofar as this bill is concerned, all of the substantive provisions of the Communications Act of 1934 are continued in effect and made applicable to the new agency. Any changes in substantive provisions involving such questions as the methods of regulation, ownership of broadcasting stations by newspapers, the character of radio programs, censorship, high power and superpower stations, and other policies, will be proposed in a separate bill I shall introduce later. The only changes now proposed in the existing law are changes in the administrative machinery of the agency.

Section 3 of the bill provides for the new three-man board, whose members are to be appointed by the President with the advice and consent of the Senate, and with the President designating a chairman, as at present. The terms of the members first appointed are two, four and six years, respectively; thereafter the members of the Board will hold office for staggered terms of six years each. The salary of each member of the Board will be \$10,000, as at present.

A provision similar to that now contained in the Communications Act of 1934 authorizes the Board to assign or refer any portion of its work to an individual member of the Board or to one or more employees of the Commission, except the functions of making final decisions in contested cases involving the taking of testimony at public hearings. The purpose of this provision is to permit the Board to delegate purely executive functions but not final decisions of cases required to be handled in a quasi-judicial manner. The Board itself must make final decisions in all contested cases involving the weighing of evidence adduced at public hearings.

Section 4 relates to personnel and authorizes the appointment of employees subject to the Civil Service laws and the Classification Act of 1923, with certain positions exempted. The exempted positions, many of which are also exempted by the Communications Act, include a gen-

eral counsel, a chief engineer and a chief accountant, their assistants, and a secretary of the Commission. The bill also exempts attorneys, as in most of the Government agencies, and also a few new positions, such as those of an administrative assistant for broadcasting, an administrative assistant for communications carriers, an administrative assistant for international radio and communications, and a chief of a new Department of Research and Information.

The functions of the latter department will include one not now specifically provided for in the Communications Act, but badly needed. This consists primarily of research on problems relating to telephone and telegraph, the analysis of listener responses to radio programs, and the handling and study of the multitude of listener complaints and indorsements. With such measures the Commission would establish, for the first time, a close contact with listeners and the users of telephone and telegraph facilities, and be far better equipped to develop standards for its allocations of broadcast frequencies and for regulation of the communications industries. Along with this would go the compiling and analysis of other information needed by the Board and to be disseminated to the public.

Section 5 provides for an administrative assistant to the Board to handle matters relating to domestic broadcasting. This administrative assistant is under the administrative supervision of the Chairman. The administrative assistant is not authorized to make final decisions on any quasi-judicial matters. His duty is primarily that of an executive officer responsible to the Board for the efficient and expeditious handling and presentation to the Board of certain important matters committed to the Board's jurisdiction.

Section 6 provides for the administrative assistant to the Board on matters relating to communications carriers, and Section 7 for the administrative assistant for international radio and communications matters.

Section 7 transfers the present employees, records, properties and appropriations of the Federal Communications Commission to the new Commission. All present employees are transferred for a period of sixty (60) days and may be continued in a temporary status for not more than four months. They are given a preference for appointment in a permanent status to any position for which, in the opinion of the Board, they are qualified. I have no doubt that most of the present employees will be retained. However, in view of unsatisfactory conditions in the present Commission and the uncertainty as to how far the responsibility for them extends down the line, the new Board should be free to make such personnel changes as the public interest might require.

Sections 9, 10 and 11 contain various provisions necessary to give effect to the new plan of reorganization. They make no substantive change in the law.

## INDEX

	Page
Wheeler Introduces Bill to Abolish FCC.....	3265
Wheeler's Statement .....	3266
Wheeler's Bill .....	3267
Legislation Committee Meets .....	3268
AFRA Agreement .....	3269
AFRA Certified .....	3269
Free Offers .....	3269
To Western Members.....	3269
Monopoly Hearing .....	3270
Congressional Speeches .....	3271
WATL Request .....	3271
"March of Dimes".....	3271
Western Meetings .....	3271
Legal .....	3271
Case Confirmed .....	3272
Engineer License Bill.....	3272
FCC Appropriation .....	3272
Balance Sheets Due at FCC.....	3273
FCC Rules Amendments.....	3273

## Wheeler's Bill

To amend the Communications Act of 1934, as amended, and for other purposes.

### DEFINITIONS

Sec. 1. For the purpose of this Act, unless the context otherwise requires;

- (a) "Commission" means the Federal Communications and Radio Commission created by section 2 of this Act;
- (b) "Board" means the Board of the Commission;
- (c) "Chairman" means the chairman of the Board.

### FEDERAL COMMUNICATIONS AND RADIO COMMISSION

Sec. 2. There is hereby created an agency to be known as the Federal Communications and Radio Commission which shall be administered by a Board composed of three members. All jurisdiction, powers, duties, and functions of the Federal Communications Commission under the Communications Act of 1934, as amended, are hereby imposed upon and vested in the Commission. The provisions of the Communications Act of 1934, as herein amended, shall until further action by the Congress, continue in full force and effect, and shall apply to the Commission and to members of the Board to the same extent as said Act is now applicable to the Federal Communications Commission and to members thereof. The Commission shall have an official seal which shall be judicially noticed.

### BOARD

Sec. 3. The members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as Chairman, who shall be the principal executive officer of the Commission. The members of the Board first appointed shall continue in office for terms of two, four and six years respectively, from December 31 next following the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. The members of the Board shall receive a salary at the rate of \$10,000 per annum. Two members of the Board shall constitute a quorum. Not more than two members of the Board shall be of the same political party. The Board shall have power to perform any and all acts, to prescribe, issue, make, amend, and rescind such orders, rules and regulations and to hold such hearings as it may find necessary or appropriate to carry out the provisions of this Act. The Board is hereby authorized by its order to assign or refer any portion of its work, business or functions to an individual member of the Board or to an employee or employees

of the Commission, to be designated by such order, for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference; Provided, however, That this authority shall not apply to the making of final decisions in contested proceedings involving the taking of testimony at public hearings.

#### PERSONNEL

Sec. 4 Without regard to the civil service laws or the Classification Act of 1923, as amended, (1) the Board may appoint and prescribe the duties and fix the salaries of an administrative assistant for broadcasting, an administrative assistant for communications carriers, an administrative assistant for international radio and communications, a secretary of the Commission, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, a director of research and information and not more than two assistants, and subject to the Classification Act of 1923, as amended, such attorneys as are necessary in the execution of the functions of the Commission; (2) each Commissioner may appoint and prescribe the duties of an assistant at an annual salary not to exceed \$5,000, and a secretary at an annual salary not to exceed \$3,000. The three administrative assistants, the general counsel, the chief engineer and the chief accountant shall each receive an annual salary not to exceed \$9,000; the secretary of the Commission shall receive an annual salary not to exceed \$7,500, and the director of research and information shall receive an annual salary of not to exceed \$8,000. The assistants to the chief engineer, chief accountant and general counsel shall each receive an annual salary not in excess of \$7,500 and the assistants to the director of research and information shall not receive an annual salary in excess of \$6,000 each. Subject to the civil service laws and the Classification Act of 1923, as amended, the Board may appoint such officers, engineers, accountants, inspectors and other employees as are necessary in the execution of the functions of the Commission.

#### ADMINISTRATIVE ASSISTANT FOR BROADCASTING

Sec. 5. The Administrative Assistant for Broadcasting, under the administrative supervision of the Chairman, shall be responsible for the efficient and expeditious handling and presentation to the Board of all matters relating to or connected with broadcasting (except international broadcasting).

#### ADMINISTRATIVE ASSISTANT FOR COMMUNICATIONS CARRIERS

Sec. 6. The Administrative Assistant for Communications Carriers, under the administrative supervision of the Chairman, shall be responsible for the efficient and expeditious handling and presentation to the Board of all matters relating to or connected with record communications by wire, radio or cable and all forms and classes of fixed and mobile radio telegraph service (other than international record communications) and all matters relating to or connected with telephone communications (other than broadcasting) by wire, radio or cable including all forms of fixed and mobile radio, telephone service, (other than international telephone communications).

#### ADMINISTRATIVE ASSISTANT FOR INTERNATIONAL RADIO AND COMMUNICATIONS

Sec. 7. The Administrative Assistant for International Radio and Communications, under the administrative supervision of the Chairman, shall be responsible for the efficient and expeditious handling and presentation to the Board of all matters relating to or connected with international radio and international communications.

#### TRANSFER OF EMPLOYEES, RECORDS, PROPERTY AND APPROPRIATIONS

Sec. 8. (a) All officers and employees of the Federal Communications Commission (except the members thereof, whose offices are hereby abolished) are hereby transferred to the Commission, without change in classification or compensation for a period of sixty (60) days or for such longer period, not to exceed four months, in a temporary status, as may be deemed necessary by the Board, subject to appropriate adjustment of classification or compensation to conform to the duties to which they may be assigned. All such officers and employees shall be eligible and shall have preference for appointment in a permanent status to any position for which, in the opinion of the Board they are qualified.

(b) There are hereby transferred to the jurisdiction and control of the Commission all records and property (including office furniture and equipment, and including monitoring radio stations) under the jurisdiction of the Federal Communications Commission.

(c) All appropriations and unexpended balances of appropriations available for expenditure by the Federal Communications Commission shall be available for expenditure by the Commission for any and all authorized objects of expenditure in the discretion of the Board, without regard to the requirements of apportionment under the Anti-deficiency Act of February 27, 1906. To the extent that it may be practicable to do so, the Board shall allocate a portion of its available funds for expenditure exclusively in the performance of functions relating to broadcasting and communications carriers, respectively, and shall make its expenditures in the performance of such functions in accordance with such allocations; Provided, That if the Board at any time determines that any such allocation is in excess of the amount necessary for the performance of the functions for which such allocation was made, such excess may be used in the discretion of the Board for the performance of some other function.

#### EFFECT OF TRANSFERS, REPEALS AND AMENDMENTS

Sec. 9. (a) All orders, determinations, rules, regulations, permits, contracts, licenses and privileges, which have been issued, made or granted by the Federal Communications Commission under any provisions of law, repealed, or amended by this Act or in the exercise of duties, powers, functions, transferred to the Commission by this Act and which are in effect at the time this Act takes effect, shall continue in effect until modified, terminated, superseded or repealed by the Commission or by the operation of law.

(b) Any proceeding, hearing or investigation commenced or pending before the Federal Communications Commission on the effective date of this Act shall be continued by the Commission in the same manner as though originally commenced by the Commission.

(c) All records transferred to the Commission under this Act shall be available for use by the Commission to the same extent as if such records were original records of the Commission.

(d) The provisions of this Act shall not affect suits commenced prior to the effective date of this Act and all such suits shall be continued, proceedings therein had, appeals therein taken and judgments therein rendered in the same manner and with the same effect as if this Act had not been passed. No suit, action or other proceeding lawfully commenced by or against the Federal Communications Commission or any member, officer or employee, thereof, in relation to the discharge of official duties, shall abate by reason of any transfer or authority, power and duties from the Federal Communications Commission or from such member, officer or employee to the Commission under the provisions of this Act, but the Court, upon the motion or supplemental petition, filed at any time within twelve (12) months after such transfer, showing the necessity for a survival of such suit, action or other proceeding to obtain a settlement of the question involved, may allow the same to be maintained by or against the Commission.

(e) The proceedings to enforce or set aside orders of the Commission and appeals from orders of the Commission shall be in the same manner and in the same courts as provided in the Communications Act of 1934, as amended, for enforcing or setting aside orders of the Federal Communications Commission and for appeals from such orders.

#### AMENDMENTS OF COMMUNICATIONS ACT OF 1934

Sec. 10. Subdivisions (a), (c), (d), (f), (h), (i), and (n) of Section 4 and Section 5 of the Communications Act of 1934, as amended, are hereby repealed.

#### EFFECTIVE DATE

Sec. 11. This Act shall take effect as soon as the members of the Board shall have taken office.

#### LEGISLATIVE COMMITTEE MEETS

In order to make an immediate and comprehensive study of fresh industry problems evoked by new bills introduced in Congress, President Miller this week met Thursday with the NAB Legislative Committee.

Chairman John Kennedy, WCHS; Harry Butcher, CBS; William Dolph, WOL; Luther Hill, KRNT; Frank Russell, NBC; and Theodore Streibert, WOR, attended.

The committee will submit its recommendations to the Executive Committee, scheduled to meet at Headquarters on Saturday and Sunday, February 11 and 12.

## Labor

### AFRA AGREEMENT

Both NBC and CBS told the NAB this week that the contracts covering commercial programs which they signed last week with AFRA do not affect their network affiliates directly. To the contrary, they say, a clause was inserted at their insistence to protect the receipt of network commercials by affiliates during any controversy the affiliates might have with AFRA. This clause says:

"So long as the producer performs this code, AFRA will not strike against the producer as to the performers covered by this code in the field covered by this code. To the extent AFRA has agreed not to strike, it will order its members to perform their contracts with the producer. This paragraph only applies to producers who sign this code."

Although NBC and CBS signed the agreement, a number of advertising agencies have signified their intention of complying with the terms, by letter to the networks.

### AFRA CERTIFIED AT WEW

The National Labor Relations Board has certified the St. Louis Local, American Federation of Radio Artists (AFofL), as sole collective bargaining agent for staff actors, singers, and announcers, as well as all free-lance actors, singers, and announcers employed by St. Louis University at its radio station WEW in St. Louis, Mo., following a secret ballot election held on January 6 resulting in a count of four to two for the A. F. of L. union.

### FREE OFFERS

The American Life and Accident Insurance Company is renewing its proposal for commission advertising, despite the NAB's notice that such was banned by the NAB Code of Ethics. The number of follow-ups reaching Headquarters indicates that the insurance company is wasting postage.

The duPont interests are disturbed about the NAB's opinion that use of one of their free offers—telling housewives how to decorate with cellophane—would constitute a violation of the code. F. J. Byrne, chief of their public relations department, came to Headquarters to explain how such material was sent out only on request, that many stations made much use of their "style" service as well as of their news bulletins, and that they bought and paid for a great deal of radio time. Of course, the NAB realizes that there is a fine line between news and

advertising sometimes. Members are urged carefully to look for "commercial" material in the "news" sent out by corporations, etc.

The Macfadden Publications are again offering dramatic skits in return for a credit line. The NAB has advised this company that acceptance of its offer would constitute code violation.

Junior chambers of commerce are asking for free time for speeches to be delivered by local members and prepared by the national junior chamber with the assistance of Brookings Institution. They purport to educate the average man in the fundamentals of economics and to be non-partisan. Labor leaders and New Dealers generally take issue with Brookings economic theories and might claim the right to answer these talks.

The National Wildlife Federation, through Steve Hanagan, is asking for free time for spot announcements about wild life conservation. These appear to be non-commercial.

Dr. C. A. Scates of Del Rio, Tex., has asked a southwestern member to sell medicine on a 50-50 basis. The member refused.

Ernest Cutting, who represents himself as a New York radio talent scout, has asked a member to plug his future appearance in the member's city, in return for 20 per cent of the amount he takes at \$5 per audition. The NAB has notified Mr. Cutting that acceptance of his proposal would constitute a violation of the NAB code.

The Safe Winter Driving League reports to the NAB that it is working with "numerous insurance companies." The NAB hopes at some early date to work out a coordinated highway safety program that will eliminate all requests for safety programs such as the League's.

### TO WESTERN MEMBERS

I would like to express our thanks for the splendid manner in which broadcasters turned out for the five NAB District Meetings in Denver, Portland, San Francisco, Los Angeles and Mineral Wells, Texas.

The attendance at all meetings was unusually large, and particularly gratifying to all of us at Headquarters has been the significant fact that each meeting resulted in an increase in the NAB membership in those districts where meetings were held.

There was a seriousness of purpose pervading our conferences. Industry problems were fully discussed and analyzed. We are a better informed industry because of them. I believe we all have a better understanding of our common problems. This is especially reflected in the rising number of pledges to the FREC fund which have followed us home. In addition to industry problems, we discussed sales problems as well and the Sales Managers meetings will prove of inestimable benefit to the commercial side of the industry.

Ed Kirby who accompanied me, joins in my thanks to all broadcasters for their courtesy, kindness and warm-hearted hospitality.

Gratefully yours,  
NEVILLE MILLER, *President.*

## MONOPOLY HEARING

Columbia concluded its testimony and Mutual took the stand this week at the FCC monopoly hearing. The relationship between the stations in the Mutual system occupied the Commission during the first day of the MBS testimony.

### FEBRUARY 2

Dr. Frank Stanton, manager of the CBS Market Research Division, was on the stand all day, discussing various exhibits dealing with Columbia's coverage, listener habits, and so forth, and the social and economic phases of network broadcasting.

### FEBRUARY 3

Dr. Stanton again took the stand to put more exhibits into the record. He was carefully questioned about the "typical CBS affiliate" which, he said, received a net of \$58,819 from Columbia out of a total net revenue of \$213,000 in 1937. Then Dr. Stanton discussed the factors motivating advertisers in selection of stations and the effect of network affiliation on stations. Limitation upon the size of networks, he said, would militate against the smaller stations because the advertiser would be inclined to choose the larger stations if the number of stations on a network were limited. In the afternoon, Lawrence W. Lowman, vice-president in charge of operation, discussed the Columbia Artists Bureau which, he said, manages about 110 artists. Ten thousand artists were available in New York alone, he added. In 1937, he said, the artists bureau made a profit of \$82,671, while Columbia Management of California, Inc., lost \$6,707. Dr. Stanton went back to the stand, after Mr. Lowman completed his testimony, for additional testimony about payments to affiliates, a subject in which the Commission appeared to have a great deal of interest. He then told about an analysis of 43,373 pieces of mail CBS received from December 11 to 17, 1938. About 25 per cent of this mail included comment on programs. Thirteen per cent of the comment on commercial programs were adverse, while only two per cent of the comment on sustaining was adverse. Sixty-six per cent of the comment on commercials was appreciative, while 78 per cent on sustaining was appreciative, he said. This completed Columbia's testimony.

### FEBRUARY 7

The Mutual Broadcasting System opened its testimony with a description of its A. T. and T. service by Andrew L. Poole, Traffic Manager. Elbert M. Antrim, Secretary-Treasurer, then started a description of Mutual's structure and its relationship with members, "participating" members and affiliates. He pointed out that WGN, Inc., and the Bamberger Broadcasting System, Inc., (WOR) each owned 50 per cent of the 15 shares of Mutual stock, and that WLW had owned five of these shares from January 20 to August 20, 1936. Since it dropped its "member" status, WLW has been an "affiliate," Mr. Antrim said. He said WGN, Inc., was wholly owned by the Tribune Company, while the Bamberger Broadcasting System, Inc., was wholly owned by R. H. Macy and Co.—and that further details as to ownership would be developed by the recent FCC questionnaire. He pointed out that the only programs Mutual in itself produced came from Europe where John S. Steele was a full time representative of the system.

Asked to describe "the nature and character of activities engaged in by Mutual," Mr. Antrim said:

"It is a corporation designed primarily for making available programs, both sustaining and commercial, for the different members, different stations comprising the system. It makes contracts with the telephone company for lines for such service, contracts with advertisers for the commercial programs involved. It assembles from lists of available sustaining programs those which it believes are the best from different standpoints to put on the lines to be available for sustaining service to the network."

With Louis G. Caldwell, attorney, asking the questions, Mr. Antrim summarized the relationship between the network and its member stations (WGN and WOR) and its participating organizations (Colonial Network, United Broadcasting Company, CKLW and the Don Lee Networks) as follows:

Q. Mr. Antrim, we have completed the contracts now in force between the Mutual and the two member stations and the four participating organizations, I want to ask you to summarize these so far as they are possible on their financial side. Is it not true that in each case the basic figure is the station's national card rate?

A. That is right.

Q. Out of that in all cases, all six of these organizations is first taken an agency commission of 15 per cent?

A. Correct.

Q. After that in all cases a commission of 3½ per cent is retained by Mutual except where the account is secured by the station itself?

A. Correct.

Q. The one apparent exception to that was the Colonial contract in Boston, in New England. Will you explain the omission of any retaining of 2 per cent by that organization?

A. Well, the reason it is not covered in the contract was that we have never had any occasion where a contract was sold by the Sheppard organization but we realize that if such a piece of business were sold by Colonial Network it probably would be in connection with the New York agency; it would require a certain amount of servicing and although it is not stated in the contract, Mutual would pay to Sheppard 2 per cent commission on that.

Q. If the servicing were done by Sheppard?

A. Yes.

Q. If it were done by Mutual, Mutual would retain 3½ per cent?

A. That is right.

Q. Now after these two figures are deducted, the agency commission of 15 per cent and 3½ per cent to Mutual, take next the operating expenses, those are budgeted once a year?

A. That is right.

Q. And divided into shares?

A. Yes.

Q. Now the basic member share for this current year is \$3775.00?

A. That is right.

Q. And that is paid by WGN, WOR, Colonial and Don Lee?

A. That is right; four members.

Q. Now with respect to United, you state its payment this year is \$2775.00?

A. If that is the amount.

Q. At any rate it is the amount inherited from the provision that was in effect a couple of years ago?

A. That is right. It hasn't been increased.

Q. The reason for not increasing it has been what?

A. Lack of revenue.

Q. Let's leave aside CKLW for the moment on operating expenses and wire line expenses. With respect to the others then the provision is \$3775 for four members and \$2775 for the fifth member monthly?

A. That is right.

Q. Now the fourth item is wire line expense. Still leaving aside CKLW, Colonial doesn't contribute to the wire line expense because it maintains its own system?

A. That is right.

Q. United pays a definite sum of \$534 monthly which represents the cost of connecting it with the System?

A. That is right.

Q. Don Lee pays five-eighths of the cost of the Chicago-Los Angeles line under the present sums which it is receiving after certain other contributions have been deducted by stations along that line?

A. That is right.

Q. All the balance of the wire line cost except what may be contributed by affiliated stations is borne by WOR and WGN equally?

A. That is correct.

Q. With respect to CKLW, its obligation is less than the others for what reason?

A. On account of lack of revenue from programs on their station.

Q. That has been reduced to definite figures or definite limits?

A. Yes. As I stated, I think it is \$30,000. The deductions are 3½ per cent commission then \$30,000, then any receipts above \$30,000, 85 per cent of the next \$25,000 and then 50 per cent of any above those two amounts.

Q. Suppose now that the sum received on CKLW's account by Mutual, that is time sold over CKLW, is \$30,000, how is that

divided on your books between wire lines and operating costs?

A. It would be about \$20,000 to wire lines and ten to operating costs. In other words,—

Q. (Interposing) That is per year?

A. Per year.

Q. Two-thirds to wire lines and one-third to operating cost?

A. That is the ratio of wire lines to operating cost of Mutual, generally speaking.

Summarizing the relationships with affiliated stations, Mr. Antrim said they were governed by "either formal contracts or letters which provide that the affiliated station pays the line charges for the connection with the Mutual circuit and they pay Mutual a certain commission, and Mutual on its part provides them with sustaining programs without cost and commercial programs."

## CONGRESSIONAL SPEECHES

Arrangements have been made with Radioscriptions, a recording organization in Washington, with offices in the Old House Office Building, to record talks by your Congressman or Senator, at the price of \$3.50 per program including mailing for members of NAB who are interested in this type of program. Arrangements can be made through NAB Headquarters office or by writing directly to Radioscriptions.

## WATL REQUEST

Any station having a William A. Weatherford, Jr., approach them regarding work of any kind is requested to communicate with Radio Station WATL, Atlanta, Ga.

## "MARCH OF DIMES"

The Radio Industry, the chief promotional avenue through which flowed this year's "March of Dimes" campaign, received the thanks of Keith Morgan, Chairman of the Committee for the Celebration of the President's Birthday Celebration Committee.

Mr. Morgan wired Neville Miller, NAB president, who served as chairman of the Radio Council, the following:

"To you as chairman of the Radio Council and through you to its members may I, on this, the President's 57th birthday, express our appreciation for your fine services. I know results will be gratifying. You and your Council members are a vital part of the hearty band of pioneers who have joined forces to stamp out that costly disease infantile paralysis. To you my heartfelt thanks."

## LARGE ATTENDANCE AT WESTERN DISTRICT MEETINGS

The following attended the Fifteenth District Meeting in San Francisco, January 25:

Lloyd Yoder, Ray Rhodes, W. B. Ryan, Gene Grant, Bob McAndrews, G. H. Ticer, Milton Samuel, KGO-KPO; Fred Macpherson, Art Westlund, KRE; Bill Smullin, KIEM; Ed Franklin, Leon Churchon, Irwin Sidney, David McKay, KJBS; Lou Keplinger, KARM; Henry M. Jackson, Clyde H. Coombs, Columbia Broadcasting System; Les Hacker, John C. Clifton, KVEC; Wilt Gunzendorfer, KSRO; William D. Pabst, Merwyn L. McCabe, Jack O. Hall, Ward D. Ingram, KFRC; Howard V. Walters, KDON; C. S. Harper, H. O. Fiebig, C. L. McCarthy, KQW; Neville Miller, Edward M. Kirby, National Association of Broadcasters; Charles P. Scott, Charles A. Whitmore, KTKC; Howard Lane, McClatchy Broadcasting Company; S. H. Patterson, William C. Grone, KSAN; Will Thompson, Jr., KROY; S. W. Warner, F. Wellington Morse, KLS; Preston D. Allen, Howard N. Smith, KLX; Philip G. Lasky, Lew Lasky, Frank Oxanart, R. W. Dumm, KSFO.

Stations represented at the Sixteenth District Meeting at Los Angeles on January 27:

L. A. Schamblin, Mgr., KPNC; L. W. Peters, Mgr., KIEV; Lawrence W. McDowell, Com. Mgr., KFOX; C. Merwin Dobyns, Owner-Mgr., KGER; Harrison Holliday, Mgr., KFI; Jack Gross, Mgr., KEHE; Calvin J. Smith, Mgr., KFAC; H. Duke Hancock, Mgr., KGFJ; Lewis Allen Weiss, V.P., Don Lee Broadcasting Co., representing KHJ, KGB, and KDB; J. C. Lee, Mgr., KFXM; Chet Mittendorf, Sales Mgr., KFWS; Kenneth O. Tinkham, Mgr., KMTR; T. M. Storke, Owner, KTMS; Leo B. Tyson, Mgr., KMPC; Ralph Brunton, Mgr., KJBS; Don Gilman, Vice. Pres., National Broadcasting Co.; D. W. Thornburgh, CBS, Vice Pres., Columbia Broadcasting System, KNX, Director 16th District; Fred A. Palmer, Mgr., KOY; and E. B. Sturdivant, Mgr., KUMA, Yuma.

Others attending the Sixteenth District Meeting were:

Clyde Scott, Sales Mgr., KFI-KECA, Los Angeles; Reid Collister, Sales Mgr., KIEV, Glendale; Harry Witt, Sales Mgr., KNX, Los Angeles; George Moskovics, Radio Sales, KNX, Los Angeles; Sidney Gaynor, Com. Mgr., KHJ, Los Angeles; Thayer Ridgeway, Com. Mgr., Don Lee Network, KHJ, Los Angeles; John Babcock, Sales Mgr., KFAC, Los Angeles; Arthur J. Kemp, Sales Mgr., Pacific Network-CBS, San Francisco; Sidney Dixon, Sales Mgr., Western Division-NBC, Hollywood; Carl Haverlin, Davis & Schwegler; Jerry Mara, C. P. McGregor Transc.; Gerald King, Standard Radio Transc.; Wm. H. Beltz, R. C. A., Los Angeles; Harry Myerson; Arthur Rowe, Golden Gate Expo.; Leslie Hewitt, Golden Gate Expo.; Jack Hellman, Variety, Hollywood; Jack Beaman, Variety, Hollywood; Wm. Blocher, Reporter, Hollywood; Grant Wood, Report, Hollywood; Fox Case, Public Affairs-CBS, Hollywood; Hal Rorke, Pub. Dir., CBS, Hollywood; Carl Moritz, Pub. Dept., KNX, Hollywood; Ted Allan, Photographs, CBS, Hollywood; Glan Heisch, Pgm. Dir., KFI-KECA, Los Angeles; Gene Lee and two others, KFXM, San Bernardino; W. Mason Talley, Sales Mgr., KUMA, Yuma; Kevin Sweeney, Promotion Dept., KNX, Hollywood; David Glickman, Representing Broadcasting, Hollywood; Doc. Powers, Representing, Western Advertising; Mr. Bussy, Rim; Mr. Charles Storke, KTMS, Santa Barbara.

## Legal

### STATE BILLS INTRODUCED TO CURB MUSIC MONOPOLIES

Bills have been introduced in New Mexico and Pennsylvania seeking to curb the activities of pools controlling public performance of copyright music. It is reported that bills also have been introduced in a number of other states, but definite information with respect to these states had not been received at the time of going to press. The Pennsylvania bill H. 194 prohibits monopolies, pools and combinations in connection with copyrighted music and the fixing of prices for public performance. It also requires registration of the compositions with a state authority as a condition precedent to licensing.

The legislature of North Carolina has before it a bill to abrogate common law rights of performing artists in phonograph records, transcriptions and other recordings. This bill is similar to the one introduced in South Carolina (NAB REPORTS, February 3), which has been passed by the House of that state and is now before the Senate.

It is reported that a hearing on the Connecticut bill (NAB REPORTS, January 27) will be held within the next two weeks. This bill is said by lawyers to meet all con-

stitutional objections, and Senator Enquist, who is sponsoring the bill, states that he has received many favorable communications from all parts of the United States.

The bill introduced in Illinois (NAB REPORTS, February 3) incorporates the principles of the Nebraska-Florida statutes, which are claimed to be unconstitutional. It prohibits any combination of copyright owners of musical compositions which constitute a substantial number of all such owners in the United States. It also requires that the sale price of sheet music shall be stamped upon the music and that a purchaser at that price shall also acquire the right to perform the composition, either privately or publicly.

## PROPOSED BROADCASTING BILLS

The following bills have been introduced in Congress and state legislatures:

### CONGRESS

H. R. 3752 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To amend Section 303(1). Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate and Foreign Commerce Committee. Same as S—

H. J. Res. 149 (Mr. Sirovich, N. Y.) COPYRIGHT—To create a Bureau of Fine Arts in the Department of the Interior with authority in the Secretary of the Interior to undertake and carry on "such projects and activities as may be necessary or appropriate to foster, develop and encourage the use of copyrighted and copyrightable material." Referred to Patents Committee.

### STATE LEGISLATURES

#### CALIFORNIA:

A. 2 (Meehan) TRANSACTIONS TAX PENSION PAYMENTS—Sets up unstated transactions tax to finance pension payments of \$60 each to married couples past 60 and \$75 to surviving spouse. Referred to Social Security Committee.

A. 99 (Voight) BANK AND CORPORATION TAXES—Provides for an increase in bank and corporation taxes. Referred to Revenue Committee.

A. 250 (Tenney) MANAGERIAL CONTRACTS—Prohibiting managerial contracts for longer than one year unless the pay is at least \$75.00 per week. Referred to Labor Committee.

#### KANSAS:

H. 201 (Kessler) ELECTRICAL ADMINISTRATION BOARD—Provides for inspection of all electrical installations excepting mines, railroad cars, auto equipment, telephones, and telegraph. Sets standards, procedure, permits and fees.

#### MASSACHUSETTS:

H. 1924 (From the files) RADIO—Creating a state radio commission and providing for the licensing and regulating of radio stations by the commonwealth. Referred to State Administration Committee.

#### MONTANA:

S. 1657 (Foor) RADIO—FREEDOM OF SPEECH—Relating to freedom of speech over radio and liability for libel and slander.

#### NEW HAMPSHIRE:

H. 190 (Fernald) COLLECTION AGENCIES—Provides laws against collection agencies. Referred to Revision Committee.

#### NEW MEXICO:

S. 85 (Harris et al.) MUSICAL COMPOSITIONS—Provides for copyrights and public performance rights of musical compositions. Referred to State Affairs Committee.

#### NEW YORK:

A. 634 (Feely) Same as S. 14, 19; A. 9. RACE HATRED—Makes it a misdemeanor to incite, advocate or promote hatred,

violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

A. 790 (Mitchell) Same as S. 562. TELEGRAPH AND TELEPHONE MESSAGES—EMPLOYEES—Makes it a misdemeanor to wrongfully obtain text or information contained in telegraph or through telephone messages and for employee to wilfully refuse or neglect to transmit or deliver message received unless same is in aid of unlawful business or to perpetuate crime and in such case information shall be transmitted to district attorney and message withheld. Referred to Judiciary Committee.

A. 791 (Mitchell) Same as S. 563. TELEGRAPH AND TELEPHONE COMMUNICATIONS—INTERCEPTION—Permits magistrates upon oath of district attorney or law enforcement agency to issue ex parte order for interception of telegraph and telephone communications for use as evidence of crime. Referred to Judiciary Committee.

A. 792 (Mitchell) Same as S. 564. TELEPHONE AND TELEGRAPH MESSAGES—INTERCEPTION—Guarantees security from unreasonable interception of telephone and telegraph messages, permits issuance of ex parte orders or warrants only on the ground that evidence of crime may be obtained and prohibits use of any such messages obtained without court order. Referred to Judiciary Committee.

S. 562 (Coudert) Same as A. 790, above. Referred to Codes Committee.

S. 563 (Coudert) Same as A. 791, above. Referred to Codes Committee.

S. 564 (Coudert) Same as A. 792, above. Referred to Judiciary Committee.

#### NORTH CAROLINA:

S. 95 (Separk) RECORDED MUSIC—SALES FEES—Preventing claims for additional compensation fees or payment for sale of phonograph records, transcriptions or any form of recorded music and entertainment, or collection of licenses for the use of same after sale, by any performing artist, manufacturer or organization representing such performing artist or manufacturer, and to protect the purchaser thereof in its or their use for any purpose whatever. Referred to Judiciary Committee.

#### PENNSYLVANIA:

H. 198 (Melchiorre) MUSICAL COMPOSITIONS—COPYRIGHTS—Prohibiting monopolies, pools and combinations in connection with copyrighted vocal or instrumental musical compositions; prohibiting fixing of prices for rendition of copyrighted musical compositions; providing for registration of compositions with State; providing for civil and criminal procedure.

## CASE CONFIRMED

On Monday, the Senate confirmed the nomination of Norman S. Case as a member of the Federal Communications Commission for seven years from July 1, 1938. Mr. Case has been a member since July 1, 1934, when the Federal Communications Commission Act became effective.

## ENGINEER LICENSE BILL

Representative Lea (D-Calif.) introduced a bill (H. R. 3752) this week to amend section 303 of the Communications Act dealing with engineers, as follows:

"(1) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States who are twenty-one years of age or over as the Commission finds qualified: provided, that the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned."

## FCC APPROPRIATION

The House Appropriations Committee reported the Independent Offices Appropriation Bill this week without

any recommendation for the Federal Communications Commission. In explanation, the committee said:

"The committee had before it a budget estimate of \$2,038,175 for the Federal Communications Commission, an increase of \$293,175 over 1939. During the hearings on the bill the President transmitted a message to Congress recommending fundamental organic changes in this agency. In view of the possibility that changes vitally affecting the set-up of the Commission and materially altering the budget requirements may become law before July 1, it was decided to defer action on the estimates at this time. They will be considered in a subsequent appropriation measure in the light of such legislative action as may have been decided on."

### BALANCE SHEETS DUE AT FCC BY MARCH 15

To All Standard Broadcast Station Licensees:

Section 15.11 of the Commission's Rules of Practice and Procedure, approved November 28, 1938, and made effective January 1, 1939, provides that each licensee of a standard broadcast station shall file with the Commission on or before March 1 of each year a balance sheet showing the financial condition of the licensee as of December 31 of the preceding year and an income statement for the preceding calendar year.

The forms to be used for the year 1938 in compliance with this rule will soon be available for distribution. Due to this delay in the distribution of the forms, the time limit for the filing of these data for the year 1938 will be extended to March 15, 1939.

The forms provide in general for the filing of a balance sheet as of December 31, 1938, and information as to earnings and other data for the year 1938, similar to what were required for the year 1937 by Commission Order No. 38. They provide also for the submission of data on personnel for the week beginning December 11, 1938, and information as to program service for the same week, similar to the data and information that were required by the Commission's Order of April 22, 1938.

The principal changes from the 1937 reports concern the earnings from the sale of time. With respect to earnings from sales to networks, such earnings are to be shown as "Sales to national networks," "Sales to regional networks," and "Sales to other networks." With respect to earnings from other sales of time, the division will be made among "Sales to national users," "Sales to regional users," "Sales to local users," and "Sales to other persons," such as sales of time through lease to others or other bulk-sales arrangements. In each case of network sales, the name of the network and the total number of hours furnished to the network will be required.

T. J. SLOWIE, *Secretary*.

### FCC RULES AMENDMENTS

The FCC on January 30 amended Sections 9.01, 15.17 and 16.02 of the Rules of Practice and Procedure. Section 9.01 as amended will read as follows:

"Sec. 9.01. *Service, proof of service.* All pleadings, petitions, motions, or other documents (other than applications under Title

II, formal complaints, supplemental complaints, cross-complaints and amended complaints) filed in any proceeding shall be served by the party filing the same upon all parties of record, as follows:

"Service upon common carriers shall be made as provided in Section 413 of the Communications Act of 1934, as amended.

"In all other cases whenever under these rules service is required or permitted to be made upon a party, and such party is represented by an attorney of record in the proceeding, the service shall be made upon the attorney. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

"Proof of service as provided in the foregoing shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgment shall be made on all copies filed."

In order to correct an error in the headnote of Sec. 15.17 the letter "s" was deleted in "broadcast services" so that the headnote will read:

"Sec. 15.17. Multiple applications; broadcast service."

The second paragraph of Section 16.02 was deleted and a new rule adopted. Accordingly Section 6.03 will read as follows:

"Sec. 6.03. *Complaints.* Communications to the Commission complaining of anything done, or omitted to be done, in contravention of the provisions of the Act, except formal and informal complaints filed under Part 16 hereof, may, in the discretion of the Commission, be investigated or otherwise acted upon in any manner the Commission may deem expedient; but such communications shall not be deemed to be either formal or informal complaints within the meaning of these rules, irrespective of any action taken thereon by the Commission."

The Title of Part 6 as amended will read:

"Part 6. PETITIONS AND COMPLAINTS"

A change in the Table of Contents will be as follows:

Change "Part 6. PETITIONS" to read: "Part 6. PETITIONS AND COMPLAINTS." The following new sub-part heading added: "Complaints . . . 6.03."

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission this week unanimously (Commissioner Payne not participating) denied the application of the Crosley Radio Corporation, Cincinnati, Ohio, for an extension of the special experimental authorization for 500,000 watts for WLW.

In its decision, the Commission stated that the applicant had failed "to sustain the burden of showing that the special authorization requested is necessary in order to accomplish a proposed program of experimentation which

will offer promise of substantial contribution to the radio art."

The decision of the Commission stated that March 1 is to be the effective date of the Commission's order. In other words, on that date WLW goes back to its 50,000 watt assignment.

"In the final disposition of this case," said the Commission, "even if it were assumed by the Commission that the proposed program of experimentation would constitute a substantial contribution to the radio art, and even if it were further assumed that an output of 500 KW is essential to the accomplishment of certain aspects of this program of experimentation, nevertheless, in view of the fact that the applicant has failed utterly to show, and the Commission is unable to find, that the use of the frequency of **700 kc.**, with power of 500 KW, unlimited time, is necessary to accomplish the proposed program of experimentation, the request for an extension of special experimental authorization to operate on the frequency of **700 kc.**, with power output of 500 KW, unlimited time, must be denied."

In its conclusions in the WLW case, the Commission said:

"To the extent that a power output of 500 KW may be necessary to carry out the applicant's proposed program of experimentation, insofar as it contemplates further investigation into the technical aspects of transmitter equipment, the applicant has sufficient authority to experiment in this field under its experimental license for Station W8XO, and the extension of the special experimental authorization of Station WLW for this purpose is not justified.

"In so far as the proposed program of experimentation contemplates studies in the secondary service area of Station WLW requiring a power output of 500 KW, the experimentation can be carried on only during the nighttime, and the extension of the special experimental authorization of Station WLW permitting unlimited hours of operation on 500 KW for this purpose is not justified.

"Insofar as the proposed program of experimentation includes studies of daytime service, a power output of 500 KW for Station WLW is not necessary, and therefore the extension of the special experimental authorization of Station WLW for this purpose is not justified."

---

The Commission has granted the application of the First Baptist Church, **Pontiac, Michigan**, for authority to transmit programs from the applicant's studio in Pontiac over the wire lines of the Michigan Bell Telephone Company to Windsor, Ontario, Canada, there to be broadcast over Station CKLW.

Commissioners Case and Payne did not participate in this case.

The application of the Kentucky Broadcasting Cor-

poration for the construction of a new station at **Louisville, Kentucky**, has been granted by the Commission. The station will operate on **1210 kilocycles**, 100 watts night, 250 watts day, unlimited hours.

It was found by the Commission that a public need exists for the proposed service and, said the Commission, "there is reasonable assurance that sufficient commercial support is available to provide the finances necessary to operate in the public interest." It was stated also by the Commission that the operation of the proposed station will not have any detrimental effect upon the continued operation in the public interest of Stations WHAS, WAVE, and WGRC.

---

The Commission has denied the application of Broadcasting Station KMED, **Medford, Oregon**, which operates on **1410 kilocycles**, 250 watts, unlimited time, to continue with the same frequency with **1000 watts**, unlimited time.

The Commission found that the granting of the application would result in objectionable interference to existing broadcasting stations and found further that the need for the additional service in the area "is not sufficiently compelling to warrant the granting of this application when consideration is given to the limitation which would be suffered by existing broadcast stations."

---

The application of WEMP, **Milwaukee, Wisconsin**, to increase its power from 100 to 250 watts daytime has been granted by the Commission. The station operates on **1310 kilocycles**.

The Commission stated in its decision that a substantial need exists in Milwaukee for the improved broadcast signal which this applicant seeks to provide. Also, the Commission stated that the granting of this application will improve the interference condition now existing between Stations WEMP and WHBL.

Commissioner Payne did not participate in this case.

---

The Commission has granted the application of WNEW, **New York City**, to increase the daytime power on its frequency of **1250 kilocycles** from 2500 watts to 5000 watts. The station now operates with 2500 watts day, 1000 watts night and shares time with WHBI.

There is need for additional daytime service in the New York metropolitan area according to the Commission and the operation of the station as proposed would not cause objectionable interference to any existing broadcast station. It is further stated by the Commission that the use of the additional power for daytime operation "would render an improved signal in the entire area now served by the applicant which would materially aid in overriding the high noise level existing in the New York metropolitan area."

Commissioners Case, Payne and Craven did not participate in this case.

The Commission also announced a decision in the matter of the application of WSBT, **South Bend, Indiana**, and the King-Trendle Broadcasting Corporation, **Grand Rapids, Michigan**.

The Commission denied the application of WSBT for authority to move the transmitter of the station and to shift from its present authorized assignment of **1360 kilocycles**, 500 watts, sharing time with WGES, to an operating assignment on the frequency of **1010 kilocycles**, with 1000 watts, unlimited time, using a directional antenna at night.

The Commission also denied the King-Trendle Broadcasting Corporation application for authority to construct a new station at Grand Rapids, to operate on **1010 kilocycles**, with 1000 watts, unlimited time. In connection with the proposed new station, the Commission stated that it would devote but a small part of its time to programs of local character inasmuch as it would have network affiliations. It was further stated by the Commission that the station would be under the same management and control as the two existing stations in Grand Rapids. "The applicant," said the Commission, "has failed to show a public need for a new station to broadcast programs of the type and character proposed."

Commissioners Case, Payne and Craven did not participate in this case.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, February 13. They are subject to change.

### Wednesday, February 15

- WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **880 kc.**, 250 watts, unlimited time (DA for night use).  
KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P., **880 kc.**, 1 KW, unlimited time (DA day and night).

### Thursday, February 16

#### Oral Argument Before the Commission

Examiner's Report No. I-746:

- WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares with WJBC.  
WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.  
WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—Modification of license, **1200 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1200 kc.**, 100 watts, 250 watts LS, shares with WJBL.

Examiner's Report No. I-755:

- NEW—Orville W. Lyerla, Herrin, Ill.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.  
WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license, **1310 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, 250 watts LS, S.H. (KFVS).  
KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modification of license, **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, 250 watts LS, S.H. (WEBQ).

Examiner's Report No. I-758:

- KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—C. P., **620 kc.**, 1 KW, 5 KW LS, unlimited time (DA at night). Present assignment: **1450 kc.**, 1 KW, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

#### March 7

- KRSC—Radio Sales Corporation, Seattle, Wash.—C. P., **1120 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 250 watts, unlimited time.  
NEW—Panama City Broadcasting Co., Panama City, Fla.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

#### March 14

- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 100 watts, 250 watts LS, specified hours.  
WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Renewal of license, **1370 kc.**, 100 watts, 250 watts LS, specified hours.  
NEW—Lane J. Horrigan, d/b as Copper County Broadcasting Co., Hancock, Mich.—C. P., **1370 kc.**, 100 watts, 250 watts LS, specified hours (requests facilities in part of WHDF).  
WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Renewal of license, **1240 kc.**, 1 KW, unlimited time.  
WNEL—Juan Piza, San Juan, P. R.—Renewal of license, **1290 kc.**, 1 KW, 2½ KW LS, unlimited time.  
NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time.  
NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.**, 1 KW, unlimited time.

#### March 21

- NEW—Southern Oregon Broadcasting Co., Grants Pass, Ore.—C. P., **1310 kc.**, 100 watts, unlimited time.  
KFJZ—Fort Worth Broadcaster, Inc., Fort Worth, Tex.—C. P., **930 kc.**, 500 watts, unlimited time (DA at night). Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

#### March 24

- NEW—Birney Imes, Columbus, Miss.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

#### March 27

- NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.  
WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 kc.**, 1 KW, 5 KW LS, unlimited time (DA at night). Present assignment: **880 kc.**, 500 watts, 1 KW LS, unlimited time.

#### March 28

- WFBG—The Gable Broadcasting Co., Altoona, Pa.—Modification of license, **1310 kc.**, 100 watts, unlimited time. Present assignment: **1310 kc.**, 100 watts, shares WJAC.  
NEW—Lawrence J. Heller, Washington, D. C.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.  
NEW—Lawrence J. Heller, Washington, D. C.—Special experimental authorization, **1310 kc.**, 10 to 100 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

- WFAS**—Westchester Broadcasting Corp., White Plains, N. Y.—Granted modification of license to change time of operation from S-WGNY, WGBB, WBRB, to S-WGBB, WBRB, to use the hours released by WGNY.
- WDSM**—Fred A. Baxter, Superior, Wis.—Granted voluntary assignment of C. P. for station WDSM, Superior, Wis., from Fred A. Baxter, individual permittee, to WDSM, Inc., a Wisconsin corporation, to operate on 1200 kc., 100 watts, unlimited time.
- W4XA**—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Granted modification of C. P. authorizing deletion of frequencies under its present assignment and in lieu thereof to use frequencies 26150 kc. listed in Group C of Rule 1053(a).

## DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- KOH**—The Bee, Inc., Reno, Nev.—Application for C. P. requesting move of transmitter site locally; install new equipment and directional antenna system; change frequency from 1380 kc. to 630 kc.; and increase power from 500 watts, unlimited time, to 1 KW, unlimited, employing directional antenna for nighttime operation. Application set for hearing to determine if interference might result to existing stations.
- WREN**—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Application for C. P. to move transmitter location from South of Tonganoxie, Kans., to southwest of Kansas City, Kans., and studio location from Lawrence, Kans., to Kansas City, Mo.; install directional antenna system for day and nighttime operation. Application set for hearing to determine if interference might be caused to existing stations, and pending applications from Missouri involve increase in service.
- WJNO**—WJNO, Inc., West Palm Beach, Fla.—Application for modification of license to increase night power from 100 watts to 250 watts. (To be heard before the Commission.) Application designated for hearing as the request violates Rule 121, and pending applications from Florida involve increase in service.
- WCSC**—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Application for C. P. to install a vertical radiator at the present transmitter site and increase night power from 500 watts to 1 KW. Application designated for hearing to determine if interference might result, and pending applications from South Carolina involve increase in service.
- KROY**—Royal Miller, Sacramento, Calif.—Application for modification of license to increase time of operation from daytime to unlimited, using 100 watts power. Application designated for hearing to determine if interference might result to existing stations, and pending applications from California involve an increase in service.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period, September 1, 1939:

- KARK**, Little Rock, Ark.; **KEHE** and auxiliary, Los Angeles; **KFDY**, Brookings, S. Dak.; **KFEL**, Denver; **KFRC** and auxiliary, San Francisco; **KFRU**, Columbia, Mo.; **KFSD**, San Diego, Calif.; **KGW**, Portland, Ore.; **KHJ** and auxiliary, Los Angeles; **KLX**, Oakland, Calif.; **KOMO**, Seattle, Wash.; **KSAC**, Manhattan, Kans.; **KTAR**, Phoenix, Ariz.; **KTSA**, San Antonio, Tex.; **WAAF**, Chicago; **WBAA**, West Lafayette, Ind.; **WBEN** and auxiliary, Buffalo; **WCAO** and auxiliary, Baltimore; **WDBO** and auxiliary, Orlando, Fla.; **WELI**, New Haven, Conn.; **WGST**, Atlanta, Ga.; **WHJB**, Greensburg, Pa.; **WMAL** and auxiliary, Washington, D. C.; **WOSU**, Columbus, Ohio; **WOW**, Omaha, Nebr.; **WQAM**, Miami,

- Fla.; **WQAM**, auxiliary; **WSUI**, Iowa City, Iowa; **WTAD**, Quincy, Ill.; **WTAG**, Worcester, Mass.; **WTAG**, auxiliary; **WTMJ** and auxiliary, Milwaukee, Wis.; **KFYR**, Bismarck, N. Dak.; **KGKO**, Fort Worth, Tex.; **KMJ**, Fresno, Calif.; **KMTR**, Los Angeles, Calif.; **KOAC**, Corvallis, Ore.; **KSFO**, San Francisco; **KVI**, Tacoma, Wash.; **KWTO**, Springfield, Mo.; **WCHS**, Charleston, W. Va.; **WDAF**, Kansas City, Mo.; **WEAN**, Providence, R. I.; **WFIL** and auxiliary, Philadelphia, Pa.; **WGR** and auxiliary, Buffalo, N. Y.; **WIBW**, Topeka, Kans.; **WILL**, Urbana, Ill.; **WIOD**, **WMBF** and auxiliary, Miami, Fla.; **WIP** and auxiliary, Philadelphia, Pa.; **WKRC**, Cincinnati, Ohio; **WKZO**, Kalamazoo, Mich.; **WMC** and auxiliary, Memphis, Tenn.; **WMCA** and auxiliary, New York City; **WSVA**, Harrisonburg, Va.; **WTAR** and auxiliary, Norfolk, Va.; **WWNC**, Asheville, N. C.; **KOMO**, auxiliary, Seattle, Wash.

- WAGM**—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted renewal of license for the period ending July 1, 1939.
- WJAX**—City of Jacksonville, Jacksonville, Fla.—Present license extended upon a temporary basis only for the period ending April 1, 1939, pending determination upon application for renewal.
- WLBL**—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Present license extended upon a temporary basis only for the period ending April 1, 1939, pending determination upon application for renewal.
- W9XZY**—The Pulitzer Publishing Co., St. Louis, Mo.—Granted renewal of facsimile broadcast (experimental) station license for the period March 1, 1939, to March 1, 1940, subject to the condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing in the license shall be construed as a finding by the Commission that the operation of the station upon the frequencies authorized is or will be in the public interest beyond the express terms of the grant.
- W2XR**—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of facsimile broadcast (experimental) station license for the period March 1, 1939, to March 1, 1940, subject to the condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing in the license shall be construed as a finding by the Commission that the operation of the station upon the frequencies authorized is or will be in the public interest beyond the express terms of the grant.
- W1XMX**—The Yankee Network, Inc., Sargents Purchase, N. H.—Granted renewal of facsimile broadcast (experimental) station license for the period March 1, 1939, to March 1, 1940, subject to the condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing in the license shall be construed as a finding by the Commission that the operation of the station upon the frequencies authorized is or will be in the public interest beyond the express terms of the grant.

## MISCELLANEOUS

- WEBQ**—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate simultaneously with station KFVS from 9 p. m. to 12 p. m., CST, February 28, in order to broadcast city primary election returns.
- KWNO**—Winona Radio Service, Winona, Minn.—Granted special temporary authority to operate with power of 100 watts from 5:30 p. m., February 13, to 3 a. m., CST, February 14, in order to broadcast city election returns.
- WSAJ**—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 to 10:30 p. m., EST, February 9, 17, and March 3, in order to broadcast basketball games.
- WAFS**—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with Station WBRB from 4:30 to 6:30 p. m., EST, February 3, 10, 17 and 24, in order to broadcast special sessions of WFAS Request Club, Civic "Bulletin Board," Theater Commentary, and "Music of Memory" features.
- WEAU**—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8 p. m., CST, February 23, to 1 a. m., CST, February 24, or to end of broadcast, in order to broadcast District Golden Glove Boxing Tournament.

- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to make daytime tests of WTAR directional antenna, operating with 1 KW with new equipment and ground system authorized December 5, in order to submit proof of performance to Commission, for period of 10 days.
- WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Adopted an order extending the effective date of order dated December 5, 1938, relating to modification of license of WWRL for a period of 60 days from February 4, 1939.
- WDAN—Northwestern Publishing Co., Danville, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (February 5:30 p. m., CST) on February 14, to 1 a. m., CST, February 15, in order to broadcast local election returns and other entertainment of public interest.
- KIDW—Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authority to remain silent for a period ending no later than February 15, 1939, in order to complete arrangements pursuant to grant of voluntary assignment of license.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU, with reduced power of 250 watts, from 7 to 8 p. m., CST, February 4, in order to broadcast talk by Colonel Francis C. Harrington, Chief, WPA.
- NEW—Food Terminal Broadcasting Co., Cleveland, Ohio.—The Commission agreed to reconsider application for new station (Ex. Rep. No. 1-458), which was denied by the Commission on September 13, 1938, and further ordered that the five members who heard the re-argument on June 2, 1938 (Commissioners Craven, Sykes, Brown, Walker and Case), vote on the application and Chairman McNinch and Commissioner Payne not participate in the vote.
- WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—Denied petition for rehearing (Chairman McNinch voting "No"), in re the application of P. W. Spencer for authority to erect a new station at Rock Hill, S. C.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Denied special temporary authority to operate unlimited time on 1180 kc., using 1 KW power night, for the period February 15, and ending not later than March 16, in order to broadcast various civic, charitable, religious, educational, fraternal and commercial programs of outstanding public interest.
- WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, February 6, provided WKBN remains silent, in order to broadcast important athletic contest.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted special temporary authority to operate simultaneously with station WTAM from 5:45 to 10:30 p. m., PST, on February 18, in order to broadcast opening of Golden Gate International Exposition.
- KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with Station KICA from 7:30 to 9:30 p. m., MST, on February 12, 19, 26, and March 5, in order to broadcast evening church services.
- WHAI—John W. Haigis, Greenfield, Mass.—Granted special temporary authority to operate from local sunset (February 5:15 p. m., EST) to 9:30 p. m., EST, on February 8, in order to broadcast Taxpayers Rally, using 100 watts only.
- WEEL—Columbia Broadcasting System, Inc., Boston, Mass.—Denied special temporary authority to operate with 5 KW night for a period of 30 days, employing DA in order to overcome interference from Cuban station CMCY, provided such operation with additional power terminates immediately when CMCY ceases operation on frequency 590 kc. or reduces power so that additional interference is not involved.
- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (February 5:15 p. m., CST) to conclusion of basketball game, on February 17, using 100 watts power.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays: February 20, 27, and March 6, 13, 1939, in order to broadcast special programs from Louisiana State University and special addresses by the president and members of the faculty of that University.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 9 p. m., CST, on February 11, 25 and 27, in order to broadcast University basketball games.
- W2XMN—Edwin H. Armstrong, north of Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency broadcast station W2XMN on the frequency 42.5 megacycles, power output of 40000 watts, for the period February 14 to March 15, pending definite arrangements to be made in the ultra high frequency bands.
- WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, February 19 and 26, and March 5 and 12, in order to broadcast feature by the New York Philharmonic Symphony Orchestra and a special religious talk by the Rev. Charles E. Coughlin; also to operate from 2 to 3 p. m., EST, Fridays, February 24, March 3, 10, 17, in order to broadcast programs consisting of Columbia features, including Irene Beasley and American School of the Air.
- NEW—Gateway Broadcasting Co., Louisville, Ky.—Cancelled the hearing date, now scheduled for February 15, in re application for C. P. to use 880 kc., 500 watts, unlimited time (DA night and day), and directed applicant to submit full and complete information respecting directional antenna system it proposes for the new location.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted C. P. to make changes in equipment.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted license to cover C. P. authorizing change in transmitter site, installation of new equipment, change in frequency to 1240 kc., and increase in power to 1 KW, unlimited time, employing directional antenna system for nighttime operation.
- W4XHW—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn., Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station, frequencies 31100., 34600, 37600 and 40600 kc., on an experimental basis conditionally, 50 watts.
- WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted modification of C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator.
- WDAN—Northwestern Publishing Co., Danville, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (February 5:30 p. m., CST) to 11 p. m., CST, on February 8, in order to broadcast national program of Boy Scouts of America.
- WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted continuance of hearing from February 14 to March 17, on application for consent to voluntary assignment of license of WAGA to the Liberty Broadcasting Corp.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

- KGW—KGW, Oregonian Publishing Co., Portland, Ore.—Authority to transfer control of corporation from O. L. Price, Trustee, to beneficiaries of Pittock Will Trust, 470 shares common stock, namely: Kate P. Hebard, Susan P. Emery, Caroline P. Leadbetter, Louise P. Gantenbein and E. B. MacNaughton (trustee for: Virginia P. Thorsen, Marjorie P. McDougall, Barbara F. Pittock, Roberta P. MacNaughton, Frederika F. Pittock and Henry L. Pittock).

### 780 Kilocycles

- WTAR—WTAR Radio Corp., Norfolk, Va.—License to cover construction permit (B2-P-2280) for new transmitter and increase in power.

### 850 Kilocycles

- KWKH—International Broadcasting Corporation, Shreveport, La.—Modification of special experimental authority (B3-SA-329) to install new equipment, increase power from 10 to 50 KW, move transmitter from Mooringsport Road, near Shreveport, La., to 3 miles west of Dixie, near Dixie, La.

### 890 Kilocycles

- KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of construction permit (B4-P-1449) as modified for increase in power, new equipment, move of transmitter, directional antenna for night use, further requesting extension of commencement date from 9-1-38 to 4-15-39 and completion date from 3-1-39 to 8-1-39.

### 1210 Kilocycles

- KGLO—Mason City Globe Gazette Company, Mason City, Iowa.—Construction permit to install new transmitter, directional antenna (for night use only), and increase power from 100 watts, 250 watts day, to 1 KW day and night; change frequency from 1210 ke. to 1270 ke. (Request facilities of stations KWLC and KGCA).
- WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-1721) for a new station, requesting approval of antenna and transmitter site at north end of 11th St., Charleston, S. C., and studio site at Charleston Hotel, Meeting St., Charleston, S. C.; install new transmitter. Amended re antenna.

### 1290 Kilocycles

- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—License to cover construction permit (B5-P-2248) for an auxiliary transmitter.

### 1310 Kilocycles

- NEW—John R. Pepper, Greenville, Miss.—Construction permit for a new station on 1310 ke., 100 watts night, 250 watts day, unlimited time. Amended to give transmitter site as to be determined, Greenville, Miss.

### 1350 Kilocycles

- WAWZ—Pillar of Fire, Zarephath, N. J.—License to cover construction permit (B1-P-2079) to install directional antenna for night use, and increase power.

### 1370 Kilocycles

- NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Construction permit for a new station on 1370 ke., 100 watts, 250 watts day, unlimited time.

### 1500 Kilocycles

- WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Modification of construction permit (B2-P-1848) for a new station, requesting approval of antenna and new transmitter, approval of studio site at 1016 Lee St., Charleston, W. Va., and transmitter site at Kanawha Country Club Road, South Charleston, W. Va. Amended to make changes in antenna and give transmitter site at 1016 Lee St., Charleston, W. Va.

### MISCELLANEOUS

- W1XKB—Westinghouse Electric & Manufacturing Company, E. Springfield, Mass.—Modification of license to reduce authorized power without new construction from 500 watts to 50 watts.
- W1XEI—Westinghouse Electric & Manufacturing Company, Portable-Mobile.—Modification of license to reduce authorized power from 150 to 50 watts.
- W10XWA—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 500 to 50 watts.
- W10XWB—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 500 to 50 watts.
- W10XWC—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 500 watts to 50 watts.
- W10XWD—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 50 to 15 watts.
- W10XWF—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 50 to 15 watts.
- W8XKA—Westinghouse Electric & Manufacturing Company, Pittsburgh, Pa.—Modification of license to reduce power from 150 to 50 watts.
- KAOG—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover construction permit (B5-PRY-148) for a new relay broadcast station.
- W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Construction permit for changes in equipment, increase in power from 50 to 500 watts, move transmitter to 106 W. 14th St., Kansas City, Mo.

National Broadcasting Company, Inc., New York, N. Y.—Authority to transmit via RCA Communications, Inc., programs originating in NBC's studio at 30 Rockefeller Plaza, New York City, or any points in the U. S. where network programs may originate, to station CMQ, Havana, Cuba. Amended to request transmission of programs to CMX instead of CMQ.

NEW—John V. L. Hogan, New York, N. Y.—Construction permit for a new high frequency broadcast (experimental) station on 41200 and 111500 ke. Amended to delete the frequency 111500 ke.

NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new facsimile station (experimental) in Columbus, Ohio, on the frequencies 31600, 35600 and 38600 and 41000 ke., 100 watts power.

W3XEO—WCAU Broadcasting Co., Portable-Mobile.—Modification of license for change in authorized power, without new construction, from 50 to 6 watts.

W9XAP—National Broadcasting Company, Inc., Chicago, Ill.—License to cover construction permit (B4-PRE-186) as modified for equipment changes, move of transmitter, and increase in power.

W5XN—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Construction permit for change in equipment, reduction in power from 10.5 watts to 5 watts.

W5XN—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—License to cover above.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**Metropolitan Publishing Company**—Charging violation of the Federal Trade Commission Act in the sale of greeting cards, a complaint has been issued against Alphonso M. Simon, Jr., and Phyllis Schuster, trading as Metropolitan Publishing Co., 110 Wooster Street, New York.

The respondents are alleged to sell their products to stationery and other stores through agents, who exhibit samples of high quality and quote prices considerably lower than those at which the same class of cards can be bought from other manufacturers.

With the cooperation of the respondents, their agents are alleged to represent:

(1) That a purchaser may make his own selection of cards or the respondents will make a selection for him, but that in all cases the cards delivered will be of a quality equal to or better than the samples; (2) that cards are sent on consignment and the purchaser is required to pay only for cards actually sold by him; and (3) that the respondents' salesmen will make periodical return calls to effect such changes as the purchaser may desire due to unavailability of any cards.

The complaint alleges that the respondents' representations are false and misleading; that in many instances cards delivered by the respondents are old, inferior and cheaper in quality than the samples; that they are not sold on consignment, the contract requiring the purchaser unconditionally to pay for the entire amount called for without privilege of returning unsold cards, and that in many cases the amount of the contract is determined after the purchaser has signed it in blank and larger quantities of cards are shipped than he ordered. (3699)

**Southern Art Stone Company**—Charging violation of the Federal Trade Commission Act in the sale of imitation marble and granite tombstones and memorials, a complaint has been issued against Roy D. Burnsed, trading as Southern Art Stone Company, 1927 Piedmont Road, N. E., Atlanta.

In advertising his products, which are produced from a mixture of crushed marble or granite, cement and other ingredients, the respondent is alleged to have represented that they are made of genuine, natural marble and granite; that they take and retain a higher polish and luster than ordinary marble or granite, and that they will last forever.

These products, known as Marbltexture and Granittexture, are alleged to have been advertised as being superior to ordinary marble or granite in that they are less porous, stronger and more enduring.

Alleging that the respondent's representations are false and misleading, the complaint points out that his tombstones and memorials have the general appearance of natural marble and granite products of this class, and that nowhere in his advertising matter is it disclosed that they are synthetic or cast stone memorials. (3697)

**S. & C. Sales**—Alleging the use of lottery methods or gift enterprises in the sale of merchandise to ultimate consumers, a complaint has been issued against Samuel Cohen, trading as S. & C. Sales, 4949 D St., Philadelphia.

The respondent's sales plan is alleged to involve the use of push cards, by means of which purchasers, selecting feminine names and buying chances thereon, receive premiums wholly by lot or chance. (3698)

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Endura Corporation**—Under an order to cease and desist, The Endura Corporation, 4951 Sunset Blvd., Hollywood, Calif., is directed to discontinue certain misleading representations in the sale of its cosmetic preparation known as Endura, or as Endura Permanent Wave.

The order prohibits representation that the respondent's preparation has been tested in the world's foremost laboratories, or that it is used in Hollywood's studios or by the screen's smartest stars, or that it is actually good for the hair or will benefit bleached, dyed, gray or naturally colored hair. (3419)

**Knox Company**—An order prohibiting misleading representations concerning the therapeutic properties of Nixoderm, advertised as a skin remedy, has been entered against The Knox Company, 811 West 7th St., Los Angeles.

The respondent company is ordered to desist from advertising the preparation as an adequate remedy or a cure for acne, psoriasis, eczema, pimples, dandruff, or any other diseased condition of the skin, unless such claims are limited to certain skin ailments which are of a surface character only and not caused by, or associated with, a systematic or metabolic disorder. (3430)

**Moretrench Corporation**, Rockaway, N. J., manufacturer of wellpoints, pumps and equipment used in drawing water from wet soil during excavation work, has been served with an order requiring it to cease and desist from certain misleading representations in the sale of its products.

The order prohibits the disparaging of competitive products through representations that the unobstructed water-passing screen area of competitive wellpoints is smaller than that of the respondent's wellpoints, which representations are based on the use of different methods of calculation.

These differing computing methods, as used by the respondent and represented in its catalogs, give to its products an apparent

efficiency exceeding that of competing products, but such representations are misleading and deceptive, according to findings.

The order also bars disparagement of competitive products through representation that the respondent's wellpoints equipped with two valves are superior to competitive wellpoints equipped with one valve, when in fact the respective wellpoints are constructed on different mechanical principles, and the number of valves does not affect their relative efficiency. (3262)

### STIPULATIONS

The Commission has entered into the following stipulations:

**I. F. Laucks, Inc.**—See National Distributors.

**National Distributors**—Two dealers selling their products in interstate commerce have entered into stipulations to discontinue misleading representations in advertising matter.

The respondents are Rolla L. Long, 304 North Main St., Marion, Ill., formerly trading as National Distributors, and I. F. Laucks, Inc., 314 Maritime Building, Seattle.

Long agrees to cease using in advertising matter or otherwise phrases such as "Beautiful Silk Pieces" or "Fast Color Prints and Percaloes" as descriptive of cloth pieces in a manner implying that they are of sufficient size to be used in making garments, unless such quoted words are accompanied by other words in equally conspicuous type explaining that the cloth pieces are only remnants or scraps, the utility of which is limited to uses such as the making of quilts. The respondent also stipulates that he will cease representing that a face powder offered as an inducement to prospective customers is priced at \$1 when in fact this price is fictitious and much in excess of the regular price. Through the medium of his advertising or otherwise, Long agrees to discontinue offering to employ prospective customers to address postal cards at home, when in fact such offer is not bona fide.

I. F. Laucks, Inc., a manufacturer of casein glue, stipulates that it will desist from the use on labels or in advertising matter of the word "waterproof" as descriptive of its Lauxein glue, when in fact the product is not waterproof. The respondent company has plants in Los Angeles, Lockport, N. Y., and Portsmouth, Va. (2389 and 2390)

**Seiberling Rubber Company**, 345-15th St., Akron, Ohio, has entered into a stipulation to discontinue certain misleading representations in the sale of its tires.

The respondent agrees to cease representing that its Seiberling Two-Tread Air Cooled tires never wear smooth and that they are protected against blow-outs, insure safety, "give anti-skid protection to the final mile", and will stay cool.

A further representation to be discontinued is that use of this tire will enable a driver to stop a car promptly under any road conditions encountered, or will insure his having his car under proper control at all times. (02317)

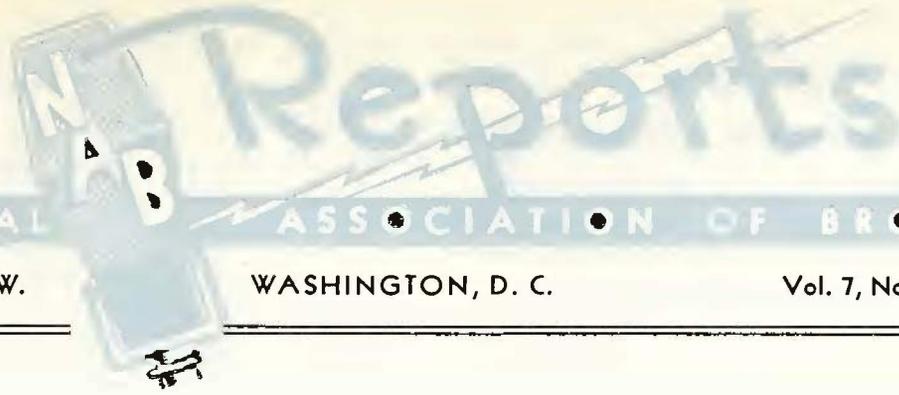
### F. T. C. CLOSES CASE

The Federal Trade Commission has closed its case against Hochschild, Kohn & Co., Baltimore, charged with misrepresentations in the sale of furs.

In closing the case, the Commission makes known that the evidence introduced at the hearings failed to sustain the allegations of the complaint with respect to interstate commerce.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should the facts so warrant.





## White Flays Wheeler Bill; Questionnaire

A blast by Senator White (R-Maine) at the Wheeler Bill and a new questionnaire from the Federal Communications Commission share the spotlight in this week's broadcasting news.

After saying that the real purpose of the Wheeler Bill was to vest in one man "a life and death power over broadcasting," Senator White said in a statement issued Thursday that he soon would introduce an alternative bill "which will not be subject to the objections found in this McNinch bill but it will contribute to a more effective legal framework and administrative measure than the Commission labors under."

In view of having two, possibly three, broadcasting bills before Congress in the near future, Neville Miller, NAB President, called a special meeting of the Board of Directors for Monday and Tuesday, February 27-28 at NAB Headquarters. No developments are expected before the meeting, since Senator Wheeler, Chairman of the Senate Interstate Commerce Committee, has said that hearings on his bill would not likely be held within the next two or three weeks. Representative Lea (D-Calif.), Chairman of the House Interstate Commerce Committee, has introduced the Wheeler Bill in the House without any indication as to when hearings will be held there. The exact date for introduction of the White Bill has not been determined, nor has a date been fixed for introduction of the Administration bill to amend the substantive provisions of the 1934 Act.

The NAB Legislative Committee, headed by John A. Kennedy (WCHS), has given careful consideration to the Wheeler Bill, as has the Executive Committee which met at Headquarters February 11. Members of both Committees have been in touch with Senator Wheeler and Chairman Frank R. McNinch of the FCC who helped draft the Wheeler-Lea Bill.

Senator White's statement regarding the Wheeler-Lea Bill is carried in full in another part of the REPORTS.

Meantime the NAB, after successfully endeavoring to reduce the size of the new FCC questionnaire, had a meeting with officials of the FCC Accounting Department to endeavor to clarify some of the questions. The interpretations resulting from this conference are carried in another part of the REPORTS.

Since the questionnaire is due the same day that Income Tax statements are due, the NAB advises its members to complete the questionnaire before working out the Income Tax returns. A great deal of the material in the questionnaire can be used in computing Income Taxes, while the contrary is not true.

When the NAB first heard that the FCC intended to send out a broad questionnaire,



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## WHITE FLAYS WHEELER BILL; QUESTIONNAIRE

(Continued from page 3281)

staff members immediately started a series of conferences with FCC officials to reduce the questionnaire's size and to simplify it with a view to obtaining the information the Commission thought necessary with less expense to members. In this endeavor the NAB feels that it has been quite successful.

### White Statement

This (Wheeler) Bill, when studied and when its implications are understood, will meet the general condemnation it deserves.

In a letter, dated January 23, addressed to the Chairman of the Interstate Commerce Committee of the Senate, the President states that he is thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission; that legislation is necessary to effectuate a satisfactory statutory reorganization; that legislation is also needed to lay down clear congressional policies on the substantive side, so clear that the new administrative body will have no difficulty in administering or in interpreting them; and that he hopes the Interstate Commerce Committee will consider the advisability of such new legislation.

The President does not suggest the changes in organization or the policies he believes to be desirable, but he states that he has asked Chairman McNinch to give Senator Wheeler his (Mr. McNinch's) recommendations.

Now it should be noted first that the present legal framework and administrative machinery of the Commission with which the President expresses dissatisfaction is in no small part the handiwork of Chairman McNinch and, next, that in the twenty months or thereabouts since Mr. McNinch was confirmed as Chairman there have come from the Commission no recommendations as to policies on the substantive side. On the contrary, efforts to undertake a congressional study of principles and of policies by the Congress have been blocked by Commission and executive hostility.

I presume to assert that these recommendations of Mr. McNinch do not reflect the considered judgment of any person informed as to our communication problems and do not make contribution to the communication services of our country.

