



## THE WEEK IN WASHINGTON

BMI stockholders will hold their first Annual Meeting, October 15 in New York City. In his first Annual Report, Neville Miller said that BMI was now established "upon a sound and a healthy basis" and "its stockholders may now look for steady progress." Seven different BMI numbers appeared on the various "sheets" this week. This remarkable record furnished tangible proof of the claims that an ample supply of popular music is available outside of the music created by ASCAP members. (p. 4647.)

Neville Miller asked the cooperation of all radio stations this week in bringing the necessary information concerning conscription to radio listeners. Sample announcements are included in this issue. (p. 4650.)

The Code Committee interpreted the program of the "America First" Committee as controversial, and as such, time should not be sold for it. (p. 4651.)

The AAAA has asked the cooperation of the NAB in the revision of the standard order form contract. Neville Miller will appoint a committee. The Bureau of Radio Advertising is attempting to obtain revenue for stations from those concerns financially interested in fire prevention. (p. 4651.)

President Roosevelt is expected to sign soon the Excess-Profits Tax Bill. The effect of the bill on broadcasting is discussed in this issue. (p. 4652.)

AFRA and the major networks reached an agreement late Wednesday, ending their dispute on terms for a new contract covering actors and singers on sustaining programs. (p. 4653.)

The NAB and FM Broadcasters have sent the FCC its specific proposals for revision of application forms. The Commission announced that it intended to modify the forms. The new Defense Communications Board has held two meetings without taking any affirmative action. The NAB and licensees of all international broadcast stations have been invited by the FCC to attend an informal meeting October 7 to discuss proposed new Rules and Regulations. (p. 4655.)

## BMI Stockholders Receive Miller's Annual Report

BMI stockholders have received notice that the corporation's annual meeting of stockholders will be held October 15 at the BMI offices, 580 Fifth Avenue, New York.

In calling the meeting, Neville Miller made the following report on the corporation's first six months of activity:

We shall hold the first annual meeting of stockholders of Broadcast Music, Inc., on October 15, 1940, and I am, therefore, briefly reporting to you the activities of our company to date. As you know, the plan for business operation was declared effective on February 23, 1940, at which time 246 broadcasters had subscribed to our company's stock. It was necessary to spend some time in organization work, in selecting a staff, and outfitting offices, and, therefore, our period of active operation commenced some time later than the above date. However, the period of organization and preliminary work is now a thing of the past, and we have an effective and cohesive organization of over a hundred persons, most of whom are engaged in the actual mechanical tasks of arranging, copying, proofreading, etc.

During our first six months of operation, we have placed in the hands of our subscribers more than two hundred carefully selected musical compositions of excellent quality, published under our company's own imprint, and available in piano and vocal copies and in orchestral form. We are now on a production schedule of over one hundred selections a month, the greatest volume of quality output ever maintained in the publishing industry, and we are substantially increasing this rate of production. Moreover, our company, by concluding agreements with other publishers, has obtained the performing rights to more than twenty-five thousand compositions, which will become available to our licensees at an early date.

In addition to distributing our music in printed form, music has also been made available in recorded form. Over one hundred transcriptions and records of our company's repertory are already available. By the end of this year we will have distributed, without charge to our licensees, transcriptions of five hundred selections which our subscribers are free to perform under the B. M. I. license. Of these, fifty have already been distributed. In addition to the transcriptions distributed directly by our company, a steadily increasing use of our company's repertory is being made by the transcription companies in their regular library services. The music is being used in increasing amount on regular pronograph records, and a number of these are already having an extensive sale to the public. As a result of our company's successful consummation of agreements with other publishers, we

*(Continued on page 4648)*



1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*; Andrew W. Bennett, *Special Copyright Counsel*

## BMI STOCKHOLDERS RECEIVE MILLER'S ANNUAL REPORT

(Continued from page 4647)

have acquired performing rights in several thousand musical compositions which have been recorded in the past, and catalogues of these records will be furnished to licensees before the end of the year. In addition to these catalogues of phonograph records, catalogues of compositions are in preparation for distribution to licensees, and these will list not only our company's own compositions but also many compositions which are in the public domain or available to subscribers through cooperating licensing agencies. Our company has not only made a substantial volume of music available, but it has, by means of radio exploitation, succeeded in having a number of compositions on the list of compositions most frequently performed and on the list of sheet music best sellers. One composition has already sold in excess of thirty-five thousand copies and thirty-five hundred orchestrations, and a steady volume of sales is now being maintained. The volume of our music used on broadcasting stations generally has shown a steady increase since the beginning of our operations.

Needless to say, we greatly appreciate the support which we have received from the broadcasting industry. The list of our subscribers has grown from 246 to 346 stations, representing over 80% of the dollar volume of the broadcasting industry. Even this figure does not fully indicate the full measure of support which we have received. Forty-three additional stations have recently pledged their support but have not yet actually completed the execution of their contracts. These stations will raise the number of subscribers to a numerical majority of all stations, and our stockholders will represent not only in excess of 85% of the dollar volume on the industry but also a full cross section of the entire industry, representative of independent stations, affiliated stations and network-owned stations. An analysis of our subscribers shows that 158 have stations of 100 or 250 watt power, 258 have power of under 5 kilowatts and 131 have power of over 5 kilowatts.

We are also grateful for the support which we have received from many leading artists, and from advertising agencies and sponsors who have evidenced an almost unanimous comprehension of our purpose and have indicated their sympathy with our plans. Users of music in other fields have also indicated their intention of making a comprehensive use of our music and are thus aiding in achieving greater popularity for these works.

As for the future, the tempo of production and expansion of our activities will be increased. Our offices in Chicago and Los Angeles are being expanded. The consummation of important negotiations now in progress will make available to our licensees further large supplies of attractive and useful music. Advertising agencies and sponsors are being assisted in the selection of thematic and program material. In all these fields our company stands ready to render continued and increasing service. Moreover, additions to the personnel in our New York offices are being made to meet the necessities of broadcasters and advertisers.

In serving its broadcasters and advertisers, our company has not been unmindful of its duty to encourage the production of music to foster musical talent. Beginning with January 1, 1941, our company will commence the logging of performances of a representative cross-section of the broadcasting industry, and will make payment to composers with mathematical accuracy upon the basis of actual use. It is not the least of our company's achievements that it has discovered and encouraged new musical talent in all sections of the United States.

Our company is established upon a sound and a healthy basis, and it has passed the most difficult and formative stage of its existence. Its principles have been established, and its stockholders may now look for steady progress in the task to which our company is devoting itself. By the end of this year there will be available to every licensee of our company a catalogue of music sufficient, with the public domain and with music which can be obtained from cooperating licensing agencies, to enable our licensees to render a full broadcasting service. Our company's greatest asset remains the unstinted and wholehearted support of its stockholders-licensees. With this support, it has made itself a successful and permanent factor not only in the field of radio broadcasting but in the field of music.

### BMI FEATURE TUNES

October 6-13

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. I GIVE YOU MY WORD
5. MAY I NEVER LOVE AGAIN
6. I HEAR A RHAPSODY
7. SO YOU'RE THE ONE

Seven different BMI numbers appear on the various "sheets" this week. Combining the different ratings, the seven stand in this order: *Practice Makes Perfect*, *There I Go*, *The Same Old Story*, *I Give You My Word*, *We Could Make Such Beautiful Music*, *Keep An Eye On Your Heart*, and *Madame Will Drop Her Shawl*. On last week's Hit Parade, *Practice Makes Perfect* moved up to fifth place, and *Same Old Story* appeared for the second week as number ten. *Practice* appears well up on the sheet music best seller list; *Same Old Story* appears also on the regional list for the South.

Considering the age of BMI, this is a remarkable record. It furnishes tangible proof of the claims that an ample supply of music pleasing to the public is available outside of the music created by ASCAP members, and also that the ASCAP system has had the effect of submerging brilliant writers—writers such as those who are now being brought before the public for the first time by the broadcasters' new company.

The Boston Traveler on September 24th published a letter to the Editor from Melvin Thorner of Quincy,



Mass., which will be interesting to BMI members. Here are some excerpts:

"No music lover need fear that broadcasts of fine music will be discontinued. The control exercised by ASCAP over classical and semi-classical composition is so negligible as to be non-existent. ASCAP's sovereignty exists only over the short-lived outpourings of Tin Pan Alley. . . . Far from issuing an 'unqualified statement' that he will quit radio if ASCAP music is taken off the air, Bing Crosby has expressly said that his decision will rest on whether the new popular tunes will match, in quantity and quality, the material from which he has been accustomed to select his repertoire. Considering that within the short space of a few weeks, two BMI tunes have already made the Hit Parade, with another ready to join that select group, there exists little danger of Mr. Crosby's being left without singable material. . . . ASCAP's stranglehold on popular music in the past has resulted in the loss of jobs to thousands of musicians, simply because owners of establishments which might otherwise hire orchestras find it impossible to pay license fees to ASCAP for the right to give customers the music which ASCAP monopolizes. . . . Hundreds of talented and conscientious composers, in the past, have found it next to impossible to get even a fair audition for their work, simply because ASCAP prefers to keep the gravy for its membership only. . . . I write, listen to and enjoy music, and moreover, I am one of the few 'fortunate' outsiders who have slipped into the charmed circle, having had contracts with three different ASCAP companies for the publication of my compositions. I can truthfully say that the disappearance of ASCAP's 'delightfully quaint corn' will not break my heart, nor will it move me, or any one else, to junk the household radio."

A striking illustration of the effect of ASCAP practices is offered by a letter of request which we received recently. To avoid the possibility of any punitive tactics that might be directed against the musician who wrote it, we are giving neither his name nor his address. Otherwise, we quote the letter in its entirety.

.....  
.....  
9-16-40

Broadcast Music, Inc.:

Will you please mail me a list of the eighty-eight BMI songs that can be played without having to pay hold-up money to the ASCAP. I think it is a crime against the unfortunate pianist who, on account of conditions no fault of his ability, has to seek employment in small cafes and then is denied the two nights a week work because the owner, who is starving to death, must pay \$75.00 a year or he can't have music. One has to pay 35¢ for a popular piece of music and they are turned out as fast as a sausage machine can grind them, then you have to have at least three or four a week, which amounts to \$1.40, plus tax, you must be a union musician, and you receive three dollars a night. Not that the owner wouldn't pay more if he could. Where I play, a very small candy store turned into a cafe, the W. P. A. has the road torn up, no machine can get in, there are 17,000 men thrown off the W. P. A. The first night I started to play, an agent of the ASCAP walked in, and on Monday morning he mailed the owner a letter demanding \$75.00 or be sued. I happened to get this clipping from a local paper, so I am asking your aid. There are so many talented musicians who would only be too glad to com-

pose songs gratis, just to beat this racket. Hoping to hear from you soon, and thanking you in advance, I am

Yours very sincerely,

.....

P. S. Would you be so kind as to mail the clipping back. It may help some other hard-pressed cafe owner. Thank you.

BMI goes to town!—and this time the town is Rochester, New York. Ken Sparnon, Musical Director of WHEC writes George Marlo, in part, as follows:

"Thought you might be interested to know that next week, the week of September 29 through October 5th, will be BMI week over this station and so publicized. We will have nine programs by staff orchestra, 'Ken Sparnon and His String Orchestra', and four remotes from Hotel Seneca, 'Ken Sparnon's Streamliners', and every number will be a BMI tune."

Apparently the transcriptions of BMI music are getting plenty of use throughout the country. News that a lot of them have been broken might sound bad if it were not for the fact that we get the news only because stations write in for new records to replace those that have taken the beating. Because of the number of such requests, M. E. Tompkins, BMI's General Manager, asks us to announce that, although the original transcriptions were sent gratis to BMI members, any replacements must be charged at cost. The charge for each will be \$2.50, which will include packaging and transportation.

*Correction:* The announcement sent to some broadcasters regarding the acquisition by BMI of the performing rights in Latin-American music, stated that these rights were controlled by the Peer Performing Rights Company. This, apparently resulted from confusion between the name of the company and the name of its organizer and President. The correct name of the company is American Performing Rights Society, Inc. Mr. Ralph Peer is the President.

September 27, 1940.

Lewis Allen Weiss  
Vice-President  
General Manager

TO ALL STATION MANAGERS OF DON LEE  
BROADCASTING SYSTEM

Unless a contract satisfactory to the broadcasting industry will have been negotiated with ASCAP in the interim, we do not intend renewing our licensing agreement with that Society when our present agreement expires at the end of this year. The music that will be fed to you over the Mutual and Don Lee networks, commencing January 1, 1941, will be drawn from the ample catalogs of the Associated Music Publishers, the Society of European Stage Authors and Composers, Ricordi, and Broadcast Music, Inc., and from the vast reservoir of very fine music in the Public Domain. Our licensing agreement provides for your release of the Ricordi music that you receive on the network, requiring only that after January 1, 1941, for network purposes, that you be licensed by BMI, Associated Music Publishers, and SESAC.

On any program originated by or fed to the network by your station, in which music is used, it will be necessary for you to provide us, well in advance of the broadcasting date, with a complete list of the tunes contemplated on such programs together with all available information regarding the authors' and composers' names of such tunes to facilitate our checking the copyrights involved for you.

Thanking you in advance for your careful co-operation in the above matter, and conveying my warmest regards, I am

Very cordially yours,

Signed (L. A. Weiss)

LEWIS ALLEN WEISS.

Don Lee Broadcasting System,  
The Nation's Greatest Regional Network,  
Affiliated with  
MUTUAL BROADCASTING SYSTEM,  
7th at Bixel Street,  
Los Angeles, California.

## National Defense

### DRAFT ANNOUNCEMENTS

Neville Miller, president of the NAB, sent the following letter to all radio stations seeking their cooperation in bringing to radio listeners the necessary information concerning conscription. Wednesday, October 16, 1940, has been proclaimed as Registration Day:

In accordance with the provisions of the Selective Service Act of 1940, President Roosevelt has proclaimed Wednesday, October 16, 1940, as Registration Day.

On that day sixteen and a half million men will register for Selective Service at more than 125,000 Registration Places throughout the United States.

This regulation and the whole Selective Service process represent a gigantic national effort that directly or indirectly affects every man, woman and child in the United States.

To us in radio it offers an important and welcome opportunity for service to our Nation and our listening audience.

The success of this Registration and the whole Selective Service process is dependent on public understanding. This is radio's opportunity to be a prime and official source of information for the American people.

The NAB Office is working in close cooperation with the officials at National Selective Service Headquarters. Together we have worked out a simple one-minute announcement which we hope will be used by every radio station in the United States. A copy of it is enclosed.

Also enclosed are copies of the Selective Service Regulations and the President's Proclamation. The Selective Service Act is an appendix to Volume One of the Regulations.

The letter was accompanied by the following announcements for registration:

#### ONE-MINUTE RADIO ANNOUNCEMENT

All men in the United States who were born on or between October 17, 1904, and October 16, 1919, will register for Selective Service on October 16, 1940, unless excepted by law. There will be 125,000 Registration Places open from 7:00 A.M. to 9:00 P.M. throughout the United States. If you are away from home on Registration Day, Wednesday, October 16th, you may register at any of these Registration Places.

All men and women, young and old, may do their part on Registration Day. Bring this message to the men in your community who are subject to Registration. Offer your services to those in charge of Registration in your community. Use your

automobile to transport your neighbors and fellow-workers to and from the local Registration place.

Complete information about Registration for Selective Service may be obtained from your local radio station, newspapers, and all local officials.

#### ONE-MINUTE RADIO ANNOUNCEMENT TO BE USED AS OFTEN AS POSSIBLE ON OCTOBER 16, 1940, FROM SIGN-ON UNTIL 4 P. M.

All men in the United States who were born on or between October 17, 1904, and October 16, 1919, will register for Selective Service today, unless excepted by law. Throughout the United States Registration Places will be open until 9 o'clock tonight. If you are away from home, you may register at any one of these Registration Places.

All men and women, young and old, may do their part today. Bring this message to the men in your community who are subject to Registration. Offer your services to those in charge of Registration in your community. Use your automobile to transport your neighbors and fellow-workers to and from the local Registration place.

Complete information about Registration for Selective Service may be obtained from your local radio station, newspapers, and all local officials.

#### RADIO ANNOUNCEMENT TO BE USED AS OFTEN AS POSSIBLE OCTOBER 16, 1940, FROM 4 P. M. UNTIL 8:45 P. M.

All men in the United States who were born on or between October 17, 1904, and October 16, 1919, will register for Selective Service today, unless excepted by law. Registration Places will be open until 9:00 o'clock tonight.

Complete information about Registration for Selective Service may be obtained from your local radio station, newspaper, and all local officials.

#### WCAU'S APPEAL AIDS DRAFT MACHINERY

"Philadelphia Prepares", WCAU's new dramatic series, illustrating the part Philadelphia is playing in the national defense, is off to a flying start. It began when Colonel Nicholas Biddle, in charge of draft plans in the Philadelphia area, broadcast an appeal for volunteers to man the polling places in Philadelphia and four surrounding counties on Registration Day.

WCAU invited Colonel Biddle to make his appeal when press stories indicated that draft preparations would be stymied because of lack of funds to pay regular polling place employees. The directors of "Philadelphia Prepares" originally had planned to launch the series with a fifteen minute visit to an aircraft factory. This program was scrapped and a new script built around Colonel Biddle's talk. This explained, completely, in dramatic blackout, the operation of the draft and how it would affect Philadelphians.

All of the Philadelphia newspapers picked up WCAU's story and as a result of the broadcast and resultant press accounts, the station was swamped with telephone calls, personal visits and mail from people anxious to volunteer for the work.

According to Joseph T. Connolly, WCAU promotion director, within twenty-four hours of the broadcast, over 500 persons had come to the studios to volunteer their services; telephone operators booked more than 400 volunteers, while 552 offered their services by mail. The



scene was duplicated almost exactly in Colonel Biddle's office a few blocks away.

### WATL AIDS ENLISTMENT

To enlighten listeners on all phases of army life including enlistment, James E. Cox, assistant manager, WATL, Atlanta, inaugurated in September a series of "Your Army Speaks" programs.

The programs had the full approval and cooperation of the United States Army.

Here is the opening announcement of the first program:

"Station WATL is proud and happy once more to bring you a unique program . . . YOUR ARMY SPEAKS . . . the second of a new radio series originated right here in Atlanta and presented with the official approval of the United States Army. The object of this program is to answer any and all questions you may submit. It's a new program in step with the times, full of interesting information for everyone. You ask the question. Just call Station WATL . . . WA-4377 . . . you ask the questions and the Army itself will answer. Present in the studio tonight are Colonel John B. Richardson, Adjutant General of the 4th Corps Area, Sergeant James L. Rogers, other members of the United States Army."

Though the show is simple and calls for little production, Mr. Cox, reported that it is highly effective and has proven even more popular than anticipated.

### MEN WANTED

Everytime the 806 broadcast stations are mailed copies of man power announcements, 10,000 additional copies are mailed simultaneously to all parts of the United States.

Five thousand copies go to Civil Service Secretaries in as many cities. Another 5,000 go to chiefs of police in those same cities.

The presence of these broadcast announcements in the 5,000 offices which distribute application blanks for the various jobs contributes greatly to the smooth functioning of this great recruiting campaign for skilled workers.

WLPM, Suffolk, Va., in NAB District 4, is herewith added to the list of stations cooperating in the industry's own campaign for the benefit of the United States Civil Service Commission. The count is now 641.

It is suggested that stations which have not heretofore indicated cooperation do so by writing to NAB Headquarters.

### Code

### "AMERICA FIRST" COMMITTEE

The Code Committee this week interpreted the proffered program of the America First Committee as being "a public controversial issue" and as such should be placed on free time and not on commercial time, in accord with the public interest therein.

The Committee in a statement said "Inasmuch as the

Committee to Defend America by Aiding the Allies, Inc., takes a diametrically opposed position, and inasmuch as the issue is not one subject to ballot or one constituting a matter of political difference between either the Republican or Democratic nominees for the presidency, the Code Committee, based upon available information, construes the subject of defending America by advancing or withholding aid to Great Britain as one constituting a public controversial issue and in accord with the NAB Code governing such issues, should be placed on free, sustaining time in accord with the public interest therein, and not as a commercial program."

### COUGHLIN SERIES

Roger W. Clipp, manager WFIL, notifies the NAB that there is no basis of fact in statements that WFIL had agreed to carry the now-withdrawn Coughlin series.

### Sales

### ORDER FORM CONTRACTS

AAAA has asked the cooperation of the NAB in the revision of the standard order form contract and in the adoption of a standard invoice form. President Miller has sent out nominations for a NAB Committee to meet with a Committee of the 4 A's to consider these subjects. Announcement of the NAB Committee will be made in the REPORTS as soon as acceptances are received.

### FREE OFFERS

The National Fire Protection Association, Boston, Mass., has asked stations to broadcast free of charge a series of spot announcements promoting Fire Prevention Week, October 6-12. The Bureau of Radio Advertising has pointed out that broadcasters will continue to cooperate as they have in the past with public safety and public welfare endeavors, not just this week, but throughout the year. At the same time, it has extended through the NFPA an invitation to its members who have a commercial interest in Fire Prevention to seriously consider a regular radio advertising campaign.

The following letter to G. Emerson Markham, General Electric Company, Schenectady, N. Y., expresses the Bureau's feelings on the program "Excursions in Science", which General Electric is currently offering to stations:

October 3, 1940.

Mr. G. Emerson Markham,  
General Electric Company,  
1 River Road,  
Schenectady, New York.

DEAR MR. MARKHAM:

Thank you for your letter of September 27 and the sample transcription record of "Excursions in Science."

As requested, we are returning this to you under separate cover. I have listened to both episodes and find them quite interesting. It may be that some of our members will be willing to broadcast these programs on a sustaining basis for their public interest and educational value, in spite of the fact that the General Electric Company is mentioned on several occasions. I realize that some source for such scientific information is advisable and think you have handled this with proper restraint by merely mentioning "The General Electric Research Laboratory."

As you know, the NAB is not in the position of dictating to stations definitely on acceptance of such so-called "free offers." We merely try to give them all the information and point out any hidden propaganda or disguised commercialism which may appear in the program.

After that, it is a matter for individual station decision based upon local conditions and the station manager's opinion as to the value of such programs. We certainly appreciate your interest and cooperation in providing us with full information.

Very sincerely yours,

NATIONAL ASSOCIATION OF BROADCASTERS.

SAMUEL J. HENRY, JR.,  
Bureau of Radio Advertising.

### COST-PER-INQUIRY

Two Chicago concerns have recently sought to place percentage advertising on member stations, and the Bureau has written them that acceptance of their proposals does not serve the best interests of the public nor of the regular advertisers who make possible the American system of broadcasting.

Both the American Refund Company, and Benson & Dall, Inc. have been invited to buy time at card rates for best results.

### BUREAU OF RADIO ADVERTISING RELEASES STUDY ON AUTOMOBILE ADVERTISING

"Results from Radio", Vol. 1 No. 8 is currently going out to all NAB members. Stations who have not ordered their supply of these valuable trade studies and success stories are urged to do so at once.

The No. 8 release is on the subject of automobile advertising, outlining the experience of the Arthur L. Fields Company, Chevrolet dealer in Portland, Ore. who used a quiz show on KOIN to become 2nd in used car sales among 8,600 Chevrolet dealers, with an 183% increase in two years. The case history is an especially clean-cut and convincing example of radio's selling effectiveness, and is particularly timely now, when automobile advertising is approaching its period of greatest activity.

### EXCESS-PROFITS BILL SIGNED

The President is expected to sign soon the second revenue act of 1940 containing the much-discussed excess-profits tax. The bill in its final form represents a compromise between the excess-profits tax bill passed by the House on August 29 and the bill passed by the Senate on September 19. Conferees of the committees of both Houses have been in session for nearly two weeks reconciling the differences in the two bills.

Originally initiated as a means of taxing profits resulting from defense activities, and for preventing a new crop of "war millionaires", the resultant bill conforms more nearly to strictly a revenue measure. Retroactive to January 1, 1940, the measure is expected to yield approximately a half billion dollars this year and a billion in 1941.

Since the middle of August when the first report of the House Ways and Means Committee on an excess-profits tax bill was made, headquarters staff has been alert in watching the progress of the bill to determine whether it would affect broadcasters and others similarly situated more adversely than the rest of American business.

The final form of the bill includes a revision in the normal corporation income tax, the provision for taxing excess profits, provision for five year amortization of defense facilities, and suspension of the Vinson-Trammell Act. It also includes provisions unrelated to taxation—amendments concerning the Social Security Act, the Railroad Retirement Act and the establishment of a new system of life insurance for persons in active service in the land and naval forces of the United States.

The changes in the corporation tax and the excess-profits tax are of immediate concern to broadcasters.

The corporation income tax is increased by this Act by an additional levy of 3.1% on normal tax net incomes of over \$25,000. This increase in normal corporation tax was inserted purely as a revenue-raising measure after certain changes in the excess-profits tax, tending to lower the yield, were made when the bill was rewritten by the Senate.

The excess-profits tax features of the bill are exceedingly complex, and somewhat difficult to digest briefly. The basic structure is as follows:

Two methods are provided for the determination of excess profits—(1) the average earnings method, and (2) the invested capital method. Corporations in existence prior to January 1, 1940 may choose either of the two methods.

(1) The average earnings method provides that earnings in the taxable year in excess of 95 per cent of the average earnings for the base period years 1936 through 1939 are to be considered as excess profits. Corporations not in existence during the entire base period are allowed hypothetical earnings for each such year to complete their base period experience, in the amount of 8% of their invested capital for the taxable year. In the event there are deficits in any of the base period years, the largest deficit year may be counted as zero.