This McNinch Bill discloses two major purposes. It, first, provides for a three man Commission. This proposal challenges every previous declaration of the Congress on this subject and its repudiates the heretofore expressed opinions of Mr. McNinch himself.

The Radio Act of 1927 created a five man commission. That number was then considered by the Congress necessary to effectively deal with the problems of radio alone. When the Communications Act of 1934 passed the Senate, it provided for five Commissioners. This reflected a second judgment by the Senate that a smaller Commission than five was not desirable. The House amended this Senate Bill of 1934 by increasing the number of Commissioners to seven. The legislation in the House was in charge of Mr. Rayburn of Texas, then Chairman of the Interstate Commerce Committee of that body and now Majority Leader. The report to the House was submitted by Mr. Rayburn. This House judgment as to the minimum number of Commissioners was later accepted by the Senate and made its own judgment. The pending McNinch Bill now asserts both Houses of Congress to have been wrong in their judgments and proposes to reduce the number from seven, to which the Congress had increased it from five, to three members. So far as I am advised, neither the Commission as a whole nor the communications interests affected, nor other informed or affected persons, have ever recommended such a reversal of policy.

It is significant that, at the very time Chairman McNinch would have the Congress accept his judgment that three men will better understand and more efficiently administer the work of the Commission than seven Commissioners, he is urging upon the Appropriations Committee of the House as a vital necessity an increase of sixty-three in the other personnel of the Commission. He would have us believe that, while the increased work of the Commission demands increased personnel in all other directions, the membership of the Commission should be reduced from seven to three. It is important to recall, too, that in October, 1937, in referring to the abolishment of the three Divisions of the Commission theretofore set up, Mr. McNinch said "the aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven." But Mr. McNinch now urges that the burden of knowledge and of decision in the entire field of communications shall be placed upon three commissioners. I appeal from Mr. McNinch of 1939 to Mr. McNinch of 1937. I am strongly opposed to a three men Commission. An increase in the Commission's present numbers is to be preferred to a reduction.

The second major purpose of the bill seems to be the authorization of the appointment of three administrative assistants for three general Divisions of Communications.

No change in law is necessary to authorize the creation of three Divisions or the designation of three administrative assistants. The Communications Act of 1934 specifically authorizes the establishment of divisions, the fixing of their functions and the appointment of a Director for each. It does not however place the divisions or the Directors thereof "under the administrative supervision of the Chairman" as does this McNinch proposal and this is its offense in the view of those sponsoring the pending Bill.

When Mr. McNinch became Chairman, he promptly proposed an order abolishing the three Divisions existing under the authority of the 1934 Act. His theory, as then expressed by him, was that seven members could not be divided in this way; and that experience had shown that these Divisions were really only composed of two Commissioners because of (and I quote Mr. McNinch) "the impracticability of the Chairman keeping himself currently informed and attending meetings has resulted in two members of the Commission carrying an unnecessary load of responsibility and exercising an undesirably large portion of the powers and functions of the Commission" and because "the aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven." Mr. McNinch, having abolished Divisions but a short while back, now proposes to recreate them but as reestablished each Division is to be in charge of an administrative assistant to act "under the Administrative supervision of the Chairman." Manifestly if this assistant is an employee, the decisions of the Chairman will be his decisions. And what may this assistant pass upon? Anything and everything which the Board may assign or refer to him save only "the making of final decisions in contested proceedings involving the taking of testimony at public hearings." In the Broadcasting Division included in his powers would be the making of rules and regulations, the classification of radio stations, prescribing the nature of the service to be rendered by each class, the allocation of frequencies to stations, the regulation of the kind of apparatus, special regulations for network broadcasting, the granting of construction permits, licenses, renewals, modifications, assignments and many other authorities. These warn as to the powers which might be conferred on this Chairman dominated assistant in the other Divisions.

Who wants one man to have such powers subject to the doubtful remedy of review by the Commission of three of whom one would be the Chairman from whose decision the appeal is filed?

But if it is urged that no such broad powers will be vested in the assistant who is to act under the "super-

INDEX	
	Page
White Flays Wheeler . . . . .	3281
White's Statement . . . . .	3282
New Questionnaire . . . . .	3284
Copyright Under Trust Law . . . . .	3284
State Copyright Bills . . . . .	3285
Broadcasting Bills . . . . .	3286
McNinch Approves Code . . . . .	3287
Rules Amendment . . . . .	3287
Free Offers . . . . .	3288
Monopoly Hearing . . . . .	3288
Wagner Act Amendments . . . . .	3288
Cost of Living . . . . .	3289
Engineering Conference . . . . .	3289
District II Meeting . . . . .	3289
McNinch Answers High . . . . .	3289
Reporter Appeals . . . . .	3289
Jack Falvey . . . . .	3290

vision" of the Chairman, then it follows that all these problems, in all the fields of communication, must be determined by the Commission itself. In this event we face the fact that three men who formerly, according to Mr. McNinch, could not do that part of the tasks assigned to a single Division, must now assume all the burdens of the communication problem in its vastly increased weight and complexity. This is a burden which three men can not meet.

In 1937, according to Mr. McNinch, "the aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven." Can it be that in 1939 this is no longer true? Must we now understand whatever seven minds might have had of knowledge in 1937 that in this good year of 1939 the aggregate wisdom and judgment of three men is greater than that of the seven? The plain truth of the matter is that the aggregate wisdom and judgment of seven men is not now wanted. Mr. McNinch in the name of cooperation demands the yielding to his direction of the experience, knowledge, judgment and conscience of the other Commissioners. And it is because some Commissioners will not thus unconditionally surrender, that they are to be legislated out of office. A legislative purge of Commissioners of independence and courage is now demanded.

Stripped of all pretense, this Bill, in disregard of all previous congressional purpose and drafted without present congressional study, proposes, through his statutory administrative control of the Division assistants and through his influence as Chairman, to vest in one man authority over the vast communication interests of this country and, in particular, a life and death power over broadcasting, one of the two means of reaching the mind and influencing the thought of America. The Bill makes contribution only to the political efficiency of the Commission. It does this through the centralized power hereinbefore referred to and through the provision transferring all officers and employees of the present Commission, other than the mem-

bers thereof whose offices are abolished, from their present protected civil service status to a temporary status. It serves no good end whatsoever. The Bill is crude in draft, wrong in principle, political in purpose and carries in its terms and implications a sinister threat to all our communication facilities and to the country itself.

No statutory change is necessary in order to make effective the framework and administrative machinery of the Commission. It does require legislation to abolish the present Commission of seven and to create a Commission of three and to centralize power in the Chairman as is now proposed. It does require legislation to force out of office men who think for themselves and who act independently and courageously. These are the real reasons for the McNinch Bill.

It is my purpose to introduce in the near future alternative proposals which will not be subject to the objections found in this McNinch Bill but which will contribute to a more effective legal framework and administrative machinery than the Commission now labors under.

## New Questionnaire

The FCC has mailed to all broadcast station licensees Forms 705 and 706, which information is required to be filed for the calendar year 1938 on or before March 15. NAB Headquarters staff, with the cooperation of the Accounting Department of the FCC, has endeavored to clarify some of the questions contained in the instructions which accompanied the forms.

Only those numbered paragraphs of the mimeographed instruction sheet which appear to need clarification are covered. Those paragraphs which are not referred to are thought to be sufficiently clear, but if questions arise, the NAB staff will obtain further clarification by the FCC Accounting Department immediately upon receipt of a request. The following interpretations have been obtained from the FCC.

Paragraph 2 means that each licensee is required to file a report for each station licensed. Notwithstanding the fact you may have filed information requested in this questionnaire previously, it must be answered again in this report.

Paragraph 3 should be interpreted as meaning that if any part of a particular question is answered, it is not necessary to write the word "none" in answer to any other part of that question.

Paragraph 4 means that stations which have operated less than a calendar year must report actual income and expenses during the time of operation and not raise the actual figures to a yearly basis.

Paragraph 8 should be interpreted as meaning that where the licensee owns several stations and has joint

revenues or expenses applicable to two or more stations, the amount of such joint expense or revenue allocated to each station should be stated and an explanation given as to the method or basis for making the allocation. Any division of revenue or expense made by the licensee and followed as a consistent practice may be used in this report, but the basis of this division must be explained.

Paragraph 10, referring to non-commercial stations, requires that such stations complete Schedule 15, although this Schedule refers to commercial programs. It is believed that this Schedule will not be applicable to most non-commercial stations, but instances have occurred in which non-commercial stations have broadcast programs of a commercial nature, though without a sales income. In such instances, Schedule 15 should be filled out. In other instances, for non-commercial stations, the Schedule should be marked "not applicable."

Under paragraph 11, subdivisions (b) (c) and (d) should be interpreted on the basis of each station's method of bookkeeping. There is a typographical error in the second line of subdivision (d). The words "or distribute" should read "are distributed." Subdivisions (e) and (f) do not include any network not listed in those subdivisions. It is not contemplated by the FCC that there are any networks which would come within the definition under subdivision (g) for the purposes of this report. However, if any licensee thinks he is a member of a network which would come under this classification, he should write to the Commission before completing his return. Revenues received from intermittent or local chain broadcasting or other types of temporary chains and group selling organizations should be reported in the gross amount and the expense for lines or other deductions made from the revenue should be reported in the appropriate expense classification.

Paragraph 13 includes in program expenses all forms of communication lines with the exception of the program lines between the studio and the transmitter of the licensee, which are to be reported as technical expense and not program expense.

## Legal

### COPYRIGHTS UNDER ANTI-TRUST LAWS

The United States Supreme Court, on February 13th, held that the federal copyright laws do not permit copyright owners to eliminate competition by agreement, any more than the owners of other property. For this reason, the case is important to all who must deal with combinations of copyright owners. The decision was rendered in the case of Interstate Circuit, Inc., et al. v. United States, and involved the leasing of copyrighted motion picture

film in Texas. One of the defences imposed by the defendant motion picture producers was that the agreements between them and the Interstate Circuit, Inc., were protected by the Copyright Act and consequently were not in violation of the Sherman Anti-Trust Act. The Court stated:

"A contract between a copyright owner and one who has no copyright, restraining the competitive distribution of the copyrighted articles in the open market in order to protect the latter from the competition, can no more be valid than a like agreement between two copyright owners or patentees . . . In either case if the contract is effective, as it was here, competition is suppressed and the possibility of its resumption precluded by force of the contract. An agreement illegal because it suppresses competition is not any less so because the competitive article is copyrighted. The fact that the restraint is made easier or more effective by making the copyright subservient to the contract does not relieve it of illegality."

## STATE BILLS INTRODUCED TO CURB MUSIC MONOPOLIES

A bill has been introduced in Minnesota (H. 556 and S. 460) which seeks to curb the activities of pools controlling public performance of copyrighted music. Details were not available at the time of going to press, but it is understood that the bill would compel publication of lists of all copyrights owned by members of licensing pools.

A public hearing on the bill introduced in Connecticut (NAB REPORTS, February 3, p. 3232) will be held March 2. This bill provides that all copyright owners intending to sell, license or otherwise dispose of public performance rights in the state must first file with the Secretary of State a list describing each such musical composition. The bill permits blanket licensing by combinations of copyright owners but, as a condition precedent to the granting of such blanket license, compels such owners to grant users the option of acquiring such portion of the copyrights as is desired at prices which must be determined by the individual owners and not by the combination.

The bill introduced in New Mexico (NAB REPORTS, February 10, p. 3271) is similar to the Connecticut bill, has been passed by the Senate of New Mexico and now is pending before the House. It is reported that strenuous efforts are being made by licensing pools, both in New Mexico and Connecticut, to prevent the passage of the respective bills. The complete bill, as introduced in New Mexico February 3, is as follows:

### REGULAR SESSION

#### AN ACT

Relating to copyrights and public performing rights in musical compositions and dramatico-musical compositions, and repealing all laws in conflict herewith.

*Be it Enacted by the Legislature of the State of New Mexico:*

Section 1. As used in this Act, "person" means any individual, resident or non-resident, of this state, and every domestic or foreign or alien partnership, society, association or corporation; the words "performing rights" refer to "public performance for profit"; the word "user" means any person who directly or indirectly performs

or causes to be performed musical compositions for profit; the term "blanket license" includes any device whereby public performance for profit is authorized of the combined copyrights of two or more owners; the term "blanket royalty or fee" includes any device whereby prices for performing rights are not based on the separate performance of individual copyrights.

Section 2. It shall be unlawful for any person to sell, license the use of, or in any manner whatsoever dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition which has been copyrighted, and is the subject of a valid existing copyright, under the laws of the United States, or to collect any compensation on account of any such sale, license or other disposition, unless such person:

(a) Shall first have filed with the Secretary of State a list describing each such musical composition and dramatico-musical composition, the performing rights in which said person intends to sell, license or otherwise dispose of in this state, which description shall include the following: The name and title of the copyrighted composition, the date of the copyright, the number or other identifying symbol given thereto in the United States copyright office, the name of the author, the name of the publisher, the name of the present owner of the copyright to said composition, and the name of the present owner of the performing rights thereto. Additional lists of such copyrighted compositions may be filed by any such person from time to time, and shall be subject to all the provisions of this Act. No payment or filing fee shall be required by the Secretary of State for filing any list under this Act.

(b) Shall simultaneously file an affidavit which shall describe the performance rights to be sold, licensed or otherwise disposed of and shall state that the compositions so listed are copyrighted under the laws of the United States, that the facts contained in the list to which said affidavit relates are true, that affiant has full authority to sell, license or otherwise dispose of the performing rights in such compositions; and the affidavit shall set forth the name, age, occupation and residence of the affiant; and if an agent, the name, occupation and residence of his principal.

Section 3. The list provided for in the preceding section shall be made available by the Secretary of State to all persons for examination, and taking of copies, in order that any user of such compositions in this state may be fully advised concerning the performing rights therein, and avoid being overreached by false claims of ownership of said performing rights, and also avoid committing innocent infringements of said works. The Secretary of State may, if in his discretion he deems it necessary, in order to prevent such overreaching and to protect the citizens of this state from committing innocent violations of the copyright laws of the United States, cause all such copyrighted material filed with him to be published once a year or oftener in a form and medium which he shall deem suitable for said purpose. A duplicate of any list so filed by any such person shall at his request be certified by the Secretary of State and shall by the Secretary of State be given or delivered to such person, who shall exhibit the same on demand of anyone to whom such person seeks to sell, license or otherwise dispose of said performing rights.

Section 4-A. It shall be unlawful for two or more owners of the copyrights of musical compositions or dramatico-musical compositions to associate or combine together in any manner, directly or indirectly, for the purpose of issuing blanket licenses for the public performance for profit of their compositions upon a blanket royalty or fee covering more than one, or all, of such compositions owned or controlled by the members of such association unless each individual copyright owner included in such association, or such association in behalf of each individual copyright owner, also shall make available to each user of such compositions within the state, at the option of the user, the right to perform publicly for profit each such copyrighted musical composition owned by him or it at a price established for each separate performance of each such composition. To this end, there shall be filed with the Secretary of State, either as a part of the list required by Section 2 hereof or as a separate document by such copyright owner, or by such association in behalf of such owner, a schedule of prices for the performing rights to each separate performance for profit of each such composition contained in such list, together with an affidavit of the copyright owner of such compositions that the price so stated has been determined by such copyright owner acting for himself and not either directly or indirectly in concert or by agreement with the owner or owners of any other copyrights. Such schedule of prices may contain reasonable classifications determined by use and function, or either, of the users of said compositions, with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between

classifications. Any copyright owner, or such association acting in his behalf, may at his election fix one price which shall be applicable to each rendition of each of such compositions owned by him except to the extent that he elects to name specific compositions and to fix other prices for each rendition thereof; and said prices shall remain in force and effect until a new schedule of prices with respect to the performing rights to such compositions has been similarly filed in the office of the Secretary of State, at any time, at the election of such owner or such association acting in his behalf, changes in prices to become effective seven days from the date of filing thereof. The schedule of prices provided for herein shall be made available by the Secretary of State to all persons for examination and the taking of copies, and may be published by him in the same manner as provided in Section 4 hereof.

Section 4-B. Any person issuing a blanket license for performance rights shall file with the Secretary of State within thirty days from the date such blanket license is issued a true and complete copy of each such license issued or sold with respect to performance within this state, together with the affidavit of such person that such copy is a true and complete copy of the original and that it sets forth each and every agreement between the parties thereto with respect to such performing rights.

Section 5. At the time of filing the information required in Sections 2 and 3, the owner of said performing rights shall likewise execute and deliver to the Secretary of State, on a form to be furnished by the Secretary of State, an authorization empowering the Secretary of State to accept service of process on such person in any action or proceeding, whether cognizable at law or in equity, arising under this Act, and designating the address of such person until the same shall be changed by a new form similarly filed; and service of process may thereafter be effected in this state on such person in any such action or proceeding by serving the Secretary of State with duplicate copies of such process; and immediately upon receipt thereof the Secretary of State shall mail one of the duplicate copies by registered mail to the address of such person as stated on the authorization last filed by him.

Section 6. No person shall be entitled to commence or maintain any action or proceeding in any court with respect to such performing rights, or to collect any compensation on account of any sale, license or other disposition of such performing rights, in this state, except upon pleading and proving compliance with the provisions of this Act.

Copies, certified by the Secretary of State as such, of each or all of the lists, license agreements, affidavits and other documents filed with the Secretary of State pursuant to the requirements of this Act, shall be furnished by the Secretary of State to any person upon request at the prices regularly charged by the Secretary of State for such work. Such certified copies shall be admitted in evidence in any action or proceeding in any court to the same extent as the original thereof.

Section 7. From and after the effective date of this Act there is hereby levied, and there shall be collected, a tax, for the act or privilege of selling, licensing, or otherwise disposing of performing rights in such compositions in this state, in an amount equal to three per cent of the gross receipts of all such sales, licenses or other dispositions of performing rights in this state, payable to the State Treasurer on or before the fifteenth day of March, 1940, with respect to all such gross receipts for the portion of the calendar year 1939 after the effective date of this Act, and annually thereafter, on or before the fifteenth of March of each succeeding year, with respect to the gross receipts of the preceding calendar year. The State Treasurer shall adopt and publish rules and regulations not in conflict herewith, as well as a form of return and any other forms to carry out the provisions of this section.

Section 8. It shall be unlawful for any person, without the consent of the owner thereof, if said owner shall have complied with the provisions of this Act, publicly to perform for profit, in this state, any such composition, or for any person knowingly to participate in the public performance for profit of such composition, or any part thereof.

Section 9. Any violation of this Act shall constitute a misdemeanor, to be punished as provided elsewhere in the laws of this state.

Section 10. All laws or portions thereof whether general, special or local, which relate to the same subject matter as this Act and which are inconsistent with the provisions of this Act, are hereby superseded by the provisions of this Act to the extent that such inconsistency exists.

Nothing contained in this Act shall be so construed as to impair or affect the obligation of any contract or license which was lawfully entered into prior to the effective date of this Act.

Section 11. If any section, sentence, clause or word of this Act shall be held to be unconstitutional, the invalidity of such section, sentence, clause or word shall not affect the validity of any other portion of this Act, it being the intent of this legislature to enact each of the provisions of this Act insofar as they conform to the Constitution of this state and of the United States.

## BROADCASTING BILLS

The following bills have been introduced in Congress and state legislatures:

### CONGRESS

S. 1268 (Sen. Wheeler, D-Mont.) COMMUNICATIONS ACT—To reorganize the Communications Commission by creating a new agency to be known as the Federal Communications and Radio Commission, consisting of an administrative board of three members. Referred to Interstate Commerce Committee.

### STATE LEGISLATURES

#### ALABAMA:

H. 157 (Sightler) IDENTIFICATION OF MORTGAGED PROPERTY—To provide for the punishment of any person who defaces, or permits same to be done, any trade mark or other identifying mark on any automobile motor or other motor, pistols, guns, electrical equipment, radios, or motor vehicles, refrigerators, furniture, household or office equipment or any other personal property, when said property is encumbered with a mortgage, conditional sale contract or other lien. Referred to Judiciary Committee.

#### ARKANSAS:

H. 475 (Darnell) TAXATION—MUSIC SLOT MACHINES—Fixing a tax on all music machines used in public places and operated by insertion of coin, and for other purposes. Referred to Revenue and Taxation Committee.

S. 305 (Higginbotham) TAXATION—RADIO BROADCASTING STATIONS—Providing for the taxation of radio broadcasting stations, \$100 per annum for each station, and for other purposes. Referred to Revenue and Taxation Committee.

#### CONNECTICUT:

S. 858 (Rourke) RACE DEFAMATION—To create liability for defamation of a particular race, color or religious faith when the statement, if made about a specific person, would be libelous. Damages awarded in excess of plaintiff's actual costs accrued to the state for social welfare funds. Referred to Judiciary Committee.

S. 910 (Rourke) WAGES AND HOURS—Providing for a wages and hours division in the department of labor and their regulation. Referred to Labor Committee.

#### IDAHO:

H. 268 (Education) LIQUOR ADVERTISING—PROHIBITED—Prohibiting all liquor advertising.

#### MAINE:

H. 1214 (Fowles) RADIOS—Imposes a tax upon radios as such. Referred to Taxation Committee.

#### MINNESOTA:

H. 556 (Dixon, et al.) COPYRIGHTS—Same as S. 460. Would compel newspaper publication of a list of copyrights owned by members represented by associations. Referred to General Legislation Committee.

S. 460 (Kelly) COPYRIGHTS—Same as H. 556 above.

S. 541 (Novak) EXEMPT PERSONAL PROPERTY TAX—Exempts up to \$300 in value personal property composed of recreational and sporting equipment and radios. Referred to General Legislation Committee.

#### MONTANA:

H. 152 (Lambert) MECHANICAL MUSICAL INSTRUMENTS—Provides for registration of slot machine mechanical musical instruments and payment of 25 per cent gross revenue as operating fee. Reported unfavorably by House.

S. 156 (Foor) RADIO—FREEDOM OF SPEECH—Relating to freedom of speech over radio and liability as for libel and slander. Referred to Judiciary Committee.

NEBRASKA:

Bill 320 (Gantz) RADIO INTERFERENCE—To permit certain cities to regulate interference with radio reception by ordinance. Referred to Government Committee.

NEW YORK:

A. 886 (Garcia-Rivera) WAGES AND HOURS—To establish minimum wages and hours and other regulations and to establish "an Administrator" to administer the act. Referred to Labor and Industries Committee.

A. 914 (Reoux) Same as S. 628. LIBEL—Rearranges and clarifies provisions relating to libel. Referred to Judiciary Committee.

A. 919 (Austin) PICKETING—Allows persons to picket and urge public boycott or other peaceful course of public action and makes picketing lawful although firm against which strike is called has replaced strikers and is operating on normal basis. Referred to Judiciary Committee.

A. 1044 (Goldstein) UNAMERICAN DOCTRINES—Prohibits establishment or organization of camp, school or meeting place for teaching doctrines of racial persecution, slander or libel, religious bigotry, the overthrow of our form of government or abolition of any part of our Constitution. Referred to Codes Committee.

A. 1074 (Casey) EMPLOYMENT AGENCIES—Provides that no licensed person conducting an employment agency shall divulge name or address of applicant for employment to person or firm without first investigating character of employer. Referred to Judiciary Committee.

S. 830 (Kleinfeld) LABOR—WAGES—HOURS—Same as A. 886 above.

S. 628 (Feinberg) LIBEL—Same as A. 914. Rearranges and clarifies provisions relating to libel. Referred to Codes Committee.

OKLAHOMA:

H. 342 (Hughes) EXCISE TAX—Levying excise tax of 5% on musical instruments, electric fans, cigarette holders, soap, radios, jewelry, sporting goods, firearms, cameras, oleomargarine and perfume.

SOUTH DAKOTA:

S. 118 (Berry) ADVERTISING BRANCH BANKS—To regulate advertising and prohibit misleading and deceptive publicity and advertising by or on behalf of banks operating branches. Referred to Banks and Banking Committee.

TENNESSEE:

H. 664 (Webb) PURE FOOD AND DRUGS—Same as S. 499. To prevent the manufacture and sale of adulterated or misbranded foods, drugs and cosmetics and to prohibit false advertising in connection therewith.

TEXAS:

H. 451 (Dwyer) SALES TAX—To levy a 2 per cent selective sales tax, but excepting foods, cheap clothing, etc. It also levies a 2 per cent gross receipts tax on sales of admissions, fares, billboards and other advertising, telephones, telegraphs, cleaning and pressing. Referred to Revenue and Taxation Committee.

H. 420 (Leonard) SMALL LOANS—To regulate the business of making small loans of \$500 or less. Referred to Banks and Banking Committee.

WASHINGTON:

H. J. M. 13 (Pennock) BROADCASTING CONGRESSIONAL DEBATES—A memorial to petition congress to arrange for broadcasting in full on a national hookup all important debates and roll-call votes. Referred to Memorial Committee.

S. 264 (Maxwell) DENTAL ADVERTISING—To amend Section 10031-20 of Remington's Revised Statutes so as to extend the regulation of misleading dental advertising to all advertising mediums. Referred to Medicine Committee.

WISCONSIN:

199, A. (Ludvigsen) RADIO STATIONS WHA AND WLBL—To transfer control and operation of radio stations WHA and WLBL from Department of Agriculture and Markets to the Board of Regents of the University. Referred to Committee on Education.

S. 84 (Bolens, et al.) APPREHENSION OF CRIMINALS BY RADIO—Relating to the apprehension of criminals by radio. Referred to State and Local Government Committee.

## McNINCH APPROVES CODE

Chairman Frank R. McNinch of the Federal Communications Commission this week notified the Federal Com-

munications Bar Association that the Commission is "in sympathy" with the ethical code agreed to by the membership of the association. In this connection Chairman McNinch this week sent the following letter to Judge Frank Roberson of the association:

Judge Frank Roberson,  
President,  
Federal Communications Bar Association,  
National Press Building,  
Washington, D. C.

Dear Judge Roberson:

"This will reply to your letter of January 23, 1939, in which you ask on behalf of the Executive Committee and the Committee on Ethics and Grievances of the Federal Communications Bar Association, whether the Commission is in sympathy with, or generally approves the Canons of Ethics of the Bar Association as published in the May, 1937, issue of the Federal Communications Bar Journal.

The Commission desires to promote and encourage the practice of law before it under the standards observed by ethical lawyers throughout the profession; and our rules now specifically impose on attorneys the duty of conforming to recognized standards of professional conduct.

In this connection the Commission views with general approval the Canons adopted by your Association. At the same time it will be appreciated that the subject is so much one of conscience as to make inappropriate the adoption or approval of rigid rules having the force of law. It may be noticed that most courts have declined to lay down fixed standards, other than through the precedents to be derived from their decisions. Accordingly, the Commission must reserve to itself as cases may arise the determination as to the principles of ethics which shall be applied. Judicial precedents, and our own, are guides in such determination; and the precepts your Association has established also are entitled to recognition and weight.

The Commission is in sympathy with your objectives in agreeing among your membership upon an ethical code, and commends the Association and its Committee in their effort to assist in insuring that the practice before us shall be conducted with all propriety.

Cordially yours,  
FRANK R. McNINCH,  
Chairman.

## AMENDMENT TO FCC RULES

The Federal Communications Commission on February 13 amended the second provision of Sec. 4.01 of the Rules of Practice and Procedure, effective immediately, so that the entire section will read as follows (New matter italics; proposed deletion in brackets):

"Sec. 4.01 *Applications made on prescribed forms: exceptions.* Each application for an instrument of authorization shall comply with the Commission's Rules and Regulations and shall be made in writing, subscribed and verified as provided in Section 7.01, on a form furnished by or in the manner prescribed by the Commission: *Provided, however,* That in emergency cases the Commission may waive the requirements of formal application with respect to applications for other than radio licenses and for licenses, renewals, or modification thereof for stations on vessels or aircraft of the United States, pursuant to Section 308(a) of the Act. Separate application shall be filed for each instrument of authorization requested; *Provided, however,* That in cases *arising in services other than broadcast* where a single licensee holds a number of licenses *which are identical in their terms or which are identical in their terms* with the exception of *station* locality, and in other cases in the discretion of the Commission, a single application may be filed for renewal or modification of such licenses, where such single application sets forth in detail and in unmistakable language [terms,] an accurate description of the individual licenses sought to be renewed or modified: *Provided, further,* That in cases where an applicant desires a modification of a rule or regulation, he shall submit a formal petition setting forth the desired change and the reasons in support thereof. The required forms may be obtained

from the Commission or from any of its field offices. (For a list of such offices and related geographical districts, see Appendix No. 3)."

### FREE OFFERS

Les Finkel of Macfadden Publications ("True Story," etc.) visited NAB headquarters this week to discuss the NAB's opinion that use of his firm's scripts and transcriptions in return for a credit line constituted violation of the NAB code of ethics.

Mr. Finkel said Macfadden Publications was spending a considerable sum each month for radio advertising and intended to spend more. Among the firm's programs, he pointed out, was "Mary and Bob" on NBC. The firm also was buying time in San Francisco, Los Angeles, Milwaukee and Kansas City, he said, for the "Doc Sellers" series, which the firm is asking broadcasters elsewhere to use free. He said the firm also was buying time some places for the "True Detective Mystery" script which also is on the "free offer" list in some places.

Mr. Finkel contends that the broadcaster which accepts the firm's "free offer" proposal is getting more than he gives and, hence, is not a "sucker." The broadcaster gets a good script and also a great deal of free advertising by Macfadden's local sales force, he said. The broadcaster, he said, is free to get a sponsor for the program if he desires.

The Chamber of Commerce of the United States has prepared a series of scripts for the use of local businessmen on local stations. New Dealers would characterize a great deal of the material in these scripts as anti-New Deal, even though the C. of C. says they are "non-partisan."

Ernest Cutting of New York, who styles himself as a talent scout, says in a letter to the NAB that he was not aware that commission advertising was banned by the NAB code of ethics and that "naturally would want to uphold your code." Mr. Cutting's proposition was reported in last week's REPORTS.

Samuel C. Croot Co., Inc., New York City, has asked a number of stations to take a program on a sales percentage basis.

Pathfinder magazine, published in Washington, D. C., is offering stations permission to use its articles for news reviews, in return for a credit. The publishers say many stations have asked permission to use Pathfinder articles and frankly admit they think the credit line will boost their circulation.

### MONOPOLY HEARING

Mutual completed its testimony on February 15 at the FCC monopoly hearing. The Commission announced that regional networks would be heard in the following order, starting February 21:

Don Lee Broadcasting System, Yankee Network and Colonial Network, King-Trendle Broadcasting Corporation (Michigan Network), Virginia Broadcasting System, California Radio System, Wisconsin Radio Network, Pacific Broadcasting Company, Texas

State Network, North Central Broadcasting System, Arrowhead Network, Empire State Network, Inter-City Broadcasting System, Oklahoma Network, Pennsylvania Network, Quaker Network, and Texas Quality Network.

The day-by-day account of the hearings:

#### FEBRUARY 8

Mr. Antrim pointed out that, in practice, Mutual contracts resulted in exclusive service in a member's territory, but that the contracts actually did not provide for such. With the exception of the Don Lee network, no member had a contract which banned affiliation with another network, he said, and Mutual was willing to cancel that single restriction if asked.

Miles E. Lamphiear, Auditor, the next witness, testified that gross billings last year were \$2,200,000, and then showed how this was distributed.

#### FEBRUARY 9

Fred Weber, General Manager, on the stand throughout the day, described Mutual's relationship with the stations in the system with regard to sustaining programs, and then turned to a long discussion of advertising and the difference between Mutual and other networks in this respect.

#### FEBRUARY 10

Adolph Opfinger, Program Service Manager, testified that WOR and WGN produced 60 per cent of Mutual's sustaining programs. He then described in detail the network's program service.

#### FEBRUARY 14

W. E. Macfarlane of Chicago, President, took the stand and introduced a list of the stockholders of the Tribune Company, owner of one-half of Mutual's stock. The Tribune Company, he said, had invested a total of \$1,297,000 in radio, and lost \$12,000 last year in the operation of WGN. George C. Davis, consulting engineer, occupied the stand the rest of the day, discussing the engineering phases of the Mutual system.

#### FEBRUARY 15

Alfred J. McCosker, Mutual chairman, introduced a list of the officers and stockholders of R. H. Macy and Company, owner of Station WOR through L. Bamberger and Company, and thus owner of one-half of Mutual's stock. Asked to state "the advantages to the public of your Mutual System," Mr. McCosker said:

"To begin with, the public interest sets in, I believe, more especially in the Mutual form of operation, in that there is put at their disposal a reservoir of programs, geographically diversified, and just inherently representing the various communities and portions of the country in which these programs originate. The public, to my mind, is further benefited by the fact that Mutual operation, providing as it does a larger return to the station owner, enabling him to spend more money in sustaining program production."

Mr. McCosker also said that certain contracts with other networks "make it impossible for Mutual \* \* \* to broadcast its program by arrangement with the broadcaster" and that the Commission's "very serious consideration should be given to the prohibitive contracts—to us, prohibitive contracts—that are currently in force."

Asked what he felt should be done about this situation, Mr. McCosker said:

"I believe that a limitation of time or term during which such contracts might exist between outlets and chains would be the answer."

Asked whether he thought networks should have an option on the best listening time of affiliates, he said:

"Not all of it. There ought to be a modification of that."

## Labor

### WAGNER ACT AMENDMENTS

Senator Burke (D-Neb) and Representative Anderson (D-Mo) have introduced amendments which would drastically curb the powers of both labor unions and the

Labor Relations Board. Senator Burke's amendments would forbid the check-off of union dues, require union officers to be American citizens, ban union coercion, permit employers to ask for employee elections and forbid strikes without a majority vote. Both Senator Burke's and Representative Anderson's amendments would allow employers to transfer cases at will from the Labor Relations Board to Federal District Courts.

The American Federation of Labor Executive Council decided in Miami, Fla., last week to seek an amendment that would abolish the present Labor Relations Board and substitute a new, five-man board. The A. F. of L. claims the present board is pro-C. I. O.

Amendments previously introduced for the A. F. of L. were described in Vol. 7-4, p. 3227, of the REPORTS.

### COST OF LIVING

The Labor Department reports that the cost of living for wage earners and low-salaried workers in 32 large cities throughout the country remained unchanged during the quarter ended last December 15. Buffalo, N. Y., with an increase of 1.2 per cent, was the only city to report a change of as much as one per cent. Stations wishing a more detailed report for wage negotiations can obtain it from headquarters.

### COLUMBUS ENGINEERING CONFERENCE

The Broadcast Industry owes its thanks to Professor Everett of Ohio State University for organizing a meeting for the engineers of the industry. The meeting that took place recently on the campus of the University was the second of its kind and was remarkably successful. Over 125 engineers in charge of the operation of all types of broadcast stations from all parts of the country were present, together with a good sprinkling of consulting engineers.

Some excellent speakers discussed various engineering problems, covering the design of tubes, directional antennas, audio equipment, etc. One of the most interesting sessions was a discussion covering the standards of good engineering practice which were proposed by the FCC, and discussed in open hearing on June 6 of last year. Mr. Ring, Assistant Chief Engineer in charge of radio for the FCC discussed these standards with Mr. DeWitt (WSM), who represented the clear channel group at these public hearings, and with Mr. Bailey, whose firm represented the clear channel station WOR. The evolution of broadcasting was briefly covered starting from the early hectic days to the present system with governmental regulation. The growth of power from the time when 1000 watts was superpower was touched upon; the developments in equipment, the stabilization of frequency, and the advent of the directional antenna were all discussed.

Mr. Ring expressed his belief in the improvements possible by the cooperation of stations operating on the same

frequency. Several questions from the floor were directed toward certain arbitrary standards that form part of the proposed standards of good engineering. For instance, that the separation of local stations will be based on daytime interference only. Mr. Ring stated that presentation of evidence at a hearing indicating that night interference would be excessive in certain cases would be given careful consideration.

The mention of Radio Inspectors aroused many comments indicating that not a few broadcast engineers are suffering from both real and imaginary grievances. It was pointed out that it was difficult for a broadcaster to complain about an Inspector, because one of the results would probably be to antagonize him. It is suggested, therefore, that if broadcasters have any grievance or believe that an Inspector is interpreting the rules improperly, he should write to the NAB so that the matter may be taken up by the Engineering Department of the NAB with the Engineering Division of the FCC without disclosing the name of the station complaining. Mr. Ring expressed his willingness to issue interpretations and instructions to all inspectors should it appear that some reasonably important phase of their work was being mishandled by some of them.

The other sessions of the meeting were as successful, although more specialized. It is hoped that this annual meeting will become a regular and established function, and that broadcast engineers will make its local their annual meeting place.

RAYMOND WILMOTTE.

### DISTRICT 11 MEETING

The following members attended a District 11 meeting in Minneapolis on February 11:

KATE, Ed. Hayek; KYSM, R. E. Schwartz; WDGY, Ed. Shurick; KSTP, Ken Hance; WMIN, E. Hoffman; WTCN, C. T. Hagman; KROC, Gregory Gentling; KFAM, Fred Schilpin; WKNO, Max White; KFYZ, F. E. Fitzsimmonds; KDRL, Bert Wick; WDAY, E. C. Renieke; KFJM, Dalton LeMasurier; KELO, KSOO, Wally Stone; WNAX, Robert Tincher.

### McNINCH ANSWERS HIGH

Chairman Frank R. McNinch of the FCC took exception to a great deal of Stanley High's Saturday Evening Post article about broadcasting, in an MBS broadcast from Baltimore on February 10.

He said he had read Mr. High's article with "amazement" because of "certain glaring and inexcusable misstatements and false statements" it contained.

Mr. McNinch dwelt on Mr. High's statements about the "Beyond the Horizon" and "Orson Welles" incidents, news commentators, and the Commission reorganization.

### RADIO REPORTER APPEALS

Fulton Lewis, Jr., MBS Washington reporter, has appealed to the Senate and House rules committees from the

decision of the newspapermen's standing committee to keep him out of the Senate and House press galleries.

Mr. Lewis' letter to the standing committee, applying for permission to work in the galleries, was printed in NAB REPORTS.

### JACK FALVEY

Station WLAW asked that the following notice be printed in the REPORTS.

"Any station knowing the whereabouts of Mr. Jack D. Falvey, owner and operator of the FALVEY FEATURE SERVICE CO., kindly communicate with Station WLAW, at Lawrence, Mass."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, February 20. They are subject to change.

### Monday, February 20

WLAC—J. T. Ward, d/b as WLAC Broadcasting Service, Nashville, Tenn.—C. P., 1470 kc., 50 KW, unlimited time (DA for night use). Present assignment: 1470 kc., 5 KW, unlimited time.

NEW—Aubrey G. McCabe and Trim W. Aydtlett, d/b as Albe-marle Broadcasting Co., Elizabeth City, N. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

### Friday, February 24

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

### March 2

#### Oral Argument Before the Commission

Examiner's Report No. I-757:

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P., 920 kc., 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—S. M. Sifers, S. I. Sifers and E. I. Sifers, d/b as The South Nebraska Broadcasting Co., Hastings, Nebr.—C. P., 920 kc., 1 KW, 5 KW LS, unlimited time (DA for day and night).

Examiner's Report No. I-761:

NEW—J. Samuel Brody, Sumter, S. C.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

WIS—Station WIS, Inc., Columbia, S. C.—For special experimental authorization for a satellite station; 560 kc., 10 to 100 watts. Time: LS to sunrise at Sumter, synchronously with WIS.

### March 17

WAGA—Liberty Broadcasting Co., Assignor, Atlanta, Ga.—Voluntary assignment of license to Liberty Broadcasting Corp., Assignee; 1450 kc., 500 watts, 1 KW LS, unlimited time.

### March 27

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., 880 kc., 1 KW, 5 KW LS, unlimited time (DA night).

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

### March 29

NEW—Don Lee Broadcasting System, San Francisco, Calif.—C. P. for a new television broadcast station; 42000-56000 kc., aural, 250 watts; visual, 250 watts night, aural 250 watts; visual 250 watts day; Emission A3, A4 and Special; unlimited time according to Rule 983.

### March 31

KPLT—North Texas Broadcasting Co., Paris, Tex.—Modification of license, 1500 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1500 kc., 250 watts, daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KOMA—Hearst Radio, Inc., Oklahoma City, Okla.—Granted assignment of license from Hearst Radio, Inc., the present licensee, to KOMA, Inc. (Chairman McNinch voting "No" and Commissioner Craven not participating). Station operates on 1480 kc., with 5 KW, unlimited time.

WGCM—WGCM, Inc., Mississippi City, Miss.—Granted modification of license to change main studio to 14th Street and 23rd Ave., Gulfport, Miss.

KTFI—O. P. Soule, Twin Falls, Idaho.—Granted transfer of control of Radio Broadcasting Corp., licensee of Station KTFI, from the stockholders to O. P. Soule.

NEW—General Electric Co., Schenectady, N. Y.—Granted C. P. for new high frequency broadcast station, frequency 41800 kc., 50 watts. The frequency 41800 kc. is authorized on an experimental basis only conditionally.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period ending September 1, 1939:

KFKA, Greeley, Colo.; KFPY, Spokane, Wash.; KFUE, Clayton, Mo.; KPRC, Houston, Tex.; KSD, St. Louis, Mo.; KSEI, Pocatello, Idaho; KWLK, Longview, Wash.; WDEV, Waterbury, Vt.; WFLA, Tampa, Fla.; WFMD, Frederick, Md.; WGBI and auxiliary, Scranton, Pa.; WGST, auxiliary, Atlanta, Ga.; WICC, Bridgeport, Conn.; WIND, Gary, Ind.; WJAR and auxiliary, Providence, R. I.; WKBN, Youngstown, Ohio; WLBZ, Bangor, Me.; WMMN, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WORL, Boston, Mass.; WPIC, Sharon, Pa.; WQAN and auxiliary, Scranton, Pa.; WRNL, Richmond, Va.; WSPA, Spartanburg, S. C.; WSYR-WSYU, Syracuse, N. Y.; WWJ and auxiliary, Detroit, Mich.; WPRO and auxiliary, Providence, R. I.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted renewal of license for the period ending July 1, 1939.

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted renewal of license for the period ending July 1, 1939.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Present license extended on a temporary basis for a period of 3 months, subject to whatever action may be taken upon the pending applications of this station for renewal of license and transfer of control.

W2XUP—Bamberger Broadcasting Service, Inc., New York City.—Granted renewal of facsimile broadcast experimental station license for the term March 1, 1939, until further order of the Commission, but in no event later than March 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W3XE-W3XP—Philco Radio & Television Corp., Philadelphia, Pa.—Granted renewal of television broadcast station license until further order of the Commission, but in no event beyond

3 a. m., EST, February 1, 1940, subject to the condition that it is granted on an experimental basis only, and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XK—State University of Iowa, Iowa City, Iowa.—Granted renewal of television broadcast station license until further order of the Commission, but in no event beyond 3 a. m., EST, February 1, 1940, subject to the condition that it is granted on an experimental basis only, and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XUI—State University of Iowa, Iowa City, Iowa.—Granted renewal of television broadcast station license until further order of the Commission, but in no event beyond 3 a. m., EST, February 1, 1940, subject to the condition that it is granted on an experimental basis only, and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W6XLN—Ben S. McGlashan, Portable-Mobile.—Granted renewal of relay broadcast experimental station license until further order of the Commission, but in no event beyond 3 a. m., EST, December 1, 1939, upon the express condition that it is subject to change or cancellation by the Commission without advance notice or hearing, if in its discretion the need for such action arises.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—M. L. Medley, Cookeville, Tenn.—Application for C. P. for new station to operate on frequency 1370 kc., 100 watts night, 250 watts daytime, unlimited time. Application designated for hearing to determine if interference might result to existing stations, and financial qualifications of applicant.

NEW—John F. Arrington, Jr., Valdosta, Ga.—Application for C. P., already in hearing docket, amended so as to request operation on 1230 kc., 250 watts, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval. Application designated for hearing to determine if interference might result to existing stations.

WICA—WICA, Inc., Ashtabula, Ohio.—Application for C. P. to install new equipment and increase day power from 250 watts to 1 KW. Application designated for hearing to determine if interference might result to existing stations, and pending applications from Ohio involve an increase in service.

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval. Application designated for hearing to determine if interference might result to existing stations, and pending applications from Virginia involve an increase in service.

### MISCELLANEOUS

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted petition to accept appearance of respondent in the matter of the application of Bureau of Education, A. Corenson, owner and manager, for a new station at Montbello, Calif., to operate on 1420 kc., 100 watts, daytime.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted applicant's motion to continue hearing on applications to increase power of KERN from 1 KW, unlimited, to 1 KW night, 5 KW LS, unlimited, and for KMJ to change frequency and power from 1370 kc., 100 watts, to 1380 kc., 1 KW, unlimited time; to be heard with the application of KOH, the Bee, Inc., Reno, Nev.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted applicant's motion to continue hearing on applications to increase power of KERN from 1 KW, unlimited, to 1 KW night, 5 KW LS, unlimited, and for KMJ to change frequency and power from 1370 kc., 100 watts, to 1380 kc., 1 KW,

unlimited time; to be heard with the application of KOH, the Bee, Inc., Reno, Nev.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted motion for order to take depositions in re application to increase power.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted motion for order to take depositions in re application to change frequency and increase power.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted petition to accept respondent's answer in the application of KRSC, Radio Sales Corp., Seattle, Wash., for increase in power from 250 watts to 1 KW, unlimited, on 1120 kc.

WCAD—The Brockway Company (Lessee), Watertown, N. Y.—Denied petition to set April 6, 1939, as hearing date in re the application of The Brockway Company to erect a new station to operate on 1270 kc., 500 watts, daytime, and move from Canton to Watertown, N. Y., and the application for voluntary assignment of license of WCAD, from the St. Lawrence University to the Brockway Co.

WHDF—Upper Mich. Broadcasting Co., Calumet, Mich.—Granted petition for order to take depositions before Edward T. Colombe, Notary Public, in re application to increase hours of operation from specified to unlimited on present assignment of 1370 kc., 100 watts night, 250 watts day.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted motion of counsel for the Gateway Broadcasting Co., requesting that the order of Commissioner Brown issued on February 7, 1939, cancelling the hearing on petitioner's application for C. P., Docket 4679, *be set aside* and that the order of Commissioner Walker issued on January 6, 1939, granting the petition of the Gateway Broadcasting Co. for permission to amend its application in Docket 4679 by changing the transmitter site and to retain February 15, 1939, as the hearing date, *be affirmed*.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from local sunset (Feb. 6 p. m., CST) to midnight on February 9, 10, 11, in order to broadcast the Golden Gloves Amateur Boxing Tournament, using 100 watts only.

W8XIQ—W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast (experimental stations W8XIQ and W8XIR) on frequency 31220 kc. pending definite arrangements to be made to eliminate interference with Cleveland's Police Radio Service. The term of the special temporary authority shall be from February 9 to March 10, 1939.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate high frequency broadcast station W2XDG on the frequency 38.65 megacycles pending definite arrangements to be made in the ultra high frequency bands, for the period February 18 to March 19, 1939.

NEW—Solomon L. Goodman and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—Granted motion to amend application and retain hearing date as March 6, 1939. Applicants request C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted request to waive Sec. 12.71 and to cure defect in taking certain depositions, substituting B. S. McDonald for R. T. Stinson as officer before whom depositions were taken, in re application for C. P. to change frequency from 1310 kc. to 880 kc., and power from 250 watts daytime to 1 KW, unlimited, using directional antenna.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station WCBN aboard the aircraft *Yankee Clipper*, owned by Pan American Airways Co., on the frequencies 2400, 4800, 6430, 8655, 12862.5, 17310 and 23100 kc., in addition to the normal licensed frequencies, for the period February 18 to March 19, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda to Port Washington, N. Y., to London and return, and to be broadcast by CBS.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast experimental station W2XUP on the frequency 25700 kc. in lieu of normal licensed frequencies, for the period February 17 to March 18, pending definite arrangements to be made in the ultra high frequency bands.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental

- relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAL, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCC, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY on the frequencies of 31.22 and 37.02 megacycles, in lieu of present assignments of 31.1 and 37.6 megacycles, for the period February 19 to March 20, pending adjustments of relay broadcast frequency assignments above 30 megacycles as contemplated by General Order No. 19.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on February 25, March 4, 11, 18, 25, 1939, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 to 10 a. m., and from 2 to 3 p. m., EST, on February 26, March 5, 12, 19, 26, in order to broadcast religious services, newscasts and musical programs; to operate from 8:30 to 10 a. m., and from 2 to 3 p. m., EST, on February 22, in order to broadcast musical programs and newscasts, provided WSVS remains silent.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW power night, for a period of 30 days, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency of 780 kc., or reduces power so that additional interference is not involved. This grant is authorized conditionally.
- WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Dismissed without prejudice, application for C. P., 580 kc., 1 KW, 5 KW LS, unlimited time (DA night), which was heretofore set for hearing, and applicant requested withdrawal.
- WELI—City Broadcasting Corp., New Haven, Conn.—Ordered that a construction permit be issued to WELI, covering use of a directional antenna at a site other than that at which the transmitter is now located.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Denied motion to reconsider and grant without a hearing or designate the same for hearing before an Examiner, the application requesting authority to operate unlimited time on present frequency, 1180 kc.
- WCOP—Mass. Broadcasting Corp., Boston, Mass.—Denied petition of WCOP to postpone decision on its application to change frequency from 1120 to 1130 kc., and increase hours of operation from daytime only to sunset at Salt Lake City, continuing use of 500 watts power, until the Commission decides application of WPG, to assign license to Greater New York Broadcasting Corp., and move station from Atlantic City to New York.
- WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted motion of WSUN to withdraw its petition to reopen the case involving application of Pinellas Broadcasting Co. for a new station at St. Petersburg for further hearing, and dismissed said petition.
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8 p. m., CST, February 24 to 1 a. m., CST, February 25, or to conclusion of broadcast of District Golden Glove Boxing Tournament.
- WQDM—Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8 p. m. to midnight, EST, February 21, in order to broadcast Knights Templar Ball.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, until midnight on the following dates: February 27, in order to broadcast political programs in connection with primary election for offices of Mayor and City Commissioners; February 28, in order to broadcast primary election returns.
- W2XBF—William G. H. Finch, New York City.—Granted extension of special temporary authority to operate experimental broadcast station W2XBF on the frequency 42260 kc., in addition to the normal licensed frequencies for the period February 20 to March 21, pending definite arrangements to be made in the ultra high frequency bands.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted authority to rebroadcast from 7 to 7:30 p. m., CST, February 13, program material only from the following Army Amateur Stations: W4LU, BYV, CAN, EQO, BED, DCF, ACZ, VF, AAY, DRI, AEE, IS, W5FEZ, FDI, BRW, GEC, CFX, GGE, BHO, FVH, DYK, ABQ, BGG, BNE, FSI, GST, AXD, DRR, DHE, CNG, DAN, BID, CXH, AO, GMT: Other amateur operations listed not having Class A privileges; frequency of 3905 kc.
- NEW—Nichols & Warinner, Inc., Portable-Mobile, area of Long Beach, Cal.—Granted C. P. for new relay broadcast station: frequencies 1622, 2058, 2150 and 2790 kc., 25 watts. Also granted license for same.
- KAOD—Wescoast Broadcasting Co. (Wenatchee, Wash.), Portable-Mobile.—Granted modification of C. P. to make changes in equipment and reduce power from 20 to 10 watts in relay broadcast station. Also granted license to cover same.
- KAIH—Earle C. Anthony, Inc., Portable-Mobile (area of Southern Calif.).—Granted license to cover C. P. for new relay broadcast station: frequencies 1606, 2022, 2102 and 2758 kc., 25 watts.
- KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted license to cover C. P. authorizing new station to operate on 1370 kc., 100 watts daytime only.
- KSEI—Radio Service Corp., Pocatello, Idaho.—Granted license to cover C. P. authorizing installation of new equipment.
- KFJM—Univ. of North Dakota, Grand Forks, N. D.—Granted extension of special temporary authority to operate with increased power (from 500 watts to 1 KW) from 9 p. m. to 9:30 p. m., CST, on Wednesdays and Thursdays, February 22 and 23, and March 1, 2, 8, 9, 15, 16, 22, 23, in order to broadcast educational talks.
- Cleveland City Board of Education, Cleveland, Ohio.—Granted special temporary authority to operate Non-Commercial Educational Broadcast station WBOE, on the frequency 41500 kc., with power of 500 watts, for facsimile transmissions, for the period February 15 to March 16, for a series of demonstration broadcasts in the use of facsimile for educational purposes.
- KIFO—Nichols and Warinner, Inc., Portable-Mobile (area of Long Beach, Cal.).—Granted C. P. to install new equipment and reduce power from 200 watts to 25 watts, in relay broadcast station.
- WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW, and a conventional antenna for the period February 15 to March 16, pending installation of directional antenna authorized in grant of October 25, 1938.
- WHDF—Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 10 p. m., CST, February 24, in order to broadcast Mich. State Highway Department Houghton Conference.
- KTHS—Tri-State Broadcasting System, Inc., Shreveport, La.—Continued indefinitely the oral argument now scheduled for February 16, on application to change frequency from 1450 to 620 kc., and power from 1 KW, unlimited, to 1 KW, 5 KW LS, unlimited, until such time as the petition for rehearing, now pending in connection with KWFT application, has been finally decided.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (March, 6:30 p. m., CST), to 11:05 p. m., CST, in order to broadcast the following: March 5, 12, 19, 26, 1939, church services; March 6, 13, 20, 27, American Legion Meetings; March 2, 7, 9, 14, 16, 21, 23, 28, 30, basketball games; March 1, 8, 15, 22, 29, wrestling matches; March 3, 10, 17, 24, 31, Community Jamboree; March 11, 18, 25, East Texas Chamber of Commerce programs; March 4, Delta-Phi Kappa Banquet, using 100 watts only.
- W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test the high frequency broadcast equipment of Station W1XPW authorized by modification of C. P., on the frequency of 43.4 megacycles, with power of 1 KW, for the period February 23 to March 24, pending definite arrangements to be made in the ultra high frequency bands.

#### APPLICATIONS FILED AT FCC

##### 550 Kilocycles

- WKRC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of license to use 5 KW power all daytime hours.

##### 1200 Kilocycles

- KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-2123) for new antenna, move of

transmitter, requesting authority to change type of transmitter, and extend commencement date 90 days and completion date 90 days thereafter. Amended: Minor equipment changes.

#### 1210 Kilocycles

WTMA—Y. W. Scarborough & J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-1721) for a new station, requesting approval of antenna, new transmitter, and transmitter site at North End of 11th St., Charleston, S. C., and studio site at Charleston Hotel Meeting St., Charleston, S. C. Amended: Change type of transmitter.

#### 1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—License to cover construction permit (B4-P-2111) for equipment changes.

#### 1310 Kilocycles

KRQA—J. Laurance Martin, Santa Fe, N. Mex.—Voluntary assignment of license from J. Laurance Martin to New Mexico Broadcasting Co.

WBRE—Louis G. Baltimore, Wilkes-Barre, Penna.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WBRE—Louis G. Baltimore, Wilkes-Barre, Penna.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day, and night. (Violation Rule 121.)

#### 1340 Kilocycles

KGIR—KGIR, Inc., Butte, Mont.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

#### 1350 Kilocycles

WAWZ—Pillar of Fire, Zarephath, N. J.—Modification of license to use directional antenna for day and night.

#### 1370 Kilocycles

WFOR—Forrest Broadcasting Company, Inc., Hattiesburg, Miss.—Construction permit to make changes in transmitting equipment and increase power from 100 watts night and day to 100 watts night, 250 watts day.

#### 1380 Kilocycles

WHBC—State Broadcasting Corporation, New Britain, Conn.—Modification of license to increase power from 250 watts, 1 KW day, to 1 KW day and night (station is employing directional antenna for day and night operation).

#### 1500 Kilocycles

KVWC—R. H. Nichols, W. H. Wright, and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Company, Vernon, Tex.—License to cover construction permit (B3-P-1869) as modified for a new station.

### MISCELLANEOUS

King-Trendle Broadcasting Corporation, Detroit, Mich.—Extension of authority to transmit programs from Station WXYZ to stations of the Canadian Radio Commission, for period 4-16-39 to 10-16-39.

W6XDA—Columbia Broadcasting System, Inc., Los Angeles, Calif.—License to cover construction permit (B5-PHB-24) as modified for a new high frequency station.

W1XOJ—The Yankee Network, Inc., Princeton, Mass.—Modification of construction permit (B1-PHB-39) to extend completion date from 4-29-39 to 10-29-39.

W2XVT—Allen B. DuMont Laboratories, Inc., Montclair, N. J.—Modification of construction permit (B1-PVB-5) as modified for changes in transmitter and antenna.

W2XVT—Allen B. DuMont Laboratories, Inc., Montclair, N. J.—License to cover above.

NEW—Woodmen of the World, Life Insurance Society, Omaha, Nebr.—Construction permit for a new relay broadcast (low frequency) station on 1622, 2058, 2150, 2790 kc., 20 watts power.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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:

**Anylite Electric Company**—Alleging the use of unfair and deceptive acts and practices in the sale of an electrical device advertised as "The New Way to Health, a complaint has been issued against Anylite Electric Company, 200 Murray St., Fort Wayne, Ind.

The respondent's product, designated Theronoid, is described as consisting of a coil of wire, or solenoid, in a container intended to be placed around the patient's body. By means of an alternating electric current, an electro-magnetic field of therapeutic value is said by the respondent to be created.

The respondent is alleged to have described its product as "Theronoid Therapeutic Solenoid, The New Way to Health," which description is alleged to represent, directly and indirectly, that the device is capable of restoring normal health to the user, and that the product has a therapeutic value. (3704)

**Autogroom Company**—A complaint has been issued charging three former employees of the manufacturer of an automobile cleaning and polishing product, who have organized a rival company, with misrepresentation and disparagement of the product they once sold.

Mathew W. M. Devitt, Roy D. Schlegel and Robert E. Sargent, trading as Autogroom Company, with offices at 11 East 44th St., New York, and 5013 Georgia Ave., N. W., Washington, D. C., and a manufacturing plant in Long Island City, N. Y., were once connected with the manufacture and sale of Karsmetik, an automobile cleanser and polisher, which still is being manufactured and sold, it is alleged.

The complaint charges that the respondents, through acquaintance and familiarity with purchasers of their former product, defamed and disparaged it to prospective purchasers of their own product, Autogroom, by alleging that the company manufacturing Karsmetik is no longer in business; that the product is not being offered for sale; that the chemist who discovered the formula for, and supervised the preparation of, Karsmetik, is now in the employ of the respondents, and that the product Autogroom is, in all respects the same as the product Karsmetik. (3702)

**Denis Furniture Company**—See Grand Rapids Exchange, Inc.

**Electrical Laboratories, Company, Inc.**—Under a complaint, Electrical Laboratories Company, Inc., 49 East 21st St.; New York, is charged with misleading representations in the sale of radio receiving sets, antennae, aerial eliminators and other devices and parts.

Advertisements published by the respondent company are alleged to have represented that its Walco Aerial Eliminator and its Dynamic Antenna improve selectivity and tone, remove electrical disturbances, give volume and distance equal to outdoor aerials and with better selectivity, and remove all nuisance and danger of lightning, storms and short circuits, when, according to the complaint, use of the products will not accomplish the results claimed. (3707)

**General American Sales Corporation**, 32 West Randolph St., Chicago, Ill., and David C. Baskin, president, and Arnold and Faye Simon, directors, are alleged to have sold electric razors, cameras and other novelty articles under a similar plan. (3706)

**Grand Rapids Exchange, Inc.**—Misrepresentation in the sale of furniture is charged in a complaint against Grand Rapids Exchange, Inc., a corporation, with offices and principal place of business at 55 Hope St., Brooklyn, N. Y., and also trading under the name of Denis Furniture Company at 2182 Third Ave., New York.

Through the use of conspicuous signs, such as "The Original Grand Rapids (Exc., Inc.) Furniture, Main Show Rooms", the complaint alleges, and through oral representation to purchasers and prospective purchasers of being "The only authorized agent in New York City handling Grand Rapids furniture" and that "we are the real McCoy because we have our factory in Grand Rapids, Michigan", and through letterheads, invoices and other printed matter lettered "Grand Rapids Exchange, Inc.", the respondent represents and implies that its furniture is manufactured in Grand Rapids where it controls and operates its own factory. (3703)

**Hershey Creamery Company**—A complaint has been issued charging Hershey Creamery Company, Harrisburg, Pa., with selling to dealers assortments of frozen confections so packed and assembled as to involve use of lottery methods when sales are made to ultimate consumers.

Each assortment consists of several confections known as "Fudgicle" and "Banjo", packed separately in paper bags and sold for 5 cents each, the complaint alleges.

According to the complaint, the purchaser who receives a confection, the handle of which bears a concealed phrase, such as "Return this stick for free Fudgicle", receives an additional confection without additional cost. (3700)

**National Advertisers Company**—J. P. Sheehan, trading as National Advertisers Company, 230 East Ohio St., Chicago, Ill., is alleged to have sold watches, radios, pen and pencil sets and other novelty articles by means of a plan involving use of push cards by means of which purchasers who selected a certain feminine name from the push card received prizes wholly by lot or chance. (3705)

**Joseph Sculler, Inc.**—Use of unfair and deceptive acts and practices in connection with the sale of jewelry, watches and gift articles is alleged in a complaint issued against Joseph Sculler, Inc., 35 East Gay St., Columbus, Ohio, and against the officers of the company, Joseph Sculler, president, Mrs. Joseph Sculler, vice president, and Hamel Curwin, secretary.

The complaint charges that use of the word "manufacturing" in the phrase "Manufacturing Jeweler Wholesale", appearing on letterheads, invoices and other printed matter circulated by the respondents, serves as a representation that they own, operate or control a plant in which the articles they sell are manufactured. (3701)

**United Distributors, Inc.**, 113 South 3rd St., Louisville, Ky., dealer in Wittone, a medicinal product, is charged with misleading representations in a complaint.

In the sale of its preparation the respondent is alleged to have made various misleading representations such as the assertion that frequent bilious spells, dizziness, headache, sour stomach, lack of sleep and loss of appetite are the results of pressure on the nerves in the region of the digestive organs because of poisons arising from constipation swelling these organs, and that Wittone will immediately relieve all distresses of the stomach and enable the user to eat and digest sufficient food and keep the blood rich, strong and free from impurities.

The complaint alleges that the respondent's assertions constitute false advertising in that constipation does not cause the digestive organs to swell and does not, in many cases, result in the generation of poisons in the digestive tract by fermentation or otherwise. The ingredients of Wittone are not such as to afford immediate significant relief for all stomach disorders, according to the complaint. (3708)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Manufacturers' Laboratory, Inc.**—Misleading representations in the sale of correspondence courses will be discontinued under a

stipulation entered into by Roy C. Landry and Manufacturers' Laboratory, Inc., 1323 Race St., Philadelphia. The respondents conduct a trade school and sell correspondence courses in refrigeration, air-conditioning and Diesel mechanics and operation.

Under their stipulation, Landry and Manufacturers' Laboratories, Inc. agree to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field and the actual earning power or future security of students and graduates, and stipulate that they will discontinue using "Help Wanted" or other employment columns in newspapers to contact prospective students in such manner as to mislead them into believing that jobs are being offered.

The respondents also stipulate that they will cease advertising that they find employment for their graduates or that they have authority to offer all available positions on new installations of Diesel to those on their lists, or that they maintain a placement service for all graduates, when such are not the facts. (2391)

**Sally Negligee Company**—Misleading representations in the sale of women's wearing apparel will be discontinued under a stipulation entered into by Herman B. Levy, trading as Sally Negligee Company, 38 East 30th St., New York.

Levy agrees to stop using the phrase "pure dye" or the words "satin" or "crepe" or other words connoting silk as descriptive of fabrics not composed thereof, and to cease employing these terms in any manner implying that the fabrics to which they refer are composed of silk, when such is not a fact.

The stipulation provides that if the word "crepe" is used properly to describe the type of weave or construction of a rayon fabric, it shall be immediately accompanied in conspicuous type by the word "rayon". (2392)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Banfi Products Corp.**—An order to cease and desist from misleading representations in the sale of a medicinal product has been issued against Banfi Products Corporation, 206 Spring St., New York, and Harry, John, Paul and Joseph B. Mariani, who control the corporation's advertising policies and business.

The respondents are directed to cease advertising that Montecatini Salts are safe to use and are an effective treatment for practically all ailments, and a remedy for stomach, liver and heart diseases, constipation, headaches, bad breath, acidity, rheumatism, gout, obesity, high blood pressure, skin ailments, or uric acid. (3598)

**Bloomington Bros., Inc.**—Orders have been issued prohibiting misleading representations in the sale of wearing apparel by a New York department store and of dry goods by a Chicago dealer.

Bloomington Bros., Inc., Lexington Ave. & 59th St., New York, in the sale of men's and women's wearing apparel, is directed to cease using the word "wool" or any words of like meaning to describe a fabric not made wholly of that material, provided that in the case of fabrics made partly of that material and partly of rayon or materials other than wool, there is used in immediate connection with the word "wool" and in conspicuous type, words truthfully designating each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent.

Milton Meyer, trading as Republic Products Company and as Intercommunication System of America, 2440 Lincoln Ave., Chicago, sells a line of dress materials, handkerchiefs, tableware, hosiery, quilting materials, and an intercommunicating system designated "Flash-A-Call," for use in offices.

Meyer is ordered to stop representing that (1) his usual combination offer of merchandise is a special introductory sale; (2) that purchasers will receive a larger number of items or a different quality than the number or quality actually shipped; (3) that items regularly included in his combination offer are given as an added inducement for prompt purchase or service rendered; (4) that handkerchiefs included in any combination offer are embroidered, and (5) that the respondent is a manufacturer of intercommunicating systems, or that his systems formerly sold for prices up to \$100 or for any price in excess of \$12.50.

Both respondents are ordered to stop advertising or selling fabrics or products composed in whole or in part of rayon without clearly disclosing this rayon content, and when such articles are made in part of rayon and in part of other materials, the constituent materials, including rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent. (3564, 3437)

**Excelsior Laboratory, Inc.**—An order has been issued requiring Excelsior Laboratory, Inc., 70 Spring Hill Ave., St. George, Staten Island, New York, to cease and desist from disseminating false advertisements concerning its preparations designated D. Gosewisch's Garlic Tablets, D. Gosewisch's Garlic Tablets with Vitamin E Added, and D. Gosewisch's Garlic Tablets with Vitamin B-G Added.

The order directs that the respondent company cease disseminating false advertisements which represent that the respondent's garlic tablets (1) constitute a remedy or cure for high blood pressure, loss of vitality, impurities of the bloodstream, or abnormal glandular functions; (2) will help maintain and improve muscle functions or give abdominal strength or vital resistance; (3) will stimulate growth of or strengthen the intestines; (4) will be an effective nerve remedy or will tone up the nerve system or ward off the onslaught of old age, or (5) are a remedy for insomnia, dizzy spells, rising blood pressure, bad memory or general debility.

Other representations which the order forbids the respondent to disseminate through its advertisements, are: (1) that its garlic tablets constitute a competent, effective treatment for the diseases or ailments mentioned other than as an aid in soothing the nervous system; (2) that they are antiseptic; (3) that they are guaranteed, unless such guarantee is limited to the refund of the purchase price, and (4) that "Vitamin E is the Vitality Vitamin" or is the most vital of all elements discovered by science. (3648)

**Fashion Originators Guild of America, Inc.**—See National Federation of Textiles, Inc.

**Intercommunication System of America**—See Bloomingdale Bros., Inc.

**Koskott Company**—Rose R. Scott, individually and trading as Koskott Company, 223 West 33rd St., New York, has been ordered to cease and desist from disseminating advertisements representing that any of her cosmetics, designated Koskott, will stop falling hair, prevent baldness, grow hair or constitute a remedy for dandruff, pimples, eczema, barber's itch and other scalp disorders or that the preparations are of the highest medical, pharmaceutical or scientific efficiency. (3575)

**Miami Magazine**—See Miami Wholesale Drug Corp.

**Miami Wholesale Drug Corporation**, Miami, Fla., and six individuals who trade under the name of Miami Magazine, have been served with an order prohibiting certain price discriminations in violation of the Robinson-Patman Act.

Individual respondents are: Arthur S. Lavine, president of the corporation; Vivian L. King, vice president; Sam S. Lavine, treasurer; Rodney S. Pullen, Jr., active manager of the corporation and of the business done under the trade name Miami Magazine, and Esther S. and Elizabeth R. King.

The case involves the inducement of the granting of advertising allowances and discounts by the respondents on purchases made by them from drug manufacturers and sellers, such amounts consisting of payments for advertising space in the Miami Magazine published by the respondents, at prices greater than the actual value of such space, according to findings.

The order directs that the respondents cease and desist from inducing sellers to contract with any of the respondents, in connection with their purchases of commodities, for the payment for advertising space in any magazine or publication published by any of the respondents, at prices greater than the recognized value of such space as an advertising medium to the sellers paying therefor.

The order also forbids inducement of sellers to discriminate in

price between any of the parties respondent and other purchasers of commodities of like grade and quality, by granting, allowing and paying to any of the respondents, in connection with their purchases, any advertising allowances or anything of value in lieu thereof, which are not granted by such sellers to all of their customers on proportionately equal terms. (3377)

**Miller Growers Association**—Prohibiting certain misleading representations in the sale of citrus fruits, an order has been issued against Miller Growers Association, a corporation, 53 Park Place, New York, and against Benjamin and Leah Miller, officers of the corporation, who, as a partnership, trade under the name Miller Growers Association, and against Minerva Miller.

The order requires the respondents to cease and desist from disseminating advertisements, directly or through implication, representing by use of the word "growers" or "association" in a corporate or trade name, that the respondents are growers of citrus fruit or owners of citrus fruit groves in Florida or elsewhere, or are an association of fruit growers.

Under the order, the respondents are prohibited from disseminating advertisements representing to prospective customers that certain of their friends have suggested them as possible purchasers of the respondents' products, and representing to buyers or other officials of hospitals or other institutions that high officials of such institutions have expressed the desire that the respondents receive from their institutions orders for fruit. (3573)

**National Federation of Textiles, Inc.**—An order has been issued requiring Fashion Originators Guild of America, Inc., New York, its president, Maurice Rentner, its executive director, Albert M. Post, its other officers and directors, and its membership composed of 225 manufacturers of textiles and women's garments, to cease and desist from certain boycotts and monopolistic and other restraint of trade practices.

Other respondents include National Federation of Textiles, Inc., New York, comprising about 100 manufacturers, converters, dyers and printers of silk and rayon fabrics and Chicago, Minneapolis and Baltimore retailer organizations and their respective officers, directors and members, together with approximately 12,000 co-operating retailers, all of which were found to have cooperated with FOGA in effectuating its unlawful policies. (2769)

**Pen-Pencil Company, Inc.**—An order has been issued requiring Argo Pen-Pencil Company, Inc., 220 Broadway, New York, and Harry Sachnoff, to discontinue misleading representations in the sale of fountain pens and pen points in interstate commerce.

The respondents are directed to cease and desist from representing, through use of brands or markings containing the letters "K" or "Kt", alone or with other letters, figures or designs indicative of gold carat fineness, that their plated fountain pen points or nibs are gold of any specific carat fineness.

The order also prohibits the use of brands or marks containing the letters "K" or "Kt" in connection with words indicative of gold plating on their pen points, unless such words appear in immediate conjunction with the letters "K" or "Kt" in equally conspicuous type and are located so that they will not escape notice. (3169)

**Reid Packing Company**—R. P. Reid, trading as Reid Packing Company, 320 South College St., Charlotte, N. C., processor-dealer in salted peanuts, has been served with an order requiring him to cease and desist from selling and distributing salted peanuts so packed and assembled that sales to the ultimate consumer may be made by means of a lottery or gift enterprise.

The order directs the respondent to discontinue distributing for resale to the public by retail dealers, individual packages of salted peanuts containing coins, such packages being assembled in assortments with other packages of similar size and appearance not containing coins. (3677)

**Republic Products Company**—See Bloomingdale Bros., Inc.

**Siroil Laboratories, Inc.**—Prohibiting misleading representations in the sale of a skin and scalp remedy, an order to cease and

desist has been issued against Siroil Laboratories, Inc., 1214 Griswold St., Detroit.

Under the order, the respondent company is directed to cease representing that its preparation, Siroil, removes dandruff, or is a cure or remedy for dandruff or psoriasis, or will clear up psoriasis lesions or cause skin sores or blotches to disappear permanently.

The order also bars the representation that Siroil removes the crust, scales, lesions and blemishes caused by psoriasis and relieves other of its discomforts, unless such representations are specifically restricted to removing such conditions in cases where they are external in character and located solely in the outer layer of the skin. (3378)

**Stylecraft Leather Goods Co., Inc.**—See Morris White Mfg. Co., Inc.

**Morris White Mfg. Co., Inc.**, and its subsidiary, Stylecraft Leather Goods, Inc., both of 362 Fifth Ave., New York, have been ordered to desist from misrepresenting certain leather handbags which they manufacture and sell in interstate commerce.

The order prohibits the misrepresentation that the leather of which certain handbags are made is, or has the pliability of, "glove leather," unless and until "glove leather" is actually used by the respondent companies. The Commission found that a particular group of the respondent companies' handbags were advertised as being made from "Imported French Glove Leather," when in fact the leather of which the handbags were made was not that known to the trade as "glove leather." (3052)

## FTC CLOSES TWO CASES

The Federal Trade Commission has closed its case against E. L. Bruce Company, Memphis, Tenn., charged with making misleading representations in the sale of Terminix, a chemical for treating lumber affected by termites.