(2) The invested capital method provides that all earnings in excess of 8% of the invested capital for the taxable year are construed as excess profits. No base period experience is taken into consideration in this method. The invested capital base consists of equity invested capital, as defined in complex detail in the Act, plus 50 per cent of borrowed capital.

Excess profits so determined by either method are taxable in the following graduated brackets:

<i>Excess profits</i>	<i>Rate of Tax</i>
Up to \$20,000 .....	25%
20,000 to 50,000 .....	30
50,000 to 100,000 .....	35
100,000 to 250,000 .....	40
250,000 to 500,000 .....	45
Over 500,000 .....	50



Before computing the tax, a specific exemption of \$5,000 in excess profits is allowed.

Further provisions in the bill relate to specific cases in order to embrace all phases of corporate business activity. Provision is made for the filing of consolidated returns when affiliation or ownership of subsidiaries is to the extent of 95 per cent of the stock. For corporations with income less than \$25,000, it is permissible to carry over to the following taxable year any unused portion of the "excess-profits tax credit" (the 95 per cent of average earnings for the base period) not needed in the first taxable year. A general relief provision grants the Commissioner of Internal Revenue authority to adjust any items which abnormally affect income or capital, and provides that the Commissioner's decision shall be subject to review by the Board of Tax Appeals.

Much of this bill is devoted to provisions relating to changes in corporate structure, and consolidations and mergers.

The continuous study of this bill since its inception seems to indicate that the broadcasting industry is in no different position than many other segments of American business. Generally speaking, the use of the average earnings method of determining excess profits will be more advantageous to broadcasting corporations. In this connection, it should be noted that any stations organized in corporate form since January 1, 1940, are, by the terms of the bill, required to use the invested capital method. This means that all earnings in excess of 8% of invested capital will be subject, with the exception of the \$5,000 exemption, to the excess-profits tax.

Due to the large number of small units in the broadcasting industry, the several provisions in the Act designed to afford relief to small corporations are of particular benefit to broadcasters. In review, these are: (1) no increase in the normal tax for corporations with net incomes of less than \$25,000; (2) the specific exemption in excess profits of \$5,000, and; (3) the one-year carryover of unused excess-profits credit for corporations with net incomes of less than \$25,000.

Of interest to all is the general relief provision mentioned above which relates to abnormalities in income and capital. It was emphasized by the conferees on the bill that the Treasury and the Joint Committee on Internal Revenue Taxation will give further study to the problem of granting relief in these special cases, and report to the appropriate Congressional committees as soon as possible.

While, for reasons of national defense, this bill was expedited as much as possible, it was denounced vigorously from the floor on both sides of the House and Senate. There is every indication that when the new Congress meets next January, the entire subject of excess-profits tax legislation will be opened and many changes made.

## Labor

### AFRA-NETWORK DISPUTE SETTLED

AFRA and the major networks reached an agreement late Wednesday, ending their dispute on terms for a new contract covering actors and singers on sustaining programs. William Davis, chairman of the New York State Mediation Board, took part in the conferences which resulted in the settlement. Terms of the new contract were not disclosed immediately.

### WAGE-HOUR RECORD

Acting on the request of spokesmen for several large industrial concerns for further revision of the record-keeping regulations issued under the Fair Labor Standards Act, the Wage and Hour Division today announced a public hearing on this subject for 10:00 A. M., October 17, in Room 3229 of the Labor Building, Washington, D. C.

Dr. Gustav Peck, Assistant Director of the Hearings Branch, will preside at the hearing, called, in the language of the official notice, to determine "what, if any, amendments should be made to Regulations, Part 516 in respect to the records to be kept by employers of persons employed, wages, hours, and other conditions and practices of employment."

## Promotion

### RADIO GOES TO SCHOOL

Below are two paragraphs well worth reading. They are quoted from Sept. 22, The Herald-Advertiser, Huntington, W. Va.

Atop of the copy was a display head, "Radio Goes to School" and a six column illustration; below the signature: "WSAZ, Member West Virginia Network." Now for the copy:

"In the short space of six or seven years, Radio has moved from its position at the rear of the classroom to the instructor's desk! Today, in every classroom of the new East High School, you'll see a built-in radio loudspeaker, through which the instructor may talk with the central school office, or by which a person at the control board may talk with any or all of the classes. Two dual-control radio sets in the central board permit one room or group of rooms listening to a certain radio program, while another room or group of rooms listens to an entirely different program—emanating probably a thousand miles from Huntington! . . . It's exciting, this new radio-part of your classrooms—but to the industry, is everyday equipment that brings more and more people daily in contact with the advanced advantages of the world of radio!

"WSAZ, too, will have a definite part in East High's radio activity. Already, plans are under way to punctuate each school week's activity with interesting educational presentations that will make classroom work all the more desirable and practical! Various member-stations of the West Virginia Network, of which WSAZ

is a member, will provide paramount contributions to various schoolroom activities, and East High will take part in these radio activities! In truth, Radio goes to School—and WSAZ goes with it!"

### LISTEN BEFORE YOU VOTE

The "Listen before You Vote" campaign has received and is receiving substantial assistance from Radio Manufacturers Association members. Philco Radio and Television, Philadelphia, and Stewart-Warner, Chicago, purchased tens of thousands of posters. Other thousands were distributed by Hygrade Sylvania Corporation, New York, and Raytheon, New York City, and Newton, Mass., both tube manufacturers.

The National Radio Parts Distributors Association, New York City, also made a large distribution to member parts jobbers. The Radio Servicemen of America, Chicago, with chapters in a great many cities, which cooperate with NAB stations, also distributed the red, white and blue posters.

One of the back page photographs in the October issue of "Business in Baltimore", published by the merchandising department of WBAL, featured "Listen before You Vote". The caption read:

"There's no place better for a radio show than a radio station. WBAL holds an annual affair of this type, and the new models were shown. At left is Vera Johnson looking at one of NAB's slogan sheets (LBVY posters), and at right is Edna Mason doing the same. The other girl has no name."

### NEW YORK STATE FAIR

A thorough going industry promotion attracted most of the 250,000 visitors at the New York State Fair, Aug. 25, Sept. 2. Host was WSYR, Syracuse.

Exhibits and studios occupied an entire wing in the Manufacturers and Liberal Arts Building. Every minute of the day, some feature was in progress, according to Arnold F. Schoen, service director.

SCREEN-O-VISION featured outstanding films furnished by the National Broadcasting Company and the Colonial Beacon Oil Company. "Air Waves," "Television," "News on the Air," films were viewed by thousands.

Scores of programs were aired from the SCREEN-O-VISION stage including news broadcasts, a State Fair Variety Show, a State Fair Quiz, sport programs, and many others.

Throughout the month of August, WSYR promoted the exhibit via courtesy announcements, newspaper advertisements and publicity.

## Miscellaneous

### SPECIAL PROMOTIONAL EVENTS

Following are among some of the announcements received recently of special periods designated in connection with promotional efforts:

4654 — October 4, 1940

Oct.

- 12—Columbus Day (celebrating discovery of America, 1492); Yom Kippur (Day of Atonement) Jewish holiday ..... Oct. 12
  - 13—National Candy Week..... Oct. 13-19
  - 20—National Pharmacy Week..... Oct. 20-26
  - 21—National Retail Grocers' Week..... Oct. 21-26
  - Better Parenthood Week..... Oct. 21-27
  - National Business Show in New York..... Oct. 21-26
  - 27—Girl Scout Week; Navy Day; Theodore Roosevelt born 1858; first World War shot fired by American troops 1917 ..... Oct. 27-Nov. 2
  - 28—Statue of Liberty unveiled on Bedloe's Island, 1886; anniversary of freedom of U. S. press, 1733 ..... Oct. 28
  - 31—Hallowe'en; National Apple Week; birthday of Juliette Low, founder of Girl Scouts..... Oct. 31-Nov. 6
- Nov.
- 1—All Saints' Day (parochial schools close); National Author's Day; National Art Week..... Nov. 1-7
  - 5—Election Day; Official Speech Week..... Nov. 5-10
  - 10—Book Week; Father-and-Son; American Education Week; Hockey Season Opens..... Nov. 10-16
  - 11—Armistice Day, ending of World War, 1918; Washington joined Union, 1889; Red Cross Week... Nov. 11-12
  - 21—Thanksgiving Day by Presidential Proclamation; Hobby Week ..... Nov. 21-28
  - 28—Thanksgiving Day in some states; Christmas Seal Campaign; first U. S. Government Post Office, 1783 ..... Nov. 28-Dec. 25

### COMING CONVENTIONS

- October 7-8—Boston Conference on Distribution, Hotel Statler, Boston, Mass.
- October 7-8—Radio Manufacturers' Association general meeting, Hotel Roosevelt, New York.
- October 14-16—Life Advertisers Association's annual meeting, Washington, D. C., Blackstone Hotel.
- October 17-18—Audit Bureau of Circulations' annual meeting, Stevens Hotel, Chicago.
- October 23-26—Association of National Advertisers, Inc., annual convention, The Greenbrier, White Sulphur Springs, W. Va.
- October 24-25—American Association of Advertising Agencies, Pacific Council, annual meeting, Del Monte, Calif.
- October 28-30—Financial Advertisers' Association's annual convention, The Homestead, Hot Springs, Ark.
- November 11-13—Institute of Radio Engineers' annual Fall meeting, Rochester, N. Y. (in cooperation with the RMA Engineering Department).

### FOR SPEEDY CONTACT

The speed and accuracy with which the heads of our various departments are able to send and receive telegrams effects the service we are able to render members. With this thought in mind we have installed a private wire between our offices and Western Union here in Washington. When telegraphing us, if Western Union service is employed, members need not give the street address. All that is necessary is to address your message:

"National Association of Broadcasters,  
WUX, Washington, D. C."

We believe this service will prove convenient to those who use Western Union. This, of course, does not affect telegrams sent over the facilities of other companies.



# FEDERAL COMMUNICATIONS COMMISSION

## COMMISSION TO REVISE APPLICATION FORMS

Specific proposals for revision of FCC Forms 301 and 319 were put in the Commission's hands yesterday morning by Eugene C. Pulliam, WIRE, Chairman of the NAB-FCC Conference Committee and John V. L. Hogan, WQXR, Chairman of the FM Broadcasters Committee on Application Forms. It is anticipated that after the Commission has had opportunity to study the specific requests made, there will be a meeting of the NAB and FM Committees with the Administrative Board of the Commission.

The FCC issued the following statement:

As the result of exchange of ideas with representative broadcast groups, the Federal Communications Commission is working to modify certain of its application-form requirements to a degree that will obtain essential information without imposing too great a burden on the applicant.

Pending preparation of new forms to accomplish this purpose, the broadcasters and the Commission are mutually agreed that in instances where particular questions in the present forms necessitate the furnishing of exceptionally involved and lengthy data, the applicant may be permitted to make general answer with explanation. After the examination of such general answers the Commission would require the furnishing of further data only where necessary for the purpose of its action on the application.

This concurrence of the Commission, the National Association of Broadcasters, the National Independent Broadcasters, Inc., and FM Broadcasters, Inc., achieved after conference and correspondence, applies to applications for high frequency (FM) stations as well as for standard amplitude modulation broadcast service.

Reduction of some of the "paper work," it is held by both the industry and the Commission, will expedite applications without sacrificing facts and figures necessary to enable the Commission to make determination.

It was through similar cooperative endeavor that the Commission has further defined and clarified certain high frequency broadcast rules and regulations, which will also tend to stimulate that new type of program service.

## DEFENSE BOARD MEETS

Defense Communications Board held two meetings last week, one on Thursday and the other on Friday, James Lawrence Fly, Chairman of the FCC and also of the Communications Board, stated early this week at a press conference.

Mr. Fly said that no affirmative action had been taken at either of the meetings, and there was simply an exploration of subject matter, including helpful discussion. The next regular meeting of the full Board, he said, will be on October 7, although there is a possibility that another get-together meeting would be held this week. The

Chairman told the newsmen that the Defense Board has not arranged any definite schedule of meetings. He explained that no special set-up for meetings has yet been decided upon by the Board because its members are so busy that the matter of regular routine will have to be worked out later.

The Chairman was questioned about a recent statement to the effect that United States Supreme Court in a decision which could be applied to the FCC held that the Commission cannot transmit to another Government agency transcriptions of messages heard in monitoring. The Chairman said that at this time he does not know what the right answer is, and he refuses to guess. He pointed out to the newsmen that the FCC has greater authority under its Act than any other agency, due to express authority for monitoring work. He stated that the Commission has the right to make proper record of criminal operation. He said that the decision referred to has not been brought to the Chairman's direct attention as yet. Mr. Fly said that the FCC no doubt could utilize monitored material to shut down a station or revoke a license. The only question that arises, he contended, is the right of the Commission to turn such evidence over to another authority.

## SHORT WAVE RULES

The NAB and licensees of all international broadcast stations have been invited by the FCC to attend an informal meeting October 7 to discuss proposed new rules and regulations for international broadcasts. The new rules would require the reduction to writing of programs to be broadcast; translation, in advance, of all foreign language programs; and the keeping of records.

## AMENDED HIGH FREQUENCY BROADCAST RULES

FCC this week adopted amendments to the rules governing high frequency broadcast stations relating to the establishment of service areas and channel assignments which have been made the subject of informal conferences with representatives of the industry.

Following are the amendments, effective immediately, as made public by the Commission:

Sec. 3.222. *Service Areas—Definitions.*

For the purpose of determining the areas to be served by high frequency broadcast stations, the following definitions apply:

(a) "Basic trade areas" and "limited trade areas" consist of areas the boundaries of which are determined by the Commission on the basis of showings made in applications as to retail trading areas or consumer trading areas and from government data.<sup>1</sup>

<sup>1</sup> There are several current and recognized authorities on retail trading areas or consumer trading areas from which the applicant may prepare its showing and to which the Commission will give consideration in making its determination. Among these recognized authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Company (Trading Areas), and Hagstrom Map Company's Four Color Retail Trading Area Map. Although the foregoing sources of data are expressly recognized, the Commission will also give consideration to data furnished from other sources which may have probative value on which the applicant may desire to prepare its showing. See separate release of the Commission on "Concerning Application For High Frequency Broadcast Stations."

Each basic trade area includes one "principal city". The boundaries of the basic trade areas are adjoining and the aggregate of all such areas is the total area of the United States. Each "limited trade area" includes one city. The boundaries of limited trade areas are not necessarily adjoining. Such areas may include portions of other limited trade areas and may extend into more than one basic trade area.

(b) "Principal city" means the largest city or the city or cities designated as "principal city" by the Commission, within a basic trade area. "City" means any city, town, or borough in a basic trade area except the principal city. Each "city" has a limited trade area.

(c) "Rural area" means all land area outside incorporated towns or cities with population greater than 2500 and where the density of population is less than 150 per square mile. Incorporated towns or cities with population from 2500 to 5000 without a high frequency broadcast station and not adjacent to larger cities may be considered rural area.

Sec. 3.223. *Service Areas—Established.*

The Commission in considering applications for high frequency broadcast stations will establish service areas. Such stations will be licensed to serve areas having the following characteristics:

(a) An area comprising a limited trade area and a city. The station shall render good service to the city and its service area shall conform generally with the limited trade area.

(b) An area comprising a basic trade area and a principal city. The station shall render good service to the principal city and its service area shall conform generally with the basic trade area.

(c) An area of at least 15,000 square miles comprising primarily a large rural area, and particularly that part of basic trade areas which cannot be served by stations assigned basic trade areas due to economic and technical limitations. The service area may include one or more principal city or cities, provided that in rendering service to such cities, the service to rural areas which the station is designated to serve is not impaired. The transmitter of such a station shall be located in such a manner that the service area, (1) shall extend into two or more basic trade areas, (2) shall not conform generally with a basic trade area, and (3) shall not merely extend beyond a basic trade area.

(d) An area having substantially different characteristics (social, cultural, or economic) from those areas specified in subsections (a), (b) and (c) of this section where, by reason of special conditions, it is shown that a need (which cannot be supplied by a station serving areas under subsections (a), (b) or (c) of this section) for the proposed service both program and technical exists which makes the establishment of the service area in the public interest, convenience or necessity. The Commission will give particular consideration in this connection to competitive advantages which such stations would have over other stations established under other provisions.

(e) In case it is not economically and technically feasible for a station assigned a basic or limited trade area to serve substantially all such area, the Commission will establish the service area on the basis of conditions which obtain in the trade area.

(f) In case an applicant proposes a change in an established service area, the applicant shall make a full showing as to need for such change and the effect on other stations serving the area.

Sec. 3.226. *Channel Assignments.*

The channels set forth below with the indicated center frequencies are available for assignment to high frequency broadcast stations to serve the areas provided in Sec. 3.223:

(a) An applicant for a station to serve an area specified in Sec. 3.223(a) or (b), to be located in a principal city or city which has a population less than 25,000 (city only) shall apply for one of the following channels:

48900	49500
49100	49700
49300	49900

(b) An applicant for a station to serve an area specified in Sec. 3.223 (a) or (b), to be located in a principal city or city which has a population greater than 25,000 (city only) shall apply for one of the following channels:

44500	46700
44700	46900
44900	47100
45100	47300
45300	47500
45500	47700

45700	47900
45900	48100
46100	48300
46300	48500
46500	48700

(c) An applicant for a station to serve primarily a large rural area, specified in Sec. 3.223 (c) or an area specified in Sec. 3.223 (d) shall apply for one of the following channels:

43100	43900
43300	44100
43500	44300
43700	

Sec. 3.227 *Special Provisions concerning assignments.*

(a) Stations located in the same city shall have substantially the same service area.

(b) High frequency broadcast stations shall use frequency modulation exclusively.

(c) Stations serving a substantial part of the same area shall not be assigned adjacent channels.

(d) One channel only will be assigned to a station.

**EFFECTIVE IMMEDIATELY:**

Section 3.222, subsection (f) of Section 3.224 and Section 3.225 of the Commission's existing rules are repealed.

New Sections 3.222 and 3.223 are added.

Sections 3.223 and 3.224 are renumbered as 3.224 and 3.225, respectively.

Subsections (g) to (l), inclusive, of renumbered Section 3.225 are renumbered as subsections (f) to (k), respectively

New Sections 3.226 and 3.227 are added.

Existing Sections 3.226 to 3.229, inclusive, are renumbered as 3.228 to 3.231, respectively.

New Section 3.225 is hereby amended to read as follows:

"(a) That the area which the applicant proposes to serve has the characteristics of an area described in Section 3.223 hereof."

**FCC ASSIGNMENTS**

The FCC announced that the work, business, and functions of the Commission for the month of October have been assigned as follows:

Commissioner Craven: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Case: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further 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; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

**FEDERAL COMMUNICATIONS COMMISSION DOCKET**

No broadcast hearings or oral arguments are scheduled to be heard at the Commission during the week beginning, Monday, October 7.



# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

- WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted construction permit to install new transmitter and increase power from 100 to 250 watts on **1420 kc.** (B2-P-2700).
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted modification of license to increase nighttime power from 250 watts to 1 KW, operating on **1410 kc.**, 1 KW day (B5-ML-948).
- KSUB—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry (Assignor), Southern Utah Broadcasting Co. (Assignee), Cedar City, Utah.—Granted voluntary assignment of license from Johnson and Perry, a partnership, by Leland M. Perry and May Weight Johnson, Administratrix, to Southern Utah Broadcasting Company. Normally licensed **1310 kc.**, 100 watts, unlimited time (B5-AL-286).
- Rene Canizares, Havana, Cuba.—Granted authority to transmit programs to Station CMCK, Havana, from 64 Broad Street, New York City, by means of radio-telephone facilities of RCA Communications, Inc., for sports events, World Series (B-FP-78).
- WDSU—WDSU, Inc., New Orleans, La.—Granted construction permit to move to a new transmitter site near New Orleans, increase power from 1 to 5 KW, and install directional antenna for day and night use (B3-P-2923).
- WNEW—WODAM Corp., New York City.—Granted Construction permit to increase night power from 1 to 5 KW and install directional antenna for day and night use, operating on **1250 kc.**, 5 KW day, sharing with WIBI (B1-P-2687).
- WKST—WKST, Inc., New Castle, Pa.—Granted construction permit to install directional antenna for night use, and change hours from daytime to unlimited, operating on **1250 kc.**, with 1 KW (B2-P-2809).
- WSBT—The South Bend Tribune, South Bend, Ind.—Granted construction permit to make changes in transmitting equipment; install directional antenna for both day and nighttime operation; change frequency from **1360 to 930 kc.**, using 500 watts, sharing with WOES; and move transmitter site to southeast of center of South Bend on So. Jackson Road, one-fourth of mile east of Miami Highway. This grant is made upon condition that license will not be issued unless and until applicant disposes of its interest in its other South Bend station, WFAM (B4-P-900).
- KYW—Westinghouse Electric and Mfg. Co., Philadelphia, Pa.—Granted construction permit to make changes in transmitting equipment, and increase power from 10 to 50 KW, operating on **1020 kc.**, with directional antenna night and day (B2-P-2904).
- WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted construction permit to increase night power from 1 to 5 KW and install directional antenna for night use, operating on **930 kc.**, 5 KW day, unlimited time (B3-P-2952).
- WDBJ—Times-World Corp., Roanoke, Va.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW, pursuant to selection of new site and antenna design in accordance with standards of good engineering practice; station operates on **930 kc.**, 5 KW day, unlimited time (B2-P-2522).

## DESIGNATED FOR HEARING

- WHEB—H. J. Wilson (Transferor), R. G. LeTourneau (Transferee), Portsmouth, N. H.—Application for authority to transfer control of corporation, Station WHEB, from H. J. Wilson to R. G. LeTourneau; station normally licensed **740 kc.**, 250 watts, daytime (B1-TC-233).
- Van Curler Broadcasting Corp., Schenectady, N. Y.—Upon consideration of petitions for rehearing filed by Western Gateway Broadcasting Corp. and Mohawk Radio, Inc., both of Schenectady, N. Y., in re Order of the Commission of August 14, 1940, granting the application of Van Curler Broadcasting Corp., Schenectady, N. Y., for construction permit for new broadcast station, and record, the Commis-

sion set aside its Order of August 14, 1940, and designated for joint hearing, at date to be set later, the applications of Western Gateway Broadcasting Corp., Mohawk Radio, Inc., and Van Curler Broadcasting Corp., for construction permits for new broadcast stations in Schenectady, N. Y.

## MISCELLANEOUS

- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Denied special temporary authority to operate from 5:30 p. m., EST, to 6:15 p. m., for the period October 1, 1940, to not later than October 30, 1940, in order to serve the Glenside area, pending formal authority to increase power and hours of operation.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WBRB between 8 p. m. and 10:30 p. m., EST, September 27, 1940, in order to broadcast dinner meeting of the Young Republican Clubs of Westchester only.
- WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 7 p. m. to 11 p. m., CST, September 27, October 4, 18, 28, November 1, 1940, in order to broadcast football games only.
- KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1040 kc.**, limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period beginning 3 a. m., EST, October 1, 1940, and ending not later than 3 a. m., EST, March 29, 1941.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 7:30 p. m. to 7:45 p. m., CST, September 25, 1940, in order to permit WGBF to broadcast Democratic National Committee program only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU with power reduced to 250 watts, from 7:30 p. m. to 7:45 p. m., CST, September 25, 1940, in order to broadcast Democratic National Committee program only.
- WNYC—City of New York Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to operate from 8:30 p. m. to 9:15 p. m., EDST, September 26, 1940, in order to broadcast graduation and commencement exercises of New York City Police Department only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 7:30 p. m. to 8 p. m., CST, on September 28, 1940, in order to permit WGBF to broadcast a Republican National Committee program only.
- KMYC—Marysville-Yuba City Broadcasters, Inc., near Marysville, Calif.—Granted license to cover construction permit as modified which authorized construction of new broadcast station; **1420 kc.**, 100 watts, unlimited time (B5-L-1233). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-485).
- WKAR—Michigan State College, E. Lansing, Mich.—Granted license to cover construction permit which authorized installation of new equipment, changes in antenna system, increase in power to 5 KW, and move of transmitter; **850 kc.**, daytime (B2-L-1166). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-411).
- WMEX—The Northern Corp., Boston, Mass.—Granted license to cover construction permit as modified which authorized change of frequency, increase in power, installation of new transmitter and directional antenna for day and night use, and move of transmitter; **1470 kc.**, 5 KW, directional antenna day and night, unlimited (B1-L-1231). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-483).
- WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Granted license to cover construction permit which authorized new broadcast station; frequency **1310 kc.**, 250 watts, unlimited time (B2-L-1237). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-491).
- WRUF—University of Florida, Gainesville, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-489).
- WQAM—Miami Broadcasting Co., Miami, Fla.—Granted authority to determine operating power by direct measurement of



- antenna power for main transmitter (B3-Z-492). Same for auxiliary transmitter (B3-Z-493).
- KSCJ—Perkins Bros. Co. (Sioux City Journal), Sioux City, Iowa.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-490).
- WCRW—Clinton R. White, Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-487).
- WAYX—Jack Williams, Waycross, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-468).
- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of construction permit which authorized installation of new transmitter, directional antenna for night use, increase in power from 500 watts to 1 KW day and night, and change in hours of operation from day to 6 p. m. to unlimited time, for authority to install new transmitter (B1-MP-1065).
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of construction permit as modified which authorized increase in power from 250 watts to 500 watts, change in frequency from 1310 to 1350 kc., change in hours of operation from shares with WDAH to unlimited, new transmitter, changes in antenna system and move of transmitter, for authority to change type of transmitter to be installed (B3-MP-1061).
- WJHL—WJHL, Inc., Johnson City, Tenn.—Granted modification of construction permit which authorized changes in equipment, installation of directional antenna for night use, increase in power, change in frequency and move of transmitter, for authority to move transmitter .146 mile (same address) and make minor changes in ground system, and extend commencement date to 60 days after grant and completion date to 120 days thereafter (B3-MP-1033).
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of construction permit which authorized installation of new transmitter, changes in directional antenna system, increase in power from 5 to 50 KW, changes in hours of operation from limited to unlimited time, for authority to install new transmitter (B3-MP-1063).
- KFXM—J. C. Lee & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Granted license to cover construction permit which authorized installation of new transmitter and vertical antenna, move of transmitter and increase in power to 250 watts; 1210 kc., shares KPPC. (B5-L-1230). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-482).
- University of Illinois, South of Champaign, Ill.—Granted construction permit for new relay broadcast station; frequencies 1646, 2090, 2190, 2830 kc.; power 20 watts (B4-PRY-226).
- WEKW—The Travelers Broadcasting Service Corp., Hartford, Conn., Portable-Mobile.—Granted construction permit to install new equipment and decrease power of relay broadcast station from 25 watts to 15 watts (B1-PRE-366).
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to broadcast a Republican National Committee program only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF, with power reduced to 250 watts from 8:30 p. m. to 9 p. m. CST, September 26, 1940, in order to permit WGBF to broadcast a Willkie speech only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast a Willkie speech only.
- KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 8 p. m. PST, to the conclusion of football game, September 27, 1940, in order to broadcast football game only.
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted special temporary authority to operate from local sunset (September, 6:30 p. m. and October, 5:45 p. m. CST), to the conclusion of football games on September 28, October 4, 12, 17, and 26, 1940, in order to broadcast football games only.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted special temporary authority to sign off at 9 p. m. CST, except when special events require operation beyond that time for a period not to exceed 30 days, pending rearrangement of schedule or further justification of shorter broadcast day.
- Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate "walkie talkie" portable radio set used by the Indiana National Guard to transmit recruiting program in connection with National Guard Week to Relay Station WAUT on September 28, 1940; WAUT to transmit to Standard Broadcast Stations WEOA and WGBF.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with Station WFAS from 4 p. m. to 5 p. m. EST, October 5, 12, 19, and 26, 1940, in order to broadcast football games only.
- W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover construction permit which authorized local move of high frequency broadcast transmitter. (B1-LHB-64).
- W2XUP—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Granted license to cover construction permit which authorized local move of high frequency broadcast transmitter (B1-LFB-26).
- No-Bel Radio Burglar Alarm, Oakland, Calif.—Granted motion to consolidate application for construction permit to operate on 1658 kc., 50 watts, unlimited time, at Oakland, and on frequency 2466 kc., 50 watts, unlimited, at San Francisco (T5-PE-3774; T5-PE-3765). Also granted petition for order to take depositions and continuance of hearing in this matter to November 15.
- George F. Meyer, Medford, Wis.—Granted motion for indefinite continuance of hearing on application for a new station to operate on 1500 kc., 100 watts, unlimited time (B4-P-2501).
- KUJ—KUJ, Inc., Walla Walla, Wash.—Dismissed joint petition for continuance of hearing for period of 30 days, since application for exchange of frequencies was granted by the Commission September 24 (B5-P-2610; B5-ML-902).
- Batavia Broadcasting Corp., Batavia, N. Y.—Granted petition to amend application for new station to request a different frequency than that originally asked for—640 kc., 250 watts, daytime (B1-P-2909).
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion to vacate Order to Take Depositions of September 13, in re application for renewal of license, hearing of which is now scheduled to be held in Tallahassee (B3-R-869).
- WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243) as modified, which authorized increase in power, and installation of directional antenna for night use, for extension of completion date October 5 to November 5, 1940 (B1-MP-1060).
- WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Granted modification of construction permit (B2-P-2871), which authorized a new station, approving transmitter site near Charleston Avenue and Summers St., Morgantown, and approval of vertical antenna; studio site at 440-446 Spruce St., Morgantown (1200 kc., 250 watts, unlimited time) (B2-MP-1050).
- KEID—KCMO Broadcasting Co., Portable-Mobile (area of Kansas City, Mo.).—Granted modification of relay broadcast station license to change frequencies from 132260, 134080, 135480, 135760 kc. to 156075, 157575, 159975, 161925 kc. (B4-MLRE-62).
- KEIE—KCMO Broadcasting Co., Portable-Mobile (area of Kansas City, Mo.).—Granted modification of relay broadcast station license to change frequencies from 132260, 134080, 135480, 135760 kc. to 156075, 157575, 159975, 161925 kc. (B4-MLRE-63).
- WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted construction permit to install auxiliary transmitter for emergency use only, using 5 KW power; 860 kc. (B1-P-2975).
- WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted modification of construction permit which authorized installation of new transmitter and antenna and move of transmitter, for authority to install new transmitter and extend commencement date to 30 days after grant and completion date 180 days thereafter (B1-MP-1066).
- WGN—WGN, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-480).



- WPIT—Westinghouse E. and M. Co., Hull, Mass.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WPIT authorized in construction permit (B1-PIB-23), with power of 35 KW using WL 893R tubes in final amplifier stage in lieu of 50KW power with Federal 124R tubes, respectively, specified in construction permit, for the period September 29 to October 28, 1940.
- W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to operate on frequency 43500 kc. in lieu of 43400 kc. for the period ending January 1, 1941.
- W2XJI—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to operate on 26300 kc., for a period not to exceed 30 days, in order to make tests in cooperation with station W9XA to determine interference conditions existing between the two stations.
- Allen B. DuMont Labs., Inc., Passaic, N. J.—Granted special temporary authority to operate a 50-watt television transmitter at Passaic on the No. 2 television channel for the period ending October 5, in order to make field test measurements.
- WEJJ-WEJR-WEJI—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate relay broadcast stations WEJJ, WEJR and WEJI for communication purposes in connection with the antenna and transmitter adjustment of standard broadcast station WEAJ for a period beginning September 30, 1940, to not later than October 14, 1940, subject to the condition that no interference results to the transmissions of any other relay broadcast station.
- WEOY—So. Carolina Broadcasting Co., Inc., Portable-Mobile, area of Charleston.—Granted license to cover construction permit (B3-PRY-222), which authorized a new relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., 25 watts (B3-LRY-204).
- WEOD—The Yankee Network, Inc., Boston, Mass.—Granted modification of license to change frequencies from 133030, 134850, 136810, 138630 kc. to 156750, 158400, 159300, 161100 kc. (B1-MLRE-64).
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from 7:45 p. m., EST, November 5, to 6:30 a. m., EST November 6, in order to broadcast election returns only (B2-S-289).
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m., EST, to conclusion of Macon-Columbus baseball game on September 28, in order to broadcast said game only (B3-S-442).
- KNET—Palestine Broadcasting Association, Palestine, Tex.—Granted special temporary authority to operate from 5:45 p. m. to 11 p. m., CST, October 4, 11, 18 and 25, in order to broadcast football games only (B3-S-878).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF with power reduced to 250 watts, from 7:30 to 8 p. m., CST on September 30, in order to permit WGBF to broadcast a National Federation Republican Clubs of America program (B4-S-624).
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with KFRU, in order to broadcast a National Federation Republican Clubs of America program (B4-S-490).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:15 to 6:30 p. m., EST, October 2, in order to broadcast Communist Party Program only (B1-S-886).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 to 6:45 p. m., EST, October 14, in order to broadcast a program of the Republican State Committee only (B1-S-886).
- WGNV—WGNV Broadcasting Co., Inc., Newburg, N. Y.—Granted special temporary authority to operate from 7:30 to 8 p. m., EST, October 7, 14, 21 and 28, in order to broadcast "The Catholic Hour" programs only (B1-S-817).
- WGNV—WGNV Broadcasting Co., Inc., Newburg, N. Y.—Granted special temporary authority to operate from 7:30 p. m. to 8 p. m., EST, on September 30, 1940, instead of from 6:15 p. m. to 7 p. m., EST, as authorized by grant of August 31, 1940, in order to broadcast a Novena only.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to rebroadcast transmissions received from Forestry Stations (SV sets of 1 watt power operating on frequencies between 32 and 37 megacycles) between 2 p. m. and 5 p. m., EST, September 29, 1940, in connection with dedicatory program of wildlife preserve in the George Washington National Forest.
- KFIO—Sopkane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of football game September 28, 1940, in order to broadcast game only.
- WJHP—The Metropolis Co., Jacksonville, Fla.—Granted additional time within which to answer the petition for rehearing filed by the Florida Broadcasting Co.; and the time within which The Metropolis Co. (WJHP) may answer the petition for rehearing of the Florida Broadcasting Co. is extended to October 15, 1940 (B3-P-1195).
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Denied request for indefinite extension of time within which to submit proposed antenna specifications, and advised licensee that unless the required information is received by the close of business on November 2, 1940, the construction permit for modification of license will be retired to the closed files for failure to comply with the terms thereof.
- KYAN—Matilda Lannen, J. Cecil Bott, and Nettie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Granted modification of construction permit as modified which authorized erection of new broadcast station, for authority to install new transmitter; 1370 kc., power 250 watts, unlimited (B5-MP-1069).
- WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Granted license to cover construction permit which authorized changes in equipment; 1200 kc., 250 watts, unlimited time (B1-L-1236).
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1:45 p. m. to 4:30 p. m., CST, October 12, 1940 (instead of from 3:30 to 4:30 p. m., CST, as authorized by grant of September 18, 1940), in order to broadcast football game only (provided KGCA remains silent).
- KPHO—M. C. Reese, Phoenix, Ariz.—Granted modification of construction permit for new broadcast station to change type of transmitting equipment; 1200 kc., 250 watts, unlimited time (B5-MP-1064).
- KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Granted license to cover construction permit which authorized installation of new transmitting equipment; 1370 kc., 250 watts, unlimited time (B3-L-1240).
- WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted license to cover construction permit which authorized changes in equipment; 1190 kc., 50 KW, unlimited time (B3-L-1239).
- WOV—Greater New York Broadcasting Corp., New York, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-494).
- WEBR—WEBR, Inc., Buffalo, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-496). Same for auxiliary transmitter (B1-Z-497).
- L. B. Wilson, Inc., area of Cincinnati, Ohio.—Granted construction permit for new relay broadcast station to be operated on frequencies 31220, 35620, 37020, and 39260 kc., 2 watts power, A3 emission (B2-PRE-367).
- KEGE—A. H. Belo Corp. (area of Dallas, Tex.), Portable-Mobile.—Granted license to cover construction permit for decrease in power to 2 watts and installation of new equipment (B3-LRE-323).
- KEIL—KMTR Radio Corp. (area of Los Angeles, Calif.), Portable-Mobile.—Granted license to cover construction permit as modified for reinstatement of portable-mobile relay broadcast station; frequencies 30820, 33740, 35820, 37980 kc., power 50 watts (B5-LRE-318).
- W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Granted modification of construction permit for new television broadcast station, for approval of transmitter site and antenna (B5-MPVB-22).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 9 p. m., CST, October 2, 1940, in order to permit WGBF to broadcast Republican Gubernatorial Candidate and Willkie speech only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU with power reduced to 250 watts, from 8 p. m. to 9 p. m., CST, October 2, 1940, in order to broad-

cast Republican Gubernatorial Candidate and Willkie speech only.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 6:45 p. m., CST, November 5, 1940, to 4 a. m., CST, November 6, 1940, in order to broadcast general election returns only.

WJMC—Walter M. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from local sunset (October 5:30 and November 4:45 p. m., CST) to 11 p. m., CST, October 4, 25, and November 1, 1940, in order to broadcast football games only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 7:30 p. m. to 8 p. m., CST, October 11, 1940, in order to permit WGBF to broadcast Democratic National Committee program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU with power reduced to 250 watts, from 7:30 p. m. to 8 p. m., CST, October 11, 1940, in order to broadcast Democratic National Committee program only.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit to move old composite transmitter from College Point Causeway, Flushing, N. J., to site of new main transmitter, at Belleville Turnpike, Kearny, N. J., using 1 KW power for emergency use only. Employing directional antenna day and night.

WMAM—M & M Broadcasting Co., Marinette, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 600 Kilocycles

WREC—Hoyt B. Wooten, tr. as WREC Broadcasting Service, Memphis, Tenn.—Construction permit to make changes in directional antenna system, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Modification of license to remain on 880 kc. as a Class II station under the North American Regional Agreement instead of on 910 kc. as a class IV station as proposed.

### 1100 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Modification of construction permit (B1-P-2753) for increase in power, installation of directional antenna and new transmitter, requesting authority to change type of transmitter.

### 1200 Kilocycles

WPAB—Press-Union Publishing Co., Atlantic City, N. J.—License to cover construction permit (B1-P-2927) for changes in equipment.

### 1210 Kilocycles

WLOK—The Fort Industry Co., Lima, Ohio.—Modification of construction permit (B3-P-2506) for new equipment, increase in power, change hours of operation, for authority to install new transmitter and extend commencement date to 30 days after grant and completion date 60 days thereafter.

### 1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of construction permit (B4-P-2462) for increase in power, move of transmitter, and installation of directional antenna for night use, requesting change in type of transmitting equipment and move of transmitter from 5 miles east of center of city, near Wichita, Kans., to RFD No. 3, Wichita, Kans.

### 1310 Kilocycles

WEBR—WEBR, Inc., Buffalo, N. Y.—Authority to determine operating power by direct measurement of antenna power.  
WEBR—WEBR, Inc., Buffalo, N. Y.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WTAQ—WHBY, Inc., Green Bay, Wis.—License to cover construction permit (B4-P-2232) as modified for a new transmitter, changes in directional antenna system, and increase in power.

WTAQ—WHBY, Inc., Green Bay, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Construction permit for a new broadcast station (under North American Regional Agreement), to be operated on 1340 kc., 250 watts, unlimited time.

### 1370 Kilocycles

KYAN—Matilda Lannen, J. Cecil Bott and Nettie Bott, d/b as The Western Broadcasting Company of Wyoming, Cheyenne, Wyo.—Modification of construction permit (B5-P-2331) as modified for a new station, requesting authority to install new transmitter, extend commencement date to 10 days after grant and completion date 60 days thereafter.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Authority to determine operating power by direct measurement of antenna power.

### 1500 Kilocycles

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Construction permit for a new station to be operated on 1230 kc., 500 watts night, 1 KW day, unlimited time. Amended: To change frequency from 1230 kc. to 1550 kc., power from 500 watts night, 1 KW day to 1 KW day and night, and make changes in vertical antenna. Requests Class III-A station.

NEW—Lewistown Broadcasting Co., Lewistown, Pa.—Construction permit for a new broadcast station to be operated on 1500 kc., 250 watts, unlimited time. Class IV station.

WMRN—The Marion Broadcasting Co., Marion, Ohio.—Modification of construction permit (B2-P-2862) for a new station, requesting approval of antenna and approval of studio and transmitter site at North Main St., ¼ mile north of city limits, Marion, Ohio.

WMRC—Textile Broadcasting Co., Greenville, S. C.—License to cover construction permit (B3-P-2738) as modified for a new broadcast station.

WMRC—Textile Broadcasting Co., Greenville, S. C.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATIONS

NEW—Tom M. Bryan, Miami, Florida.—Construction permit for a new high frequency broadcast station to be operated on 44,500 kc., coverage: 2,150 square miles, population: 306,000.

NEW—The National Life and Accident Insurance Co., Nashville, Tenn.—Construction permit for a new high frequency broadcast station to be operated on 44,500 kc., coverage: 16,000 square miles, population: 857,270.

NEW—William F. Maag, Jr., Youngstown, Ohio.—Construction permit for a new high frequency broadcast station to be operated on 43,500 kc., coverage: 12,304 square miles, population: 4,488,498.

NEW—WCAU—Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 44,300 kc., coverage: 13,574 square miles, population: 5,079,206.

NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new high frequency broadcast station to be operated on 43,100 kc., coverage: 12,400 square miles, population: 104,642. Amended: To change type of transmitter and antenna changes.

## TELEVISION APPLICATIONS

NEW—B. B. Shapiro, F. P. Shapiro & H. Shapiro, d/b as Leroy's Jewelers, Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on 66000-



72000 kc., 1 KW power, emission A3 and A5 for both visual and aural. Amended: Revised Form 318 filed.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for a new television broadcast station to be operated on 66000-72000 kc., 1000 watts, A3 and A5 emissions. Amended: To give types of aural and visual transmitters.

### MISCELLANEOUS

WPEO—Peoria Broadcasting Co., area of Peoria, Ill.—Modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co.

WEKI—Peoria Broadcasting Co., area of Peoria, Ill.—Modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-PVB-47) for approval of transmitter site at 117 S. 17th Street, Philadelphia, Pennsylvania, approval of antenna and change type of aural transmitter.

WEDK—The Travelers Broadcasting Service Corp., Hartford, Conn.—License to cover construction permit (B1-PRE-362) which authorized a new relay broadcast station.

WAWU—The Baltimore Radio Show, Inc., area of Baltimore, Md.—License to cover construction permit (B1-PRE-342), which authorized a new relay broadcast station.

WAUH—Atlantic Coast Broadcasting Co., Portable-Mobile.—License to cover construction permit (B3-PRE-357) for a new relay broadcast station.

NEW—Evansville on The Air, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., power 2 watts, emission A3, unlimited hours.

WEPA—Edwin H. Armstrong, Portable-Mobile.—Modification of construction permit (B1-PRE-277) for a new relay broadcast station as modified, for extension of completion date from 10-7-40 to 4-20-41.

WENE—WJIM, Inc., Portable-Mobile.—Construction permit to change type of transmitter and increase power from 15 to 50 watts.

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Egyptian Herb Tea Company**—Under a stipulation entered into, Ralph E. Pritchard, trading as Egyptian Herb Tea Company, Akron, Ohio, agrees to cease and desist from certain representations in the sale of "Egyptian Herb Tea," a medicinal product.

The respondent agrees to cease representing that his product is a competent treatment or effective remedy for obesity, is efficacious in the treatment of rheumatism, kidney trouble, high blood pressure, indigestion, gas on the stomach, pyelitis, backache, or any other affliction or condition aside from constipation; that priests or wise men of ancient Egypt have worked marvelous cures, or any cures, with the herbs contained in such compound and that Egyptian Herb Tea is a tonic.

Among other representations which the respondent agrees to discontinue are the assertions that his preparation is a blood purifier; that it is the safest or quickest way to proper elimination, and that the respondent is an importer of herbs or any other commodity. (2932)

**Unico Products, Inc.**, 3932 Field Ave., Detroit, has made a stipulation in which it agrees to cease and desist from certain representations in the sale of an electro-therapeutic device designated "Electro-Health Activator" and "The New Improved Activator."

The respondent corporation agrees to desist from use of the name "Electro-Health Activator" to describe its device, or the word "health" or other similar term in a manner implying that the product is "health giving." The respondent also agrees to cease representing that it manufactures, constructs or assembles the device, when such is not a fact, and that its device is new in principle, has been approved by the medical profession, will benefit everyone over 40, will have a rejuvenating or general tonic effect, or will for the first time enable persons to use electrotherapy at home.

The respondent also stipulates that it will cease advertising its device as having any physical therapeutic value except as a possible aid in the temporary relief of chronic nerve pain where there is no acute inflammation present along the nerve, and as an adjunctive treatment in cases where its actual skin stimulative properties are known to be helpful.

A further stipulation of the respondent is that it will cease representing its product as being guaranteed without at the same time clearly indicating the nature and scope of the guarantee and without indicating that the guarantee does not cover detachable parts. (02638)

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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.

**Stanley's Drug Store**—Charging misrepresentation in the sale of medicinal preparations a complaint has been issued against Stanley Sikoparija and Sophia Strboya Sikoparija, trading as Stanley's Drug Store, Orange, Tex.

The complaint alleges that the respondents have advertised various preparations as cures or remedies for, or competent treatments of, a wide range of diseases and ailments for which such preparations in fact have little or no therapeutic value.

Among the preparations so advertised, according to the complaint, are "Ulcidine," "Bako Herb Tea," "Nervotone," "Tengo," "Vital Prescription Powders," "Kombin," "Diabetol Powder," "Epilepton Herb and Medicine," "Expello," "Reumalin," "Lift Extract," "Lift Tablets," "Lift Doushe Powder," "Lodol Powder," "Nokohol," "Rin," and "Melena."

The complaint further alleges that the respondents' advertisements with reference to "Nervotone," "Tengo," or "Slite Reducing Tablets," "Kombin" and "Epilepton" constitutes false advertisements because failing to reveal that the use of such preparations under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health. (4323)

### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Anheuser-Busch, Inc.**, St. Louis, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed, which is purchased by candy manufacturers.

Between June 19, 1936, and August 1, 1937, according to Commission findings, the respondent sold such syrup at higher delivered prices per 100 pounds to purchasers located in certain cities other than Chicago and Danville, Ill., than it had sold such syrup in containers of like size and type to Chicago and Danville purchasers; and between September 14, 1937 and the present time, the respondent has sold syrup to Danville purchasers and to others located outside of Chicago at higher prices per 100 pounds than it has sold such syrup in containers of like size and type to Chicago purchasers. The higher prices at which the syrup was sold to purchasers in cities other than Chicago were not uniformly higher than the prices at which it was concurrently sold by the respondent to Chicago purchasers, according to findings, but varied with the geographical location of the purchasers; for example, they varied from \$2.09 in Chicago to \$2.92 in Abilene, Tex., as of Au-

gust 1, 1939, while at the same time Nashville purchasers paid \$2.51 and St. Louis customers \$2.27.

Findings are that the respondent's policy has been to sell and deliver its syrup in several sizes and types of containers at prices per hundredweight over the tank car price per hundredweight, according to the size and type of container, and that it has also sold its syrup for delivery in containers of the same size at higher prices to some purchasers than to others; for example, in St. Louis it sold such syrup delivered in returnable drums to some purchasers at 13 cents per hundredweight over the tank car price in accordance with its pricing policy but concurrently sold it in identical containers to other St. Louis purchasers at only four cents per hundredweight over the tank car price.

By selling its syrup at the different prices as found, the findings continue, the differences between which prices have not been justified by the respondent and which differences make more than due allowance for differences in the cost of delivery, the respondent has discriminated in price between such purchasers, the result having been to place the unfavored purchasers paying the greater prices under a competitive disadvantage.

Pointing out that the respondent's syrup is one of the major raw materials used in the production of many varieties of candy, the findings continue, that not only is the quantity of such syrup used significant, but the price paid therefor by such purchasers is a substantial part of the cost of the raw materials used in particular candies having a relatively high syrup content, as well as of the total cost of manufacturing an extensive line of candies having a wide range of syrup contents. The costs of the unfavored of such purchasers, according to findings, increase over the costs of the favored purchasers directly as the amount of the discrimination between them increases.

The Commission order directs that the respondent cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality, either directly or indirectly in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such product to some purchasers at a different price than to other purchasers where the effect may be to violate the Robinson-Patman Act. (3798)

**Diamond Candy Company**—An order has been issued requiring Curtis C. Walker, trading as Diamond Candy Company, 219 North Graham St., Charlotte, N. C., to cease and desist from the use of lottery methods in the sale of candy.

The order prohibits the respondent from selling or distributing candy or any other merchandise so packed and assembled that sales may be made by means of a lottery; supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling such candy or other merchandise to the public; or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4224)

**United Soap Company**—Lawrence L. Keller, trading as United Soap Company, 4726 Ballard Ave., Seattle, has been ordered to cease and desist from misrepresentation of his products.

The Commission finds that the respondent is engaged in the business of manufacturing and selling soap under the brand names "Hot Springs Mineral Soap", "Hawaiian Rose", "Velvette" and other similar names, and that he changes each of the names under which he sells soap as the demand for the soap under a given name has declined. All of the soap, regardless of the name under which it is sold, is manufactured at the respondent's place of business in Seattle, and is made by the same formula.

The respondent represents, according to findings, that the "Hot Springs Mineral Soap" is "vitamized" and imported by "Union Soap Company, Importers", represented as having offices in New York, Los Angeles and San Francisco, and that "Creme Savon" soap is medicated and is manufactured and sold by the "Wilson Soap Co." of San Francisco. Findings also are that none of the soap is vitamized or medicated; that the price of 75¢, printed by the respondent on the boxes of soap, is wholly fictitious and greatly in excess of the actual value and selling price, and that the soap is not high quality toilet soap, but is inferior in grade and quality and is regularly sold by the respondent to peddlers and canvassers for approximately 5 cents per box of soap and a box of washing

powder. These peddlers or canvassers in turn sell and distribute the soap and washing powder to ultimate consumers by house-to-house canvass, usually for 25 cents a box of soap and a package of washing powder. The respondent is ordered to cease and desist from representing, through use of fictitious names and addresses or through the use of different brand or trade names, that he sells more than one grade or quality of soap; that it is imported or is manufactured in any place other than at the respondent's place of business in Seattle; that the soap is vitamized or medicated in any way, or that it has any medicinal or curative value, or that it is in any manner more beneficial than any ordinary toilet soap. The respondent is also ordered to cease representing that the soap retails for or has a retail value of any price in excess of the usual and customary price at which the soap is sold to ultimate users, or that it is other than ordinary toilet soap. (4184)

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### THE WEEK IN WASHINGTON

When must a broadcasting station carry Communist political speeches? This question has been raised hundreds of times since the start of the current campaign. Conditions are different in various states. Information that should prove helpful in making decisions is included in this issue. (p. 4665.)

*Practice Makes Perfect* was number one tune on the Hit Parade last week. BMI has acquired radio performance rights for the catalogue of G. Ricordi and Company of Milan. It includes 124,000 titles. Seventeen phonograph records of BMI tunes are now on sale. (p. 4666.)