Closing of the case was directed after the respondent company entered into a stipulation as to the facts and an agreement not to resume certain representations concerning the effectiveness and importance of its product.

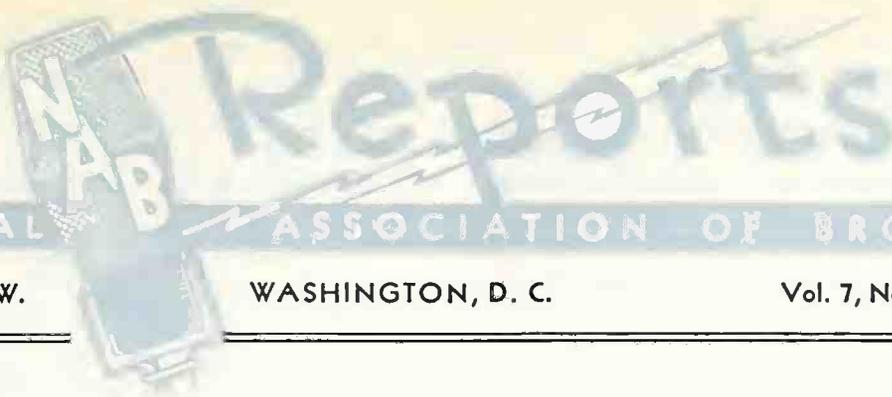
The stipulation recites that misleading representations made by the respondent company as alleged in the complaint were voluntarily discontinued in 1936 and 1937, and that one such assertion alleged to have been made by the respondent company was in fact the representation of one of its licensees in a local newspaper advertisement.

The respondent agrees that in the future it will exercise control over the subject matter of its licensees' advertisements, if necessary cancelling the license of any licensee who may persist in making false, fraudulent or misleading representations.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should the facts so warrant.

The Commission has also entered an order dismissing its complaint against Rudolph R. Ray, 422 North D Street, Fremont, Nebr., trading as Ray Individual Mausoleum Company, Fremont, and as the Individual Mausoleum Company, Deshler, Nebr. The respondent had been charged with making false representations in advertising cement burial vaults.

In dismissing the case, the Commission makes known that the evidence introduced at the hearings failed to sustain the allegations of the complaint with respect to interstate commerce.



## NAB, Lang-Worth to Continue Tax-Free Music

The NAB and Langlois-Wentworth agreed this week to join forces in providing tax-free music for the broadcasting industry.

Lang-Worth Features Programs, Inc., is to take over the NAB Bureau of Copyrights contracts, calling for 100 recorded hours of tax-free music. Twenty hours already have been provided. The remaining 80 hours are to be supplied from the Lang-Worth library at the Bureau price of \$10 an hour.

Lang-Worth then is to supply an additional 200 hours over a period of two years, to bring the total to 300 hours. The 200 new hours are to be sold at \$10 an hour, plus increases resulting from a new A. F. of M. contract. It is understood that the price will be less than \$15 an hour.

The additional 200 hours are to include a substantial percentage of new, original dance music with lyrics. The recording of new material will be under the supervision of an advisory committee of broadcasters.

The officers of the NAB Bureau of Copyrights will work with Lang-Worth in carrying out the entire program.

Meantime, Senator White (R-Maine) introduced a bill to substitute a new, eleven-man commission for the present FCC. This contrasts with the Wheeler-Lea bill to substitute a three-man commission for the present seven-man body.

If the White Bill became law, five commissioners would deal solely with broadcasting while another five would handle telephone, telegraph and point-to-point radio.

The White Bill also would clarify that section of the 1934 Act regarding censorship of political broadcasts, and would require stations to give a full identification, on the air, of all speakers on political or public questions. No other changes in the policy sections of the present Act were included.

The Senate Interstate Commerce Committee still has fixed no date for hearings on either the Wheeler-Lea or White bill.

In discussing his bill on the Senate floor, Senator White said:

"I emphasize that without giving painstaking care to the draft, I have introduced this bill in the hope that the legislative proposals contained therein may receive consideration by the Interstate Commerce Committee of the Senate when Senate bill 1268 (Wheeler-Lea)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NA tional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## NAB, LANG-WORTH TO CONTINUE TAX-FREE MUSIC

(Continued from page 3297)

is taken up for study. Other questions of policy ought to be surveyed and the congressional purpose with respect to them declared.

"Some of them are highly controversial; and it has long seemed to be that investigation and study should precede any attempt to draft legislation."

## Copyright

Neville Miller, NAB President, is sending to all broadcasters the following letter and synopsis of the agreement between the NAB Bureau of Copyrights and Lang-Worth Feature Programs, Inc., which provides for carrying on the work of building a library of tax-free music:

### MR. MILLER'S LETTER

Attached hereto is a synopsis of the contract signed February 17 by the NAB Bureau of Copyrights, Inc., and the Lang-Worth Feature Programs, Inc. We believe this contract offers the best available plan by which the industry may obtain "tax free" music.

It will be noted that the NAB Bureau remains in existence, with Messrs. John Elmer, John J. Gillin, Jr., and Harold Hough as Directors and Officers, ready to function whenever needed. The Bureau will receive 30% of the money received from those stations now having contracts with the Bureau, which funds will be used for the benefit of the industry.

Believing it is of the utmost importance that every broadcaster be made thoroughly acquainted with the nature and quality of "tax free" music available, every opportunity will be given to broadcasters to inspect the Lang-Worth Library. With this in view, Mr. Wentworth is making a trip through the South and Mr. Langlois will make short trips in the East. Each will call upon as many stations as possible.

If any broadcasters visit New York City, it is suggested they call at the office of Lang-Worth at 420 Madison Avenue.

The success of this plan depends upon the support it receives from broadcasters. I believe its success is of vital importance to the industry, and I urge you to give it your careful consideration.

### THE SYNOPSIS

#### Objective:

The primary objective is the creation of recorded "tax free" music of quality and diversification at minimum cost to station. Transcriptions are to include a substantial percentage of new modern dance music with lyrics. The "Bureau" retains ownership of its property, both material recorded and material heretofore prepared for recording.

#### Provisions of Contract:

1. (a) Bureau to assign to Lang-Worth its existing Station subscriptions, subject to right in each station (1) to cancel within ninety days, or (2) to arrange for delivery of remaining eighty hours.  
(b) During ninety-day period, station may order not more than thirty hours and then elect to cancel for balance.  
(c) Contracts to be completed from existing Lang-Worth library, no station required to receive more than five hours in any calendar month.  
(d) Price to stations \$10 per recorded hour.  
(e) During ninety-day period any station in the United States may subscribe for existing recordings at \$10 per hour.  
(f) The eighty hours required to complete contracts to be selected by Lang-Worth subject to the approval of the Bureau.  
(g) Bureau will receive thirty per cent of amount paid on the eighty hours by present Bureau subscribers.
2. Bureau to grant Lang-Worth an exclusive license during term of agreement (5 years) to record Bureau's arrangements and orchestrations of unrecorded material, and to make and sell pressings of the twenty hours now recorded.  
(a) Lang-Worth to use best efforts to sell Bureau's twenty hours to subscribers throughout the world.  
(b) Price of Bureau's 20 hours to stations in United States \$10 per hour, and to all other customers at same price charged for Lang-Worth recordings.  
(c) On all sales of Bureau's 20 hours, Bureau to receive fifty per cent of gross sales price after deducting actual cost of pressings.
3. Lang-Worth agrees to prepare and record an additional two hundred playing hours of "tax free" music, including new original dance music with lyrics, of substantially comparable quality, program type and diversification as its existing library. Recording is to be done pursuant to a schedule commensurate with desire of industry to subscribe as reflected by the number of subscribers. The minimum schedule based on 200 subscribers will result in a total of 270 recorded hours by December 31, 1940, and the entire 300 recorded hours by April 1, 1941.  
(a) Price of new recordings to stations in United States to be \$10 per playing hour plus increased musicians' costs caused by new A. F. of M. agreement which went into effect last September, and any necessary increased production costs which may later arise.  
(b) Bureau to check Lang-Worth records to determine costs.
4. All subscribers to be protected against copyright infringement suits by insurance policy. Lang-Worth now has policy with Lloyd's and Bureau's recorded twenty hours will be protected under it.
5. Orchestrations, arrangements and piano copies to be available for live talent performance at cost plus ten per cent, subject to the following non-transferable performance licenses:  
(a) If recordings have been purchased, license will be in perpetuity.  
(b) If recordings have *not* been purchased, the license will be for such period of time as determined by Bureau and upon such reasonable terms as are mutually agreeable to Bureau and Lang-Worth.
6. Miscellaneous provisions:  
(a) Bureau has first refusal to purchase Lang-Worth assets in event of bona fide offer by third party.  
(b) Any disputes to be arbitrated.  
(c) Bureau has right to cancel in event of breach.  
(d) Agreement is not assignable by Lang-Worth.

## The White Bill

A BILL  
S. 1520

To amend the Communications Act of 1934, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (a)

of title I of the Communications Act of 1934 be amended by striking out the whole of said subparagraph and by inserting in lieu thereof the following:

"(a) The offices now held by the present members of the Federal Communications Commission are hereby abolished. The Commission shall be composed of eleven Commissioners appointed by the President by and with the advice and consent of the Senate, one of whom the President shall designate as Chairman. The Commission shall be divided into two divisions of five members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications, and no member appointed to serve on one Division shall have or exercise any duty or authority with respect to the work or functions of the other except as hereinafter provided. The Chairman of the Commission shall not be appointed to either of said Divisions but shall be ex officio and without vote a member of both Divisions. In case of a vacancy in either of said Divisions or the absence or inability of any Commissioner appointed to a Division to serve thereon the Chairman may temporarily serve on either of said Divisions with full powers as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected. The Chairman of the Commission shall have the further duties and responsibilities with respect to both Divisions and to the whole Commission which are hereinafter provided."

SEC. 2. Amend subparagraph (b) of section 4 of said title I by striking out the last sentence of said subparagraph and by inserting in lieu thereof the following: "Not more than seven members of the Commission and not more than three members of either Division thereof shall be members of the same political party."

SEC. 3. Amend subparagraph (c) of section 4 of said title I by striking out the whole of the same and by inserting in lieu thereof the following:

"(c) The Commissioners first appointed under this Act shall be assigned and shall continue in office as follows: A Chairman, two years; five members of the Division of Public Communications for terms of two, three, four, five, and six years, respectively; and five members of the Division of Private Communications for terms of two, three, four, five, and six years, respectively, all terms to date from the taking effect of this Act. The Chairman subsequently appointed shall be appointed to serve for a term of six years. All Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular Division for terms of six years: *Provided*, That any person chosen to fill a vacancy shall be appointed only for the unexpired term of the person whom he succeeds. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission."

SEC. 4. Amend subparagraph (d) of section 4 of said title I by striking out the whole thereof and inserting in lieu thereof the following:

"(d) The Chairman shall receive an annual salary of \$12,000 and each Commissioner other than the Chairman shall receive an annual salary of \$10,000, all salaries to be paid in monthly installments."

SEC. 5. Amend subparagraph (k) of section 4 of said title I by striking out the words, where they appear therein, "that the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest: *Provided further*".

SEC. 6. Amend section 5 of said title I by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 5. (a) The Division of Public Communications shall have and exercise jurisdiction over and shall hear and determine all cases or controversies arising under the provisions of this Act or the rules and regulations of the Commission enacted pursuant thereto relating to wire and radio communications intended to be received by the public directly or by the intermediary of relay stations. The term 'cases or controversies' as used herein shall be taken to include all adversary proceedings whether judicial or quasi judicial in nature and whether instituted by the Commission on its own motion or otherwise.

"(b) The Division of Private Communications shall have and exercise jurisdiction over and shall hear and determine all cases or controversies arising under the provisions of this Act or the rules and regulations of the Commission enacted pursuant thereto relating to wire and radio communications by a common carrier or carriers. The term 'cases or controversies' as used herein shall be taken to include all adversary proceedings whether judicial or quasi judicial in nature and whether instituted by the Commission on its own motion or otherwise.

"(c) The whole Commission shall have and exercise jurisdiction over the assignment of bands of frequencies to the various radio

## INDEX

	Page
NAB, Lang-Worth Agreement .....	3297
Copyright .....	3298
The White Bill .....	3298
South Carolina Record Law .....	3301
Music Monopoly Bills .....	3301
Lottery .....	3301
New Legislation .....	3301
Wage Hour Law .....	3302
FCC Questionnaire .....	3302
New NLRB Director .....	3302
Free Offers .....	3302
Miller to Preside .....	3303
Program Codes Requested .....	3303
North Carolina Meeting .....	3303
District 11 Meeting .....	3304
Monopoly Hearing .....	3304
KUMA License Revoked .....	3304
WLW Appeals .....	3304
766 Stations .....	3305
European Conferences .....	3305
FCC Checks Deviations .....	3305

services; over the adoption and promulgation of all rules and regulations of general application required or authorized by this Act, including procedural rules for the Commission and the Divisions thereof; over all matters arising under the provisions of part 2 of title III of this Act, as amended; over all signals and communications of an emergency nature, including distress signals by ships at sea and communications relating thereto, signals and communications by police and fire departments and other like emergent signals and messages; over all signals and communications by and between amateur stations; over the qualification and licensing of all radio operators; and generally over all matters with respect to which jurisdiction and authority is not conferred upon the Division of Public Communications and the Division of Private Communications by subparagraphs (a) and (b) of this section, or with respect to which authority is not conferred by other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission. In determining the question of jurisdiction, the Commission shall consider and give effect to the type and character of the communications or facilities involved in the particular matter under consideration or investigation.

"(d) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to supervise, coordinate, and organize the work of the Commission and each Division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission.

"(e) In conformity with and subject to the foregoing provisions of this section, each Division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned to it. Any order, decision, report made, or other action taken by either of said Divisions with respect to any matter assigned to it shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

"(f) The term 'Commission' as used in this Act shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with."

SEC. 7. Amend subparagraph (a), section 221, of title II by striking out the word "telephone" wherever the same appears therein and by inserting before the word "companies" where the same appears in said subparagraph the words "common carrier" or "carrier."

SEC. 8. Amend the title to section 221 of said title II by striking out the word "telephone" and by inserting the words "common carrier" or "carrier".

SEC. 9. Amend subparagraphs (b), (c), and (d) of said section 221 of said title II by striking out the letters "(b)" in parentheses, "(c)" in parentheses, and "(d)" in parentheses and by designating said subparagraphs, section 222, subparagraphs (a), (b), and (c), respectively.

SEC. 10. Amend subparagraph (c) of section 307 of title III of said Act by striking out the whole thereof.

SEC. 11. Amend subparagraph (d) of section 307 of title III by striking out the same and by inserting in lieu thereof the following:

"(d) Licenses granted by the Commission for the operation of standard broadcast stations shall be for a term of not less than one year and not more than three years; licenses for any other class of station shall be for terms of not less than one year and not more than five years: *Provided*, That any license granted by the Commission may be revoked or modified as hereinafter provided: *And provided further*, That the Commission may grant licenses for shorter terms in the case of experimental operation or for other good cause shown. In granting applications for renewal of existing licenses the Commission shall be limited to and governed by the same considerations and practice which affect the granting of original applications."

SEC. 12. Amend subparagraph (a) of section 308 of said title III by striking out the words "licenses, renewal of licenses, and modification of licenses" and by inserting in lieu thereof the words "construction permits, licenses or renewals, modifications or assignments of permits or licenses".

SEC. 13. Amend subparagraph (a) of section 309 of said title III by striking out the words "for the renewal or modification of a station license" where these words first appear and by inserting in lieu thereof the words "for any other instrument of authorization required by this Act or the regulations of the Commission promulgated pursuant thereto."

SEC. 14. Amend subparagraph (b) of section 310 of said title III by striking out the words "unless the Commission shall, after securing full information, decide that said transfer is in the public interest and shall give its consent in writing", and by inserting in lieu thereof the words "except upon application to the Commission and upon a finding by the Commission that such transfer or assignment will serve the public interest, convenience, or necessity".

SEC. 15. Amend section 314 of said title III by striking out the whole thereof.

SEC. 16. Amend section 315 of said title III by striking out the whole of the proviso appearing in said section.

SEC. 17. Add to title III the following new section:

"SEC. 330. No licensee of any radio broadcasting station shall permit the use of such station for the discussion of any public or political question whether local, State, or national in its scope and application, unless the person or persons using such station shall, prior to such use, disclose in writing and deliver to the licensee the name or names of the person or persons or organization upon whose instance or behalf such broadcast is to be made or conducted. Upon the making of any such broadcast the name of the speaker or speakers using the station together with the other information required by this section, shall be announced both at the beginning and at the end of such broadcast. Public officers speaking as such, whether local, State, or national, and whether elective or appointive, shall be relieved of compliance with the foregoing provisions, but in all cases the licensee shall cause an announcement to be made both at the beginning and at the end of the broadcast, stating the name of the speaker, the office held by him, whether such office is elective or appointive, and by what political unit or public officer such power of election or appointment is exercised. Where more than one broadcasting station or a network of such stations is used as herein provided, the requirements of this section will be met by compliance therewith at the station which originates such broadcast."

SEC. 18. Add to title III the following new section:

"SEC. 331. No licensee of any radio broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material broadcast under the provisions of sections 330 and 315 hereof: *Provided, however*, That no licensee shall be required to broadcast any material which is slanderous or libelous or which might subject the licensee or its station to any action for damages or to a penalty or forfeiture under any local, State or Federal law or regulation. In all such cases the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section, and the Commission shall make rules and regulations to carry this provision into effect."

SEC. 19. Amend section 402 of title IV of said Act by striking out all of the same and by inserting in lieu thereof the following:

"(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of the orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act except those appealable to the Circuit Court of Appeals of the District of Columbia under subparagraph (b) and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court of the District of Columbia.

"(b) An appeal may be taken in the manner hereinafter provided from decisions of the Commission to the Circuit Court of Appeals for the District of Columbia in any of the following cases:

"(1) By any applicant for any instrument of authorization required by this Act or the regulations of the Commission enacted pursuant thereto for the construction or operation of a radio station whose application is denied by the Commission.

"(2) By any applicant for authority to assign or transfer any such instrument of authorization or for authority to transfer control of any corporation holding any such instrument of authorization whose application is denied by the Commission.

"(3) By any other person who was a party to the proceedings before the Commission and who is aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any application described in paragraphs 1 and 2 thereof.

"(4) By the holder of any instrument of authorization required by this Act or the regulations of the Commission enacted pursuant thereto for the construction or operation of a radio station which has been revoked or suspended by the Commission.

"(c) Such appeal shall be taken by filing with said court within thirty days after the decision complained of is effective notice in writing of said appeal and a statement of the reasons therefor together with proof of service of a true copy of said notice and statement upon the Commission. Unless a later date is specified by the Commission as a part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Commission in the city of Washington.

"(d) Immediately upon the filing of any such notice of appeal, and in any event not later than five days after the date of such service upon it, the Commission shall mail or otherwise deliver a copy of said notice and statement of reasons therefor to each person shown by the records of the Commission to have an interest in the subject matter of such appeal and to have a right to intervene therein under the provisions of this section. Within thirty days after the filing of said appeal the Commission shall file with the court a copy of the decision complained of together with a full statement in writing of the facts and grounds for its decision as found and given by it, together with a list of all interested persons to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(e) Within thirty days after the filing of said appeal, any person who was a party to the proceedings before the Commission and who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the Commission complained of may intervene and participate in the proceedings had upon said appeal. Notice of intention to intervene in any such appeal shall include a verified statement showing the nature of the interest of such party in the subject matter of the appeal and must be accompanied by proof of service of true copies of said notice and statement both upon the appellant and upon the Commission.

"(f) The record upon any such appeal shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time, the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and in event the court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the Commission to carry out the judgment of the court: *Provided, however*, That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary and capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari upon petition therefor, under section 240, Judicial Code, as amended, by

appellant, by the Commission, or by any party intervening in the appeal.

"(h) The court may in its discretion enter judgment for costs in favor or against an appellant and/or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved in said appeal and the outcome thereof."

SEC. 20. Amend section 405 of said title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"SEC. 405. After a decision, order, or requirement has been made by the Commission or any division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing of the same. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a Division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a Division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the effective date of any decision, order, or requirement complained of, and the filing of such a petition shall automatically stay the effective date of any such decision, order, or requirement until after decision on said petition. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

SEC. 21. Amend subparagraph (a) of section 409 of said title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"(a) Any member or any qualified employee of the Commission, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witness, and receive evidence at any place in the United States designated by the Commission. In all cases heard by less than a quorum of the Commission or division having jurisdiction thereof, the person or persons conducting such hearing shall prepare and file a report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all such cases the Commission shall hear oral argument on request of any party to the proceeding and the date for the conduct of such argument shall not be fixed earlier than thirty days after the filing of said report."

## Legal

### SOUTH CAROLINA APPROVES PHONOGRAPH RECORD, TRANSCRIPTION LAW

The bill introduced in South Carolina (NAB REPORTS, February 3rd, p. 3252-53) has been passed by both houses of the South Carolina legislature, was approved by the Governor on February 17, and now is the law of the state. This statute abrogates all common law rights to restrict or to collect royalties on the commercial use made of recorded performances on phonograph records or electrical transcriptions. It effectively prevents the imposition of restrictions or the requiring of license fees by such organizations as the National Association of Performing Artists which claim a common law copyright in such recordings. A similar bill is now pending before the legislature of North Carolina.

### MUSIC MONOPOLY BILL

A bill has been introduced in North Dakota seeking to curb the activities of pools controlling public perform-

ance of copyrighted music. Details were not available at the time of going to press, but it is understood that the bill would compel full disclosure with respect to the copyrights coming under various licenses and would prevent a license fee which is based upon any program which does not include music coming under the license. This provision of the proposed legislation as applied to a broadcasting station would prevent the imposition of a license fee on gross income as is required by the present ASCAP general broadcasting license and would compel the issuing of a license similar to that of the present newspaper form, which only required that a percentage of income be paid on programs using ASCAP music. It is understood that the proposed legislation is similar to that now pending before the legislature of Connecticut.

A public hearing on the bill introduced in New Mexico (NAB REPORTS, February 17, p. 3285) will be held today before the House Committee. It already has been passed by the Senate. A hearing on the Connecticut bill (NAB REPORTS, February 3, p. 3232) will be held March 2nd.

Statutes seeking to curb the activities of copyright pools have heretofore been adopted in five states. Bills having the same objective now are pending before the legislatures of twelve states, and it is reported that strenuous efforts are being made by licensing pools to prevent the spread of such legislation.

## LOTTERY

A new game called "NATCO" which is similar to BINGO and which is being offered to broadcasting stations as a copyrighted script has been called to the attention of Headquarters. Details of the game have not been received from its proponents, but such information as is available at the moment indicates that it would violate the provisions of Section 316 of the Communications Act of 1934, which prohibits the broadcasting of any "lottery, gift enterprise, or similar scheme, offering prizes depending in whole or in part upon lot or chance." Stations contemplating such broadcasts should consult their local attorney or communicate with Headquarters.

## NEW LEGISLATION

### CONGRESS

H. R. 4224 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To reorganize Communications Commission. Same as S. 1268. Referred to Interstate and Foreign Commerce Committee.

S. 1520 (Sen. White, Maine) COMMUNICATIONS ACT—To amend the Communications Act by creating an eleven-man commission and for other purposes. See NAB REPORTS February 17, p. 3282.

### STATE LEGISLATURES

#### MONTANA:

H. 101 (Public Health Committee) PURE FOOD, DRUGS AND COSMETICS—To prevent the manufacture, shipment, sale and false advertising of foods, drugs, devices and cosmetics. Referred to Public Health and Sanitary Affairs Committee.

## NEW YORK:

A. 1213 (Rapp) UNIFORM FOOD, DRUG AND COSMETIC ACT—Enacts a uniform Food, Drug and Cosmetic Act, to prevent adulteration, misbranding and false advertisement of foods, drugs and devices and cosmetics; provides for enforcement by agriculture department unless other state department has supervision of particular violation. Referred to Agriculture Committee.

S. 828 (McNaboe) TAXATION—Taxation of gross receipts. Referred to Taxation Committee.

S. 877 (Bewley) UNIFORM FOOD, DRUG AND COSMETIC ACT—Same as A. 1213, above.

S. 830 (Kleinfeld) WAGES AND HOURS—Same as A. 886. To establish minimum wages and maximum hours and to create machinery for enforcement. Referred to Labor and Industry Committee.

## NORTH CAROLINA:

H. 389 (Morris) RADIO TELEGRAPH—POLICE—Providing for the establishment of a private and secret means of communication between police departments and sheriffs' offices in this state and for similar communication through its departments and offices to similar agencies in other states, via radio telegraph, as made available by the Federal Communications Commission. Referred to Appropriations Committee.

## OHIO:

S. 134 (Whitney) OPTOMETRY—Provides for the licensing of optometrists, the creation of a state board of optometry, and prohibits solicitation of professional business, either directly or indirectly.

## TENNESSEE:

S. 499 (Thomason, et al) PURE FOOD AND DRUGS—Same as H. 664. To prohibit the sale of adulterated or misbranded food, drugs and cosmetics. Referred to Agriculture Committee.

## TEXAS:

H. 420 (Leonard) SMALL LOANS—To regulate small loan companies generally, and to limit the charge to 10 per cent including interest and all other charges, with exceptions to be granted by the banking commissioner. Referred to Banks and Banking Committee.

## WASHINGTON:

H. 440 (Lindsay) COPYRIGHT LAW—Repealing copyright law. Referred to Judiciary Committee.

## WISCONSIN:

A. 336 (Cook, et al.) RADIO INTELLIGENCE—Relates to the creation of a department of radio intelligence and imposes a tax on insurance companies. Referred to State Affairs Committee.

# Labor

## WAGE AND HOUR LAW

The Wage and Hour Administration's interpretation of Section 7-B-2 of the Act leaves the broadcasting industry without recourse to that section for relief from the overtime provisions.

The Administration has interpreted the section to mean that those employers who have contracts with certified, bona fide labor unions calling for 2,000 hours of work, or less, each year and *guaranteeing a fixed income for the year* can operate more than 44 hours a week without paying time and one-half for overtime.

As far as the NAB can learn, no broadcaster has a union contract of this nature.

The Wage and Hour Administration interpreted the

section to give relief to those few firms who do a seasonal business but who guarantee their employees a fixed annual wage. Unless the broadcaster contemplated using any class of employees less than 40 hours a week frequently, there would be no advantage in drawing up a contract that would meet the Administration's ruling.

## FCC QUESTIONNAIRE

The NAB Labor Department has asked all members to file at headquarters a copy of their answers to the latest FCC questionnaire dealing with salaries and wages. The individual answers are to be kept confidential, but the information from them will be invaluable in union negotiations. Any member who failed to receive the request should communicate with Headquarters.

## SHOTT NEW NLRB DIRECTOR

The National Labor Relations Board has appointed John G. Shott as Regional Director for the Twelfth Region, with headquarters at Milwaukee. The region comprises the State of Wisconsin and 15 counties in northern Michigan. Mr. Shott will assume his duties at Milwaukee on February 23, succeeding Acting Regional Director Frederick P. Mett who will return to his former position of Regional Attorney at the Milwaukee office.

## FREE OFFERS

Roy G. Terry, President of the Oil Capitol Broadcasting Corporation (KOCA), Kilgore, Texas, has asked a number of members to help him sell rose bushes on a percentage basis. The NAB advised Mr. Terry that acceptance of his proposition would constitute a violation of the NAB Code of Ethics.

The Anker-Holth Manufacturing Company of Port Huron, Michigan, has asked stations to advertise its cow milkers on a cost-per-inquiry basis. Although the number of copies of the Company's letter which came to the NAB indicated that no one would accept this proposition, the NAB advised the Company that acceptance would constitute Code violation.

The Queen Quality Shoe Company of St. Louis, Missouri, has sent out a shoe fashion script to promote more shoe buying by the ladies. The Company suggested that the local Queen Quality dealer be approached for sponsorship. The NAB advised the Company that either the local dealers or the Company itself should sponsor the program.

The S. H. Cuff Associates, New York City, have asked at least one station to use a script about horse racing which plugs "Track Cracks," a horse race magazine.

Pathfinder Magazine, Washington, D. C., has offered members the privilege of using material from the magazine for news programs in return for a credit line.

## MILLER TO PRESIDE AT OHIO RADIO EDUCATION CONFERENCE

With President Neville Miller presiding, the National Association of Broadcasters will direct the opening day's discussion panel of the Tenth Institute for Education by Radio to be held at Ohio State University, May 1, 2 and 3. Other distinguished invited guests include Frank R. McNinch, Chairman of the FCC; H. V. Kaltenborn, CBS commentator; John Royal, Vice President, NBC; and George Gallup, Founder of the American Institute of Public Opinion.

The Ohio State Institute, regarded as perhaps the most important and influential in educational circles, attracts four to five hundred broadcasters, educators and publicists annually.

A feature of each meeting is the American Exhibition of Recordings of Educational Radio Programs. The purpose of the exhibition is to further the broadcasting of valuable educational programs by calling attention to the most meritorious ones of each type.

Headquarters is encouraging broadcasters to enter recordings of their educational programs and to send station representatives. It is desired that a comprehensive picture of the individual station's as well as the industry's contributions to educational broadcasting in the past year be given. Entry blanks have already been sent from Ohio State. Should any station not have received one, address your request to I. Keith Tyler, Ohio State University, and complete details will be forwarded. Closing date for recordings is March 15.

Following is the classification of programs which may be entered in the Recording Exhibition:

### CLASSES OF PROGRAMS

In general, programs submitted must be those whose primary purpose is to educate rather than to entertain. Awards will be made for the best of each of seven different program types:

#### *For General Use:*

- a. Lecture, talk, speech.
- b. Demonstration or participation program.
- c. dialog, round-table conversation, interview, debate, question and answer.
- d. All forms of dramatization.

#### *For Use in Schools:*

- e. By primary children (approximately Grades I-III).
- f. By elementary children (approximately Grades IV-VI).
- g. By junior and/or senior high-school pupils (approximately Grades VII-XII).

Each program entered in the exhibit must be entered under one of these program types, but the jury may, if it sees fit, change the class in which a program is entered.

### SINGLE PROGRAM IN A SERIES

Contestants may enter as many series as are desired in the exhibit, but only a single program may be entered from any one series. This restriction has been made necessary by the large number of programs which have been entered in the two previous exhibitions. In order to keep the number of entries within the limitations of the time of the judges, only one program may be entered from any series. Exhibitors, therefore, will need to make their own selection of the program in any series which has greatest merit.

### ENTRY CLOSING DATE

All records must be shipped prepaid to the Institute for Education by Radio, Ohio State University, Columbus, Ohio, to arrive on or before March 15, 1939. All programs entered must have been broadcast later than March 15, 1938, and previous to March 15, 1939.

### PHYSICAL SPECIFICATIONS FOR RECORDS

All programs must be recorded in entirety for the full time the program is broadcast. The programs need not be recorded directly from the air, however, but may be specially staged for recording purposes. Any type of recording will be acceptable, and the jury will endeavor to consider only the character of the program and not the quality of the recording. Records must be on disks laterally cut at 33 RPM or 7 RPM.

### AWARDS AND HONORABLE MENTIONS

The Institute for Education by Radio, upon recommendation from the jury, will make "First Awards" and "Honorable Mentions" on the basis of the seven classes of programs in each of the two major classifications. In general, this provides for fourteen "First Awards" and fourteen "Honorable Mentions." However, the judges may, at their discretion, withhold awards and honorable mentions in those classes in which no programs appear worthy of this recognition. Similarly they may, in unusual circumstances, give more than one "First Award" or "Honorable Mention" in a single class when the programs entered seem to justify such recognition. Programs and organizations receiving awards or honorable mention will be given special notice in *Education On the Air*, the proceedings of the Institute for Education by Radio, which will be published by the Ohio State University in the fall of 1939. The awards will be announced at the 1939 meeting of the Institute, and the programs given awards will be played, so far as time permits, at a special session.

### JUDGING COMMITTEE

The final jury on awards will consist of prominent persons selected because of their ability to judge program production, educational objectives, and audience interest.

### PROGRAM CODES REQUESTED

The NAB asked all members this week to send to Headquarters as soon as possible a copy of their program code to be used in revising the NAB Code of Ethics. Those stations which do not have codes in printed form were asked to outline by letter their views and practices in this respect.

Neville Miller, NAB President, is about to appoint a committee representative of a cross-section of the industry to study the question of program codes and practices and to report to the next NAB Convention.

Ed Kirby, NAB Public Relations Director, has asked all members to send in ideas for the forthcoming RMA-NAB campaign. Suggestions for institutional copy for the radio programs that will be a part of the campaign, human interest stories, dramatic or humorous consequences of a radio program, etc., were among the things asked for.

### NORTH CAROLINA BROADCASTERS ORGANIZE ASSOCIATION

At a meeting in Raleigh February 21, the North Carolina Association of Broadcasters was organized to serve "in the advancement of economic, cultural, educational and civic interests of North Carolina." The meeting

## MONOPOLY HEARING

opened with a luncheon at which stations W P T F and W R A L were hosts. Thirteen of North Carolina's eighteen licensed stations were represented and Mr. A. J. Fletcher of W R A L, Raleigh, acted as Temporary Chairman.

The following officers were elected: President, Richard H. Mason, W P T F, Raleigh; Vice President, George D. Walker, W A I R, Winston-Salem; Secretary, Fred Fletcher, W R A L, Raleigh; Treasurer, E. J. Gluck, W S O C, Charlotte.

After completion of the preliminaries of organization and the installation of the officers, the remainder of the session was devoted to the discussion of problems relative to the industry. The principal subjects were copyright and proposed legislation pending before the North Carolina legislature. The NAB was represented by Andrew Bennett, Counsel.

Those attending the meeting were:

Bryce P. Beard, WSTP; George T. Case, WRAL; Lincoln Dellar, WBT; R. A. Dunlea, WMFD; Ben Farmer, WGTM; Jack Field, WPTF; A. J. Fletcher, WRAL; Fred Fletcher, WRAL; E. J. Gluck, WSOC; J. F. Jarman, Jr., WDNC; Richard H. Mason, WPTF; E. Johnston Neal, WRAL; Wayne M. Nelson, WMFR; Norris L. O'Neil, WSJS; Talbot Patrick, (New station—no call letters assigned), Goldsboro; Graham Royner, WPTF; George D. Walker, WAIR; H. W. Wilson, WGTM; W. A. Wynne, WEED.

Ralph Wentworth, representing Lang-Worth Feature Programs, Inc., appeared before the meeting and discussed the plans of his company for the creation of additional recorded "tax-free" music in accordance with the agreement entered into with the NAB Bureau of Copyrights.

## DISTRICT 11 MEETING

Most of the important problems before the broadcasting industry were discussed February 3 at a District 11 meeting in Minneapolis. Earl Gammons, WCCO, District Director, presided and practically every station in the District was represented.

The NAB Bureau of Copyrights, the FREC fund, self-regulation, copyright, and libel insurance were among the subjects discussed. E. C. Reineke, WDAY; E. L. Hayek, KATE; Wallace Stone, KSOO-KELO; and Gregory Gentling, KROC, were appointed as a committee to nominate a member for the NAB Board of Directors. The next district meeting will be held in May in Rochester, Minnesota.

The following attended:

K. M. Hance, KSTP; Ray C. Jenkins, KSTP; E. H. Gammons, WCCO; Carl J. Burkland, WCCO; C. T. Hagman, WTCN; Lee L. Whiting, WTCN; S. N. Nemer, WMIN; Edward Hoffman, WMIN; E. P. Shurick, WDGy; Burton Paulu, WLB; Gregory Gentling, KROC; Charles A. Kennedy, KYSM; Ray E. Schwartz, KYSM; F. B. Clements, KYSM; A. H. Flaten, KDAL; Harry Hyett, WMFG; L. L. McCurnin, KWNO; M. H. White, KWNO; Fred Schilplin, KFAM; Herbert E. Nelson, KATE; Warner Fidemann, KATE; E. L. Hyek, KATE; Haydon R. Evans, WNAX; Robert Tincher, WNAX; Wallace E. Stone, KSOO-KELO; Daton LeMasurier, KFJM-KOVC; F. E. Fitzsimmonds, KFYZ; Bert Wick, KDLR; Barney Lavin, WDAY; Earl Reineke, WDAY.

The FCC turned to regional networks this week in its investigation of monopoly in broadcasting. The Don Lee Network was first on the stand.

February 21

Lewis Allen Weiss, Vice-President and General Manager, told the Commission that the Don Lee Broadcasting System was wholly owned by the Don Lee Holding Company which, in turn, was owned by the estate of the late Don Lee. The sole residuary legatee of the estate was Thomas S. Lee, President of the System, he said. The System owned Stations KHJ, Los Angeles; KFRC, San Francisco; and KGB, San Diego, he said, while the Estate owned all the stock of the Santa Barbara Broadcasters, Ltd., which owned KDB at Santa Barbara. The Don Lee interests owned no part of any other station, he said. Mr. Weiss then described the relationship of the Don Lee Network with CBS, which ended in 1936, and with MBS which still exists. He also discussed Don Lee program and sales policies and explained how the network had withdrawn from the artists' bureau business. Mr. Weiss was closely questioned about the relationship between the network and Don Lee, Inc., an automobile agency. E. C. Page discussed the engineering phases.

## KUMA LICENSE REVOKED

Effective April 1, the Federal Communications Commission has revoked the license of KUMA, at Yuma, Arizona. In explanation of this order the Commission on Monday made the following statement:

"The Federal Communications Commission today revoked the license of Radio Station KUMA, Yuma, Arizona.

"The Commission's order states among other reasons that it appears that Albert H. Schermann, holder of a license issued by the Commission, in his application for renewal of station license KUMA, made false statements under oath to the effect that he was in actual control and operation of said station, when in truth and in fact one E. B. Sturdivant was, and at all times since February 1, 1934, had been in actual control and operation thereof.

"The Commission's Order becomes effective April 1, 1939."

## WLW APPEALS

The Federal Communications Commission this week denied a rehearing to Station WLW, Cincinnati, in connection with a recent decision of the Commission taking away the station's 500,000 watts experimental license and reducing it to its regular 50,000 watts power.

The Crosley Corporation, owner of the station, immediately filed a notice of appeal from the decision of the Commission in the United States Circuit Court of Appeals for the District of Columbia.

In its appeal to the Court WLW recited the history of the operation of the station since March 2, 1922, and its operation with 500 kw. since April 17, 1934. It referred to the construction permit for the 500 kw. which was obtained on June 7, 1932, and the fact that after the installation of the new transmitter, with the exception of a short period of time in 1935, the station has operated

continuously with 500 kw. Upon the application for a renewal of this license in 1938, the matter was set down for hearing upon thirteen grounds which dealt among other things with the character and research of experimentation carried on, the technical, financial, and other qualifications of the applicant to continue the program of research, the effect of the operation of this station upon existing stations within its primary service area, the compliance of the equipment to be used with the Commission's rules and regulations, and whether or not the application will serve public interest, convenience and necessity. After a lengthy hearing, the committee appointed to hear this matter reported to the Commission adversely, but in its opinion referred only to three of the thirteen points originally raised, and on these three points, did not submit findings of fact. On February 8, the Commission itself sustained the committee but in the Commission's finding, it made no reference to any of the thirteen points. The Court is asked to reverse the order of the Commission on the ground that it was the duty of the Commission to make findings of fact and conclusions of law upon the points which the Commission itself had suggested as the issues which the appellant would be required to meet to justify a continuance of this license.

#### 766 STATIONS

Several requests have been received for official figures of the number of licensed stations in the United States. We publish the figures here for the benefit of the entire membership.

As of January 1, 1939, there were 722 broadcasting stations licensed by the FCC to operate in the United States and its territories. Construction permits had been granted for the erection of 42 new stations at that time. The FCC had therefore provided for the eventual operation of 764 stations.

During the month of January the FCC issued licenses for five new stations, bringing the total of licensed stations to 727 as of February 1st, 1939. The Commission granted construction permits for two new stations to be built. The count of such construction permits was 39. The count of stations operating and under construction was 766 on February 1.

#### EUROPEAN BROADCAST CONFERENCE

A broadcasting conference has been called for March 1 at Montreux, Switzerland. Announcing this and the participation in it by the United States the State Department this week made the following statement:

This Government has accepted the invitation of the Swiss Federal Council to be represented at the European Broadcasting Conference which will convene at Montreux, Switzerland, on March 1, 1939, pursuant to an agreement concluded at the International Telecommunications Conference held at Cairo in 1938. The discussions at the Conference will include questions pertaining to the correlation of European broadcasting frequencies and the mobile maritime services.

The President has approved the designation of Commander J. F. Farley, Chief Communications Officer, United States Coast Guard, as this Government's representative at the forthcoming meeting.

#### FCC CHECKS DEVIATIONS

During January, the Federal Communications Commission made broadcast measurements for 708 stations and 50 stations were not measured.

Of those measured, 622 had a maximum deviation within 0-10 cycles 76 stations with a deviation within 11-25 cycles; 9 stations 26-50 cycles; and 1 station with deviation of over 50 cycles.

## FEDERAL COMMUNICATIONS COMMISSION

#### DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of WCOP, **Boston**, for modification of license to change its frequency from **1120 kilocycles** to **1130 kilocycles**, and to increase its hours of operation from daytime only to sunset at Salt Lake City, without changing its 500 watts power.

In its decision the Commission stated that "there is shown to be some public need for the additional hours of operation requested but the expected limitation will make it impossible for Station WCOP to serve that need. Operating as proposed, Station WCOP will limit the service of Station WOV to a substantial degree during the fall and early winter months." It was found that the modification of the station's license would not serve public interest.

The application of the Food Terminal Broadcasting Company to erect a new station at **Cleveland, Ohio**, to operate on **1500 kilocycles**, 100 watts, daytime only, was denied by the Commission. Commissioners Brown and Walker dissented and Chairman McNinch and Commissioner Payne did not participate.

In connection with its decision, the Commission said "the frequencies available for assignment to broadcast stations being limited, public interest would be best served by an allocation of facilities to those who will, where need exists, render a broad, general public service. No need exists for an additional station in the area which would be served upon the basis of program service intended to be rendered by the applicant."

Commissioner Walker issued a dissenting opinion in which he stated that "I believe a need has been shown for the broadcasting service proposed."

The Commission (McNinch, Chairman, Brown and Sykes, Commissioners, dissenting), denied petitions for

rehearing filed by the West Texas Broadcasting Company, **Wichita Falls, Texas**, the Journal Company (WTMJ), **Milwaukee, Wisconsin**, the motion for rehearing filed by the Tri-State Broadcasting System, Inc. (KTBS), **Shreveport, La.**, and granted the motion of Faith Broadcasting Company, Inc., **Wichita Falls, Texas**, to withdraw its application, subject to the provisions of Section 15.18 of the Commission's Rules of Practice and Procedure, and ordered that the facts found and stated be amendatory of and supplemental to the facts found and stated in the decision of the Commission heretofore rendered herein.

This matter involves the applications of West Texas Broadcasting Company, the Wichita Broadcasting Company, and Faith Broadcasting Company, Inc., to establish a new station in Wichita Falls, Texas.

On June 28, 1938, the Commission rendered its decision in re Examiner's Report No. 1-435, denying the application of West Texas Broadcasting Company for a CP to operate on 1380 kc, 1 KW, Unlimited time; the application of Faith Broadcasting Company, Inc., to operate on 1380 kc, 1 KW, 5 KW-LS, Unlimited time, and granted the application of Wichita Broadcasting Company to establish a new station using 620 kc, 250 watts, 1 KW-LS, Unlimited time. The applications of C. C. Baxter (KFPL) Dublin, Texas, for Voluntary Assignment of License to WFTX, Inc., and the application of WFTX, Inc. (KFPL), Wichita Falls, to change frequency from 1310 to 1500 kc, and power from 100 watts (CP 250 watts) to 100 watts, 250 W-LS, were dismissed with prejudice.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, February 27. They are subject to change.

### Monday, February 27

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Company, Port Huron, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.

### Tuesday, February 28

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.**, 5 KW, daytime.  
WMAQ—National Broadcasting Co., Inc., Chicago, Illinois.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

### Thursday, March 2

#### Oral Argument Before the Commission

Examiner's Report No. I-757:

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P., **920 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—S. M. Sifers, S. I. Sifers and E. I. Sifers, d/b as The South Nebraska Broadcasting Co., Hastings, Nebr.—C. P., **920 kc.**, 1 KW, 5 KW LS, unlimited time (DA for day and night).

Examiner's Report No. I-761:

NEW—J. Samuel Brody, Sumter, S. C.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

WIS—Station WIS, Inc., Columbia, S. C.—For special experimental authorization for a satellite station, **560 kc.**, 10 to 100 watts; time: LS to sunrise at Sumter, synchronously with WIS.

Examiner's Report No. III-37:

WAY—Thorne Donnelley, Lake Bluff, Ill.—C. P. for additional transmitter and frequencies **2738, 6470, 6480, 8550 kc.**, 400 watts, emission A-3, unlimited time (Pts. of comm. with ships). Present assignment: **2514 kc.**, 400 watts, emission A-3, unlimited time (Pts. of comm. with ships on Great Lakes).

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

#### April 10

WDAN—Northwestern Publishing Co., Danville, Ill.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.

#### April 11

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 kc.**, 100 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, daytime.

#### April 12

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license, **1420 kc.**, 100 watts, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.

#### April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted amended C. P. authorizing increase in night power from 500 watts to 1 KW, employing directional antenna system for nighttime operation on **890 kc.**, 1 KW day, unlimited time.

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted extension of special experimental authorization to operate regular broadcast transmitter for the experimental transmission of facsimile signals from 1 to 6 a. m., using 1 KW power, for the period March 1 to September 1, 1939.

National Broadcasting Co., Inc., New York City.—Granted authority to transmit via RCA Communications, Inc., programs originating in NBC's studio at 30 Rockefeller Plaza, New York, or any points in the United States where network programs may originate, to Cuban Station CMX, Havana, Cuba.

W8XKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted modification of license to reduce the authorized power without new construction from 150 to 50 watts, in high frequency broadcast station.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WPTF—WPTF Radio Co., Raleigh, N. C.—Set for hearing, to be heard before the Commission, application for C. P. to install new equipment, increase power from 5 KW to 10 KW, employing DA system for nighttime operation. (Application designated for hearing to determine if interference might result to existing stations.)

KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Set for hearing, to be heard before the Commission, application for modification of license to increase night power from 100 watts to 250 watts. (Application designated for hearing because request violates Rule 121.)

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Set for hearing application for renewal of television experimental license, and granted temporary license subject to whatever action may be taken by the Commission upon renewal application. (Application designated for hearing since the applicant appears to be using equipment behind the present state of the art.)

### RENEWAL OF LICENSES

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

KGFX, Pierre, S. Dak.; KGHL, Billings, Mont.; KHQ, Spokane, Wash.; KLZ, Denver, Colo.; KPOF, Near Denver; KVOD, Denver; WCOE, Meridian, Miss.; WEEI, Boston, Mass.; WGBF, Evansville, Ind.; WIS, Columbia, S. C.; WKY and auxiliary, Oklahoma City, Okla.; WMMN (auxiliary), Fairmont, W. Va.; KFNF, Shenandoah, Iowa; WPEN and auxiliary, Philadelphia, Pa.; WREC, Memphis, Tenn.

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Present license extended on a temporary basis only pending receipt of and determination upon application for renewal, but for a period not longer than April 1, 1939.

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

KUMA—Albert H. Schermann, Yuma, Ariz.—Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon application for renewal and transfer of control.

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted temporary extension of authority to transmit program to Station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport, through the facilities of the American Tel. and Tel. Co., subject to whatever action may be taken by the Commission upon Mutual's pending application for extension of said authority.

W5XN—Tulsa Broadcasting Co., Inc., Portable-Mobile, Tulsa, Okla.—Granted renewal of relay broadcast (exp.) station license until further order of the Commission, but in no event later than December 1, 1939, upon an experimental basis only subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W8XIG—The Evening News Assn., Portable-Mobile, Detroit, Mich.—Present relay broadcast (exp.) station license further extended on a temporary basis only to April 1, 1939, pending determination upon application for renewal of license.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile, Tallahassee, Fla.—Present relay broadcast station license further extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

W3XPF—Farnsworth Television Inc. of Pennsylvania, Springfield, Pa.—Present television broadcast (exp.) station license further extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

W8XE—Radio Air Service Corp., Cleveland, Ohio.—Present facsimile broadcast (exp.) station license extended upon a tem-

porary basis only to April 1, 1939, pending determination upon application for renewal.

W8XUF—Sparks-Withington Co., Jackson, Mich.—Present facsimile broadcast (exp.) station license extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Present facsimile broadcast (exp.) station license extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

### MISCELLANEOUS

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (March 5:45 p. m., CST) to conclusion of basketball games, on March 2, 3, 4, 11, 18, 25, using 100 watts power.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (Feb. 5:30 p. m. and March 6:15 p. m., PST) for the period February 22 to March 23, 1939.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on 1180 kc., using 5 KW power, for the period February 22 to March 23.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with station KQV from 7:30 to 10 p. m., EST, on February 20, in order to broadcast non-commercial movie-quiz contest.

WBLV—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate from local sunset (Feb. 6:15 p. m., EST) to midnight on Feb. 19, in order to broadcast special program dedicating new studios of station.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m., CST, and from 2 to 4 p. m., CST, on March 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30, from 9:15 p. m. to 10:30 p. m., CST, on March 9, and from 8 to 10 p. m., CST, on March 10, in order that WNAD may broadcast special educational programs (provided KGGF remains silent).

KGGF—Powell and Platz, Coffeyville, Kans.—To remain silent on the above dates in order that WNAD may broadcast special educational programs.

National Broadcasting Co., New York City.—Granted special temporary authority to transmit network programs to Havana, Cuba, for rebroadcast on standard broadcast station CMX operating on 1260 kc., with approximately 4 KW power, antenna directive to the east (pending action on NBC application to deliver network programs to Cuba), for a period of 30 days, in order to continue service to Havana listeners heretofore provided by station CMQ, which service has been suspended because of interference caused by recent changes made by station CMQ.

NEW—Patrick Henry Broadcasting Co., Martinsville, W. Va.—Granted petition to intervene in the hearing on the application of the Martinsville Broadcasting Co., Martinsville, W. Va., for a new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted petition for continuance of 30 days the hearing now scheduled for March 10, 1939, on application for modification of license to change assignment from 1500 kc., 250 watts daytime, to 1500 kc., 100 watts night, 250 watts day, unlimited.

NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted motion to receive depositions in evidence offered at hearing on January 24, 1939, in re application for C. P. to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Copper Country Broadcasting Co., Hancock, Mich.—Granted petition for order to take depositions in re application for C. P. for new station to use 1370 kc., 100 watts night, 250 watts day, specified hours, and the facilities in part of WHDF.

NEW—Copper Country Broadcasting Co., Hancock, Mich.—Granted petition to accept respondent's answer in re application of Upper Michigan Broadcasting Co., Calumet, Mich. (WHDF), for renewal of license and modification of license to change hours from specified to unlimited, on 1370 kc., 100 watts, 250 watts LS.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted motion to amend application so as to request increase in power to 1 KW night, 5 KW day, on 1050 kc.

- NEW—Don Lee Broadcasting System, San Francisco, Calif.—Granted applicant's motion to amend application for television station, to request 1000 watts power for both oral and visual transmitters, and certain necessary changes in transmitter equipment and changes in program of research, and hearing date of March 29, 1939, cancelled.
- NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Granted petition to intervene in the hearing on the application of Southern Oregon Broadcasting Co., Grants Pass, for a new station to operate on **1310 kc.**, 100 watts, unlimited time.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to permit late appearance in re application for renewal of license. Also granted petition to continue hearing, now scheduled for February 27, 1939, to a new date to be set by Docket Section, on application for renewal of license—**1290 kc.**, 100 watts, daytime.
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to rebroadcast special Army Preparedness Day program featuring rebroadcast from Army Plane 7408, using **4220 kc.**, on February 19.
- WTAQ—WHBY, Inc., Green Bay, Wis.—Granted extension of special temporary authority to conduct equipment test for the use of 5 KW power during daytime hours for the period February 20 to March 21, in order to eliminate interference from other radio stations and inclement weather conditions experienced in conducting tests during the regularly authorized testing period.
- WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to rebroadcast Naval Observatory time signals over station WKAR, provided station complies with requirements of Naval Observatory Station, for the period February 18 to August 1, 1939.
- Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted modification of C. P. and license for same covering changes in transmitter and antenna, frequencies **42000-56000 kc.**, 50 watts for visual and aural transmitters; to communicate as a television broadcast station in accordance with Rules 1031, 1033 and 1034. Hours, 12 midnight to 9 a. m., EST.
- KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning February 21 and ending March 22, pending Commission action on license application to use station KWLC's transmitter and move KGCA studio.
- W6XB—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate experimental relay broadcast station W8XB on the frequencies **31.22 and 37.02 megacycles** in lieu of present assignments **31.1 and 37.6 megacycles**, for the period ending no longer than March 20, pending adjustment of relay broadcast frequency assignments above **30 megacycles** and contemplated by General Order No. 19.
- W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN as licensed for the period February 18 to March 19, to retransmit the transmission from general experimental station W2XCR, in connection with certain demonstrations and research being carried on by the two stations in the field of frequency modulation.
- Estelle P. Chapman, et. al. (Transferor), W. M. Liddon (Transferee), Muscle Shoals City, Ala.—Granted motion on behalf of transferor and transferee, made at the hearing on January 24, 1939, authorizing dismissal without prejudice of the application to transfer control of Muscle Shoals Broadcasting Co. (WMSD), Muscle Shoals City, Ala., from Estelle P. Chapman, et al., to W. M. Liddon.
- WORL—Broadcast Service Organization, Inc., Boston, Mass.—Denied petition to delay the rendering of Commission's decision in re application for C. P. to install directional antenna for nighttime use, and increase day power from 500 watts to 1 KW, until after final determination by the Commission of the application of Station WPEN at Philadelphia.
- NEW—Hunt Broadcasting Assn., Greenville, Texas.—Ordered that the Hunt Broadcasting Assn., show cause within 20 days after effective date of this Order (February 21, 1939), by written answer duly verified, why the Commission should not revoke the C. P. for a new station to operate on **1200 kc.**, with 100 watts, daytime only, which was granted May 18, 1937, since the Commission has been informed of the death on June 29, 1938, of one of the partners, Fred E. Horton, whereby the partnership has become dissolved, since it appears the Hunt Broadcasting Assn. is a common law partnership with no provision of succession in its Articles of Association.
- WDAN—Northwestern Publishing Co., Danville, Ill.—Granted petition to reconsider and grant without hearing the application for modification of license seeking authority to operate nighttime with 100 watts in addition to its present operating assignment of 250 watts, daytime, on frequency **1500 kc.**
- KGCI—Clarence A. Berger and Saul S. Freeman, Coeur D'Alene, Idaho—Retired to the closed files, and deleted call letters KGCI, the application for a new station to operate on **1200 kc.**, 100 watts, daytime, since the Commission denied as in case of default application for modification of C. P. to extend commencement and completion dates in this case.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted modification of C. P. extending commencement date to 4-15-39 and completion date to 8-1-39.
- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted modification of C. P. extending completion date from March 15 to September 15, 1939.
- W3XEO—WCAU Broadcasting Co., Portable-Mobile (Area of Philadelphia, Pa.)—Granted modification of license to reduce authorized power in experimental relay broadcast station, without new construction, from 50 watts to 6 watts. This modification of license is granted on an experimental basis only, conditionally.
- W9XAP—National Broadcasting Co., Inc., Chicago, Ill.—Granted license on an experimental basis only, authorizing changes in equipment and local move of experimental relay station; frequencies **31100, 34600, 37600 and 40600 kc.**; 50 watts.
- WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted modification of C. P. approving transmitter and studio sites, installation of vertical radiator and new equipment in new broadcast station.
- W10XWA—Westinghouse E. and M. Co., Portable-Mobile (Area of Boston, Mass.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 500 watts to 50 watts.
- W10XWB—Westinghouse E. and M. Co., Portable-Mobile (Area of Phila., Pa.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 500 watts to 50 watts.
- W10XWC—Westinghouse E. and M. Co., Portable-Mobile (Area of Phila., Pa.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 500 watts to 50 watts.
- W10XWD—Westinghouse E. and M. Co., Portable-Mobile (Area of Boston, Mass.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 50 watts to 15 watts.
- W10XWF—Westinghouse E. and M. Co., Portable-Mobile (Area of Pittsburgh, Pa.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 50 to 15 watts.
- W10XEI—Westinghouse E. and M. Co., Portable-Mobile (Area of Springfield, Mass.)—Granted modification of license on an experimental basis only, conditionally, authorizing reduction of power in experimental relay broadcast station without new construction, from 150 to 50 watts.
- W1XKB—Westinghouse E. and M. Co., Portable-Mobile (Area of East Springfield, Mass.)—Granted modification of license on an experimental basis only, conditionally, authorizing reduction of power in experimental relay broadcast station without new construction, from 500 watts to 50 watts.
- KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority to operate from local sunset (March 6:15 p. m., PST), to 11:00 p. m., PST, March 3, 10, 11, 13, in order to broadcast University basketball games.
- KHGB—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (March, 6:30 p. m., CST) to 9 p. m., CST, on March 5, 12, 19, 26, in order to broadcast Sunday Evening Church Services.
- KSFM—National Broadcasting Co., Portable-Mobile.—Granted extension of special temporary authority to operate Relay Broadcast Station KSFM, aboard Boeing Seaplane "YAN-

KEE CLIPPER" on the frequency 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal licensed frequencies for the period February 27 to March 28, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from California to New York and Europe and return. Program material to be received by RCA Communications, Inc., receiving station at Riverhead, N. Y., for delivery to NBC networks.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P., on frequency of 43000 kc., with power not to exceed 100 watts, for the period beginning March 11 and ending no later than April 9, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 500 ft. mast.

W5XN—Tulsa Broadcasting Co., Inc. (Tulsa, Okla.), Portable-Mobile.—Granted C. P. and license on an experimental basis conditionally, authorizing changes in equipment and reduction in power from 10.5 watts to 5 watts, in experimental relay broadcast station.

W2XH—General Electric Co., Schenectady, N. Y.—Granted license on an experimental basis only conditionally, for visual broadcast station; frequencies 42000-56000 kc., experimental; visual transmitter, 40 watts.

WBAO—Bamberger Broadcasting Service, Inc., Portable-Mobile (Newark, N. J.)—Granted license to cover C. P. for new relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc.; 30 watts.

WAHL—Paducah Broadcasting Co., Inc., Portable-Mobile, Paducah, Ky.—Granted license to cover C. P. for new relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc.; 40 watts.

W4XHY—St. Petersburg Chamber of Commerce (St. Petersburg, Fla.), Portable-Mobile.—Granted license on an experimental basis only, for new experimental relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis only, conditionally; 2 watts.

W5XFV—KUAO, Inc. (Siloam Springs, Ark.), Portable-Mobile.—Granted license on an experimental basis only, for new experimental relay broadcast station; frequencies 100,000, 200,000, 300,000 and 500,000 kc., on an experimental basis; 7.5 watts.

W5XFW—KUAO, Inc. (Siloam Springs, Ark.), Portable-Mobile.—Granted license on an experimental basis only, for new experimental relay broadcast station; frequencies 100,000, 200,000, 300,000 and 500,000 kc., on an experimental basis; 0.3 watts.

W9XBS—National Broadcasting Co., Chicago, Ill.—Granted license on an experimental basis only, conditionally, authorizing changes in equipment, move of transmitter locally, and increase in power from 50 to 100 watts.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted license to cover C. P. for auxiliary transmitter.

## APPLICATIONS FILED AT FCC

### 1060 Kilocycles

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Construction permit to install directional antenna for night use.

### 1110 Kilocycles

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—License to cover C. P. (B2-P-1560) to move transmitter, increase power, install new transmitter and directional antenna for day and night.

### 1200 Kilocycles

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Modification of construction permit (B2-P-241) as modified for new transmitter, antenna, increase in power and move of transmitter, requesting extension of completion date from 3-7-39 to 7-17-39.

WFTC—Jonas Weiland, Kinston, N. C.—License to cover construction permit (B3-P-2195) for new antenna and move of studio and transmitter.

### 1210 Kilocycles

WGNV—Peter Goelet, Newburgh, N. Y.—Modification of construction permit (B1-P-1822) for equipment changes, in-

crease in power, change in frequency and hours of operation, requesting further equipment changes and extension of commencement and completion dates 30 and 90 days, respectively.

NEW—J. Cecil Bott, H. L. McCracken, Matilda Lannen and Nettie Bott, d/b as The Western Broadcasting Company, Cheyenne, Wyo.—Construction permit for a new station on 1210 kc., 100 watts night and 250 watts day power, unlimited time.

### 1260 Kilocycles

WTOC—Savannah Broadcasting Company, Inc., Savannah, Ga.—Modification of construction permit (B3-P-1764 as modified for changes in transmitter and antenna, increase power, move transmitter, requesting an extension of completion date from 3-19-39 to 9-19-39.

### 1310 Kilocycles

WROL—Stuart Broadcasting Corporation, Knoxville, Tenn.—Modification of construction permit (B3-P-2250) for new transmitter, requesting authority to install vertical antenna and make changes in equipment, and move transmitter from 524 S. Gay St. to 201 Randolph St., Knoxville, Tenn., change commencement and completion dates from 1-1-39 and 7-1-39 to 10 days after grant and 60 days thereafter, respectively.

### 1340 Kilocycles

WFEA—New Hampshire Broadcasting Company, Manchester, N. H.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Modification of construction permit (B4-P-1634) for change in frequency, new transmitter, increase power, install directional antenna for night use, move transmitter, further requesting changes in transmitting equipment and antenna, extend commencement and completion dates from 11-23-38 and 5-23-39 for 30 and 120 days respectively.

### 1500 Kilocycles

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction permit to move transmitter from 12897 Woodward Ave., Highland Park, Michigan, to 30 West Webb Ave., Highland Park, Mich., and install new antenna. Amended: Make changes in antenna and give transmitter site at 15555 Woodrow Wilson Ave., Detroit, Mich.

## MISCELLANEOUS

Columbia Broadcasting System, Inc., New York, N. Y.—Authority to transmit programs to a foreign station, CMCK, Havana, Cuba, from Columbia Broadcasting System, Inc. (WABC), 485 Madison Ave., New York, N. Y., and other points throughout the U. S. where licensee maintains studios. Period—1 year beginning February 22, 1939.

NEW—The Crosley Corporation, Cincinnati, Ohio.—Construction permit for a new television station on frequency band 50000-56000 kc., power, visual and aural, 1 KW, Emission A3 and A5, transmitter located at corner Vine and Fifth Sts., 48th floor Carew Tower.

W9XZV—Zenith Radio Corporation, Chicago, Ill.—License to cover construction permit (B4-PVB-3) for a new television station.

NEW—Owen Franklin Neel, Eaton, Colo.—Construction permit for a new television broadcast station in Eaton, Colo., on 42000, 42100, 42500 kc., 50 watts power, A3 emission.

NEW—WBEN, Inc., Buffalo, N. Y.—License for a new facsimile broadcast (experimental) station, utilizing the equipment of high frequency broadcast station W8XH, on frequencies 31600, 35600, 38600, 41000 kc., 100 watts power, A-4 emission.

WHBL—Press Publishing Co., Sbeboygan, Wis.—License to cover construction permit (B4-P-1320) as modified for new equipment and increase in power.

NEW—World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—Construction permit for a new international broadcast station to be located in Oakland, Calif. (near 4700 Daisey St.), on 6040, 9510, 11890 kc., 5 KW power, emission A3.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**Carlylse Service**—See Supreme Manufacturing Company.

**Evans Novelty Company**—Mitchell A. and Jacob L. Bazelon, trading as Evans Novelty Company and as Premium Sales Company, 946 Diversey Parkway, Chicago, are alleged to have sold radios and other articles of merchandise by means of a punch board device supplied to dealers. The complaint describes the plan as follows: Sales were 5 cents a punch, each punch being numbered. The board was divided in two, one section containing approximately 1440 punches and the other, known as the jackpot, 75 punches. Certain specified numbers punched from the larger section entitled the purchaser to punch a number in the jackpot. A number obtained in the jackpot entitled the purchaser to a prize, depending upon the punch selected. Prizes were \$5, \$1, 50 cents, 25 cents, 10 cents, or the radio as a grand prize. They were awarded wholly by lot or chance, it is alleged. (3711)

**Harry Gemson**—Charging misleading representations in the sale of outer garment materials, cloth and allied products, a complaint has been issued against Harry Gemson, a commission agent, 450 Seventh Ave., New York.

The complaint alleges that representations were by means of labels and in advertisements to the effect that certain garment materials and cloth were made in whole or predominant part of camel's hair, when this was not true, and the cloth sold contained only approximately 10 per cent genuine camel's hair. (3716)

**Gibson-Thomsen Co., Inc.**—See S. H. Kress & Company.

**S. H. Kress & Company**—A complaint has been issued charging Gibson-Thomsen Co., Inc., and S. H. Kress & Co., both of New York, with misleading representations in the sale of tooth brushes, the handles which were made in Japan.

On tooth brush handles imported from Japan, Gibson-Thomsen Co., Inc., is alleged to have obscured and obliterated the word "Japan" marked thereon. The respondents jointly caused such tooth brush handles to be marked "Kress, U. S. A.," according to the complaint.

The sale of tooth brushes so marked allegedly tended to deceive buyers into believing that they were purchasing products made entirely of domestically produced material, for which there is a well-known public preference. (3714)

**Marvo Manufacturing Company**—See Supreme Manufacturing Company.

**Nacor Medicine Company**—A complaint charging false and misleading representations in the sale of a medicine has been issued against Nacor Medicine Company, State Life Building, Indianapolis.

The respondent Company is charged with falsely advertising that its products, "Nacor" and "Nacor Kaps," constitute a cure, remedy or effective treatment for asthma, asthmatic paroxysms and bronchial irritations. These preparations, according to the complaint, do not constitute such a cure, remedy or treatment, and furnish only palliative relief for asthmatic paroxysms and bronchial irritations. (3715)

**Ovrhaul Company**—A complaint has been issued against B. L. Mellinger, trading as Ovrhaul Company 3706 Broadway, Kansas City, Mo., charging misleading representations in the sale of Ovrhaul, advertised as a reconditioner of worn automobiles and as a saver of gas and oil.

Through periodical advertisements, the respondent is alleged to have made representations misleadingly exaggerating the efficiency of his product and the amount of money that may be earned by distributors thereof.

Among misleading representations alleged to have been made by Mellinger, are that he will give one sample of Ovrhaul free to persons becoming distributors thereof; that fortunes can be quickly made with Ovrhaul; that tremendous sales and big profits are possible; that Ovrhaul is a new, scientifically approved product; that its use makes new rings and rebore unnecessary and brings back "new car" pep, power and quietness, checking piston slap and oil pumping. (3713)

**Peerless Manufacturing Company**—See Supreme Manufacturing Company.

**Premium Sales Company**—See Evans Novelty Company.

**Richard Rosebury Organization, Inc.**—Alleging misleading representations in the sale of magazine subscriptions, a complaint has been issued against Richard Rosebury Organization, Inc., a corporation, and Richard W. Rosebury, directing head of the corporation, 522 Fifth Ave., New York.

In seeking subscriptions for various magazines, the respondent's solicitors are alleged to represent to prospective subscribers that they will receive two or more designated magazines at the price and for the period stated by the solicitor.

The solicitor is alleged to exhibit to the prospective subscriber and to deliver to him if he subscribes, a printed form acknowledging receipt by the respondent of the amount paid by the subscriber.

This receipt, however, according to the complaint, actually names but one magazine, although it is printed in such a manner that it appears on quick reading that the subscriber is to receive two or more magazines. It is alleged that in some instances subscriptions are not even forwarded to a magazine publisher and the subscriber receives no magazine. (3710)

**Supreme Manufacturing Company**—C. C. Johnson, 1014 City National Bank Building, Omaha, Nebr., has been served with a complaint charging misleading representations in the interstate sale of his product, a preservative or mending powder for silk hosiery and lingerie. Johnson trades under the names of Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company.

In the sale of his products under the trade names of Supreme, Marvel, Marvo and Peerless, Johnson is alleged to have made representations to the effect that his preparation prevents runs and snags, rotting and fading in hosiery, that it strengthens the heels and toes, that the life of silk hosiery and lingerie is preserved due to the quality of the respondent's product, and that the public generally are saved approximately 50 per cent of silk hosiery and lingerie cost. The complaint charges that these representations are false and misleading in that the product will not accomplish the results claimed.

A further representation that the respondent is a manufacturer, is also not in accord with the facts, it is charged. (3712)

**Teeterbabe Company**—Kersh A. Smith, trading as Teeterbabe Company of Colorado, 4714 Clay St., Denver, is alleged to have sold electric irons, toasters, cameras, electric mixers and other novelty articles by means of a plan involving use of pull cards. Purchasers who selected a certain feminine name from a pull card received prizes wholly by lot or chance, it is alleged. (3709)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Chicago Portrait Company**—See Fine Arts Association.

**William Cooper & Nephews, Inc.**, 1909 Clifton Ave., Chicago, stipulates that in the sale of Pulvex Flea Powder it will cease publishing representations containing comparisons of the efficacy of its currently and previously manufactured products unless clearly indicating in direct connection therewith that the comparisons refer to those products. The respondent's representation that its preparation "kills fleas 100 per cent faster" or "in one-half the time formerly required" implied that the preparation is 100 per cent more efficacious than competing products, according to the stipulation. The respondent admitted that it had not always qualified such claims so as to indicate that the comparisons referred to its own product as currently and as previously manufactured under the same trade name. (02318)

**Covert Baking Company**—Arthur W. and Nell Covert, trading as Covert Baking Company, Fifth and Williams Sts., Middleport, Ohio, engaged in the bread baking business and in the interstate sale and distribution of bread and soft drinks, agree to cease using any plan for promoting the sale of their products to the ultimate consumer which involves a gift enterprise or lottery whereby cash or its equivalent is given or offered as a prize for or in consideration of the purchase of any other article. (2395)

**Fine Arts Association**, 509 South Wabash Ave., Chicago, has entered into a stipulation as a result of which it undertakes to effect reforms designed to ban misleading practices heretofore resulting in misunderstanding and confusion in the interstate sale of tinted or colored enlargements of photographs and frames therefor.

The Fine Arts Association is understood to be a subsidiary of the Chicago Portrait Company of the same Chicago address, a pioneer organization in connection with the history and development of this industry. (2393)

**Loren Murchison & Co., Inc.**, 40 Clinton St., Newark, N. J., a corporation jobber of school jewelry, medals and trophies, stipulates that it will cease the practice of exhibiting, through its authorized agents or otherwise, rings of 10K solid gold and at the same time representing that it will deliver rings as ordered according to sample, when such agreement is not performed. The respondent also stipulates that it will discontinue representing that a ring offered for sale is solid gold or of 10K quality, when in fact the ring delivered to the purchaser has but a shell of gold enclosing a core of base metal or is not composed throughout of a gold alloy of 10K fineness or better. The respondent also agrees to stop representing itself to be a manufacturer of rings or other merchandise when such is not the fact. (2394)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Bonwit Teller, Inc.**, New York department store, has been ordered to cease and desist from misleading representations in the sale of fabrics and women's wearing apparel.

The order directs that the respondent cease using the word "satin" or "crepe" or other words of similar meaning to describe fabrics or products not made entirely of silk, unless the descriptive words are employed truthfully to designate the type of weave or construction in which case they shall be qualified by use in immediate connection therewith of words in conspicuous type clearly describing the constituent fibers or materials of the product or fabric.

Under the order, the phrase "silk rayon" is not to be used to describe fabrics, wearing apparel or other like merchandise, provided, however, that in the case of mixed fabrics containing silk and rayon, the fibers or materials of such fabrics or apparel shall be described in the order of their predominance by weight, beginning with the largest single constituent. (3499)

**Chicago Mattress Company**—Trading as Chicago Mattress Company, Jacob Sherman, 1500 West Roosevelt Road, Chicago, has been served with an order requiring cessation of unfair practices in the sale of his products.

Sherman is ordered to cease representing that mattresses made from second-hand and used materials, in whole or in part, are

new or are composed of new materials. The order prohibits this representation directly or through failure to attach tags or labels clearly and conspicuously showing that the products are made wholly or partly, as the case may be, of second-hand and used materials. (3324)

**Gersten Bros.**—An order has been issued to cease and desist from misrepresentations in the advertising and sale of allegedly moth-proof storage receptacles and devices, and preparations intended to protect articles stored therein from moth damage.

The respondents are Mortimer Alfred Gersten and Lee Gersten, trading as Gersten Brothers, 516 West 34th St., New York.

In advertisements and in the sale of storage receptacles, closets and chests to wholesale and retail dealers handling their products designated "Cedarol Chests," "Cedarol Closets," "Mothadors," and "Cedarol Closet Moth Proofers," with enclosed moth fumigants the respondents, according to finding, claimed the receptacles were a protection against the ravages of moths.

The storage receptacles sold by the respondents were found to be of loose construction, not air-tight, which is a necessity against the ingress of moths, and not constructed of red cedar.

The respondents were ordered to cease and desist from advertising, marking or describing its receptacles with the word "cedar" or any derivation thereof such as "Cedarol," either alone or in association with cedar oil, that they will not afford access to clothes moths, and which will, when closed, cause and maintain within them concentration of the vapor or gas from cedar oil sufficient as a fumigant to kill young moth larvae within a reasonable time after articles infested with such larvae are deposited in them. The respondents will also cease representing that such receptacles are of a construction that is provision against the access of clothes moths, unless such receptacles shall be, in fact, so constructed. (2810)

**Hay & Peabody Cement Vault Company**, 201 Arlington St., Watertown, Mass., has been served with an order prohibiting misleading representations in the sale of concrete burial vaults.