The forty-hour week for employees covered by the Wage and Hour Act goes into effect the first work-week starting after midnight October 23. The minimum wage remains at thirty cents an hour. The Wage and Hour Administration is revising and adding to its opinion about the coverage of performers on sustaining programs. (p. 4668.)

The War Department has published a list of public relations officers of the Selective Service Administration who will cooperate with radio stations in publicizing conscription day. (p. 4669.)

The America First Committee's radio program has been revised to make it conform with Code standards for commercial use. (p. 4670.)

Radio's twentieth birthday is to be celebrated nationally. Plans are being sent out from the NAB (p. 4670.)

Automobile advertising is the subject of the latest Bureau of Radio Advertising study being sent to all members. The NAB has appointed a committee to confer with the American Association of Advertising Agencies on the subjects of the standard order form contract and standard invoice forms. (p. 4671.)

Round table discussions of regulations for the more accurate keeping of program records by international short-wave stations were held at the FCC this week. The broadcasters' committee made certain suggestions which will be submitted to the Commission. The Communications Defense Board held another executive session, continuing its discussion of the whole communications situation. The FCC is sending out a questionnaire to all stations on the subject of foreign language broadcasts. (p. 4671.)

### COMMUNIST CANDIDATES

The matter of accepting programs for Communist candidates has caused considerable uncertainty among NAB members. We have tried to render the most accurate advice possible upon this subject. The conditions are different in the various states. In order that we may respond accurately to inquiries and give official information, we have just completed a canvass of the Secretaries of State of the forty-eight states. We asked them the status of the Communist candidates at the present time.

In alphabetical order, by states, we have listed below a resumé of the telegraphic information we have received up to the time the REPORTS go to press. We have, incidentally, requested each of these Secretaries of State to advise us by wire of any change in the status of such candidates. Members are asked to watch future issues of the REPORTS for information as to changes. If the general information contained below leaves any doubt as to the status of Communist candidates in your State, you are cordially invited to submit a specific inquiry to us and we will see that a prompt response is made.

Following is the tabulation:

- ALABAMA —Presidential electors only qualified.
- ARIZONA —No candidates on ballot.
- ARKANSAS —Secretary of State declined to accept filing of Communist candidates. Circuit Court sustained him. Case now on appeal to Supreme Court; probable decision about October 14.
- CALIFORNIA —Forty-four Communist candidates for national and state offices qualified. Law outlawing party not effective until 1941.
- COLORADO —Presidential electors and Congressman from First District qualified.
- CONNECTICUT —Presidential electors and United States senatorial candidate qualified.
- DELAWARE —No Communists qualified. Deadline for filing, October 15.
- FLORIDA —No Communists qualified. Laws do not recognize party.
- GEORGIA —No Communist candidates qualified.
- IDAHO —Presidential electors qualified.
- ILLINOIS —Communist candidates will not appear on ballot.

(Continued on page 4666)



THE NATIONAL ASSOCIATION OF BROADCASTERS

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WASHINGTON

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COMMUNIST CANDIDATES

(Continued from page 4665)

- INDIANA - Board of Election Commissioners have prohibited the placing of Communist candidates' names on ballot.
IOWA - Candidates for president, vice president and governor will appear on ballot.
KANSAS - Communist candidates will not be on ballot.
KENTUCKY - Communist candidates will not be on ballot.
LOUISIANA - No Communist candidates qualified.
MAINE - Communist candidates for presidential electors will appear on ballot.
MARYLAND - Communist candidates filed. Matter now in litigation.
MASSACHUSETTS - Communist candidates qualified.
MICHIGAN - Communist candidates for major state offices except Auditor-General have qualified.
MINNESOTA - Communist candidates for presidential electors qualified.
MISSISSIPPI - No Communist candidates qualified.
MISSOURI - No Communist candidates qualified.
MONTANA - Communist candidates for presidential electors, governor and lieutenant-governor qualified.
NEBRASKA - Communist candidates not qualified.
NEVADA - Communist candidates not qualified.
NEW HAMPSHIRE - Communist candidates for presidential electors and governor have filed. Protest has been entered. Final decision October 11.
NEW JERSEY - Communist candidates for presidential electors, governor, United States senator and six congressmen qualified.
NEW MEXICO - Communist candidates qualified.
NEW YORK - No Communist candidates qualified when check was made. New York members will be notified of any change.
NORTH CAROLINA - No Communist candidates qualified.
NORTH DAKOTA - No Communist candidates qualified.
OHIO - No Communist candidates qualified.
OKLAHOMA - No Communist candidates qualified.
OREGON - No Communist candidates qualified.
PENNSYLVANIA - Communist candidates qualified.
RHODE ISLAND - Communist candidates for presidential electors qualified.
SOUTH CAROLINA - No Communist candidates qualified.
SOUTH DAKOTA - No Communist candidates qualified.
TENNESSEE - No Communist candidates qualified.

- TEXAS - Communist candidates for presidential electors, United States senator and representative 20th district, qualified.
UTAH - Communist candidates for presidential electors and governor filed but rejected by Secretary of State. Case taken to Supreme Court. Now pending.
VERMONT - Candidates for presidential electors qualified. Candidates for representative in Congress not qualified.
VIRGINIA - Communist candidates for presidential electors, United States senator and one national representative qualified.
WASHINGTON - Communist candidates filed. Legal action instituted. Case pending in Supreme Court.
WEST VIRGINIA - No Communist candidates qualified.
WISCONSIN - Communist candidates for presidential electors have qualified as Independents and will appear on ballot as such.
WYOMING - No Communist candidates qualified.

BMI FEATURE TUNES
October 14-21

- 1. PRACTICE MAKES PERFECT
2. YOU WALK BY
3. THE SAME OLD STORY
4. MAY I NEVER LOVE AGAIN
5. THERE I GO
6. I GIVE YOU MY WORD
7. I HEAR A RHAPSODY
8. SO YOU'RE THE ONE

Of BMI's featured tunes, five are on the sheet this week, Practice Makes Perfect was number one on the Hit Parade last Saturday, both Practice and Same Old Story are among the sheet music best sellers, and two records of Practice are among the best selling retail records, Bob Chester's on the national list and Al Kavelin's on the regional list for the Midwest. The Chester recording also appears among the leaders in the coin machines.

BMI has acquired radio performance rights, effective immediately, in the catalogue of G. Ricordi & Co. of Milan. Embracing 124,000 titles, including 500 operas and several hundred symphonic works, the catalogue of this 132-year-old music firm represents one of the largest and finest repertoires of music in the world.

As the Ricordi catalogue is not included in the contract between ASCAP (the American Society of Composers, Authors and Publishers) and the Italian governmental society, these rights do not come within the scope of ASCAP's contracts with the official Italian society.



Among the copyrighted works are the operas of Puccini, including "Madame Butterfly", "Tosca", "The Girl of the Golden West", "La Boheme" and many others; also the works of Respighi, "The Pines of Rome", "The Fountains of Rome" and other tone poems. The catalogue includes the standard editions of the works of Verdi, Donizetti, Mascagni, Rossini, Boito. It ranges all the way from early church music to modern dance music. The Buenos Aires listings, which contain a large selection of rhumbas, tangos and congas, are in the grant. Existing contracts between Ricordi and BMI member stations are assigned to BMI by Ricordi.

The contracts were signed by Dr. Renato Tasselli for Ricordi and by M. E. Tompkins, vice president and general manager, for Broadcast Music, Inc.

It is probably no news to most broadcasters that regular phonograph recordings are seldom made until a song has begun to show a strong appeal to the public. The fact that 17 records of BMI numbers are now available in the retail record stores is proof of the success of BMI music.

Some broadcasters will be interested in these records for use in their stations. All broadcasters will be interested in them for use at home. BMI members can help the BMI cause by playing these records of their own music for their families and their guests, by keeping them on their own phonographs and by helping to spread them among the homes of their friends. They have been made by some of the country's leading artists. There are no better records in popular music. Here's the list:

#### COLUMBIA

*Here In The Velvet Night*—Ted Strater—Col. 35641  
*Practice Makes Perfect*—Eddy Duchin—Col. 35702  
*The Same Old Story*—Eddy Duchin—Col. 35724  
*There I Go*—Will Bradley—Col. 35743

#### OKEH (Columbia)

*I Give You My Word*—Al Kavelin—Okeh 5734  
*Madame Will Drop Her Shawl*—Al Donahue—Okeh 5704  
*Practice Makes Perfect*—Al Kavelin—Okeh 5746  
*Practice Makes Perfect and The Same Old Story*—Billie Holliday—Okeh 5806  
*The Same Old Story*—Frankie Masters—Okeh 5716  
*There I Go*—Tommy Tucker—Okeh 5789  
*What Good's The Moon*—Ray Herbeck—Okeh 5659

#### DECCA

*Practice Makes Perfect*—Terry Shand—Decca 3399

#### BLUEBIRD (Victor)

*I Give You My Word*—Mitchell Ayres—B-10895  
*Practice Makes Perfect*—Bob Chester—B-10838  
*The Same Old Story*—Freddie Martin—B-10830  
*There I Go*—Vaughn Monroe—B-10848  
*We Are All Americans*—Dick Todd—B-10840

More details as to what BMI stations are doing with BMI music is given in a letter from Frank Bishop of KFEL of Denver, to BMI's Carl Haverlin.

"As you know, we originate no ASCAP music on KFEL. ASCAP representatives insisted, both to Gene and to KFEL, that radio

ruins their music, and that the time would come when they wouldn't let us play it at all. Of course, we don't want to ruin anybody's music and if ASCAP feels that way and would rather we didn't play it, we are not going to. We also feel that any industry, especially one as large and important as radio, should not depend on a single source of supply for a staple and important commodity.

"Consequently, we bear down on Public Domain, tax-free, and BMI music in particular. Every day we carry three or four or more announcement periods devoted entirely to BMI music. At the open and close we use an announcement to the effect that 'The music on this program is published by Broadcast Music, Incorporated, and that means it is new and created especially for the broadcasting industry.' On programs which may include other than BMI tunes we add, 'Another Broadcast Music, Incorporated, tune, the organization giving songwriters a real chance to create music.'

"Every evening in the five-minute period following our newscast we carry a special program dedicated to BMI in which we play the tunes to be plugged that week. . . .

"So many local orchestra leaders have asked us for BMI orchestration and sheet music that we are completely out of all of the more popular tunes and it will probably be necessary for us to ask your shipping department to double our order on popular music and replace many of the tunes previously shipped."

Many BMI subscribers have probably learned already that ASCAP could not find a station to carry its boomp-a-daisy program from the San Francisco World's Fair, not even KFWB of Los Angeles which has been using up so much magazine space to assert its family loyalty to ASCAP. The program, in a master stroke of tactful arrangement, used Gene Buck's little ditty, "Sally, Won't You Come Back", and George M. Cohan's "Give My Regards to Broadway" to bracket "The Lord's Prayer" as set to music by one Albert Hay Malotte. Apparently ASCAP was getting somewhat hysterical at about that time for it sent out a publicity release which headlined the statement that the Lord's Prayer had been barred from the air.

The head of one of the leading transcription companies last week sent us a copy of this release with the comment, "I'm very sorry that we can't even pray now unless we get Special Permission from ASCAP."

Here are more stations to be welcomed to BMI. If any of these have by chance been previously announced, it will do no harm to welcome them twice. This brings the number of BMI stations to 398.

WOCB—West Yarmouth, Mass.  
WSTV—Steubenville, Ohio  
WNBK—Binghamton, N. Y.  
WIBG—Glenside, Pa.  
WHBY—Appleton, Wis.  
KGHI—Little Rock, Ark.  
WLNH—Laconia, N. H.  
WOOD-WASH—Grand Rapids, Mich.  
KRLC—Lewiston, Idaho  
WSYB—Rutland, Vt.  
KTSM—El Paso, Texas  
KBND—Bend, Oregon  
WHCU—Ithaca, N. Y.  
WTAQ—Green Bay, Wis.  
KLRA—Little Rock, Ark.  
WXYZ—Detroit, Mich.  
KUJ—Walla Walla, Wash.  
KXL—Portland, Oregon

# Labor

## FORTY-HOUR WEEK

The forty-hour week for employees covered by the Wage and Hour Act goes into effect the first work-week starting after midnight, October 23.

Most work-weeks in the broadcasting industry will start Sunday, October 27, or Monday, October 28.

Time and one-half must then be paid for all time worked above 40 hours each week. This overtime is based on the employee's regular hourly rate.

In making the change from the current 42-hour week to the 40-hour week, it is all right to reduce the employee's *weekly salary*, but illegal to reduce his *hourly rate*. For instance, an announcer now making \$42 for a 42-hour week can be cut to \$40 for a 40-hour week. But he cannot be cut to \$35 for a 40-hour week, to make up for any additional costs incident to the change.

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The minimum wage remains at 30 cents per hour.

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Labor contracts calling for a work week of more than 40 hours without overtime are automatically changed as of October 23. The law supersedes contracts.

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Shortly after the new definitions of executives, administrative workers, professionals and outside salesmen are issued, the NAB Labor Relations Department will send all member stations a booklet to be entitled, "The Wage and Hour Act: How It Applies to Broadcasting Stations."

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An eastern station has been ordered to pay back wages amounting to more than \$2,000 to "student announcers" who were employed without pay. The station could not contest the amount because its records of time worked were incomplete.

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The Wage and Hour Division has ruled that employers could give employees training courses for better jobs without pay, provided that:

1. Attendance on the part of the employee is in fact voluntary. No training program shall be considered voluntary if a condition of the employee's continued employment in his present job is attendance at the training program.
2. The employee shall not produce any goods or perform any other productive work during such periods of training.
3. The training course must be given outside of regular working hours.
4. The training course is intended to train the employees to a new, different, or additional skill, and is not intended to make the employee more efficient at doing what he has been doing in his present job.

Col. Philip B. Fleming, Wage and Hour Administrator, is revising and adding to his opinion about the coverage of performers on sustaining programs. A new memorandum will be issued within a few days. It will state that performers and speakers on public service programs, bonafide amateurs, etc., are not employees within the meaning of the act, and therefore need not be paid. A complete analysis of the situation will appear in next week's REPORTS.

## CONSCRIPTION

Two firms in the radio field have announced their policy with regard to conscripted employees.

NBC (and all other RCA subsidiaries) will give each employee who is conscripted or who volunteers the difference between his last month's salary and his first month's army pay. The employee's group insurance premiums will be paid by the company.

Western Electric will give conscripted employees their regular pay, less army pay, during their first three months of army service. Insurance payments will be kept up by the company. It might be well for any member who has any doubts about "exemptions" to re-read the article on page 4630 of the NAB REPORTS, September 27, 1940.

## FREE SPEECH

The Sixth United States Circuit Court of Appeals (Cincinnati) has upheld the right of the Ford Motor Company to circularize Henry Ford's opinion of labor unions among its employees. The Labor Relations Board had held that distribution of anti-union pamphlets by the company had constituted "coercion" and had constituted violation of the Wagner Act.

"We have previously observed," said the court, "unless the right of free speech is enjoyed by employers as well as employees the guaranty of the First Amendment is futile, for it is fundamental that the basic right guaranteed by the Constitution belongs equally to every person."

## FREE PRESS

The American Newspaper Publishers Association has challenged the constitutionality of the Wage and Hour Act, as applying to newspapers, under the First Amendment.

Elisha Hanson, counsel for the association, asked a federal district court in Philadelphia to dismiss a request from the Wage and Hour Administration for an order to require two Easton, Pa., newspapers to produce their employment records for inspection.

The Wage and Hour Administration contended no censorship was involved.

Very likely the case eventually will go to the Supreme Court.



# National Defense

## CONSCRIPTION PUBLICITY

Below is published a list of Public Relations Officers of the Selective Service Administration who will cooperate with radio stations in coordinating their efforts in publicizing the Conscription Registration date, October 16, when all male citizens of the United States between the ages of 21 and 36 will register under the auspices of 6,500 local conscription authorities.

Public Relations Officer, New York City Selective Service Headquarters, Municipal Building, New York City.

Public Relations Officer, Colorado Selective Service Headquarters, Denver, Colo.

Public Relations Officer, Connecticut Selective Service Headquarters, Hartford, Conn.

Public Relations Officer, Delaware Selective Service Headquarters, Wilmington, Del.

Public Relations Officer, Florida Selective Service Headquarters, St. Augustine, Fla.

Public Relations Officer, Georgia Selective Service Headquarters, Atlanta, Ga.

Public Relations Officer, Idaho Selective Service Headquarters, Boise, Idaho.

Public Relations Officer, Illinois Selective Service Headquarters, Springfield, Ill.

Public Relations Officer, Indiana Selective Service, Indianapolis, Ind.

Public Relations Officer, Iowa Selective Service Headquarters, Des Moines, Iowa.

Public Relations Officer, Kansas Selective Service Headquarters, Topeka, Kans.

Public Relations Officer, Kentucky Selective Service Headquarters, Frankfort, Ky.

Public Relations Officer, Selective Service Headquarters, Jackson Barracks, New Orleans, La.

Public Relations Officer, Maine Selective Service Headquarters, Augusta, Maine.

Public Relations Officer, Maryland Selective Service Headquarters, Fifth Regiment Armory, Baltimore, Md.

Public Relations Officer, Massachusetts Selective Service Headquarters, 347 Commonwealth Ave., Boston, Mass.

Public Relations Officer, Michigan Selective Service Headquarters, Lansing, Mich.

Public Relations Officer, Minnesota Selective Service Headquarters, St. Paul, Minn.

Public Relations Officer, Alabama Selective Service Headquarters, Montgomery, Ala.

Public Relations Officer, Arizona Selective Service Headquarters, Phoenix, Ariz.

Public Relations Officer, Arkansas Selective Service Headquarters, Little Rock, Ark.

Public Relations Officer, California Selective Service Headquarters, Sacramento, Calif.

Public Relations Officer, Nevada Selective Service Headquarters, Carson, Nev.

Public Relations Officer, Oregon Selective Service Headquarters, Salem, Ore.

Public Relations Officer, Washington Selective Service Headquarters, Olympia, Wash.

Public Relations Officer, Montana Selective Service Headquarters, Helena, Mont.

Public Relations Officer, Wyoming Selective Service Headquarters, Casper, Wyo.

Public Relations Officer, Utah Selective Service Headquarters, Salt Lake City, Utah.

Public Relations Officer, New Mexico Selective Service Headquarters, Santa Fe, N. Mex.

Public Relations Officer, North Dakota Selective Service Headquarters, Bismarck, N. Dak.

Public Relations Officer, South Dakota Selective Service Headquarters, Pierre, S. Dak.

Public Relations Officer, Nebraska Selective Service Headquarters, Lincoln, Nebr.

Public Relations Officer, Oklahoma Selective Service Headquarters, Oklahoma City, Okla.

Public Relations Officer, Texas Selective Service Headquarters, Austin, Tex.

Public Relations Officer, Missouri Selective Service Headquarters, Jefferson City, Mo.

Public Relations Officer, Wisconsin Selective Service Headquarters, Madison, Wisc.

Public Relations Officer, Mississippi Selective Service Headquarters, Jackson, Miss.

Public Relations Officer, Tennessee Selective Service Headquarters, Nashville, Tenn.

Public Relations Officer, North Carolina Selective Service Headquarters, Raleigh, N. C.

Public Relations Officer, South Carolina Selective Service Headquarters, Newberry, S. C.

Public Relations Officer, Virginia Selective Service Headquarters, Richmond, Va.

Public Relations Officer, Ohio Selective Service Headquarters, Columbus, Ohio.

Public Relations Officer, Pennsylvania Selective Service Headquarters, Harrisburg, Pa.

Public Relations Officer, West Virginia Selective Service Headquarters, Charleston, W. Va.

Public Relations Officer, New York Selective Service Headquarters, Albany, N. Y.

Public Relations Officer, New Hampshire Selective Service Headquarters, Concord, N. H.

Public Relations Officer, Vermont Selective Service Headquarters, Montpelier, Vt.

Public Relations Officer, Rhode Island Selective Service Headquarters, Providence, R. I.

Public Relations Officer, New Jersey Selective Service Headquarters, Trenton, N. J.

## DEFENSE JOBS

Employment of a night clerical force of fifty persons has just been approved by the United States Civil Service Commission to speed up indexing of applications for national defense jobs produced by the nation's broadcasters.

One of the specially pressing needs at the moment is for shipfitters. Almost all naval construction plants are seeking such qualified men. Many vacancies exist in the yards at Boston; Philadelphia; Portsmouth, Va.; Bremerton, Wash.; Charleston, S. C.; Vallejo, Calif.; and Pearl Harbor.

Stations broadcasting Man Power Announcements, heretofore unreported, are: WFMD, Frederick, Md., and WSLs, Roanoke, Va., District 4; KFKU, Lawrence, Kans., District 12; and KFQD, Anchorage, Alaska, District 17.

WSLS is the new station in Roanoke. It began operating October 1 and Man Power Announcements were included in the schedule.

## DEFENSE PROGRAM IDEA

G. G. Fletcher, program director, WLAK, Lakeland, Fla., has produced a 15-minute program to accommodate the many genuine national defense announcements he has received. This is in addition to a spot schedule for Man Power Announcements and the like.

His thinking on the demand-for-time problem confronting stations is summarized in the following paragraphs from a letter pledging fullest cooperation:

"Finding itself deluged with request for time for broadcasting announcements for defense projects, WLAK has, in addition to an extensive spot schedule for such announcements as 'Man

Power' request for skilled workers, set up a daily 15-minute program period titled 'America Builds for Defense' at a period of the day when a peak audience is enjoyed.

"Around a theme of patriotic music, script and transcribed announcements, five minute program plugs, such as those released by the council for national defense, are interwoven. Program is being well received by the public. And, at the same time, it is assisting in relieving the tremendous burden of spot plugs that today every service-minded radio station is obligated to assume."

## Code

### AMERICA FIRST PROGRAM

Last week the America First Committee submitted a script which the Code Committee determined was a public controversial issue and was not in its form as submitted a program subject to classification as a political broadcast available for sponsorship on commercial time.

Following this action, BBD & O, in consultation with Mr. Edgar Bill of the Code Committee and NAB Headquarters, revised the form of the program so as to be classified as a political broadcast and thus be available for booking on a commercial basis as provided for in the Code.

The position of the Code in no way was altered by this action. Rather, by having the introductory copy changed, the program was altered so as to conform to the Code. This was brought about by introductory copy built around the following statement of position:

"The America First Committee, whose slogan 'Defend America First' symbolizes your national safety, is a nonpartisan organization that supports and urges the election of candidates for public office, either Democratic or Republican, who are prepared to advocate these policies and principles detailed in this presentation."

The NAB is most appreciative of the cooperative spirit of the sponsor in revising the program so as to conform to the Code.

## Promotion

### RADIO'S TWENTIETH BIRTHDAY

Radio's 20th Birthday is to be celebrated nationally—for 20 days, November 11 to 30. A broadside covering the radio celebration was mailed to stations this week from headquarters.

In a letter, which was a part of the piece, Neville Miller outlined the importance of the Anniversary in this fashion:

"In the midst of stress and strain at home and abroad, including a Presidential campaign, National Defense activities, and the start of the football season, let us not forget that, this year, radio is twenty years old.

"It is an important and significant anniversary. It means something to every one of our 132,000,000 fellow citizens. It means something to the church, to the school, to the civic and cultural

life of our communities and of our nation. It means something to business and to labor, to farmer and to city dweller, to young and old. It means something to broadcasters whose pioneering efforts, courage and ability have demonstrated that a free system of privately managed, competitive radio—the American System of Broadcasting—is the finest and greatest in the world. We have reason to be proud.

"This anniversary is important. In the national emergency through which we are now passing, it is important that the public understand and appreciate the blessings of a free radio, parallel to a free press, free worship and free assembly.

"We believe that after the political campaign is over in early November there will be sufficient time cleared which may be conveniently utilized in celebration of radio's twentieth birthday. We have only to remind you and your skilled program builders and promotion experts of the date—November 11-30. We know you will do the rest. This announcement, therefore, is only in the nature of a reminder and a cue sheet."

In a note attached to the broadside, Arthur Stringer wrote:

"Listener loyalty can't be bought, can't be ordered.

"It is given freely when listeners understand and appreciate fully the worth of your daily services.

"Promotion of your interpretation of Radio's Birthday Party will increase such understanding."

### LISTEN BEFORE YOU VOTE

Richmond, Va., and surrounding territory is hearing all about "Listen before You Vote" and listeners like it.

J. F. Skinnell, production manager, WMBG, tells it this way:

"In behalf of the promotion Miss Helen Wharton, a very fine dramatic reader, has written a series of scripts entitled 'Listen Before You Vote.' These readings are very interesting, original and dramatic, and I am sure they are serving to stimulate a vast amount of interest. Miss Wharton has been giving one of these readings each week for the past several weeks and will continue to do so until the election.

"The Inter-Club Council of the City of Richmond is also sponsoring a similar program. This club has already furnished a speaker for us on one occasion and we hope to cooperate with them again in this respect prior to election."

The giant size "Listen before You Vote" poster, displayed at the NAB Convention in San Francisco, now graces an F Street window of the Hecht Company, Washington department store. Pictures of candidates are grouped at the base of the poster along with a display of 1941 radio sets.

## Sales

### BUREAU OF RADIO ADVERTISING

In addition to the "Results from Radio" study on automobile advertising, which is No. 8 in the series now going out to all members, the Bureau of Radio Advertising recommends the following articles and reprints as required reading for station sales personnel:

"Selling Used Cars by Radio"—*Broadcasting*, October 1 (P. 67)

"Radio and Sales"—*Variety Radio Directory* (P. 33)

"Selling Real Estate Advertising"—*Editor & Publisher*, September 28 (P. 43)



"Clothing Sales thru the Air"—*Radio Showmanship*, September (P. 8)

"Human! Handle with Care" is the title of an enlightening and useful booklet on radio advertising, with particular emphasis on commercial copy and its importance to the success of the campaign. Ruthrauff & Ryan, Inc., may be willing to send you a copy.