Vaults sold by the respondent are not to be represented as affording positive protection for all time or as being everlasting, under the order, nor are they to be represented as absolutely water-proof, sweat-proof, airtight and vermin-proof.

The order prohibits the representation that the Hay & Peabody vaults will not disintegrate, but will become stronger and better the longer they remain in the ground. (3157)

**Hild Floor Machine Company**—Selling a rug and carpet cleaning system, Hild Floor Machine Company, Chicago, has been served with an order prohibiting misleading representations in the sale of its products which are known as Hild Rug and Carpet Cleaning Machine and Hild Rug Shampoo.

The order directs Hild Floor Machine Company to cease and desist from representing that its equipment cleans carpets and rugs without removal from the floor where used, as well as, or better than more expensive cleaning equipment installations used in plants especially equipped for cleaning carpets and rugs after removal from the floor.

The order further bars the representation that only with the respondent's system can the dirtiest tacked-down rugs and carpets be flawlessly shampooed and cleaned and that thereafter nothing remains in the rug which needs rinsing out. (3356)

**L. D. Livingston & Sons**—An order to cease and desist from misleading representations in the sale of women's apparel has been served upon Louis D. Arnold, Joseph A. Norman and Theodore H. Livingston, manufacturers trading as L. D. Livingston & Sons, 132 West 36th St., New York.

The order directs that in the sale of dresses and other wearing apparel, the respondents cease using the term "pure dye" or similar designations to describe fibers, fabrics or other products not composed entirely of unweighted silk, and the word "crepe" or similar terms to designate a fabric or product not made wholly of silk, unless the descriptive word is used to signify the type of weave or construction and is qualified by other words in conspicuous print clearly naming the constituent fibers or materials. (3627)

**North Western Printing House, Inc.**—Sale or distribution of lottery devices including a "Bank Day" accumulation of prizes,

was prohibited in a cease and desist order issued against North Western Printing House, Inc., 631 West Jackson Blvd., Chicago, doing business as Federal Trade Builders; Louis Rovner and Morris Leavitt, officers, and Edwin J. Pearson, an employee of the corporation.

The respondents were found to have manufactured and distributed sales promotion cards or trade stimulating schemes designed to involve the use of a lottery scheme or gift enterprise to be used by retail dealers in promoting the sale of gasoline and other merchandise. Prizes varied from 20 cents to \$10.

Certain sales promotion cards, according to findings, announced the giving of a \$5 weekly award by the merchant using them, with all unclaimed awards added to the next award; the awards to be drawn weekly by customers.

Other "Bank Day" trading cards provided for daily, semi-weekly, bi-weekly and monthly awards. Dealers also were provided with display posters and circulars. (3429)

**Pacific China Company**—Use of the words "free," "without cost", and other terms of similar import in offering products for sale to the public, where the sale entails payment by the purchaser of any part of the cost of the product, is forbidden in a cease and desist order issued against a Los Angeles firm selling chinaware sets through retailers, who offer the sets in connection with a certain amount of purchases of other merchandise.

The respondents are Marcus A. Weinberg, Belle Weinberg and Ray Y. Cliffe, trading as Pacific China Company, 812 South La Brae Ave., Los Angeles.

Through a sales plan in which punch cards, redeemable cards, coupons, certificates and literature were used, the respondents were found to have distributed to retail dealers earthenware or so-called chinaware. After customers have purchased \$5 worth of merchandise and punched out that total on cards, the customer becomes entitled to redeem the card by mailing it to the respondents together with a specified sum of money ranging from 81 cents to 99 cents, and receiving the first portion of a "chinaware" service, according to findings. The offer is described as a "special introductory" offer.

The findings show this to be a misrepresentation; that the sets are not obtained free, as represented, and that the offer is not made for the purpose of advertising or introducing Pacific

Chinaware for a limited time, as represented by the respondents. (3385)

**Storyk Bros., Inc.**, 135 Madison Ave., New York, has been ordered to cease and desist from misleading representations in the sale of women's wearing apparel.

The order directs that the respondent cease using the word "crepe" or "satin", or other words of similar meaning to describe fabrics or products not made entirely of silk, unless the descriptive words are employed to designate the type of weave or construction, in which case they shall be qualified by use in immediate connection therewith of words in conspicuous type clearly describing the constituent fibers of the fabric or product.

Under the order, the respondent company is to cease employing the word "imported" or similar terms to describe a cloth, fabric or garment not actually imported from a foreign country, and is to discontinue the advertisement or sale of fabrics or other products made in whole or in part of rayon, unless clear disclosure of the fiber content is made. (3600)

#### FTC CASES CLOSED

The Federal Trade Commission has issued an order closing its case against John D. and Addie Porterfield, trading as Porterfield Candy Co., Sherman, Tex., charged with promoting the sale of candy to ultimate purchasers by use of lottery methods.

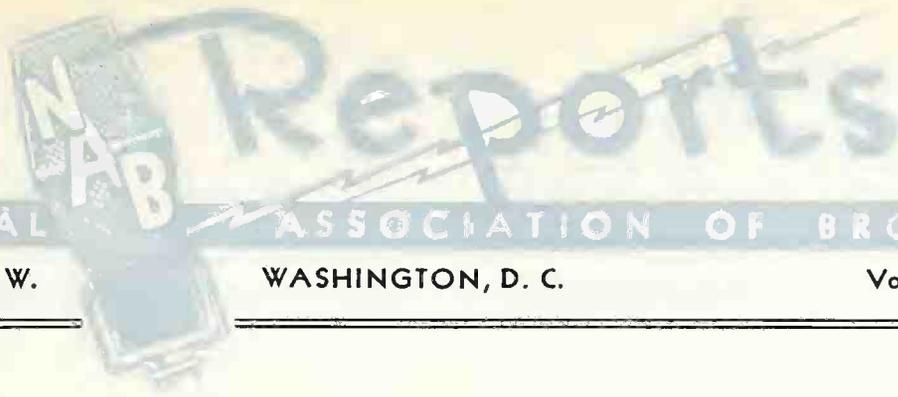
The case was closed without prejudice to the Commission's right to reopen it and resume prosecution should future facts so warrant.

A complaint charging W. G. Fisher & Co., Inc., 225 West 34th St., New York, with violation of the Federal Trade Commission Act in the sale of cloth and woolen fabrics to manufacturers for use in making garments, has also been dismissed by the Commission.

Dismissal of the complaint followed consideration of the respondent's motion to dismiss, it appearing that the respondent corporation was dissolved November 9, 1938.

The Commission has closed its case against Brownfield Candy Company, 865 Booneville St., Springfield, Mo., charged with the use of unfair methods of competition in the interstate sale of candy and chewing gum.

In closing the case the Commission makes known that the respondent's charter was forfeited January 1, 1939.



## NAB Convention In Atlantic City July 10

What should prove to be the most notable convention in the NAB's history will be held July 10-13, at the Ambassador Hotel in Atlantic City, N. J.

Definite proposals concerning two of the industry's most vital problems, copyright and program standards, will be presented to the delegates for consideration and action.

Neville Miller this week appointed committees, to meet this month in New York, to frame these proposals.

The Copyright Committee, to meet March 20, will have at its disposal the benefit of Mr. Miller's all-winter investigation of the problem and will consider a number of possible solutions. The Program Standards Committee, to meet March 23, is expected to draw up a new Code of Program Standards that should justify the industry's contention that it is fully qualified for self-regulation.

Appointment of these Committees followed the two-day meeting of the Board of Directors this week. Legislation occupied most of the Board's attention. The NAB policy toward pending bills was discussed in the special bulletin of February 28.

Since the Board adjourned, Representative McLeod (R-Mich) introduced a bill to require the FCC to issue broadcasting licenses for a minimum of three years "to remove the fear of political reprisals". No date has been set for hearings on the Wheeler-Lea and White Bills.

### Other highlights of the week:

Chairman Frank R. McNinch of the FCC accused Commissioner T. A. M. Craven of playing to the grandstand in his dissent against adoption of rules for the handling of informal complaints by the Law Department. Carl Byoir, New York publicity man whose "Parade of Business" was criticized by the NAB in certain respects, is putting chain store advertising on the air in Pennsylvania and says "we hope to do more along these lines in subsequent promotions". WLW went back to 50,000 watts when the courts refused to stay the FCC decision against the station continuing with 500 Kilowatts. Montana has a new law to curb the activities of copyright music pools.



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## MILLER APPOINTS PROGRAM AND COPYRIGHT COMMITTEES

Neville Miller, NAB President, this week appointed the highly important program standards and copyright committees to meet this month in New York to work on the two outstanding problems before the broadcasting industry. The copyright committee will meet at the Ambassador Hotel on March 20, and the program standards committee will meet at the same hotel March 23.

Both committees will report to the annual convention in Atlantic City next July.

### The program standards committee:

Edgar L. Bill, President, W M B D, Peoria, Illinois; E. B. Crane, K G I R, Butte, Montana; Walter J. Damm, Managing Director, W T M J, Milwaukee, Wisconsin; Earl J. Glade, Managing Director, K S L, Salt Lake City; Herbert Hollister, General Manager, K A N S, Wichita, Kansas; Edward Klauber, Executive Vice President, Columbia Broadcasting System; Lenox Lohr, President, National Broadcasting Company; Paul W. Morency, Assistant Secretary, W T I C, Hartford, Connecticut; Samuel R. Rosenbaum, W F I L, Philadelphia, Pennsylvania; Theodore C. Streibert, Vice President, Mutual Broadcasting System; Karl O. Wyler, Manager, K T S M, El Paso, Texas.

### The copyright committees:

Edwin W. Craig, Vice President, W S M, Nashville, Tennessee; Walter J. Damm, Managing Director, W T M J, Milwaukee, Wisconsin; John Elmer, President, W C B M, Baltimore; Mark Ethridge, W H A S, Louisville, Kentucky; Gregory Gentling, General Manager, K R O C, Rochester, Minnesota; Edward Klauber, Executive Vice President, Columbia Broadcasting System; Lenox Lohr, President, National Broadcasting Company; Clair McCollough, General Manager, W G A L, Lancaster, Pennsylvania; John Shepard, 3rd, President, The Yankee Network, Boston; Theodore C. Streibert, Vice President, Mutual Broadcasting System; Harold Wheelahan, Manager, W S M B, New Orleans.

## NEW BILL CALLS FOR THREE-YEAR BROADCAST LICENSES

A bill to require the FCC to issue broadcasting licenses for a minimum of three years and a maximum of five, "to remove the fear of political reprisals," was introduced this week by Representative McLeod (R-Mich).

Mr. McLeod issued the following statement when he introduced the bill:

"This Administration or any political party which might be in power holds all radio broadcasting in a vise-like grip. Under the practice of granting licenses for only six months, the slightest whim or nod of a political bureaucrat can mean death to a station which has done no worse than to try to render a public service.

"The fear of reprisals is stultifying all broadcasting and has created an alarming system of indirect censorship. No political

party should thus be able to prevent access to the air of those who have a legitimate message to deliver to the public.

"If this Nation is to realize the fullest possible benefits of our tremendous broadcasting system, that system must be given some assurance that within a few months it will not be destroyed because some remark of a station may have displeased the powers that be.

"Several bills dealing with the Communications Commission have been introduced this session. Many of them contain excellent provisions. However, they are in most instances so detailed that there is a possibility that in squabbling over the detail Congress may lose sight of the vital point at issue. That point, freedom of the air from political persecution is adequately covered in the bill I introduced today."

### The text of the bill:

"That Section 307, Subdivisions (d) and (e) be amended to read as follows:

"(d) No license granted for the operation of a broadcasting station shall be for a period of less than three years nor for a period of more than five years, and no license so granted for any other class of station shall be for a period of longer than five years, and any license granted may be revoked as hereinafter provided. Upon the expirations of any license, upon application therefore, a renewal of such license may be granted from time to time for a term of not less than three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses, but applications for the renewal of a license shall be governed by the same considerations and practice which affect the granting of original applications.

"(e) No renewal of an existing station license shall be granted more than ninety days prior to the expiration of the original license, Provided, that in acting upon applications for renewal of the original license, the Commission shall not take into consideration any political views held or expressed by the applicant, and Provided Further that if the Commission shall refuse to grant renewal and the applicant shall state under oath that he believes the refusal to have been based in whole or in part upon such consideration, the applicant may appeal to the District Court of Appeals for a mandamus, and pending action on that appeal the license shall remain in full force and effect."

## FREE OFFERS

The NAB's campaign to protect the broadcasting industry from time chiseling is bearing fruit.

Carl Byoir, New York publicity man, whose "Parade of Business" was criticized by the NAB in certain respects, is now working with the NAB in an effort to eliminate objectionable sections of that series.

Perhaps equally important was Mr. Byoir's notice to the NAB this week that "we are putting on a merchandising campaign for the chain stores in Pennsylvania and have persuaded the chains to appropriate a definite sum of money for institutional radio advertising during this ten day period, May 2 to 11."

"We hope to do more along these lines in subsequent promotions," Mr. Byoir said.

S. H. Cuff Associates of New York City has protested against the NAB's opinion that use of the "Track Cracks" scripts, advertising a horse racing magazine, would violate the NAB's Code of Ethics.

Stations were free to sell this script to a local sponsor, the advertising firm maintained, and use of the "Track Cracks" script would not constitute a violation of the Code any more than would the use of scripts offered by the Christian Science Monitor.

Sooner or later, the industry is going to have to decide whether it is going to give "free rides" to "Track Cracks"

and many others just to save the expense of program preparation.

The Better Vision Institute, Inc., at New York; the Concord Grape Juice Institute in New York; the Association of American Soap and Glycerine Producers, Inc., of New York; the National Live Stock and Meat Board of Chicago; and Gardiner S. Greene of New York (garden seeds), are among the organizations that have sent members scripts of various kinds this week in the hope that they would get some free advertising.

The NAB has suggested to all of these that any station or any network would be glad to discuss the advantages of radio advertising campaigns at card rates.

## Legal

### MONTANA PASSES NEW MUSIC MONOPOLY LAW

The legislature of Montana, on February 27, enacted a new law seeking to curb the activities of pools controlling public performance of copyrighted music and repealed the statute which was enacted in 1937. The statute has been signed by the Governor and now is in force. Under the new law, copyright owners of musical compositions desiring to sell or license performance rights within the state must make full disclosure of the material licensed and are prohibited from charging a fee which takes into consideration programs not using such material. The principles involved in the Montana legislation are similar to those involved in bills now pending before the legislatures of a number of states.

#### MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling public performance of copyrighted music have been introduced in the states of Washington, Oregon, Kansas, Ohio and Michigan. Details with respect to the proposed legislation have not been received, but from information available they appear to follow the principles involved in the new Montana statute and in the legislation pending in a number of other states.

A public hearing on the bill introduced in New Mexico (NAB REPORTS, February 17, p. 3285) was held February 24. The New Mexico bill already has been passed by the Senate of that state and is pending before the House. A hearing on the Connecticut bill (NAB REPORTS, February 3 p. 3252) was held March 2.

### MONTANA PASSES LIBEL BILL

The legislature of Montana has passed a new libel bill protecting broadcasting stations against defamation ut-

## INDEX

	Page
NAB Convention . . . . .	3313
Miller Appoints Copyright, Program Committees . . . . .	3314
Three-Year License Bill . . . . .	3314
Free Offers . . . . .	3314
Montana Copyright Act . . . . .	3315
Music Monopoly Bills . . . . .	3315
Montana Libel Bill . . . . .	3315
Salesmen's Commissions . . . . .	3316
New Legislation . . . . .	3316
Directors' Meeting . . . . .	3316
WLW Stay Denied . . . . .	3316
Craven Dissent . . . . .	3317
NAB Advertising Bureau . . . . .	3318
2,700,000 Dimes By Radio . . . . .	3318
Red Cross Programs . . . . .	3319
Radio Committees . . . . .	3319
Monopoly Hearing . . . . .	3319
Unlicensed Stations . . . . .	3320
Television Stations . . . . .	3320

tered by persons not under the control of the station and placing the responsibility for defamatory utterances upon the person making the alleged defamatory statements. Bills having the same objective are pending before the legislatures of several other states. The bill as introduced in Montana is reprinted below in its entirety:

"An Act relating to freedom of speech transmitted over and by means of radio broadcasting stations; the liability under the law of libel and defamation of the owners and operators of such stations, who without actual malice allow and permit their facilities to be used in the discussion of controversial or any other subjects; allowing and permitting discretion to be exercised in the submission for permanent filing of a copy of the complete address, discussion, or other form of expression intended or proposed to be broadcast or transmitted over the facilities of such station or stations, and designating the maximum time for the submission of such copy and relating to evidence of malice; declaring the liability under the law of libel and defamation of persons using broadcasting facilities, including any person, firm or corporation owning or operating such station or stations, and repealing all acts, or parts of acts in conflict herewith.

*Be It Enacted by the Legislative Assembly of the State of Montana:*

Section 1. No person, firm, or corporation owning or operating a radio broadcasting station shall be liable under the law of libel and defamation on account of having made its broadcasting facilities available to any person, whether a candidate for public office or any other person, for discussion of controversial or any other subjects, in the absence of proof of actual malice on the part of such owner or operator.

Section 2. Any person, firm or corporation owning or operating a radio broadcasting station shall have the right, but shall not be compelled to require the submission and permanent filing, in such station, of a copy of the complete address, or other form of expression, if in words, intended to be broadcast over such station not more than 48 hours before the time of the intended broadcast thereof. Neither such submission and filing, nor failure to require such submission and filing, shall constitute evidence of malice, within the meaning of section one of this act.

Section 3. Nothing in this act contained shall be construed to relieve any person broadcasting over a radio station from liability under the law of libel and defamation. Nor shall anything in this act be construed to relieve any person, firm or corporation owning or operating a radio broadcasting station from liability under the law of libel and defamation on account of any broadcast prepared or made by any such person, firm or corporation or by any officer or employee thereof in the course of his employment; and in any case where liability shall exist on account of any broadcast as declared in the first clause of this sentence, in that event where two or more broadcasting stations were connected together simultaneously or by transcription, film, metal tape or other approved

or adapted use for joint operation, in the making of such broadcast, such liability shall be confined and limited solely to the person, firm or corporation owning or operating the radio station which originated such broadcast.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed."

## SALESMEN HIRED ON COMMISSION BASIS

Salesmen operating on a commission basis frequently are required to service their accounts during the life of the contracts procured by them, and the compensation to the salesmen for such servicing is included in the commission payment. It has been called to the attention of Headquarters that several stations have experienced difficulty when commission salesmen have left the employ of the station. The station has been compelled to take over the work of servicing the unexpired contracts and at the same time to pay full commission to the salesmen. It has been suggested that this difficulty may be avoided when salesmen leave the employ of the station if the employment agreement with such salesmen provides for a division of the commissions on unexpired contracts in such proportion as will compensate the station for its servicing of the contracts.

## NEW LEGISLATION

### CONGRESS

S. 517 (Senator Johnson, Colorado) COMMUNICATIONS ACT—To amend S. 517, to prohibit the advertising of alcoholic beverages by radio. Referred to Interstate Commerce Committee.

### STATE LEGISLATION

#### IOWA:

H. 440 (Blue) STATE PROMOTION—To provide for a commission to promote the State of Iowa by advertising in newspapers, magazines and by radio. Referred to Greater Iowa Committee.

#### KANSAS:

H. 474 (Nickell) COPYRIGHT—Requires state registration of all copyrighted music before licensing performing rights and limits activities of combinations of copyright owners within the state.

S. 397 (Denious) COPYRIGHTS—Same as H. 474, above.

#### MASSACHUSETTS:

H. 1929 (From the files) LIBEL OF RACES—Prohibits defamation of races. Referred to Legal Affairs Committee.

#### MICHIGAN:

H. 243 (Murphy) COPYRIGHT—To provide for a copyright law on music. Referred to State Affairs Committee.

#### MISSOURI:

H. 400A (House Committee) SALES TAX—Revises the present sales tax act and continues a two per cent levy on retail sales and on the amount charged for certain services.

#### NEW YORK:

A. 1381 (McCaffrey) MUSICIANS—SCHOOL ORCHESTRAS—Same as S. 200. Makes it unlawful for band or orchestra connected with public school, college, or institution to furnish music at function not connected with such school, college or institution except where no organized civilian band or orchestra exists and except for patriotic parades, and celebrations of national holidays. Referred to Education Committee.

A. 1382 (McCaffrey) MUSICIANS—CIVIL SERVICE EMPLOYEES—Makes it unlawful for band or orchestra composed principally of civil service employees to furnish music at any function not connected with public department or bureau. Referred to Civil Service Committee.

A. 1460 (Giordano) RACIAL AND RELIGIOUS HATRED—Same as S. 1043. Makes it a misdemeanor to incite and promote racial and religious hatred and hostility through printing or distribution of literature, pictures, etc., exhibiting flags, making statements or through use of halls or meeting rooms or broadcasting stations. Referred to Codes Committee.

S. 1043 (Schwartzwald). Same as A. 1460, above.

#### NORTH DAKOTA:

S. 284 (Committee on Delayed Bills) COPYRIGHT—Requires state registration of all copyrighted music before licensing performing rights and limits activities of combinations of copyright owners within the state. Referred to Committee on Taxes and Tax Laws.

#### TEXAS:

S. 244 (Hardin) RADIO—NEWSPAPER ADVERTISING—To regulate advertising over the radio and in newspapers. Referred to Criminal Jurisprudence Committee.

#### UTAH:

S. 254 (Lundell) GRADE SCHOOL SYSTEM—Creates a committee to study the operation of a grade school system and to investigate the feasibility of instruction by radio of children up to and including the fifth grade. Referred to Education Committee.

#### WASHINGTON:

S. 414 (Edwards) COPYRIGHTS—Requiring the state registration of all musical copyrights at two cents each. Referred to Judiciary Committee.

S. J. M. 13 (Atkinson) LIQUOR—ADVERTISING—RADIO—Asking the President and Congress to prevent the circulation of liquor advertising in interstate commerce and on the radio.

#### WISCONSIN:

A. 359 (Hipke) RADIO COMMUNICATIONS—Relating to the prevention of crime and apprehension of criminals by radio communications. Referred to State Affairs Committee.

## DIRECTORS' MEETING

Beside adopting the legislative policy reported in the Special Bulletin of February 28, the NAB Board of Directors at its meeting here this week took the following action:

Appropriated \$5,000 to cover NAB expenses during 1939 for the NAB-RMA campaign.

Decided to engage an engineer to work under the supervision of John V. L. Hogan (WQXR), Chairman of the Engineering Committee, and Raymond L. Wilmotte, acting engineer, for the time being.

Formally approved the agreement between the NAB Bureau of Copyrights, Inc., and Lang-Worth Feature Programs, Inc.

Decided to cooperate with the National Association of Better Business Bureaus.

Directed Neville Miller to promulgate rules and regulations for submission to the Board at its next meeting concerning the affiliation of state broadcasters associations.

Discussed the FREC campaign.

Directed Mr. Miller to call a meeting of all short-wave station representatives to discuss international broadcasting.

## WLW STAY DENIED

Following an oral argument on Tuesday the United States Court of Appeals for the District of Columbia upheld the Federal Communications Commission in its recent decision closing down as of 3 a. m., Wednesday, the 500,000 watts transmitter of WLW, Cincinnati.

The Court denied a restraining order which would have permitted the station to remain on the air until its appeal is decided by the Court. The appeal has not yet been argued nor has a date been set for argument. WLW has been operating with 500,000 watts power on an experimental basis since April, 1934. As a result of the Court order, the station goes back to its regular 50,000 watts operating power.

## PUBLICITY ON CRAVEN DISSENT DRAWS McNINCH'S FIRE

FCC adoption this week of a memorandum on the handling of informal complaints by the Law Department drew fire from one commissioner, T. A. M. Craven, who intimated that the procedure adopted would not give broadcasters sufficient protection against government censorship.

Mr. Craven's lone dissent and the publicity given it in the newspapers led Chairman Frank R. McNinch to issue a statement accusing Mr. Craven of making a "stump speech and flag waving."

The memorandum pointed out that the Commission received about 50 complaints a week, about 60 per cent of which were "frivolous" and another 30 per cent non-specific. All complaints should be acknowledged, the Commission decided, and the Law Department could ask the general complainants to be more specific.

"As to the *third* general classification of complaint letters (or those which appear on their face to be informative), the Law Department should investigate in such manner as may appear warranted," the Commission decided. "In the course of such investigation it should be borne in mind that *unreasonable* demands on stations are not to be made. The Department should furnish the Commission each week a list of those complaints falling within this classification and which are being made the subject of investigation. Thereafter and upon the completion of the investigation the Law Department should report its findings with appropriate recommendation either upon the removal of license application or with a memorandum on the subject of revocation of license, as the case may appear to warrant. As to revocation few single complaint matters will warrant such action. In addition, such proceedings may or may not appear warranted in cases of specific violations of the Act, orders or rules and regulations of the Commission where the complaint matter is being *contemporaneously* reported to the Department of Justice for possible criminal action."

The Commission then specified the nature of the complaints it usually handled. In conclusion, the memorandum said:

The committee is further of the opinion that the handling of any broadcast station complaint, as well as a recommendation as to the appropriate procedure to be followed, i. e., by way of action upon the renewal of license or by revocation, is a matter involving the application of sound judgment at all times by the lawyers engaged in this work. Due to the volume of work, the Law Department has seen fit to establish three sections in the Broadcast Division (in lieu of the one section heretofore existing) to handle this work. Necessarily these sections must work in close harmony and the judgment of the three head attorneys together with that of the Assistant General Counsel in charge, or the General Counsel as the case may warrant, will be secured in each case where affirmative action is to be taken as to a station license.

As to the question of releasing to the public information concerning an investigation of an informal broadcast complaint, the Committee has determined that it is not sound practice to release

such information. However, it is believed advisable to send stations copies of complaints without disclosing in the normal case the name of the complainant. We feel that demand for public information concerning an investigation being conducted will not be made in the future for the reason that as a general policy temporary licenses pending investigation are not warranted and will not be issued. Upon the designation of an application for renewal of license for hearing, a carefully prepared press release stating generally the reasons for such action should be prepared. Interested parties as well as others will have full notice of the matter to be inquired into, upon the issuance of the notice of hearing. This notice should issue as soon as possible after Commission action designating the application for hearing. As to revocation cases, the order of revocation itself must be accompanied by a full statement of the reasons therefor in accordance with the provisions of Section 312(a). If an order of revocation be entered, the licensee should be immediately notified by wire in order that he may be informed that such an order has been entered and that there will be forwarded to him copy thereof together with the required notice or reasons therefor. Thus the licensee will not be informed for the first time through the press.

In his nine-page dissent, Mr. Craven said he agreed in principle with the majority report so far as it went, but that it failed to solve the whole problem.

"I strongly recommend that the Commission abolish entirely its past and present procedure of handling complaints, as well as the practice of designating applications for renewal of license for hearing for isolated instances of infraction of the Act or the Commission's Rules and Regulations, or of conduct of the station contrary to the standard of public interest," he said.

After discussing the nature of complaints, Mr. Craven said:

"Without going into any detail as to the nature and extent of the Commission's power to deal with matters involving the qualifications of a licensee to continue operation of a station because of program service adverse to public interest, it is my opinion that the Commission lacks any final legal guide as to the extent and scope of its power to apply the statutory standard to the program service of broadcasting stations and as to the limitations which the First Amendment and Section 326 impose on that power. In view of this situation it is my opinion that the Commission should exercise its power (whatever may be its extent and limitations) over program service sparingly and with extreme caution.

"It is important that the Commission in dealing with program service does not run counter to the guarantee of free speech in the First Amendment to the Constitution, and the prohibition against censorship or any interference with the right of free speech in Section 326 of the Communications Act. Everyone will agree that there is nothing more vital to our form of government than the preservation of liberty of expression. Broadcasting has largely replaced the public platform of former days as the forum for discussion of issues of public interest, and, if the Constitutional guarantee of free speech is to have any real meaning, it must extend to utterances before the microphone.

"Therefore, it would appear advisable, among other things, to make a distinction between isolated matters as against serious and repeated offenses. It seems that the Commission may best proceed against licensees whose conduct from a service standpoint can be judged and classified after operation over a considerable period of time, rather than judge the conduct of a licensee by an isolated instance. Before taking active steps to punish a licensee either by failure to renew the license or by revoking the license, the Commission should be in possession of sufficient information to enable it to judge whether or not the conduct of a station is such as to qualify the licensee to continue operation of the station. In other words, before proceeding to a hearing the Commission should have a *prima facie* case based upon such substantial evidence, secured over a period of time, as will indicate the actual program service of the station and consequently the capability of its licensee to operate the station in the public interest.

"In the second place, it would appear advisable that the Commission bear in mind that other federal agencies have jurisdiction over various matters which may be complained of concerning

the operation of a broadcast station. These agencies include the Federal Trade Commission, Post Office Department, Department of Justice, the Pure Food and Drug Administration of the Department of Agriculture, the Securities and Exchange Commission, and perhaps others. The jurisdiction claimed by this Commission should not overlap or duplicate that of these other agencies. \* \* \*

"In the third place, it would appear advisable that the Commission avoid, so far as possible, announcing or applying any standard likely to encourage or force licensees to exercise private censorship over utterances made over their stations by third parties in discussions of issues of public interest. Section 315 forbids licensees to censor the speeches of political candidates. It seems similarly desirable that licensees be free and encouraged to follow a policy of fairness to opposing schools of thought on all issues of public interest, and to refrain from private censorship in matters where the public has the right to expect full and free debate. Where the speaker is in the licensee's employ, or where the subject matter is advertising content, submitted to and broadcast by the station, it may be conceded that the licensee should bear full responsibility for what is said and that he may with propriety exercise censorship in order to eliminate objectionable matter. This is an obviously different situation from that presented by speeches by third parties, on a sustaining basis, on issues of public interest, where a minimum of responsibility should be imposed on the broadcaster for the utterances of such third parties, so long as opposing schools of thought are accorded fair treatment.

"I realize that unfortunately the question is complicated by certain State court decisions indicating a tendency to hold that, even with respect to speeches of political candidates broadcast under Section 315, a broadcaster is liable for defamation occurring in a speech which he is forbidden to censor. Such decisions create a perfectly understandable dilemma for the broadcaster and furnish a strong incentive toward private censorship which would not otherwise be exercised. There are many who believe that the time has come for amendment of the federal statute so as to make it clear that the broadcaster is not liable under such circumstances, or under any circumstances where it is desirable that private censorship not be exercised. I suggest the possibility of making an appropriate recommendation to Congress as a proper subject for the Commission's consideration.

"In the fourth place, it is my opinion that the Commission should refrain from any attempt, direct or indirect, to force stations to broadcast programs which the Commission thinks best for the public; in other words, to attempt to substitute its judgment as to the needs and desires of the listening public for that of the broadcaster. It should confine the exercise of whatever regulatory powers it may have over program service to particular evils as they develop, and these evils should be of serious proportions,—should be of such character that the Commission's power over them is unquestionable, and should be susceptible of being clearly defined and embraced in standards (whether expressed in regulations or in decisions resulting from hearings) susceptible of being applied to all licensees uniformly, fairly and without discrimination. \* \* \*"

Mr. McNinch followed, the next day, with the following statement:

"Articles published in a limited number of newspapers today, especially one credited to the Chicago Tribune Press Service, thoroughly misrepresent the Commission's action on program complaint procedure on February 27. They call for correction even though the publications are partly explained by the incitement of gratuitous, alarmist statements by Commissioner T. A. M. Craven in a one-man minority report. Commissioner Craven, by implication, attacked the intelligence, the integrity and the motives of the other six commissioners, to execute a grandstand play of devotion to free speech and opposition to censorship.

"The simple fact is that the Commission adopted a report clarifying and formalizing the staff procedure for handling informal complaints and presenting them to the Commission. \* \* \*

"Nowhere is there any color of the Commission's 'widening its field of censorship.' It is baldly untrue that 'Commissioner Craven refused to sign the report and submitted a minority report charging that the procedure recommended would invade freedom of speech.' The minority report which he made all by himself says in its very opening sentence, 'I agree in principle with the majority report of the Complaint Committee insofar as it goes \* \* \*'

"It is true that Commissioner Craven goes much further—miles further than was asked or expected in the Commission's

direction to the Committee, which was "recommending procedure to be followed in the handling of informal complaints against radio broadcast stations." The Commission recognized this overstepping Monday in adopting the report of Commissioners Sykes and Payne instead of Commissioner Craven's report. No one voted for Commissioner Craven's report but himself.

"Commissioner Craven has much to say of the dangers of censorship. What if any actions of the Commission could he refer to? In the only two cases which have even been conspicuously attacked on this alleged ground—Mae West and "Beyond the Horizon"—Commissioner Craven was a party to the actions.

"Commissioner Craven says in thousands of words that he favors avoidance of censorship, free speech, due regard for the authority of other Federal agencies, full discussion of political questions, and privately owned and competitive broadcasting. Who doesn't? A committee report to his associates on "procedure"—not on policies—is hardly an appropriate setting for a stump speech and flag waving. And such treatment is highly unjust to the other six commissioners."

## BOARD APPROVES ESTABLISHMENT OF BUREAU OF RADIO ADVERTISING

At its meeting this week, the NAB Board of Directors formally approved the establishment of a Bureau of Radio Advertising. Filling a long-felt need in the broadcasting industry, the Bureau will undertake to (1) promote radio as an advertising medium, (2) serve as a clearing house for the collection and use of basic industry information and surveys of direct and indirect benefit to commercial representatives of member stations, (3) establish closer relations with trade and advertising groups, and the trade press, (4) prepare proper material which can be used in sales presentations, dealer and distributor meetings, and in auditions.

The Bureau of Radio Advertising is an outgrowth of the work of the NAB Sales Managers' Committee which this year has been under the leadership of Craig Lawrence, KSO. The Bureau will be set up in the Headquarters offices and will be jointly supervised by Paul F. Peter, Director of Research and Ed Kirby, Director of Public Relations. It will continue to work in close cooperation with the Sales Managers' groups in the seventeen NAB Districts.

## RADIO GETS 2,700,000 DIMES FOR INFANTILE FUND

With radio the backbone of the 1939 "March of Dimes" campaign, an all-time record was established.

A total of 2,700,000 dimes poured in through American radio stations during the month of January. This is in direct contrast to the 870,000 dimes received by radio stations through the same period of time in the year 1938.

George E. Allen, former Commissioner of the District of Columbia, and prominent member of the "March of Dimes" committee, has expressed his thanks to Neville Miller, NAB President. Referring to the remarkable record established this year, Mr. Allen said: "I think that tells the radio story better than words or congratulations. Many thanks again."

## RED CROSS PROGRAMS

Fully aware of the great humanitarian objectives of the American Red Cross, NAB is lending its support to the Headquarters Staff of the Red Cross in Washington, in its endeavor to encourage local Red Cross Chapters to use radio other than in times of emergency or during the annual Roll Call. Headquarters believes that each local chapter has a great story of service to tell, and can contribute much stimulating material to the public service record of the American radio station.

Toward that end, the following statement is being published this week in both the National Red Cross Bulletin and the NAB REPORTS:

Cooperation between broadcasters and the American Red Cross in the production of educational programs has existed, with excellent results, since broadcasting began. These programs on networks and individual stations have presented not only the disaster relief and Roll Call appeals of the Red Cross, but also its many-sided services to the public in life saving, first aid and accident prevention, public health nursing, assistance to war veterans and enlisted men, and in character building by the Junior Red Cross.

Up to the present, however, most of the local Red Cross programs have had to do with disaster relief and the membership Roll Call. Relatively few local schedules have been carried the year 'round for the purpose of informing the public of the regular services of Red Cross Chapters to their own communities.

This year the National Organization of the Red Cross is making a special effort to develop such local year 'round schedules of educational broadcasting over as many stations as possible. Through its radio bulletin, field representatives, and correspondence, the Red Cross is urging its Chapters with radio stations in their territories to solicit the aid of managers and program directors in working out "Red Cross Hours" or "Red Cross Workshops" to be presented once or twice a month at the same hour throughout the year.

In this activity, the Red Cross has the full endorsement and support of the National Association of Broadcasters. Because of its importance as the voluntary humanitarian agency of all the people of the United States, the Red Cross offers unusual opportunities for educational broadcasting of the highest order.

Broadcasters, of course, will require no urging to enlist their assistance in planning these year 'round schedules with Red Cross Chapters. Managers and program directors who are interested are invited to consult their local Chapters, or to communicate directly with National Headquarters of the American Red Cross, Washington, D. C.

### Radio Committees

Following are the members of the two Congressional Committees dealing with broadcasting legislation:

#### SENATE COMMITTEE ON INTERSTATE COMMERCE

##### *Democrats*

Burton K. Wheeler, of Montana, Chairman  
Ellison D. Smith, of South Carolina  
Robert F. Wagner, of New York  
Alben W. Barkley, of Kentucky  
M. M. Neely, of West Virginia  
Homer T. Bone, of Washington  
Vic Donahey, of Ohio

Sherman Minton, of Indiana  
Harry S. Truman, of Missouri  
Charles O. Andrews, of Florida  
Edwin C. Johnson, of Colorado  
H. H. Schwartz, of Wyoming  
Lister Hill, of Alabama  
Ernest Lundeen, of Minnesota  
Tom Stewart, of Tennessee

##### *Republicans*

Wallace H. White, Jr., of Maine  
Warren R. Austin, of Vermont  
Henrik Shipstead, of Minnesota  
Charles W. Tobey, of New Hampshire  
Clyde M. Reed, of Kansas  
Chan Gurney, of South Dakota

#### HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

##### *Democrats*

Clarence F. Lea, of California, Chairman  
Robert Crosser, of Ohio  
Alfred L. Bulwinkle, of North Carolina  
Virgil Chapman, of Kentucky  
William P. Cole, Jr., of Maryland  
Edward A. Kelly, of Illinois  
John A. Martin, of Colorado  
Herron Pearson, of Tennessee  
Lyle H. Boren, of Oklahoma  
Martin J. Kennedy, of New York  
Elmer J. Ryan, of Minnesota  
Charles L. South, of Texas  
James P. McGranery, of Pennsylvania  
Donald L. O'Toole, of New York  
Luther Patrick, of Alabama

##### *Republicans*

Carl E. Mapes, of Michigan  
Charles A. Wolverton, of New Jersey  
James Wolfenden, of Pennsylvania  
Pehr G. Holmes, of Massachusetts  
B. Carroll Reece, of Tennessee  
James W. Wadsworth, of New York  
Charles A. Halleck, of Indiana  
Oscar Youngdahl, of Minnesota  
Carl Hinshaw, of California  
Clarence J. Brown, of Ohio

### Monopoly Hearing

February 23

E. C. Page, of the engineering firm of Page and Davis, continued presentation of technical and coverage phases of the Mutual Broadcasting System, which concluded Mutual's presentation.

On motion of counsel, John Shepard, 3rd, President of the Yankee and the Colonial Networks, was permitted to submit evidence for both simultaneously. Mr. Shepard outlined the corporate and financial set-up and history of the two networks. He stated that the Yankee Network owns four broadcasting stations: WNAC, WAAB, WICC and WEAN. Mr. Shepard pointed out that while Yankee and Colonial were two separate corporate set-ups, the two could be considered, from an operations standpoint, as a single unit, both using the same telephone lines on a time-sharing basis and originating programs from the same studios.

### February 24

Mr. Shepard resumed with a discussion of the operating and program policies of his stations. He stated that in the last three months he has discontinued the use of editorials on news periods, but that when such editorials had been presented before, they were "clearly labeled" as editorials. Mr. Shepard stated the majority of his radio editorials had been in the nature of "cleaning up" certain conditions such as the pardon and parole racket, etc., in which there was genuine public interest. He asserted, however, that this editorial technique did not extend to the "selection of candidates for office"; that they concerned themselves only with "good government" and not political candidates.

### February 28

Paul A. De Mars, technical director of the Yankee and Colonial Networks, concluded their testimony with a presentation of technical and coverage information.

This was followed by the testimony of the Pacific Broadcasting Company, the first witness of which was Mr. E. C. Page (referred to above), who presented its engineering data.

Carl E. Haymond, general manager of the Pacific Broadcasting Company, followed and stated that the network was organized in 1937 for "the purpose of affiliating a group of stations in Oregon and Washington as outlets for the Mutual and the Mutual-Don Lee Broadcasting Systems." He stated that at the time Mutual became a coast-to-coast network, there were no outlets in these states for either Mutual or Don Lee; that the cost of maintaining long lines from San Francisco to Seattle and across the State of Washington had previously prevented the completing of a coast-wide network. He gave a history of the network's financial and program operations.

Appearing for the Virginia Broadcasting Company, as Secretary-Treasurer was Mr. S. C. Ondarcho, who is also manager of Station WBTM. The Corporation, he said, is made up of five stations and is controlled by five directors, one from each of the stations. In 1936 the stations were connected by permanent landlines, 16 hours a day, for a period of three months. In April, 1936, however, this plan was abandoned and since that time the stations have been connected as a network for special events only.

### March 1

Lynne C. Smeby took the stand as technical witness for the Michigan Radio network as the hearing continued and occupied most of the morning.

In the afternoon session, George W. Trendle, President of the King-Trendle Broadcasting Corporation, appeared as witness for the Michigan Broadcasting Network and stated that the Michigan Radio Network "really means that we have made contracts as the King-Trendle Broadcasting Corporation with several stations out in the state by the terms of which we supply them with sustaining programs, and also have the use of their lines for certain programs." The network is an association, is not an incorporation. It owns no interest, direct or indirect, in any of the stations affiliated with the Michigan Network, Mr. Trendle declared.

He explained that through an arrangement with NBC, programs created and produced by his station, such as the Lone Ranger and the Green Hornet, are piped to Chicago where they are recorded and later sold throughout the world. Lone Ranger is now on 127 stations at the present time, he stated, including stations in Australia. He concluded with a resume of the operating experiences and policies of Station WXYZ and the Michigan Radio Network.

Scheduled to appear next week are the Texas Quality Network and the Texas State Network.

## UNLICENSED STATIONS

Following an investigation by FCC Inspectors of the operation of unlicensed radio stations in San Francisco,

California, Edward Maleski and Edward Rittler were indicted for violations of Sections 310 and 318 of the Communications Act of 1934, as amended.

On February 28, Edward Maleski, following a plea of guilty, was sentenced in the United States District Court for the Northern District of California to one year probation and a fine of one hundred dollars. The other defendant, Edward Rittler, also plead guilty to such unlawful radio operation and was to be sentenced by the Court on March 2.

## TELEVISION BROADCAST STATIONS

As of February 1, 1939

(Prepared by the FCC)

Licensee and Location	Call Letters	Frequency (kc) or Group	Power		Emission
			Visual	Aural	
Columbia Broadcasting System, Inc., New York, N. Y.	W2XAX	B, C	50w C.P. 7½kw	7½kw	A5 A3, A5
Don Lee Broadcasting System, Los Angeles, Calif.	W6XAO	B, C	1kw	150w	A3, A5
Allen B. Du Mont Laboratories, Inc., Passaic, N. J.	W2XVT	B	50w	50w	A3, A5 (C. P. only)
Farnsworth Television, Incorporated of Pennsylvania, Springfield, Penna.	W3XPF	B, C	250w	1kw	A3, A5
First National Television, Inc., Kansas City, Mo.	W9XAL	B, C	300w	150w	A3, A5
General Electric Company, Bridgeport, Conn.	W1XA	C	10kw	3kw	A3, A5 (C. P. only)
General Electric Company, Albany, New York.	W2XB	C	10kw	3kw	A3, A5 (C. P. only)
General Electric Company, Schenectady, New York.	W2XD	D (156000-162000)	40w		A5 (C. P. only)
General Electric Company, Schenectady, New York.	W2XH	B	40w		A5 (C. P. only)
General Television Corporation, Boston, Mass.	W1XG	B, C	500w		A5
Kansas State College of Agriculture and Applied Science, Manhattan, Kansas.	W9XAK	A	125w	125w	A3, A5
National Broadcasting Co., Inc., New York, N. Y.	W2XBS	B, C	12kw	15kw	A3, A5
National Broadcasting Co., Inc., Portable (Camden, N. J. and New York, N. Y.)	W2XBT	D (92000 & 175000-180000)	400w	100w	A1, A2 A3, A5
Philco Radio and Television Corp., Philadelphia, Pa.	W3XE	B, C	10kw	10kw	A3, A5
Philco Radio and Television Corp., Philadelphia, Pa.	W3XP	D (204000-210000)	15w		A5
Purdue University, West Lafayette, Ind.	W9XG	A	1½kw		A5
Radio Pictures, Inc., Long Island City, N. Y.	W2XDR	B, C	1kw	500w	A3, A5
RCA Manufacturing Co., Inc., Portable (Camden, N. J.)	W3XAD	D (124000-13000)	500w	500w	A3, A5
RCA Manufacturing Co., Inc., Camden, N. J.	W3XEP	B, C	30kw	30kw	A3, A5
RCA Manufacturing Co., Inc., Portable-Mobile (Camden, N. J.)	W10XX	B, C	50w	50w	A3, A5
University of Iowa, City, Iowa.	W9XK	A	100w		A5
University of Iowa, City, Iowa.	W9XUI	B, C	100w		A5
Zenith Radio Corporation, Chicago, Ill.	W9XZV	B, C	1kw	1kw	A3, A5 (C. P. only)
	<i>Group A</i>	<i>Group B</i>	<i>Group C</i>	<i>Group D</i>	
	2000 to 2100 kc.	42000 to 56000 kc.	60000 to 86000 kc.	Any 6000 kc. frequency band above 110000 kc., excluding 400000 to 401000 kc.	

## FEDERAL COMMUNICATIONS COMMISSION ORDER

The Federal Communications Commission this week denied Station WAIR, Winston-Salem, North Caro-

lina, its petition for rehearing. Commissioner Brown did not participate.

The Commission on January 3 denied the station's application which would have granted WAIR power of 250 watts night on its present assignment of **1250 kilocycles**. The station now operates on that frequency with 250 watts daytime only.

The applicants filed a petition for rehearing in which it was alleged the Commission committed error in declining to grant the application. In denying the application for rehearing the Commission stated that the operation of the station as proposed would limit Station WNEW, New York City, and WHBI, Newark, N. J., to their respective 2.4 millivolt per meter nighttime contours.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, March 6. They are subject to change.

### Monday, March 6

NEW—William C. Barnes and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—C. P., **1260 kc.**, 1 KW, daytime.

### Tuesday, March 7

KRSC—Radio Sales Corporation, Seattle, Wash.—C. P., **1120 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 250 watts, unlimited time.

NEW—Panama City Broadcasting Co., Panama City, Fla.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

### Wednesday, March 8

WCY—Radiomarine Corp. of America, West Dover, Ohio.—C. P. for additional frequencies, **2550, 2738, 6470 and 11370 kc.**, 400 watts, Emission A2, A3, unlimited, except day only on **11370 kc.**

KFPW—Southwestern Hotel Company, Fort Smith, Ark.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, unlimited time.

### Friday, March 10

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.**, 1 KW, unlimited time (DA at night).

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

### March 16

Oral Argument Before the Commission

Examiner's Report No. I-669:

NEW—Colonial Broadcasting Corp., Norfolk, Va.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

### March 22

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS,

unlimited time. Present assignment: **1370 kc.**, 100 watts, 250 watts LS, specified hours.

NEW—Lane J. Horrigan, d/b as Copper Country Broadcasting Co., Hancock, Mich.—C. P., **1370 kc.**, 100 watts, 250 watts LS, specified hours (requests facilities in part of WHDF).

### March 29

NEW—Northwest Broadcasting Co., Fort Dodge, Iowa.—C. P., **1370 kc.**, 100 watts, 250 watts LS, specified hours.

### April 3

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.**, 500 watts, unlimited time. Present assignment: **1340 kc.**, 250 watts, unlimited time.

KOVC—KOVIC, Inc., Valley City, N. Dak.—C. P., **1340 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

### April 10

NEW—M. C. Reese, Phoenix, Ariz.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Tex.—C. P., **1310 kc.**, 250 watts, daytime. Present assignment: **1310 kc.**, 100 watts, daytime.

### April 11

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 kc.**, 100 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, daytime.

NEW—W. B. Greenwald, Topeka, Kans.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

### April 12

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license, **1420 kc.**, 100 watts, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.**, 100 watts, unlimited time.

### April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.**, 1 KW, daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.**, 1 KW, daytime.

### April 25

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Renewal of license, **1240 kc.**, 1 KW, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Renewal of license, **1290 kc.**, 1 KW, 2½ KW LS, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.**, 1 KW, unlimited time.

### April 26

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

KSAM—Sam Houston Broadcasting Assn. (H. G. Webster, President), Huntsville, Tex.—C. P., **1500 kc.**, 250 watts, daytime. Present assignment: **1500 kc.**, 100 watts, daytime.

### April 28

NEW—Coastal Broadcasting Co., Brunswick, Ga.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—C. P., **1390 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

May 1

- WHA—University of Wisconsin, Madison, Wis.—C. P., 670 kc., 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: 940 kc., 5 KW, daytime.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, 670 kc., 50 KW, unlimited time.

May 2

- WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- NEW—World Wide Broadcasting Corp., Norwood, Mass.—Granted C. P. for a new international broadcast station to use frequencies 11730 and 15130 kc., listed as "Pan American" frequencies, on an experimental basis in accordance with Rules 980-987 and 1010-1015, with power of 20 KW. Applicant proposes to conduct a program of research which includes the making of comparative test measurements in Puerto Rico, Buenos Aires and London.
- NEW—John V. L. Hogan, New York City.—Granted C. P. for new experimental high frequency broadcast station, frequency 41200 kc., on an experimental basis in accordance with Rules 980-987 and 1050-1056, with power of 1 KW, special emission for frequency modulation, unlimited time, in accordance with Rule 983, and transmitter to be located in New York City, site to be determined.
- NEW—WBNS, Inc., Columbus, Ohio.—Granted C. P. for new facsimile broadcast station, frequencies 31600, 35600, 38600 and 41000 kc., on an experimental basis only, conditionally, 100 watts.
- WGN—WGN, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate with 50 KW power for the purpose of transmitting facsimile signals experimentally between 1 a. m. and 6 a. m., CST, for the period ending August 1, 1939.
- KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted extension of special experimental authority to operate with 1 KW (used by broadcast station) for the purpose of transmitting facsimile signals experimentally from 12 midnight to 6 a. m., PST, for the period ending September 1, 1939.
- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Granted consent to assignment of license (Chairman McNinch and Commissioner Walker voting "No") for Station WAAW from Omaha Grain Exchange to World Publishing Company. Station operates on 660 kc., 500 watts, daytime.
- KWKH—International Broadcasting Corp., Shreveport, La.—Granted modification of special experimental authority to move transmitter site locally, install new equipment, and increase power from 10 KW night and day to 50 KW, employing DA for nighttime operation, operating on 1100 kc., unlimited time.
- WCLE—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted renewal of broadcast station license for the regular period.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- KUSD—University of South Dakota, Vermillion, S. Dak.—Application for renewal of license designated for hearing, and station granted a temporary license pending outcome of hearing. (This application was set for hearing by reason of applicants' failure to file renewal application in accordance with Rule 340.01.)
- KINY—Edwin A. Kraft, Juneau, Alaska.—Application for C. P. to make changes in equipment, change frequency from 1430

kc. to 740 kc., and increase power from 250 watts to 1 KW. (To be heard before the Commission.) Application designated for hearing because request violates Rules 116 and 117, and because interference might result to existing station WSB.

- NEW—John R. Pepper, Greenville, Miss.—Application for C. P. for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations.)
- NEW—The Gazette Company, Cedar Rapids, Iowa.—Application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time. Exact transmitter and studio sites and types of antenna to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations, and pending applications from Iowa involve an increase in service.)

### MISCELLANEOUS

- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period March 10 to April 8, in order to conduct experimental farm programs.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted special temporary authority to operate a 100-watt test transmitter in and around Greensboro, N. C., during experimental period beginning February 27 and ending March 28, in order to determine suitability of proposed new transmitter site.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Continued hearing on application for renewal of license now scheduled for February 28, to May 1, 1939, to be heard with the application of WHA requesting the facilities of WMAQ.
- WLAC—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—Continued indefinitely and until further order of the Commission the hearing on the application of WLAC for a construction permit to increase power from 5 KW to 50 KW, on 1470 kc. (DA night).
- WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 8:30 p. m. to conclusion of basketball game on February 25.
- WGN—WGN, Inc., Chicago, Ill.—Granted extension of special temporary authority to use the WENR transmitter equipment located at Downers Grove, Ill., formerly used as main transmitter for Station WENR-WLS, and now used as auxiliary transmitter for WENR-WLS under Commission licenses, for the period March 3 to April 1, 1939, in order to give WGN an opportunity to move present transmitter equipment located 4 miles east of Elgin, Ill., to its new location pursuant to C. P.
- NEW—Woodmen of the World Life Ins. Society, Omaha, Nebr., Portable-Mobile.—Granted C. P. for new experimental relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 20 watts.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 1 to 5 KW.
- KVWC—The Northwestern Broadcasting Co., Vernon, Tex.—Granted license to cover C. P. authorizing new station to operate on 1500 kc., 100 watts, unlimited time.
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted license to cover C. P. authorizing changes in equipment.
- WHA—University of Wisconsin, Madison, Wis.—Granted in part petition for continuance of hearing, now set for February 28, for a period of 60 days, instead of 90 days as requested.
- WATL—Atlanta Broadcasting Co., Atlanta, Ga.—Granted petition of respondent to waive Rule 15.31 and accept their answer in re application of Spartanburg Advertising Co., Spartanburg, S. C., for C. P. to operate on 1370 kc., 100 watts night, 250 watts LS, unlimited time.
- NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—Granted petition to take depositions before M. G. Bost in re application for C. P. to operate on 1370 kc., 100 night, 250 watts LS, unlimited time.
- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted petition for continuance of hearing, now scheduled for March 14, to a new date to be fixed by Docket Section, on application of WHDF for modification of license to change from specified hours to unlimited time on 1370 kc.,

- 100 watts night, 250 watts day, and the application of Copper Country Broadcasting Co., Hancock, Mich., for the facilities of WHDF.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted petition for order to take depositions in re application for C. P. to change from 1370 kc., 100 watts night, 250 watts day, unlimited time, to 930 kc., 500 watts, unlimited, using DA at night.
- NEW—Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition to take depositions in re application for C. P. to erect a new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time.
- NEW—Birney Imes, Columbus, Miss.—Granted petition to dismiss without prejudice application for C. P. to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time.
- KOVC—KOVIC, Inc., Valley City, N. Dak.—Granted petition for acceptance of applicant's appearance filed late in re application for C. P. to change from 1500 kc., 100 watts night, 250 watts day, unlimited, to 1340 kc., 500 watts night, 250 watts day, unlimited time.
- WRDO—WRDO, Inc., Augusta, Maine.—Denied petition to reopen hearing in re application for renewal of license to operate on 1370 kc., 100 watts night and day, unlimited time.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—The Commission (Commissioner Sykes voting "No"), entered an order setting aside the order of December 12, 1938, denying respondent's (KOAC) motion to reopen the hearing in Docket No. 5054; reopened the hearing; amended the order of January 30, 1939, and denied the motion filed by Salt River Valley Broadcasting Co. and granted the motion filed by Oregon State Agriculture College in this matter.
- KNOW—KUT Broadcasting Co., Austin, Tex.—Retired to the closed files for want of prosecution, the application for modification of C. P. requesting authority to make further changes in equipment, move transmitter locally and extend commencement and completion dates.
- WAWZ—Pillar of Fire Zarephath, N. J.—Granted license to cover C. P. authorizing increase in night power from 500 watts to 1 KW, and installation of a directional antenna system for nighttime operation only.
- KAOG—Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.)—Granted license to cover C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 8 watts.
- WIXOJ—The Yankee Network, Inc., Paxton, Mass.—Granted modification of C. P. as modified authorizing extension of completion date of C. P. from April 29 to October 29, 1939, for high frequency broadcast station.
- KVOS—KVOS, Inc., Bellingham, Wash.—Granted modification of C. P. authorizing changes in equipment and extension of commencement date to 90 days after grant and completion date to 90 days thereafter, upon the express condition that the grant shall not be construed as a finding by the Commission upon the application of Bellingham Broadcasting Co. for C. P. and upon the application for renewal of license of KVOS, nor any issues involved therein.
- WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with station KQV from 7:30 to 10 p. m., EST, on February 29, in order to broadcast non-commercial movie-quiz contest, instead of February 20, as authorized by grant of February 17.
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate simultaneously with station KFVS from 9 to 10:30 p. m., CST, March 2, in order to broadcast Illinois State Regional Basketball Tournament.
- KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted special temporary authority to rebroadcast time signals originated by Radio station NAA, at 8 to 11 a. m. and 6 p. m., CST, daily for the period beginning March 1 and ending no later than March 31, 1939.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 2:15 p. m., MST, on March 6, 13, 20, 27, in order to broadcast livestock auction and merchants programs from Ft. Morgan, Colo.
- W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast experimental stations on the frequency 31220 kc., pending definite arrangements to be made to eliminate interference with Cleveland's Police Radio Service, for the period March 11 to April 9, 1939.
- KINY—Edwin A. Kraft, Juneau, Alaska.—Granted special temporary authority to use temporary studios at the transmitter site on the A-J Rock Dump, near Juneau, Alaska, as main studios, until definite arrangements can be made for new studios in downtown Juneau and in no event for a period exceeding 30 days.
- W2XVT—Allen B. DuMont Labs., Inc., Passaic, N. J.—Denied special temporary authority to operate experimental television broadcast station W2XVT during the hours from 9 a. m. to midnight, EST, for a period not to exceed 30 days, in accordance with Rule 983, in order to conduct tests.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 9 p. m., CST, on March 6, in order to broadcast Purdue University basketball game.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. until midnight on April 17, in order to broadcast general election for offices of Mayor and City Commissioners, and on April 18 in order to broadcast general election returns.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 to 9:30 p. m., EST, on February 28, in order to broadcast proceedings attendant upon banquet being given by the American Legion.
- W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast over high frequency broadcast station W9XA programs originating from special broadcast station KITE, Kansas City, Mo., and from standard broadcast station WLW, Cincinnati; KSL, Salt Lake City; KCKN, Kansas City, Kans., subject to the provisions of Rule 1052, for the normal licensed period of high frequency broadcast stations expiring April 1, 1940.

#### APPLICATIONS FILED AT FCC

##### 930 Kilocycles

- KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Construction permit to install new antenna and move transmitter from near Shenandoah, Iowa, and studio from Elm and Lowell Sts., Shenandoah, Iowa, to a site to be determined at Council Bluffs, Iowa.

##### 1050 Kilocycles

- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Construction permit to increase power from 1 KW to 5 KW, changes in equipment. Amended to request power of 1 KW night and 5 KW day.

##### 1200 Kilocycles

- NEW—Mollin Investment Co., Palm Springs, Calif.—Construction permit for new broadcast station to be operated on 1200 kc., 100 watts, daytime hours of operation.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Authority to transfer control of corporation from The Telegraph Press, Inc., to J. H. Steinman and John F. Steinman.
- KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit for installation of new equipment and increase in daytime power.
- NEW—North Shore Broadcasting Company, Salem, Mass.—Construction permit for a new station on 1200 kc., 100 watts power, unlimited time.
- WMRO—Martin R. O'Brien, Aurora, Ill.—License to cover construction permit for new broadcast station.

##### 1310 Kilocycles

- WSGN—The Birmingham News Company, Birmingham, Ala.—Modification of license to increase power from 100 watts night and 250 watts day to 250 watts day and night.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—License to cover construction permit for installation of new equipment and increase in daytime power.

##### 1370 Kilocycles

- NEW—Tom M. Bryan, Fort Lauderdale, Fla.—Construction permit for new broadcast station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited hours of operation.

#### 1400 Kilocycles

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of construction permit authorizing equipment changes requesting an extension of commencement date from 2-13-39 to 4-13-39 and completion date from 7-13-39 to 8-13-39.

#### 1420 Kilocycles

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Modification of construction permit for new broadcast station requesting approval of transmitter location at U. S. Highway No. 10, between Wallace and Kellog, Idaho, and approval of antenna.

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of construction permit for new broadcast station requesting change in transmitter location to 103 W. Main Street, Bozeman, Mont., and extension of commencement and completion dates to 30 and 180 days after grant.

#### 1460 Kilocycles

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Modification of construction permit (B1-P-1827) to increase power, new transmitter, antenna, and move, further requesting approval of directional antenna for day and night use, and approval of transmitter site at .4 miles east of Wheaton, Md.

#### 1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Extension of special experimental authorization to operate a facsimile station from 12 midnight to 6 a. m., PST, using 10 KW power, period 5-1-39 to 11-1-39.

#### 1500 Kilocycles

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—Construction permit for new broadcast station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited hours of operation.

#### MISCELLANEOUS

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new television station on 42000-56000 kc., 250 watts power, A3 and A4 emission; also special emission, located in the immediate vicinity of San Francisco, Calif. Amended to request 1 KW power, changes in transmitting equipment, and slight changes in proposed program of research.

W2XBF—William G. H. Finch, New York, N. Y.—License to cover construction permit (B1-PEX-25) for move of transmitter, installation of new antenna.

W2XSN—Paul F. Godley, Alpine, N. J.—Modification of construction permit authorizing new high frequency broadcast station, requesting extension of completion date from 3-18-39 to 9-15-39.

W9XEA—Paducah Broadcasting Co., Inc., Portable-Mobile in area of Paducah, Ky.—License to cover construction permit (B2-PRE-234) for new relay broadcast (experimental) station.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for reinstatement of high frequency broadcast (experimental) station W9XAZ on frequencies 31600, 35600, 38600 and 41000 kc., 500 watts power, A-3 emission.

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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:

**Atlantic Grocery Company**—See B. Green & Company.

**Consumers Bureau of Standards**—A complaint has been issued against Albert Lane, trading as Consumers' Bureau of Standards, 319 West 48th St., New York, publisher of pamphlets now known as "Consumers' Bureau Reports," and formerly as "Consumers' Preference."

In circulars, sales talks and letters to prospective purchasers, it allegedly was advertised that "Consumers' Bureau of Standards" is a national, non-profit consumers' research and educational organization which maintains a staff of technicians and investigates, tests and reports on goods and services for the benefit of the ultimate consumer, when such were not the facts.

The respondent is alleged to have represented and implied that the Consumers' Bureau of Standards is affiliated with the Government's National Bureau of Standards; that his publications, which competed with magazines published for consumers like "Consumers' Research" and "Consumers' Union," were designed to present the manufacturer's side of the picture in advertised products and that his magazines would be sold nationally with 1,000,000 copies distributed free, when such are not the facts.

Intimidation and coercion by the respondent of manufacturers and producers whose products he sought to list in his publications, are alleged. The respondent allegedly threatened that if such manufacturers and producers did not purchase copies of his magazines their products would be disparagingly listed therein. (3718)

**E. Fougere & Company, Inc.**—See Perastham Company, Inc.

**B. Green & Company**—A complaint charging four Baltimore wholesale grocery firms with combining and conspiring to restrict competition in the resale of certain products in the Baltimore trade area has been issued. The respondents are Benjamin Green and Harry L. Minch, trading as B. Green & Co., 636 West Pratt St.; Isador Rudo and Barnette H. Rudo, trading as The Atlantic Grocery Company, 121 Cheapside St.; Morris Kolker, Harry Mark and Samuel Guttman, trading as The Maryland Grocery Company, 722 East Pratt St., and Michael Joffee and Reubin Joffee, trading as Joffee Brothers, 623 West Pratt St.

The complaint charges that it is a custom for the wholesale groceries in Baltimore to pool their respective purchases of less than carload lots from producers and manufacturers selling in interstate commerce, to take advantage of price concessions granted for carload lots; each wholesaler being responsible for only that part representing his individual purchase.

During 1938 the respondents are alleged to have entered into and thereafter carried out an agreement to refuse to join in the making up of carload shipments if certain designated wholesale grocers in Baltimore were permitted to pool their purchases in such shipments, thus depriving the designated wholesalers requiring less than carload lots of the benefit of carload prices.

The complaint also charges that the respondents threatened producers and manufacturers to refuse to make purchases of their products if the producers and manufacturers allowed other designated wholesale grocers in Baltimore to include their purchases of less than carload lots to make up carload lots for shipment into the Baltimore area. (3720)

**Herbtex Company**—Charging misleading representations of the therapeutic value of a medicinal preparation a complaint has been issued against James F. Cox and H. C. Elliott, trading as Herbtex Company, 1200 Chapline St., Wheeling, W. Va.

The complaint alleges that the respondent's product, Herbtex, was advertised as a cure, remedy or competent treatment for constipation, headaches, biliousness, stomach troubles, sleeplessness, run-down condition, nervousness, piles, sluggish kidneys, backache, rheumatism, arthritis, neuritis, gout, and loss of appetite, and as being capable of cleansing, strengthening and stimulating the functioning of the stomach, liver, bladder, blood and bowels, when such were not the facts. (3723)

**Joffee Brothers**—See B. Green & Company.

**Maryland Grocery Company**—See B. Green & Company.

**Morehouse Manufacturing Company**—Charging false and misleading representations in the sale of a hair removing preparation a complaint has been issued against Morehouse Manufacturing Company, Savannah, Ga., trading as Shaving Powder Co.

It is alleged that the respondent corporation's Magic Shaving Powder is not, as represented in newspaper advertisements, a shaving powder, and that it is not a new method for removing hair, will not leave a clear, smooth skin, and is not harmless in all cases.

The complaint charges that use of the preparation may, under customary and usual conditions, be harmful to the skin and its underlying structures because of the ingredients from which the powder is compounded, and that its use may also result in severe injury to the eyes of the user. (3721)

**Perastham Company, Inc.**—Alleging violation of the Federal Trade Commission Act in the sale of Perastham Tablets, a proprietary medicine, a complaint has been issued against two New York companies, The Perastham Company, Inc., 276 Fifth Ave., and E. Fougera & Co., Inc., 75 Varick St., its exclusive distributor.

The respondents are alleged to have disseminated false advertisements to the effect that Perastham Tablets will cure or be of substantial therapeutic benefit in treating asthma and its symptoms, and that the preparation is a new sensational European discovery, free from harmful drugs, and may be used indiscriminately without harmful effects.

According to the complaint, the respondents also alleged that use of their preparation has freed thousands from asthma; that its use will benefit all sufferers from asthma, assuring nights of restful sleep and days of greater comfort, and that it will stop wheezing and other symptoms and manifestations of asthma. (3719)

**Pronto File Corporation**—False and misleading representations are charged in a complaint issued against Pronto File Corporation, 349 Broadway, New York, manufacturers and sellers of steel filing cabinets.

The complaint alleges that in folders and circulars distributed to its dealers and prospective purchasers, representations were made of a 50 per cent reduction from regular prices, and prices printed in black numerals were stricken through with red lines and lower prices in red numerals substituted. (3717)

**Shaving Powder Company**—See Morehouse Manufacturing Company.

## STIPULATIONS

The Commission has entered into the following stipulations:

**Acme Feeds, Inc.**, 7715 Van Buren St., Forest Park, Ill., distributor of animal and fowl feed supplements designated The Old Reliable Acme, Acme Big-9-Steer Feed, Acme Egg Mash, Acme Chick Starter, Acme Egg Balancer, Acme Dairy Cattle 9 Proteins and Acme Calf Meal, has entered into a stipulation to discontinue certain advertising matter concerning its feed products.

Among the claims which will be discontinued are that one pound of Acme Big-9-Steer Feed is equal to two pounds of oil meal; that molasses dairy feeds are only fillers, or that molasses feeds are partially composed of oat hulls and screenings, so as to imply that this is true of all molasses dairy feeds or all molasses feeds; that the Old Reliable Acme plus grain is the best ration on earth at the least cost; that Acme Calf Meal is the most perfect milk substitute on the market for the purpose intended; that Acme Egg Balancer added to grain will provide a mixture at less cost than any formula ever used; that Acme Egg Mash is the most palatable on the market; that Acme Chick Starter has the "highest raise the chick percentage"; that Acme balances corn better than any other kind or form of protein on the market, and that the Acme plant is the most modern in the world. (02320)

**Adjuvant Specialties Company, Inc.**, 111 Academy St., Jersey City, N. J., will discontinue misleading representations in the sale of Belixol, a tonic fortified by the addition of Vitamin B<sub>1</sub>.

The respondent corporation agrees to cease representing that Belixol is a new way of mixing Vitamin B<sub>1</sub> in a liquid, and as such is a new scientific discovery; that its tonic will be effective in improving appetite, increasing weight or speeding the growth of children, except in cases caused by Vitamin B<sub>1</sub> deficiency, that Belixol will increase the quantity and improve the quality of milk for nursing mothers, and that many doctors have called B<sub>1</sub> "the key vitamin." (02322)

**Cookware Company of America**, Hartford, Mich., agrees to stop representing that its cooking utensils are "health" utensils, and that the Cookware Company of America points the way to health to hundreds of thousands of people, or maintains a "Health and Research Department" of recognized merit. In its stipulation the respondent admits that the aluminum utensils it sells are not "health" products and will not automatically save the health-giving elements of natural foods. The respondent agrees to cease representing that by cooking with "Dr. Burnette's Cookware Utensils" one may save money because of a very slight food shrinkage, an economical use of greases, and because foods do not stick or burn. (02323)

**Dickerson Manufacturing Company**—Leonard E. Dickerson, trading as Dickerson Manufacturing Company, Springfield, Mo., manufacturing gas and electric cooking assemblies for lunch counter operations, stipulates that he will discontinue advertising that his "Mexihot Barbecue Hamburger Machine" is of a larger capacity than the actual measurements of the machine, and that it will "pay for itself first week," thereby implying that purchasers of the machine will realize sufficient profit during the first week of its use to cover its cost. (2400)

**Lenox Manufacturing Company**—William G. Turner, trading as Lenox Manufacturing Company, 486 Sixth Ave., Brooklyn, engaged in the manufacture and sale of a tooth filling and toothache remedy called Dent-Zel-Ite, agrees to desist from advertising that the product is a tooth filling or that its use will prevent tooth decay or will close, seal or protect tooth cavities, or instantly remedy alveolar abscesses; will banish toothaches, sleepless nights, prevent formation of tooth cavities, or relieve users of the necessity of professional dental treatment. (2396)

**National Oil Products Co., Inc.**, First and Essex Sts., Harrison, N. J., has entered into a stipulation with the Commission to discontinue false and misleading representations in the sale of its products, Admiracion Olive Oil Shampoo and Admiracion Foamy Oil Shampoo.

The respondent agrees to cease advertising that either of its products is a competent treatment for excessive scalp dryness, unless the assertion is limited to the temporary effect of cleansing, and that either preparation will double the life of waves and curls, and rid the scalp and hair of dirt, dandruff and dulling film. The stipulation points out that neither product will have more than temporary effect.

The representation that "In beauty shops Admiracion outsells all others 2 to 1." will also be discontinued. The respondent admits that the combined sales volume of competing products sold in beauty shops is greater than that of Admiracion shampoo preparations sold therein. (02319)

**T. M. Sayman Products Company**, 2111-2137 Franklin Ave., St. Louis, distributor of Sayman's Vegetable Wonder Soap, agrees to cease representing that the soap is "the best" for infants; that it "differs from all other soaps"; that it is an effective remedy for pimples, blackheads and skin blemishes, and that it cleans "way down into the pores." (02321)

**Walter Turner Coffee Company**—D. Walter Turner, trading as the Walter Turner Coffee Company, Lenoir, N. C., engaged in the sale of peanuts and other merchandise, agrees to desist from the use of any plan or method promoting the sale of merchandise which involves the use of any gift enterprise, lottery or scheme of chance. (2397)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Charles Atlas, Ltd.**, New York, distributor of correspondence courses in physical culture, has been served with an order requiring it to cease and desist from misleading representations of its courses or the results to be obtained from following the instructions given.

This corporation, which carries on the business formerly conducted individually by Charles Atlas, was directed to cease representing that users of its courses could acquire, or that the respondent, in 7 days or any other specified time, could prove to anyone that he could have a muscular development like that of Atlas or any other person of similar physique and appearance.

Atlas, who is now treasurer of the respondent corporation and owner of half of its outstanding capital stock, was advertised in the respondent's current book "Ever-lasting Health and Strength," as recipient of the title "America's Most Perfectly Developed Man" at a physical culture exhibition held in 1922, according to findings.

Findings are that while the respondent's correspondence courses may be generally beneficial to users they will not accomplish the results claimed. (3308)

**Bacon-Scott Company, Inc.**—See Charles H. Bacon Company.

**Charles H. Bacon Company**—An order has been issued against Charles H. Bacon Company, Lenoir City, Tenn., hosiery manufacturer, and its sales agent, Bacon-Scott Company, Inc., formerly Scott-Bartels Company, Inc., New York, prohibiting misleading representations in the sale of hosiery.

Under the order, the respondents are to cease representing that hosiery manufactured or sold by them contains "silk" or "pure thread silk" in greater quantity than is actually a fact. The respondents also are to discontinue employing the words "silk" or "pure thread silk" to designate hosiery not made entirely of silk, except that in the case of hosiery composed in substantial part of pure silk, such silk content may be described as "silk" or "pure thread silk" if each constituent fiber is conspicuously named in the order of its predominance by weight, beginning with the largest single constituent.

The Commission specifies that the order shall not be construed as approving the use of the unqualified words "silk" or "pure thread silk" to refer to weighted silk.

The order further prohibits advertising or selling hosiery made in whole or in part of rayon without clear disclosure of the fiber content. When such hosiery is composed in part of rayon and partly of other fibers or materials, all the constituent elements shall be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (2087)

**J. D. Drushell Company**—Under an order to cease and desist issued J. D. Drushell, trading as J. D. Drushell Company, 4753 Broadway, Chicago, is directed to cease making misleading representations in the sale of coin-operated vending machines. The order also names as a respondent Laurence A. Smith, a Drushell sales representative.

The order directs the respondents to cease representing that J. D. Drushell is a representative or agent of or is in any manner connected with the Hershey Chocolate Corporation or the Chocolate Sales Corporation, of Hershey, Pa., or that Drushell's "company" is a division or affiliate of either of these corporations, when such are not the facts.

Drushell and Smith are ordered to cease representing that Drushell is the sole distributor of Hershey penny candy bars; that such bars are distributed exclusively through the Drushell vending machines, or that Drushell has authority to arrange for distribution of candy for the Hershey or the Chocolate Sales Corporation.

Other representations ordered discontinued are that the respondents' vending machines will pay operators thereof an average net profit of \$1 a week per machine or that "automatic stores" vending machines can be set to vend candy and other merchandise at the rate of \$1 a pound, unless this is true. (3642)

**El Moro Cigar Company**—Misleading representations in the sale of cigars are prohibited under an order to cease and desist

issued against El Moro Cigar Company, 636 South Elm St., Greensboro, N. C.

The order directs the respondent company to stop employing the word "Havana" or other words or picturizations indicative of Cuban origin to designate cigars not made from tobacco grown in Cuba.

Pointing out that Cuban or Havana tobacco is regarded by the public as the finest grown, findings are that none of the respondent company's cigars sold under the label "Havana Counts" contain Cuban tobacco, but are made entirely from tobacco grown in the United States.

The order also prohibits use of the expressions "Take-Outs" or "Throw Outs" to designate cigars, unless they are culled, removed or thrown out from more expensive brands or lots because of defects arising in the manufacturing process and are sold at reduced prices because of the defects.

Findings are that cigars advertised by the respondent company as "Take-Outs" were not culled or discards, but had been manufactured by the respondent to be sold at retail at 2 for 5 cents, in simulation of a "Throw Out" or "Take-Out" cigar. They were made of a grade of tobacco permitting the respondent to sell at such a price and at a profit, according to findings. (2603)

**Florida Sponge Packers Association**—An order has been issued prohibiting "white listing," "black listing," price fixing and other trade restraints in the distribution of sponges. The primary respondents are the Sponge Institute, Washington, D. C., an association of wholesale distributors, and Florida Sponge Packers Association, Tarpon Springs, Fla., an association of packers, and their officers and members. (3025)

**La Pep Health Beverage Company**—John J. Kane, trading as La Pep Health Beverage Company, 2765 Kensington Ave., Philadelphia, has been ordered to discontinue unfair methods of competition in the sale of a preparation known as La Pep.

The respondent was directed to cease representing that his product, a mixture of fruit juices and herbs, is a competent remedy in the treatment of skin eruptions, sluggish blood, constipation, fatigue, gall bladder trouble, heart trouble, rheumatism, or other similar ailments; that it will guide a person to health and acts as a body disinfectant, cause wrinkles to disappear or cleanse and clarify the skin. (2681)

**W. S. Libbey Company**—Use of the word "fleece" as descriptive of blankets not composed wholly of wool is forbidden in a cease and desist order.

The respondent W. S. Libbey Company, Lewiston, Maine, is a manufacturer and distributor of blankets under the trade name "Golden Fleece." Findings are that the blankets are made chiefly of cotton, the wool content being negligible.

The order of the Commission forbids use of the word "fleece" or any other word descriptive of wool, to be applied to any fabric or product not composed wholly of wool, except that in the case of fabrics or products composed in part of wool the word "fleece" may be used as descriptive of the wool content if there is used in immediate connection therewith in letters of at least equal size and conspicuousness words truthfully describing each constituent fiber or material thereof in the order of its predominance by weight. (3638)

**National Guard Equipment Company**—Under an order to cease and desist, Louis Cohen, trading as National Guard Equipment Company, 155 East 34th St., New York, was directed to discontinue certain misleading representations in the sale and distribution of general merchandise. Cohen is also known as Louis Kahn.

The respondent was ordered to cease representing, through use of his trade name containing the term "National Guard" or in any manner, that his business is a branch of, or affiliated with the United States War Department or National Guard or that his merchandise was made for or purchased from the War Department or National Guard; provided that any merchandise actually purchased at War Department surplus, refuse or reject sales may be so represented. (3588)

**Pacific Coast Specialty Company**—Prohibiting the use of lottery schemes and games of chance in the sale of novelty mer-

chandise and candy to ultimate consumers, orders to cease and desist have been issued against Philip H. Koolish, Jr., trading as Pacific Coast Specialty Company, Los Angeles, and against Specialties, Inc., 601 South Smallwood St., Baltimore.

The Los Angeles respondent was ordered to cease and desist from supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices to enable such persons to sell merchandise by the use of the devices. Articles sold by the respondent included clocks, cameras and electric shavers.

The order against Specialties, Inc., prohibits selling and distributing candy or other merchandise so packed and assembled that sales to the public may be made by means of a lottery or gift enterprise. (3246 and 3248)

**Publix Sales Corporation**—Chicago, doing business as a wholesale mail order house, in the sale of new and second-hand and damaged clothing and shoes, has been ordered to cease advertising misrepresentations as to the quality and value of the merchandise it distributes.

Among the misrepresentations ordered discontinued are that it is the largest cash buyer and distributor of rummage sale merchandise; that its merchandise is factory dry cleaned and reblocked, when such is not the fact; that it is of high grade material, good quality, newest pattern, or of latest style, when this is untrue, and that the persons purchasing it from the respondent will make 100 per cent profit, unless purchasers consistently make such profit. (2561)

**Run-Proof Laboratories, Inc.**—Albert E. Berger, trading as Run-Proof Laboratories, Inc., 134 North LaSalle St., Chicago, has been ordered to cease and desist from representing, through use of the words "run-proof," "Run-proof Laboratories, Inc." or any other words of similar meaning, that the product Run-Proof, when applied to silk or rayon apparel, will render it proof against runs, rips, snags, breaks and ladders, or representing that the respondent owns or operates a laboratory where his product is analyzed and tested, or that he owns or operates a factory making the product, until he actually owns and operates such laboratory or manufacturing plant. (3366)

**Specialties, Inc.**—See Pacific Coast Specialty Company.

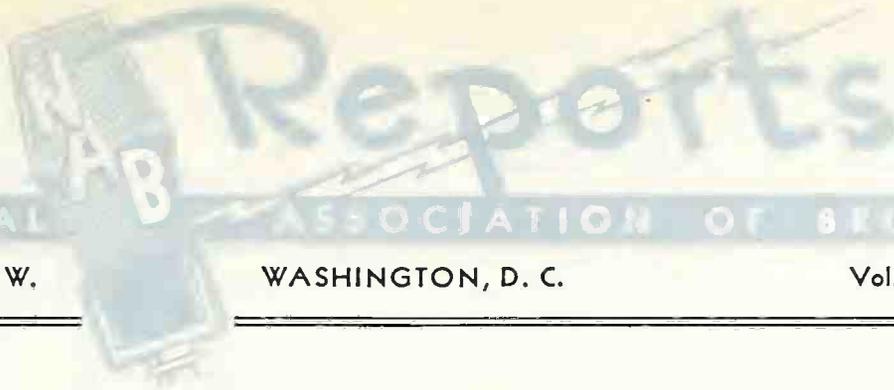
**Sponge Institute**—See Florida Sponge Packers Association.

**Sylvan Company**—Prohibiting the use of lottery schemes and games of chance in the sale of novelty merchandise to ultimate purchasers, an order to cease and desist has been issued against Joseph W. Graff, trading as The Sylvan Company, 4224 Lincoln Ave., Chicago.

The respondent was ordered to cease and desist from supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices to enable such persons to sell merchandise by the use of the devices. (3182)

# FCC Assignments For March

<p>Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:</p>	<b>ASSIGNMENT FOR MONTH OF March</b>
<p>"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.</p>	<b>Commissioner Thad H. Brown</b>
<p>"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.</p>	<b>Commissioner Paul A. Walker</b>
<p>"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.</p>	<b>Commissioner Norman S. Case</b>
<p>"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.</p>	<b>Commissioner T. A. M. Craven</b>
<p>"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.</p>	<b>Commissioner George Henry Payne</b>
<p>"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.</p>	<b>Commissioner Eugene O. Sykes</b>
<p>"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:</p> <ul style="list-style-type: none"> <li>(a) all applications for operator licenses, and</li> <li>(b) all applications for amateur and ship stations.</li> </ul>	<b>Secretary T. J. Slowie</b>
<p>"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:</p> <ul style="list-style-type: none"> <li>(a) operation without an approved frequency monitor;</li> <li>(b) operation without an approved modulation monitor;</li> <li>(c) operation without thermometer in automatic temperature control chamber;</li> <li>(d) operation without antenna ammeter, plate voltmeter or plate ammeter;</li> <li>(e) operation with substitute ammeter, plate voltmeter or plate ammeter;</li> <li>(f) operation with temporary antenna system;</li> <li>(g) operation with auxiliary transmitter as main transmitter;</li> <li>(h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;</li> <li>(i) where formal application is not required, application for new or modified equipment or antenna system;</li> <li>(j) where formal application is not required, change of specifications for painting and lighting of antenna towers;</li> <li>(k) operation to determine power by direct method during program test periods;</li> <li>(l) relocation of transmitter in the same building;</li> <li>(m) operation with reduced power or time under Rules 142 and 151;</li> <li>(n) approval of types of equipment;</li> <li>(o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;</li> <li>(p) denial of requests for equipment and program tests where specifications of construction permit have not been met;</li> <li>(q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;</li> <li>(r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;</li> <li>(s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);</li> <li>(t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);</li> <li>(u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."</li> </ul>	<b>Chief Engineer Ewell K. Jett</b>



## The Week In Washington

A sweeping investigation of both the FCC and the broadcasting industry was proposed this week by Senator White (R-Maine) in a resolution referred to the Interstate Commerce Committee whose docket already is well loaded with radio legislation.

Senator White added his resolution to his bill calling for abolition of the FCC and substitution of a new, eleven-man board which would be divided for consideration of broadcasting, telegraph, telephone and point-to-point radio communication questions. So far, Senator Wheeler (D-Montana), Committee Chairman, has neither appointed a sub-committee nor set a hearing date for the White measures or his own bill to substitute a three-man commission for the present FCC. However, he did appoint a sub-committee this week to consider the Johnson Bill to prohibit radio liquor advertising.

Judge Sykes has resigned. Dean of the Commissioners, he was extremely popular in the industry. If President Roosevelt accepts his resignation, a great many broadcasters will feel the Commission has lost a valuable member.

Representative Horton (R-Wyoming) took the FCC to task this week for its latest questionnaire. He said it was a "serious matter" and deserved "early attention by Congress".

So outspoken was Elliott Roosevelt, President of the Texas State Network, at the FCC Monopoly Hearing this week that we are printing a great deal of his testimony in another part of the REPORTS. Probably every broadcaster in the country is entirely in accord with Mr. Roosevelt's expressed views on censorship, licensing and libel, while a great many members will agree with Mr. Roosevelt on other frank statements he made. Chairman McNinch's questioning was quite revealing, too.

North Dakota and New Mexico Legislatures passed new music monopoly bills while a similar measure was introduced in Colorado.

Emily Holt, Executive Secretary of AFRA, assured the NAB that a ban on WPA jokes adopted by the American Federation of Actors, an affiliated union, would not affect radio actors. The AFA ban was the first attempt by any entertainment union to censor its members' material as far as is known.

Neville Miller, *President*Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## WHITE ASKS INVESTIGATION OF FCC, INDUSTRY

A complete investigation of the Federal Communications Commission was asked by the Senate Committee on Interstate Commerce by Senator White of Maine in a resolution (S. Res. 94). The resolution, referred to the Committee on Interstate Commerce, follows:

*Resolved*, That the Committee on Interstate Commerce or a subcommittee thereof, as the committee may determine, is authorized and directed to make a thorough and complete investigation of:

1. The acts, rules, regulations, organization, and policies of the Federal Communications Commission.

2. Whether a censorship of communications has been practiced in the United States, the character and extent, and the principles which have been followed in the exercise thereof; whether the same has been exercised by the Commission, or has been influenced by other governmental departments, agencies, or officials or by licensees and against whom directed; whether broadcasting stations have been requested or influenced by the Commission or other governmental departments, agencies, or officials in any manner or degree to broadcast or to refuse to broadcast programs or parts thereof, or to permit or refuse opportunity for particular persons to broadcast; and in what circumstances, to what extent, and in what jurisdiction a broadcasting station shall be jointly or severally liable for words broadcast through its facilities, or by its officers or employees or whether stations shall be exempted from liability for words broadcast by its facilities.

3. The terms for which radio licenses for all classes of stations shall be issued and, in particular, whether a minimum length of term shall be fixed by statute for all classes of radio stations.

4. Whether a system of license fees shall be established, designed to produce sufficient revenue to meet the cost of maintenance of the Federal Communications Commission, or whether some other system of taxation for this specific purpose shall be enacted into law.

5. The extent to which and the circumstances under which the ownership, control, management, or interest in more than a single broadcasting station has become vested in any person or group of persons; whether such concentration of ownership, control, management, or interest has come about through assignment of licenses, through leases, stock ownership, arrangements with respect to management, or by other means and devices, and whether such transfers of ownership, control management, or interest in whatsoever form effected have been submitted to the Commission for approval and have received Commission approval or acquiescence; and whether such arrangements have seemed to recognize a right in a license or a frequency other than specified in the terms, conditions, and time of the license and beyond statutory limitations.

6. The extent to which broadcast stations are owned, controlled by, or are affiliated with newspapers or other publishing interests or by other media of information or entertainment, and the effect of such ownership, control, or affiliation upon competing newspapers not possessing such facilities and upon the public interest.

7. The development and present facts concerning broadcasting networks of chains, including the effects of chain association upon the licensee's control of his station; the effect of chain operations upon the financial results and status of chain-affiliated stations and of independent stations; the ability of chain owned or affiliated stations to render a local service, both sustaining and commercial; the duplication of broadcasting programs through chain broad-

casting; and the desirability of special regulations governing chains and stations engaged in chain broadcasting.

8. The effects upon the broadcasting systems of the United States of the use of high power by broadcasting stations and whether there should be a limitation by statute or by regulation upon the power to be used; the experience of other countries in the use of super-power; and the effects of high power upon local stations and the service by them.

9. The character and extent of information required of licensees of broadcasting stations by the Communications Commission upon the filing of applications for construction permits, licenses, modifications or renewals of licenses, or assignments thereof or at other times.

10. Competition between communication companies in domestic service and competition between companies, both wire and radio, in communication between the United States and foreign countries; the financial results thereof to the competing companies; whether these results threaten the financial soundness of any of the companies, loss of employment, or other adverse effect upon labor; the efficiency of said companies; and, in particular, whether the merger or consolidation of communication carrier companies within the United States and in the field of foreign communications should be permitted in the public interest; and if to be permitted, the terms and conditions thereof.

11. Said committee is further authorized and directed to make a study of the policies and principles which should be declared and made effective in legislation providing for the regulation and control of communications by wire or radio, whether interstate or foreign.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and to act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate during the Seventy-sixth Congress; to require by subpoena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents; and to administer such oaths and to take such testimony as it may deem advisable.

Upon the conclusion of its hearings and study, or from time to time during the progress thereof, the committee shall report to the Senate the results of its studies and its recommendations as to legislation it deems advisable.

## Judge Sykes Resigns

Judge Eugene O. Sykes, one of the five original members of the old Federal Radio Commission, tendered his resignation from the Federal Communications Commission to President Roosevelt on Thursday. Judge Sykes in point of service is the oldest member of the Communications Commission.

While Judge Sykes would not discuss his resignation on Thursday it is understood that he intends to enter private law practice and his resignation will become effective in the very near future.

Judge Sykes first took office on the old Federal Radio Commission on March 15, 1927, when the Commission was first organized. At that time he was made Vice Chairman and served in that capacity until he was elected Chairman on March 21, 1933, a position he held until the Federal Radio Commission was abolished and the new Communications Commission established.

He was born at Aberdeen, Mississippi, on July 16, 1876. He received his academic training at St. John's College, Annapolis, a noted institution of learning, the third oldest college in the United States, and at the United States Naval Academy. He received his LL.B. degree at the

University of Mississippi in 1897, and then began the practice of law at Aberdeen, Mississippi. He was Democratic presidential elector-at-large from Mississippi in 1904.

In 1916 Judge Sykes was appointed a Justice of the Supreme Court of Mississippi and soon afterwards was elected to the same office for a term ending 1925. He voluntarily retired from the bench in 1925 and resumed the practice of law.

Judge Sykes has attended several international radio conferences in an official capacity in recent years. He was named by President Coolidge chairman of the American delegation to the North American Radio Conference held in Ottawa in 1929. President Hoover appointed him chairman of the American delegation to the International Radio Conference held in Madrid in 1932, which lasted from early September until the end of December. At Madrid he was named chairman of the important technical committee. President Roosevelt named him chairman of the U. S. delegation of the North and Central American regional radio conference held in Mexico City in 1933.

Judge Sykes is a member of the Delta Kappa Epsilon, a Mason, an Elk, and a member of the Sons of Confederate Veterans. His home is at Jackson, Mississippi.

#### REPRESENTATIVE HORTON CRITICIZES FCC QUESTIONNAIRE

Representative Horton (R-Wyo) called to the attention of Congress this week the latest FCC questionnaire, in connection with the number of tax forms that business men are forced to fill out. He said:

"While we are talking about blanks and forms I want to call your attention to FCC Forms 705 and 706, and in doing so I am not digressing too far from the question of taxes because this sort of thing piles up tax costs. This form was sent to me by one of the small broadcasting companies in my State, and despite the fact that they were told by the FCC that 'it wouldn't take more than an hour's work to fill out this financial report,' two men were kept busy 2 days in order to get the necessary information. Not only that, but this report followed closely on the heels of their 'twice-yearly' license application for renewal. This is a serious matter and is deserving of early attention by Congress. There is one broadcasting company that I do not believe has filled out this report, and that is the Federal Government. I think that it should, and I am interested in a report showing its activities. As a matter of fact this Congress should provide for an exhaustive investigation into the activities of the FCC in its relation to radio."

#### LIQUOR ADVERTISING BILL

Senator Wheeler (D-Mont) announced this week the appointment of a subcommittee of Senators Andrews of Florida, Johnson of Colorado, and Gurney of South Dakota to consider S. 517, "a bill to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, and for other purposes," introduced by Senator Johnson of Colorado.

The purpose of Senator Johnson's bill is to prohibit any advertisement of, or information concerning, any alcoholic beverage, such advertisement or information is

#### INDEX

	Page
The Week In Washington.....	3329
White Asks Investigation.....	3330
Judge Sykes Resigns.....	3330
Representative Horton Criticizes.....	3331
Liquor Advertising Bill.....	3331
Monopoly Hearing.....	3331
North Dakota, New Mexico Pass Bills.....	3334
Music Monopoly Bills.....	3336
Phonograph Record Broadcasting.....	3336
New Legislation.....	3336
Ban On WPA Jokes.....	3337
Thirty-Hour Week.....	3337
A.F. of L.-C.I.O. Peace.....	3337
FCC Questionnaire.....	3337
Free Offers.....	3337
By-Laws Amendments.....	3337
State Associations.....	3337
FCC Announces Policy On High Frequency Licenses.....	3337
Court Reverses FCC.....	3338
FCC Press Information.....	3338
Facsimile Broadcast Stations.....	3338

broadcast with the intent of inducing the purchase or use of any alcoholic beverage.

The Federal Alcohol Administration in each of its yearly reports has recommended that Congress take such action. Senator Johnson says he is hopeful of getting action on his bill at this session of Congress.

No date for hearings was set.

#### Monopoly Hearing

The networks concluded their testimony this week at the FCC investigation of alleged monopoly in the broadcasting industry. Outsiders who asked to be heard are to go on the stand next week. A day-by-day account of the hearing:

##### MARCH 2

Arthur W. Scharfeld, appearing for the Arrowhead Network, explained that the network's three stations belonged to the same licensee and thus did not constitute a network in the sense of the Commission's Order No. 37.

Harold E. Smith of Albany, N. Y., explained that the Empire State Network, operated for 43 days during the 1938 campaign. Whether it ever would resume operation was "indefinite," he said.

G. C. Hamilton of Sacramento, General Manager of the California Radio System, explained that the California System was a co-partnership between the McClatchy Broadcasting Company and Hearst Radio when it started in 1936. Hearst retired in November, 1937, giving full control to the McClatchy Broadcasting Company, a subsidiary of McClatchy Newspapers. Mr. Hamilton then discussed the relationship between the network and affiliates, and other phases of operation, in much the same respects as had the previous witnesses.

Martin Campbell, General Manager of Station WFAA, Dallas, testified in behalf of the Texas Quality Network. He explained it was not incorporated, had no officers and kept no books. He described the network as "a cooperative sales group of stations." All the members were NBC affiliates, he pointed out. The network's only sustaining program came from Texas A. and M. College each morning from 11:30 to 11:45. Rates were the stations' card rates.

William Weisman of New York, Vice-President of the Knickerbocker Broadcasting Company (WMCA), described the Inter-City Broadcasting System.

##### MARCH 7

Elliott Roosevelt, President of the Texas State Network and son of President Roosevelt, described the formation of the Texas

Network last August 1 and explained the finance of it. From the beginning of operation September 15 through January 31, the network had lost \$105,000. He testified and predicted that the loss for the first full year would be about \$3,000 since the network now was making a "small profit."

Mr. Roosevelt then set into the financing problems which he said radio stations generally encountered because of short-term licensing and the F. C. C. policy on sale of stations.

"No bank could make a loan purely on the business of a broadcasting station," he said. "The bank is using its depositors' money and with the uncertainty of the continued operation of the broadcasting station on the basis of the six months' license no bank could justifiably make any loans. . . ."

"The radio industry has apparently not as yet felt the stifling effect of lack of adequate financing, largely because, in my opinion, of the stability and dependability of the personalities who have associated themselves with our business. In our case, for example, the Texas State Network could never have gotten under way without the help of Mr. Richardson and Mr. Rosser, who happen to be men who were public-spirited and desirous of doing a job in the public interest, and in addition they happened to have enough cash in their own names that they were willing to gamble the necessary money for this network operation to start. The same thing could be said of almost all of the affiliated stations with this network. The people who have gone in and founded those stations did not do it because they felt that they were making an investment in a sound business. They did it because of their public-spirited attitude.

"There has been lots of loose talk about trafficking in licenses and the broadcasters realizing huge profits from the sale of licenses. This talk, in my opinion, is largely engendered by a lack of appreciation of the difference between trafficking in licenses and the legitimate sale of the stations. I feel that trafficking in licenses would seem to me to take place in one of two ways, first of all, where a person secures a construction permit to build a station with no intent to construct or operate that station and, secondly, those who seek to sell this right to others for a profit after securing the permit, or else where the man buys a station with no intent of operating it but for the sole purpose of disposing of the station at a profit.

"On the other hand, a legitimate sale of a station is where a person in good faith constructs and operates it or purchases and operates it and builds up the business on the station and then, through circumstances, is forced to sell the station. He may, for any number of reasons, wish to dispose of the station, and, say he has built up a business which brings him a substantial yearly profit, then if he is required to suffer a loss in disposing of the station because in the minds of some he might be trafficking in a license, he is really in a position where it is very difficult for many of us to feel that there is a real reason to build up a station because we don't know whether we are able to dispose of the property or whether the property has a value based on earnings that we have built in the station through our own efforts in the community in which we are operating the station.

"I think sometimes criticism is made that radio stations project their potential earnings as a basis for the sale of the station beyond their six months' license period. Well, I just feel that it is true that stations are required to make capital outlays which could not possibly be earned back in a six months' period. Therefore, we must necessarily project our earnings 'way beyond any six months' license period.

"After all, this is not the Commission's primary interest—rather I feel that it is the Commission's primary interest, and that is, insuring the people of the United States the best radio service which this country is capable of producing. If the buyer of the station can continue to render a high grade radio service and can improve upon that service I cannot see what difference it makes whether the station sells for a dime or for a million dollars, as long as you continue to regulate the buyer just as you do the seller, and make sure that the type of operation is such that it is in the best interest of the public.

"I don't know of a single industry of comparable size which is required to apply each six months for the right to continue in business. The railroads, for instance, and the airlines are given certificates of convenience and necessity which allow them assurance of continuation, and I feel that it has not lessened on their operations in any degree the regulatory authority exercised by the government over them in the mere fact that they have a vested right in the license or certificate that is given to them. The government can step in and take it away from them at any time that they don't operate in the public convenience and necessity.

"Over and above that, it is my feeling that if we were allowed to secure assurance of continued life so long as we operate in ac-

cordance with the law and the regulations of the Commission that we should be placed on a sound basis like every other business. We feel, and I know that it is the sentiment of most of the smaller radio station operators in the country—I can't speak for the larger stations because I don't happen to be in that end of the business—but I know that if we were allowed to be honest and place a direct valuation on the license which we have, which after all is the goodwill and the type of operation which we build up in our community, if we can place a valuation on that and the banks can be made to see the investment possibilities that there are in radio, that it will go a long way toward making radio a very much better industry for the people of the United States as a whole.

"I feel that the Commission, as such, really could recommend to Congress that legislation should be enacted to give radio stations certificates to operate which are revokable upon showing that they have failed to operate according to the law and I also feel that the regulations should be clarified, more clearly defined as to what is failing in operation in the public interest, convenience and necessity. After all, I notice that in the Act there is the phrase, "public interest, convenience and necessity," but I have yet to have it explained to me exactly what public convenience is in a radio station and I would like also to have somebody explain to me what the public necessity of a radio station is, outside of the educational and entertainment values, and religious and so forth values that we have in bringing messages directly into the homes of the people of this country.

"If the regulatory right of the United States Government is not diminished, what logical reason can be advanced for holding the radio industry under such a short lease of life? We should be made the most stable industry in the country if we are to be able to be worthy of the tremendous trust which is given to us when we are given such a tremendously important method of reaching the people and are told you must operate this on behalf of the people.

"If you will look back to 1927 when the Radio Act of 1927 was passed and scan the intervening years to 1939 and then ask yourselves how many radio stations have been denied renewals of license, you can almost count them on the fingers of your two hands.

"I am confident that legislation could be enacted giving radio stations certificates which will not take away from the Commission any of its authority that it now exercises and which, in turn, would enable the radio industry to face the future with far greater confidence and far greater stability, so I feel that as a general picture the radio industry needs the help of the United States Government at the present time in putting its house on a firm basis instead of on a haphazard basis such as it now sits on."

Chairman Frank R. McNinch and Mr. Roosevelt then engaged in a long exchange on these views, during which Mr. Roosevelt suggested that the industry would like to pay the bill for its own regulation. He also told Mr. McNinch that "the majority of station owners in the United States today have entered the business, first of all because they had a very definite civic and community spirit and felt that they were rendering a service in their territory by going in and putting the money in that they did into the operation of radio stations."

Mr. McNinch asked Mr. Roosevelt at that point whether that accounted for "the scrambles for frequencies that is evident before this Commission all the time."

"Yes," replied Mr. Roosevelt, then added that broadcasters also had a feeling that radio properties would be of great value when "this business will be put on a sound basis."

Mr. McNinch questioned Mr. Roosevelt closely about the program policy on the Texas Network, stressing the handling of controversial questions and religious programs. Mr. Roosevelt explained that all parties of the controversial issues were given equal opportunity on the Network and that the religious rate in the case of many stations was 60% of the commercial rate. "Politicians paid the one time open rate for time used no matter how many times they used it," he added.

Regarding program standard in general Mr. Roosevelt said:

"Well, radio is probably the greatest force for good or evil that exists in the world today. We have seen the use to which radio has been put in the totalitarian states where its use is subjugated to the will of dictators. I think that radio can play a tremendously important role in advancing the principles of our form of government, as well as defending our form of government from the so-called "isms" that we have today which are repugnant to us in this country.

"In order that radio may be used as a potent force for the

defense of democratic institutions, radio must, of course, be used in a democratic way. Therefore when we organized the Texas State Network, we organized it with the following policy regarding programs: We said that every side of every political or public controversial question must be given an equal opportunity, on an equal basis, to discuss its views. We are merely operating a medium for a wide dissemination of intelligence, and we, therefore, have no right to decide what shall be said pro or con on any question. We have the responsibility of guarding the public, of course, against profanity, indecency, obscenity, and defamation, and we believe that the public is entitled to know what to expect in a radio address and should not be beguiled into listening to propaganda spoken by one who is broadcasting under the guise, we will say, of a comedian, or to a political talk under the guise of a sermon, or the grinding of a personal ax under the guise of general interest broadcasts. Therefore, we will insist that these and kindred subjects be properly labeled as a political talk, whether given by a preacher, politician or school teacher, or as propaganda for or against a certain movement, whether the broadcast is by a preacher, a government official or a taxpayer.

"We believe that the better informed the public is on all questions of general interest, and on all sides of such questions, the more intelligently it can act. If only one side of a question gets to the public by radio, radio is not being used in a democratic way. Any coercion or pressure exercised by the licensees of radio stations, or by any administration in power, to censor or deny to one group the use of the air while aiding another group to express its views by radio, will lay the foundation for the destruction of our form of government in this country, in my opinion. If freedom of speech by radio is ever infringed upon, then it will be but a short step before the infringement of that right goes into newspapers and every form of political, or spoken utterance in this country.

"I think that radio should be regulated by a law under which no one need fear, even if that law is administered by his worst enemy.

"The temptation, after all, is great for the operators of radio stations to assume more authority than they have, and it is a greater temptation for a government to influence the licensees of radio stations as to what should or should not be broadcast through the indirect method of holding over the head of the licensee the threat of taking away his rights to broadcast. In either case, we feel that yielding to that temptation is contrary to a democratic radio structure. In addition, we feel that the radio industry has progressed so rapidly in this country that the law should be given an opportunity of catching up, to put it briefly. Our feeling is that there is not any clear definition. We feel that there should be more in the law about the labeling of programs so the listener can tell just what he is listening to, whether it is facts or whether it is just one person's or one group's opinion.

"We have seen within the last year or so quite a bit of discussion on the censorship of radio, and we feel, in our organization, that the law could be clarified and proper labeling systems set up right in the law so that there would be absolutely no danger of ever allowing censorship to creep in, because once it creeps into radio in this country then we might just as well fold our tents as we will be just like every other country which today is losing its democratic form of government, and, after all, radio is the greatest method that there is today to speak to the people."

Toward the end of the day, after a great deal more explanation of the workings of the Texas State Network, Mr. Roosevelt told the Commission that the Communications Act of 1934 needed "a little streamlining."

This prompted the following statement by Mr. McNinch:

"Mr. Roosevelt, you have said what I think all who have given any thought to the subject will agree is the situation, that the present statute is not up to date in the sense that the industry has advanced rapidly during the past four years, both from an engineering and from a functioning standpoint, and you commented on the fact that there is a good deal written about censorship and also as to the fear of censorship. I am wondering if you have in mind anything concrete that you would suggest? In addition to the flat declaration in the statute now that there shall be no censorship, how would you better provide against it?"

The following exchange then took place:

The Witness: Mr. Chairman, I should like to make this statement with regard to censorship. I believe that there is—although

the Commission may not realize—a censorship of fear at the present time operating in the radio industry. That is largely regulated and exists because of a lack of knowledge of just exactly what can be done and can't be done in the way of radio broadcasting today. There are no set rules, and I believe that many stations are today fearful of what rights they actually have and do not have, that if they carry certain types of programs that they may be in danger of reclamation, in the form of possibly losing their license, if the Commission did not happen to think that that program was in the public interest.

Chairman McNinch: You are, of course, familiar with the fact that Section 326 carries this language, Mr. Roosevelt: "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication." You know that that is in the statute, do you not?

The Witness: Yes, sir.

Chairman McNinch: Do you not know that if the Commission should take any action that would be contrary to that section of the statute that the courts would very promptly give relief against it?

The Witness: Yes, sir, I believe that is true. I am merely stating what is the general feeling in the industry, that there should be a more clear definition of just what would be regarded as a program which is not in the public interest. Today, we have no laws in this country which protect the radio stations in any way; we have no libel laws which would enable us to be exempt from being subject to suit for what someone else says over our radio stations, and we are today in a position where we have to request copy in advance on political broadcasts, for instance, in order to make sure that there is nothing in there which is of a libelous nature which might hurt us. Yet, at the same time, we feel that actually that may be operating in the direction of an actual censorship of what is said, even though we have no clear definition of what is right and what is wrong that can be said over the air. And we have no limit of our liability for what the other fellow said.

Chairman McNinch: If exercised at all in the direction of censorship, that would be a censorship exercised by the station though, would it not?

The Witness: Yes, sir. I think though that there should be something in the law with regard to limiting the liability of radio stations for what might be said by someone departing from their script and making remarks over the air about an individual or group which were of a defamatory character and which could be construed as not being in the public interest.

Chairman McNinch: I am not prepared at all to take issue with you about that. But to do that, you would want some sort of limitation, would you, or not, put upon the power of the station in the selection of material?

The Witness: How is that, again, Sir?

Chairman McNinch: In order to afford you the protection against libel that you refer to, would you want a statute to put some limitations upon the right of the station management in the selection of its material that goes over the air?

The Witness: I believe that the station management should be required by statute to properly label all material that goes out over the air, and they should be held responsible for proper labeling. Once having done that, if someone then utilizes that air in a manner which is deemed as being libelous, I believe that then that person should be held liable and not the station itself.

Chairman McNinch: What I was inquiring about, and am very much interested in, is to know how better you would suggest that the prohibition of censorship by the Commission—not by the station—can be stated than in the emphatic language that is in the Act, when it denounces censorship, saying that there shall be no power, nor shall the Commission devise any rules or regulations which would interfere with free speech or amount to censorship? Can you add anything of substance or meaning to that statutory prohibition?

The Witness: Well, we feel this way: that the law is emphatic in its statement to a certain extent, but we do feel that there is, to a certain extent, the possibility that if a type of program should be broadcast which did not meet the approval of the Commission—that there still is a possibility and not that this Commission has ever utilized that power—through the power of taking away a license, the Commission could exercise a form of censorship.

Chairman McNinch: But the Commission has not, so far as you know?

The Witness: No, sir.

Chairman McNinch: Now, would you want to take the position that, regardless of the character of program material, the Commission in determining whether or not a station has been operated in the public interest during the preceding six months should be deprived of any power to say that programs had not been in the public interest?

The Witness: I believe that the Commission should primarily concern itself with seeing that nothing of a profane, defamatory, or unclean type of broadcast should get out over the air, and beyond that point, I do not think that the Commission should be particularly interested in the regulation of the type of program.

Chairman McNinch: Take your term "unclean" which is not in the statute—the statute denounces matters which are obscene, or vulgar, or profane, but you say "unclean."

The Witness: Well, that is merely another word for those three?

Chairman McNinch: Well, but is it? May not a thing be unclean in the estimation of the general public but not be vulgar, not be profane and not be obscene? May it not be suggestive, and so suggestive, as to be offensive to the whole public?

The Witness: I think that anything of a suggestive nature comes under the term of a vulgar type of program.

Chairman McNinch: But unless it did come under that, unless the courts would sustain it as being suggestiveness of a vulgar type, then the Commission would not have any authority under the present statute, according to your—

The Witness: I believe though that any court would sustain that.

Chairman McNinch: That is speculation. We often miss our guesses on what courts will do. But you believe that outside of those three categories, the station should be entirely free and should never be called to account for program material, if it is not obscene, vulgar, or profane within the meaning of the statute?

The Witness: Yes, sir, as long as it properly labels its broadcasts.

Later after considerable discussion of station's profits with Mr. McNinch, Mr. Roosevelt suggested that the Commission remove its requirement that transcriptions be announced as such and then suggested that "it would be of interest to the Commission to look into the whole subject of transcriptions and whether the present set-up does not operate on behalf of the networks."

He added:

"There is also a feeling in the back of my mind, in view of a newspaper article that I saw not very long ago concerning the Columbia Broadcasting System's option to purchase the largest independent transcription in the business. It seemed to me that that was a clear move on the part of Columbia to catch up with NBC which, as we all know, is affiliated with RCA and RCA is in the transcription business. When they put on a live broadcast, they have a ruling which prohibits the advertiser who pays for that live broadcast from making a transcription of that broadcast unless he does it through RCA. I am just wondering whether maybe Columbia is not planning to do the same thing through the purchase of the World Broadcasting System, and if they do that, is that not going to operate against the best interests of the independent stations of the country who are not affiliated with those two networks?"

Mr. McNinch replied that: "In about two weeks, we are going to get to that whole subject, because we, as the Commission, believe there is a great deal to be discovered there of interest and that will be very much worthwhile to the Commission in dealing with the problem of transcriptions."

Asked about his views on "exclusive" network contracts, Mr. Roosevelt said:

"I have operated since I have been in the radio business various NBC stations and various Columbia stations, and I am familiar with their contracts. In my opinion, those contracts are contrary, for the most part, to the purpose for which the radio stations were licensed. You can take the contract of the Columbia Broadcasting Company, their standard contract that is in force on their southwest stations—I operated the Columbia station in Oklahoma City and the one in San Antonio for a considerable length of time. That contract calls for an option on 100 per cent of the time of that station, and it was subject to clearance on 28 days notice. No matter what advertiser or what group were utilizing that time, the man up in New York or in Chicago or in Los

Angeles who wanted to use that time on the station, he could have it. In my opinion, that is contrary to the purpose for which that station was licensed, because it was licensed to serve San Antonio and the surrounding territory that its frequency covered, and, therefore, I feel that the local advertisers have been very much mistreated through the type of contract that has been employed by national networks. As operated, in my opinion, the network stations are selling their birthrights and their reasons for being in business."

## MARCH 8

Still on the stand, Mr. Roosevelt said that he felt that the regional network was "more in the public interest than the National network" because of its adaptability to meeting and serving the public interest so far as regional problems in that section are concerned."

He suggested that there was a necessity for a tieup of regional operations into a national structure for broadcasts of national and international public interest—a structure that "can be divided into regional structures which should be operated as independent units."

He also suggested that super power would be detrimental to the best interests of radio but that all 50,000 watt stations might be compelled to install 500,000 watt equipment for use in emergencies.

After discussing his own work as a commentator, and the present NBC rule about transcribing commercial programs, Mr. Roosevelt expressed the opinion that broadcasters would be far better off if they kept out the Artist Bureau and Concert Corporation business. He also said something should be done about Mexican broadcasts.

George C. Davis, Washington, D. C., the next witness, discussed the engineering phases of the Texas network's operation.

Leon Levy, W C A U, explained that the Pennsylvania network operated during the 1938 campaign for the convenience of politicians who wished to use several stations simultaneously.

That brought to a close the presentation of testimony by the industry. Next week those persons and organizations outside of the industry who filed appearances are to be heard.

## Legal

### NORTH DAKOTA, NEW MEXICO PASS NEW MONOPOLY BILLS

The legislatures of North Dakota and New Mexico have enacted new laws seeking to curb the activities of pools controlling public performance of copyrighted music, and the statutes of both states are before the respective Governors for approval. Both statutes are substantially similar and are said to be within the constitutional rights of the state legislatures as defined by the United States Supreme Court. It is reported that passage was strenuously opposed in both states by ASCAP. Legislation with a like objective has been enacted in Montana (NAB REPORTS, February 28, p. 3315) and now is the law of that state.

The North Dakota and New Mexico statutes compel copyright owners licensing performance rights in the state to make full disclosure of the material licensed by them. Blanket licensing at blanket fees by combinations of copyright owners is permitted provided the individual members of a combination also afford users the option of buying portions of the combined catalogues at prices determined by the owner and not determined by the combination. It is said this provision of the statute permits small users to acquire performance licenses only on

such material as is needed by them and establishes competition between the members of "pools" in such instances. The North Dakota statute prohibits a charge by copyright owners on programs which do not use music controlled by the licensor. This provision will prevent any new licenses being issued similar to ASCAP's general broadcasting license, which requires the payment of five per cent on programs not using ASCAP music. The statutes provide for a three per cent tax on income derived from licensing and require that, in any suits brought by a copyright owner, compliance with the provisions of the statute must be established.

The North Dakota statute is reprinted below in its entirety:

"An Act relating to copyrights and public performing rights in musical compositions and dramatico-musical compositions, requiring lists thereof to be filed, regulating the issue of licenses with respect thereto, prohibiting discrimination, providing for service of process, levying a privilege tax, providing penalties, and repealing inconsistent acts.

"Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. As used in this Act, "person" means any individual, resident or non-resident, of this state, and every domestic or foreign or alien partnership, society, association or corporation; the words "performing rights" refer to "public performance for profit"; the word "user" means any person who directly or indirectly performs or causes to be performed musical compositions for profit; the term "blanket license" includes any device whereby public performance for profit is authorized of the combined copyrights of two or more owners; the term "blanket royalty or fee" includes any device whereby prices for performing rights are not based on the separate performance of individual copyrights.

Section 2. It shall be unlawful for any person to sell, license the use of, or in any manner whatsoever dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition which has been copyrighted, and is the subject of a valid existing copyright, under the laws of the United States, or to collect any compensation on account of any such sale, license or other disposition, unless such person:

(a) Shall first have filed with the Secretary of State a list in triplicate describing each such musical composition and dramatico-musical composition, the performing rights in which said person intends to sell, license or otherwise dispose of in this state, which description shall include the following: The name and title of the copyrighted composition, the date of the copyright, the number or other identifying symbol given thereto in the United States copyright office, the name of the author, the name of the publisher, the name of the present owner of the copyright to said composition, and the name of the present owner of the performing rights thereto. Additional lists of such copyrighted compositions may be filed by any such person from time to time, and shall be subject to all the provisions of this Act. No payment or filing fee shall be required by the Secretary of State for filing any list under this Act.

(b) Shall simultaneously file an affidavit which shall describe the performance rights to be sold, licensed or otherwise disposed of and shall state that the compositions so listed are copyrighted under the laws of the United States, that the facts contained in the list to which said affidavit relates are true, that affiant has full authority to sell, license or otherwise dispose of the performing rights in such compositions; and the affidavit shall set forth the name, age, occupation and residence of the affiant; and if an agent, the name, occupation and residence of his principal.

Section 3. The list provided for in the preceding section shall be made available by the Secretary of State to all persons for examination, and taking of copies, in order that any user of such compositions in this state may be fully advised concerning the performing rights therein, and avoid being overreached by false claims of ownership of said performing rights, and also avoid committing innocent infringement of said works. A duplicate of any list so filed by any such person shall at his request be certified by the Secretary of State and shall by the Secretary of State be given or delivered to such person, who shall exhibit the same on

demand of anyone to whom such person seeks to sell, license or otherwise dispose of said performing rights.

Section 4. It shall be unlawful for two or more owners of the copyrights of musical compositions or dramatico-musical compositions to associate or combine together in any manner, directly or indirectly, for the purpose of issuing blanket licenses for the public performance for profit of their compositions upon a blanket royalty or fee covering more than one, or all, of such compositions owned or controlled by the members of such association unless each individual copyright owner included in such association, or such association in behalf of each individual copyright owner, also shall make available to each user of such compositions within the state, at the option of the user, the right to perform publicly for profit each such copyrighted musical composition owned by him or it at a price established for each separate performance of each such composition. To this end, there shall be filed with the Secretary of State, either as a part of the list required by Section 2 hereof or as a separate document by such copyright owner, or by such association in behalf of such owner, a schedule of prices for the performing rights to each separate performance for profit of each such composition contained in such list, together with an affidavit of the copyright owner of such compositions that the price so stated has been determined by such copyright owner acting for himself and not either directly or indirectly in concert or by agreement with the owner or owners of any other copyrights. Such schedule of prices may contain reasonable classifications determined by use and function, or either, of the users of said compositions, with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications. Any copyright owner, or such association acting in his behalf, may at his election fix one price which shall be applicable to each rendition of each of such compositions owned by him except to the extent that he elects to name specific compositions and to fix other prices for each rendition thereof; and said prices shall remain in force and effect until a new schedule of prices with respect to the performing rights to such compositions has been similarly filed in the office of the Secretary of State, at any time, at the election of such owner or such association acting in his behalf, changes in prices to become effective seven days from the date of filing thereof. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition, to make any charge or to contract for or collect any compensation as a condition of using said performing rights based in whole or in part on any program not containing any such composition, and any such charge or contract for compensation shall be valid and enforceable only to the extent that it is based and computed upon a program in which such composition is rendered. The schedule of prices provided for herein shall be made available by the Secretary of State to all persons for examination and the taking of copies.

Section 5. Any person issuing a blanket license for performance rights shall file with the Secretary of State within thirty days from the date such blanket license is issued a true and complete copy of each such license issued or sold with respect to performance within this state, together with the affidavit of such person that such copy is a true and complete copy of the original and that it sets forth each and every agreement between the parties thereto with respect to performing rights.

Section 6. At the time of filing the information required in Sections 2 and 3, the owner of said performing rights shall likewise execute and deliver to the Secretary of State, on a form to be furnished by the Secretary of State, an authorization empowering the Secretary of State to accept service of process on such person in any action or proceeding, whether cognizable at law or in equity, arising under this Act, and designating the address of such person until the same shall be changed by a new form similarly filed; and service of process may thereafter be effected in this state on such person in any such action or proceeding by serving the Secretary of State with duplicate copies of such process; and immediately upon receipt thereof the Secretary of State shall mail one of the duplicate copies by registered mail to the address of such person as stated on the authorization last filed by him.

Section 7. No person shall be entitled to commence or maintain any action or proceeding in any court with respect to such performing rights, or to collect any compensation on account of any sale, license or other disposition of such performing rights, in this state, except upon pleading and proving compliance with the provisions of this Act.

Copies, certified by the Secretary of State as such, of each or all of the lists, license agreements, affidavits and other documents

filed with the Secretary of State pursuant to the requirements of this Act, shall be furnished by the Secretary of State at his option to any person upon request at the prices regularly charged by the Secretary of State for such work. Such certified copies shall be admitted in evidence in any action or proceeding in any court to the same extent as the original thereof.

Section 8. From and after the effective date of this Act there is hereby levied, and there shall be collected, a tax, for the act or privilege of selling, licensing, or otherwise disposing of performing rights in such compositions in this state, in an amount equal to three percent of the gross receipts of all such sales, licenses or other dispositions of performing rights in this state, payable to the State Treasurer for the benefit of the general fund of the state on or before the fifteenth day of March, 1940, with respect to all such gross receipts for the portion of the calendar year 1939 after the effective date of this Act, and annually thereafter, on or before the fifteenth of March of each succeeding year, with respect to the gross receipts of the preceding calendar year. The State Treasurer shall adopt and publish rules and regulations not in conflict herewith, as well as a form of return and any other forms to carry out the provisions of this section.

Section 9. It shall be unlawful for any person, without the consent of the owner thereof, if said owner shall have complied with the provisions of this Act, publicly to perform for profit, in this state, any such composition, or for any person knowingly to participate in the public performance for profit of such composition, or any part thereof.

Section 10. Any violation of this Act shall constitute a misdemeanor, to be punished as provided elsewhere in the laws of this State.

Section 11. All laws or portions thereof whether general, special or local, which relate to the same subject matter as this Act and which are inconsistent with the provisions of this Act, are hereby superseded by the provisions of this Act to the extent that such inconsistency exists.

Nothing contained in this Act shall be so construed as to impair or affect the obligation of any contract or license which was lawfully entered into prior to the effective date of this Act.

Section 12. If any section, sentence, clause or word of this Act shall be held to be unconstitutional, the invalidity of such section, sentence, clause or word shall not affect the validity of any other portion of this Act, it being the intent of this legislature to enact each of the provisions of this Act insofar as they conform to the Constitution of this state and of the United States.

## MUSIC MONOPOLY BILLS

A bill seeking to curb the activities of pools controlling public performance of copyrighted music has been introduced in the State of Colorado. This bill substantially follows the provisions of the statute passed in 1937 by the States of Washington, Montana and Tennessee. Bills to curb the activities of alleged music monopolies have been introduced in Arkansas, Colorado, Connecticut, Illinois, Indiana, Kansas, Michigan, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, Washington, and other states. The majority follow the same principles involved in the new legislation in Montana, North Dakota and New Mexico, reported elsewhere in this issue.

## PHONOGRAPH RECORD BROADCASTING

Now awaiting decision before Judge Leibell in the United States District Court for the Southern District of New York is the case of RCA Manufacturing Company vs. Paul Whiteman et al. The trial was completed last December and briefs were submitted to the Court in February.

RCA claims (a) that it has common law rights in the Victor and Bluebird records manufactured and sold by

it; (b) that these rights are not lost by publication in spite of the sales to the public; (c) that the restrictive notices on the record labels and envelopes regarding broadcasting are legal and enforceable; (d) that Whiteman should be enjoined from attempting to license radio stations to broadcast these records because he had conveyed his rights to RCA and also because RCA had certain common law rights in the records by reason of the skill and labor employed in making the records; and (e) that the radio station and sponsor named as defendants should be enjoined from broadcasting records of Whiteman and of certain other leading orchestras.

The broadcasters' position was submitted to the Court in the briefs of Stuart Sprague, special copyright counsel engaged by NAB in this matter, who asserted (a) that there are no common law rights in phonograph records; (b) that any such rights as may have existed were lost upon the public sale of the records; (c) that the restrictions on the use of the records could not legally be made to follow the records after being sold in the regular channels of trade; and (d) that unfair competition was not established by RCA.

No decision is expected before the last of March or April.

## NEW LEGISLATION

### CONGRESS

H. R. 4684 (Mr. McLeod, Mich.) COMMUNICATIONS ACT—To amend Section 307, subdivisions (d) and (e), by requiring that broadcasting licenses be issued for a period not less than three years nor more than five years and to provide against denial of renewal application because of political views expounded over station. Referred to Interstate and Foreign Commerce Committee.

S. Res. 94 (Sen. White, Maine) COMMUNICATIONS COMMISSION—To authorize investigation of the acts, rules, regulations, organization and policies of the F. C. C. with respect to censorship of communications, ownership of broadcasting stations and other matters. Referred to Interstate Commerce Committee.

### STATE LEGISLATION

#### COLORADO:

S. 415 (Ritchie) COPYRIGHTED MUSIC—To prohibit price fixing monopolies and combinations in copyrighted music and to prescribe regulations of licensing methods within the state.

#### DELAWARE:

S. 79 (Simmons) FOODS—DRUGS—COSMETICS—REGULATIONS—Regulating foods, drugs, cosmetics; prohibiting manufacture, sale or delivery of adulterated misbranded articles. Referred to Public Health Committee.

#### GEORGIA:

H. 532 (Trippes et al) PURE FOOD AND DRUG REGULATION—Relating to the prevention of the adulteration, substitution, misbranding and false advertising of food, live stock remedies, birth control devices, devices for the treatment and prevention of disease, cosmetics, etc., and to forbid the sale or use of unhealthful chemical products. Referred to General Agriculture No. 2. Reported by Substitute 3-1-39 in House.

H. 587 (Marshall) SMALL LOANS—INTEREST—Regulating the business of making loans or advancements of \$300 or less at a greater rate of eight per cent per annum. Referred to General Judiciary No. 1.

#### MISSOURI:

H. 543 (McGuire) SHORT WAVE RADIO—OFFICERS—Requires county court judges to provide sheriffs' and officers' automobiles with locked-in radio receiving sets.

S. 307 (Donnelly) RADIO LIABILITY—Relates to the civil liability of owners, lessees, licensees and operators of radio broadcasting stations and their servants, agents and employees for radio defamation.

#### NEW JERSEY:

A. 317 (Farley) MUNICIPAL RADIO STATIONS—Concerning the creation and regulation of a separate fund for the operation of radio stations or municipal convention halls, or both, in municipalities bordering on the Atlantic Ocean, and amending Sections 40:62-33 and 40:62-34 of the Revised Statutes. Referred to Judiciary Committee.

A. 405 (Kerner) MOTION PICTURE FILMS—CENSORSHIP—Regulating the sale, lease and exhibition of motion picture films and stereopticon views; creates a State Board of Censors. Referred to Ways & Means Committee.

#### NEW YORK:

A. 1602 (Ostertag) EMPLOYMENT AGENCIES—Regulates private fee charging employment agencies. Referred to Judiciary Committee.

#### NORTH CAROLINA:

H. 542 (Taylor et al) LOUD SPEAKERS—Regulating and controlling the operation of loud speakers on radios and victrolas within one mile of the corporate limits of any city or town in Wayne County. Passed 3-2-39.

#### VERMONT:

H. 271 (Laber) COMMUNICATION SYSTEM—Providing for the establishment of a communication system for the inspectors of the motor vehicle department and sheriffs of each county. Referred to Highway Traffic Committee.

## Labor

### BAN ON WPA JOKES

Emily Holt, executive secretary of AFRA, and Ralph Whitehead, executive secretary of the American Federation of Actors, assured the NAB this week that AFA's ban on WPA jokes would not affect broadcasting.

Many AFRA members also belong to AFA, the vaudeville and night club union. When AFA ordered its members to stop making any cracks about the WPA, there was some question as to whether AFA members would refuse to read radio scripts that included WPA jokes.

Mr. Whitehead joined Mrs. Holt, however, in saying that the rule applied only when AFA members were working in AFA territory, that is, in night clubs and vaudeville.

In AFRA's jurisdiction, actors took the scripts that were given to them, Mrs. Holt added. AFRA had no intention of making a similar rule, she said.

### THIRTY-HOUR WEEK

The International Brotherhood of Electrical Workers (A. F. of L.) has instituted a drive for a 30-hour work week. The union reports that 31 lighting equipment shops in New York City already have signed 30-hour contracts.

### A. F. OF L.-C. I. O. PEACE

The first two peace conferences between the A. F. of L. and C. I. O. committees failed to produce anything other than intensified bitterness on the A. F. of L.'s part. Pri-

vately A. F. of L. leaders are saying that John Lewis is just trying to put them in a bad spot with his proposals, and doesn't want peace at all.

There is a distinct possibility that they are right.

### FCC QUESTIONNAIRE

Again the NAB Labor Department points out the importance of filing with the NAB copies of payroll statistics asked for in the FCC questionnaire. Scarcely a day goes by that the department does not receive a request for payroll information from a member who is negotiating a union agreement. The NAB can fill these requests satisfactorily only if the membership cooperates by filing the FCC material and COPIES OF ALL UNION CONTRACTS.

### FREE OFFERS

The NAB has notified Cox and Tanz that cost-per-inquiry advertising such as they proposed in their letter of March 1 is banned by the NAB Code of Ethics.

Helen Gwetholyn Rees of New York, is suggesting the use of glycerine in preparing Lenten fish dishes. We bet the glycerine industry has something to do with Miss Rees' interest in good fish dishes.

The National Federation of Post Office Clerks is offering scripts, to be read by the union's local members, about post office oddities.

### BY-LAWS AMENDMENTS

Article XIII of the By-Laws reads as follows:

"Section 1. These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change." Headquarters will be glad to send out to the members any changes which any member desires to propose, provided they are received at Headquarters by June 1.

### STATE ASSOCIATIONS

Neville Miller has appointed the following committee to study the question of the affiliation of state broadcasters' associations with the NAB and to make recommendations to the Board of Directors:

W. Walter Tison, WFLA, chairman; Ralph R. Brunton, KJBS; John Shepard III, Yankee Network; Richard H. Mason, WPTF; Leonard Reinsch, WHIO; Martin Campbell, WFAA, and Dietrick Dirks, KTRI.

Mr. Miller suggested that the committee do its preliminary work by correspondence and meet at the NAB Convention.

### FCC ANNOUNCES POLICY ON HIGH FREQUENCY LICENSES

The Federal Communications Commission this week announced a policy in regard to the consideration of

applications for renewal of licenses of all the existing high frequency broadcasting stations. The Commission has licensed 49 high frequency broadcasting stations, all on an experimental basis. The licenses expire April 1.

The Commission set down three principles for its guidance in studying the applications for renewal. They are as follows:

1. When the applicant does not show that it has carried on any worthwhile experimental work during the last period, the application be designated for hearing.
2. If some work has been done, but of no great significance, then the licensee be informed of the work it must do during the next period and a commitment be obtained from the licensee before granting the renewal.
3. When the applicant has carried on a reasonably diligent experimental program and proposes to continue this work, a letter be prepared reviewing this course and making any suggestions for work that may be done during the next license period.

Of the 49 high frequency broadcasting stations licensed, 42 use amplitude modulation and 7 use frequency modulation.

### COURT REVERSES FCC

The United States Court of Appeals for the District of Columbia on Monday reversed an F.C.C. decision denying a construction permit for a new station at Hannibal, Missouri, to the Courier-Post Publishing Corporation.

The company applied to the Commission for a permit for a new station to use 1310 kilocycles, 250 watts day, 100 watts night. The Commission denied the application but the Court reversed the Commission and remanded the case. The Publishing Company had appealed to the Court from the decision of the Commission.

The court held that the appellant has sustained the burden of proof that there is a public need for a local station in Hannibal and ruled that the finding by the Commission that public convenience, interest and necessity would not be served in granting the permit for a local station is "in law arbitrary and capricious."

### FCC PRESS INFORMATION

The press information set-up at the Federal Communications Commission has been the subject of some controversy for some time. On Monday of this week the Commission issued the following statement on the subject:

The Commission voted today to extend the present arrangement for a temporary information set-up until March 31.

Chairman McNinch was authorized to ask the Administrator of the Rural Electrification Administration for a further detail of M. L. Ramsay until that time and to request a like detail of C. Alphonso Smith from the Soil Conservation Service.

Commissioner Walker, seconded by Commissioner Sykes, moved adoption of Chairman McNinch's recommendation for the extension. Commissioner Craven proposed a substitute motion, seconded by Commissioner Payne, to request the detail of Mr. Smith alone, which was voted down 4 to 2, with Commissioners Craven and Payne favoring the substitute.

Chairman McNinch's recommendation was then adopted unanimously, with an amendment by Commissioner Case requesting Mr. Ramsay to submit his final recommendations for a permanent information set-up by March 15, so the Commission would have more time to consider them.

## FACSIMILE BROADCAST STATIONS

(As of March 1)

Licensee and Location	Call Letters	Frequency (kc)	Power
Bamberger Broadcasting Service, Inc., New York, New York .....	W2XUP	31600, 35600, 38600, 41000	100w
The Crosley Corp., Cincinnati, Ohio .....	W8XUJ	26000	1kw
The Evening News Assn., Detroit, Mich.....	W8XTY	31600, 35600, 38600, 41000	150w
The Pulitzer Publishing Co., St. Louis, Mo.....	W9XZY	31600, 35600, 38600, 41000	100w
Radio Air Service Corp., Cleveland, Ohio.....	W8XE	31600, 35600, 38600, 41000	50w
Radio Pictures, Inc., Long Island City, N. Y.....	W2XR	1614, 2012, 2398, 23100, 41000, 86000-400000	1kw
Sparks-Withington Co., Jackson, Mich.....	W8XUF	31600, 35600, 38600, 41000	100w
Star-Times Publishing Co., St. Louis, Mo.....	W9XSP	31600, 35600, 38600, 41000	100w
WBNS, Inc., Columbus, Ohio .....	W8XUM	31600, 35600, 38600, 41000	100w
The Yankee Network, Inc., Sargents Purchase, New Hampshire .....	W1XMX	410000	500w

## FEDERAL COMMUNICATIONS COMMISSION

### EXAMINER'S REPORT

The Sentinel Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for a new station at **Salina, New York**, to use **620 kilocycles**, 1000 watts, unlimited time with a directional antenna at night. The Civic Broadcasting Corporation also applied to the Commission for a construction permit for a new station at **Syracuse, New York**, to use **1500 kilocycles**, 100 watts, unlimited time. Broadcasting Station WHJB, **Greensburg, Pennsylvania**, operating daytime on **620 kilocycles** with 250 watts power, applied to the Commission to increase its power to 1000 watts, unlimited time.

Examiner Tyler Berry, in report No. I-763, recommended that all of the applications be denied. In the case of the Sentinel Corporation the Examiner stated that a need was not shown for a regional broadcasting service in the Syracuse area. There are already two regional stations in that city and the programs proposed by the applicant are virtually the same as those now being broadcast by the existing stations.

Dealing with the Civic Corporation application, it was also found by the Examiner that there was no substantial showing of the need for additional service in the Syracuse area.

In the request of WHJB to increase its power and use unlimited time, the Examiner said that "because of the

severe limitations that will be imposed upon the operation of the station on the assignment requested by the Pittsburgh Radio Supply House and the interference which would result to established stations, the granting of this application will not serve the public interest, convenience, or necessity."

## DECISIONS OF COMMISSION

The Federal Communications Commission granted the application of the Press-Union Publishing Company for the erection of a new broadcast station at **Atlantic City, New Jersey**, to operate on **1200 kilocycles**, 250 watts day, 100 watts night, unlimited hours.

It was found by the Commission that a public need exists for this service and "there is shown to be available sufficient commercial support and talent to give reasonable assurance of operation in the public interest." The Commission stated also that no objectionable interference would result to any existing or proposed station.

Commissioner Brown did not participate in this decision.

The application of **WKEU, Griffin, Georgia**, to change its frequency from **1500 kilocycles** to **1310 kilocycles** and its power from 100 watts daytime to 100 watts night, 250 watts LS, unlimited time was denied by the Commission.

It is stated by the Commission that the need shown in the Macon area for additional broadcast service "is not sufficiently compelling to warrant a grant of the application."

Commissioner Brown did not participate in this decision.

The Commission has granted the application of **WNLC, New London, Connecticut**, authorizing an increase in hours of operation from daytime to unlimited. The station operates on **1500 kilocycles** with 100 watts.

The Commission stated in its decision that the use of unlimited power will enable the station to render a satisfactory nighttime service "to an area which does not now receive such service." The operation of the station with the proposed unlimited time will not cause objectionable interference to any existing or proposed stations.

Commissioners Brown, Case and Payne did not participate in this decision.

The Commission has denied a petition for rehearing filed by **W. C. Irvin, Amarillo, Texas**, in the matter of his application for a new station to operate on **1500 kilocycles** with 100 watts night, 250 watts day, and adopted supplemental statement of facts, grounds for decision and order sustaining its original action taken No-

vember 1, 1938, in denying the Irvin application and granting the application of the **Amarillo Broadcasting Corporation, Amarillo, Texas**, for a new station to operate on **1500 kilocycles**, 100 watts, unlimited time.

Chairman McNinch and Commissioners Case and Brown did not participate in this decision.

## FCC ORDER

The Federal Communications Commission on Monday issued an Order in the so-called Brooklyn case in which **WBBC, Brooklyn**, is asking for the facilities of **WLTH** and **WARD**, both of Brooklyn.

The Commission denied the motion of **WLTH** and **WARD** "to strike the proposed findings of fact on behalf of **WBBC**." **WLTH** and **WARD** were allowed 15 days in which to file answer with the Commission to the proposed findings and **WBBC** was allowed 20 days to file answer.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, March 13. They are subject to change.

**Tuesday, March 14**

Further Hearing

Broadcast

**NEW**—Wm. C. Barnes and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

**Thursday, March 16**

Oral Argument Before the Commission

Examiner's Report No. I-669:

**NEW**—Colonial Broadcasting Corp., Norfolk, Va.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

**Friday, March 17**

**WAGA**—Liberty Broadcasting Co., Assignor, Atlanta, Ga.—Voluntary assignment of license to Liberty Broadcasting Corp., Assignee; **1450 kc.**, 500 watts, 1 KW LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

**April 3**

**KGNO**—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.**, 500 watts, unlimited time. Present assignment: **1340 kc.**, 250 watts, unlimited time.

**KOVC**—KOVC, Inc., Valley City, N. Dak.—C. P., **1340 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

April 17

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., 880 kc., 1 KW, 5 KW LS, unlimited time (DA—night). Present assignment: 880 kc., 500 watts, 1 KW LS, unlimited time.

May 3

NEW—Martin K. Calaway and Harry S. Hooper, Marysville, Calif.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

May 5

NEW—Thumb Broadcasting Co., Brown City, Mich.—C. P., 880 kc., 1 KW, daytime.

May 8

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., 940 kc., 1 KW, daytime. Present assignment: 940 kc., 250 watts, daytime.

May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans. (proposed studio, Kansas City, Mo.) (proposed transmitter, Kansas City, Kans.)—C. P., 1220 kc., 1 KW, 5 KW LS, shares KFKU (DA for day and night) (to move transmitter and studio). Present assignment: 1220 kc., 1 KW, 5 KW LS, shares KFKU.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., 1360 kc., 1 KW, unlimited time. Present assignment: 1360 kc., 500 watts, 1 KW LS, unlimited time.

May 24

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

May 25

NEW—M. L. Medley, Cookeville, Tenn.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted modification of license to employ present directional antenna system for daytime operation also.

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Granted extension of special experimental authority to operate as a facsimile broadcast station from 12 midnight to 6 a. m., CST, for the period February 1 to August 1, 1939.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted C. P. to make changes in composite equipment and increase day power from 100 watts to 250 watts.

Columbia Broadcasting System, Inc., New York City.—Granted authority to transmit programs to a foreign station, CMCK, Havana, Cuba, from CBS in New York City, and other points throughout the U. S. where licensee maintains studios.

NEW—WBEN, Inc., Buffalo, N. Y.—Granted license for new facsimile broadcast station, provided applicant requests withdrawal of special experimental authorization of facsimile transmission over applicant's regular broadcast station; frequencies 31600, 35600, 38600 and 41000 kc., on an experimental basis only, conditionally; 100 watts.

Columbia Broadcasting System, Inc., New York City.—Granted extension of existing authority, expiring March 15, to transmit programs to Canadian Stations CFRB and CKAC, and to stations of the Canadian Broadcasting Corp., by means of wire facilities furnished by A. T. and T.

National Broadcasting Co., Inc., New York City.—Granted extension of existing authority expiring March 15, 1939, to deliver recorded programs to Canadian stations under control of the Canadian Broadcasting Corp.

National Broadcasting Co., Inc., New York City.—Granted extension of existing authority, which expires March 15, to transmit commercial programs to the Canadian Stations CFCF, CBL (formerly CRCT) and other stations under the control of the Canadian Broadcasting Corp., by means of leased wire lines through the regular chain facilities of the NBC.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of high frequency broadcast station license on a temporary basis only, and designated application for hearing because applicants have not furnished sufficient research or experimental report that will comply with Rule 1051, nor did applicants supply the research and experimental information that was requested by the Commission on March 7, 1938.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Granted renewal of high frequency broadcast station license on a temporary basis only, and designated application for renewal of license for hearing, because applicant has not submitted any tangible measurements pursuant to Rule 1051, and has not indicated he will carry forward any research or experimental program that will contribute a reasonable amount of information to the art.

W8XAI—Stromberg-Carlson Tel. Mfg. Company, Rochester, N. Y.—Granted renewal of high frequency (exp.) broadcast station license on a temporary basis only, and designated application for renewal of hearing, because applicant has failed to submit satisfactory program of research and experimentation as envisaged by Rule 1051; has provided no field intensity studies of service areas or of signal-to-noise ratios as determined by comparative reference or absolute measurements.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Application for C. P. for new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Application for modification of license to increase night power from 100 watts to 250 watts. To be heard before the Commission. (Application designated for hearing to determine if interference might result, and because application is in violation of Rule 121).

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Application for C. P. to install new equipment and DA system; change frequency from 1210 kc. to 1270 kc., and power from 100 watts night, 250 watts day, unlimited time, to 1 KW, unlimited time, employing DA system for nighttime operation. (Application designated for hearing because it requests facilities of KWLC and KGCA, and also because of the question of interference.)

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Application for C. P. to make changes in equipment, increase power from 50 to 500 watts, and move transmitter of high frequency broadcast station locally. (Application designated for hearing because applicants have not furnished data of studies made of signal-to-noise ratios as required by rules governing high frequency broadcast stations.)

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Application of WGBF to move transmitter site locally; install new equipment and DA system; change frequency from 630 kc. to 1250 kc., and power and time of operation from 500 watts night, 1 KW day, simultaneous day, S-KFRU night, to 1 KW night, 5 KW day, unlimited time, employing DA system for night operation. (Application designated for hearing as it is contingent upon applications of KFRU and KXOK to change frequency, power and time of operation; also because of the question of interference.)

KFRU—KFRU, Inc., Columbia, Mo.—Application for C. P. to move transmitter site locally, exact site to be determined; install new equipment and vertical radiator; change frequency from 630 kc. to 1370 kc., and power from 500 watts night, 1 KW day, to 100 watts night, 250 watts day, and time of operation from simultaneous day, S-WGBF night,

to unlimited. (Application designated for hearing because it is contingent on applications of WGBF and KXOK.)

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Application for C. P. to move transmitter site locally from ½ mile northwest of Venice, Ill., to near Washington Park, Ill.; install new equipment and directional antenna system; change frequency from 1250 ke. to 630 ke.; and increase day power from 1 KW to 5 KW, employing DA system for both day and nighttime operation. (Application designated for hearing because it is contingent upon the applications of KFRU and WGBF to change frequency, etc.)

### RENEWAL OF LICENSES

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

KDYL, Salt Lake City; KFKU, Lawrence, Kans.; KFSG, Los Angeles; KFWB, Los Angeles; KGBX, Springfield, Mo.; KGCU, Mandan, N. Dak.; KGGF, Coffeyville, Kans.; KGGM, Albuquerque, N. Mex.; KGVO, Missoula, Mont.; KHSL, Chico, Calif.; KIT, Yakima, Wash.; KLS, Oakland, Calif.; KMBC and auxiliary, Kansas City, Mo.; KOIL, Omaha, Nebr.; KOIN, Portland, Ore.; KPAC, Port Arthur, Tex.; KQW, San Jose, Calif.; KRGV, Weslaco, Tex.; KRKD, Los Angeles; KROW, Oakland, Calif.; KTFI, Twin Falls, Idaho; KTMS, Santa Barbara, Calif.; KTRH, Houston, Tex.; KTW, Seattle, Wash.; KUOA, Siloam Springs, Ark.; KVOA, Tucson, Ariz.; KVOR, Colorado Springs, Colo.; WAIR, Winston-Salem, N. C.; WAVE, Louisville, Ky.; WCAE and auxiliary, Pittsburgh, Pa.; WCAP, Asbury Park, N. J.; WCOP, Boston, Mass.; WCSH, Portland, Me.; WDAE, Tampa, Fla.; WDAY, Fargo, N. Dak.; WDEL, Wilmington, Del.; WDOJ, Chattanooga, Tenn.; WEBC and auxiliary, Duluth, Minn.; WFBM, Indianapolis, Ind.; WFBR, Baltimore, Md.; WFBR, auxiliary; WHA, Madison, Wis.; WHIO, Dayton, Ohio; WIBA, Madison, Wis.; WICA, Ashtabula, Ohio; WISN and auxiliary, Milwaukee, Wis.; WJAS, Pittsburgh, Pa.; WJBO, Baton Rouge, La.; WKST, New Castle, Pa.; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WNEW, New York City; WNOX, Knoxville, Tenn.; WORC, Worcester, Mass.; WRC, Washington, D. C.; WREN, Lawrence, Kans.; WRR, Dallas, Tex.; WRR auxiliary; WTAW, College Station, Tex.; WTCN, Minneapolis; WTNJ, Trenton, N. J.; WTOG, Savannah, Ga.; KFBB, Great Falls, Mont.; KOL, Seattle, Wash.; KWSC, Pullman, Wash.

WJAX—City of Jacksonville, Jacksonville, Fla.—Granted renewal of license for the period ending September 1, 1939.

WLBI—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Granted renewal of license for the period ending September 1, 1939.

WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted renewal of non-commercial educational broadcast station, for the period April 1, 1939, to April 1, 1940.

W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W2XJI—Bamberger Broadcasting Service, Inc., New York City.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W3XES—Monumental Radio Co., Baltimore, Md.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W8XH—WBEN, Inc., Buffalo, N. Y.—Granted renewal of high frequency broadcast (experimental) station license for the

period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

### MISCELLANEOUS

WNAC-WAAB—The Yankee Network, Inc., Boston, Mass.—The Commission reconsidered its action in setting for hearing applications for renewal of licenses, and granted the same.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time on March 4 and 10, in order to broadcast special event Junior Chamber of Commerce Barn dances.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted special temporary authority to rebroadcast the 440-cycle standard pitch as transmitted by National Bureau of Standards for the period March 20 to April 18.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9:30 to 10 p. m., EST, on March 8, in order to broadcast special address on Americanism by Chief Justice D. Lindley Sloan.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, on Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period beginning Tuesday, March 7, and ending no later than April 5, in order to broadcast certain educational programs.

W3XL-W3XAL—National Broadcasting Co., New York City.—Granted special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COCX, for a period not to exceed 30 days.

W9XEA—Paducah Broadcasting Co., Inc., Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station; frequencies 38900, 39100, 39300 and 39500 ke., on an experimental basis conditionally; 2 watts.

W2XSN—Paul F. Godley, Alpine, N. J.—Granted modification of C. P. to extend completion date of construction from March 18 to September 15, 1939.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted modification of C. P. authorizing extension of completion date from March 7 to July 17, 1939.