The first issue of *Radio Showmanship* does a fine job of bringing together, under one cover, many practical program ideas, success stories and miscellaneous facts and figures of a selling nature. Published by Showmanship Publications, Minneapolis, Minn.

### FREE OFFERS

The Plymouth Division of Chrysler Corporation, through J. Stirling Getchell, Inc., has offered stations interview scripts in connection with local automobile shows, featuring visiting officials of the Plymouth Company. Although no trade names are used, the scripts are frankly commercial on behalf of the new models generally, and the Bureau of Radio Advertising believes that stations should weigh the news value and civic benefits of their local automobile shows against the above facts before accepting the talks on free time.

### AAAA CONFERENCE COMMITTEE

The committee appointed to confer with the American Association of Advertising Agencies on the subjects of the standard order form contract and standard invoice forms is as follows:

Harry C. Wilder, WSYR, Chairman; Dick Mason, WPTF; Frank A. Seitz, WFAS; Dale Taylor, WENY; L. B. Wailes, Westinghouse stations.

Ex officio: Neville Miller, NAB President; Paul F. Peter, NAB Director of Research; Russell Place, NAB Counsel.

In consultation with Fred Gamble, Executive Secretary of the 4A's and member of his staff, Paul Peter, Research Director of NAB has set as a tentative meeting date for the NAB and the 4A Conference Committees, October 30th.

## FEDERAL COMMUNICATIONS COMMISSION

### BROADCASTERS, COMMISSION STAFF DISCUSS SHORT-WAVE RULES

Round-table discussions of regulations for the more accurate keeping of program records by International Short Wave Broadcasting stations were held at the office of the FCC on Monday, October 7. Presiding was Gerald C. Gross, Head of the International Division, and there were present representatives of all the stations involved, NAB

President Miller and members of the Commission and NAB staffs. The meeting lasted throughout the day and was marked by splendid cooperation between the industry and the Commission staff. Changes and suggestions in the International Short Wave Regulations made on behalf of the licensees are now being submitted to the Commission. It may be stated that there was unanimous agreement among the licensees that complete records of all programs transmitted by International broadcast stations should be kept. Early action by the Commission is expected.

Present at the meeting were:

CBS and WCAB—Harry C. Butcher, Paul Porter.

General Electric—L. D. Coffman, B. J. Rowan, John Sheehan.

NBC and RCA—Philip J. Hennessey, Jr., Frank E. Mason, Frank M. Russell, Oswald T. Schuette.

Westinghouse—F. P. Nelson, J. B. Rock.

WLWO—W. E. Branch, Wilfred Guenther, William C. Koplovitz.

World Wide Broadcasting—Maurice M. Jansky, Walter S. Lemmon.

NAB—Neville Miller, Paul Peter, Russell Place.

FCC—T. L. Bartlett, Gerald C. Gross, Joseph L. Rauh, Jr., Andrew D. Ring, Philip F. Siling, deQuincy V. Sutton, E. M. Webster.

### COMMUNICATIONS DEFENSE BOARD MEETS

Communications Defense Board, of which James Lawrence Fly, Chairman of FCC is Chairman, met in executive session Thursday.

While no official announcement was made regarding the meeting it is understood on good authority that the Board continued its discussions of former meetings taking up the whole communications situation. It is reported that representatives of the Army and Navy made a statement of their position. Also there was some discussion regarding the appointment of industry committees as advisors to the board. However, no definite conclusions were reached regarding this. The next meeting of the Board will be on Monday.

### FCC QUESTIONNAIRE ON FOREIGN LANGUAGE BROADCASTS

In a press release dated October 8, the FCC announced a questionnaire to be addressed to all stations on the subject of foreign language broadcasts, is now in preparation and will be mailed in a short time.

Upon inquiry, an official of the FCC stated that the purpose of the survey was to gather pertinent information on this subject which assumes great importance in the light of the present day national situation.

It will be recalled that the NAB addressed such a questionnaire to all stations, June 27th of this year. Four hundred five stations replied to the questionnaire, 97 of which were currently carrying foreign language programs. At the request of Chairman Fly of the FCC, the NAB furnished summary information developed from the survey. It is now pointed out that several stations figuring

strongly in foreign language broadcasting had obviously not replied to the NAB questionnaire and also that 405 of the 783 operating stations (June 1, 1940) could not suffice as a sample for the Commission's purpose.

It is obvious that those stations cooperating with the NAB on the subject will be required to resubmit foreign broadcast information for the Commission's record. Cooperation in furnishing the required information on the part of other stations would have prevented this.

### FINAL ORDER

FCC has announced adoption of an Order setting aside the Proposed Findings of Fact and Conclusions of June 12, and *granting* the application of Lee E. Mudgett for renewal of license of station KRKO, **Everett, Washington**, for construction permit to move antenna site locally, install new equipment, and vertical radiator, increase power from 50 watts to 100 watts night, 250 watts local sunset, sharing equally with KEEN on frequency **1370 kilocycles**, and for consent to voluntary assignment of station's license to The Everett Broadcasting Company, Inc., except that final action with reference to the application for construction permit in so far as it seeks unlimited time on frequency **1370 kilocycles**, is held in abeyance pending decision upon the application of Evergreen Broadcasting Corporation for construction permit to authorize station KEVR, **Seattle**, to change frequency from **1370** to **1420 kilocycles**.

### FCC RULE AMENDED

FCC has amended the instructions pertaining to Part 10, Rules Governing Emergency Radio Services, by deleting present paragraph 17 and substituting in lieu thereof the following, effective immediately:

"17. As the rules indicate, the operation of forestry stations must be strictly limited to the needs of forest protection. In the interest of such protection, as well as in the interest of reduction of interference, the operations of forestry stations in any single geographical area should be coordinated. Therefore, applicants for forestry station facilities, other than State forestry organizations, will be required to include as a part of their applications a statement as to whether the State in which the proposed station is to be located has a department for forest protection, and, if such a department exists, the applicant shall submit a copy of the cooperative agreement between the applicant and the state department concerned, or lacking such agreement, the applicant shall submit copies of the correspondence exchanged between them in an effort to reach a cooperative agreement. One submission on the part of any one applicant of information with regard to any one coordinated plan as specified in this paragraph will suffice, provided that reference thereto is made in all other applications involved in the plan."

### PORTER TO PRACTICE LAW

Former Assistant General Counsel George B. Porter, who resigned on July 31st last, terminated his pay-roll status with the FCC on October 7th, and is now engaged in the private practice of law in Washington, D. C.

Since creation of the Commission in 1934, Mr. Porter has been in charge of legal matters affecting broadcasting. Before that time he was Acting General Counsel of the Federal Radio Commission, which he joined in 1931.

### FROM THE FCC MAIL BAG

An Ohioan is informed that no Federal license is required for a short wave receiver installed in an automobile. However, his attention is invited to that section of the Communications Act which prohibits unauthorized interception and use of radio communications other than those intended for public use.

The Commission tells a State public service body that it (the Commission) has jurisdiction over radio programs transmitted by wire lines located wholly within a State. The Bell System companies file with the Commission schedules of rates and regulations applicable to such facilities and services.

All radio transmission is interstate commerce, notwithstanding its scope or territorial limits, the Commission reiterates to an inquiring Texan. As such, it is subject to the regulatory powers of Congress or of a delegated authority. Various court decisions are quoted.

A New York State resident wants authority to record certain radio programs as they are broadcast to the public. The Commission replies that this does not come within its jurisdiction, being a matter involving the private rights of the radio station, the artist, and the sponsor of the program.

"What procedure should be followed in the event of the death of a station licensee?" inquires a Chattanooga. In such cases the administrator of the estate should make application to the Commission for an assignment of license to be exercised pending settlement of the estate. When the estate is settled, the administrator should make application for assignment of license to the party who is to carry on station operation.

An Ohio letter-writer objects to certain Berlin broadcasts. The programs in question are not rebroadcast but are received from Berlin direct. The Commission does not, of course, have jurisdiction over alien stations.

A letter from California complains of American stations rebroadcasting Hitler's speech; a New Yorker objects to pro-British utterances on American stations.

A Newark, N. J., man dislikes the rendition of classical music in syncopated style. It is suggested that he communicate his views to the station originating the program he cites.

A New Yorker wants the Commission to require a certain official to retract a statement he made on the air. This is beyond the power of the Commission.

Another New Yorker is advised that there is no statute or regulation making the playing of "America" or the "Star Spangled Banner" obligatory on radio programs.

### 864 STATIONS

During the month of September, 1940, the FCC issued operating licenses to five stations and granted two permits for the construction of new stations. One station was deleted. A comparative table by months follows:

	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1
Operating	743	751	755	765	769	771	775	779	783	791	799	806	810
Construction	57	58	57	49	48	51	48	47	53	56	58	57	54
	800	809	812	814	817	822	823	826	836	847	857	863	864



## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments in broadcast cases are scheduled before the Commission during the week beginning Monday, October 14.

### FUTURE HEARINGS

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

#### October 31

Oral Argument Before the Commission

Report No. B-124:

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., 1420 kc., 250 watts night, 250 watts LS, unlimited time.

#### November 7

Oral Argument Before the Commission

Report No. B-126:

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 100 watts LS, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 250 watts LS, unlimited time.

#### December 4

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—C. P., 1500 kc., 250 watts night, 250 watts LS, unlimited time, requests facilities of WSSJ.

#### December 11

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., 1080 kc., 50 KW, unlimited time (DA for night use). Present assignment: 1080 kc., 50 KW, unlimited time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., 1080 kc., 50 KW, unlimited time (DA for night use). Present assignment: 770 kc., 10 KW, simultaneous day, S-WBBM-N; S.A. synchronized with WBBM-N-exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, 770 kc., 50 KW, unlimited time. Present assignment: 770 kc., 50 KW, simultaneous day, S-KFAB-N; S.A. synchronized with KFAB-N-exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., 770 kc., 1 KW, daytime. Present assignment: 1060 kc., 1 KW, limited to WBAL and WTIC.

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, 1080 kc., 5 KW, limited to WBT and KFAB. Present assignment: 1080 kc., 5 KW, limited to WBT, share WCBF.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted construction permit to increase power from 100 to 250 watts, operating on 1200 kc., unlimited time (B3-P-2688).

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW,

operating unlimited time on 780 kc., 5 KW day (B5-P-2701).

WEAN—The Yankee Network, Inc., Providence, R. I.—Granted construction permit to make changes in directional antenna system for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on 780 kc., 5 KW day (B1-P-2037).

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted construction permit to make changes in directional antenna system for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on 780 kc., 5 KW day (B2-P-2737).

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit to install directional antenna for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on 780 kc., 5 KW day (B5-P-2698).

### DESIGNATED FOR HEARING

William H. Amesbury, Minneapolis, Minn.—Application for construction permit for new station to operate on 630 kc., 1 KW, unlimited time, employing directional antenna for both day and nighttime use (different patterns) (B4-P-2746).

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Application for construction permit to move transmitter to 5½ miles northeast of center of Rochester, change equipment, change frequency from 1210 to 1340 kc., and increase power from 250 watts to 1 KW and install directional antenna for day and night use (B1-P-2924).

Edward J. Doyle, Rochester, N. Y.—Application for construction permit for new broadcast station to operate on 1340 kc., 1 KW, unlimited time, using a directional antenna day and night (B1-P-2031).

WCSC—The Liberty Life Insurance Co. (Assignor), John M. Rivers (Assignee), Charleston, S. C.—Application for authority to transfer control of corporation, 200 shares of common stock, from The Liberty Life Insurance Company to John M. Rivers. Station operates on 1360 kc., 500 watts night, 1 KW day, unlimited time (B3-TC-231).

KRMC—Roberts MacNab Company (Assignors), Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. Dak.—Application for consent to voluntary assignment of license of KRMC from Roberts MacNab Company to Jamestown Broadcasting Company, Inc. Station operates on 1370 kc., 250 watts, unlimited time (B4-AL-276).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m. EST, October 4, 9, and 18, 1940, in order to broadcast political speeches only by Paul A. Dever, Democratic candidate for governor.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 8:45 p. m. CST, on October 3, 1940, in order to permit WGBF to broadcast a political program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to broadcast a political program only.

WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Granted special temporary authority to operate from 7:30 p. m. EST to the conclusion of Lanier High School football games on October 4, 10, 18, 24, and from 7 p. m. to the conclusion of football game November 1, 1940, in order to broadcast said games only.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously from 12 noon to 1:30 p. m. PST, October 2, 3, 5, 7, 8, and 9, 1940, in order to broadcast the World Series baseball games only.

WENE—WJIM, Inc. (area of Lansing, Mich.)—Granted construction permit to change type of transmitter, and increase power of relay broadcast station from 15 to 50 watts (B2-PRE-368).

WEPA—Edwin H. Armstrong (area of New York City), Portable mobile.—Granted modification of construction permit as modified for new special relay broadcast station, for extension of completion date from October 4, 1940, to April 20, 1941 (B1-MPRE-48).

KGFI—Eagle Broadcasting Co., Brownsville, Texas.—Scheduled for oral argument on October 24 the Proposed Findings of Fact in re revocation of license of station KGFI (Docket No. 5854) (B-122).

- KGKO Broadcasting Co., Fort Worth, Texas.—Granted special temporary authority to operate relay broadcast stations KEGE and KFAA, licensed to A. H. Belo Corp., in order to relay broadcast State Fair programs to radio station KGKO for the period October 5, 1940, to not later than October 20, 1940.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m. EST, October 7, 14, 21, 1940, from 10:30 p. m. to 10:45 p. m. November 3 and from 10:30 p. m. to 11 p. m. November 4, 1940, in order to broadcast political programs sponsored by the Massachusetts Independent Voters Committee and Paul Dever, Democratic candidate for Governor as set forth in letter dater September 27, 1940.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. EST, October 22, 1940, from 9 p. m. to 10 p. m. EST, November 1, 1940, from 9:15 p. m. to 10:15 p. m. November 2, 1940, instead of from 9:30 p. m. to 10 p. m. as authorized September 9, 1940, from 8 p. m. to 9 p. m. EST, November 3, 1940, instead of 8 p. m. to 8:30 p. m. as authorized September 9, 1940, in order to broadcast political programs sponsored by the Massachusetts Republican State Committee only.
- WPKA—Allegheny Kiski Broadcast Co., New Kensington, Pa.—Granted special temporary authority to operate from 6 p. m. to 10 p. m. EST, October 8, 1940, in order to broadcast dedicatory program of Station WKPA only provided program tests authorized in accordance with Section 2.43.
- WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension of special temporary authority to cease operation at 8 p. m. EST (instead of unlimited time as licensed) for the period October 10, 1940, to not later than November 8, 1940, pending arrangement of schedule.
- WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 2 p. m. to 5:30 p. m. EST, October 12, November 2 and 9, 1940, in order to broadcast football games only.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted license to cover construction permit which authorized installation of new equipment and increase in power to 250 watts; **1500 kc.**, unlimited time (B5-L-1238).
- WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted license to cover construction permit as modified for move of transmitter and addition of A1 emission (B1-LRE-324).
- Evansville on the Air, Inc. (area of Evansville, Ind.)—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.**, power 2 watts, A3 emission (B4-PRE-369).
- KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted motion to substitute the KTRB Broadcasting Co., Inc., in lieu of McTammany and Bates as applicant for construction permit to increase power of station KTRB from 250 watts daytime to 1 KW night and day, limited to WSB operating on **740 kc.** (B5-P-2631).
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WJAG—The Norfolk Daily News, Norfolk, Va.; WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted joint petition to postpone hearing date now set for October 14, 1940, to December 11, 1940, in re applications of KFAB for construction permit to operate on **1080 kc.**, 50 KW, unlimited time, directional antenna at night; WBBM for modification of license to change hours of operation; WBT for construction permit to operate on **1080 kc.**, 50 KW, unlimited time, directional antenna at night; WJAG for construction permit to operate on **770 kc.**, 1 KW, daytime; also on Commission's own motion continued hearing on WMBI now scheduled for October 14, 1940, to December 11, 1940, in re application for change in hours of operation.
- Searles G. Deck, individually, and as Chairman, and Thomas J. Clifford, as General Secretary-Treasurer of the Federation of Long Lines Telephone Workers.—Granted petition for dismissal of complaint against American Telephone and Telegraph Co., Southwestern Bell Telephone Co., Southern Bell Telephone Co., North-Western Bell Telephone Co., Michigan Bell Telephone Co., Bell Telephone Co. of Pennsylvania, Ohio Bell Telephone Co. and New York Telephone Co., in re proposed transfer of certain telephone employees from Long Lines Department of the American Telephone and Telegraph Co. to various associated companies.
- WLOK—The Fort Industry Co., Lima, Ohio.—Granted modification of construction permit which authorized installation of new transmitter and increase in power, to install new transmitter and extend commencement date to 30 days after grant and completion date 60 days thereafter; **1210 kc.**, 250 watts, unlimited time (B3-MP-1067).
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. CST, November 4, 1940, in order to broadcast political program only, consisting of a speech by James E. Burke, candidate for State Attorney of Illinois.
- National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to transmit the World Series programs in the Spanish language for rebroadcast by Cuban Stations CMQ and CMX for the period October 4, 1940 and continuing for the duration of the World Series.
- WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m. EST, for the period October 4, 1940, to not later than October 16, 1940 (Sundays excepted), in order to broadcast special selective service draft information given by Colonel Arthur V. McDermott.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate unlimited time on **1180 kc.**, with 5 KW power day and 1 KW power night, for a period not to exceed one month, in order to broadcast programs of public interest, convenience and necessity, pending the allocation of new facilities.
- WAIN—Peoria Broadcasting Co. (Area of Peoria, Ill.), Portable mobile.—Granted modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRY-26).
- WEKH—Peoria Broadcasting Co. (Area of Peoria, Ill.), Portable-Mobile.—Granted modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRY-27).
- WCAB—WCAU Broadcasting Co., Newton Square, Pa.—Granted petition for extension of effective date of Sec. 4.45 of the Rules Governing International Broadcast Stations until January 1, 1940.
- WOLF—Civic Broadcasting Corp., Syracuse, N. Y.; WSUR—Central New York Broadcasting Corp., Syracuse, N. Y.; WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Dismissed petitions of these stations filed August 5 for rehearing or reconsideration in re application of the Sentinel Broadcasting Corp. for a new station in Salina, N. Y., to operate on **620 kc.**, with 1 KW power, unlimited time, and denied supplemental petition for reconsideration or rehearing filed August 26th.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Dismissed petition filed August 3 for rehearing in the matter of the grant of the applications of Sentinel Broadcasting Corp., Salina, N. Y., WROL, Knoxville, Tenn., and the Journal Company (WTMJ), Milwaukee, Wis.; denied supplemental petition for rehearing filed August 26, and adopted decision and order on the petition for rehearing.
- WDAH—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Cancelled license and deleted call letters heretofore issued for station WDAH, which formerly operated on **1310 kc.**, 250 watts, sharing with KTSM, because of grant made January 10, 1940, authorizing KTSM to change frequency from **1310 to 1350 kc.**, increase power to 500 watts day and night, and operate unlimited time, subject to the surrender and cancellation of license of WDAH.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (5:45 p. m. EST, October) to 6:15 p. m. EST, October 7, 1940, in order to broadcast Geneva Piano Symphony Orchestra only.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (October 5 p. m. PST) to the conclusion of local high school football games on October 10, 11, 17, 18, 24, and 25, 1940, in order to broadcast said games only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 10, 1940, in order to permit WGBF to broadcast Democratic State Committee program only.



WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 10, 1940, in order to permit KFRU to broadcast Democratic State Committee program only.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 5:45 p. m. to 9:30 p. m. EST, October 10, 1940, in order to broadcast a political rally and speech by Paul V. McNutt only.

KGEE—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to add frequency **9670 kc.** to the present licensed frequencies on a temporary basis for the period November 1, 1940, to not later than November 1, 1941; authority granted on temporary basis only, conditionally.

WCOP—Massachusetts Broadcasting Corp., Boston Mass.—Denied special temporary authority to operate from local sunset (October 5 p. m., EST) to 6:30 p. m., EST, from October 7, 1940, to not later than October 15, 1940, in order to broadcast programs of public interest as described in letter dated September 28, 1940.

Worcester Broadcasting Corp., San Diego, Calif.—Scheduled for oral argument on October 31, 1940, the Proposed Findings in re application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time (B5-P-2458).

J. D. Falvey, Ottumwa, Iowa; L. & M. Broadcasting Co., Ottumwa, Iowa.—Scheduled for oral argument on November 7, 1940, the Proposed Findings in re applications for construction permits for new broadcast stations. Falvey application requests **1210 kc.**, 100 watts, unlimited time (B4-P-2499) L & M Broadcasting Co. application requests **1210 kc.**, 100 watts, 250 watts LS, unlimited time (B4-P-2498).

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Granted license to cover construction permit as modified which authorized a new broadcast station; **1500 kc.**, 250 watts, unlimited time (B1-L-1235).

WMRC—Textile Broadcasting Co., Greenville, S. C.—Granted license to cover construction permit which authorized new broadcast station; **1500 kc.**, 250 watts, unlimited (B-3L-1241). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-498).

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-486).

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), and The Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—On motion of Commissioner Thompson, seconded by Commissioner Walker, it was voted that the order denying the petition of Assignor and Assignee for reconsideration and grant without hearing the application for consent to assignment of license of station WSAR, be adopted; Commissioners Case and Craven voting "No."

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. CST, October 8, 1940, in order to broadcast a speech by W. J. Cameron only.

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:15 p. m. to 7 p. m. CST, October 19, 26, 28, 31, November 2 and 4, 1940, in order to broadcast speeches by State Democratic Committee only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:15 p. m. to 7:30 p. m. October 9 and 16, 1940 (instead of from 7:45 p. m. to 8 p. m. as authorized by grant of October 2, 1940) and to operate from 7:15 p. m. to 7:30 p. m. October 29 and 31, 1940, in order to broadcast political programs sponsored by Paul A. Dever, Democratic candidate for Governor of Massachusetts only; to operate from 7:15 p. m. to 7:30 p. m. EST, October 30 and November 1, 1940 (instead of from 7:45 p. m. to 8 p. m. as authorized by grant of September 9, 1940), in order to broadcast political programs sponsored by the Massachusetts Democratic State Committee only.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through High Frequency Broadcast Station W2XMN, for a period not to exceed thirty days.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted authority to install new automatic frequency control equipment (B4-F-153).

WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-484).

WHAM—M & M Broadcasting Co., Marinette, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-502).

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-504).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-478).

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-505).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted modification of construction permit which authorized installation of new transmitter and increase in power, for change in type of transmitter and extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B2-MP-1074).

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 660 Kilocycles

KOWH—World Publishing Co., Omaha, Neb.—Authority to determine operating power by direct measurement of antenna power.

### 680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit (B3-P-2216) as modified, for new equipment, increase in power, change in hours of operation, make changes in directional antenna system, requesting further changes in directional antenna.

### 780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Modification of construction permit (B2-P-2438) to install new transmitter and increase power, requesting change in type of transmitter, and extend commencement and completion dates from 10-21-40 and 4-21-41 to 60 days after grant and 180 days thereafter.

### 900 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-P-2843) for increase in power, installation of directional antenna for day and night use, changes in equipment, and move of transmitter, requesting changes in directional antenna, and extend commencement and completion dates from 10-14-40 and 4-14-41 to 60 days after grant and 180 days thereafter respectively.

### 950 Kilocycles

WHAL—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—Modification of construction permit (B2-P-936) for a new station, requesting approval of antenna and studio and transmitter sites and install new transmitter. Amended to change requested transmitter and studio sites and make changes in antenna.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to change frequency from **950 to 690 kc.**, power from 5 to 50 KW; install new transmitter, new directional antenna for night use, and move transmitter from Kansas City to near Wolcott, Kans. Requests facilities KGGF, WNAD and KFEQ as proposed by N. A. R. Agreement.

### 1200 Kilocycles

KRLH—Clarence Scharbauer, Midland, Tex.—Construction permit to change frequency from **1420 to 1200 kc.**; increase power from 100 watts to 250 watts; install new vertical radiator; make changes in transmitting equipment; move transmitter

from 2125 W. Wall St., Midland, Tex., to On U. S. Highway 80, 1.35 miles west of Midland, Tex., and move studio from Hotel Scharbauer, 117 W. Wall St., Midland, Tex., to 117 S. Lorraine St., Midland, Tex. Class IV.

WHBY—WHBY, Inc., Appleton, Wis.—Authority to determine operating power by direct measurement of antenna power.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—License to cover construction permit (B4-P-2367) as modified for a new station.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Authority to determine operating power by direct measurement of antenna power.

WAYX—Jack Williams, Waycross, Ga.—Authority to install automatic frequency control equipment.

WDSM—WDSM, Inc., Superior, Wis.—Authority to determine operating power by direct measurement of antenna power.

#### 1210 Kilocycles

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Twp. of Yarmouth, Mass.—License to cover construction permit (B1-P-1140) as modified for a new station.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Twp. of Yarmouth, Mass.—Authority to determine operating power by direct measurement of antenna power.

WATN—Watertown Broadcasting Corp., Watertown N. Y.—Modification of construction permit (B1-P-809) for a new station, requesting authority to install a new antenna, change location of transmitter from Hoard St. and Starbuck Ave., Watertown, N. Y., to 118 Washington St., Watertown, N. Y.; approval of studio site at 118 Washington St., Watertown, N. Y.; and extension of commencement and completion dates from 9-29-40 and 3-29-41 to 30 days after grant and 180 days thereafter, respectively.