WTOG—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted modification of C. P. authorizing extension of completion date from March 19 to September 19, 1939.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on March 11, 18, 25 and April 1, in order to carry the complete programs of the NBC Symphony Orchestra.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 5 to 5:45 p. m., CST, on March 3; from 4 to 5 p. m., and from 7:45 to 9:45 p. m., CST, on March 4; from 4 to 5 p. m., and from 7:45 to 9:45 p. m., CST, on March 11, in order to broadcast Sectional and Regional High School Basketball Tournaments.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with reduced power of 250 watts, from 7 to 9:30 p. m., CST, March 2, in order to permit WGBF to broadcast Basketball Section Tourney.

WGBF—Evansville on the Air, Evansville, Ind.—To operate simultaneously with Station KFRU as above in order to broadcast Basketball Sectional Tourney.

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted special temporary authority to conduct tests during daytime hours in accordance with the terms of modified C. P., in order to make the necessary field measurements to determine the contours of the desired pattern during daytime hours for a period not to exceed 10 days.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, March 3, 10, 17, 24, 31, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.

APPLICATIONS FILED AT FCC

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m., and from 2 to 6 p. m., AST, on Sundays, March 5, 12, 19 and 26, in order to broadcast baseball games; to operate from 9 to 11 a. m., and from 2 to 6 p. m., and from 10 p. m. to 12 p. m., AST, on March 22, 23, 24, 25, 26, in order to broadcast speeches and all details of the Great Industrial and Agricultural Fair, at Mayaguez and on the grounds of the College of Agricultural and Mechanic Arts.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.

KGCA—Charles Walter Greenley, Decorah, Ia.—Granted license to use KWLC's transmitter in order to transmit KGCA's programs through the facilities of KWLC, upon the express condition that the grant shall not be construed as a finding by the Commission upon the application of Mason City Globe Gazette Co., licensee of KGLO for C.P., nor upon the application for renewal of license of KGCA nor upon any of the issues involved therein, nor that the Commission has found that the operation of the station is or will be in the public interest beyond the express terms hereof.

W6XDA—Columbia Broadcasting System, Inc., Los Angeles, Cal.—Granted license to cover C. P. for new high frequency broadcast station; frequencies 31600, 35600, 38600 and 41000 kc., on an experimental basis only, conditionally; 100 watts.

WGNY—Peter Goelet, Newburgh, N. Y.—Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

KDKA—Westinghouse Elec. & Mfg. Co., Pittsburgh, Pa.—Granted C. P. to move transmitter site locally and install new equipment.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted license to cover C. P. authorizing change in transmitter site, installation of directional antenna for both day and nighttime operation, and increase in power from 5 to 50 KW with installation of new equipment.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted license to cover C. P. authorizing new station to operate on 1250 kc., 250 watts, daytime only.

WFTC—Jonas Weiland, Kinston, N. C.—Granted license to cover C. P. authorizing move of transmitter and studio locations and installation of new vertical radiator.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied special temporary authority to operate unlimited time on 1180 kc., using 1 KW power night, for the period March 1 to March 30, in order to broadcast various civic, fraternal, etc. programs.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with station KBST from 7:30 to 8:45 p. m., MST, on March 9, in order to broadcast speech on special Rotary Club Program.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from local sunset (March, 6 p. m., EST), to 7 p. m., EST, on March 16, 17 and 18, in order to broadcast the final State Tournament of the High School basketball games to be played at Springfield, Vt., however, in event said games are played in the evening instead of the afternoon, then the time of operation to be from local sunset until 11 p. m., EST.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 6:30 to 11 p. m., CST, on March 17 and 18, in order to broadcast the Regional High School Basketball Tournament.

KFJU—Evangelical Lutheran Synod of Missouri, etc., Clayton, Mo.—Granted special temporary authority to operate from 1 to 3 a. m., CST, Saturday, April 15, using 1 KW power, in order to broadcast a DX program.

KLPM—John B. Cooley, Minot, N. Dak.—Granted special temporary authority to operate with power of 1 KW at night (local sunset March, 6:45 p. m., CST) on March 16, 17, 18, in order to serve the large area interested in Annual Class B Basketball Tournament to be held in Minot.

KFJM—University of No. Dak., Grand Forks, N. Dak.—Granted extension of special temporary authority to operate with increased power (from 500 watts to 1 KW, from 9 to 9:30 p. m., CST, on Wednesday and Thursdays, March 29 and 30, and April 5, 6, 12, 13, 19, 20, 26, 27, in order to broadcast educational talks.

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit to make changes in transmitting equipment and increase power from 1 to 5 KW.

610 Kilocycles

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Modification of construction permit (B-P-2129) for a new station requesting approval of antenna and approval of transmitter site at 3 miles S.W. of city of Fairbanks, Alaska. Amended: To give transmitter site as 3½ mi. North of Fairbanks, Alaska.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new antenna and move transmitter from Maple Ave., Bellmore, N. Y., to Port Washington, N. Y.

1120 Kilocycles

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Construction permit to install new transmitter, and antenna, change frequency from 1120 to 950 kc., power from 100 watts to 1 KW, change hours of operation from daytime to unlimited, move transmitter from 526 Riverside Ave., Spokane, Wash., to site to be determined, Spokane, Wash.

1200 Kilocycles

WMOB—S. B. Quigley, Mobile, Ala.—Modification of C. P. (B3-P-1983) for a new station requesting approval of antenna and approval of studio and transmitter site at 600 St. Louis St., Mobile, Ala.

1210 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—License to cover construction permit for new broadcast station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited time.

WGRM—P. K. Ewing, Grenada, Miss.—Construction permit to move transmitter from Grenada Fair Grounds, Grenada, Miss. to 1½ miles N. W. of Greenwood, Miss., and move studio from Masonic Bldg., Grenada, Miss. to Leflore Hotel, Greenwood, Miss.

1330 Kilocycles

WTAQ—WHBY, Inc., Green Bay, Wisc.—License to cover construction permit (B4-P-1414) as modified for a new transmitter, increase in power and make changes in directional antenna.

1340 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit to install new transmitter and increase power from 500 watts night, 1 KW day power to 1 KW night, 2½ KW day. Amended: Transmitter to be determined, Pensacola, Florida.

1370 Kilocycles

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Modification of construction permit (B2-P-1289) for a new station requesting authority to install new transmitter, approval of vertical antenna, and approval of transmitter and studio site at 2nd Ave. & Court St., Williamson, W. Va.

1390 Kilocycles

WHK—The Radio Air Service Corp., Cleveland, Ohio.—Extension of special experimental authority to operate a facsimile station from 1 a. m. to 6 a. m., using 1 KW power.

1500 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover C. P. (B5-P-2231) for a new transmitter.

MISCELLANEOUS

W9XZV—Zenith Radio Corp., Chicago, Ill.—License to cover construction permit for new television station.

W6XBE—General Electric Co., San Francisco, Calif.—License to cover construction permit for new international broadcast (experimental) station.

King-Trendle Broadcasting Corp., Detroit, Mich.—Extension of authority to transmit programs from Station WXYZ to stations of the Canadian Broadcasting Corp.

NEW—WHB Broadcasting Co., Kansas City, Mo.—Construction permit for a new high frequency relay broadcast (experimental) station on 26100 kc., 100 watts power. To be located in Kansas City, Mo.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Modification of construction permit (B4-PVB-3) for changes in equipment.

W2XDA—General Electric Co., Schenectady, N. Y.—License to cover construction permit (B1-PHB-63) for a new relay broadcast (experimental) station.

W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of license to change frequencies to 327000-333000 kc. Amended: To read 321000-327000 kc., in lieu of licensed frequencies.

KDEA—The KANS Broadcasting Co., Wichita, Kans.—License to cover construction permit (B4-PRY-149) for a new low frequency relay station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**F & F Laboratories, Inc.**—See Zo-Ak Company, Inc.

**Hyral Distributing Company**—See Zo-Ak Company, Inc.

**National Sure-Fit Quilting Company, Inc.**—Misrepresentation in the sale of bed quilts and comforters is alleged in a complaint issued against National Sure-Fit Quilting Company, Inc., 40-20 22nd St., Long Island City, N. Y.

Through use of the trade name "Villadown" and of assertions made to jobber and retail dealer customers, the respondent is alleged to have represented that the filler of its comforters was composed substantially of down, when in fact, according to the complaint, it was made by a process of combining two layers of cotton with one layer of down, the proportions being approximately 95 per cent cotton and 5 per cent down. This quantity of down is insufficient to impart qualities not possessed by all-cotton filler, according to the complaint.

The complaint points out that in the bedding trade and the feather and down industry, the word "down" is generally understood to mean the undercoating of the waterfowl consisting of light and fluffy filaments grown from one quill point, but without any quill shaft. A down or down-filled article is understood to contain not less than 90 per cent pure down, and to consist of fluffy and soft portions of the coats of birds other than feathers, according to the complaint. (3728)

**Zo-Ak Company, Inc.**—Three medicinal products companies have been served with complaints alleging dissemination of false advertisements. The respondents are Zo-Ak Company, Inc., 56 West 45th St., New York; Wallace G. Clark, Norman A. Dodge and Hyral Distributing Company, 3902 McKinney Ave., Dallas, Tex.; and F & F Laboratories, Inc., 3501 West 48th Place, Chicago. Zo-Ak Company, Inc., in the sale of Zo-Ak Tablets (blue label), or Zo-Ak for Men, and Zo-Ak Tablets (orange label), or Zo-Ak for Women, allegedly advertised the blue label tablets as com-

petent treatments for reduced virile powers and as capable of building up health and strength, and the orange label tablets as a remedy or relief for certain nervous symptoms, when, according to the complaint, such representations were misleading and untrue.

The complaint charges that the respondent failed to reveal in advertisements that use of its blue label preparation under prescribed or customary conditions may cause injury to health in some cases.

Clark and Dodge, who formerly traded under the name Hyral Distributing Company, with headquarters in Fort Worth, Tex., and are now officers of the corporation of that name, are alleged to have advertised their product Hyral as a new and important discovery in the dental hygiene field, when in fact, according to the complaint, its ingredients have long been known to the medical and dental professions. They are alleged to have represented that the product will positively remove film and whiten the teeth, prevent pyorrhea and trench mouth, liberate oxygen in the mouth, and make the gums firm and healthy, when, it is alleged, such representations are misleading. Hyral Distributing Company is charged with misleadingly representing that Hyral promotes oral hygiene, is the one sure way to obtain white and sparkling teeth; that it assures the user unobjectionable breath, and will prevent loss of teeth.

F & F Laboratories, Inc., allegedly represented that F & F Cough Lozenges, which are to be dissolved in the mouth, and F & F Cough Syrup, which is to be taken orally, will ward off, prevent and check coughs, colds and sore and irritated throat, and that each is a competent and effective treatment for these ailments, when, according to the complaint, neither, used alone or in connection with the other, is competent to treat or cure coughs, colds or sore or irritated throat. Use of the preparations in treating these ailments will not do more than afford slight temporary symptomatic relief, in some instances, according to the complaint. (3724-3726-3727)

### STIPULATIONS

The Commission has entered into the following stipulations:

**American Leader Products Company**—Louis J. Thomas, trading as American Leader Products Company, Chicago, Ill., under his stipulation, agrees to cease advertising that the American Leader Pocket Radio is new and sensational, implying that it embodies new construction or operation principles or is essentially different from other sets of its type, and to discontinue representing that any of the respondent's radios can be used in automobiles, beds, offices, camps or anywhere, or that they work immediately or can be used at once, unless, where antenna or ground or other connections are necessary, that fact is also conspicuously stated in direct connection with the advertisement. Thomas further agrees to discontinue advertising or marking his products such as wrist watches with fictitious prices exceeding the usual or customary prices. (02324)

**John B. Daniel, Inc.**, trading as Regens Laboratory, 76 Central Ave., S. W., Atlanta, agrees to cease advertising that Regens, a nerve preparation, will afford relief from and control nervousness and will enable the user to enjoy natural rest or sleep, and that it is the most effective preparation of its type. The respondent admitted that its claims were not justified by the facts. (02326)

**Kelly Precision Tool & Die Works**—Ferris Q. Sumner, trading as Kelly Precision Tool & Die Works, and as Kelly Tool & Die Works, Dodge City, Kans., agrees to discontinue selling old, worn, used or second-hand files which have been reconditioned by any process without clearly disclosing and indicating the fact that they are reconditioned and are not new. (2402)

**Odman Corporation**, Chicago, Ill., engaged in selling and distributing corrugated boxes or shipping containers, agrees to discontinue marking or stamping its products with its corporate or trade name together with the words "Certificate of Box Maker" or the word "Maker" or any other word or words of similar meaning so as to imply that it manufactures the products it sells or actually owns and operates or directly controls the plant or factory in which the boxes and containers are made, when such is not a fact. (2404)

**Stanley E. Patterson**, trading as Patterson Custom Hatchery and Breeding Farms, Lindsey, Ohio, engaged in the business of "custom hatching" eggs and of selling eggs for hatching purposes, will desist from use of the word "Breeding" in his trade name, either alone or in connection with the word "Farms" or with any other word or words so as to imply that he actually owns and operates or controls a place or farm where he breeds and raises poultry, when such is not a fact. The respondent fills orders with eggs or chicks obtained from others engaged in breeding and raising poultry. (2405)

**Jay Rose & Company**—J. A. Rosenthal, trading as Jay Rose & Co., 330 South Wells St., Chicago, engaged in selling men's clothing, has entered into a stipulation to refrain from making certain misleading representations.

The respondent agrees to cease designating or describing the fabrics not composed wholly of wool and which are used in the manufacture of clothing sold by him as "wool", "all wool" or "woolen", and to discontinue representing by means of these terms certain fabrics made partly of wool and partly of cotton, rayon, silk, linen or any other fiber, unless they are described as "wool and cotton", "wool and rayon", "wool and silk", etc., in the order of the predominating fiber content.

He will also discontinue representing as "silk celanese", garment linings which are composed entirely of celanese, a rayon fabric, and contain no silk, and will refrain from use of the word "Belgium" to describe or designate the kind of canvas used in his garments, unless such canvas has been imported from Belgium. (02327)

**S & S Hair Tonic Company**, Lexington, Ky., agrees to cease representing that use of its preparation will change hair color other than by dyeing or covering the hair shaft; that it feeds the hair roots or is of value in promoting healthy hair and scalp or in treating dandruff, or is a hair tonic. (02328)

**Wallerstein Company, Inc.**, New York City, agrees to discontinue representing that its product Bosco, a syrup to be used as a milk supplement and as a flavor, is a chocolate syrup or chocolate milk amplifier; that it is a body builder, an appetite stimulant, will give one strength, energy or red blood, or enable one to resist colds or other ills or build up vitality or weight; that all persons need the iron or copper content of Bosco, and that the product has been approved by the American Medical Association. (02329)

**Wolf Hatching & Breeding Company**—A stipulation has been entered into with Ida B., Dan A., Gilbert C. and Gerald Wolf, trading as the Wolf Hatching & Breeding Company, 120 West Stevenson St., Gibsonburg, Ohio, engaged in the purchase of eggs from poultry raisers or breeders and in the sale of baby chicks.

The respondents agree to desist from the use of the word "Breeding" as part of the trade name under which they advertise, or of the word "Company" or "Farms" in connection therewith, implying that they own, operate or control a place or farm where they breed and raise poultry, when such is not a fact. They will also discontinue representing that all chicks offered for sale by them have been registered or inspected by the American Poultry Association, or bred and hatched under supervision of a licensed A.P.A. inspector. (2403)

**Wonder Manufacturing Company**, 620 North Michigan Ave., Chicago, selling a hand cultivator and gardening tool designated Wonder 10-in-1 Cultivator, will cease representing that its product does more work easier, faster or better than ten or any similar number of ordinary tools; that its product takes the drudgery out of gardening or cultivating; that it is the most amazing, most scientifically designed and most modern or practical of all garden implements; that it will guarantee profits to salesmen; that the company offers free samples to salesmen, and that the product is used by the United States Government and other organizations, unless such is a fact at the time the statement is published. (02325)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Ace Business Builders**—Orders prohibiting lottery schemes in the sale of products to ultimate consumers were issued against a Chicago dealer in sales promotion plans and Nashville and Chicago vendors of novelty merchandise.

The respondents are Edward and Dorothy Harris, trading as Ace Business Builders, Chicago; H. G. Payne, trading as H. G. Payne Company, Nashville, Tenn., and John Milton Bregstone, trading as J. M. Bregstone & Co., Chicago.

Ace Business Builders, according to findings, distributes to retail merchants for their use in building up trade, sales promotion cards which are punched to indicate successive purchases made by a retailer's customers. When the amounts on a card are all cancelled a perforated seal or "Treasure Chest" thereon is opened and the purchaser receives in trade and wholly by chance, the amount indicated thereunder which may range in some instances from 20 cents to \$5 and in others from 40 cents to \$10.

Under the order, Ace Business Builders is directed to cease selling and distributing its sales promotion cards or any other merchandise so designed that their use by retailers constitutes a lottery.

H. G. Payne Company and J. M. Bregstone & Co., selling novelty merchandise such as knives, watches, razors, and cocktail sets, were ordered to discontinue supplying others with push or pull cards, punchboards or other lottery devices for their use in selling merchandise. (3171, 3175 and 3326)

**Ambrosia Candy Company**—See Mutual Printing Company.

**J. M. Bregstone & Company**—See Ace Business Builders.

**Instruction Service, Inc.**—False and misleading advertisements indicating that thousands of Government jobs are open to applicants for civil service examinations was the subject of an order to cease and desist against Instruction Service, Inc., and Charles J. Ozment, individually and trading as Instruction Service and Perfect Penmanship Institute, St. Louis.

The respondents are ordered to cease and desist from representing that men and women are constantly needed for Government positions, and that such positions are immediately available; that any person having only a common school education may obtain a well-paying Government position; that railway mail clerks are allowed to travel and receive allowances for expenses immediately upon appointment, and are paid while off duty; that appointments to civil service positions are made within a few days after the taking of an examination, or soon thereafter, and that the applicant's grade alone, without any other consideration, determines the time of appointment; that the respondent Ozment has any connection with the United States Civil Service Commission, or has been within recent years employed by the United States Government in any capacity. (3628)

**Instruction Service & Perfect Penmanship Institute**—See Instruction Service, Inc.

**Johnson-Smith & Company**—Two dealers in medicinal products have been ordered to discontinue false advertising practices. The respondents are Alfred Johnson Smith and Paul and Arthur Smith, trading as Johnson-Smith & Co., 6615 East Jefferson Ave., Detroit, and Swamp and Dixie Laboratories, Inc., 301-311 Rogers Ave., Fort Smith, Ark.

The order against Johnson-Smith & Co. prohibits dissemination of false advertisements concerning Professor Wingren's Voltaic Electric Insoles and the Home Medical Battery. The insoles are not to be represented as capable of relieving aching feet, rheumatism or hip pains, nor the electric battery as constituting competent treatment for scrofula, ulcers, cancers or other malignant growths or for ailments such as granulated eyelids, neuralgia, kidney and liver troubles. The respondent also is directed to cease asserting that its so-called distemper cures and corn remover are effective for their purposes.

Swamp and Dixie Laboratories, Inc., under its order, is directed to cease disseminating false advertisements concerning Swamp Chill and Fever Tonic and Dixie Fever and Pain Powder. The tonic is not to be represented as a safe, certain and permanent cure for malaria or every kind of fever and ague, nor as being a general tonic or effective treatment for colds, chills, poor appetite and rundown condition. The powder is not to be represented as a safe remedy or treatment for sleeplessness, neuralgia, rheumatism, influenza and all kinds of fevers. (3647 and 3680)

**Mutual Printing Company**—Two Chicago houses have been ordered to discontinue lottery methods in connection with the sale of products to ultimate consumers.

The respondents are: Mutual Printing Co., trading also as Mutual Sales Promotion Service, and Ambrosia Candy Company and Samuel R. Block, its secretary-treasurer.

Mutual Printing Company, according to findings, distributes to retail merchants for their use in building up trade, sales promotion cards which are punched to indicate successive purchases made by a retailer's customers. When the amounts on a card are all cancelled a perforated "secret panel" thereon is opened and the purchaser receives in trade, wholly by chance, the amount indicated thereunder which may range in some instances from 20 cents to \$5 and in others from 40 cents to \$10.

Ambrosia Candy Company was ordered to discontinue supplying others with lottery devices, accompanying candy assortments or separately, for their use in selling candy or other merchandise. (3166 and 3315)

**Mutual Sales Promotion Service**—See Mutual Printing Company.

**National Publicity Bureau**—Prohibiting misleading representations in the sale of trade cards redeemable in Wm. A. Rogers silver-plated ware, an order to cease and desist has been issued against Hugh J. Wanke, trading as National Publicity Bureau, and Rogers Silverware Distributors, 4 East Redwood St., Baltimore.

The respondent is directed to discontinue representing, through use of the words "Rogers Silverware" in a trade or corporate name or in any manner that he has an interest in or a connection with the manufacturer of Wm. A. Rogers silverware; provided, however, that the order is not to be construed as prohibiting him from dealing in that silverware.

The order also directs the respondent to cease representing that certificates or gift cards can be redeemed in silverware or other merchandise unless all terms and conditions are clearly stated in equal conspicuousness in connection with the offer and there is no deception as to the services or other actions to be performed or the prices to be paid. (2908)

**H. G. Payne Company**—See Ace Business Builders.

**William H. Pearce & Co.**, Philadelphia, has been ordered to cease representing that tops to replace open grates on gas ranges, distributed by them are properly ventilated, unless they are so constructed as to insure proper combustion when used with one or more burners and to not emit carbon monoxide gas.

The respondents will also discontinue the representation that use of tops for gas ranges distributed by them will materially reduce gas bills or gas consumption and increase cooking capacity, until such tops are so constructed as to accomplish these results. (3071)

**Rogers Silverware Distributors**—See National Publicity Bureau.

**Shalwin Hosiery Mills**—An order has been issued against Charles W. Cromer, trading as Shalwin Hosiery Mills, Hagerstown, Md., prohibiting misleading representations in the sale of hosiery.

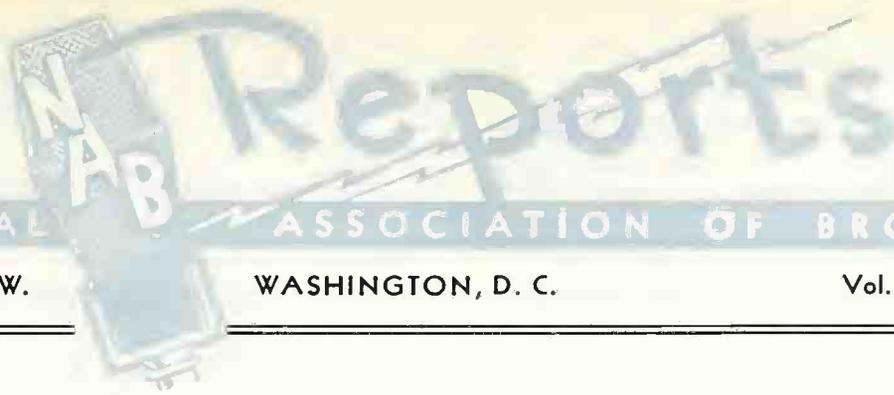
Under the order, the respondent is to cease representing that hosiery manufactured or sold by him contains "silk" or "pure thread silk" in greater quantity or degree than is actually a fact. The respondent also is to discontinue employing the words "silk" or "pure thread silk" to designate hosiery not made entirely of silk, except that in the case of hosiery composed in substantial part of pure silk, such silk content may be described as "silk" or "pure thread silk" if each constituent fiber is conspicuously named in the order of its predominance by weight, beginning with the largest single constituent.

The Commission specifies that the order shall not be construed as permitting the use of the unqualified word "silk" to refer to weighted silk.

The order further prohibits advertising or selling hosiery made in whole or in part of rayon without clear disclosure of the fiber content. When such hosiery is composed in part of rayon and partly of other fibers or materials, all the constituent elements shall be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (2794)

**Swamp & Dixie Laboratories, Inc.**—See Johnson-Smith & Company.





## The Industry Rolls Up Its Sleeves

While all is relatively quiet on the Washington radio legislative scene, two committees are ready to go into action next week, to tackle the two most important internal problems facing the broadcasting industry. The Problem of Copyright and the Problem of the new Program Code.

Swinging into the home-stretch of NAB's continuous study of copyright, the Copyright Committee, meeting in New York, is expected to bring forth a preliminary plan for the consideration of the industry, which will include considerations of the basis upon which the industry can negotiate a new contract with ASCAP for 1941, and alternative proposals if no negotiations prove possible. These findings then will be subject to further refinement or change, leading up to a final determination of the industry's course of action at the Convention in July.

While the music problem remains the one most pressing for early solution, from the standpoint of public interest, the deliberations of the NAB Committee on the Development of a New Program Code and Standards of Practice is of paramount importance.

This committee faces the delicate task of writing preliminary drafts which will cover American Radio's position on such perplexing problems as children's problems, religious broadcasts, handling controversial public questions, policies on news commentators, and gossip columnists. The Committee will also review copy standards as well as the acceptability of accounts.

The Copyright Committee meets Monday, Tuesday and Wednesday. On Thursday, Friday and Saturday, the Code Committee will meet. Serving on the Committees are some two dozen broadcasters from all sections of the country. They represent all classes of stations, independents, affiliates, large and small as well as the networks.

### Labor

#### WAGE AND HOUR ACT

Amendment of the Wage and Hour Act to remove overtime restriction on higher-salaried employees now appears certain.

After the House Labor Committee conferred this week with Administrator Elmer F. Andrews, Chairman Mary Norton (D-N.J.) told reporters that a majority of the

committee favored an amendment which would exempt from the overtime provisions those white collar workers who make \$2,000 or more a year (\$38.46 a week).

"Who thinks the congress intended that white-collar workers receiving \$2,000 or \$2,400 a year be covered into the law?" she said. "I don't think so and I know it didn't."

"When an office or other worker commands a salary of \$2,000 or \$2,400 a year he should not be compelled to demand overtime at time and one-half pay if the

(Continued on page 3348)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

### WAGE AND HOUR ACT

(Continued from page 3347)

exigencies of his work require him to remain on the job more than the allotted 44 hours in a single week. On the contrary, he should expect to have to work overtime sometime."

Mrs. Norton does not intend to open up the Act for a barrage of amendments, however. When she presents the committee amendments, she intends to ask for a rule to prevent amendment from the floor.

### FREE SPEECH

The U. S. Circuit Court of Appeals in Chicago made some interesting remarks recently about an employer's right to discuss labor unions with his employees, but did not take a definite stand. The Labor Relations Board consistently has held that an employer who advises his employees not to join a union is guilty of Wagner Act violation even if the employer definitely states that his employees are free to join if they desire. Such was one of the counts against the Falk Corporation of Milwaukee in a case that was appealed to the circuit court, which said:

"We can see nothing to criticize in Mr. Falk's action expressing a preference for a local over an outside union. Especially is this true where the employee asks the employer for advice. There is much evidence in this record which is indicative of a very wholesome cooperative spirit existing between management and employees. Surely, it is desirable and bespeaks the confidence of employees in the management to have the old employees ask the executive officer of the employer to express his views and his labor union preference.

"On the other hand, the position of the employer is a most delicate one. Surely, he has the right to his views. And the right to entertain views is rather valueless if it be not accompanied by the right to express them. And this right to express his views is clearer when they are expressed in response to an interrogatory by one of his employees. And yet, the voice of authority may, by tone inflection, as well as by the substance of the words uttered, provoke fear and awe quite as readily as it may bespeak fatherly advice. The position of the employer, where, as here, there is present, genuine and sincere respect and regard, carries such weight and influence that his words may be coercive when they would not be so if the relation of master and servant did not exist."

### FREE OFFERS

Bobby Jones, former golf champion, and the Parker Pen Company led this week's list of those trying to get a little free radio advertising. As Director of the American Golf Institute, Mr. Jones is offering a "service" to

provide stations with material designed to increase interest in golf. A. G. Spalding and Brothers, manufacturers of golf equipment, are back of the American Golf Institute.

The Parker Pen Company is offering what it calls "legitimate news" about a college scholarship contest it is going to conduct.

The NAB has notified both that the use of their offers would constitute a violation of the NAB Code ban on free time for commercial purposes.

The Anker-Holth Manufacturing Company is following up its contingent offer. Acceptance would constitute violation of the NAB Code, and the NAB has so notified the Company.

Domestic Science Department:

The Fruit Dispatch Company, an affiliate of United Fruit, has sent out a script aiming to convince ladies that they should feed their husbands practically nothing but bananas.

The American Spice Trade Association has sent out a script suggesting a number of delicious dishes, all highly spiced.

The Glass Container Association of America is a little more subtle in its recipes, but nevertheless it seems the best food comes out of glass jars, not cans.

The Dennison Paper Company has sent out a script which tells the kiddies what fun they can have at Easter if they decorate their eggs with colored paper stickers.

The NAB has suggested to all these people that they undertake a regular paid radio advertising campaign and promised the cooperation of any station, network or agency in working it out.

## Legal

### NORTH DAKOTA GOVERNOR SIGNS COPYRIGHT MONOPOLY LAW

North Dakota's new law curbing the activities of pools controlling performance of copyrighted music was signed by the Governor Thursday, March 16. The new statute goes into effect immediately. Details of the statute were printed in NAB REPORTS for March 10, pp. 3335-3336.

### MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling public performance of copyrighted music have been introduced in the states of Oklahoma and Minnesota. H. 1147, introduced in Minnesota, is the second bill of this nature to be presented to that legislature for consideration. Details of the two bills are not available, but the information received indicates that both bills follow the principles of the one passed by the legislature of North Dakota last week (NAB REPORTS, March 10, pp.

3334-6). It is reported that a bill has been introduced in Missouri, but this had not been confirmed at the time of going to press.

## NEW LEGISLATION CONGRESS

H. R. 4871 (Mr. Daly, Penna.) COPYRIGHT ACT—To amend the Copyright Act in various respects, including the creation of copyright in recording artists covering the rendition of their recordings when reproduced mechanically. Referred to Committee on Patents.

## STATE LEGISLATION

### CALIFORNIA:

A. 200 (Tenney) PUBLIC EXHIBITIONS—To add Article VII to Chapter I of Part I of Division I of the School Code, relating to the participation of pupils in public exhibitions. Referred to Education Committee.

A. 247 (Tenney) DEFAMATION—To add sections 45a, 46a and 47b to the Civil Code, relating to defamation. Referred to Judicial Codes Committee.

A. 249 (Tenney) CRIMINAL DEFAMATION—To amend sections 248 and 258 of, and to add sections 250a and 259a to the Penal Code, relating to criminal defamation. Referred to Crime Problems Committee.

A. 256 (Tenney) PUBLIC EXHIBITIONS—To add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 155 relating to the participation of pupils in public exhibitions. Referred to Education Committee.

A. 712 (Tenney) MUSICIANS—Relating to musicians of public institutions. Referred to Education Committee.

### GEORGIA:

H. 810 (Allen) GENERAL TAX ACT—EXEMPTION—Amending Section 22 of the General Tax Act No. 360, approved March 28, 1935, Georgia Laws of 1935; which provides that no person shall be exempt from any tax imposed, who has more than one employee to assist in conducting such business. Referred to State of Republic Committee.

### MICHIGAN:

H. 318 (Walsh & Buckley) DEALERS IN AUTOMOBILE RADIOS, ETC.—To provide that dealers in automobile radios, heaters, and tires shall keep records of identification, purchase and sale of same. Referred to State Affairs Committee.

### MINNESOTA:

H. 1147 (Mann et al.) MUSIC COPYRIGHTS—Regulates use of copyrights of music and dramatics and requires license and taxes all sales 3 per cent of gross receipts. Referred to Taxes Committee.

### MISSOURI:

H. 576 (Scherman & Thedinger) AUTO RADIO LICENSE PLATES—Relates to the motor vehicle code and adds a new section providing license plates for federally licensed amateur radio broadcasting station owners as a special aid to public officials in time of emergency.

H. 604 (Asotsky & Gill) FOODS, DRUGS AND COSMETICS—Relates to the duties of the State Board of Health in the regulation and inspection of foods, drugs and cosmetics with reference to adulteration, misbranding, false advertising, etc., providing also for an inspection fee.

H. 623 (Keating) SALES TAX—Amends the present sales tax and in addition relates to a tax on certain services.

### NEVADA:

H. 187 (Hazard) NEWS—LIBEL—Amends the act relating to libelous and/or defamatory news stories and to their retraction. Referred to Public Printing Committee.

### NEW HAMPSHIRE:

H. 267 (Gage) LIQUOR ADVERTISING—Prohibits liquor advertising in state stores. Referred to Liquor Laws Committee.

### NEW YORK:

A. 1931 (Moffat) RADIO BROADCASTING—REPORTS OF OFFICIAL PROCEEDINGS—Provides that actions cannot be maintained against reporter, announcer, commentator, speaker, editor, broadcaster or proprietor of radio broadcasting station or system for publication therefrom of fair and true report of any

## INDEX

	Page
The Industry Rolls Up Its Sleeves	3347
Wage and Hour Act	3347
Free Speech	3348
Free Offers	3348
North Dakota Governor Signs	3348
Music Monopoly Bills	3348
New Legislation	3349
Monopoly Hearing	3349
Montana Meeting	3350
NAB-RMA Campaign	3350
Henry P. Rines	3351
Engineering	3351
C. C. I. R. Meeting	3352
FCC Grants Extensions	3352
High Frequency Allocation	3352

judicial, legislative or other public and official proceedings, or for any title or heading of the report which is a fair and true title. Referred to Codes Committee.

A. 1988 (Piper) PRACTICE OF OPTOMETRY—DEFINITION—Extends definition of the practice of optometry to include one who provides, furnishes or adapts lenses or devices for aid or relief of the eye; advertising of eyeglasses by printed, radio, display or other means referring to price or discount therefor is made unlawful, toy glasses and goggles, colored or white, being excepted. Referred to Rules Committee.

S. 1424 (Bewley) (Same as A. 1927)—UNIFORM FOOD ACT—Enacts a Uniform Food Act, to prevent adulteration, misbranding and false advertisement of foods; provides for enforcement by agriculture department unless other state department has supervision of particular violation. Referred to Agriculture Committee.

S. 1426 (Coudert) Same as A. 1931, above.

S. 1498 (Mahoney) Same as A. 1988, above.

### OKLAHOMA:

S. 207 (Hearne) COPYRIGHTS—Regulating copyrights and public performing rights of musical compositions.

S. 219 (Monk) FOODS, DRUGS, COSMETICS—FALSE ADVERTISING—Prohibiting misbranding and false advertising of foods, drugs and cosmetics.

### OREGON:

H. 549 (Ways & Means Committee) RADIO STATION—To provide for the development, use, control, and regulation of the state owned radio station.

### PENNSYLVANIA:

H. 436 (Calvin) PROMOTION OF INDUSTRY—Relating to and providing for the promotion and development of business, industry and commerce in the Commonwealth. Referred to State Government Committee.

H. 525 (McClester) EMPLOYMENT AGENCIES—Amending Employment Agent Law of May 2, 1929 (P. L. 1260) to provide for the transfer of licenses and regulating and limiting fees charged by licensees.

## Monopoly Hearing

The FCC monopoly investigation will turn next week to lease and management contracts and related matters.

MARCH 14

Gerald King, president of the Association of Radio Transcription Producers of Hollywood, Inc., was on the stand throughout the day. After describing the transcription business in great detail, he said it had been retarded by five things: the mandatory announcement before and after each program; "the hostility of the networks who saw in this method of broadcasting a competitive medium"; the inability of advertisers to clear time for transcription broadcasts because of network contracts; the labor unions and copyright groups, and "new network policies" that have grown

out of competition. He then discussed the advantages of transcription broadcasting, and the advances made in recording during recent years. He expressed an opinion that the networks should stay out of the transcription business because it "lessens competition." He described the World "network." He said it was an "unfair trade practice" for stations to use regular phonograph records, and suggested that the FCC regulate their use. He discussed the NAB Bureau of Copyrights library of tax-free music, and said that such recording would "stand the industry in good stead in case they need it." Transcriptions will be gone into again the week of April 4.

### MARCH 15

Roger N. Baldwin, director of the American Civil Liberties Union, said that the Union's radio committee had approached the matter of freedom of the air from three angles: legislative restrictions; the FCC's rules, regulations and pronouncements; and station policies. He said the Union opposed both private and public (government) monopoly in broadcasting. The radio set-up today tended toward private monopoly. He opposed the network rule against selling time for discussion of controversial issues, network "restrictive" contracts, and "super-power." He assailed the FCC for "its attitude toward restriction of freedom of the air." The Commission, he said, accomplished this by speeches and letters. He stressed the Mae West incident and Chairman Frank R. McNinch's pronouncement on religious broadcasts, and added that the latter might well be taken care of by the NAB. He said there would be legislation to free broadcasters from responsibility for what is said by outsiders on their stations. He proposed three-year licenses with the burden of proof for revocation on the FCC.

S. Howard Evans, Secretary of the National Advisory Council on Radio in Education, read a prepared statement in which he stated he was opposed to both self-regulation by the industry or of program policy regulation by the FCC.

"To this \* \* \* I am unalterably opposed and on the ground that such control over this great instrumentality of communication, with its power instantaneously to reach and influence millions of people, cannot safely be entrusted to either of these groups. Each has limitations which make it unsuitable as an agency to function for this purpose."

He further advanced that stations set up advisory councils representative of education, labor, religious and civic interests and that such committees be responsible for the character and fairness of public service programs.

Pressed closely by special counsel Funkhouser on his statements in which he "impliedly" charged the Commission with favoritism in allocating frequencies and in fostering a "lobby" in Washington by those favored groups interested in retaining such allocations, Mr. Evans said he did not mean to infer that there was anything improper in the endeavor of a group to make its representations to the Commission and the Commission staff, but he declared that the present allocating and licensing system left the Commission "vulnerable."

Questioned by Commissioner Walker as to why he did not touch on educational aspects of American radio, Mr. Evans declared: "No. I did not attempt to do that, and I think that in general the attitude of educators would be this, that with the ultra-high frequencies available, that with the educational stations which exist, and with the opportunities that are being offered, both by local commercial stations and by networks, to education, that education probably has all of the opportunity to use radio that it is in a position to take advantage of, and I think that before education will be in a position to demand additional facilities that education itself will have to do a considerable amount of improvement in its product. So I think, in general, it is safe to say that there is no particular criticism right now of the treatment that is being given in the matter of receiving time on the air."

### NAB-RMA CAMPAIGN

With a thirty-page booklet outlining the opportunities of the broadcaster in the NAB-RMA campaign ready to go out to radio stations next week the NAB-RMA subcommittee had a special meeting this week with representatives of the manufacturers for a final round-up of plans in preparation for the first all-industry-wide promotional campaign, which is scheduled to get under way the week of April 17.

Among those meeting with President Miller and Ed Kirby, Director of Public Relations, were the following representatives of RMA: Messrs. Joyce of RCA, Ramsdell of Philco, S. T. Thompson of Zenith, E. H. Vogel of G. E., J. P. Rogers of Crosley, Paul Ellison of Hygrade Sylvania, and Frank Mullen of RCA. Also present were Fred Rost, editor of RADIO RETAILING; O. H. Caldwell, editor of RADIO TODAY, and Sol Taishoff, editor of BROADCASTING.

### MONTANA MEETING

A meeting of the Montana Association of Broadcasters was held in Billings, Montana, on March 6. Those in attendance were Mrs. Jesse Jacobsen, KFBB; Ed Yocum, KGHL; Art Mosby, KGVO; K. O. MacPherson and Barclay Craighead, KPFA; John Claxton; Kenneth C. Davis; Ed Craney, KGIR; and Ed Krebsbach, KG CX, President of the Association.

John Claxton, attorney, was present to discuss the new Montana libel law and answered the various questions asked by the members. The new Montana Copyright Law also was thoroughly discussed. The entire subject of copyright and tax-free music was considered by the Association.

At the afternoon session resolutions were passed congratulating Senator Burton K. Wheeler and Senator James E. Murray of Montana and Congressman J. E. O'Conner on their cooperation with the Montana Association concerning radio legislation. The Association also urged the Montana congressional delegation to oppose all legislation that would in any way keep general public opinion from being the sole censor of radio programs.

The following resolutions were adopted and are printed in full for the information of NAB members:

"WHEREAS, the broadcasting industry has the means of bringing to the public attention creative genius of any and all authors and composers; and

"WHEREAS, there is much to be had of special interest and value to the general public from the files of public domain music; and

"WHEREAS, the firm of Lang-Worth has already shown its understanding of these problems; and

"WHEREAS, it is thought that the combination of Lang-Worth and NAB can be of great service to the radio broadcaster, the individual composer and author, the advertiser and the general public;

"THEREFORE BE IT RESOLVED, by the Montana Association of Broadcasters that they compliment NAB on the selection of Lang-Worth for the building of the NAB-Lang-Worth Music and Library Service; and that it further be

"RESOLVED, by the Montana Association of Broadcasters that they support the NAB-Lang-Worth plan and do hereby urge all other broadcasters to do likewise."

"WHEREAS, the entrance of the United States into the International Copyright Union is being considered; and

"WHEREAS, the use by radio broadcasting of copyrighted material is restricted today by monopolistic groups of publishers under the present copyright law; and

"WHEREAS, the Radio Broadcasting Industry has since its inception been continually a prey to a monopolistic group of publishing houses and subject to exorbitant demands by this group; and

"WHEREAS, this group's demands have been so great and their practices so ruthless as to stifle free and open competition between copyright owners; and

"WHEREAS, their practices have been such that they have retarded

and curtailed creative genius of individual composers and authors throughout these United States; and

"WHEREAS, the small independent author or composer is afforded no protection from these monopolistic publishers by the present copyright law; and

"WHEREAS, the users of copyrighted material have no way of protection against these monopolistic groups and no way of knowing the true owners of copyrights under the present copyright law; and

"WHEREAS, the entrance of the United States into the International Copyright Union would only add confusion to the present situation;

"THEREFORE BE IT RESOLVED, by the Montana Association of Broadcasters that we ask our Congressional delegation to insist that the United States not join in the International Copyright Union or make any treaties with any foreign country affecting copyrighted material in any way whatsoever until our own copyright law has been revised so that it will give adequate and equal protection to user and seller or leasor of copyrighted material."

### Henry P. Rines

Henry P. Rines, operator of WCHS, WFEA and WRDO, died March 2 in Portland, Me., after a chronic illness. He had been in broadcasting since 1925.

## Engineering

### STANDARDS FOR AUDIO CIRCUITS INTERCHANGEABILITY OF EQUIPMENT

Audio circuits from the studio to the transmitter, with its complex switching and amplifying system, have used all kinds of instruments. It is often desirable, both from the point of view of meeting emergencies, and of economy, to be able to interchange the equipment. If such interchange is not possible, duplicate equipment has to be available. At this point, a technical problem presents itself, i.e., what is the best way of making interchange possible? In order to be able to substitute one amplifier for another, without loss of quality of reproduction, it is necessary that the two amplifiers have the same impedances, both at their inputs and their outputs. For maximum flexibility, it is necessary, therefore, to standardize the electrical circuits at the input and output of each item of equipment; it is also desirable to standardize the measuring instruments used. A beginning has been made in this direction, and it is hoped it will eventually not only make easier the operation of broadcast stations but also create economies.

The audio circuits that exist between the microphone, or transcription or record pick-up, and the transmitter are designed with a number of objects in view; the principal one is, of course, to amplify the audio energy with a minimum of distortion. The operator has to be able to control the intensity of the audio energy, mix in suitable proportion the program when it comes from several sources, and, at a moment's notice, be able to switch, from one studio to another, or to a turntable pick-up or a long distance line. If an amplifier fails, he should be able to switch another one in without the listening audience being aware that any major element of the chain between the microphone and their loud-speakers has failed. All this has to be done without distortion or alteration in the frequency response. To achieve these results, it is important that circuits of the various units be properly matched. If they are not so matched, there is a danger of distortion, usually loss of high notes, and of loss of efficiency in the audio circuits. It would, therefore, be safer and easier to have, wherever possible, a standard value for the input and output circuits for all the audio equipment used in a broadcast station.

An initial step has been taken towards standardization. It is a step which will permit an engineer to know exactly what he reads when he sees a standard meter. There are many types of meters in use to measure the level of the audio energy at the various stages of the audio system. Many of them measure different quantities, so that when two engineers talk of a certain audio level, they may be talking about different things. The first step towards standardization is not unnaturally, therefore, a meter—a meter that reads audio levels. It is hoped that this new standard will supersede the variety of meters in use at present.

The meter is presented as a standard for volume level measurements by the Bell Telephone Laboratories, National Broadcasting Company and Columbia Broadcasting System. After several months of conferences, agreement was reached on a meter of comparatively inexpensive design suitable for a number of different uses, with which the broadcaster is concerned, including the measurement of program material.

An instrument used by an operator to measure the program level of a station should fulfill two principal functions. First, it should advise the operator of the volume level beyond which he should not allow the program to go otherwise there will be noticeable distortion, and second, it should advise him of the actual volume level of the program. The instrument should provide this information for all types of programs, whether the wave form be peaky, as in a woman's voice, or be comparatively flat as in the sound from an organ. If an organ recital follows a woman speaker, it should not be necessary for the radio listeners to jump up to adjust their volume controls; the level of modulation should be adjusted by the operator so that the volume of sound from the loud-speakers of the listeners gives an impression of being proper for all kinds of programs. At the same time, the peaks must not be noticeably distorted, yet the full modulation capacity of the transmitter should be used. A listener will not notice the distortion of peaks of very short duration, so that the instrument should record only those peaks which last long enough that distortion can be heard. The time required for the meter to operate should, therefore, not be either too long or too short. The instrument proposed as a standard was selected out of a large number to fulfill as closely as possible all these conditions and still be low in price.

All these considerations have involved many problems that have required several years of study and the sponsors are to be congratulated on the presentation of this standard instrument to measure volume levels for monitoring broadcast programs and other purposes. Its use should prove an advance and improve the quality of operation. It is hoped that broadcast stations will adopt this standard instrument and install it in their monitoring equipment.

The power level reference or zero level selected is the volume in a sine wave having the energy of 1 milliwatt. The meter is calibrated on the basis of the energy in decibels in a sine wave; its deflection is proportional to the voltage of the wave. It must therefore be applied to a standard impedance in order to read correctly. The standard impedance selected is 600 ohms. If it is applied across a circuit having some other value of impedance, a correction should be made, which consists simply in adding or subtracting a certain number of decibels.

#### The "vu"

The discussions went beyond the selection of a standard meter. They covered the use of a new unit. Instead of using the cumbersome phrase "db. above zero volume level" a new unit is proposed, the "vu". It is numerically equal to the number of decibels above 1 milliwatt. It is recommended that this unit be adopted for the sake of uniformity.

The exact wording of the joint agreement between Bell Telephone Laboratories, National Broadcasting Company and the Columbia Broadcasting System is as follows:

"Zero or reference volume level shall be defined by specifying (a) the characteristics and method of use of the volume indicator instrument, and (b) a steady state reference of 1 milliwatt. The impedance of the circuit across which the instrument is calibrated shall be 600 ohms. The characteristics of the instrument, as well as the value of the calibrating power, are important features of the definition.

In order to avoid the more cumbersome term 'db above zero volume level' and confusion with several existing standards, it is proposed to designate the readings of the new instrument as so many 'vu', numerically equal to the number of db above the reference volume level."

#### Characteristics of Meter\*

Those technically inclined will be interested in the electrical characteristics of the meter. The principal ones are as follows:

1. Full wave, copper oxide rectifier in meter case.

\* A meter having these characteristics is already being manufactured by one company (Weston Electrical Instrument Corporation. Type #30 Volume Level Indicator). It is expected that other companies will also have it in production.

2. Reaches 99% of steady value 0.3 second after application of sudden single frequency voltage. The damping is such that the pointer will overswing 1% to 1½%.
3. The sensitivity is uniform within 0.2 db. of the sensitivity at 1000 cycles from 35 cycles to 10,000 cycles, and within 0.5 db. over the range from 25 cycles to 16,000 cycles.
4. The instrument can withstand an overload voltage for half a second of 10 times the value equivalent to a reading of zero vu, and a continuous overload of 5 times this value.

### Standardization of Impedance

To carry the problem of standardization further with a view of making the operation of a station as flexible as possible, it was decided that the input and output impedances of amplifiers, mixers, and other equipment should be standardized as far as possible. Discussions are taking place on this problem and the Engineering Committee, represented by Mr. Wilmotte, is taking an active part in them.

Several technical problems are to be met. In the first place, consideration has to be given to the recommended standard of 600 ohms for the volume indicator described, since this standard will be used by the A. T. & T. for its transmission lines. Also must be considered the fact that microphones are designed of various impedance values, ranging from 30 ohms to 250 ohms, most of them being either 30 ohms or 250 ohms. There is other equipment to be considered, such as transcription pick-ups. Existing equipment must also be studied; many installations, for instance, use 200 ohms, which bears no simple relation to the other impedances of the system.

Whatever agreement is reached, if one is reached, will require some intermediate period of several years duration, so that standardization produces no burden on existing installations. The whole problem is being considered very carefully. If broadcasters have recommendations to make, they should send them to Mr. Wilmotte, at the NAB headquarters, as soon as possible.

—R. M. WILMOTTE.

### C. C. I. R. MEETING

A meeting is to be held at the State Department on March 21 and 22 to begin the preparation for participation of the United States at the meeting of the C. C. I. R. at Stockholm, Sweden, in June of next year. In connection with the preliminary meetings the State Department this week issued the following announcement:

The Fifth Meeting of the International Consulting Committee on Radio (C. C. I. R.) is to convene at Stockholm, Sweden, probably on June 25, 1940.

With a view to preparing for United States participation in that Conference and the formulation of proposals to be submitted in behalf of the United States, there will be held in Room 474 of the Department of State, 17th Street and Pennsylvania Avenue, Washington, D. C., on Tuesday and Wednesday, March 21 and 22, 1939, at 9:30 a. m., a meeting for the purpose of organizing the preparation for United States participation in the Stockholm Conference.

The preparatory meetings for the Conference at Stockholm will be open to all individuals and agencies in the United States interested in participating in that work.

Following is a list of the questions to be considered:

- No. 1. Methods of Measuring Radio Receiver Selectivity.
- No. 2. Methods of Measuring Radio Field Intensity and Noise.
- No. 3. High-frequency Ship Calling Frequencies and Procedure.
- No. 4. Sideband Suppression.
- No. 5. Anti-fading Antennas.
- No. 6. Receiver Selectivity Requirements.
- No. 7. Vocabulary of Radio Terms.
- No. 8. Measurement Methods and Tolerances for Electrical Interference.
- No. 9. Indication of Power of Transmitter with Directional Antenna.
- No. 10. Frequency Tolerances.
- No. 11. Frequency Separation between Stations, in Fixed and Mobile Services.
- No. 12. Radio Wave Propagation.
- No. 13. Characteristics of Frequencies for Direction Finding.
- No. 14. Field Intensities Required for Reception.

- No. 15. Background Noise of Transmitters.
- No. 16. Background Noise of Receivers.
- No. 17. Sensitivity of Radio Receivers.
- No. 18. Radio Conditions Affecting Phototelegraph Transmission.
- No. 19. Band Width of Emissions.
- No. 20. Amendment or Elimination of Opinions.
- No. 21. Addition to Appendix 12 to General Radio Regulations.
- No. 22. Universal Decimal Classification.
- X. Definition of Transmitters. (New Question.)
- Y. Classification of Waves. (Tentatively New Question.)

### FCC GRANTS EXTENSIONS

The Federal Communications Commission announced Monday it had granted the few applications which have been made by broadcast licensees for extensions of time within which to file annual financial reports due from them on March 15, 1939. The extensions vary in length, in accordance with individual need. The reports affected cover the calendar year 1938. The Commission authorized that further applications for extensions be granted in individual cases for reasonable cause shown.

### HIGH FREQUENCY ALLOCATION

The Federal Communications Commission has issued a report covering the allocation of frequencies throughout the radio spectrum from 30,000 to 300,000 kilocycles. The Commission also made public the table of allocations to the specific services.

In addition to announcing various changes in the allocation to these specific services, the report, by its terms, accomplishes the following:

1. Extends the outstanding instruments of authorization for frequencies above 60,000 kilocycles except those operating in the broadcast service (television, facsimile, relay, high-frequency and experimental broadcast) to October 1, 1939.
2. Provides that applications for renewal which are due to be filed on August 1, 1939, shall specify frequencies in accordance with the new allocation.
3. Provides that applicants for new instruments of authorization after the effective date of this order (April 13, 1939) shall request frequencies in accordance with the new table of allocations.

### Broadcasting

The allocation of frequencies above 30,000 kilocycles vitally affects several important broadcast services; namely, television, facsimile, relay, high frequency and experimental broadcast.

The action taken by the Commission today with respect to television is in general accord with the action taken on October 13, 1937, in that the same 19 bands are reserved for television; however, three of the bands, namely, 162,000-168,000 kc., 210,000-216,000 kc., and 264,000-270,000 kc., may be used also for general or specific research and experimentation in the radio art along lines which are not specifically directed toward any established service. These stations will be required to vacate these bands if operation thereon results in interference to any television station.

The Commission believes that in order to permit television to be inaugurated on a nationwide basis a minimum of 19 channels should be reserved below 300 megacycles. This does not mean that the minimum number of channels allocated by this order will eventually provide channels for a completely competitive nationwide service.

## Experimental Service

Undoubtedly additional channels above 300 megacycles or some rearrangement of the present plan will be necessary at a later date.

As previously stated, the action taken by the Commission is merely one step toward the development of the television service. The question of proper standards of design and operation are now being studied and will receive appropriate action with the least possible delay. All outstanding authorizations for television service are experimental.

In the band 41,000-44,000 kc., 75 channels are made available for assignment to aural broadcasting and facsimile broadcasting stations. Twenty-five of these channels have already been allocated to non-commercial educational broadcast stations. The revised order does not change the existing broadcast allocation in this band nor does it change the allocation to broadcasting on frequencies below 41,000 kc.

Order 19 originally provided for broadcasting in the band 142,000-144,000 kc. In order to provide frequencies for the aviation service, it was necessary to shift broadcasting to the band 116,000-118,000 kc., which was formerly tentatively assigned to amateurs.

Frequencies will be provided in each of the broadcast bands above 40,000 kc. for experimentation in frequency modulation as well as amplitude modulation in order that the relative merits of the two types of modulation may be properly evaluated by the Commission at an early date. It is anticipated that as a result of such experimentation proper standards will be eventually developed.

The action of the Commission in revising Order 19 provides a total of 12 channels for broadcasting service, such as, for example, relay broadcasting, in the frequency band 132,000-140,000 kc. These channels are in substantial accord with the original allocation.

### Police Service

The police service has been allocated 8 channels between 132,000-140,000 kc. to supplement the frequencies which have previously been allocated to this service within the band 30,000-40,000 kc. At the present time there is only a small number of police stations operating experimentally above 100 megacycles.

Municipal and county governments as in the past will be required to cooperate to the fullest extent and coordinate their needs for radiocommunication service in order that interference may be minimized. These frequencies will be maintained experimentally until such time as developments may determine which manner they may be best used by this service.

### Aviation Service

In order to provide additional frequencies for the aviation service, which is essentially a safety service, and may not be served by any other method of communication, the frequency band 140,100-143,880 kilocycles has been allocated to this service. Many of the present problems which confront the aviation industry through its employment of medium frequencies may be solved through the use of the ultra-high frequencies. These frequencies are of utmost importance to the aviation service in that they are comparatively free from atmospheric interference and electrical disturbances, which render communication on medium frequencies impossible at times. Because of the natural limitations of these frequencies in their transmission and reception range, duplication of use of a given frequency will be possible at intervals of about 500 miles.

The frequency band 129,000-132,000 kilocycles remains unchanged and will be available for airport traffic control. Six airport frequencies separated by approximately 500 kilocycles will be available for use at various airports throughout the country. Where there are several airports in the same locality, such as New York, the use of a separate and distinct frequency may be authorized. The intervening guard bands are provided in order to avoid interference and thus give the maximum degree of safety possible.

### Fixed Service

The fixed service has been allocated 14 channels in the band 132,000-140,000 kilocycles. In view of the decided and extensive demand for frequencies for the various classes of service which by their very nature are dependent on radiocommunication rather than wire lines, it is only possible to provide frequencies for the fixed service for use in areas where wire facilities are not available, or, due to circuitous wire routing or emergency circumstances, the use of radio may be found justified. Consequently, a limited number of frequencies have been made available for fixed service.

The experimental service has been allocated, in addition to the frequencies previously assigned, the shared use of those frequencies allocated to the special services. These additional channels which are interspersed throughout the frequency range 30,000-40,000 kilocycles and 132,000-140,000 kilocycles are primarily for general experimentation which is not directed specifically to any established service.

In addition, the order provides that all frequencies between 129,000 and 140,000 kilocycles are also available for assignment on an experimental basis to stations engaged in the development of a specific service in accordance with the rules and regulations governing that service. For example, should a municipality desire to experiment in the police service on frequencies above 130 megacycles, the frequencies allocated to the police service would be used.

There are also made available to the experimental service three bands of frequencies which have been allocated primarily for television broadcasting. These bands are separated approximately 50 megacycles apart, commencing with the band 162,000 kilocycles. Frequencies within these bands are available on a temporary basis only for general or specific research and experimentation in the development of the radio art along lines which are not specifically directed toward any established service. The holder of any general experimental instrument of authorization for any frequency or frequencies within these bands must vacate such frequency or frequencies if interference results to the television service. The assignments to experimental stations will be made upon the approximate 0.1% channeling system.

### Relay Press Service

The term "relay press" station has been adopted by the Commission since Order 19 was first promulgated. Frequencies above 30,000 kc. formerly designated as "mobile press" are now designated "relay press." A relay press station is limited to the transmission of news for publication, or orders, instructions or inquiries concerning such news to be published by the licensee and other publishers of the same news, or to be disseminated by the news association with which the licensee is regularly affiliated. Licenses for relay press stations are granted for communication to or from points where other communication facilities are not available. The frequencies provided in the revised order for relay press stations fall within the bands 30,000-40,000 and 132,000-140,000 kc.

### Coastal and Ship Harbor

The allocations to coastal and ship harbor stations have not been changed except to reduce the allocation by one channel which was necessary to fill the needs of broadcasting and aviation. These stations are used for the purpose of providing a short range harbor service similar to that now authorized in the frequency bands 2100-2200 kc. and 2500-2600 kc.

### Special Emergency

Except for the deletion of one of the original frequencies contemplated in Order 19, the revised order maintains the existing allocation to special emergency stations. Special emergency stations are covered by the rules and regulations governing the emergency service. A license for this class of station is issued only to an organization established for relief purposes in emergencies and which has a disaster communication plan, or to persons having establishments in remote locations which cannot be reached by other means of communication, or to public utilities.

### Marine Fire

The previous allocation to this service remains unchanged and is for the purpose of rendering communication service to fireboats similar to that now authorized by the existing rules and regulations of the Commission.

### Special Services

The frequencies which have been allocated to special services have been made available for use by experimental stations for experimentation and research in the development of the radio art. The use by both services will be on a shared basis and it will be necessary that the holders of instruments of authorization for either service to cooperate to the end that interference may be reduced to a minimum.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Station KELA, **Chehalis, Washington**, to increase its power from 500 watts to 1000 watts. It operates unlimited time on **1440 kilocycles**.

The Commission found there is a public need for the additional service proposed and "the program service rendered by the applicant is designed to serve the interest of the entire area to be served." The Commission found that if the increased power were granted, it would not be expected to cause objectionable interference to any existing station. Commissioner Brown did not participate in this decision.

The application of WHAI, **Greenfield, Massachusetts**, to operate unlimited hours on **1210 kilocycles**, with 100 watts night and 250 watts day has been granted by the Commission. The station now operates on that frequency with 250 watts daytime only.

The Commission stated in its decision that a public need was shown in the Greenfield area for nighttime broadcast facilities such as those proposed by the station. No objectionable interference will be involved in the changes proposed, the Commission found, and the station has rendered a meritorious program service in the past. Commissioner Brown did not participate in this decision.

The application of John T. Alsop, Jr., for a permit for a new broadcast station at **Ocala, Florida**, to use unlimited time, 100 watts, **1500 kilocycles**, has been granted by the Commission.

The Commission's Findings of Fact and Conclusions were made public on January 30, and no exceptions were filed to the grant. Commissioner Brown did not participate in this Order.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of March 20. They are subject to change.

**Tuesday, March 21**

Broadcast

NEW—Southern Oregon Broadcasting Co., Grants Pass, Ore.—C. P., **1310 ke.**, 100 watts, unlimited time.

Wednesday, March 22

Broadcast

- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 ke.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 ke.**, 100 watts, 250 watts LS, specified hours.
- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Renewal of license, **1370 ke.**, 100 watts, 250 watts LS, specified hours.
- NEW—Lane J. Horrigan, d/b as Copper Country Broadcasting Co., Hancock, Mich.—C. P., **1370 ke.**, 100 watts, 250 watts LS, specified hours (requests facilities in part of WHDF).

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

**April 17**

- WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 ke.**, 1 KW, 5 KW LS, unlimited time (DA night). Present assignment: **880 ke.**, 500 watts, 1 KW LS, unlimited time.

**April 24**

- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 ke.**, 100 watts, daytime.
- WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 ke.**, 1 KW daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 ke.**, 1 KW, daytime.

**May 9**

- KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., **1380 ke.**, 1 KW, unlimited time. Present assignment: **1370 ke.**, 100 watts, unlimited time.
- KMJ—McClatchy Broadcasting Co., Fresno, Calif.—C. P., **580 ke.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **580 ke.**, 1 KW, unlimited time (S.A. for transmission of facsimile signals 12 midnight to 6 a. m., using 1 KW, experimental).

**May 10**

- KOH—The Bee, Inc., Reno, Nev.—C. P., **630 ke.**, 1 KW, unlimited time (DA night). Present assignment: **1380 ke.**, 500 watts unlimited time.

Hearing Reopened

Broadcast

- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 ke.**, 1 KW, unlimited time. Present assignment: **1390 ke.**, 1 KW, unlimited time.

**May 12**

- KROY—Royal Miller, Sacramento, Calif.—Modification of license, **1210 ke.**, 100 watts, unlimited time. Present assignment: **1210 ke.**, 100 watts, daytime.

**May 26**

- NEW—John F. Arrington, Jr., Valdosta, Ga.—C. P., **1230 ke.**, 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- WRAL—H. E. Satterfield and E. O. Marshburn, Raleigh, N. C.—Granted authority to transfer control of Capitol Broadcasting Co., which is permittee of Broadcast Station WRAL, from the present stockholders thereof, no one of whom has control, to A. J. Fletcher. (Assignment under C. P., **1210 ke.**, 100 watts night, 250 watts day, unlimited time.)
- W9XAZ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted C. P. for new high frequency broad-

cast station; frequencies 31600, 35600, 38600 and 41000 kc., on an experimental basis conditionally, 500 watts power.

### RENEWAL OF LICENSES

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

KMA, Shenandoah, Iowa; KTAT, Fort Worth, Tex.; KXOK, St. Louis, Mo.; KYA and auxiliary, San Francisco; WAAT, Jersey City, N. J.; WBRC, Birmingham, Ala.; WCAD, Canton, N. Y.; WDBJ, Roanoke, Va.; WDSU, New Orleans; WHBI, Newark, N. J.; WOL, Washington, D. C.

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Granted renewal of license for the period ending September 1, 1939.

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted renewal of license for the period ending September 1, 1939.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Present license, expiring April 1, 1939, was extended upon a temporary basis only, pending determination upon application for renewal, but in no event longer than May 1, 1939.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Present license, expiring April 1, 1939, was extended upon a temporary basis only, pending determination upon application for renewal, but in no event longer than May 1, 1939.

WDBJ—Times-World Corp., Roanoke, Va.—Granted renewal of license for auxiliary transmitter for the regular period.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Wendell Mayes, Joe N. Weatherly and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownsville, Tex.—Application for C. P. for new station to operate on 990 kc., 1 KW, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KGIR—KGIR, Inc., Butte, Mont.—Application for modification of license to increase night power from 1 KW to 5 KW. (To be heard before the Commission en banc.) (Application designated for hearing because pending applications from Montana involve an increase in service, and because of interference with existing stations.)

WNBC—State Broadcasting Corp., New Britain, Conn.—Application for modification of license to increase present night power from 250 watts to 1 KW, employing directional antenna system for both day and nighttime operation. (Application set for hearing to determine if interference might be caused to existing stations, and because pending applications from Connecticut involve increase in service.)

WCBA—B. Bryan Musselman and Lehigh Valley Broadcasting Co., Allentown, Pa.—Application for voluntary assignment of license from B. Bryan Musselman to Lehigh Valley Broadcasting Company, a Pennsylvania corporation. (Commissioners Case and Craven dissented; Brown, Commission, not participating.)

WSAN—WSAN, Inc., and Lehigh Valley Broadcasting Co., Allentown, Pa.—Application for voluntary assignment of license from WSAN, Inc., to Lehigh Valley Broadcasting Co. (Commissioners Case and Craven dissented; Brown, Commissioner, not participating.) (Hearings on these applications will be held in Allentown if Commission's budget permits.) (The applications were designated for hearing to determine whether the granting of the applications to consolidate the two existing stations would result in, or tend toward, a monopoly in radio broadcasting in Allentown and its immediate environs, and to determine if the operation of the stations by the Lehigh Valley Broadcasting Co. would be in the public interest.)

### MISCELLANEOUS

WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, March 19, 26, April 2, 9, 1939, in order to broadcast feature by the New York Philharmonic Symphony Orchestra and a special religious talk by Rev. Chas. E. Coughlin; also to operate from 2 to 3 p. m., EST, Fridays, March 24, 31, April 7 and 14, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and the American School of the Air.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted extension of special temporary authority to rebroadcast time signals originated by radio station NAA, at 8 a. m., 11 a. m. and 6 p. m., CST, daily, for the period April 1 to September 30, 1939.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to operate unlimited time on April 7 in order to broadcast religious services on Good Friday from local churches.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to conclusion of championship basketball games on March 10, 11 and 13, 1939.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (April, 6:45 p. m., CST) to 11:05 p. m., in order to broadcast the following: Church services, April 2, 9, 16, 23 and 30; Legion meetings, April 3, 10, 17 and 24; exhibition baseball games, April 4, 6, 11 and 13; wrestling matches, April 5, 12, 19 and 26; Community Jamboree, April 14, 21 and 28; Extex Chamber Programs, April 1, 8 and 15; Texas State Teachers Meeting, April 7; Friendly Trek-Home Coming, April 18; baseball preview, April 20; baseball games, April 22, 25, 27 and 29; using 100 watts only.

WHAI—John W. Haigis, Greenfield, Mass.—Granted special temporary authority to operate from 6 to 6:15 p. m. weekdays, with power limited to 100 watts only, during March, 1939, in order to broadcast Yankee Network News Service; denied request to operate on March 28 and 30 in order to broadcast Yankee Network sports program sponsored by Blackstone Cigars.

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Denied special temporary authority to operate with 5 KW power night for a period of 30 days, employing DA, in order to overcome interference from Cuban station CMCY.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW and a conventional antenna for the period March 17 to April 15, pending installation of directional antenna authorized in grant of October 25, 1938.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW at night for the period March 13 to April 11, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc. or reduces power so that additional interference is not involved.

WGST—Georgia School of Technology, Atlanta, Ga.—Denied special temporary authority to operate with 5 KW power at night, for a period of 30 days, in order to overcome interference from Mexican Station XEW.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Denied special temporary authority to operate from 2:30 to 6 a. m., EST, March 12, in order to broadcast the ceremonies in connection with the coronation of the Pope.

WVOV—International Broadcasting Corp., New York City.—Denied special temporary authority to operate from 2:30 to 6 a. m., EST, March 12, for the purpose of broadcasting the ceremonies in connection with coronation of the Pope.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 9:45 to 11:15 p. m., CST, March 15, in order to broadcast the Birthday Party of the American Legion, using 100 watts only.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted C. P. to move transmitter site locally, and install a vertical radiator.

W2XBF—William G. H. Finch, New York City.—Granted license to cover C. P. authorizing change in location and installation of new antenna in experimental broadcast station, upon an experimental basis only, conditionally.

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted license to cover C. P. authorizing increase in daytime power from 100 watts to 250 watts, and installation of new equipment.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted license to cover C. P. authorizing increase in daytime power from 100 watts to 250 watts, and changes in equipment.

KROY—Royal Miller, Sacramento, Calif.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, PST, March 11, in order to carry special program in connection with coronation ceremonies of Pope Pius XII.

- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with stations WIBW and WCHS, with power reduced to 250 watts, from 6:15 to 11 p. m., CST, on March 16, and from 7:25 to 10:35 p. m., CST, on March 17 and 18, for the purpose of broadcasting State High School Basketball Tournament.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays: March 20, 27, April 3 and 10, in order to broadcast special programs from Louisiana State University and special addresses by the President and members of the faculty of that University.
- WCBN—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station WCBN aboard aircraft *Yankee Clipper*, owned by Pan American Airways Co., on frequencies 2400, 4800, 6430, 8655, 12862.5, 17310 and 23100 kc., in addition to the normal licensed frequencies, for period March 20 to April 18, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda, to Port Washington, N. Y., to London and return, to be broadcast by CBS.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 1 to 6 a. m., EST, Sunday, March 12, in order to broadcast coronation of the Pope.
- W2XDG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XDG on the frequency 38.65 megacycles, pending definite arrangements to be made in the ultra high frequency bands. The term of this special temporary authority shall be from March 20 until further order of the Commission, but no later than beyond April 18.
- WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate with power of 100 watts from 6:15 p. m. (local sunset) to 7 p. m., EST, March 10, in order to carry speech of Governor O'Connor from 6:45 to 7 p. m., and remaining time for sustaining programs to hold audience.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition for Order to take Depositions in re application for C. P. to change frequency from 1370 to 1120 kc., and power from 250 watts night, unlimited to 500 watts night, 1 KW day, unlimited DA at night.
- NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Overruled petition for continuance of hearing now scheduled for March 21, on application of Southern Oregon Broadcasting Co., Grants Pass, Ore., for C. P. to operate on 1310 kc., 100 watts, unlimited time.
- KTAT—Tarrant Broadcasting Co., Wichita Falls, Tex.—Granted petition to withdraw without prejudice, the application for C. P. to move studio and transmitter from Fort Worth to Wichita Falls, Tex.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted petition to withdraw without prejudice the application for C. P. to move transmitter site locally, install new equipment and DA for nighttime use; change frequency from 1370 to 930 kc., increase power from 100 watts night, 250 watts day, to 500 watts, unlimited time.
- WJHP—The Metropolis Company, Jacksonville, Fla.—Granted petition to intervene in the hearing on the application of WMBR, Florida Broadcasting Co., Jacksonville, Fla., to change operating assignment from 1370 kc., 100 watts-250 watts LS, to 1120 kc., 500 watts night, 1 KW day, unlimited using DA.
- WSPA—Virgil V. Evans, Spartanburg, S. C.—Granted petition to intervene in the hearing on the application of the Spartanburg Advertising Co., Spartanburg, S. C., for a new station to operate on 1370 kc., 100 watts, 250 watts, unlimited time.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN, Lawrence, Kansas, to install directional antenna and move transmitter to Kansas City, Kans., and studio to Kansas City, Mo.
- WREN—The WREN Broadcasting Co., Inc., Kansas City, Mo.—Overruled motion to dismiss petition of KMBC to intervene in the hearing on the above listed application.
- WBIL—Arde Bulova, New York, N. Y.—Granted special temporary authority to operate from 2:30 to 8:30 a. m., EST, March 12, for the purpose of broadcasting the Coronation of the Pope.
- WTOL—The Community Broadcasting Co., Toledo, Ohio—Granted special temporary authority to operate from local sunset (March, 6:45 p. m., EST), to conclusion of the 1939-9th U. S. Open Table Tennis Championship on March 17, 18 and 19, in order to broadcast these matches.
- WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Denied special temporary authority to operate with power of 250 watts from 7:30 to 10:30 p. m., CST, on March 9, 10 and 11, in order to broadcast the Kentucky Regional High School Basketball Tournament.
- KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Overruled motion of KVOX, Respondent, to dismiss appearance of KOVC, and KOVC's Motion in Opposition thereto, in re application to change frequency of KVOC Valley City, N. Dak., from 1500 to 1340 kc., and power from 100 watts, 250 watts day, to 500 watts, 1 KW day, unlimited time.
- WOL—American Broadcasting Co., Washington, D. C.—Granted petition to intervene in the hearing on the application of Lawrence J. Heller, for a new station in Washington, D. C., to operate on 1310 kc., 10 to 100 watts, unlimited time.
- WMEX—The Northern Corp., Boston, Mass.—Opposing counsel granted 2 weeks from today to comply with the Commission's rules. Motion of WMEX to strike "Applicant's Proposed Findings of Fact and Conclusions" in re application of Central Broadcasting Corp., Worcester, Mass., for C. P. to operate on 1500 kc., 100 watts, 250 watts day, unlimited, to be placed back on Motions Calendar 2 weeks from today, and counsel notified of this preliminary ruling.
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted motion to take depositions and supplemental motion, in re application for C. P. to increase power from 100 watts to 250 watts daytime on 1500 kc.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted applicant's petition to dismiss application without prejudice, for C. P. to change from 1120 kc., 100 watts daytime to 1110 kc., 1 KW, unlimited time.
- WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted motion extending time to file proposed findings 20 days from March 20, in re application of WGRC for C. P. to change frequency from 1370 to 880 kc., and increase time of operation from daytime to unlimited, using 250 watts and DA at night, and the application of The Gateway Broadcasting Co., Louisville, Ky., for C. P. to use 880 kc., 500 watts, unlimited time, DA.
- NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted motion extending time to file proposed findings 20 days from March 20, in re applications listed above.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Overruled motion for production of documents and other data described in KOAC's petition to reopen hearing. (KOY are applicants for modification of license to change frequency from 1390 to 550 kc., with 1 KW, unlimited time.)
- WDAF—Kansas City Star Co., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN for C. P. to move studio and transmitter.
- NEW—Central Broadcasting Corp., Worcester, Mass.—Overruled motion to amend application for C. P. for new station, and sustained opposition of WMEX, The Northern Corp., WORC, Frank Kleindienst, and C. T. Sherer Company.
- WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted modification of C. P. extending commencement date from February 13 to April 13 and completion date from July 13 to August 13, 1939.
- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted license to cover C. P. authorizing installation of new transmitter.
- WJMC—Walter M. McGenty, Rice Lake, Wisc.—Granted special temporary authority to operate from local sunset (March, 6:15 p. m., CST, to 12 midnight, CST, on March 15, in order to broadcast dedicatory program, using 100 watts only.
- KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 8:30 to 9:45 p. m., CST, March 15, in order to broadcast the Birthday Party of the American Legion, using 100 watts only.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to the conclusion of basketball games on March 16, 17 and 18, 1939.
- KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority to operate from 6:15 p. m. (local sunset) to 11 p. m., PST, on March 16, 17 and 18, in order to broadcast three additional games to the Pacific Coast Championship Basketball Race.