WFOY—Fountain of Youth Broadcasting Co., St. Augustine, Fla.—Authority to determine operating power by direct measurement of antenna power.

#### 1230 Kilocycles

KYA—Hearst Radio, Inc., San Francisco, Calif.—Construction permit to change frequency from 1230 to 560 kc., power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Contingent on granting of KSFO's application for change in frequency from 560 to 740 kc.

#### 1240 Kilocycles

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—License to cover construction permit (B5-P-2946) for reinstatement of construction permit to install new equipment and make changes in equipment.

#### 1290 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station. Amended to make changes in directional antenna for night use.

#### 1310 Kilocycles

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Construction permit to erect a synchronous station near intersection Battle Street and Providence Road, Scranton, Pa., with studio at 62 Franklin St., Wilkes-Barre, Pa. (same site as WBRE's studio), to be operated on 1310 kc., 100 watts, unlimited time, to be used in connection with Station WBRE.

KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to install automatic frequency control equipment.

WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Authority to determine operating power by direct measurement of antenna power.

WCLS, Inc., Joliet, Ill.—Modification of license to change hours of operation from specified hours to unlimited time.

WSAV—WSAV, Inc., Savannah, Ga.—Authority to relinquish control of corporation by sale of 32 shares of stock from Arthur Lucas to E. E. Murrey, Sr.

#### 1350 Kilocycles

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—License to cover construction permit (B3-P-1871) as modified, for change in frequency, installation of new transmitter, antenna

changes, increase in power and hours of operation, and move transmitter.

#### 1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Oregon.—Authority to determine operating power by direct measurement of antenna power.

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to move transmitter and studio to a site to be determined, Enid, Okla., make antenna changes, install new transmitter and increase power from 250 watts to 1 KW. Requests Class III-A station. Amended: To give location of transmitter and studio as Willow and Kennedy Sts., Enid, Okla. (present licensed site), and install directional antenna for day and night use.

#### 1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Authority to install new automatic frequency control equipment.

WAGF—John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—License to cover construction permit (B3-P-2829) for new antenna and move of transmitter.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Modification of construction permit (B2-P-2565) for a new station, requesting approval of antenna, approval of transmitter site at County Line Road, Elmwood Twp., Mich., and change type of transmitting equipment.

KGKL, Inc., San Angelo, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Construction permit for a new station to be operated on 1370 kc., 250 watts, unlimited time. Class IV.

#### 1400 Kilocycles

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

#### 1420 Kilocycles

WMVA—William C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Modification of construction permit (B2-P-2226) as modified, for a new station, requesting authority to make changes in antenna system, and move transmitter from near Martinsville, Va., to Church St., Martinsville, Va., and extend commencement date 30 days after grant and completion date 90 days thereafter.

WMAS—WMAS, Inc., Springfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Authority to determine operating power by direct measurement of antenna power.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Authority to determine operating power by direct measurement of antenna power.

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Authority to make changes in automatic frequency control equipment.

#### 1500 Kilocycles

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—License to cover construction permit (B1-P-2713) as modified, for a new station.

KONB—MSB Broadcast Co., Omaha, Nebr.—Authority to transfer control of corporation from C. J. Malmsten, John K. Morrison, and Arthur Baldwin to Ross C. Glasmann, William W. Glasmann, and Blaine V. Glasmann, 150 shares common stock.

KONB—MSB Broadcast Co., Omaha, Nebr.—Modification of construction permit (B4-P-2697) for a new station, requesting new transmitter, approval of antenna system, and approval of transmitter and studio site at 2027 Dodge St., Omaha, Nebr.

NEW—Batavia Broadcasting Corp., Batavia, N. Y.—Construction permit for a new broadcast station to be operated on 640 kc., 250 watts, daytime. Class II. Amended to change frequency from 640 to 1500 kc. (1490 under N. A. R. Agreement), hours from daytime to unlimited time using 250 watts day and night, make changes in antenna and change location of transmitter. Class IV station.

KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex.—Authority to determine operating power by direct measurement of antenna power.



WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—License to cover construction permit (B3-P-2384) as modified for a new station.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Authority to determine operating power by direct measurement of antenna power.

#### 1530 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for a new station to be operated on **920 kc.**, 500 watts night, 1 KW day, unlimited time. Class III-B. Amended to change requested frequency from **920 kc.** to **1530 kc.**, **1590 kc.** under the North American Regional Agreement, power from 500 watts night, 1 KW day, to 1 KW day and night, and make changes in antenna.

#### FM APPLICATION

NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.**; coverage, 10,300 square miles; population, 11,800,000.

#### TELEVISION APPLICATION

W2XWV—Allen B. DeMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-30, as modified for a new television broadcast station) to make changes in both visual and aural transmitters.

#### MISCELLANEOUS

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Modification of license to change frequencies from **11730, 11790, 15130, 15250** and **25600 kc.** to **11730, 11790, 15130, 15350, 25600** and **17750 kc.**

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Modification of license to change frequencies from **6040, 11730, 11790, 15130, 15250** and **21460 kc.** to **6040, 11730, 11790, 15130, 15350, 21460** and **17750 kc.**

WGBH—Onondaga Radio Broadcasting Corp., area of Syracuse, N. Y.—License to cover construction permit (B1-PRY-225) for a new relay broadcast station.

NEW—KGKO Broadcasting Co., Portable-Mobile.—License for a new relay broadcast station to be operated on **31220, 35620, 39260, 37020 kc.**, 2 watts, A3 emission. (Equipment now licensed to A. H. Belo Corp., KEGE.)

NEW—KGKO Broadcasting Co., Portable-Mobile.—License for a new relay broadcast station on **1622, 2058, 2150, 2790 kc.**, 75 watts, A-3 emission. (Equipment now licensed to A. H. Belo Corp., Station KFAA.)

WENJ—WJW, Inc., area of Akron, Ohio.—License to cover construction permit (B2-PRE-351) for a new transmitter.

NEW—Royal Miller (area of Sacramento, Calif.)—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, 10 watts, A-3 emission.

NEW—Royal Miller (area of Sacramento, Calif.)—License to cover above construction permit.

NEW—Amarillo Broadcasting Corp. (area of Amarillo, Tex.)—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150** and **2790 kc.**, 21 watts, A-3 emission.

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for a new relay broadcast station to be operated on **156075, 157575, 159975, 161925 kc.**, 100 watts, A-3 emission.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.**; coverage, 1,370 square miles; population 2,253,392.

will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Bell Yarn Company**—Charging misrepresentation in the sale of knitting yarns, a complaint has been issued against Philip Jablon, trading as Bell Yarn Company and as Wonoco Yarn Company 371 Grand St., New York.

The complaint alleges that in catalogues, sample books, and on tags, labels and other forms, the respondent describes yarns not composed entirely of fiber made from the hair of the Cashmere goat as "Cashmere Sport" and "Imported Cashmere Blend"; the last-named yarn, while containing some of such fiber, being composed principally of other wool or of a mixture of wool and other material.

The complaint further alleges that the respondent employs the words "Sporting Angora" and "Angoray" to designate yarns not composed of fiber made from the hair of the Angora goat but of fiber made from other wool, and the terms "Zephyr Tweed Deluxe" and "Bermuda Tweed" to describe yarns not composed wholly of wool; the yarn designated "Zephyr Tweed Deluxe" being made of equal parts of wool and rayon, and "Bermuda Tweed" containing no wool but being a mixture of cotton and rayon.

The term "Genuine Camel Hair," according to the complaint, is employed by the respondent to designate a yarn containing practically no camel hair but consisting almost entirely of other materials; the term "Luster Wool" to describe a yarn not composed entirely of wool but of approximately equal quantities of wool and rayon, and the legends "Crepe Velvete" and "Mystic Tweed Crepe" to describe yarns containing no silk but being composed of a mixture of wool and rayon.

According to the complaint, the respondent sells and distributes, among others, yarns designated as "Zephyr Tweed Deluxe," and "Bermuda Tweed," "Luster Wool," "Pompadour Zephyr" and "Snow Flake," without disclosing their rayon content. They are alleged to contain a substantial percentage of rayon which has been manufactured so as to simulate wool or a mixture of silk and wool, and the products have the appearance of such.

Through use of the legends "Scotch Tweed," "Luster Shetland," Bermuda Tweed," "French Zephyr," and "Imported Cashmere Blend," the respondent, according to the complaint, has represented that the yarns so designated are made respectively in Scotland, the Shetland Islands, Bermuda, and France, and that "Imported Cashmere Blend" is not of domestic origin, when in fact all of these yarns are manufactured in the United States.

Through use of the legend "Importers of D.M.C.-French-Angora-Wool-Cottons" in connection with his trade name, the respondent, according to the complaint, represents that he is an importer when in fact he obtains all of his products from domestic manufacturers or dealers. (4326)

**Civil Employees Training Service**—Alleging misrepresentation in the sale of correspondence courses intended to prepare students for Civil Service examinations for positions under the United States Government, a complaint has been issued against Harold S. Banks, trading as Civil Employees Training Service, 612 Andrus Building, Minneapolis.

The complaint alleges that the respondent, directly or through agents, has represented, in some instances, that his school has been recommended by the Federal Government, or by some Governmental agency such as the United States Civil Service Commission; that his sales agents are in the employ of and represent the Government, or some of its agencies, and that his school is connected with the United States Civil Service Commission or the Government, when such are not the facts.

The complaint also charges the respondent with representing that he will notify his students of dates and places of civil service examinations; that a prospective student solicited has been specially selected to take the courses offered because of his qualifications or his standing in his community; that the respondent has connections in Washington, D. C., by which he obtains advance and inside information regarding appointments and examinations, and that the respondent's school is incorporated, employs a greater personnel than is actually the fact, and has operated successfully for many years.

The facts are, according to the complaint, that the respondent does not as a regular practice notify students as to dates and places of civil service examinations; makes no special selection because of a person's qualifications, and has no connections in

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents



Washington for obtaining special information; and that his school is unincorporated; has been in operation a comparatively short time, and is not different from any other civil service school.

The complaint alleges that the completion of the respondent's courses would not of itself qualify a person to pass a civil service examination; that the passing of such examination does not necessarily assure appointment; and that classified civil service positions under the United States Government with reference to which the respondent has offered training have not been open and available in the instances and at the times such representations to that effect have been made. (4333)

**Clover Farms Store Corp.**—Alleging violation of the brokerage provision of the Robinson-Patman Act, a complaint has been issued against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane-Lease Company, both of 4300 Euclid Ave., Cleveland.

Clover Farm Stores Corporation, according to the complaint, furnishes certain beneficial services to groups of wholesale grocers and groups of retail grocers sponsored by the wholesalers, all of its stock being owned by some 32 wholesale grocers located in 16 States. The Lane-Lease Company, according to the complaint, is a merchandise broker engaging in the negotiation of sales of food and grocery products to the stock-owning wholesalers of the Clover Farm Stores Corporation group by manufacturers, canners and other sellers.

The complaint alleges that The Lane-Lease Company customarily receives and accepts from such sellers, upon all sales to members of the wholesale group made through or negotiated by it, compensation in the form of brokerage fees or commissions in violation of the brokerage provision of the Robinson-Patman Act. The gross receipts of The Lane-Lease Company from this source in 1937 amounted to \$126,700, representing sales of approximately \$4,000,000 worth of merchandise, according to the complaint.

The same practices are alleged to have been engaged in by the Clover Farm Stores Corporation acting through its wholly owned subsidiary The Lane-Lease Company. The wholesalers, owning all the stock of Clover Farm Stores Corporation, control that respondent, and, through it, The Lane-Lease Company, according to the complaint. (4334)

**Gland Estemeter Company**—Alleging misrepresentation in the sale of a device which had been advertised as useful in diagnosing ailments and conditions of the body, a complaint has been issued against Gland Estemeter Corporation and William Estep, its president. The respondents formerly maintained a place of business at 201 East 12th St., Kansas City, Mo., but their address is now c/o American Health Food Association, 30 North LaSalle St., Chicago.

The complaint alleges that prior to October 31, 1939, the respondents sold and distributed a device known as "Gland Estemeter"; that in circular literature and in advertising matter sent through the mails they represented that all ailments and diseases result from improper or abnormal functioning of the glands; that the respondents' device would detect such improper functioning, reveal any vitamin deficiency, or whether the condition of the body was acid or alkaline, and disclose the condition of the blood with respect to energy and activity and analyze and disclose any impairment of the mental processes.

The complaint alleges that many diseases are not caused by improper functioning of the glands; that even in those cases where there may be such improper functioning, the respondents' device, an ordinary electric battery arrangement, would be incapable of detecting or disclosing such condition; and that use of the device will not accomplish the other results claimed. (4328)

**E. B. Hall**, trading as E. W. Hall, 3679 Olive St., St. Louis, according to the complaint, disseminates by mail and through newspaper, periodical and circular advertising matter and by radio continuities, representations to the effect that his product, "Texas Wonder," constitutes a cure or remedy for, and possesses substantial therapeutic value in the treatment of, kidney and bladder disorders, including inflammation of the bladder and kidneys, stones in the kidneys and tuberculosis of the kidneys, diabetes, rheumatism, swollen joints, weak and lame back, pains in the back and lumbago.

The complaint alleges that use of the respondent's product does not produce the results claimed, and that the preparation does

not have therapeutic value in the treatment of the ailments mentioned in excess of such slight symptomatic relief as it may afford in cases of swollen joints and pains in the back, by reason of its properties as a mild diuretic. (4330)

**Healthaids, Inc.**, 404-14 Tonnel Ave., Jersey City, N. J., according to the complaint, sells and distributes "Serutan," a medicinal preparation, and The Journal of Living Publishing Corporation, 1819 Broadway, New York, disseminates a publication known as "The Journal of Living," which is used, among other things, for the advertisement of "Serutan."

The Commission complaint charges these corporate respondents and Victor H. Lindlahr, editor of the publication, with representing, through newspaper, periodical, circular and radio advertisements, that "Serutan" has substantial therapeutic value in restoring and maintaining natural elimination; that it stimulates and strengthens, and promotes normal and regular action on the part of, the digestive and eliminative organs and muscles, and that it constitutes a cure or remedy for, and possesses substantial therapeutic value in the treatment of, constipation.

The complaint alleges that the preparation "Serutan" has no therapeutic value with respect to restoring or maintaining natural elimination; that it is not capable of accomplishing the results claimed; that it possesses no therapeutic value in the treatment of constipation except insofar as its laxative properties may assist in the temporary evacuation of the intestinal tract; that the active ingredient of the preparation consists of the mucilaginous portion of psyllium seed, and that the presence of this ingredient serves to give the preparation the properties of a mild laxative, aside from which properties the product is wholly without therapeutic value. (4332)

**Journal of Living Publishing Corp.**—See Healthaids, Inc.

**Lane-Lease Company**—See Clover Farms Store Corp.

**Motor Tire Retread Company, Inc.**—Misrepresentation in the sale of used tires which have been retreaded or recapped, is alleged in a complaint issued against Motor Tire Retread Company, Inc., 2441 South Indiana Ave., Chicago, and Benjamin Duchon, Lillian Hollowich, and John M. Weiner, its officers and directors. According to the complaint, the respondents also trade under the names Nation Wide Tire Company, Central Tire and Retreading Exchange, Standard Brand Retread Tire Company, Zephyr Tire Company, and Retread Tire Distributors.

Among the respondents' representations, made, according to the complaint, by means of printed and written matter and orally by sales agents, are that tires purchased will be identical to samples displayed by agents, and free from boots and patches; that carcasses used in retreaded or recapped tires are less than a year old; that tires will be shipped to the purchaser from a point in his own vicinity, thereby saving substantial freight charge, and that the respondents' tires are sold under a warranty that they will replace defective passenger tires in six months or defective truck tires in three months, at half the prevailing price. However, the complaint alleges that in fact the respondents ship tires inferior to samples, and, in many instances, tires older than represented and containing boots and patches; that tires are not shipped from points in the buyer's vicinity, except in the vicinity of Chicago, and the freight rate is often much higher than represented, and that in many cases the respondents fail and refuse to make good their warranty.

The complaint alleges that a further misleading and deceptive practice is the use of various trade names and purported addresses, in order that the respondents may be able to obtain, under certain of such names, orders from persons who have had previous unsatisfactory experience with the respondents under other of such names.

In order to obtain salesmen, the complaint alleges, the respondents, through newspaper advertisements and their representatives designated "crew managers," represent, among other things, that the respondents will pay for the oil and gasoline to operate the salesmen's automobiles, provided their sales total a certain amount; will credit salesmen with a five per cent bonus on each order paid for by the purchaser, and will pay salesmen, on each order they place, a 10 per cent commission which amount the salesman is to collect from the purchaser as a de-



posit when the order is taken. However, the complaint alleges that the respondents do not pay for oil and gas even when the salesman's weekly sales aggregate the minimum amount required; do not pay the bonus in many cases, and only pay the 10 per cent commission when the purchaser of an order pays the balance due after making the initial deposit, the amount of the deposit being deducted from the salesman's future earnings in instances where the balance is not paid by the purchaser. (4325)

**Puritan Uniform Company**—See White Swan Uniforms, Inc.

**ReVigator Corporation**, 1630 Hanna Building, Cleveland, and E. O. Loeber, individually and as president of the corporation, are charged with misrepresentation in the sale of a hair treating device and preparations, in a complaint.

The complaint alleges that the respondents sell a "pressure cap" device, along with preparations designated "ReVigator Liquid Home Treatment for Scalp and Hair" and "ReVigator Liquid Shampoo," and a pair of circular combs, which constitute what is designated by the respondents as "The ReVigator System of Home Treatment for the Scalp and Hair."

In advertisements distributed through the mails and by other means, the respondents, according to the complaint, represent that the use of their device, the "ReVigator Automatic Pressure Cap," provides a cure or remedy and competent or effective treatment for falling hair, fading hair, thinning hair, dandruff and baldness, and that its use will cause new hair to grow.

The complaint alleges that in fact the use of the respondents' device, either alone or in combination with the preparations sold by the respondents, does not constitute a cure or remedy for falling hair, fading hair, thinning hair or dandruff, and has no therapeutic value in the treatment of such conditions, in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales, or in the treatment of baldness; and will not cause new hair to grow. (4329)

**Somersville Manufacturing Company**—Misrepresentation in the sale of fabrics is alleged in a complaint issued against Somersville Manufacturing Company, Somersville, Conn., a manufacturer of fabrics, and J. J. O'Donnell and Clinton Ellis, trading as O'Donnell and Ellis, 450 Seventh Ave., New York, sales agents for Somersville Manufacturing Company.

The complaint alleges that the respondents have falsely represented the constituent fibers or materials of which certain of their fabrics are made, such representations being accomplished by means of labels supplied by the respondents to purchasers of their fabrics who manufacture coats and other garments. The labels, according to the complaint, are supplied in order that they may be attached by such manufacturers to the garments made from the respondents' fabrics.

Among and typical of the labels so supplied by the respondents and affixed to such coats and other garments, according to the complaint, are: "Genuine Camel's Hair Somersville Fabric," "Camel's Hair Somersville Fabric," and "King Camel Somersville Fabric," the words "King Camel" in the last mentioned label being followed by a pictorial representation of a camel and some palm trees.

Through the use of the label, the complaint alleges, the respondents represent that the fabrics and the garments manufactured therefrom are composed entirely of fiber made from camel's hair, when in fact none of the fabrics bearing the designated labels are composed entirely of camel's hair, but all of them contain substantial percentages of wool, mohair or other material. (4324)

**Clara Stanton**, trading as Clara Stanton, Druggist to Women, 313 Fourteenth St., Denver, Colo., engaged in preparing and distributing a preparation containing drugs designated "Anti-Fat Tablets," is charged, in a complaint with misrepresentation.

The complaint charges that by means of advertisements, and through use of the name "Anti-Fat Tablets," the respondent represents that the preparation is a cure or remedy for obesity; is a competent and effective treatment therefor, and that use of the preparation will reduce excess fat gradually and safely and will prevent obesity. The complaint alleges that these representations are misleading and untrue; that the preparation is not a cure or remedy for obesity and has no therapeutic value in the treatment of such condition.

The complaint charges further that the advertisements disseminated by the respondent constitute false advertisements in failing

to reveal that the use of the preparation, which contains potassium iodide, under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health in that the advertisements do not contain any cautionary statement to the effect that the preparation should not be used by persons suffering from goiter or pulmonary tuberculosis in either the active or quiescent state. (4327)

**Watch-My-Turn Signal Company**—Charging misrepresentation in the sale of an electric signalling device for automobiles, a complaint has been issued against L. B. Patterson, trading as Watch-My-Turn Signal Company, Walnut Building, Des Moines, Iowa.

The respondent device, according to the complaint, consists of two metal discs for attachment at each side of the rear window of an automobile, each disc being equipped with the design of an arrow which may be illuminated by turning a switch on the steering column. When properly installed and illuminated the arrows are intended to signal, to the driver of a car approaching from the rear, the direction in which the automobile is about to turn.

In advertising his device by means of newspaper, periodical, circular and other matter sent through the mails, the respondent, according to the complaint, represents that his signalling device and switch work automatically; that the arrow design is the only design which will not blur at a distance; that the laws of all the States and of the District of Columbia require that automobiles be equipped with electrical turn signals of this or similar type, and that salesmen handling the respondent's signalling device can and do make a profit of \$2.45 on each sale and a profit of 264 per cent under normal conditions and in the usual course of business.

The complaint alleges, however, that neither the signalling device nor the controlling switch work automatically but that the switch must be turned on or off manually by an occupant of the car in which they are installed; that it is not true that the arrow design will not blur at a distance; that neither all nor a majority of the State laws, nor those of the District of Columbia, require that automobiles be equipped with electrical turn signals, and that salesmen ordinarily do not make the profits represented. (4331)

**White Swan Uniforms Inc.**—Violation of the Robinson-Patman Act in the furnishing of compensation for advertising to some customers but not to all other competing customers is alleged in a complaint issued against White Swan Uniforms, Inc., and Leo M. Cooper, its president and treasurer, who also trades as Puritan Uniform Company and as York Uniform Company, all of 21 St. Casimir Ave., Yonkers, N. Y. According to the complaint, the respondents sell and distribute uniforms of the type worn by nurses, maids, waitresses and others.

The complaint alleges that the respondents are now contracting to pay and paying to some of their customers one-half of the cost of newspaper advertisements inserted by and for the benefit of such customers without making the payments available on proportionally equal terms to others of their customers competing with such favored customers in the distribution of the uniforms.

Typical of the practices complained of, the complaint alleges, is a situation in New Brunswick, N. J., where three stores engage in the resale of "White Swan Uniforms." The complaint alleges that White Swan Uniforms, Inc., has granted and paid to one of the stores, which also owns a store in White Plains, N. Y., selling White Swan Uniforms, one-half the cost of advertising which features the name of White Swan Uniforms. According to the complaint, the respondent, through a salesman, early this year, persuaded another of the three New Brunswick stores, which was selling competing lines of uniforms, to handle the White Swan Uniform by allowing this store one-half the cost of newspaper advertisements featuring the brand name of White Swan Uniforms.

The complaint alleges that the third mentioned New Brunswick store about two years ago requested White Swan Uniforms, Inc., to make some allowance for advertising the White Swan Uniforms but was refused any allowance and informed that it was not the policy of the company to offer such.

The granting to some but not to all customers competitively engaged in the sale of the uniforms, of valuable considerations for the benefit of such customers as compensation for advertising expenditures, is, according to the complaint, in violation of Section 2 (d) of the Robinson-Patman Act. (4335)

**Wonoco Yarn Company**—See Bell Yarn Company.

**York Uniform Company**—See White Swan Uniforms, Inc.



## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Boyd Scott Company, Inc.**—A motion of Advertisers Exchange, Inc., 381 Fourth Ave., New York, has been granted for dismissal of a complaint recently issued against that corporation and also against Boyd Scott Company, Inc., McTee & Company, Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., and John Smithson Company, Inc., all of 381 Fourth Ave., New York, and Baidis, Inc., 79 Madison Ave., New York, all of which, along with 9 additional corporate respondents and one individual, had been charged with violation of the Federal Trade Commission Act in the sale of ready-made advertising materials.

The motion for dismissal was granted in the case of Advertisers Exchange, Inc., because that corporation is not engaged in the type of advertising business alleged and has not used the practices and methods as alleged in the complaint, and because the respondent John H. Ryder, alleged to control and manage the group, has not exercised any control or direction over Advertisers Exchange, Inc., since long prior to issuance of the complaint.

The motion for dismissal was granted in the cases of Boyd Scott Company, Inc., McTee & Company, Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., John Smithson Company, Inc., and Baidis, Inc., because these corporations have been dissolved. (4302)

**A. S. Butler & Company**—An order has been issued requiring Minnie Shapiro and Jack Winkler, trading as A. S. Butler & Co., 667 North Clark St., Chicago, to cease and desist from misrepresentation in the sale of second-hand fruit jars.

The order directs that the respondents cease selling or distributing used or second-hand fruit jars, unless there is firmly attached to each of such jars, and to each carton or container in which such jars are packed, a conspicuous label or other marking clearly disclosing that such jars are used or second-hand jars.

Commission findings are that the respondents had bought second-hand or discarded fruit jars from junk dealers; cleaned them and attached new rubber bands and caps, and placed them in new cardboard containers each holding 12 jars, so that they had the appearance of new jars, there being no designation to show that they were old or used jars.

The cost to the respondents of obtaining, cleaning, refitting and packing such second-hand fruit jars, the findings continue, has been much less than the cost to manufacturers and wholesale dealers of manufacturing and packing or of obtaining and packing new fruit jars, and the respondents thereby have been enabled to sell such second-hand jars to retailers, and through them to the purchasing public, at prices substantially lower than those at which new jars can be sold. (4192)

**House of Crane**, 124 South Meridian St., Indianapolis, has been ordered to cease and desist from the use of lottery methods in the sale of candy or other merchandise. The respondent sells cigars, tobacco products, candy and other articles to dealers.

The Commission order directs the respondent to cease selling or distributing candy or any other merchandise so packed and assembled that sales may be made by means of a lottery; supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling such candy or merchandise to the public, or selling any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4080)

**Electrolysis Associates, Inc.**, and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York, have been ordered to cease and desist from misrepresentations in the sale of "Beautiderm Midget", a device recommended for use in the electrolytic removal of hair.

Commission findings are that in newspapers, circular and other advertising matter the respondents represented their device as being an effective, efficient, safe and scientific apparatus for electrolytic removal of excess hair by individual self-application in the home. They were also found to have advertised that removal of such

hair is permanent, and that use of the device is painless and harmless, and will have no ill effects.

Use of the device by the unskilled lay public, however, according to findings, and under conditions prescribed in the advertisements or under such conditions as are customary or usual, by persons without instruction in the technique or removing superfluous hair, is not safe or harmless and may result in injury to health.

The Commission order directs that the respondents cease disseminating advertisements which represent that their device or apparatus is safe or harmless when used in the electrolytic removal of superfluous hair by individual self-application in the home, or when used by the unskilled lay public or by persons not trained in the technique of hair removal by electrolysis.

The order also prohibits the dissemination of advertisements which fail to reveal that use of the device or apparatus by such untrained persons may result in injury to health.

Upon petition of the Commission, the U. S. District Court for the Southern District of New York had issued an order restraining the respondents from further dissemination of certain false advertisements of their product pending issuance and final disposition of the Commission's complaint. (4144)

**Adolph Kastor & Bros., Inc.**, New York, cutlery manufacturer, has been served with an order requiring it to cease and desist from certain practices tending to produce the erroneous impression that a line of knives it sells has been authorized or approved by the Boy Scouts of America.

Commission findings are that since 1911 the Boy Scouts of America, to maintain supervision of equipment used by its members, has contracted with manufacturers for production of a safe and suitable pocket knife, specifications for which have been approved by the organization, and has licensed the contractees to mark the knife so as to identify it as the approved "Scout" knife.

According to findings, although the respondent has not been so licensed, it has manufactured and distributed knives similar in appearance to that adopted by the organization, and has marked and advertised them in various ways by use of the words "Boy Scout", "Boy Scouts of America", "Scout", "Scouting", and "Standard Scout", with and without emblems, or simulation of emblems, of the Boy Scouts of America, and with and without pictures of boys in scout uniforms and scenes of outdoor activity suggesting the Boy Scouts of America and their activities.

The Commission order requires the respondent to cease and desist from marking or labeling such knives, or their containers, or display cards, with the words "Scout", "Boy Scout", or "Scouting", or with any emblem or symbol adopted and used by the Boy Scouts of America to designate or symbolize that organization or its members' activities, and from using pictorial representations of outdoor life in which there appear boys in Boy Scout uniform or in uniforms simulating that uniform, and from using in any manner, any mark, symbol or emblem adopted and used by the Boy Scouts of America to represent or identify that organization or its members' activities. (3466)

**Kraft Cheese Company**—Five corporations purchasing for resale approximately 75 per cent of the Swiss and Limburger cheese produced in Wisconsin, have been ordered to cease and desist from an agreement or combination to fix and maintain the prices paid the producers for such cheese.

Respondents are Kraft Cheese Company, Chicago, and its subsidiary and agent, Badger-Brodhead Cheese Company, Monroe, Wis.; The Borden Company, New York, and J. S. Hoffman Company, Chicago, and its subsidiary and agent, Triangle Cheese Company, Monroe, Wis., which, according to findings, purchase the output of approximately 200 of the 250 cheese factories in the Monroe, Wisconsin area, most of which plants are cooperatively owned by farmer-producers; have no substantial storing facilities; have no marketing facilities other than through dealers, and little or no financial reserves.

In August, 1938, the findings continue, as a result of an appeal by Wisconsin farmer-producers for relief from low prices for Swiss and Limburger cheese, the Wisconsin State Department of Agriculture called conferences which were attended by its representatives and those of the producers and dealers. The producers' representatives suggested that monthly meetings be held under the department's sponsorship between representatives of the cheese factories and the dealers, at which attempts would be made to agree on fair prices for the dealers to pay for cheese produced by the factories. The request was acquiesced in by the dealer repre-



representatives, according to findings, and the Badger-Brodhead Cheese Company, Triangle Cheese Company, and The Borden Company joined other dealers in sending representatives to the meetings at which market information was exchanged and discussed and prices agreed upon.

Pursuant to their agreement, understanding and combination, the findings continue, the respondents, along with representatives of other dealers and of the Monroe producers, fixed the prices to be paid the cheese factories for the two types of cheese, the representatives of the Badger-Brodhead, Borden and Triangle companies, with the other dealers' representatives, acting as a unit in offering to representatives of the cheese factories the prices which the dealers would pay for cheese. Prior to their meetings with the producer representatives, the findings continue, the representatives of the respondents and other dealers held separate meetings among themselves at which they agreed upon the initial prices they would offer the producers' representatives, and during the meetings with the producers' representatives, also held separate meetings among themselves at which they set the upper limits as to the prices they would agree to pay the factories.

In very few instances, the findings continue, did the dealers' representatives, including those of the Badger-Brodhead, Borden and Triangle companies, accede to the request of the producers' representatives for increased prices, the producers' representatives, in most instances, being required to accept the lower prices offered by the dealers' representatives or receive the same prices paid the preceding month.

The Commission's order directs that the respondents, in connection with the purchase of Swiss or Limburger cheese sold or offered for sale by the producers or manufacturers thereof, cease and desist from fixing or maintaining, or attempting to fix and maintain, pursuant to agreement, understanding or combination, the prices offered to be paid, or paid, for such cheese.

The Commission closed, without prejudice to its right to reopen and resume proceedings should future facts so warrant, the case growing out of its complaint in this proceeding as to National Dairy Products Corporation, New York (of which Kraft Cheese Company is a solely owned subsidiary), which was found not to have engaged in the acts or practices of the other respondents as found. (4071)

**Michigan Merchandising Company**—An order has been issued requiring Charles D. Brown, trading as Michigan Merchandising Company, 31 Allison Street, Pontiac, Mich., to cease and desist from misrepresentations in the sale of electric water heaters.

Commission findings are that the respondent, in seeking to sell his "Wonder Electric Water Heater," inserted "Help Wanted" advertisements in newspapers, typical of which was the following: "Man to look after deliveries. \$25 salary and share in profits. References required. Give phone if possible. Must have \$100 cash to pay for first consignment of goods. Box —."

Such advertisements, the Commission finds, are misleading and deceptive and the business as conducted by the respondent is a fraudulent scheme to extract money from persons in need of employment by falsely representing to them the character of the work to be performed, the purpose of an initial payment of \$100 by the applicant for work, the terms of employment, the salary to be paid, the price for which the heater is regularly sold, and the extent and nature of the guaranty.

Under the scheme, as operated by the respondent and his representatives, the findings continue, the so-called "distributor" becomes a mere purchaser of the heaters without adequate outlets for their disposal.

The Commission order directs the respondent to cease and desist from representing that the only services required of distributors are to make deliveries of, and collections for, the heaters, or that no selling is required; that dealers in any number have been or will be established by the respondent or his field agents in any city or territory, when no such dealers have been established and their establishment is not contemplated; that the initial payment required of each distributor is in the nature of, or in lieu of, a temporary bond, and that it will be refunded; that the initial payment represents anything other than the payment for a certain number of the respondent's heaters; that the respondent will pay to the distributor \$25 weekly salary or any other amount either with or without commissions; that the respondent's heater is manufactured and guaranteed by the Jenner Manufacturing Company (Pontiac, Mich.), or that it is guaranteed forever, and that the price at which it is customarily offered for sale is an introductory price, or a special price, or is anything other than the regular retail price at which the heater is sold. (4217)

**Dr. Pierre Chemical Co.**, 162 North Franklin St., Chicago, engaged in the manufacture and distribution of medicinal preparations known as "Dr. Pierre's Boro-Pheno-Form Vaginal Suppositories" and "Dr. Pierre's Boro-Pheno-Form Vaginal Creme," has been ordered to cease and desist from misrepresentation of its products.

The Commission finds that in advertisements in newspapers, periodicals, and in other ways, the respondent represented that its products are competent and effective preventives of conception; competent and effective germicides; that they possess substantial therapeutic agents which heal irritated tissues and membranes, and that the products have been approved and are recommended by a substantial number of reputable physicians.

The Commission also finds that the products possess antiseptic ingredients of low toxicity, and are not competent or effective germicides generally, and that no substantial number of reputable physicians have approved or recommended the products.

The respondents are ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents that the products are generally or in the majority of cases competent or effective preventives of conception; that they are competent and effective germicides generally; that they contain any substantial therapeutic agents or properties which will serve to heal irritated tissues or membranes, or that they have been approved or recommended by any substantial number of reputable physicians. (4005)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Artercraft Monogram Company**—Irving Gould, trading as The Artercraft Monogram Company, 1220 Broadway, New York, engaged in the sale and distribution of machines and equipment under the trade name "Maderagram," for the monogramming of letters and insignia on shirts, handkerchiefs, pillow cases and other fabrics, has entered into a stipulation in which he agrees to cease and desist from representing that the Maderagram machine or device of similar construction, is equipped with patented attachments, or that the transparent stencils or other unpatented commodities sold by him are patented, or, by use of words or expressions of similar import, representing that an article of commerce has protection, characteristics, or qualities which it does not, in fact, possess. (2936)

**J. Busch, Inc.**, 26 West 23d St., New York, engaged in the wholesale distribution of silverware, flatware and cutlery, has agreed to cease and desist from selling or distributing plated products which are marked, stamped, branded or labeled with the words "Silver Plate" or with other words of similar implication, when in fact the products actually are not plated with silver. The respondent has also agreed to cease and desist from use of the words "Silver Plate" in any way as descriptive of its plated products so as to import or imply to purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2934)

**Diamond Silver Company, Lambertville, N. J.**, manufacturers of silverware, cutlery and novelty flatware, have agreed to cease and desist from the use of the words "Silver Plate" as a mark, stamp, brand or otherwise to purportedly describe its plated products, when in fact the products actually are not plated with silver; and from the use of the words "Silver Plate" in any way so as to import or imply to purchasers or prospective purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2933)

**J. H. Dornheggen Medicine Company**—Trading as J. H. Dornheggen Medicine Company, J. H. Dornheggen, 3530-32 Eastern Ave., Cincinnati, has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of "Peerless Rheumatism Remedy."

The respondent agrees to cease representing, by use of the word "Remedy" or other words of similar import in the trade name



of the preparation or in any other manner, that the product is a competent remedy or an effective treatment for rheumatism or has any therapeutic value in such treatment in excess of affording temporary relief for the symptoms in cases of rheumatoid arthritis.

Other representations which the respondent agrees to discontinue are that his preparation is a competent remedy or affective treatment for arthritis, neuritis, sciatica, lumbago, neuralgia, or "Rheumatic Pains of the Kidneys"; that it has any therapeutic value in the treatment of these ailments in excess of affording temporary symptomatic relief; that it prevents relapses or recurrences of rheumatic pains, or that the preparation is a discovery. (02642)

**Manuel Feldman**, 295 Fifth Ave., New York, importer of hooked rugs, and engaged in the sale and distribution of certain of the rugs under the names "Province" and "Acadia," has entered into a stipulation with the Federal Trade Commission in which he agrees to discontinue use of the words "All Wool" in advertisements and advertising matter, on labels, or otherwise, as descriptive of the products not composed wholly of wool, and from the use of the word "Wool" either alone or in connection with the word "Ail" or other words, the effect of which tends to confuse, mislead or deceive purchasers with respect to the wool content of the products. The stipulation provides that if the rug is faced wholly or in substantial part with wool but is backed with fabric or material other than wool, and the word "Wool" is used to refer only to the wool content of the rug face, then in that case the word "Wool" shall be immediately accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that the rug is not composed wholly of wool. (2938)

**Gem Corrugated Box Corporation**, 118 West 22nd St., New York, engaged in the sale and distribution, as jobbers, of fiber boxes, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from marking, stamping or branding its products with its corporate or trade name together with the words "Certificate of Box Maker" or the word "Maker" or any words of similar meaning, which tend to convey the belief to purchasers or others that the corporation makes or manufactures the products, or that it actually owns and operates or directly and absolutely controls the plant or factory in which the products are made or manufactured. (2937)

**Goldfarb Novelty Company**—Samuel Goldfarb, Saul Goldfarb and Philip Goldfarb, trading as Goldfarb Novelty Company, 20 West 23rd St., New York, engaged in operating a wholesale novelty house, have agreed, in the sale of their merchandise, to cease and desist from selling or distributing in commerce plated products which are marked, stamped, branded or labelled with the words "Silver Plate" or with any other words of similar implication when the products actually are not plated with silver, and also have agreed to cease and desist from use of the words "Silver Plate" in any way as descriptive of plated products so as to impart or imply to purchasers or prospective purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2935)

**Honeymead Products Company**, Cedar Rapids, Iowa, a manufacturer of prepared livestock and poultry feeds, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of its products.

The respondent agrees to discontinue representations implying that livestock fed with its products command top market prices or sell at prices greater than are received for livestock of comparable quality or breed fed with rations containing equal or superior nutritional values or protein supplements, and statements which misrepresent or unduly exaggerate the importance or value of dextrose or corn sugar molasses as an animal or poultry ration.

Among further representations which the respondent agrees to discontinue are statements to the effect that its "Special Hybrid Hog Supplement" is a sensational new finding in the hog feeding industry; representations that "Honeymead Milkmeal" is a competent supplement or substitute for milk or keeps pigs healthy, and statements implying that vitamins A, B, D, E and G are indicated as a supplement to the diet of farm livestock or poultry, unless it is clearly stated that the benefits claimed will obtain

only when there is a deficiency or suboptimal supply of such vitamins in the feed or ration ordinarily provided such animals or poultry. (2943)

**House of Charm Cosmetic Company**—Clarence D. and Kenneth Herron, trading as House of Charm Cosmetic Company, 352 East 75th St., Chicago, has entered into a stipulation in which the respondents agree to cease and desist from certain representations in the sale of cosmetics.

Under their stipulation, the respondents agree to cease certain misrepresentations of price, such as the use on containers of fictitious or misleading prices which are in excess of the customary prices; the representation that an offered or purported retail selling price is special or limited, when in fact it is the customary price, and the representation that the amount asked for any of the respondents' products covers only the packaging and handling costs, when in fact such amount offers them a profit in excess of such cost.

Other practices which the respondents agree to discontinue are the representation that the manufacturer of a product offered for sale by them is backed by manufacturing experience extending over a period of time in excess of what is actually the fact, and the use on containers of their products or in advertising matter of the word "London", either alone or in connection with other words, so as to imply that the respondent co-partners have an office or business establishment in London, England. (2941)

**Imperial Chemical Company**, Shenandoah, Iowa, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of insecticides.

Among representations which the respondent agrees to discontinue are that its product "Bug-Dust-O-Cide" is an "all purpose" insecticide constituting "dependable" or adequate protection for gardens, flowers, shrubs or plants against damage by insects generally; that it can be depended upon to prevent plant disease, or that it is superior to or more powerful than various comparable competitive products.

The respondent also agrees to cease representing by statements such as "Rotenone is thirty-eight times stronger than lead arsenate as a stomach poison to bugs and insects", that its product generally is more efficacious than lead arsenate as an insecticide, or that it is a stomach poison for all bugs or insects. "Rotenone" was advertised as an ingredient of "Bug-Dust-O-Cide", according to the stipulation.

The respondent further agrees to cease making unqualified representations that Bug-Dust-O-Cide neither stunts, injures nor retards the growth or development of plant life or has any injurious effect thereon, and to discontinue stating that this product or other insecticide containing nicotine or other toxic ingredient in sufficient quantity to cause injury, when taken into the human or animal system, is non-poisonous to humans or domestic animals. (2940)

**Lucone, Inc.**, 217 Seventh Ave., New York, distributor of "Lucone Herb Tonic," has entered into a stipulation in which it agrees to cease and desist from using the word "Herb" as part of the trade name of its product, and from representing its product as a herb tonic containing no greasy substances and capable of promoting or assuring a robust or abundant growth of hair; as preventing baldness or dandruff, saving the hair or stopping hair loss, and keeping the hair roots active. The respondent also agrees to cease advertising that its product is of aid in correcting unhealthy scalp conditions, keeps the hair free of infection, or preserves the scalp. (02643)

**Maywood Publishing Company**—Nathan Gilbert, trading as Maywood Publishing Company, 1107 Broadway, New York, has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of a publication designated "20th Century Business Encyclopedia."

The respondent agrees to cease using the word "Encyclopedia" in the title of or as descriptive of the publication he sells or of any other publication which is not in fact a comprehensive summary of knowledge or of a certain branch of knowledge. He also stipulates that he will cease representing that the contents of any publication or pamphlet offered for sale are "secret," "amazing," or otherwise undiscovered, unknown, astonishing or bewildering.



Under his stipulation, the respondent also agrees to cease several representations having to do with the price or value of his publication. (2939)

**Missouri Mausoleum Company, Inc.**, 310 North Osage St., Independence, Mo., manufacturer and distributor of mausoleums, vaults and sectional concrete burial boxes, has entered into a stipulation in which it agrees to cease and desist from use of the words "Asphalt-Lined" as descriptive of such of its products as are not in fact lined with asphalt, and from use of the words in any way to imply to purchasers that the lining of the products to which the words refer is composed wholly of asphalt.

The stipulation provides that if the lining is composed in substantial part of asphalt and in part of other material, and the word "Asphalt" is used as descriptive of such asphalt content, then the word "Asphalt" shall be immediately accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that the lining is not composed wholly of asphalt, but is composed in part of material other than asphalt. (2942)

**Picture Ring Company**, Butler Building, Cincinnati, vendor-advertiser engaged in selling novelty jewelry designated "Picture Ring," "Portrait Ring," "Photo Gem Ring," "Charm Bracelet," "Portrait Crucifix," "Portrait Tie Clasp," "Fountain Pen," "Portrait Bracelet," "Cross Ring," and "Birthstone Ring," has entered into a stipulation in which it agrees to cease and desist from representing that the regular price or value of any of its products is in excess of the price at which they are regularly sold; that the products or the pictures applied thereto will last a lifetime and that the pictures will never fade, rub, wash or wear off; that the process by which the pictures are applied to these products is secret or special; that the products contain precious jewels or gems; that the Charm Bracelet is heavily plated with gold or has a gold setting or gold design; that the Portrait Tie Clasp is silver or has a silver design; that the Fountain Pen sold by the respondent has a genuine iridium-tip point; that the Portrait Bracelet is heavily gold-plated; or that prospective agents, salesmen or distributors can make ten or twenty sales each day or dozens of sales each day, or any number of sales within any specified period of time, which are in excess of the average number of sales which have theretofore been consistently made in like periods of time by the respondent's agents, salesmen or distributors in the ordinary and usual course of business and under normal conditions and circumstances.

The respondent further agrees to cease and desist from using the terms "free" or "without cost" or other terms of similar import to refer to merchandise offered as compensation for distributing its merchandise unless all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate conjunction or connection with the terms "free" or "without cost." (02640)

**Rilling-Arnao Company**, 607 Fifth Ave., South, Minneapolis, has entered into a stipulation to cease and desist from certain representations in the sale of its "Rilling Koolerwave," a hair waving device of the machineless type, and "Rilling Concentrator," a hair dryer.

The respondent corporation agrees to cease advertising that a permanent wave given with Rilling Koolerwave equipment starts at the scalp or is one-half inch closer or closer by any definite measurement, than any other method; that all methods of permanent waving other than the Rilling Koolerwave injure the hair; that this equipment or the results represented as attainable by its use, or the features represented as attributable to it, are guaranteed, unless the true nature and extent of such guarantee are clearly and adequately disclosed; and that tests of all hair dryers on the market have demonstrated that the Rilling Concentrator costs less to operate, dries heads at less cost, or dries hair faster than any other hair dryer. (02639)

**Albert H. Singer Fur Company**—Albert H. Singer, trading as Albert H. Singer Fur Company, 228 West 29th St., New York, engaged in the purchase and sale of raw furs, has entered into a stipulation in which he agrees to cease and desist from quoting or otherwise holding forth any fictitious or exorbitant price or prices which trappers or fur dealers may expect to receive from him for their furs; quoting prices which he has not, in fact, paid in the usual course of business, or quoting prices which might be applicable to furs of a grade or quality not produced in, or which are exceptions in, the section or territory circularized; representing that he pays higher prices for furs than do other fur buyers, or that trappers or dealers in furs will realize a greater return by selling their furs to him than would be obtainable by selling such furs to other fur dealers or through brokers; use of the word "Guarantee" or any words of similar meaning, unless, whenever used, clear and unequivocal disclosure be made in direct connection therewith, of exactly what is offered by way of security, or representing that prices quoted are guaranteed, unless the respondent actually pays the prices quoted during the full period of time for which such price lists are effective or in force. (2944)

**Victoria Chemical Company**, 887 Broad St., Newark, N. J., has entered into a stipulation in which it agrees to desist from representing that its drug products "Bilaphen Tablets" will enable one to say goodbye to a distressed feeling resulting from an upset stomach, or that it will be of aid in relieving an upset stomach unless this representation is limited to relieving that condition when due to constipation. The respondent also agrees to cease advertising that its preparation will cause the liver to return to normal functioning or will keep it functioning normally; that the product will cause normal or natural movements, and that the respondent manufactures its product or maintains a laboratory. (02644)

#### FTC CASE CLOSED

The Federal Trade Commission has closed its case against I. Schneierson & Sons, Inc., 1350 Broadway, New York, manufacturer of women's and children's underwear, without prejudice to its right to resume proceedings should future facts so warrant. Further investigation indicated that the respondent had brought its practices into compliance with the Commission rules. The respondent company had been charged with violation of the Federal Trade Commission Act in the sale of its products.







### THE WEEK IN WASHINGTON

The Wage and Hour Administration announced the adoption of new definitions effective October 24 which should provide substantial relief for employers and employees alike. (p. 4685.)

Colonel Thad H. Brown, former member of the Federal Communications Commission, this week asked the Chief Executive to withdraw his name so that he might enter private law practice in Washington. (p. 4687.)

Additional information on the status of Communist candidates in eight states is contained in this issue. (p. 4688.)

On October 15 the FCC adopted a new set of regulations affecting international broadcasting stations. (p. 4688.)

In New York, Neville Miller and a committee of broadcasters met with bandleaders headed by Fred Waring. BMI music continues to climb in popularity and sheet music sales of BMI hit songs have had substantial gains. (p. 4687.)

The BMI Board of Directors met in New York for the regular meeting. The present officers of the corporation were unanimously reelected and Julius P. Witmark, Jr., was elected to the position of Assistant Secretary. The stockholders also voted to change the certificate of the corporation so as to change the number of directors from seven to not less than seven and not more than eight. Theodore C. Streibert, vice president of the Mutual Broadcasting System, was slated to become a director of BMI as soon as the certificate providing for the increase in the number of Directors is filed with the Secretary of State. (p. 4688.)

The Research Department reports that 125 stations have sent in September business reports for use in the "Unit Measurement of Broadcast Advertising." (p. 4692.)

Mark Ethridge will address the annual meeting of the Association of National Advertisers at White Sulphur Springs. Paul Peter, NAB Director of Research, will also attend the meeting. (p. 4693.)

Captain Ernest M. Culligan, public relations officer of Selective Service Headquarters, publicly thanked the radio industry for the success of the registration on October 16. (p. 4693.)

Enthusiasm for the celebration of radio's twentieth birthday continues to rise. (p. 4694.)

NAB announces the addition of seven stations to the membership, which is nearing the 500 mark. The present membership is the highest in the history of the Association. (p. 4695.)

In this week's issue we publish a partial list of phonograph records of M. M. Cole Publishing Company publications, which are available for broadcasting immediately to those stations having SESAC licenses. After January 1, 1941, they will be available to all stations having BMI licenses. (p. 4690.)

Meetings of the Defense Communications Board were held this week, under the chairmanship of James Lawrence Fly. (4696.)

## Wage and Hour Act

### DEFINITIONS REVISED

The NAB's long fight for revision of the definitions of exempt classes of employees under the Wage and Hour Act bore fruit this week. The Wage and Hour Administration announced the adoption of new definitions, effective October 24, which should provide substantial relief to employers and employees alike.

Those exempt from any restriction on their hours are executives, administrative employees, professional employees and outside salesmen.

An *executive* is defined as follows:

"Sec. 541.1—Executive

"The term 'employee employed in a bona fide executive \* \* \* capacity' in section 13(a)(1) of the Act shall mean any employee

"(A) whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

"(B) who customarily and regularly directs the work of other employees therein, and

"(C) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and

"(D) who customarily and regularly exercises discretionary powers, and

"(E) who is compensated for his services on a salary basis at not less than \$30 per week (exclusive of board, lodging, or other facilities), and

(Continued on page 4686)



THE NATIONAL ASSOCIATION OF BROADCASTERS

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Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*; Andrew W. Bennett, *Special Copyright Counsel*

## DEFINITIONS REVISED

(Continued from page 4685)

"(F) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the number of hours worked in the work-week by the non-exempt employees under his direction; provided that this subsection (F) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment."