KWNO—Winona Radio Service, Winona, Minn.—Granted special temporary authority to operate with power of 100 watts only, from 6:45 p. m. (local sunset), April 3, to 3 a. m., CST, April 4, in order to broadcast the city election returns.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (March, 6:30 p. m., CST), to 10 p. m., CST, on March 17, 18, 20 and 21, in order to broadcast political talks and election returns; to operate from local sunset (April, 7 p. m., CST), to 9:30 p. m., CST, on April 2, 9, 16, 23 and 30, in order to broadcast Sunday Evening Church Services.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on April 1, 8, 15, 22 and 29, in order to broadcast newscasts, musical programs and other features of public interest; from 8:30 to 10 a. m., and 2 to 3 p. m., EST, on April 2, 9, 16, 23 and 30, in order to broadcast religious services, newscasts and musical programs and all hours between April 5 and April 15, when station WSVS will be entirely silent because of Easter vacation in order to broadcast musical programs and newscasts, provided WSVS remains silent.

KOIN—KOIN, Inc., Portland, Ore.—Granted special temporary authority to operate police mobile radio unit as a relay broadcast station on frequency 34600 kc., on March 15, to relay broadcast program in connection with the dedication of "Major Disaster Car" in Portland, and program to be broadcast over station KOIN.

W2XMN—Edwin H. Armstrong, near Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN, as licensed, for the period March 20 to April 18, to retransmit the transmissions from general experimental station W2XCR, in connection with certain demonstrations and research being carried on by the two stations in the field of frequency modulation.

#### APPLICATIONS FILED AT FCC

##### 570 Kilocycles

KUTA—Jack Powers and David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Company, Salt Lake City, Utah.—Construction permit to install new transmitter, directional antenna day and night use; change frequency from 1500 kc. to 570 kc., power from 100 watts to 1 KW; move transmitter from 13th South 3rd West, Salt Lake City, Utah, to 21st South 6-8th West, south of Salt Lake City, Utah.

##### 880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Modification of construction permit (B5-P-1536) for a new station, requesting changes in transmitter, approval of vertical antenna, and approval of studio site at 111 East 10th St., Vancouver, Wash., and transmitter site at Rural—Fruit Valley Road, end of 26th St., Vancouver, Wash.

##### 900 Kilocycles

WELI—City Broadcasting Corporation, New Haven, Conn.—Modification of construction permit (B1-ML-263—issued as a C. P.) for change in frequency from 900 kc. to 930 kc.; change in hours of operation from daytime to unlimited time, using 250 watts night and 500 watts day power; move transmitter, install directional antenna for day and night use, further requesting change in directional antenna for night use only, and approval of transmitter site at Benham Road and Paradise Ave., Hamden, Conn.

##### 1120 Kilocycles

KTBC—State Capitol Broadcasting Association (R. B. Anderson, President), Austin, Tex.—Modification of construction permit (B3-P-932) as modified for a new station, requesting change in type of transmitter, extend commencement and completion dates from 1-29-39 and 7-28-39 to 5 days after grant and 120 days thereafter.

##### 1200 Kilocycles

WDSM—WDSM, Inc., Superior, Wis.—Modification of construction permit (B4-P-770) as modified for a new station, requesting authority to extend completion date from 4-9-39 to 6-9-39.

#### 1460 Kilocycles

KSTP—National Battery Broadcasting Company, St. Paul, Minn.—Modification of construction permit (B4-P-1828) for a new transmitter, antenna (directional for day and night), increase in power, requesting approval of antenna and approval of transmitter site at St. Paul, Minn.

#### 1500 Kilocycles

WDNC—Durham Radio Corp., Durham, N. C.—License to cover construction permit (B3-P-2174) as modified for new transmitter and antenna and increase power and move of transmitter.

WDNC—Durham Radio Corp., Durham, N. C.—Authority to determine operating power by direct measurement of antenna power.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—Neptune Broadcasting Corporation, Atlantic City, N. J.—Construction permit to erect a new broadcast station on 1500 kc., 100 watts night and 250 watts day, unlimited time.

#### MISCELLANEOUS

NEW—Carman R. Runyon, Jr., Yonkers, N. Y.—License for a new experimental broadcast station (utilizing the equipment of general experimental station W2XCR) on the frequency band 86000-400000, 401000 kc. and above, 5 KW power, A3 and special emission.

W8XNO—Charleston Broadcasting Company, Charleston, W. Va.—Modification of construction permit as modified to extend commencement and completion dates from 11-2-38 and 5-2-39 to 5-2-39 and 11-2-39, respectively.

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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:

**Acme Dividend System**—See Century Business Service.

**Affiliated Products, Inc.**—Alleging misrepresentation in the sale of two cosmetic products sold under the name of Edna Wallace Hopper, a complaint has been issued against Affiliated Products, Inc., 257 Cornelison Ave., Jersey City, N. J., owner of the business formerly conducted by Edna Wallace Hopper, Inc.

Among advertisements of Edna Wallace Hopper's Special Restorative Cream, the complaint quotes the following:

"I am past sixty, says Edna Wallace Hopper, yet boys scarcely above college age often try to flirt with me. I've been booked from one theater to the other as 'The one woman in the world who never grew old.' \* \* \*

"It was developed by one of the most celebrated beauty scientists, Dr. Bonaventura Pacini, whose cosmetic creations have contributed so much to the beauty of women the world over. \* \* \*

The special restorative cream allegedly was advertised as capable of restoring youthful appearance to skins disfigured by age, and Edna Wallace Hopper's White Youth Pack (Clay) as being of French origin and capable of causing the blood to nourish and revive the skin and of removing blackheads and enlarged pores.

The complaint alleges that the respondent's representations are exaggerated and untrue; that the restorative cream is not a discovery of a French scientist, nor is the youth pack of French origin, and that neither preparation will accomplish the results claimed. (3734)

**Atlantic Manufacturing Company**—See Marlborough Laboratories, Inc.

**Bartell Drug Company**—See Western Chemicals, Inc.

**Century Business Service**—Selling sales promotion cards to merchants for their use in disposing of merchandise to ultimate consumers by lottery methods, Earl M. Loban, 401 Lafayette Bldg., Waterloo, Iowa, has been served with a complaint. Loban trades under the names Century Business Service, Acme Dividend System, and Century Publishing Company, Inc.

The complaint alleges that cards sold to merchants by Loban are bordered with the numerals 5, 10, 15, etc., to be punched in the amounts of successive purchases made by merchants' customers. In the center is a ruled square designated "concealed courtesy gift" which is opened by a heating process after the card has been completely punched, revealing thereunder amounts ranging from 25 cents to \$5. These amounts, determined wholly by chance, are received in trade by the customers, according to the complaint. (3731)

**Century Publishing Company, Inc.**—See Century Business Service.

**Cuban Health Products, Inc.**—Alleging misrepresentation in the sale of a food product, a complaint has been issued against Cuban Health Products, Inc., 125 East Kalamazoo St., Lansing, Mich.

In advertising its El Aguinaldo Cuban Honey, the respondent company is alleged to represent that the product is "used successfully in overcoming stomach ulcers, stomach disorders, bowel and colon troubles," and "also asthma, bronchitis, coughs and colds."

The complaint charges the respondent with advertising that the product is "a natural tissue builder for the weak and anemic"; that it will heal and relieve cuts, bruises and varicose ulcers; that it reduces the free acid content in the intestines and the mucus in colitis, and is a bowel antiseptic, and that it normalizes the blood count.

The respondent's representations are misleading and untrue, according to the complaint, which alleges that El Aguinaldo Cuban Honey is not a competent treatment for the ailments named and will not heal cuts, bruises or varicose ulcers, although it may, in certain instances, serve as an adjunct in treating these conditions. (3733)

**Edna Wallace Hopper, Inc.**—See Affiliated Products, Inc.

**Lewyn Drug, Inc.**—See Western Chemicals, Inc.

**Luxor, Ltd.**—Discrimination in favor of certain purchasers in the sale and distribution of toilet and cosmetic articles in violation of the Robinson-Patman Antidiscrimination Act is charged in a complaint against Luxor, Ltd., Chicago.

The complaint alleges that in the sale of its toiletries, two sizes of the articles, which include Luxor Complexion Powder, Luxor Rouge, and Luxor Cold and Cleansing, Vanishing and Foundation, Special Formula, Tissue and Hand Creams, are distributed. The sales price on larger sizes, as suggested by the respondent to retailers, is 55 cents. Smaller sizes of the same articles are alleged to be distributed for resale to the public at 10 cents.

Respondent designates the toilet and cosmetic products packed and mounted in smaller containers as "Luxor 10¢ Toiletries," and, the complaint charges, accords the facilities of small packaging and sales card mounting only to so-called novelty, variety, syndicate and 5-and-10-cent stores. The respondent does not accord the same service facilities to other customers competitively engaged with the favored customers, it is alleged. The respondent's failure, the complaint continues, to accord the latter class of customers the same service facilities, has a tendency to cause competitive disadvantage to the latter class of customers. (3736)

**Luzier's, Inc.**—See United Drug Company.

**Madison Sales Corp.**—See Marlborough Laboratories, Inc.

**Maffett Sales Corp.**—See Western Chemicals, Inc.

**Marlborough Sales Company, Inc.**—See Marlborough Laboratories, Inc.

**Marlborough Laboratories, Inc.**—Shaving creams in containers bearing fictitious prices far exceeding true selling prices, and toothpaste with misleading descriptions as to its formula and manufacture, are the subjects of a complaint. The respondents are Marlborough Laboratories, Inc., Marlborough Sales Co., Inc., Madison Sales Corporation, and Windsor Manufacturing Co., Inc., all of 29 West 15th St., New York, and Harry Silverstein, David Kamerman and William Zeffert, individuals, who hold offices in each of these corporations; Frances Chorba, 38-44 West 26th St., New York, Atlantic Manufacturing Co., 555 Belmont Ave., Newark, N. J., and Henry Braun, Charles Kleinbeck and Caesar Muzzi, officers.

The complaint alleges that in catalogues, price lists, circulars and other printed matter, shaving creams distributed by the respondents have been advertised as being regularly priced at 75 cents and 50 cents, while they are sold to purchasers for resale at 7½ cents and 6 cents, and that the higher prices are wholly fictitious and in no sense representative of the true value of the merchandise.

A shaving cream distributed by the respondents is marketed, branded and described, the complaint charges, as "Palm and Olive Shaving Cream," in a package and container similar in size and appearance to Palmolive Shaving Cream, a widely known competing product, thereby confusing and misleading purchasers.

A dental cream bears the letters D. D. S. conspicuously on the container. The complaint declares that on closer inspection these are the first letters of the name Doctors Dentists Surgeons Dental Cream, instead of being an abbreviation of Doctor of Dental Surgery. Use of the letters, the complaint continues, leads the purchasing public to believe the toothpaste was compounded from the formula of a member of the dental or medical profession, or manufactured under such direction, when it was not so compounded or manufactured. (3732)

**United Drug Company, Boston, and Luzier's, Inc., Kansas City, Mo.,** are charged in complaints with unfair representations in the sale of cosmetics.

The Boston company is alleged to have sold Cara Nome Face Powder in "slack filled" containers, thus misleading purchasers as to the quantity of the preparation in each package. According to the complaint, containers were filled to only 50 to 70 per cent of their capacity, and completely enclosed in cellophane wrappers which did not give a purchaser an opportunity to inspect the contents until after a purchase had been made.

The Kansas City company is alleged to have represented that its cosmetics are especially prescribed and prepared for each individual customer; that Luzier's Muscle Oil will remove surplus flesh around the chin; that Luzier's Marvelo and Luzier's Lu-Mar will remove age lines and wrinkles from the face; that Luzier's Massage Cream and Luzier's Lu-Tone will nourish and strengthen the tissues of the skin, and that the respondent's cosmetics will cure acne. These representations were exaggerated and misleading, according to the complaint, which also alleges that the respondent's cosmetic products are standardized and applicable for general use. (3729-3730)

**Western Chemicals, Inc.**—Charging false and misleading advertising in the sale of medicinal preparations, a complaint has been issued against Western Chemicals, Inc., Maffett Sales Corporation, Bartell Drug Company, and Frank L. Wilson, N. B. Wilson and Reuel K. Yount, officers of the Western and Maffett corporations, all of Seattle, Wash., and an amended and supplemental complaint against Lewyn Drug, Incorporated, Hollywood, Calif.

Both respondents are charged with false advertising not only in misrepresenting the efficacy of their products but through failure to reveal that use of the preparations under conditions prescribed in their advertisements and under customary and usual conditions may result in serious injury to health.

The Seattle respondents are alleged to have advertised that their product, Alcoban, "has aided thousands addicted to the excess use of alcohol"; that it "aids the sufferer to overcome the craving for liquor and to build up his resistance," and that "Alcoban contains no narcotics or habit-forming drugs" and "leaves no ill effects upon any organ of the body."

The complaint alleges that the respondents' representations are misleading and untrue; that their product is not a competent, safe nor scientific treatment for alcoholism; that its use may have ill effects upon the body, and that Alcoban contains Emetine Hydrochloride, Ephedrine Hydrochloride and Pilocarpine Hydrochloride as active ingredients, each of which is in itself potent and harmful, and when combined with the others as in this prep-

aration, results in a compound which may have marked toxic and in some cases fatal effects.

Lewyn Drug, Incorporated, is alleged to have advertised Dr. Haller's Prescription 5000 and Dr. Haller's Prescription 2000 as being competent, safe or scientific treatments for delayed menstruation, when in fact, it is alleged, this is not true, and the use of either preparation may result in gastro-intestinal disturbances and other serious ailments. (3735-2934)

**Windsor Manufacturing Company, Inc.**—See Marlborough Laboratories, Inc.

### STIPULATIONS

The Commission has entered into the following stipulations:

**Adhesive Products Company**, 3400-13th Ave., S. W., Seattle, and T. B. Kane Manufacturing Company, 2719 Michigan Blvd., Chicago, both manufacturing casein glue, have entered into stipulations to discontinue misleading representations in the sale of their products.

The Seattle corporation, in the sale of its "Kaseno No. 414," agrees to desist from use of the word "waterproof" on labels or in advertising matter, and the Chicago corporation will discontinue use of the words "waterproof" or "watertite" as descriptive of its product, when in fact neither glue is waterproof nor impervious to water. (2409-2410)

**Brower Manufacturing Co.**, 209-215 North Third St., Quincy, Ill., will discontinue representing that its chick brooder designated "Brower's Battery" is the only one that has all the features that make raising broilers successful; that no other system offers such money-making possibilities or quick profits, and that by use of the Brower system mortality or labor is greatly reduced or growth is quicker.

The respondent agrees to discontinue representing directly or by implication that any of its poultry preparations contains ingredients which birds do not get in ordinary feed; that any of the preparations builds strong frames, makes stronger shells, prevents leg weaknesses, rickets, or soft bones, increases production, prevents diseases common in poultry—eliminates lice, mites, or other insects; that any preparation "heals" or is an antiseptic, germicide, tonic or blood builder; that the preparations are "guaranteed" or under Government license, or that the products will produce any given results quickly, or within any specified time. (02334)

**T. B. Kane Manufacturing Company**—See Adhesive Products Company.

**Makomb Steel Products Company**, Makomb, Ill., agrees to cease representing that its Bidley-Way Brooder is the only one of the so-called "contact" or electric heat type which effectively duplicates the type of brooding provided by the mother hen, or that the device will maintain a constant temperature of 105 degrees in a room heated to only 55 to 75 degrees, when such are not the facts. (2407)

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**W. J. Bush & Co., Inc.**, New York, manufacturer of perfumes, with a factory located at Linden, N. J., has been ordered to desist from representing that perfumes manufactured in this country are imported from France or England.

The respondent is forbidden to use the words or names "Potter & Moore's Mitcham Lavender of London", or "Potter & Moore, England", or any other words or names indicating English origin, on the labels, cartons or containers of perfumes, colognes and other toilet preparations made in this country, or of using the words or names "Extrait Oelliet Fane" or "Grenoville, Paris", or other words indicating French origin of their product, and of using the words "Made in England" or "Made in France" on labels, cartons or containers of perfumes and other toilet preparations compounded in the United States, without clearly and conspicuously stating in

immediate connection therewith that such products are made or compounded in the United States. (3339)

**Dr. W. B. Caldwell, Inc.**, Monticello, Ill., manufacturer and distributor of Dr. Caldwell's Syrup Pepsin, Syrup Pepsin, and Syrup of Pepsin, has been ordered to cease misrepresentations as to the efficacy of its preparations for the relief of constipation and other ailments.

The order prohibits use of the word "pepsin" alone or in association with other words to describe a preparation not containing sufficient pepsin, as an active ingredient, to possess substantial therapeutic value because of the pepsin content.

The respondent corporation is forbidden to represent that doctors and hospitals prefer liquid laxatives, unless such representation is qualified by an equally conspicuous statement that any such preference is limited to those cases where diagnosis of the disorder and the patient's reaction to various types of laxatives indicate that the use of a liquid laxative is preferable. (2957)

**Cyril J. Conrad**, 2301 Sixth Ave., Altoona, Pa., a distributor of hosiery, watches and other merchandise, has been ordered to discontinue lottery methods in connection with sales to ultimate consumers. Conrad was ordered also to discontinue supplying others with push or pull cards, punch boards or other lottery devices, to enable them to sell merchandise. (3590)

**Educators Association, Inc.**, 307 Fifth Ave., New York, distributors of a school reference book designated The Volume Library, and their agents who employ as high as 1500 canvassers a year, have been ordered to cease and desist from certain misrepresentations in the sale and distributing methods of the book.

Others named as respondents under the order are: Leo L. Tully, 307 Fifth Ave., New York, president of the respondent association; Oron E. Richards, 59 E. Van Buren St., Chicago, vice-president, and Donald W. Henry, 517 Garland Bldg., Los Angeles, second vice-president; Marian A. Miller, 11 E. Lexington St., Baltimore; Mrs. B. M. Gambert, 511 Burt Bldg., Dallas, Tex.; Mrs. Marie C. Hostler, 451-452 Book Bldg., Detroit; J. E. Stronks, Johnson County Savings Bank Bldg., Iowa City, Iowa; H. Lyle Goldsberry, 506 Andrus Bldg., Minneapolis; J. R. Hostler, 726 Canal Bank Bldg., New Orleans; J. P. Tully, 1030 Real Estate Trust Building, Philadelphia, and Mrs. M. W. Lees, 335 Fifth Ave., Pittsburgh, all trading under the name Educators Association. (3139)

**Rogers Redemption Bureau**—Trading as Rogers Redemption Bureau, Matthew A. Willis, 419-427 Lumber Bldg., Minneapolis, has been ordered to discontinue misleading representations in the sale to retail merchants of premium certificates redeemable in silverware.

Willis is directed to discontinue representing, through use of the word "Rogers" in a trade or corporate name or in any manner that he has an interest in or connection with Oneida, Ltd., manufacturer of Wm. A. Rogers silverware, provided, however, that the order is not to be construed as prohibiting him from dealing in that silverware.

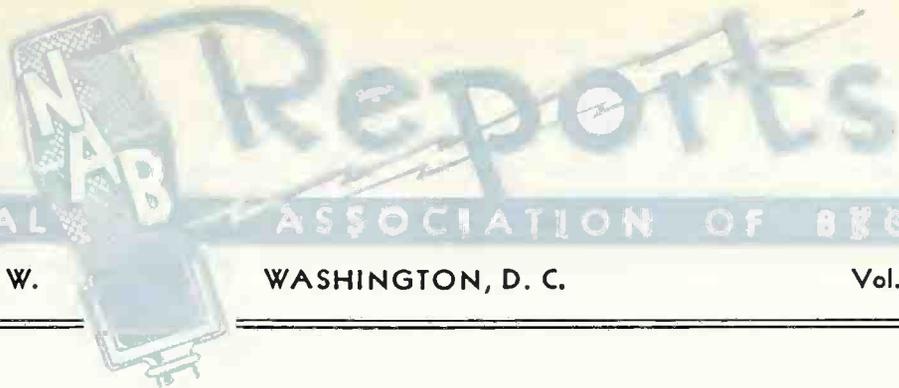
The order also directs Willis to cease representing that certificates or gift cards can be redeemed in silverware or other merchandise unless all terms and conditions are clearly stated in equal conspicuousness in connection with the offer and there is no deception as to the services or other actions to be performed or the prices to be paid. (3198)

**Wonder Wood-Tex Company**—Prohibiting misrepresentations in the sale of wood pulp articles such as copies of statuary to retailers and gift shop operators, an order to cease and desist has been issued against W. M. Jacobson, 308 East 51st St., Chicago, trading as Wonder Wood-Tex Company.

The respondent was found to have represented that articles ordered would be similar to samples displayed, when in fact the products shipped were inferior to samples, and that purchasers could resell the articles at 50 to 100 per cent profit, when in fact they found it necessary to resell at the same prices they paid the respondent.

Findings are that the respondent advertised that his father, whom he alleged to be a wealthy retired citizen whose hobby was making wood pulp articles, permitted the respondent as his sole representative to sell such articles only on the understanding that he would not misrepresent them nor overcharge purchasers. The facts are, according to findings, that the respondent's father has been dead many years and that neither he nor his son ever manufactured the articles sold. (3675)





## Copyright

The NAB Copyright Committee, meeting Monday in New York, authorized Neville Miller to start negotiations with ASCAP immediately on an agreement to succeed the present contracts.

“Such negotiations shall be predicated on the principle of paying royalties on only that revenue derived from the sale of time for programs involving the use of the ASCAP catalogues,” the committee’s resolution stated.

The text of the unanimously adopted resolution:

“*Whereas* in the opinion of the National Association of Broadcasters the American Society of Composers, Authors and Publishers’ present method of licensing broadcasters to use the Society’s music is inequitable, inasmuch as it compels broadcasters to pay fees on programs not using ASCAP music, and

“*Whereas* it is imperative that the industry assure itself of an adequate supply of music on an equitable basis after the expiration on December 31, 1940, of the broadcasters’ present contracts with ASCAP in order to safeguard both the industry and the public.

“*Therefore, Be It Unanimously Resolved*, that the Copyright Committee of the National Association of Broadcasters, consisting of representatives of all elements in the industry, authorize Neville Miller, President of the National Association of Broadcasters, in conformance with the authority already conferred upon him by the Board of Directors of the National Association of Broadcasters, to enter into immediate negotiations with ASCAP and that in conducting such negotiations he be authorized to draw upon this Committee and its membership for such assistance as he may desire and,

“*Be It Further Resolved*, that such negotiations shall be predicated on the principle of paying royalties on only that revenue derived from the sale of time for programs involving the use of the ASCAP catalogues, and

“*Be It, Therefore, Further Resolved* that negotiations shall be carried on with the object of obtaining definite acceptance on a practical basis to the above principle from ASCAP by May 31, in order that the Copyright Committee may be fully advised so as to make a complete and definite report with recommendations at the NAB annual meeting to be held July 10, 1939.”

Members of the Committee present were:

Edwin W. Craig, WSM, Nashville, Tennessee; Walter J. Damm, managing director, WTMJ, Milwaukee, Wisconsin; John Elmer, president, WCBM, Baltimore, Maryland;

Gregory Gentling, general manager, KROC, Rochester, Minnesota; Edward Klauber, executive vice president, Columbia Broadcasting System, New York; Niles Trammell, executive vice president, National Broadcasting Company; Clair McCollough, general manager, WGAL, Lancaster, Pennsylvania; John Shepard, 3rd, president, Yankee Network, Inc., Boston, Massachusetts; Theodore C. Streibert, vice president, Mutual Broadcasting System, New York; Harold Wheelahan, manager, WSMB, New Orleans, Louisiana; E. B. Craney, president, KGIR, Butte, Montana; I. R. Lounsberry, general manager, WGR-WKBW, Buffalo; T. W. Symons, Jr., president, KXL, Portland, Oregon; Neville Miller, president, and Edwin M. Spence, secretary-treasurer, National Association of Broadcasters.

## Important Notice to All Members

In the mail today is a thirty page prospectus outlining the NAB-RMA campaign in full detail.

Where there are two or more stations located in the same city, broadcasters are asked to check with each other as to the *time* and *place* of the get-together with local radio dealers and wholesale distributors; to determine if *one* or *more* meetings will be necessary; and to mail back to Headquarters the return post card found in the prospectus, ordering the special transcription record to be played at dealer-station meetings.

Broadcasters are urged to act promptly in sending back the return card *next week*.

A special mailing announcing the dealer angle of the campaign will go out within the next ten days to 55,000 radio dealers.

Plans provide for a nationwide "open house" beginning the week of April 17, when stations are asked to invite the public to visit the studios where each station will have an opportunity to present some of its public service activities; to show the listeners the broad range of subjects in the average day's program schedule; to present some of the fundamentals of America's private and competitive system of broadcasting which has given the American listener the finest radio service in the world, without cost and without censorship.

Headquarters urges every broadcaster to read the full thirty page prospectus; to pass it around to key staff members; to take full advantage of the campaign. Every element within the broad field of the radio industry has been "tied-in" with this campaign. What it means to each broadcaster, what it will mean to all of American radio depends upon the wholehearted cooperation of every NAB member. This is the first effort, in the history of American radio, to "sell radio *via* radio".

### Judge Sykes Dinner

A group of Judge Sykes' friends have arranged a dinner in honor of the Judge to be held at the Willard Hotel, April 8, at 7:30 p. m.

The Judge has tendered his resignation as of April 1 as a Commissioner of the Federal Communications Commission after serving in that capacity since

the inception of the Federal Radio Commission in 1927.

The committee in charge of arrangements is composed of the following people:

Neville Miller, Chairman. Sol Taishoff, Frank Roberson, Andrew D. Ring, Frank M. Russell, Harry C. Butcher, William B. Dolph, and Edwin M. Spence, Secretary-Treasurer.

The notice of the dinner is being sent out by Mr. Miller inviting those in the Broadcasting Industry, the FCC Bar Association and the Radio Engineers who wish to take part in this tribute to Judge Sykes.

## FREE OFFERS

The Associated Grocery Manufacturers of America, Inc., is asking stations to use material plugging a month-long campaign for "nationally known grocery products," starting April 6.

The NAB has sent the grocery association the following letter:

"Any member of our association or any advertising agency certainly would be glad to discuss with your association, any of your members or any local grocer or group of grocers the use of your 'Parade of Progress' scripts at card rates.

"The NAB Code of Ethics forbids giving free time for commercial purposes, and no member station will consider the use of these scripts without compensation."

The Bureau for Natural Pearl Information and the Glass Container Association again are trying to get free time to advertise their members' wares.

The NAB finds nothing strictly commercial in the Loyal Order of Moose transcription series, although it might be considered a build-up for a membership campaign.

The New York World's Fair has advised the NAB that it has no advertising appropriation, and that, hence, there can be no discrimination against radio in that respect. Fair officials also state that it is a non-commercial venture, with profits, if any, to go to charity.

## Legal

### MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling the public performance of copyrighted music were introduced in Oklahoma, Minnesota and Missouri (NAB REPORTS, March 17, p. 3348). The bill introduced in Oklahoma follows Montana's new law. It would require complete disclosure of the details of each copyrighted musical composition as a condition precedent to the sale or licensing of the performance rights within the state and would prohibit any license agreement which makes a charge on programs which do not use music controlled by the licensor.

The bill before the Minnesota legislature follows the new law of North Dakota (NAB REPORTS, March 10, pp. 3334-6). This law, in addition to the requirements adopted in Montana, also provides that members of a pool issuing blanket licenses shall afford users the option of obtaining portions of the pool copyrights at prices fixed by the individual copyright owner and not by the pool. Unless this option is granted to users, the bill prohibits the granting of blanket licenses by a combination of copyright owners.

## INDEX

	Page
Copyright .....	3361
Important Notice to All Members.....	3362
Judge Sykes Dinner .....	3362
Free Offers .....	3363
Music Monopoly Bills .....	3363
State Legislation .....	3363
McNinch on Licenses .....	3364
Monopoly Hearing .....	3364
Florida Broadcasters Meet.....	3365
Blindfold Driving Act .....	3365
Walker Statement .....	3365
Television Applications .....	3365
Radio Census .....	3366
766 Stations .....	3366

Two bills introduced in Missouri follow the principles of the statute passed by Washington and Montana in 1937. These bills would prohibit any licensing by a combination of copyright owners except on a "per-piece system." The 1937 law has been repealed by Montana and the new statute above outlined substituted. The legislature of Washington had before it a similar bill in substitution for its 1937 statute, but it is reported that this legislature adjourned without acting on the bill and that the 1937 statute remains in effect.

The bill which was passed by both houses of the legislature in New Mexico (NAB REPORTS, March 10, p. 3334) was subjected to a pocket veto by the Governor.

### STATE LEGISLATION

#### CALIFORNIA:

S 73 (Kenny & Fletcher) JUVENILE ENTERTAINERS—To amend section 36 of the Civil Code, and to add Chapter I, comprising sections 1975 to 2003, inclusive, to Title VI, Part IV, Division Third of the Civil Code, relating to juvenile entertainers. Referred to Judiciary Committee.

#### MICHIGAN:

S 208 (Town) LIQUOR—CONTROL—ADVERTISING—To prohibit liquor in state parks; signs near highways; and the mechanical reproduction of advertising, etc. Referred to Liquor Control Committee.

#### MISSOURI:

H 633 (Turner & Hamlin) COPYRIGHTS—MUSIC—Regulates and protects the copyrights of dramatic or musical compositions and provides against monopolies and price fixing by those holding copyrights.

H 645 (Asotsky and Gill) COPYRIGHTS—MUSIC—Regulates and protects the copyrights of dramatic or musical compositions and provides against monopolies and price fixing by those holding copyrights. Substantially the same in principle as H 633, above.

#### NEW JERSEY:

S 277 (Taggart) MUNICIPAL RADIO SYSTEM—Making it mandatory that where a municipality bordering on the Atlantic Ocean operates a municipal radio system or municipal convention hall that such municipality shall, at a public hearing, grant to taxpayers the right to object to individual items in budgets affecting such radio system or convention hall. Referred to Municipalities Committee.

S 279 (Taggart) RADIO SYSTEM—MUNICIPALITY—Providing that where any municipality bordering on the Atlantic Ocean operates a radio system or convention hall that such municipality shall keep their funds in connection therewith in a separate account; provides for quarterly audits. Referred to Municipalities Committee.



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

#### NEW YORK:

A 1999 (Breitbart) THEATRICAL AGENCIES—Provides for licensing by industrial commissioner, of all theatrical agencies and bureau and appropriates \$15,000. Referred to Ways and Means Committee.

S 1528 (Perry) RADIO BROADCASTING—Makes it larceny to record in this state any broadcast emanating from a broadcasting station without consent in writing of person broadcasting the same or to sell, lease or license such recording or to have in possession for such purpose any recording without consent of broadcaster. Referred to Codes Committee.

S 1624 (Feld) EMPLOYMENT AGENCIES—Empowers state industrial commissioner to make rules and regulations for employment agencies, provides that five per cent fee shall be collected only where salary rate is \$2,500 or more a year, relates to the keeping and inspection of records and makes certain exceptions. Referred to General Laws Committee.

#### TEXAS:

SJR 12 (Weinert) SOCIAL SECURITY TAX—A proposed amendment to Article 3 of the Constitution to provide for the assessment and collection of a social security tax. Referred to Constitutional Amendments Committee.

### McNINCH INDICATES LICENSE PERIOD MAY BE EXTENDED

Chairman Frank R. McNinch of the FCC was reported in the New York *Herald-Tribune* last week as indicating that the six months licensing period for broadcasters might be extended soon. The paper printed the following account of an interview:

Frank R. McNinch, chairman of the Federal Communications Commission, indicated yesterday that the present six months' licensing period for radio broadcasting stations in this country may be lengthened soon. Mr. McNinch expressed his opinion in an interview in the Hotel Pennsylvania, Seventh Avenue and Thirty-third Street.

"I am not certain that the commission will not extend the license period if and when the Havana treaty is ratified by Mexico," he said, referring to the broadcasting agreement subscribed to by fifteen American nations late in 1937. "Mexican ratification is all that is holding up some readjustments of radio frequencies, which would be necessary before longer license periods could be granted. But we confidently hope that, pending its ratification, the Mexican government will make the agreement administratively effective in the near future."

Mr. McNinch, who came to New York for an informal luncheon conference with a group of representatives of radio committees of women's clubs yesterday noon at the Town Hall Club, 123 West Forty-third Street, declined to say whether he would vote for longer license periods. He acknowledged, however, that there "are many good arguments" in favor of such extension.

"I don't think there's much weight in the argument that longer license periods should be granted to eliminate politics," he said. "But there is merit in the argument that longer periods would relieve the commission of some of the burden of considering applications every six months, and that they would relieve stations of the expenses involved in making their applications. I don't think much of the argument that longer license periods would

enhance the bank credit value of stations, since no station has the slightest title to any wave length."

In response to a question Mr. McNinch admitted there was internal dissension in the commission, but he refused to discuss the matter beyond saying that the "division has not been over the broad policies, but concerns administrative affairs." He praised the provisions of the Wheeler bill, now pending in the Senate, which would abolish the present commission and replace it with a three-man body.

The Wheeler Bill provides for a research bureau, he said, which would encourage listeners to communicate their opinions of radio programs directly to the commission. At present, he said, most of the letters written about programs are complaints.

Mr. McNinch said the flood of communications concerning the Rev. Charles E. Coughlin, of Detroit, had abated considerably in the last month. He estimated the commission had received about 5,000 post cards and letters. More than half of these were on printed forms, signed by more than one individual, he said and the majority of them favored the priest's broadcasts. The remainder of the communications were from individuals, and were about equally divided in commending and criticizing the priest's program.

Declining throughout his interview to speak for the commission, Mr. McNinch emphatically disclaimed any intention of taking action against stations which refused to permit Father Coughlin to continue his use of their facilities. He held that free speech was an absolute essential, as far as the radio was concerned, and that each station was responsible for what it put on the air. The proper way to treat controversial matters would be to enable both sides of the controversy to present their arguments, he said.

"I don't mean to say that stations should be required to broadcast controversial programs," he said. "But where one side of such a controversy is given time on the air, the opponents should be given an opportunity to answer."

## Monopoly Hearing

Station leases, management contracts, etc., occupied the FCC this week at the monopoly hearing.

### MARCH 16

Mrs. J. M. Selby and Mrs. L. Broida, housewives speaking for neighborhood parent-teacher associations in Washington, D. C., testified that they objected to children's programs now on the air. They had no suggestions for improving these programs.

### MARCH 21

Samuel R. Rosenbaum, chairman of the IRNA, described the history and organization of that group. He stated that the networks had granted recognition to the affiliate representative committees for the exchange of views and the expression of wishes of the affiliates in the formulation of network trade practices and operating policies, but he emphasized that it was not the intention of the representative committees to act as a collective bargaining agency for the affiliates as a group, or for any individual affiliate with regard to business dealings involving compensation or other questions of private contract between the affiliate and the network. Mr. Rosenbaum explained that the plan of the IRNA was addressed only to subjects in which under the Federal licenses and interest of the public is affected.

On cross-examination, S. King Funkhouser, counsel for the Commission, asked if there was any complaint by the affiliates with regard to network control of station time, and also asked whether IRNA had any suggestions or recommendations to make to the Commission.

Mr. Rosenbaum explained the fact that IRNA provided an opportunity to accomplish self-regulation within the industry on the question of control of station time, as well as on many other operating policies, and he thought the Commission should give the industry an opportunity to demonstrate whether or not self-regulation would result in adequate and satisfactory arrangements between affiliates and networks to take care properly of the public interest. He stated it was his belief that the intelligent self-interest of the stations and the networks, as guided by the response from the listening public, ought to be sufficient to accomplish the necessary self-regulation without Commission regulation, and that, at any rate, the industry was entitled to an opportunity to see if it would

work. He explained the procedure has only been in effect for a few months, and it was too early to forecast whether there would be any suggestions to which it would be necessary to draw the Commission's attention.

Mark Ethridge, WHAS, vice-chairman of IRNA, discussed at length the contractual relationship between networks and affiliates, and concluded that "as long as the contractual relationship between the affiliate and the network is a voluntary agreement, I believe it will be decidedly against the public interest for a governmental regulatory body to decree whether or not the affiliate was to enter into such a contract, whether the affiliate was to enter into a contract with this chain or network or some other one, and what the terms and conditions of the contractual relationship would be."

Elliott Roosevelt, president of the Texas State Network, described the management contract between the network and KPLT, Paris, Tex.

Paul Porter, CBS, stated that the relationship between CBS and KSFO was no different from that of any affiliate, and that he saw no need of bringing witnesses from the West Coast to testify to this. The Commission agreed.

Frederick Caperoon, managing director of WCAM, municipal station at Camden, N. J., described the station's contract with the Mack Radio Sales Company, covering 1,300 hours of the station's 1,739 total.

John H. Stenger, Jr., licensee of WBAX, Wilkes-Barre, Pa., described his management contract with Glenn D. Gillett, and the operation of the station.

Howard D. Gaudin, president of Loyola University, New Orleans, licensee of WWL, described the management contract with the WWL Development Company. Henry C. Crowell of Chicago, appearing for the Moody Bible Institute, described the corporate set-up of WMBI, Chicago.

## MARCH 22

William L. Marbury, Jr., general counsel for the Baltimore Radio Show, Inc., WFBR, described the voting trust agreement in that company.

E. J. Regan, St. Albans, Vt., a member of the partnership of Regan and Bostwick, licensee of WQDM, described the management contract the partnership had with Glenn D. Gillett and G. S. Wasser. Mr. Wasser and Mr. Gillett also testified.

Alfred H. Morton, an NBC vice-president, in charge of activities at stations owned by Westinghouse and General Electric, described the contracts between NBC and the owners. He also discussed the arrangement whereby NBC leases stations it owns in Portland, Seattle and Spokane. He was followed by Walter Evans, manager of Westinghouse's radio division, and Boyd W. Bullock, assistant manager of broadcasting for General Electric.

S. Howard Evans, secretary of the National Committee on Education by Radio, was erroneously described in the REPORTS of March 17, as secretary of the National Advisory Council on Radio in Education, Inc.

## FLORIDA BROADCASTERS MEET

The Florida Association of Broadcasters met March 12 at the Gatlin Hotel in Orlando. W. Walter Tison, president of the association, presided. The principal business considered at the meeting was prospective legislation by the Florida state legislature, which opens its 1939 session on April 1st. Possible legislation with respect to libel, the performance of phonograph records by radio broadcasting, modification of the present law covering permissible expense items of candidates in primary elections so as to include radio, and copyright monopoly legislation were among the subjects discussed. Mr. Carl Haverlin, representing Davis and Schwegler of Los Angeles, discussed the program of his company in creating tax-free music for broadcasting.

Those attending the meeting were: Henry G. Wells,

WCOA, Pensacola; L. S. Mitchell, WDAE, Tampa; Harold P. Danforth and J. E. Yarbrough, WDBO, Orlando; W. Walter Tison, WFLA, Tampa and WLAK, Lakeland; M. S. Wales WIOD, Miami; Jack Hopkins, WJAX, Jacksonville; Reginald Martin and Gunner Back, WJNO, West Palm Beach; Frank King, WMBR, Jacksonville; W. Wright Esch, WMFJ, Daytona Beach; Fred Mizer, WQAM, Miami; Harold Meyer, WSUN, St. Petersburg; Gilbert Freeman, WTAL, Tallahassee.

## BLINDFOLD DRIVING ACT

W. E. Hussman, vice-president of KCMC, Texarkana, will gladly tell any member about his experience with Ruth Hill and Eddie Carter, promoters of a "blindfold driving" act.

## WALKER STATEMENT

Doubtless because of the recent resignation from the Federal Communications Commission of Judge Eugene O. Sykes, there have been all kinds of further rumors of resignations from the Commission.

Taking into consideration reports that Commissioner Walker intended to resign the Commissioner issued the following statement:

"The report of my impending resignation is false. As for the rumor from a utility quarter that I am not receptive to reappointment because of criticism of my handling of the Bell Telephone Investigation, that is utterly without foundation. I hope to see a strong report from the Commission on this investigation, and the enactment of legislation by Congress for adequate regulation of the telephone industry."

## TELEVISION APPLICATIONS

The Federal Communications Commission has referred to its Television Committee applications of The Crosley Corporation, Cincinnati, Ohio, and Don Lee Broadcasting System, San Francisco, California, for construction permits for new television broadcast stations to operate on an experimental basis.

The Crosley Corporation asked for authority to use the channel 50,000-56,000 kc. with aural and visual power of 1000 watts unlimited time. Don Lee Broadcasting System requested frequencies 42,000-56,000 kc. with aural and visual power of 1000 watts, unlimited time.

The Crosley station would be erected at Cincinnati and the Lee station on a site to be determined in San Francisco or the immediate vicinity.

The applications are for the purpose of developing television broadcasting as a service to the public in distinction to other outstanding authorizations which permit a development of technical systems of television with public reaction secondary. Some apparatus experimentation is contemplated. However, the primary purpose is the development of a television service to the general public and a means of building programs which will ac-

comply this purpose. In the case of the Crosley application, the coverage of a typical television installation in the Cincinnati area is to be investigated.

On the committee are Commissioners Craven, chairman, Brown and Case.

### RADIO CENSUS

The Federal Communications Commission intends to ask the Bureau of Census, in connection with its new census of population, to ascertain the number of radios in the homes as was done in the last census. The Commission is also going to ask for the number of radios in automobiles. There has been some discussion at the Commission as to whether or not the Census Bureau will be requested to include "radio habits" in the forthcoming census.

### 766 STATIONS

During February the FCC issued licenses to two new stations and granted construction permit for the erection of a new station. Also a construction permit previously granted was cancelled. The count of stations as of March 1st compared with January 1st and February 1st is as follows:

	Jan. 1	Feb. 1	Mar. 1
Operating stations .....	722	727	729
Construction permits.....	42	39	37
Total .....	764	766	766

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted Broadcasting Station WDEL, **Wilmington, Delaware**, permission to install a new transmitter and to increase its daytime power from 500 watts to 1000 watts. At present the station operates 250 watts night, 500 watts, day, on **1120 kilocycles**, unlimited time.

It was found by the Commission that there is a need for the additional daytime service in the Wilmington area and that granting of the application will not result in interference to any existing or proposed station. The applicant, the Commission stated, is financially qualified to make the proposed changes in equipment.

The application of Station WBLK, **Clarksburg, West Virginia**, to increase its daytime power from 100 to 250 watts on its present assignment of **1370 kilocycles**, has been granted by the Commission.

The station is rendering a meritorious program service, the Commission stated in its decision, to the Clarksburg

area and there is a need for the increased daytime power "to furnish its program service to the extended rural areas." The Commission also said that the granting of this application will not cause objectionable interference to any existing or proposed station.

The Commission has granted the application of KFEQ of **St. Joseph, Missouri**, to use 2,500 watts until local sunset at St. Joseph and 500 watts until local sunset at San Francisco, on its present frequency of **680 kilocycles**. At present the station operates with 2,500 watts until local sunset.

The Commission found that the granting of the application will serve public interest. It is stated by the Commission "that the public benefits which will result from the granting of the application are sufficient to overcome (a) the slight interference condition which will result to the service area of Station WPTF, and (b) the departure from allocation standards usually applicable to stations of the class here involved."

The application of Broadcasting Station WPRA, **Mayaguez, Puerto Rico**, to change its equipment and vertical antenna and transmitter site, has been granted by the Commission. The Commission also granted authority to the station to operate on **780 kilocycles**, 1000 watts night, 2,500 watts LS, unlimited time, instead of **1370 kilocycles**, 100 watts night, 250 watts LS, specified hours.

The Commission found that there is need for additional service in the area served by the station and no objectionable interference will be caused by the proposed changes. The Commission found that the applicant has adequate finances to install the proposed equipment and to make the changes in the vertical antenna, and the granting of the application will serve the public interest.

The Commission has granted the application of WRNL, **Richmond, Virginia**, to install a directional antenna and to operate on **880 kilocycles**, with 1000 watts, unlimited time.

It is stated by the Commission that the proposed program service is meritorious and will supply a public need in the Richmond area. The Commission stated that the applicant's existing authority for daytime operation only is not adequate "as to time and hours of operation for the complete and effective broadcasting of the programs proposed." The Commission stated also that the proposed operation will not adversely affect the service of any existing or proposed station.

Application of the Tri-City Broadcasting Company, Inc., for a construction permit for a new station at

**Schenectady, New York**, to use **950 kilocycles**, 1000 watts, unlimited time, has been denied by the Commission.

The Commission stated in its decision that the granting of the application of the Troy Broadcasting Company, Inc., for a construction permit for a new station at Troy, New York, and operating on **950 kilocycles**, which was effective in September of last year, "precludes the granting of the application of the Tri-City Broadcasting Company, Inc., since the simultaneous operation of both stations would result in destructive interference to the area served by each station."

The Commission also has denied the application of WTAD, **Quincy, Illinois**, to operate unlimited time. The station now operates daytime only on **900 kilocycles** with 1000 watts power.

The Commission stated in its decision that it had to consider "in connection with the proper allocation of radio facilities, satisfactory use of a regional frequency, and good engineering practice." It was found by the Commission that if the unlimited time were granted to this station that it would be limited at nighttime to the 5.3 millivolt per meter contour. In connection with this decision the Commission said further:

"It is not considered to be in accordance with proper allocation of radio facilities, satisfactory use of a regional frequency, and in accordance with good engineering practice to license a radio broadcast station to operate on a regional frequency where the limitation will be to the extent shown to exist in this case. In the absence of compelling need, which has not here been shown to exist, the Commission will not grant an application for a regional broadcast station where its nighttime service will be limited to its 5.3 millivolt per meter contour."

Application of R. C. Atwood for the erection of a new broadcast station at **Port Angeles, Washington**, to use **1500 kilocycles**, 100 watts night, 250 watts daytime, unlimited hours, was denied by the Commission.

The Commission stated that the applicant has no experience in broadcasting which fact "together with his limited financial ability to employ qualified and experienced personnel, precludes a finding that he is technically qualified." The Commission stated also that the applicant did not show "a knowledge of acquaintanceship with the needs of the community which he seeks to serve."

The Commission has granted the application of KVOD, **Denver, Colorado**, to permit it to change from **920 kilocycles**, 500 watts, sharing time with KFEL, Denver, to **630 kilocycles**, 1000 watts, unlimited time, using a directional antenna at night.

The Commission also granted the application of KFEL

to increase its power on **920 kilocycles** from 500 watts, sharing time with KVOD, to 1000 watts, unlimited time.

Dealing with KVOD, the Commission found that the granting of the application would not cause objectionable interference to any existing station. In connection with the granting of KFEL's application, the Commission also found that under the proposed change no objectionable interference would be caused and that a need exists for the proposed service.

## FINDINGS OF FACT AND CONCLUSIONS

The Federal Communications Commission this week adopted a Proposed Findings of Fact proposing granting the application of KTOK, **Oklahoma City, Oklahoma**, to change its equipment and operation during unlimited hours on its frequency of **1370 kilocycles**. At present the station operates unlimited hours with 100 watts power, but under the Proposed Finding the power is increased to 250 watts daytime, and 100 watts night.

In the Proposed Finding, the Commission stated that there is an existing public need for the additional service which would result from the daytime operation of KTOK with the increased power requested. Such interference as would result from the granting of the increased power "is not sufficient to warrant the disapproval of this application." The Commission has given all parties an opportunity to file exceptions within 20 days.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of March 27. They are subject to change.

### Monday, March 27

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

### Tuesday, March 28

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Modification of license, **1310 kc.**, 100 watts, unlimited time. Present assignment: **1310 kc.**, 100 watts, shares WJAC.

NEW—Lawrence J. Heller, Washington, D. C.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Lawrence J. Heller, Washington, D. C.—Special experimental authorization, **1310 kc.**, 10 to 100 watts, unlimited time.

### Wednesday, March 29

NEW—Northwest Broadcasting Co., Fort Dodge, Iowa.—C. P., **1370 kc.**, 100 watts, 250 watts LS, specified hours.

### Friday, March 31

KPLT—North Texas Broadcasting Co., Paris, Tex.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

### April 20

WAGA—Liberty Broadcasting Co. (Assignor), Liberty Broadcasting Corp. (Assignee), Atlanta, Ga.—Voluntary assignment of license, **1450 kc.**, 500 watts, 1 KW LS, unlimited time.

### April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.**, 1 KW daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.**, 1 KW, daytime.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Tex.—C. P., **1310 kc.**, 250 watts, daytime. Present assignment: **1310 kc.**, 100 watts, daytime.

### April 28

NEW—Coastal Broadcasting Co., Brunswick, Ga.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—C. P., **1390 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

### May 10

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1380 kc.**, 500 watts, unlimited time.

NEW—M. C. Reese, Phoenix, Ariz.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

### Hearing Reopened

#### Broadcast

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.**, 1 KW, unlimited time. Present assignment: **1390 kc.**, 1 KW, unlimited time.

### May 15

KOVC—KOV, Inc., Valley City, N. Dak.—C. P., **1340 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted C. P. to make changes in composite equipment and increase day power from 1 KW to 5 KW (operate 5 KW local sunset at Eau Claire, 1 KW local sunset at Abilene).

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of C. P. to move transmitter site locally to .4 mile east of Wheaton, Md., and install a directional antenna system.

NEW—WHB Broadcasting Co., Kansas City, Mo.—Granted C. P. for new high frequency (exp.) broadcast station, frequency **26100 kc.**, on an experimental basis only conditionally, 100 watts.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Application for C. P. to move station to Council Bluffs, Iowa, a

distance of approximately 40 miles, and install a radiating system. (Station operates on **930 kc.**, 1 KW night, 5 KW day, unlimited.) (Application was set for hearing as pending applications from both Iowa and Nebraska involve an increase in service to the metropolitan area of Council Bluffs and Omaha, and to determine if interference might result.)

NEW—World Peace Foundation, Abraham Binnewag, Jr., Oakland, Calif.—Set for hearing application for C. P. for new international broadcast station on an experimental basis to be located in Oakland, Calif., to use frequencies **6040, 9510 and 11890 kc.**, 5 KW power, unlimited time. (Application designated for hearing to determine financial qualifications of applicant and the proposed research program.)

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Set for hearing application for C. P. to move transmitter site, exact site to be determined with Commission's approval; install new equipment, and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day. (Application designated for hearing to determine if interference might result.)

NEW—Joseph A. Lattimore, Shelby, N. C.—Set for hearing application for C. P. to erect a new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KVOS—KVOS, Inc., Bellingham, Wash.—Set for hearing application for renewal of license, and granted temporary license pending hearing on renewal of KVOS and the application of the Bellingham Broadcasting Co.

KWLC—Luther College, Decorah, Iowa.—Set for hearing application for renewal of license, and granted temporary license. (Application designated for hearing to be heard with application of Mason City Globe Gazette Co. (KGLO), and application of KGCA. KGLO requests facilities of these two stations.)

KGCA—Charles Walter Greenley, Decorah, Iowa.—Set for hearing application for renewal of license and granted temporary license subject to whatever action may be taken upon pending applications for renewal of KGCA, KWLC, and KGLO. (Set for hearing to be heard with the applications of KWLC and KGLO.)

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Set for hearing, to be heard with application for renewal, an application for C. P. requesting change in transmitter and studio sites (local move approximately 200 feet), and installation of a vertical radiator. (This application was designated for hearing in view of the fact that applicant's renewal of license was designated for hearing because of violations of Rules 132, 139, 143 and 144 and 172.)

### RENEWAL OF LICENSES

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WCAM—City of Camden, Camden, N. J.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WNEL—Juan Piza, San Juan, P. R.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted renewal of license for the regular period ending September 1, 1939.

WASH—King Trendle Broadcasting Corp., Grand Rapids, Mich.—Present license extended upon a temporary basis only for the period ending May 1, pending determination upon renewal application.

WNAC—The Yankee Network, Inc., Boston, Mass.—Present license extended upon a temporary basis only for the period ending May 1, pending determination upon renewal application.

Licenses for the following high frequency broadcast (experimental) stations expiring April 1 were extended upon a temporary basis only, pending determination upon renewal applications, for the period ending May 1, 1939:

W9XUY, Central States Broadcasting Co., Omaha; W2XDV, Columbia Broadcasting System, Inc., New York; W9XHW, Columbia Broadcasting System, Inc., Minneapolis; W8XNU, The Crosley Corp., Cincinnati; W9XA, Commercial Radio Equipment Co., Kansas City, Mo.; W8XWJ, The Evening News Assn., Detroit; W9XLA, KLZ Broadcasting Co., Denver; W2XQO, Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.; W4XCA, Memphis Commercial Appeal Co., Memphis, Tenn.; W9XUP, National Battery Broadcasting Co., St. Paul; W2XDG, National Broadcasting Co., Inc., Bound Brook, N. J.; W2XHG, National Broadcasting Co., Inc., New York City; W9XH, South Bend Tribune, South Bend, Ind.; W4XBW, WDOD Broadcasting Corp., Chattanooga; W1XKA, Westinghouse E. and M. Co., Boston; W1XKB, Westinghouse Co., E. Springfield, Mass.; W8XKA, Westinghouse Co., Pittsburgh, Pa.; WKY Radiophone Co., Oklahoma City (W5XAU); W1XER, The Yankee Network, Inc., Sargents Purchase, N. H.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, but in no event later than May 1, 1939.

### MISCELLANEOUS

NEW—Colonial Broadcasting Corp., Norfolk, Va.—Dismissed with prejudice application for C. P. (Ex. Rep. 1-669).

NEW—Martin Anderson, Orlando, Fla.—Denied (Walker, Craven and Payne, Commissioners, voting "No"), the petition of applicant for rehearing on his application for C. P., which was denied by the Commission on December 23, 1938.

KRLD—KRLD Radio Corp., Dallas, Tex.—Retired to the closed files application for Mod. of C. P. which was granted November 7, 1938.

KDEA—The KANS Broadcasting Co. (Wichita, Kans.), Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted license to cover C. P. authorizing new station to operate on 1210 kc., 100 watts night, 250 watts day, unlimited time.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.

KTBC—State Capitol Broadcasting Assn., Austin, Texas.—Granted modification of C. P., subject to compliance with Rules 132 and 139, to change type of transmitter.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted modification of C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted license to cover C. P. authorizing new station to operate on 1210 kc., 100 watts, daytime only.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted modification of C. P. for changes in equipment in television (Exp.) broadcast station.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted license to cover C. P. as modified, authorizing minor changes in equipment.

W8XIG—Evening News Association (Detroit, Mich.) Portable-Mobile.—Granted modification of Exp. broadcast station license to increase authorized power from 3 to 4 watts without new construction.

W2XDA—General Electric Co., Schenectady, N. Y.—Granted license to cover C. P. for new high frequency broadcast (exp.) station, frequency 41800 kc., on an experimental basis conditionally, 50 watts.

WHB—WHB Broadcasting Company, Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to install directional antenna and move transmitter and studio.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to install directional antenna and move transmitter and studio.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Action on applicant's motion for continuance of hearing now set for April 7 to some time after July 1, was continued for two weeks with leave to counsel to amend if he so desires.

WSPA—Voice of South Carolina, Spartanburg, S. C.—Overruled motion of WSPA (Intervener) to continue hearing now set

for March 27 until late June or early July on application of Spartanburg Advertising Co. for a new station to operate on 1370 kc., 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted motion to take depositions in re application for C. P. to change frequency from 1370 kc. to 1390 kc. and power from 100 watts, 250 watts LS, unlimited, to 1 KW, unlimited, move transmitter and install directional antenna for night use.

KOVC—KOVC, Inc., Valley City, N. Dak.—Granted petition to continue hearing now set for April 3 to May 15 in re application to change from 1500 kc., 100 watts, 250 watts LS, unlimited, to 1340 kc., 500 watts, 1 KW LS, unlimited.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted petition to continue hearing now set for April 10 to April 24 on application for C. P. to increase power from 100 to 250 watts, on 1310 kc., daytime.

NEW—Coastal Broadcasting Co., Brunswick, Ga.—Granted petition for order to take depositions in re application for new station to use 1500 kc., 100 watts, 250 watts LS, unlimited time.

KOH—The Bee, Inc., Reno, Nev.—Granted petition to amend application with reference to transmitter site, and to retain the hearing date of May 10, 1939, in re application to install new transmitter and DA for night use; change frequency from 1380 kc. to 630 kc., power from 500 watts to 1 KW, and move transmitter and studio locally.

WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted continuance of hearing now scheduled for March 17, to April 20, on application for consent to voluntary assignment of license to Liberty Broadcasting Corp.

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to rebroadcast a two-way exchange of communication with Coast Guard Ice Patrol Cutter *Chelan*, with call letters NRUB, operating on frequencies 2680 kc. to 4230 kc. This broadcast will constitute a part of the Americans at Work program, a Columbia sustaining feature, for the period April 15 to 30, communications from Coast Guard cutter to be picked up by RCAC on Long Island and thence transmitter to WABC for rebroadcast.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted supplemental petition to take depositions in re application for modification of license to increase hours of operation from daytime only to local sunset at WHK, on 1390 kc., 1 KW.

NEW—The Brockway Company, Watertown, N. Y.—Granted petition for continuance of hearing now set for April 6, and opposition to petition filed by Edw. J. Doyle. Hearing on application of Edw. J. Doyle for C. P. to erect a new station at Rochester, N. Y., to use 1270 kc., 500 watts, daytime, was continued without date.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Directed that hearing date remain as May 10, 1939, the same date as Docket 5310, in re application of M. C. Reese, Phoenix, Ariz.

NEW—M. C. Reese, Phoenix, Ariz.—Granted petition for continuance of hearing now set for April 10, and the hearing on applicant's application for new station to operate on 1200 kc., 100 watts, 250 watts day, unlimited, was continued to May 10, the same date as scheduled for application of KOY, Docket 5054.

WBAX—John H. Stenger, Jr., Assignor, and Stenger Broadcasting Corp., Assignee, Wilkes-Barre, Pa.—Granted motion to dismiss without prejudice, the application for assignment of license of station WBAX.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m., and 2 to 4 p. m., CST, on April 4, 5, 11, 12, 13, 18, 19, 20, 25, 26 and 27, and from 8 to 10 p. m., CST, on April 28, in order to broadcast Educational programs (provided KGGF remains silent).

KGGF—Powell & Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on April 6, in order that Station WNAD may remain silent for Easter vacation, and from 8:15 to 9:15 p. m., CST, on April 5, in order to broadcast concert by Coffeyville Community Chorus, (provided WNAD remains silent).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (March 6:15 p. m. and April 7 p. m., PST), for the period March 24 to April 22.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period March 24 to April 22.

WCO—Press Wireless, Inc., Hicksville, N. Y.—Granted special temporary authority for mobile press station WCO to communicate on frequency **6450 kc.** with relay broadcast station WBAM on March 19 during reception of program material to be delivered to broadcast station WOR. This authority is on a temporary basis only, and may be cancelled without notice or hearing.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast station W2XUP on frequency **25700 kc.** in lieu of normal licensed frequencies for the period March 19 to April 17, pending definite arrangements to be made in ultra high frequency bands.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XOP, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequencies **31.22** and **37.02 megacycles** in lieu of present assignments **31.1** and **37.6 megacycles**, for the period March 21 to April 19, pending adjustment of relay broadcast frequency assignments above **30 megacycles** as contemplated by General Order 19.

WTAU—Agricultural & Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with WJBO from 4 to 6:45 p. m., CST, March 23 and 24, in order to broadcast intercollegiate baseball games.

W2XDA—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test the high frequency broadcast equipment of station W2XDA authorized by C. P., on the frequencies **41000**, **41250** and **41500 kc.**, power output 50 watts, for a period not to exceed 30 days, for the express purpose of conducting frequency modulation experiments.

W10XFZ—Don Lee Broadcasting Co., Los Angeles, Cal.—Granted special temporary authority to operate Relay Broadcast (Exp.) station W10XFZ with 10 watts instead of 100 watts, transmitting eqpt., for a period of 30 days pending the filing and action on application for C. P. to change the eqpt. and licensed power of station.

W8XPJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to operate high frequency broadcast (exp.) station on frequency **42060 kc.** in addition to the normal licensed frequencies, for a period of 30 days, pending definite arrangements to be made in the ultra high frequency bands.

W2XBF—Wm. G. H. Finch, New York City.—Granted extension of special experimental authority to operate experimental broadcast station W2XBF on frequency **42260 kc.** in addition to normal licensed frequencies, for the period March 22 to April 20, pending definite arrangements to be made in the ultra high frequency bands.

WLL-WQV-WCG-WDN—RCA Communications, Inc., Rocky Point, N. Y.—Granted extension of special temporary authority for stations to communicate on regularly assigned frequencies with relay broadcast stations KSFM and WCBN aboard seaplane on flight from Alameda, Cal., to Europe and return by way of New York, for contact control purposes in connection with reception of addressed program material. This authority is granted on a temporary basis only for a period of 1 month from March 28 to April 28, subject to condition that no interference is caused to the point-to-point service for which these stations are licensed, and may be canceled at any time by the Commission without notice or hearing.

W6XBE—General Electric Company, Schenectady, N. Y.—Granted license to cover C. P. as modified for new international broadcast station; frequencies **6190**, **9530** and **15330 kc.**, on a temporary experimental basis only, subject to change or cancellation by Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises; 20 watts.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted special temporary authority to increase the fields in the directions of the minimums to around 500 millivolts per meter, for

a period of 10 days, in order to determine the cause of fading in the Petersburg, Va. area.

KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate relay broadcast station KSFM aboard Boeing seaplane *Yankee Clipper* on the frequencies **4797.5**, **6425**, **8655**, **12862.5** and **17310 kc.**, in addition to the normal licensed frequencies, for the period March 29 to April 27, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from California to New York and Europe and return; program material to be received by RCA Communications, Inc., receiving station at Riverhead, N. Y., for delivery to NBC Network.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with station KBST from 7:30 to 8:45 p. m., MST, on March 23, in order to broadcast speech on special Rotary Club Program.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to rebroadcast over station WTAR special program from aboard the USS San Francisco while passing out Hampton Roads, for a period of 15 minutes on March 21.

KHUB—John P. Scripps, Watsonville, Cal.—Granted special temporary authority to operate from 8:30 to 9:30 p. m., PST, on March 29, in order to broadcast an address given by Stephens F. Chadwich, the National Commander of the American Legion.

KGCA—Charles Walter Greenley, Decorah, Ia.—Granted extension of special temporary authority to remain silent for the period March 23 to April 21, pending KWLC's compliance with Rule 131.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from international broadcast station W2XE over station WKAQ, for a period of 30 days, on a noncommercial exp. basis only.

#### APPLICATIONS FILED AT FCC

##### 850 Kilocycles

WWL—Loyola University, New Orleans, La.—Modification of C. P. (B3-P-228) as modified for extension of completion date from 3-26-39 to 4-26-39.

##### 930 Kilocycles

KROW—Educational Broadcasting Corp., Oakland, Calif.—Authority to transfer control of corporation from H. P. Drey, S. L. Brevit, R. E. Morgan, Charles Martin, C. V. Knemeyer, to W. I. Dumm, Philip G. Lasky, Fred J. Hart, and Wallace F. Elliott, 9536.5 shares stock.

##### 1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of license to change hours of operation from daytime to limited, sunset at Eau Claire, Wis.

##### 1110 Kilocycles

WRVA—Larus & Brother Co., Inc., Richmond, Va.—C. P. to use old W.E. D-94992 transmitter as an auxiliary transmitter for emergency use only.

##### 1120 Kilocycles

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license to change frequency from **920 kc.** to **1120 kc.**, time from daytime to unlimited, and power from 1 KW to 500 watts night, 1 KW day.

##### 1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Construction permit to install a new transmitter; make changes in antenna; increase power from 1 KW to 1 KW night, 5 KW day; and move transmitter from 518 S. E. Morrison St., Portland, Ore., to Barnes Road, west of city limits of Portland, Ore.

WBBR—Peoples Pulpit Asso., Brooklyn, New York.—Modification of license to change name from Peoples Pulpit Association to Watchtower Bible & Tract Society, Inc.

##### 1310 Kilocycles

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Authority to transfer control of corporation from J. T. Norris and B. F. Forgey to Gilmore N. Nunn and J. Lindsay Nunn, 110 shares of common stock.

## 1500 Kilocycles

- KBKR**—Louis P. Thornton, Baker, Oregon.—Modification of construction permit (B5-P-1841) as modified for a new station, requesting authority to move studio and transmitter locally (same address), extend commencement and completion dates from 12-17-38 and 6-17-39 to 60 days after grant and 240 days thereafter.
- WKEU**—Radio Station WKEU, Griffin, Ga.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

## MISCELLANEOUS

- W2XAF**—General Electric Co., S. Schenectady, N. Y.—License to cover construction permit (B1-PIB-8) as modified for equipment changes.
- NEW**—Jonas Weiland, Kinston, N. C.—Construction permit for a new relay broadcast (experimental) station on **31100 kc.**, 2 watts power, A-3 emission. Amended to specify frequencies **31100, 34600, 37600 and 40600 kc.**
- KIFO**—Nichols & Warinner, Inc., Long Beach, Calif.—License to cover construction permit (B5-PRY-142) for new equipment and reduction in power.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**Metz Bros. Baking Company**—Charging price discrimination in the sale of bread in violation of the Robinson-Patman Act, a complaint has been issued against Metz Bros. Baking Company of Sioux City, Iowa, and Sioux Falls, South Dakota.

The complaint alleges that the respondent discriminates in price between different purchasers buying its bread of like grade and quality by giving certain purchasers lower prices than those allowed others. In certain trade areas the respondent is alleged to sell its products of the same grade, quality and weight at lower prices than it sells the identical products in other localities. (3740)

**Restoria Company**—Harry Epstein, trading as Restoria Company, with a place of business at 805 East Mason St., Milwaukee, Wis., is charged in a complaint with misrepresentation in the sale and distribution of a medicinal preparation known as "Restoria." sold as a treatment for the blood and a remedy for blood disorders. Bad blood, ulcers, eruptions, swollen glands, eczema, neurasthenia, rheumatism, syphilis, skin eruptions, and blood poisoning are among the ailments for which the preparation is alleged to be sold as a cure.

The complaint alleges that false statements and misrepresentations were disseminated by the respondent as purported testimonial letters. Claims that the preparation is manufactured in modern laboratories under expert supervision and is safe and harmless, and that its use will produce no bad after-effects, also were alleged to have been made. The complaint alleges that these assertions are false and misleading and that the respondent fails to reveal to purchasers that use of the preparation by uninformed persons under conditions prescribed might cause injury to health. (3737)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**W. H. Barnard Rubber Company**—W. H. Barnard, trading as W. H. Barnard Rubber Company, 131 South Fourth St., Phila-

delphia, has been ordered to cease and desist from certain misrepresentations and practices in the sale of garden hose and other rubber goods.

The respondent, according to findings of the Commission, is only a jobber in rubber goods, although representing himself as a manufacturer, and is found to have sent to purchasers material inferior to displayed samples. He is also ordered to cease representing that products distributed by him are of a quality, fabric, material, construction or value other than such products are in fact. (3520)

**E. J. Brach & Sons**, a Chicago candy manufacturing corporation, has been ordered to cease and desist from the use of lottery methods in the sale of its products to ultimate consumers.

Through the use of lottery devices, such as push cards or punch boards, the respondent has distributed candy to the purchasing public wholly by chance, the Commission found.

The respondent corporation was directed to cease selling or otherwise disposing of any merchandise by the use of punch boards or push or pull cards or other lottery devices and required to cease supplying others with assortments of candy or other merchandise for use without alteration to conduct a lottery. (3307)

**Certified Sales Service**—See Good Humor Corp. of America.

**DeKama, Inc.**—An order to cease and desist has been issued against DeKama, Inc., 3255 Wilshire Blvd., Los Angeles, prohibiting misleading representations in the sale of cosmetics.

The order directs the respondent to discontinue representing that, because of the hormone or gland extracts therein, any of its preparations is of remedial or therapeutic value in the prevention or treatment of skin conditions or disorders or will beneficially affect the oil glands and pores. The order also prohibits the assertion that use of the preparations will nourish and rejuvenate the skin and prevent sagging or wrinkling. (3480)

**Good Humor Corporation of America**, 64-81 Metropolitan Ave., Maspeth, Long Island, N. Y., Sidney A. Weitzman, trading as Certified Sales Service, 357 West 63rd St., Chicago, and Fred W. Herrschner, Jr., trading as 20th Century Sales Company, 329 South Wood St., Chicago, were served with orders to cease and desist from the use of lottery methods in the sale of products to ultimate consumers.

Good Humor Corporation of America was directed to discontinue placing in the hands of others for use in conducting a lottery sticks coated with ice cream, or other articles of merchandise. Findings are that certain of the sticks bore the words "Lucky Stick," concealed by the ice cream, and that ultimate purchasers of these "Lucky Sticks" were entitled to another stick without additional cost.

The respondent no longer sells the sticks, according to the findings.

Engaged in the sale of various articles of merchandise, including clocks, electric razors, cameras, vibro shavers, and pen and pencil sets, Certified Sales Service and 20th Century Sales Company were ordered to cease selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices.

The Commission found that through use of lottery devices the three respondents distributed their products to the purchasing public wholly by lot or chance. (3516, 3245, 3251)

**Lightmore Appliance Corporation and Solar-Ray Lamp Co.**, Inc., 16 East 12th St., New York, makers and distributors of incandescent lamps for general lighting service and for country home lighting, have been ordered to desist from certain misrepresentations concerning their product.

Among misrepresentations prohibited was the respondents' assertion that their products sell for less or operate more economically than similar competing products.

The Commission found that the Lightmore and Solar-Ray bulbs were not of high quality and uniformity, and did not produce good service and economy.

Another misrepresentation prohibited is that the respondents' lamps are made in the United States by skilled American workers. Findings are that the lamps are not wholly made in the United

States; that many of them contain bases made in Japan by foreign workers and are labeled "Made in Japan," but that this label is concealed from the view of buyers when these bases are placed in lamps ready for use. The cost of these bases was found to be \$4.25 per thousand for Japanese as compared with \$5.65 per thousand for American bases, or a saving by using Japanese instead of American bases of a trifle less than one-seventh of one cent per lamp.

The order also forbids the misrepresentation that Solar-Ray Lamp Co., Inc., manufactures light bulbs. Findings are that this company, a distributor, never made lamps, and that, although still in existence as a corporation, it is not at present in actual operation. (2575)

**Lux-Visel Company, Inc., Elkhart, Ind.,** manufacturer and distributor of an electric water heater advertised as a "Magic Disc" that "heats water instantly," has been ordered to cease and desist from misrepresentations concerning its product.

Typical of the advertisements of the respondent, the Commission found, was one reading "Mysterious Disc Boils Water instantly without coal, gas or oil. Pays to \$30 daily. New Principle. Pocket size. Free offer. Write Superlux, Elkhart, Indiana."

Prospective salesmen who replied to the advertisement were found to have been sent "follow up" literature containing, among others, representations as follows: "Thousands of others have accepted my FREE SAMPLE OFFER and are now making profits up to 233%, and you can do the very same thing. Unlike other concerns which require you to buy your sales outfit at an exorbitant price, I am going to help you get started with my FREE SAMPLE OFFER, which you will find explained in detail under Offer #1 in the enclosed application blank. I will send you two SUPER LUX HEATERS for the price of only one, which is \$3.00. When they arrive you can sell one immediately for \$3.00 and get your money back. That will give you your demonstrator without any cost whatsoever."

The Commission's findings are that the respondent does not make a "free offer" and its agents do not normally make profits "up to \$30 a day" or any comparable amounts. (3683)

**Solar-Ray Lamp Company**—See Lightmore Appliance Corporation.

**20th Century Sales Company**—See Good Humor Corp. of America.

## STIPULATIONS

The Commission has entered into the following stipulations:

**Theo. Altneder & Sons, New York City,** manufacturing drawing instruments, including compasses, bow instruments, ruling pens, beam compasses, dividers and railroad pens, will abandon the representation in its catalogs or otherwise that its drawing instruments are the only ones currently made in the United States or that it is the nation's only drawing instruments manufacturer, when this is not a fact.

**Brock Candy Company**—A Tennessee candy company and an Oklahoma flour miller have entered into stipulations to discontinue lottery methods in the sale of their products to ultimate consumers.

Respondents are: Brock Candy Company, 1113 Chestnut St., Chattanooga, Tenn., and Dobry Flour Mills, Inc., Yukon, Okla.

Brock Candy Company, according to its stipulation, sold to jobbers and retailers its "150 Humdinger Assortment" so assembled that ultimate purchasers selecting pieces having pink centers received a 5-cent bar of candy without extra cost. The respondent company also distributed another assortment together with a punch or push card. In each instance the ultimate consumer received prizes wholly by chance, according to the stipulation.

**Dobry Flour Mills, Inc.,** in an effort to stimulate sales to the wholesale and retail trade, according to the stipulation, furnished retailers with a large card containing numbered lines on which purchasers wrote their names. A master seal on the card was broken when the lines were filled with names and the individual whose number was the same as that under the seal received wholly by chance a barrel of flour, according to the stipulation. (2411-2414)

**Cannon Cosmetic Company**—W. S. Cannon, Jr., trading as Cannon Cosmetics Company, Atlanta, Ga., agrees to cease advertising that his cosmetics act quicker or are in any way superior to or lower in price than numerous similar competing products; that 200,000 or any other unsubstantiated number of customers use his products; that Cannolene Tar Shampoo has a direct influence on the cause of dandruff; that Complexion Powder contains only the purest ingredients in perfect balance, or that the respondent's coconut oil shampoo is made of coconut oil, the respondent admitting that the preparation is made of coconut oil base soap added to water. (02337)

**Clay-Adams Company, Inc., New York City,** wholesaler of various types of surgical instruments and laboratory supplies, including microscope cover glasses, stipulates that it will cease using on labels affixed to containers of its microscope cover glasses or in any other way the slogan "Made in U. S. A." or any other word of similar inference implying that the glass of which these products are made is, or that the products in their entirety are, of domestic origin, when this is not a fact. (2413)

**Denney & Denney**—Frances Denney, a corporation, and Anthony deP. Denney, John D. Denney, Anne Denney Fleming and William F. Denney, Jr., trading as Denney & Denney, Philadelphia, Pa., in the sale of their various cosmetic preparations, will refrain from advertising that the use of the products will eliminate or prevent crowsfeet or wrinkles, or that any of the products constitutes a competent treatment for acne generally. (02338)

**Direct Mail System**—Charles C. Howell, trading as The Direct Mail System, Summit, N. J., engaged in selling a plan for making money designated Prosperity Scheme, agrees to desist from representing that his plan or scheme will enable anyone to earn money fast, is a sure or immediate way of making money, enables one to start a profitable business on less than \$3 capital, or will lay the foundation for a profitable business, and that his proposition is suitable for any person, regardless of age, educational or business qualifications, or environment. (02332)

**Dobry Flour Mills, Inc.**—See Brock Candy Company.

**Marie Earle, Inc., New York City,** stipulates that it will cease various representations concerning its cosmetic products and agrees to desist from use of the word "acne" in the trade name Acne Lotion, unless clearly explained that the preparation is limited to treating superficial conditions; designating as "astringent" the product Astringent Throat Cream; advertising Strong Astringent in any way implying that its astringent properties are strong so long as they are in fact extremely mild; designating as a bleach the products Perfection Elixir (Liquid Bleach) and Perfection Extra Strong Bleach (Liquid), unless the products are accompanied by a warning to the effect that the container must be kept tightly closed to retain the effectiveness and that even then the bleaching power lasts but a limited time. (02340)

**Gray Drug Store**—Frank Kalen, trading as Gray Drug Store, New York City, will desist from advertising that use of Mul-Leves for the Hair will stimulate new hair growth or stop falling hair, and that use of the respondent's shampoo will assure a healthy scalp or a scalp free from dandruff. The respondent agrees to discontinue use of the name Eyelash Grower for a product so designated. (02339)

**Charles Marchand Company**—Under its stipulation, The Charles Marchand Company, New York City, will desist from representing that the use of Marchand's Golden Hair Wash will achieve results which cannot be obtained by competing products; that this preparation will keep the hair healthy; that its application will not lighten the color of the hair of brunettes; that the product is guaranteed, unless the advertisement clearly explains that the guarantee is limited to a refund of the purchase price; that its use "restores" any natural characteristic or quality or enables every user to be a "natural" blonde. (02335)

**New York Post, Inc.**, and its subsidiaries, Publishers Service Company, Inc., both of 75 West St., New York, have entered into a stipulation to discontinue certain misleading representations in the sale of ten-volume sets of books entitled Oxford Universal Dictionary and Oxford Universal English Dictionary.

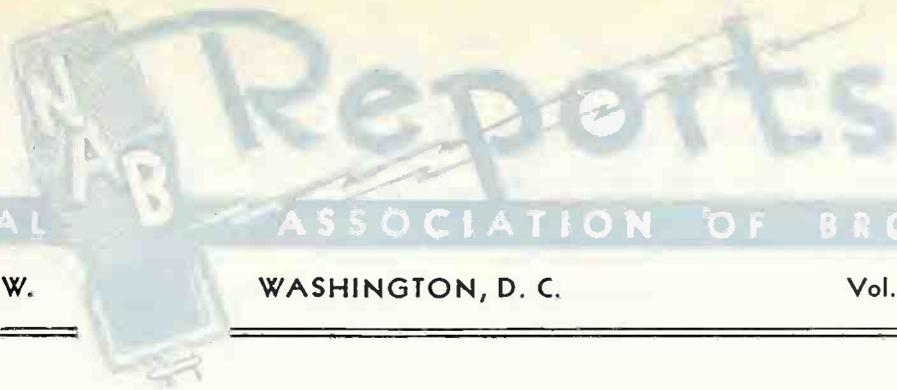
Among the respondents' customers, according to the stipulation, were newspaper publishers who used the books in connection with circulation promotion plans offered by Publishers Service Company, Inc.

Each of the respondent corporations agrees to desist from the use in their advertisements or in any other way of the words "gold leaf" as descriptive of the lettering, embossing or finishing of such books which are not in fact lettered, embossed or finished in gold leaf or gold; and from use of the word "gold" in any way so as to imply that the material used in the lettering, embossing or finishing of the books is gold leaf or gold, when such is not a fact. (2408)

**Peris**—A. Peris, trading as Peris, East Rochester, N. Y., in offering for sale a money-making plan involving salted peanuts in the shell, will discontinue representing that there have been no salted peanuts in the shell since the advertiser retired and that there is no competition in this field, and that his plan will enable one to make a fortune without capital. The respondent further agrees that he will not make unmodified representations or claims of earnings in excess of the average earnings of active full-time purchasers of his plan under normal business conditions. (02333)

**Publishers Service Company**—See New York Post, Inc.





## The Week In Washington

Frederick I. Thompson, Alabama newspaper publisher, has been named by President Roosevelt to succeed Judge Eugene O. Sykes on the Federal Communications Commission, effective April 5. The Senate is generally expected to confirm the appointment without objection. Judge Sykes retires April 5.

Neville Miller, opposing enactment of bills to forbid liquor advertising by radio, told the Senate Interstate Commerce Committee this week that such legislation would be "a very dangerous precedent" and could "easily be the first of a series of such laws". He pointed out that the NAB Board of Directors was on record that no station should carry hard liquor advertising and that only a very few did.

At a three day meeting last week, the Program Standards Committee made an exhaustive study of proposals for bettering broadcast programs and laid down the general principles for a new code of standards to be submitted to the members at the July 10 convention in Atlantic City.

Some relief from hardships imposed by the stringent restrictions on working hours of higher salaried employees by the Wage and Hour Act is in sight. The Chairman of the House Labor Committee has introduced an amendment to exempt from the hours restrictions all employees making \$200.00 or more a month. Postponement of the effective date of an increase in the Social Security payroll tax due next January 1, also has been proposed by the Administration.

"Free offers" continue to roll in, most of them constitute attempts of various interests to get some free advertising on the air. Increased interest in this subject on the part of the members leads the NAB to believe that the days of the time chisellers are numbered.

### FREDERICK I. THOMPSON SUCCEEDS JUDGE SYKES AT FCC

Frederick I. Thompson, Alabama newspaper publisher, was nominated on Tuesday by President Roosevelt to succeed Judge Eugene O. Sykes as member of the Federal Communications Commission. Judge Sykes' resignation is effective on April 5, and Mr. Thompson will serve the unexpired portion of Judge Sykes' term on the Commission ending July 1, 1941.

Mr. Thompson is well known in Washington, having served on the Shipping Board under Presidents Wilson,

Harding and Coolidge. He was born in Aberdeen, Mississippi, in 1875 and has been in newspaper work most of his life. Mr. Thompson was educated in the public schools of Aberdeen. In 1900, he married Adrianna Ingate of Mobile, Alabama.

From 1892 through 1895 he was editor of the Aberdeen Weekly and from 1897 through 1902 with the Weekly Commercial Appeal of Memphis, Tennessee. Mr. Thompson was a member of the firm of Smith & Thompson, newspaper representatives, of New York and Chicago from 1902 to 1908, and from 1909 through 1932 was chief

*(Continued on page 3376)*



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## FREDERICK I. THOMPSON SUCCEEDS JUDGE SYKES AT FCC

(Continued from page 3375)

editor and publisher of the Mobile Daily and Sunday Register. He was also chief owner and publisher of Mobile News-Item in 1916 through 1932, and in 1922 was with the Montgomery (Ala.) Journal. Mr. Thompson was with the Daily and Sunday Age-Herald, Birmingham, Alabama, from 1922 to 1927. He was a director of the Associated Press.

Mr. Thompson was a delegate to the Democratic National conventions in 1912, 1924 and 1928, and in 1920 was appointed a Commissioner of the United States Shipping Board by President Wilson. He was reappointed by President Harding in 1921 and by President Coolidge in 1923. He resigned his Commissionership in 1925. In 1933 Mr. Thompson was appointed a member of the Advisory Board on Public Works by President Roosevelt. He was also a member of the Alabama State Docks Commission in 1935. His home is in Mobile, Alabama.

At Monday's meeting of the Communications Commission, Commissioner Case offered a resolution of tribute to Judge Sykes which was spread upon the minutes of the Commission "as a token of the esteem wherein the retiring member is held by his colleagues." The resolution follows:

WHEREAS, Judge Eugene O. Sykes has tendered his resignation as a member of the Federal Communications Commission, thus voluntarily terminating an honorable and continuous service in that body since its organization in July, 1934; and

WHEREAS, he was the first Chairman of the Federal Communications Commission and brought to the regulation of the communications industry a wealth of valuable experience already gained as a member and Chairman of the Federal Radio Commission, to which he was appointed in 1927, and on which he served until the formation of the present regulatory body, making a total tenure of office as a Commissioner of twelve years; and

WHEREAS, throughout his incumbency he has unremittingly and unsparingly devoted himself to the duties of his office, applying to its conduct the exercise of a calm judicial temperament and the powers of a keen analytical mind trained in the school of jurisprudence; and

WHEREAS, the stabilizing quality of his influence in the deliberations of this Commission, coupled with his conspicuous ability to grasp the essential elements of the question at issue, often proved the determining factor in arriving at an equitable solution of perplexing problems; now, be it

RESOLVED: That the members of the Federal Communications Commission fully conscious of the loss which this body sustains in Judge Sykes' retirement from its councils, as a unit herewith place themselves on record as sincerely regretful of his determination to withdraw from their wholly agreeable personal and official relationships with him as a member of this body, and convey to him in all cordiality and sincerity their assurance of the hope that the friendships cemented during their association with him

may endure, and that he may be altogether happy in the successful prosecution of any enterprise to which he may devote his talents; and, be it further

RESOLVED: That this expression of goodwill and sentiment be spread upon the minutes of this Commission as a token of the esteem wherein the retiring member is held by his colleagues.

President Roosevelt on Monday of this week accepted the resignation of Judge Sykes from the Commission effective April 5. Judge Sykes in his letter of resignation to the President, dated March 9, said:

"After twelve years continuous service as a member of the Radio Commission, and its successor the Communications Commission, I have the honor to tender my resignation as a member of the Communications Commission. If agreeable to you, I would like to have it effective at the close of the business day the 31st instant.

"Permit me to express my deep appreciation for the confidence you have shown in me by appointing me on each of these Commissions. I assure you it has been a pleasure to be associated with your administration.

"With highest personal regards."

The President in accepting Judge Sykes' resignation said:

"At your request, I am accepting your resignation as a member of the Federal Communications Commission, effective April 5, 1939. In doing so, I want to assure you of my appreciation of your long service on the Commission and to extend to you my best wishes for your future success."

## MILLER OPPOSES LIQUOR AD BAN AT SENATE HEARING

Neville Miller made the following statement March 29 before the Senate Interstate Commerce Committee at its hearing on bills to forbid liquor advertising by radio:

Radio is a growing industry, and it is but natural that it should have its problems. However, before enacting any legislation, the facts should be carefully studied to ascertain if a real fault does exist, if the legislation is the proper approach, and if it will cure and at the same time not produce other and maybe greater problems.

It is proposed by legislation to prohibit the advertising of alcoholic beverages on the radio. Considering the fact that, as will be shown later, the amount of such advertising is relatively very small, and the further fact that the radio industry is today engaged in an extensive study of program standards, we do not believe that conditions call for legislation and it undoubtedly will set up a very dangerous precedent.

Furthermore, such legislation is not necessary, nor is it proper at the present time, because the present set-up is sufficient to produce the desired result. No other advertising medium is so sensitive to public opinion as radio. Vast sums of money are being spent continuously to feel the public pulse to ascertain the reaction of any given kind of broadcasting, and the industry as a whole is continuously trying to conform to public opinion.

The radio station is licensed to operate in the "public interest, convenience and necessity," and the owner is ever aware that he must render accounting. Add to these facts the Wheeler-Lea Bill, and the Federal Trade Commission for printed advertising, and you find that today radio is subject to more regulation than the average industry.

The broadcasters of America recognize the serious social problem involved in the advertising and distribution of distilled spirits, and have been and will continue to be in complete harmony with the objectives of state and federal alcohol beverage control authorities.

In fact, since repeal, the vast majority of radio stations and the major networks, with the sympathetic understanding of the leading distillers, have, voluntarily, and at the loss of substantial advertising revenues, not permitted the broadcasting over their facilities of the advertising of distilled spirits.

Recently the Board of Directors of the National Association of Broadcasters went on record in regard to the advertising of distilled spirits, the Resolution reading as follows:

"RESOLVED: That it is the sense of the NAB Board of Directors that American broadcasting stations should not carry advertising for distilled spirits commonly called hard liquor."

The Board, at the same time, authorized the appointment of a committee to make a thorough study of broadcasting program standards, which committee has recently met and a very exhaustive report is being prepared for presentation to the annual meeting in July. The radio industry certainly has shown its concern for the public interest and its determination to study improved broadcasting. Moreover, radio has at all times received the sympathetic aid of those whose advertisements it is now proposed to prohibit.

At the national conference on uniformity in alcoholic beverage advertising, Dr. Sturges, Executive Director of the Distilled Spirits Institute, stated that "The members of the Institute do not use radio as a medium for advertising. They have not done so for the past two years." Mr. Harry L. Lourie, Executive Vice President of the National Association of Alcoholic Importers, stated that "Radio advertising by importers has, as far as we know, been abandoned voluntarily. We feel that this was sound public policy."

There are a number of objections to the legislative approach, and I wish to mention but a few. In the first place, it would set up a dangerous precedent. It may easily be the first of a series of such laws to prohibit the use of radio to one group, which may be later extended to include other groups, and in short endanger the privilege of free radio.

Radio to be free must pay its way, while at all times it must conform to public opinion. However, if one active minority by legislation may prohibit one class of advertisements, other active minorities by legislation may prohibit other classes of advertising, until the life blood of the industry is sapped and we are forced to turn to a government owned, tax supported industry.

Again, the proposed legislation would be discriminatory against radio in relation to other competing media of advertising. Radio may differ in some degree from other media. However, each has its own peculiarities, and there are many compensating factors, so in the final analysis, there is no just basis for discrimination. In short, the broadcasters are opposed to any legislative action or regulation which would prohibit the advertising of any alcoholic beverage through radio. We are opposed because such action would set up a dangerous and unnecessary advertising precedent; because it would be discriminatory against radio and in favor of other media of advertising; and because we believe, due to changing conditions, the desired result can best be achieved through self-regulation and cooperation, rather than through legislation and regulation.

The following appeared in favor of the legislation:

W. S. Alexander, Federal Alcohol Administrator, and Phillip Buck, his general counsel; Edward B. Dunford, attorney for the Anti-Saloon League; Miss Izora Scott, representing the W.C.T.U. and a church federation; a woman representing the National Association of Parent-Teacher Associations.

### LENGTH OF ADS MAY BE CUT BY NEW PROGRAM CODE

Reduction in the length of advertising copy on commercial radio shows will probably result from the deliberations of the Committee on Program Codes and Standards of Practice of the National Association of Broadcasters which met last week in New York, it was announced this week by Neville Miller, president of the broadcasters group.

"This is in line with the existing trend in broadcast advertising," said Mr. Miller, "and will put a greater premium on more skilled advertising writing, with briefer, more interesting and more pertinent messages about needed products and services.

"The industry is simply going to put into effect, universally, those practices of progressive advertisers which are already proving their effectiveness in achieving greater results and a higher degree of program popularity."

## INDEX

	Page
The Week In Washington.....	3375
Frederick Thompson Named to FCC.....	3375
Miller Opposes Liquor Ad Ban.....	3376
Program Code Meeting.....	3377
Wage & Hour Act.....	3378
Social Security Act.....	3378
Wagner Act.....	3378
Free Offers.....	3378
Coming Events.....	3378
District 15 Meeting.....	3378
District 9 Meeting.....	3379
Miller to Speak.....	3379
Judge Sykes Dinner.....	3379
Copyright.....	3379
Monopoly Hearing.....	3379
New Legislation.....	3380
FCC Information Set-Up.....	3380
FCC Rule Postponed.....	3380
Voluntary Assignment Approved.....	3380
WNYC Amends Petition.....	3381

In praising advertising and its social contributions to the nation, Mr. Miller declared: "While everybody in this country seems to prefer advertised products over non-advertised articles from unknown sources, few, I believe, appreciate the social importance of commercial advertising to both a free American press and a free American radio, because of which neither has to rely on the dangers of a government subsidy or tax levy for its ability to operate."

The Committee meeting, representative of a cross section of both local radio independent and network operation, was called by Mr. Miller, who, shortly after becoming the first president of the reorganized NAB last July, advocated the adoption of a broad ranged policy of self-regulation of the radio industry.

Formulation of a code of commercial practices was but one of the items considered by the Committee, said Mr. Miller. The broadcasters group also analyzed an exhaustive report of its sub-committee which included the matter of radio policy in the handling of children's programs, religious broadcasts, political broadcasts, discussion of controversial public questions by radio, services to education, radio treatment of news matter and public forum broadcasting.

While the code is still in the broad outline form, subject to adoption by the industry as a whole at the NAB annual convention July 10 in Atlantic City, officials of the NAB in the near future will conduct a series of searching discussions here with outstanding leaders in all fields affected by radio broadcasting. In the near future the NAB will confer with a group of educators, women club leaders, men and women distinguished in all branches of public affairs, as well as representatives of the advertising world.

"We know it is the desire of both the broadcaster and the public," said Mr. Miller, "that radio be operated in strict accord with our democratic traditions of private

and competitive operation, with fair play and equality of opportunity to all, and with wholehearted regard for our inheritances of freedom of speech, freedom of religion and freedom of assembly. These are the policies which have guided American radio to date. This forward-looking step by the radio industry is but another indication of its ability to continue to give American listeners the freest and finest radio service in the world."

## Labor

### WAGE AND HOUR ACT

An amendment to the Wage and Hour Act, to remove any restriction on the hours of employees working "on a monthly basis at a guaranteed monthly salary of \$200 or more", was introduced this week by Chairman Mary Norton (D-NJ) of the House Labor Committee.

The amendment presumably has the blessing of the Wage and Hour Administrator since it was drafted after a series of conferences between him and the committee.

Although no official interpretation could be obtained this week, the NAB presumes that, if this amendment becomes part of the law, broadcasters wishing to take advantage of it would have to put eligible technicians, announcers, etc., on a monthly basis. Two hundred a month is \$46.15 a week.

Those who make that much could work unlimited time without extra compensation unless they were covered by union contracts calling for overtime.

Within the next few days, members probably will receive a special labor letter with further information about the amendment.

### SOCIAL SECURITY ACT

The Administration has suggested to Congress that it amend the Social Security Act to postpone the effective date of an increase in the old-age payroll tax, due next January 1. The tax, now one per cent on employers and one per cent on employees, was to have become one and one-half per cent on each during 1940-42, with further increases later to three per cent each. There is little doubt that Congress will accept the Administration's suggestion. There has been an almost universal cry from business against building up a huge reserve fund.

### WAGNER ACT

Hearings on the many proposed amendments to the Wagner Labor Relations Act are set for April 11 before the Senate Committee on Education and Labor. The amendments range from those proposed by Senator Burke (D-Neb.) which practically would put labor unions in

a straight-jacket, to those by Senators Thomas (D-Utah) and La Follette (Prog.-Wis.) which would forbid the use of labor spies and strike-breakers and ban the possession or use of "industrial munitions" for use in event of strikes.

### FREE OFFERS

Station and network salesmen, as well as sales representatives, might find some good prospects in this "free offer" section of the REPORTS each week.

For instance, the Better Vision Institute, representing the eye-glass people all over the country, is offering a series of transcriptions which, it says, may be sponsored locally by members of the Institute.

The NAB has notified the Institute that use of the series, without sponsorship, would constitute violation of the NAB code of ethics, even though the Institute claims the series is strictly "educational."

Local salesmen, however, might well look up local Institute members with the idea of obtaining sponsorship.

A number of plugs for gas appliances are included in a domestic science script, called "Color Treasures at Treasure Island," sent out by the McCann-Erikson News Bureau, New York.

The Grey Chemical Company, Mt. Hope, W. Va., has asked a member to sell its fertilizer on a percentage basis.

### COMING EVENTS

For the information of the membership we are listing coming events. Use this calendar to secure additional business.

- |                |  |
|----------------|--|
| April 1-7      | —Conservation Week (in several states)                                 |
| April 2-9      | —National Baseball Week  |
| April 4        | —Passover—first day  |
| April 6        | —Army Day  |
| April 7        | —Good Friday   |
| April 9        | —Easter Sunday   |
| April 10       | —National Foot Health Week starts                                      |
| April 11       | —Passover—last day   |
| April 16-22    | —National Garden Week  |
| April 17-23    | —Be Kind to Animals Anniversary  |
| April 21       | —Spanish-American War, began 1898                                      |
| April 23-30    | —National Fisherman's Week   |
| April 26       | —Confederate Memorial Day in Florida, Alabama, Georgia and Mississippi |
| April 27       | —Morse, inventor of telegraphy, born 1791                              |
| April 28-29    | —Pennsylvania Relay Carnival   |
| April 29       | —National Golf Week starts   |
| April 29       | —Pacific Fleet Arrives at New York World's Fair                        |
| April 30       | —Daylight Saving begins  |
| April 30-May 6 | —National Better Homes Week  |
| April 30-May 6 | —National Baby Week  |

### DISTRICT 15 MEETING

A meeting of the 15th District was held at the Palace Hotel, San Francisco, Monday, March 20, with Ralph Brunton, District Director, presiding. The following members were in attendance:

C. L. McCarthy, KQW, San Jose; Charles P. Scott, KTKC, Visalia; Lou Keplinger, KARM, Fresno; Henry M. Jackson, CBS, San Francisco; S. H. Patterson, KSAN,

San Francisco; William C. Grove, KSAN, San Francisco; Vann Connors, KQW, San Jose; Howard Lane, KFBK, Sacramento; Lloyd Yoder, NBC, San Francisco; Ed Franklin, KJBS, San Francisco; L. Wellington Morse, KLS, Oakland; William D. Pabst, KFRC, San Francisco; Wilt Gunzendorfer, KSRO, Santa Rosa; Art Westlund, KRE, Berkeley; E. L. Finley, KSRO, Santa Rosa; Philip G. Lasky, KSFO, San Francisco; Ralph R. Brunton, KJBS, San Francisco; and Ralph Wentworth, New York City.

Ralph Wentworth of Lang-Worth Feature Programs, Inc., discussed the subject of tax-free music and gave an audition of the Lang-Worth library. State legislative matters were also discussed.

A committee was appointed, for the nomination of a Director, consisting of Arthur Westlund, KRE, Berkeley, Chairman; Lloyd Yoder, NBC, San Francisco; C. L. McCarthy, KQW, San Jose; Charles P. Scott, KTKC, Visalia; and Philip Lasky, KSFO, San Francisco.

It was decided that a meeting would be called some time during May for the election of a Director and for the transaction of such other business as might come before the meeting. A resolution was adopted that all stations in the 15th District should be assessed \$25.00 each to establish a fund to pay expenses of the Legislative Committee when it is in Sacramento attending to radio legislation.

### DISTRICT 9 MEETING

Gene Dyer, chief owner of WGES, WCBF and WSBC, Chicago, was elected District 9 Director at a meeting Monday in Chicago. Neville Miller and Paul Peter, Research Director, represented NAB Headquarters at the meeting.

### MILLER TO SPEAK

Neville Miller will speak on "Government Regulation of Radio Broadcasting" next Wednesday at a luncheon of the Washington Trade Association Executives.

### JUDGE SYKES DINNER

The Committee is receiving reservations from the many friends of Judge Sykes who desire to pay tribute and honor the Judge at the dinner to be held at the Hotel Willard, April 8. Many are coming from distant points as well as from his friends in Washington.

### COPYRIGHT

The Committee for the study of Copyright of the National Committee of the United States of America on International Intellectual Cooperation has issued the following statement:

The Committee for the Study of Copyright of the National Committee of the United States of America on International Intellectual Cooperation, a non-official organization interested in

promoting cultural relations, has been holding a Conference on Copyright Legislation at regular intervals throughout the winter. The purpose of this Conference is the clarification and revision of the domestic Copyright Law. It is hoped that the proposed revision of the Law will include such provisions as may make it possible for the United States to be party to agreements designed to promote international protection of intellectual property, both among American States and on an universal basis. Since the United States Government has been invited to a Diplomatic Conference in Brussels later in 1939 for discussion of the Revision of the Berne Convention, and since the Rome version of the Berne Convention is before the Senate Committee on Foreign Affairs, it is opportune that the various national organizations interested in copyright should have this opportunity to study and propose constructive revision of the domestic law, which is necessary in view of the international aspects of the problem.

The following national associations have been cooperating in the study of the copyright bill: The Authors League of America; American Society of Composers, Authors and Publishers; Song Writers Protective Association; Music Publishers Protective Association; Recording Interests; International Allied Printing Trades Association; Book Publishers Bureau; National Publishers Association; American Library Association; The Joint Committee on Materials for Research of the American Council of Learned Societies and the Social Science Research Council; Motion Picture Producers and Distributors, Motion Picture Theater Owners; Independent Exhibitors League; National Association of Broadcasters.

The Chairman of the Committee for the Study of Copyright, Dr. Waldo G. Leland, Director of the American Council of Learned Societies, and Professor James T. Shotwell, of Columbia University, have presided at the meetings which are still continuing.

Radio interests have been represented by the National Association of Broadcasters, which has participated at all of the meetings either by its president or by counsel acting on its behalf, and representatives of the NAB are members of the sub-committees which have been appointed by the Conference with respect to: the revision of the minimum damage clause; the provisions of the law relating to phonograph records and other sound recordings; and to the requirement of registration deposit of copies and other formalities as a condition precedent to copyright.

## Monopoly Hearing

Management contracts continued to occupy the FCC at the monopoly hearing.

March 23

William C. Ballard, Jr., Cornell University professor of electrical engineering, appeared for WESG and described that station's contract with the *Elmira Star Gazette* for handling commercial programs. Clarence W. Miles, Baltimore attorney, described a voting trust at WCAO in Baltimore.

March 28

Roy Thompson of Altoona, Pa., manager of WFBG, described the lease of that station by the William F. Gable Company to the Gable Broadcasting Company, a subsidiary and the licensee. Henry P. Drey, manager of KROW, Oakland, Cal., described the management contract he had with the Educational Broadcasting Corporation, and also the sales contract the Western Radio Publicity Service, his company, had with the licensee.

March 29

Harry R. LePoidevin, secretary-treasurer of WJRN, Racine, Wis., described an agreement with the Voice Publishing Company

for that company to use a specified number of hours from a studio at South Milwaukee. He also described a contract for operation of a studio at West Allis.

The Commission then introduced a number of exhibits relative to network broadcasting. This was followed by considerable cross-examination and discussion.

## Legal

### NEW LEGISLATION

#### CONGRESS

H. R. 4433 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposit of copyrightable material and prompt registration of claims to copyright in the copyright office. Referred to the Committee on Patents.

H. R. 5319 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposits of copyrightable material with Register of Copyrights and prompt registration of claims to copyright. Referred to Committee on Patents.

H. R. 5435 (Mrs. Norton, N. J.) WAGE AND HOUR ACT—To amend, to remove hours restrictions on employees making \$200 or more a month, et al.

#### STATE LEGISLATION

##### NEW YORK:

A. 2124 (Crews) Same as S. 1659. TAXATION BROADCASTING AND MOTION PICTURE RIGHTS—Strikes out the 5 per cent tax on total gross receipts from boxing, sparring or wrestling exhibitions and substitutes a 5 per cent tax on the admission price of all tickets sold or otherwise disposed of and a 5 per cent tax on gross income from sale of broadcasting and motion picture rights, now included in gross income tax. Referred to Taxation Committee.

S. 1659 (Condon) Same as A. 2124, above. Referred to Finance Committee.

##### PENNSYLVANIA:

H. 805 (Voorhees) BROADCASTING—Prohibiting the recording of any broadcast without the permission and consent of the person or persons broadcasting; and offering for sale, selling, leasing, licensing or possession of such unlawful recording, and providing penalties.

##### SOUTH CAROLINA:

H. 566 (Smock) RADIO RECEPTION—To lessen the interference with radio reception in motor vehicles used on public highways on account of lines used in the transmission of electric energy. Referred to Roads Committee.

### FCC'S NEW INFORMATION SET-UP

The Federal Communications Commission has authorized the establishment of a permanent Office of Information, to be responsible for the collection and dissemination of information for the press and the public regarding the Commission's decisions and other matters and to have such other functions as the Commission may determine.

The authorization was voted at a meeting last week, the Commission adopting unanimously a resolution offered by Chairman McNinch and seconded by Commissioner Walker.

The Office of Information will be headed by a Director of Information and Special Assistant to the Chairman, with an Assistant Director of Information, and will embrace the work of the Information Office, the Information Reference Room, the Press Room, and related activities. Provision was made for it to function under and be responsible directly to the Commission, replacing the Press Section, a unit in the administrative branch.

The new set-up will make permanent and extend the present information arrangements, set up by M. L. Ramsay, who was borrowed from the Rural Electrification Administration to study informational needs as well as conduct the information service temporarily. It is in line with recommendations made in Mr. Ramsay's final report. Mr. Ramsay's detail ends March 31.

Under the Commission's resolution the positions authorized are to be established in accordance with the Classification Act, subject to revision by the Civil Service Commission. The Chairman was authorized, however, to seek to exempt from Civil Service the appointments to the two principal positions.

### FCC RULE POSTPONED

Announcement was made this week by the Federal Communications Commission that the effective date of rule No. 981 dealing with modulation monitors has been postponed until September 15. Official announcement dealing with this is as follows:

The Commission extended the working of Rule 981 another six months from March 15, 1939 to September 15, 1939. However, all licensees of Relay, International, Television, Facsimile, High Frequency and Experimental broadcast stations should immediately arrange to purchase or install frequency monitors as required by this rule since monitors are now available from two or more manufacturers and it is not the plan of the Commission further to extend this rule. All stations must have a satisfactory frequency monitor on or before September 15, 1939.

Two such monitors which will meet the requirements of Rule 981 have been inspected by the Commission. The Commission is advised that these frequency monitors may be supplied by the manufacturers in sufficient quantities to meet the demand.

Rule 981 was originally effective September 15, 1936, but this date has been extended from time to time due to the lack of commercially available frequency monitors to fulfill the requirements. The monitors required by this rule *are not approved by the Commission* but shall have an accuracy of one-half the allowed tolerance of the class of station with which used. It is the responsibility of the licensee to see that the monitor will meet the frequency accuracy and operate in accordance with good engineering practice.

### VOLUNTARY ASSIGNMENT APPROVED

The Federal Communications Commission Monday approved (Chairman McNinch and Commissioner Walker dissenting) the voluntary assignment of radio broadcast station license WCAX, Burlington, Vt., from the Burlington Daily News, Inc., to the Vermont Broadcasting Corporation. The broadcasting corporation also plans to acquire and publish the Burlington Daily News. WCAX operates on a frequency of 1200 kc., with power of 100 watts night, 250 watts day, unlimited time.

This is the first case appearing in the Commission's records in which a broadcasting company is to own a newspaper. Approximately 240 broadcast stations have newspaper interests identified with their ownership out of a total of more than 750 stations holding authorizations from the Commission.

H. Nelson Jackson is president of the newspaper corporation which has operated both the newspaper and the broadcast station. Charles P. Hasbrook is president and

treasurer of the newly-formed Vermont Broadcasting Corporation and owner of virtually all of its outstanding stock. The price to be paid for the newspaper and broadcast properties, with certain property excepted, is \$59,000. Of this sum \$17,000 is assigned to the radio property.

Chairman McNinch voted "No" on the ground that the proposed assignment had not been shown to be in the public interest. Commissioner Walker in voting "No" expressed the view that a hearing to determine the public interest in the matter should precede the Commission's action.

### WNYC AMENDS PETITION

Mayor Fiorello H. LaGuardia, on behalf of the City of New York, licensee of Station WNYC, has amended the petition filed on August 24, 1938, requesting the amendment of Rules 177, 321, 1012(a) and 1052(a), which relate to high frequency and international broadcast programs. Since no date has been set for hearing on this Petition under its rules the Federal Communications Commission has automatically accepted the amendment to the Petition.

The City of New York (WNYC) seeks the right to rebroadcast certain programs of high frequency and international broadcast stations which may not be done under the Commission's existing rules. To this end it seeks an amendment of the rules so as to permit rebroadcasts of this character where the licensees of regular broadcast stations making the rebroadcasts are universities, other educational institutions, municipalities, other Government agencies or other non-commercial, non-profit organizations.

In amending its petition, the City of New York (WNYC) withdrew a request for a proposed amendment of the Commission's Rules 1012(a) and 1052(a) which prohibit the sale of time, directly or indirectly, on high frequency and international broadcast stations which are licensed for experimental purposes. The City of New York made it plain that no change in these rules is necessary, as it never intended to charge for programs. The purpose of its application, the City of New York advised the Commission, is to make it possible for Station WNYC to rebroadcast on its regular frequency certain programs broadcast by international broadcast stations.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of the Inland Empire Broadcasting Com-

pany for a construction permit for a new station at **Pasco, Washington**, to operate on **1310 kilocycles**, 100 watts, unlimited time.

In connection with the denial of this application, the Commission stated that "after considering the finances of the applicant, the estimated monthly operating expenses, and the failure on the part of the applicant to show how much revenue could reasonably be expected from the sale of advertising time, the Commission finds that the applicant is not possessed of sufficient finances to assure the continued operation of the proposed station."

The Asheville Daily News has been granted its application by the Commission for a construction permit for a new station at **Asheville, North Carolina**, to operate on **1370 kilocycles**, 100 watts, unlimited time.

The Commission originally denied the application, and the case was appealed to the United States Court of Appeals for the District of Columbia, who remanded the application to the Commission for further hearing. The Commission has found that the granting of the application will serve public interest.

The Commission has dismissed with prejudice the application of E. DeVore Andrews and Mrs. Annie L. Andrews for a construction permit for a new station at **Greenwood, South Carolina**, to operate on **1420 kilocycles**, 250 watts LS, 100 watts night, unlimited time. This application was dismissed because the applicants entered a motion to dismiss the application before the examiner made his report.

The Commission also denied the application of W. A. Barnette for a construction permit for a new station at **Greenwood, South Carolina**, to operate on **610 kilocycles**, 250 watts, daytime.

In denying the Barnette application, the Commission stated that the frequency sought by the applicant "has been classified by the Commission as a regional channel; and the location of Greenwood, South Carolina, with respect to existing stations surrounding it, is such that in the efficient assignment of frequencies, a regional frequency should not be assigned for the operation of a station in Greenwood."

Upon reconsideration of a supplemental Statement of Facts, the Commission granted the application of Mrs. W. J. Virgin (KMED), **Medford, Oregon**, for a station to operate on **1410 kilocycles**, 1000 watts, daytime. The Commission denied the nighttime operation of this station.

It was found that nighttime operation would cause objectionable interference to two existing Canadian broadcast stations.

The Commission has denied applications of WISN, Milwaukee, Wisconsin; WJBO, Baton Rouge, Louisiana; and WAPO, Chattanooga, Tennessee.

WISN asked to increase its facilities from 250 watts night and 1000 watts daytime, unlimited hours, to 1000 watts, unlimited time on **1120 kilocycles**. WJBO asked to increase its power from 500 watts unlimited time, except 8 to 9 P. M. on Mondays, to 1000 watts unlimited time, except 8 to 9 P. M. on Mondays, on **1120 kilocycles**. WAPO asked to change its frequency from **1420 kilocycles** to **1120 kilocycles**, and increase its power from 100 watts night, 250 watts day, unlimited time, to 500 watts night, 1000 watts day, unlimited time, using a directional antenna at night.

### PROPOSED FINDINGS OF FACT

The Federal Communications Commission has handed down a Proposed Findings of Fact in connection with the application of KTOK, **Oklahoma City, Oklahoma**. This station operates on **1370 kilocycles** with 100 watts power, unlimited time and applied to the Commission to change its power to 250 watts day and remain at 100 watts night.

The Commission proposed in its Proposed Findings of Fact the granting of the application. It was found by the Commission that the applicant is in all respects qualified to undertake and complete the equipment changes and operate the station as proposed. "There is an existing need," said the Commission, "for the additional service which would result from the daytime operation of this station with the increased power requested." Some interference would result to Station KCRC, Enid, Oklahoma, but the Commission did not find that the interference "would be sufficient to warrant the disapproval of this application." The interest of other stations will not be adversely affected as the result of granting this application.

The Commission has adopted its Proposed Findings of Fact proposing to grant the application of WTOL, **Toledo, Ohio**, to increase its hours of operation from daytime to unlimited. The station operates on **1200 kilocycles**, 100 watts power.

It was found in the Proposed Conclusions by the Commission that the granting of this application will not adversely affect the economic interests of any existing station nor would it cause objectionable interference to any station. The Commission found that WTOL is rendering a satisfactory local program to Toledo, and that the other station in that city "is of a regional classification and does not adequately meet the local needs of the Toledo area during the evening hours." It was found that there is a need in that area for the service proposed.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of April 3. They are subject to change.

Friday, April 7

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., **1140 kc.**, 250 watts, daytime.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P., **1290 kc.**, 100 watts, daytime (C. P. to install new antenna and move transmitter and studio locally).

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.**, 1 KW, daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.**, 1 KW, daytime.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Tex.—C. P., **1310 kc.**, 250 watts, daytime. Present assignment: **1310 kc.**, 100 watts, daytime.

May 15

KOVC—KOV, Inc., Valley City, N. Dak.—C. P., **1340 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.**, 500 watts 500 watts LS, unlimited time. Present assignment: **1340 kc.**, 250 watts, unlimited time.

May 16

NEW—John R. Pepper, Greenville, Miss.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

May 24

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Renewal of license, **1350 kc.**, 1 KW, 1 KW LS, shares WAWZ (DA day and night).

June 6

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.**, 500 watts, 500 watts LS, shares KFNF.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

NEW—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted license for new experimental broadcast station, frequencies **8600-40100 kc.** and above, on an experimental basis conditionally; 5000 watts power.

- WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted modification of license authorizing use of 5 KW power for all daytime operation, employing directional antenna system. (Station now operates on 550 kc., 1 KW night, 5 KW day (uses 1 KW when WOSU operates.)
- WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit sustaining programs from station WXYZ to Canadian stations under the supervision and control of the Canadian Broadcasting Corp. through wire-line facilities of the Michigan Bell Telephone Co., for the period from April 16 to October 16, 1939.

## RENEWAL OF LICENSES

Renewal of licenses for the following stations were granted for the regular period ending October 1, 1939:

- KDYL (auxiliary), Salt Lake City; KFOX, Long Beach, Calif.; KRSC, Seattle, Wash.; WHBF, Rock Island, Calif.; WHN and auxiliary, New York City; WJDX, Jackson, Miss.
- KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended upon a temporary basis only pending determination upon application for renewal, but in no event later than May 1, 1939.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Present license extended upon a temporary basis only pending determination upon application for renewal, but in no event later than May 1, 1939.
- WSXIG—The Evening News Assn., Portable-Mobile.—Renewal of experimental relay broadcast station license was granted upon a temporary basis only, for the period ending December 1, 1939, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.
- WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than May 1, 1939.
- W8XE—Radio Air Service Corp., Cleveland, Ohio.—Present license for experimental facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than May 1, 1939.
- W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Present license for experimental facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than May 1, 1939.
- W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.
- W2XOY—General Electric Co., Albany, N. Y.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.
- W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.
- W8XNT—Radio Air Service Corp., Cleveland, Ohio.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.
- W9XOK—The Star-Times Publishing Co., St. Louis, Mo.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.
- W3XPF—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Granted renewal of experimental television broadcast station license for the period ending February 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.
- W8XUF—Sparks-Withington Co., Jackson, Mich.—Granted renewal of experimental facsimile broadcast station license for the period ending March 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- NEW—Mollin Investment Co., Palm Springs, Calif.—Application for C. P. to erect a new station to operate on 1200 kc., 100 watts, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Application for C. P. to move transmitter site locally, exact site to be determined with Commission's approval; install new equipment; change frequency from 1120 kc. to 950 kc.; and increase power and time of operation from 100 watts, daytime, to 1 KW, unlimited. (Application designated for hearing to determine if interference might result, and because pending applications from State of Washington involve an increase in service.)
- WGST—Georgia School of Technology, Atlanta, Ga.—Application for C. P. to install a directional antenna system for both day and nighttime operation, and increase nighttime power from 1 KW to 5 KW. (Application designated for hearing to determine if interference might result, and pending applications from Georgia involve an increase in service.) (To be heard before the Commission.)
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Application for modification of license to increase nighttime power from 100 to 250 watts. To be heard before the Commission. (Application designated for hearing as the request violates Rule 121, and pending applications from Georgia involve an increase in service and interference.)
- NEW—North Shore Broadcasting Co., Salem, Mass.—Applications for C. P. for new station to operate on 1200 kc., 100 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations, and to determine financial qualifications of applicants; also pending applications from Massachusetts involve increase in service.)
- W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only and applications designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.
- W1XEQ—E. Anthony & Sons, Inc., New Bedford, Mass.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.
- W9XBS—National Broadcasting Company, Inc., Chicago, Ill.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.
- W3XIR—WCAU Broadcasting Co., Philadelphia, Pa.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 982 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory re-

search and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.

W5XD—A. H. Belo Corp., Dallas, Tex.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and applications designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.

### MISCELLANEOUS

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted special temporary authority to transmit program material describing hockey game in Madison Square Garden, over lines ordered by the Canadian Broadcasting Corp., to station CKCL, from 9 p. m., EST, to conclusion of the game on March 23.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period April 9 to May 8, in order to conduct experimental farm programs.

W2XOY—General Electric Co., Albany, N. Y.—Granted special temporary authority to operate high frequency (experimental) broadcast station on the frequency of **42.8 megacycles**, now assigned Edwin H. Armstrong in order that Armstrong and Gen. Elec. may make simultaneous frequency modulation tests using same channel for period of 30 days.

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted motion extending time to March 27, 1939, for filing proposed findings of fact and conclusions in re Docket 5394.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted motion for order to take depositions in re application to increase power of KRBA.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted petition for continuance of hearing now scheduled for April 3, to May 15, or until such date as the hearing in re application of KOVC, Inc., Valley City, N. Dak. (KGNO is applying for increase in power from 250 to 500 watts on 1340 kc.).

NEW—Monocacy Broadcasting Co., Rockville, Md.—Granted petition to intervene in the hearing on the application of Lawrence J. Heller for a new station in Washington, D. C.

WSUI—The State Univ. of Iowa, Iowa City, Iowa.—Granted petition for leave to amend application with reference to directional antenna, but that part of the petition requesting retention of present hearing date (April 17) overruled.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to amend order to take depositions by substituting the name of J. H. Gabribelle for R. D. Dolley, and to add name of A. S. Lawton, in re application of WMBR to change frequency and increase power.

NEW—Sam Klaver and Nathan Belzer, d/b as The Great Western Broadcasting Co., Omaha, Neb.—Denied petition for rehearing in re application for new station (Docket No. 4641), which application was denied by the Commission on December 5, 1938, effective December 12, 1938.

KELA—Central Broadcasting Corp., between Centralia and Chehalis, Wash.—Authorized the issuance of a modification of license as applicant has submitted satisfactory proof in re present antenna.

NEW—Jonas Weiland, Portable-Mobile (area of Kinston, N. C.).—Granted C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600 and 40600 kc.**, on an experimental basis conditionally; 2 watts.

KIFO—Nichols and Warinner, Inc., Portable-Mobile, Long Beach, Cal.—Granted license to cover C. P. authorizing installation of new equipment and reduction in power to 25 watts in relay broadcast station.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted modification of C. P. approving transmitter site and vertical radiator in broadcast station.

W2XAF—General Electric Co., So. Schenectady, N. Y.—Granted license to cover C. P. for International Broadcast Station; frequencies **6190, 9530 and 21590 kc.**, on an experimental basis conditionally; 100 KW power.

WWL—Loyola University, New Orleans, La.—Granted modification of C. P. extending completion date to April 26, 1939.

WDSM—WDSM, Inc., Superior, Wisc.—Granted modification of C. P. extending completion date to June 9, 1939.

WDNC—Durham Radio Corp., Durham, N. C.—Granted license to cover C. P. authorizing increase in day power to 250 watts, install new equipment and vertical radiator, and move of transmitter site. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted license to cover C. P. authorizing increase in day power from 1 KW to 5 KW, installation of new equipment and use of directional antenna for daytime operation.

W8XNO—Charleston Broadcasting Co., Charleston, W. Va.—Set for hearing application for modification of C. P. for new experimental high frequency Broadcast station for an additional extension of commencement date to May 2, 1939, and completion date to November 2, 1939.

NEW—WJMS, Inc., Ashland, Wis.—Overruled petition for continuance of hearing scheduled for April 12, for a period of 45 days.

NEW—Central Broadcasting Corp., Worcester, Mass.—Applicant allowed additional 3 weeks to comply with Commission's rules relating to proposed findings.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—Granted petition to accept proposed findings filed late, in re applications for renewal of license for W9XAA, assignment of license to Radio Service Corp. of Utah, and application to move station to Saltair, Utah.

KVCV—Golden Empire Broadcasting Co., Redding, Cal.; KHSL—Chico, Cal., and other interveners.—Granted joint petition of interveners, KHCV, KHSL, Roy McClung, Redwood, Cal., Horace Thomas, Marysville, Cal., and Stanley R. Pratt, Jr., Chico, Cal., to accept correction to proposed findings filed by interveners in re the application of Yuba-Sutter Broadcasters, for a new station at Marysville, Cal., to operate on **1320 kc.**, 250 watts, unlimited.

KOH—The Bee, Inc., Reno, Nev.—Granted motion for order to take depositions in re application for C. P. to change from **1380 kc.**, 500 watts, unlimited time to **630 kc.**, 1 KW, unlimited time, with directional antenna.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted petition to intervene in the hearing on the application of M. C. Reese, for a new station at Phoenix, Ariz., to operate on **1200 kc.**, 100 watts, 250 watts, unlimited.

NEW—Catawba Valley Broadcasting Co., Hickory, N. C.—Dismissed petition to intervene in the hearing on the application of Ben Farmer, d/b as Cabarrus Broadcasting Co., for a new station at Concord, N. C., to operate on **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

WLEU—WLEU Broadcasting Co., Erie, Pa.—Granted petition for extension of time for period of 10 days from March 28, within which to file proposed findings of fact and conclusions in re application for C. P. for station to operate on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to rebroadcast program continuity to be received from a plane operated by the American Airlines, Inc., from 9:30 to 10 p. m., CST, on March 24.

KGA—Louis Wasmer, Spokane, Wash.—Granted special temporary authority to operate a 100 watt test transmitter on KGA's frequency **1470 kc.**, in the vicinity of Spokane, from 1 to 6 a. m., PST, for a period not to exceed 30 days, in order to conduct site survey. Such tests are not permitted during those hours prescribed for Commission's monitoring schedule.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, for the period March 6 to April 4, 1939, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency of **780 kc.**, or reduces power so that additional interference is not involved.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, for the period April 5 to May 4, 1939, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency of **780 kc.**, or reduces power so that additional interference is not involved.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate simultaneously with station KFVS from 9 p. m. to 12 p. m., CST, on April 18, in order to broadcast City Final Election Returns.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 10:15 to 10:30 a. m., CST, on April 20, 21, 22, in order to broadcast the Rexall Magic Hour program sponsored by United Drug Co.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 2:15 p. m., MST, on April 3, 10, 17, 24, in order to broadcast livestock auction and merchants program from Ft. Morgan, Colo.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on April 8, 15 and 22, in order to carry the complete programs of the NBC Symphony Orchestra.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with station KICA from 7:30 to 9:30 p. m., MST, on April 2, 9, 16, 23 and 30, in order to broadcast evening church service.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on 1060 kc., from 9 to 12 p. m., EST, on April 12, and continuing into the morning of April 13, in order to broadcast municipal primary results for Baltimore, Md., and from 9 to 12 p. m., EST, on May 2, and continuing into the morning of May 3, in order to broadcast the Maryland general election returns.

W3XL-W3XAL—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COCX for the period April 3 to May 2, 1939.

### APPLICATIONS FILED AT FCC

#### 630 Kilocycles

KOH—The Bee, Inc., Reno, Nev.—C. P. to install new transmitter and directional antenna for night use; change frequency from 1380 kc. to 630 kc., power from 500 watts to 1 KW; and move transmitter from 440 N. Virginia St., Reno, Nev., to Reno, Nev., and studio from same site to site to be determined, Reno, Nev. Amended: Give transmitter site as SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 2, Twp. 19 N. of Range 20E, RFD, near Reno, Nev.

#### 1040 Kilocycles

KRLD—KRLD Radio Corporation, Dallas, Tex.—Modification of special experimental authorization to operate simultaneously with WTIC, unlimited time, requesting increase in power from 10 KW to 50 KW.

#### 1200 Kilocycles

WJBW—Charles C. Carlson, New Orleans, La.—Modification of C. P. (B3-P-2244) for new transmitter and antenna, and move of transmitter and studio, requesting further authority to install new transmitter and move studio from N. Carlton Ave. to 947 Howard Ave., and transmitter from Carlton and Howard Aves. to Bruxelles and Sere Sts., New Orleans, La., and extend commencement date from 3-11-39 to one day after grant.

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Construction permit for new broadcast station to be operated on 1200 kc., 100 watts, daytime.

#### 1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License to cover construction permit for equipment changes.

#### 1310 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—License to cover construction permit for new transmitter, move of transmitter and new antenna.

#### 1370 Kilocycles

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. Car.—Modification of construction permit for a new station, requesting approval of antenna and transmitter and studio locations at U. S. Highway 70, west of Goldsboro, N. C., and change in type of transmitter.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Construction permit for new broadcast station to be operated on 1370 kc., 100 watts night, 250 watts daytime, unlimited time.

#### 1420 Kilocycles

KRLH—Clarence Scharbauer, Midland, Tex.—Construction permit to make changes in transmitting equipment; change power and hours of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time.

Wm. C. Barnes, Jonas Weiland, tr/as Martinsville Broadcasting Company, Martinsville, Va.—C. P., new station on 1420 kc., 100 watts, 250 watts LS, unlimited. Amended: Change name by striking Solomon L. Goodman and adding Wm. C. Barnes.

#### 1500 Kilocycles

Neptune Broadcasting Corp., Atlantic City, N. J.—Construction permit for new broadcast station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time. Amended to request 1420 kc.

### MISCELLANEOUS

W3XC—WGAL, Inc., Portable-Mobile in area of Lancaster, Pa.—Construction permit for changes in equipment and increase in power from 5 watts to 10 watts.

W3XO—WGAL, Inc., Portable-Mobile in area of Lancaster, Pa.—License to cover above construction permit.

NEW—WHP, Inc., Portable-Mobile in area of Harrisburg, Pa.—Construction permit for new relay broadcast station to be operated on 1606, 2022, 2102 and 2758 kc., 40 watts, A3 Emission.

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—License to cover C. P., B4-PRY-152, for a new portable-mobile relay broadcast station.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—C. P. for new television broadcast (experimental) station on frequencies 42000-56000 kc., power for visual and aural 1000 watts, Emission A3 and A5, site to be determined in Los Angeles, Calif.

NEW—South Carolina Broadcasting Co., Inc., Portable-Mobile in area of Charleston, S. C.—Construction permit for new relay broadcast station (experimental) to be operated on 31100, 34600, 37600 and 40600 kc., 10 watts, A-3 Emission.

W4XA—The National Life and Accident Insurance Co., Nashville, Tenn.—License to cover construction permit for new high frequency broadcast station.

W7XDA—KUJ, Inc., Portable-Mobile in area of Walla Walla, Wash.—License to cover construction permit for new relay broadcast station (experimental).

NEW—WLBG, Inc., Richmond, Va.—Construction permit for a new portable-mobile low frequency relay broadcast station on frequencies 1606, 2022, 2102 and 2758 kc., power 50 watts, Emission A3.

W8XTY—The Evening News Association, Detroit, Mich.—License to cover B2-PFB-8 for a new facsimile station.

W10XFZ—Don Lee Broadcasting System, Portable-Mobile (Los Angeles)—C. P. for changes in equipment and reduction in power from 100 watts to 10 watts.

W10XFZ—Don Lee Broadcasting System, Portable-Mobile (Los Angeles)—License to cover C. P. (B5-PRE-251).

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued 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.

**John B. Canepa Company**—The length of spaghetti and macaroni is not a true criterion of its quality or genuineness, it is

charged in a complaint issued against the John B. Canepa Company, 310 West Grand Avenue, Chicago.

The respondent company sells and distributes its products in long containers, and in booklets and other advertising matter infers that macaroni and spaghetti products not made in long lengths are not genuine and are not of the finest quality. These statements are declared false, deceptive and misleading. (3744)

**Corn Products Refining Company** and its sales subsidiary, Corn Products Sales Company, Inc., both of 17 Battery Place, New York, are charged in an amended complaint with violation of the Robinson-Patman and Clayton Acts in the sale of their products.

Corn Products Refining Company, owning and operating plants at Pekin and Argo, Ill., North Kansas City, Mo., and Edgewater, N. J., allegedly has an authorized capital stock of \$100,000,000. In addition to producing corn products in the bulk, such as corn syrup, the respondent company manufactures the following branded products: Kingsford and Duryea Starches, Karo Syrup, Mazola Oil, Argo Corn Starch, Argo Gloss Starch, Kre-Mel Dessert, Linit and Cerelose.

Under three separate counts the respondents are charged with (1) discrimination in price between competing purchasers of corn products of like grade and quality; (2) according certain advertising services to some purchasers but not to others competitively engaged with the recipients, and (3) exclusive dealing, or giving certain purchasers the benefits of a favorable price on condition they shall not use the goods, wares or merchandise of competitors of the respondents.

The original complaint issued in October 1938 alleged only unlawful discrimination in prices. The amended complaint alleges that the respondents discriminate in prices in that they sell certain articles to some purchasers at a higher price than that charged for articles of like grade and quality which they sell to other purchasers generally competitively engaged with the first class of purchasers, in violation of Section 2 (a) of the Robinson-Patman Act.

Under the amended complaint, the respondents are charged with entering into advertising arrangements with certain purchasers of dextrose such as Curtiss Candy Company, Chicago, and Bachman Chocolate Manufacturing Company, Mount Joy, Pa., as a result of which the respondents have spent large sums in cooperatively advertising with such purchasers the dextrose so purchased, in violation of Section 2 (e) of the Robinson-Patman Act. The respondents have not accorded such services or facilities on proportionally equal terms to other of their purchasers competitively engaged with the Curtiss and Bachman companies, it is alleged. (3633)

**Corn Products Sales Company, Inc.**—See Corn Products Refining Company.

**Frye Company**, Watertown, Mass., is distributor of a preparation designated Pancreo Bismuth & Pepsin and as Pancreobismuth. The product is advertised as effective in cases of indigestion and "upset stomach"; and also as a digestant. The complaint asserts that the active ingredients of the preparation are sodium bicarbonate, bismuth subnitrate and ginger, and that use by respondent of the two trade names leads purchasers to believe that pancreatin and pepsin are active ingredients of the products. In truth, the complaint alleges, the amount of pancreatin and pepsin is negligible, having no physiological value. (3741)

**Publix Printing Corporation**, 633 South Plymouth Court, Chicago, is charged with furnishing to retail dealers sales promotion cards for their use in stimulating sales to the ultimate consumer by means of lottery. The cards allegedly are bordered with a series of numerals to indicate the amounts of purchases by the retainers' customers, such numerals to be punched out at each purchase until all are cancelled. Completely cancelled cards are alleged to be the means of awarding customers entirely by chance certain amounts ranging from 20 cents to \$10.00 in trade, the amount depending upon a number revealed under a secret panel on each card. (3742)

**United Advertising Service**—Meyer Edelson, trading as United Advertising Service, 5715 Florence Avenue, Philadelphia, in the sale of clocks, desk lighters and other merchandise, is alleged

to distribute push cards containing feminine names providing for the awarding of prizes to customers wholly by chance through the selection of lucky names and numbers. (3738)

**Van Products Company**, New Milford, N. J., compounds and distributes No-No Germ Control, advertised as "an absolute germicide." The complaint alleges that through statements and implications respondent has represented that his product will kill all the germs in the human body, is an absolute contraceptive and that the vapors penetrate the hidden recesses of the body and kill germs that powders and liquids will not reach. The complaint declares these claims to be untrue and that the preparation is nothing more than a formaldehyde solution effective as an anti-septic rather than as a germicide. (3743)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Acme White Lead and Color Works**, Detroit, engaged in selling a paint or varnish product known as "Lin-X", agrees to cease representing that hot or cold liquids will have no effect on a Lin-Xed surface, unless it is explained that no permanent effect is meant; that the product stands the rain, sun and wind, unless it is explained that the average life of the ordinary spar varnish is meant; that no rings from wet glasses will be left on a Lin-Xed surface, unless explained that only temporary rings may remain if the wet glasses are left upon the Lin-Xed surface for several hours, and that the product makes old linoleum "act like new", when such is not a fact. (02331)

**Bayer Company, Inc.**, 170 Varick St., New York, has entered into a stipulation to discontinue misleading representations in the sale of its dietary supplement designated Calirad Wafers.

Having advertised its product as being capable of causing one to have normal weight, control his weight or lose any desired amount of superfluous weight when used in connection with a dieting or exercise program, the respondent, under its stipulation, now agrees to discontinue these representations. It also agrees to cease asserting that every human being is born calcium poor or that a great majority are deficient in calcium and phosphorus, which the respondent's product is said to supply, and that by using its advertised method of weight reduction one cannot fail to improve the figure where such improvement is desired. (02341)

**Dannen Grain & Milling Company**—Alma B., Dwight L., and H. L. Dannen and Arline Mannschreck, partners trading as Dannen Grain and Milling Co., St. Joseph, Mo. in the sale of cattle and poultry feeds, agree to discontinue advertising that the minerals in their dairy feed are proportioned to give unexcelled milk production or are perfectly balanced; that the Vitamin E in their poultry feed controls range paralysis or that a deficiency of Vitamin E will cause that disease; that the Vitamin F in their products will build feathers or help digestion or that a deficiency of Vitamin F will cause dull feathers or unthrifty birds and that the Vitamin G in their preparations will ward off intestinal disturbances. The respondent admitted that these claims were not borne out by the facts. (02342)

**Edgewood Tailors**—See K & M Tailoring Company.

**Famous Products Company**—See Valmor Products Company.

**Gardena Metabolic Institute**—Carlyle Swearingen, trading as Gardena Metabolic Institute and Gardena Metabolic System, Los Angeles, in the sale of food concentrates, will discontinue representing that there is a "great demand" for more "Health Food" stores, or that the opportunities in the field are greater than the actual possibilities; that his okra concentrate is a competent treatment or an affective remedy for ulcers, inflammation, hyperacidity, etc., or that it will prevent acid or food roughage irrita-

tion, and that other of his tablets will rid the colon of parasites, and effectively treat nervous ailments or sterility.

Further representations to be discontinued are that present-day refinements or processes of cooking have caused basic or material deficiencies in the mineral or vitamin food value of staple food products. The respondent admits that his business is not legally organized and conducted as an "institute", and agrees to discontinue using that word in his trade name. (02336)

**Keystone Laboratories, Inc.**, 491 South Third St., Memphis, trading as Memphis Mail Order House, Curio Products Company and White Line, will discontinue representing that Poreen Ointment, La Jac Lovin' Pink Cream for Dark Skins or La Jac Orange Beauty Glow Cream are skin foods or skin whiteners; that other of its products eliminate wrinkles; that La Jac Brite Skin Bleach will overnight, or in any stated time, make the skin five shades lighter or that Lucky Mojo, Good Luck Incense, Hindoo Mystic Love Perfume, Holy Oil with Live Loadstone or High John the Conqueror Root and other similar products bring good luck, love, romance, power, life, inspiration easy money or irresistibility. (2415)

**K & M Tailoring Company**, trading also as Edgewood Tailors and as Mutual Tailoring Company, 2300 Armitage Ave., Chicago, has entered into a stipulation to cease certain misleading representations in the sale of men's clothing.

The respondent company agrees to discontinue designating, labeling or representing as "all wool" or "woolen" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing when such fabrics are not composed wholly of wool, etc., or of representing or labeling as "all wool" or "woolen" any fabric made partly of wool and partly of cotton, silk, rayon or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent will also cease representing as imported, fabrics manufactured in the United States. (02330)

**Minute Foods, Ltd.**—Nelson A. Frazar, trading as Minute Foods, Ltd., Los Angeles Cal., in the sale of imitation food flavorings for use in making jellies, syrups, soft drinks and wines, agrees to cease overstating and misrepresenting the demand for his products and the opportunities for salesmen thereof. He will also discontinue representing that his preparations are nationally advertised and will cease using in advertising or trade promotional literature the word "Maple-X" so as to imply that the product so referred to is derived from the sap of the maple tree. The stipulation provides that if the product's flavor simulates maple flavor the word "Maple-X", if used, shall be accompanied by other words in equally conspicuous type indicating clearly that the product is not maple, or is anything but an imitation maple flavor. (2417)

**Mutual Tailoring Company**—See K & M Tailoring Company.

**North American Editors' Service**—Russell J. Waldo, trading as North American Editors' Service, Medina, N. Y., sold Readers' Preference Reports designed to influence the decisions of persons purchasing advertising space in magazines. He advertised his product by means of form letters and circulars. Among such representations, according to the stipulation, was the assertion that his service reports were based on some 12,000 questionnaires sent out and the resulting replies received from approximately 90 per cent. The stipulation points out that not more than 35 per cent of such replies could reasonably be expected. Waldo stipulates that he will discontinue this representation and also the assertions that his report service was conducted at the instance of eight advertising agencies and that publications have gained or lost advertising lineage according to whether they have purchased or used his Reader's Preference Reports. (2416)

**Plymouth Rubber Company, Inc.**, Canton, Mass., manufacturer of rubberized materials including rubber bands, agrees to desist from use in its advertising matter of statements to the effect that its bands are guaranteed to meet Federal Trade Commission or Federal Commission specifications in every detail, when in

fact there are no "Federal Trade Commission" or so-called "Federal Commission" standard specifications for products of such character; and from the use of these statements or any other representations of similar meaning which may tend to convey to purchasers the belief that the Federal Trade Commission or any other Commission of the United States Government has adopted, approved or promulgated standard specifications or requirements for rubber bands, when such is not a fact. (2406)

**Ro-Ed Engineering & Combustion Company**, in the sale of Knox-Skale and Knox-Karbo, agree to discontinue unauthorized publication in its advertising matter, trade promotional literature or otherwise, of copies of Navy Laboratory Test Reports, certificates of approval, confidential interdepartment naval communications, or any other confidential document or writing. The respondent also agrees to cease altering in any manner a purported copy of a Navy certificate of approval or other instrument or in any other way representing, directly or indirectly, that the Navy Department has approved or recommended Knox-Skale or Knox-Karbo, when these are not the facts. (2421)

**Valmor Products Company**—M. G. Neuman, trading as Valmor Products Company and Famous Products Company, 5249 Cottage Grove Avenue, Chicago, in his stipulation, which is supplemental to one accepted in May 1933, agrees to cease representing that he manufactures 500 or any number of products in excess of those actually made in his plant; that the bleaches he sells are safe or enable the user to have soft smooth skin; that the respondent's skin lightener is double quick in action and that his salesmen can earn \$600 or any certain amount, except that the publication of actual earnings with statements of true circumstances is not prohibited. Neuman sells various articles, including Triple Action Hair Strength, Sweet Georgia Brown Bleach Cream, Brown Skin Beauty Cucumber Lotion, Paris Girl DeLux Perfumes, Valmor Corn Knocker and Valmor Red Clover Compound. He agrees to stop using the trade name Triple Action Hair Strength and Jickee La France, and to discontinue designating his lotion as "cucumber lotion" unless it contains a substantial amount of cucumber juice or extract. (0510)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Allied Gift Shop**—Martin M. Slaton, trading as Allied Gift Shop, Detroit, has been ordered to cease and desist from the use of lottery methods in the sale of his products to ultimate consumers.

The respondent, who distributes clocks, electric razors, washing machines, pen and pencil sets and other merchandise, provided retailers selling the products with different types of push cards for use in connection with their disposal. The order of the Commission forbids the further supplying of such devices and the mailing, shipping or transporting of them for such use. (3252)

**Artistic Tailoring Company**—Jack King, alias Orris De-Matteis, an individual trading as Artistic Tailoring Company and Artistic Uniform & Tailoring Company, 6739 Montgall Street, Kansas City, Mo., who advertised that "We are tailors of the world's finest uniforms," with branches in Los Angeles and New York City, has been ordered to cease and desist from misrepresentations concerning his business status and the quality and nature of his products. (3621)

**Burn, Pollak & Beer**—Misrepresentations in the sale of loden cloth are prohibited under an order issued against Seymour Burn, Arthur Pollak and Franz Beer, trading as Burn, Pollak & Beer, 381 Fourth Ave., New York. The respondents sell loden cloth for foreign producers.

They are directed to cease representing that any mill located in the Tyrol region of what formerly was Austria is the sole producer of Tyrolese woven loden cloth, and that such cloth can be procured in the United States only through or from the respondents. The order also prohibits the representations that the water in the Tyrol gives Tyrolese woven loden cloth distinctive qualities not

obtainable in loden cloth produced elsewhere and that this cloth is made entirely of Tyrolese wool, unless it is in fact made exclusively from the wool of sheep raised in the Tyrol. (3696)

**Grand Gaslight, Inc.**, New York City, distributor of incandescent lamp bulbs, has been ordered to cease representing that it is a manufacturer or that lamp bulbs sold and distributed by it are of any designated number of watts or are designed to operate on any designated voltage other than the actual voltage and wattage of such bulbs.

Findings of the Commission are that many of the bulbs distributed by the respondent used more watts of electricity and gave less light than indicated by the markings on them. (2569)

**K & K Supply Company, Inc.**—Prohibiting the sale of foreign-made goods in a manner indicating they are American-made, a cease and desist order has been issued against K & K Supply Company, Inc., 146 Chambers St., New York.

This company, according to findings, sells bicycles and bicycle frames, parts and accessories made in Japan, and bicycles containing parts of both Japanese and American make.

In the sale of these products the respondent company was found to have placed thereon name plates of certain American manufacturers and distributors in a manner completely concealing the "Made in Japan" designation and, in some instances, to have removed the "Made in Japan" notices before attaching the name plates. It also was found that in other instances the respondent furnished to dealers handling its products American name plates or emblems which the dealers placed in the same manner on Japanese bicycle frames.

The order directs the respondent to cease (1) representing, by use of misleading, fictitious or obsolete name plates or emblems, that its foreign-made bicycles or bicycles containing foreign-made parts are wholly of American manufacture; (2) causing the brands or marks on imported bicycle frames or other parts indicating foreign origin to be removed or concealed unless this is necessary in manufacturing or processing, and (3) furnishing dealers or distributors with devices enabling them to erase or conceal the foreign brands or to represent bicycles, bicycle frames or other parts made in a foreign country as being American-made. (3454)

**Marvel Products Company**—Robert C. Taylor, trading as Marvel Products Company, Hazel Park, Mich., has been ordered to cease representing that "Hair Marvel," one of the hair and scalp lotions distributed by him, is other than a hair dye and that it does not have the detrimental qualities usually attributed to hair dyes.

Findings of the Commission are that while Hair Marvel is advertised as "effective in stimulating the growth of new hair," in "eradicating dandruff" and "restoring the scalp to a natural healthy condition," it possesses none of these qualities. Ingredients of the formula of Hair Marvel comprise glycerin, bay rum, ammonia, chloride of sodium, precipitated sulphur, lead acetate, perfume and distilled water. Lead acetate, the findings state, is an accumulative poison which may prove harmful under some conditions of its use. (3316)

**H. S. McCracken Box & Label Company**—Manufacturing boxes, carton and labels which are sold to the drug trade for use in the packaging of drug products, H. S. McCracken Box & Label Company, 2640 South Shields Ave., Chicago, has been served with an order prohibiting misleading practices and representations.

Findings are that certain of the respondent's boxes, lettered or designed with representations concerning a medicine which the respondent itself did not manufacture or sell, were shipped empty to retail druggists, who filled them with medicines of their own selection to be sold to their customers.

These boxes, it was found, were lettered to represent a medicine, described as English Crown pills for menstrual ailments and as being "prepared only by Crown Chemical Co., London, Eng." Ac-

companying the boxes as furnished by the respondent were found to be circulars printed in English and German giving directions for use of the medicine and setting forth its therapeutic or remedial value in misleading terms. (3606)

**Modern American Company**—Prohibiting misrepresentations in the sale of an encyclopedia and loose-leaf service, an order has been issued against Charles E. Knapp, trading as Modern American Company, and A. J. Rivenbark, Jr., Cleo Samdahl and A. B. Landrum, all of 201 North Wells Street, Chicago, and Blanche Wynne of 1508 Main Street, Dallas, Tex.

Personally and through their salesmen, these respondents sell an eight-volume encyclopedia with a quarterly loose-leaf extension service. Their sales methods are described in Commission findings as constituting "merely a scheme to foist upon the purchasing public, at a profit, an old and obsolete set of reference books of little or no value as reference books, by reprints poorly made on an inferior quality of paper, from plates originally cast in 1893, and now issued and sold under the deceptive and misleading title 'Modern American Encyclopedia.'"

Findings of the Commission further show:

That the respondents represented various prominent persons as editors or contributors when in fact this was not generally true and that only slight contributions were made by a few of them to the original work and the earlier revisions; that the respondents used the name of the Carnegie Foundation or Institute as a sponsor of their publications when in fact it has not sponsored them; that they advertised as special reduced or introductory prices what were in fact their regular prices; that in some cases they advertised a loose-leaf service as being free when in fact a charge was made therefor, and that they represented as an advertising proposition taking the place of paid space and radio time an offer of sets to be given selected persons, the only charge being for the binding and a ten-year revision service. The facts were that these charges covered the regular price for the complete sets. (3503)

**Joseph Sculler, Inc.**, Joseph Sculler, Mrs. Joseph Sculler and Hamel Gurwin, 35 East Gay St., Columbus, Ohio, wholesale and retail distributors of watches and other jewelry, have been ordered to cease and desist from representing that they manufacture merchandise sold and distributed by them until they own, operate and control the plant or factory wherein such merchandise is manufactured. (3701)

**S & C Sales Company**—Trading as S. & C. Sales, Samuel Cohen, a Philadelphia dealer in novelty goods, has been ordered to cease and desist from the use of lottery methods in the sale of his products to ultimate consumers.

Through the use of push card lottery devices, the respondent has distributed articles of merchandise as prizes to holders of lucky numbers wholly by chance, the Commission found.

The respondent was directed to cease selling or otherwise disposing of any merchandise by the use of punch boards or push or pull cards or other lottery devices and required to cease supplying others with such devices to enable them to dispose of merchandise. (3698)

**Voss Company, Inc.**, 505 Court St., Brooklyn, N. Y., has been ordered to discontinue misleading representations in the sale of its product Magnespirin tablets, consisting of both aspirin and magnesium oxide.

Under the order, the respondent is to cease representing the preparation as a new discovery, findings showing that it has been on the market since 1929.

Other representations to be discontinued are that Magnespirin is superior to or will give quicker relief than ordinary aspirin; that it counteracts toxic effects or will stop all pain, and that it is a remedy or cure for acid conditions, headaches, neuralgia, neuritis, sleeplessness, nervousness or colds. (3490)