The greatest difference between this definition and the old one is the *definite* restriction placed on the amount of work the executive can perform of the same nature as that performed by non-exempt employees. In the old definition, it was "no substantial amount." In the new one, it is: "whose hours of work of the same nature as that performed by non-exempt employees do not exceed 20 per cent of the number of hours worked in the work-week by the non-exempt employees . . ."

In other words, the chief engineer at a station which operates 126 hours a week could stand watch 25.2 hours a week without losing his executive status, provided he measured up to the other requirements for an executive. The same figures would fit a production director who did some routine announcing.

An *administrative* employee is defined as follows:

"Sec. 541.2—Administrative

"The term 'employee employed in a bona fide \* \* \* administrative \* \* \* capacity' in section 13(a)(1) of the Act shall mean any employee

"(A) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities), and

"(B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is non-manual in nature and requires the exercise of discretion and independent judgment; or

"(2) who performs under only general supervision, responsible non-manual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

"(3) whose work involves the execution under only general supervision of special non-manual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment."

This new classification is meant to apply to employees who have jobs which require more than ordinary training and call for the exercise of more than ordinary discretion and judgment—yet who are not bona fide executives. This definition appears to be quite broad.

A *professional* employee is defined as follows:

"Sec. 541.3—Professional

"The term 'employee employed in a bona fide \* \* \* professional \* \* \* capacity' in section 13(a)(1) of the Act shall mean any employee who is

"(A) engaged in work

"(1) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

"(2) requiring the consistent exercise of discretion and judgment in its performance, and

"(3) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

"(4) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the hours worked in the work-week by the non-exempt employees; provided that where such non-professional work is an essential part of and necessarily incident to work of a professional nature, such essential and incidental work shall not be counted as non-exempt work; and

"(5) (a) requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine, mental, manual, or physical processes; or

"(b) predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination or talent of the employee, and

"(B) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities); provided that this subsection (B) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof."

Section A(5)(b) is the most important part of this definition for broadcasting. It appears to exempt not only actors, singers, and musicians who make \$200 or more a month, but also *creative* writers and announcers who are paid \$200 or more a month (46.15 a week).

Outside salesmen are defined as follows:

"Section 541.5—Outside Salesman.

"The term 'employee employed \* \* \* in the capacity of outside salesman' in section 13(a)(1) of the Act shall mean any employee

"(A) who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in

"(1) making sales within the meaning of section 3(k) of the Act; or

"(2) obtaining orders or contracts for the use of facilities for which a consideration will be paid by the client or customer, and

"(B) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the number of hours worked in the work-week by such non-exempt employees; provided that work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as non-exempt work."

As can be readily seen, Section (A)(2) clearly exempts radio time salesmen. What is more, a salesman-announcer, under (B) can do an unlimited amount of announcing on programs he has sold or announce 20 per cent of the time on any programs, without overtime payments.

Of course, numerous questions will arise under these definitions. Members are urged to send any questions they have to the NAB Labor Relations Director.



## SUSTAINING TALENT

The Wage and Hour Administration this week issued the following press release:

Voluntary public participants in civic educational programs, "man on the street" and "quiz game" broadcasts are not the employees of the radio stations within the meaning of the Wage and Hour Act, Colonel Philip B. Fleming, Administrator, informed the Division's regional directors this week.

The instructions were sent as a supplement to the press release issued on September 16, 1940 (NAB REPORTS, p. 4612); on the subject of sustaining radio programs because of a misunderstanding of the scope of the original and the receipt by the Division of a large number of inquiries.

The instructions released by Colonel Fleming are as follows:

"In releasing instructions on the subject of sustaining radio programs on September 16, 1940, the Division did not intend to give a blanket ruling that all performers on sustaining programs are employees of the radio stations. The factual situation involved in the instructions quoted in the September 16 release was as follows: The performers in question performed at the establishment of the radio station and rendered a service which was a functional part of the business of the station. The radio station obtained a distinct benefit from the services performed. Furthermore, the work was performed under the direction and control of the radio station.

"Since the issuance of the September 16 press release, the Division has received many inquiries as to the applicability of the ruling that certain performers on sustaining programs are employees of the radio station in the following cases: Members of high school and college glee clubs, orchestras, bands, dramatic clubs, etc.; members of community or 'civic' bands, orchestras, glee clubs, dramatic clubs, etc.; members of American Legion and other fraternal organization bands, orchestras, glee clubs, dramatic clubs, etc.; children performing on 'Saturday morning' programs; public voluntary participants in 'man-on-the-street' programs; public voluntary participants in 'quiz' programs, etc.; public speakers in 'forum' programs; entertainers voluntarily contributing their services to public service programs such as Community Chest programs, Red Cross drives, etc.; members of church choirs, church organists, ministers, etc.; public officials and other speakers on public service programs; members of boy scout troops performing on boy scout programs; performers on National Youth Administration-sponsored and United States Employment Service-sponsored programs and other governmental-sponsored public service programs.

"In the case of the above enumerated programs, certain distinctive factors exist which distinguish them from those situations in which the Division is of the opinion that performers on sustaining programs are employees of the radio stations. In the enumerated cases the interest of the civic organization sponsoring the program and of the listening public in the public service features of the broadcast far outweigh the material interest of the radio station in obtaining radio performers for broadcast purposes. While the radio station may exercise a slight degree of control over the manner in which the performances are given, such control is not sufficient to create the employer-employee relationship between the radio station and the individual performers. Accordingly, you are instructed not to consider as employees of radio stations those performers engaged in bona fide broadcasts of the nature described above. You should also consider as within this instruction other cases which present similar factual situations as those enumerated above."

This appears to clean up most of the questions that have arisen from the original memorandum.

It appears that hill billies, orchestras, etc., who are "professionals" in the common meaning of the word, must be paid when they appear on the air from the studio. There is nothing in the law to prevent stations from charging these hill billies, orchestras, etc., for dance engagement plugs, however.

Any member having any doubt as to the status of an

individual performer, orchestra or other talent should send in the facts to the NAB for an opinion.

## BANDLEADERS MEET WITH BROADCASTERS

A meeting was held between the orchestra leaders' committee and representatives of the broadcasting industry at the office of Fred Waring, 1697 Broadway, New York City, on October 16, 1940. Present on behalf of the broadcasters were Neville Miller, president of the NAB; John Elmer, a member of the NAB Board of Directors; and Sydney Kaye, NAB copyright counsel. On behalf of the bandleaders, Fred Waring, Meyer Davis, Ben Cutter, Johnny Green, Nat Shilkret, Eddie Duchin, and John O'Conner. The meeting discussed at length the problems which the broadcasters and bandleaders found themselves confronted with and there was an interchange of views of the best possible solution of those problems. The meeting may be followed by further meetings between the same parties.

## BROWN'S NAME WITHDRAWN

Col. Thad H. Brown, former member of the Federal Communications Commission, who was renominated to succeed himself when the President sent his name to the Senate on June 5, this week asked the Chief Executive to withdraw his name so that he might enter private law practice in Washington. His confirmation has been opposed by Senator Tobey of New Hampshire. The name has been withdrawn by the President.

In his letter to the President asking for the withdrawal of his name Colonel said:

"May I express to you my deep appreciation of the trust and confidence you reposed in me in reappointing me on June 5 as a member of the Federal Communications Commission. Events which have transpired since then make it necessary for me to request at this time that my nomination be withdrawn and the appointment terminated immediately.

"As you will recall, during the early spring and before you appointed me a member of the Commission for another term, I had seriously contemplated entering the private practice of law. The opportunity which presented itself at that time is still available to me, and, in justice to my family and myself, I feel that it is my duty to carry out this original plan."

Answering this the President said:

"The terms of the request in your letter of October fourteenth seem to leave me no alternative but to accede. It is, however, with reluctance and with very real regret that I withdraw your nomination as a member of the Federal Communications Commission, and in further acquiescence in your request permit termination of your services as a member of the Commission, effective as of this date.

"In taking this action, however, I desire to express my appreciation of your work and my confidence in your ability to carry on—a confidence which was reflected in my action in tendering you a reappointment last June.

"I have long known of your desire to return to private life and I desire to wish you happiness and all success in the practice of the law."

Colonel Brown has announced that Corwin R. Lockwood, recently with the law department of the Federal

Communications Commission, will engage in private law practice with him. In connection with Federal tax, Federal Trade and antitrust matters they will be associated with the firm of Brewster & Steiwer.

Former Secretary of State of Ohio, Colonel Brown became general counsel of the old Federal Radio Commission in 1929 and in 1932 was named by President Hoover as a member of the commission. He became vice chairman of the commission in 1933 before its reorganization and was on the broadcast division before it was abolished in the shake-up effected by Frank R. McNinch, former chairman.

## Communist Candidates

Supplementing the information contained in last week's NAB REPORTS, we list below the changes in the status of Communist candidates which have occurred this past week.

Arkansas	—Court barred Communist candidates from the ballot.
Delaware	—No Communist candidates qualified.
Indiana	—Court barred Communist candidates from the ballot.
Maryland	—Court ordered Communist candidates for Presidential and Vice-Presidential electors and United States Senator certified for ballot.
New Hampshire	—Ballot Law Commission barred Communist candidates from the ballot.
New York	—Communist candidates for Presidential and Vice-Presidential electors, United States Senator and Congressman-at-Large (2) filed.
Missouri	—Court barred Communist candidates from the ballot.
Washington	—Court ordered Communist candidates certified for the ballot.

The situation in the other states remains, so far as we have been able to learn, as set forth in NAB REPORTS of October 11, page 4665. Members will be promptly notified of any further changes.

## International Short-wave

The FCC on October 15 adopted the following new section 4.43(f) affecting international broadcast stations:

(1) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(2) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(3) If the broadcast is in a language other than English the licensee shall furnish to the Commission upon request such record and scripts together with complete translations in English.

These rules are in conformity with the views expressed by the licensees in the round-table discussions with the Commission staff on October 7. (See NAB REPORTS, October 11, page 4671.)

## BMI Developments

### BMI FEATURE TUNES

October 21-28

1. PRACTICE MAKES PERFECT
2. YOU WALK BY
3. THE SAME OLD STORY
4. MAY I NEVER LOVE AGAIN
5. THERE I GO
6. I GIVE YOU MY WORD
7. I HEAR A RHAPSODY
8. SO YOU'RE THE ONE

The record of BMI music as to popularity, performance, and sales continues about what it was last week. *There I go, Practice makes Perfect, Same Old Story, I Give You My Word, and We could make Such Beautiful Music* all show up on the "sheet." *Practice* and *Story* are on the best seller lists and Vaughn Monroe's record of *There I Go* appears for the first time among the best selling retail records, making its bow on the regional list for the west coast.

The regular meeting of BMI's Board of Directors was held at the Hotel Roosevelt, New York City, on October 15th in the morning. In the afternoon, the meeting of the stockholders was held at the office of the corporation, 580 Fifth Avenue, New York. At the stockholders meeting, the present officers of the corporation were unanimously re-elected and Mr. Julius P. Witmark, Jr., was also elected to the position of Assistant Secretary. The stockholders also voted to change the certificate of incorporation so as to increase the number of directors from seven to not less than seven and not more than eight.

Immediately following the meeting of the stockholders, another meeting of the Board of Directors was held at 580 Fifth Avenue. The directors voted that, as soon as the certificate providing for the increase of directors be filed with the Secretary of State, Mr. Theodore Streibert, Vice-President of Mutual Broadcasting System, should be elected a Director of BMI.

A meeting was held between the orchestra leaders committee and representatives of the broadcasting industry



at the office of Fred Waring, 1697 Broadway, N. Y., October 16, 1940. Present on behalf of the broadcasters were Messrs. Neville Miller, President of the NAB, John Elmer, a member of the Board of Directors of the NAB, Mr. Sydney Kaye, Copyright Counsel of the NAB; on behalf of the band leaders: Mr. Fred Waring, Mr. Meyer Davis, Mr. Ben Cutler, Mr. Johnny Greene, Mr. Nat Schilkret, Mr. Eddie Duchin, Mr. John O'Conner. The meeting discussed at length the problem which the broadcasters and band leaders found themselves confronted with and there was an interchange of views of the best possible solution of those problems. The meeting may be followed by further meetings between the same parties.

Two more stations bring the BMI tally to exactly 400. We welcome WKPA, New Kensington, Penna., and WISE of Asheville, North Carolina. Around the time when hansom cabs, red plush portiers and Ward McAllister ruled New York society, the latter was supposed to have said that after all there were only four hundred people worth knowing in New York. Since that time the FOUR HUNDRED has meant the very top cream, or the collar on the beer, if you will. The difference between the BMI four hundred and the cake-and-cotillion coterie of the late Mr. McAllister is that, while BMI members certainly represent the tops, they are not at all exclusive and look forward with delight to the time when they will become the six hundred or the eight hundred.

Preston Pumphrey joins the BMI staff as advertising agency contact man. Immediately before joining the BMI staff, Mr. Pumphrey was Radio Director of the Warwick and Legler Agency.

Mr. Pumphrey's whole experience has given him a useful background for his new work with BMI. In radio work since 1929, he has been Radio Director also of Fuller, Smith and Ross, and a member of the production staff of NBC and also Benton and Bowles.

He was Chairman of the New York AAAA Radio Committee at the time the standard radio spot agency contract was drafted. He produced the second largest transcription order of the country for the "Uncle Willard" program, of the Willard Storage Battery Company and he also produced such other shows as Westinghouse Salutes, Fred Allen's Town Hall Tonight, the Warden Lawes' program, Metropolitan Auditions Of The Air, and the Eddie Duchin programs.

Before entering the radio field, Mr. Pumphrey had taught English at Ohio-Wesleyan while he was taking his M. A. degree and had later spent five years in the Sales Promotion Department of the American Rolling Mills Co.

Jimmy Cairns, our Chicago representative, now has a business address in the Woods Theatre Building, 54 West Randolph Street, Room 304.

Gene Buck, returning from the ASCAP show at the San Francisco World's Fair, issued a statement to the newspapers in which he is quoted as saying:

"The fact that the fair was able to draw such a crowd for a special event without a bit of help from radio is proof that anyone with an important message to put across to the public can still do it exclusively through the press. *It shows that, in contacting the public, newspapers still come first.*"

Everybody living in 1940 knows that both newspaper and radio are necessary to the modern world, and that neither one can be placed before the other in a glittering generality but that their merits must be considered in reference to specific situations.

Mr. Buck knows this as well as anyone. When he makes derogatory remarks about the importance of radio in the activity from which the broadcaster derives his income, he is very carefully aiming a thoroughly foul blow.

Five new BMI records are announced for future release:

<i>OKEH (Columbia)</i>		
<i>So You're The One</i>	Dolly Dawn	Okeh 5842
	Not before November 1st.	
<i>DECCA</i>		
<i>There I Go</i>	Woody Herman	Decca 3454
	Not before November 14th.	
<i>BLUEBIRD (Victor)</i>		
<i>May I Never Love Again</i>	Bob Chester	B-10904
	Not before November 1st.	
<i>So You're The One</i>	Vaughn Monroe	B-10901
	Not before November 1st.	
<i>You Walk By</i>	Blue Barron	B-10894
	Not before October 25th.	
Previously announced:		
<i>COLUMBIA</i>		
<i>Here In The Velvet Night</i>	Ted Strater	Col. 35641
<i>Practice Makes Perfect</i>	Eddy Duchin	Col. 35702
<i>The Same Old Story</i>	Eddy Duchin	Col. 35724
<i>There I Go</i>	Will Bradley	Col. 35743
<i>OKEH (Columbia)</i>		
<i>I Give You My Word</i>	Al Kavelin	Okeh 5734
<i>Madame Will Drop Her Shawl</i>	Al Donahue	Okeh 5704
<i>Practice Makes Perfect</i>	Al Kavelin	Okeh 5746
<i>Practice Makes Perfect and</i>		
<i>The Same Old Story</i>	Billie Holliday	Okeh 5806
<i>The Same Old Story</i>	Frankie Masters	Okeh 5716
<i>There I Go</i>	Tommy Tucker	Okeh 5789
<i>What Good's The Moon</i>	Ray Herbeck	Okeh 5659
<i>DECCA</i>		
<i>Practice Makes Perfect</i>	Terry Shand	Decca 3399
<i>BLUEBIRD (Victor)</i>		
<i>I Give You My Word</i>	Mitchell Ayres	B-10895
<i>Practice Makes Perfect</i>	Bob Chester	B-10838
<i>The Same Old Story</i>	Freddie Martin	B-10830
<i>We Are All Americans</i>	Dick Todd	B-10840
<i>There I Go</i>	Vaughn Monroe	B-10848

# Records for Cole Catalogue Available for Broadcasting

Partial list of Phonograph Records of M. M. Cole Publishing Company publications available for broadcasting *January 1, 1941* to all stations having BMI licenses, *available immediately to all stations having SESAC licenses.*

Title	A	Company	Number
Alone With My Sorrows		Decca	5353-B
Answer To The Prisoner's Dream (Song)		Victor	207411
		"	2074112
		"	507469
		"	5074691
Atlanta Bound		Decca	5468-B
		Varsity	5015
		(U.S. Record)	
Answer To Red River Valley (Gene Autry)		Vocalion	03101
Arizona Yodeler (The)		Columbia	C9253-A
		"	V04616-A
		Brunswick	V04616-A
<b>B</b>			
Big Bass Viol (The)		Decca	2206-B
Bringing Home The Bacon		Decca	5334-B
Bring Your Roses To Her Now		Columbia	C9181-B
		American Record	C9181-B
		Brunswick	V4724-B
By A Window At The End Of The Lane		Decca	5515-B
<b>C</b>			
Convict's Dream (The) (Gene Autry)		Vocalion	03229
Cowboy's Heaven		U.S. Record	5004
<b>D</b>			
Don't Waste Your Tears On Me (Gene Autry)		Vocalion	03070
Down The Lane Of Memory		Columbia	V05002-B
Down The Trail		Columbia	V04011-A
		Brunswick	V04011-A
<b>E</b>			
End Of My Round-Up Days (Gene Autry)		Vocalion	04146
		Columbia	V04146-B
		"	C8946-B
<b>F</b>			
Faded Love Letters Of Mine		Victor	206259
		"	2062592
		"	504803
Fetch Me Down My Trusty No. 45		Columbia	V04092-A
		"	C9024-A
		Brunswick	V04092-A
		American Record	C9024-A
Flowers Blooming In The Wild- wood		Columbia	C9231-B
		"	V04659-A
		Brunswick	V04659-A
<b>G</b>			
Girl In The Blue Velvet Band		Decca	5403-B
		"	8027-B
Goin' Back to Old Montana		Columbia	C8827-B
		American Record	P70252-B
		"	C8827-B
		Brunswick	M70252-B

Title	Company	Number
Golden River	Columbia	V04976-A
Great Speckled Bird (The)	Decca	5555-A
	Imp'l. Industrial	7174
Guitar Blues	Columbia	V04704-A
	"	V04704-B
	"	C9252-B
	Brunswick	V04704-B
<b>H</b>		
Hiding All My Cares	Decca	B8284-A
Hillbilly Wedding in June (A)	Decca	5008-B
	American Record	P12980-A
	"	9182-A
	"	C8192-A
Hillbilly Wedding	Brunswick	M12931-A
<b>I</b>		
I Am Just What I Am	Decca	5588-B
I Hate To Say Goodbye To The Prairie (Gene Autry)	Vocalion	03262
I Lost My Love in the Ohio Flood	Decca	5332-A
	"	8010-A
	"	205666
I Only Want A Buddy	Victor	2056661
	"	205777
	Decca	5352-A
	"	2807-A
	American Record	P70552-A
	"	P70854-A
	"	R70854-A
	"	C8844-A
	"	C8893-A
	Columbia	V05271-A
	"	V03292-A
	"	V03493-A
	"	V5235-B
	"	C8844-A
	"	C8893-A
	Brunswick	V2719-A
	"	V03493-A
	"	V03292-A
	"	M70854-A
	Imp'l Industrial	7176
I'm A-Ridin' Up The Old Kentucky Mountains	Columbia	V04742-B
	"	C9118-B
	Brunswick	V04742-B
	Columbia	V05081-A
I'm Goin' West To Texas		
I'm Here To Get My Baby Out Of Jail	Decca	5312-A
	"	5409-B
	"	8011-A
I'm Just Here To Get My Baby Out Of Jail	Victor	206621
	"	2066212
	"	206691
	"	2066911
	"	507017
	"	5070172
	"	507089
	"	5070891
I Want A Pardon For Daddy (Gene Autry)	Vocalion	04146
	Columbia	V04146-B
	"	C8933-A
	Brunswick	V04146-B
	American Record	C8933-A
	Imp'l. Industrial	7176
I Want To Be A Real Cowboy Girl	Victor	504802
	"	5048021
	"	206164
	"	2061641
	Columbia	C9010-A
	"	V04234-A
	Brunswick	V04234-A
	American Record	C9010-A
	"	C8988-A
	"	P80454-A
	"	R80454-A



Title	Company	Number
I Wish I'd Never Learned To Love You	Columbia	V04986-B
It's Time To Say Aloha	Decca	5003-B
<b>J</b>		
Just An Evening At Home	Decca	5167-B
<b>K</b>		
Keep A Light In Your Window	Decca	5003-A
	"	45074-A
Keep A Light In Your Window Tonight	Columbia	V03538-B
	Brunswick	V03538-B
<b>L</b>		
Last Letter (The)	Decca	17051-A
	"	5383-A
	"	5726-A
	Imp'l Industrial	7182
Little Girl Dressed In Blue	Decca	5008-A
	"	5428-B
Little Old Rag Doll	Decca	5329-B
	"	5329-A
Little Ranch House On The Old Circle (Gene Autry)	Vocalion	04998
Little Sweetheart Of The Ozarks	Decca	5450-B
	Columbia	V04023-A
	Brunswick	V04023-A
	American Record	C8981-A
	Imp'l Industrial	6718
Lorena	Columbia	V04313-A
	Brunswick	V04313-A
	American Record	C9117-A
Louisiana Moon (Gene Autry)	Vocalion	04375
<b>M</b>		
Me and My Burro	Decca	5129-A
	"	5128-A
Mellow Mountain Moon	Columbia	V04049-B
	Decca	5004-B
	Brunswick	V04049-B
Mexicali Rose (See below)		
Mississippi Valley Blues (Gene Autry)	Vocalion	02991
Mother Came to Get Her Boy	Victor	504718
	"	206383
	"	2063831
	"	5047182
My Dear Old Arizona Home	Victor	507861
	"	206255
	Columbia	V04247-A
	"	C8979-B
	American Record	C8979-B
	Brunswick	V04247-A
	Vocalion	04274
My Old Pal Of Yesterday (See O's) (Gene Autry)		
My Little Cowpony and I	American Record	C9011-A
Mexicali Rose (Rosa de Mexicali)	Victor	2064591
	"	206459
	"	2100071
	"	210007
	"	5072561
	"	507256
	"	5050341
	"	505034
	"	261362
	"	26136
	"	900035
	"	202963
	"	507970
	Decca	792-B
	"	1039-A
	"	10188-A
	"	10190-A
	"	5200-A
	"	2001-A
	"	2235-B
	"	2779-A

Title	Company	Number
<i>Mexicali Rose—Continued</i> (Gene Autry)		
	Vocalion	03097
	Columbia	B4426-B
	"	B8424-B
	"	V03086-B
	"	V03097-A
	"	V4479-A
	"	C8629-B
	"	C9169-A
	American Record	P60559-A
	"	C8629-B
	"	B4426-B
	"	C9169-A
	Brunswick	V03086-B
	"	V03097-A
	"	V4479-A
	"	M60559-A
	"	B4426-B
	Imp'l. Industrial	6329
<b>O</b>		
Old Buckaroo Goodbye	American Record	R71260-A
	"	P71260-A
	"	C8882-A
	Brunswick	M71260-A
	"	V03291-A
	Columbia	C8882-A
	"	V03291-A
	Vocalion	03291
(Gene Autry)		
Old Corral (The)	Decca	5258-B
Old Missouri Moon (Gene Autry)	Vocalion	03007
Old Pal of Yesterday	Victor	205427
(see My Old Pal of Yesterday)	"	2054271
Old Shep	Decca	3389
<b>P</b>		
Pal That Is Always True (The)	American Record	C8748-A
Please Don't Leave Me Now	Decca	B8248-A
Pretty Quadron	Decca	5084-A
	"	45074-B
	Imp'l. Industrial	5812
Prisoner's Dream (A)	Victor	507468
	"	207411
	"	2074111
	"	5074681
	Decca	5381-A
<b>R</b>		
Ridge Runnin' Roan	Decca	5302-A
Rock Me to Sleep in My Rocky Mountains	Decca	5006-B
Rosa de Mexicali (See Mexicali Rose)		
Royal Telephone	American Record	B60555-A
	"	O60555-A
	"	P60555-A
	"	R60555-A
	Brunswick	V04251-A
	"	M60555-A
	Columbia	V04251-A
<b>S</b>		
Seven More Days	Decca	8027-A
	"	5403-A
Some Day in Wyoming (Gene Autry)	Vocalion	04415
Song for Mother (A)	Decca	8010-B
	"	5332-B
Strawberry Roan (The)	Columbia	V04482-A
	"	C9118-A
	Victor	504778
	"	205667
	"	5047782
	"	2056672
	"	205392
	Brunswick	V04482-A
	American Record	C9118-A

Title	Company	Number
Strawberry Roan—Continued	Decca	5074-B
	"	45103-A
	"	45103-B
	"	4951-A
	"	4951-B
	Imp'l. Industrial	5811
	Varsity	5036
	(U.S. Record)	
<b>T</b>		
Take Me Back To Renfro Valley	Victor	504803
	"	5048031
	"	206259
	"	2062591
	Brunswick	V03434-A
	Columbia	V03434-A
	American Record	P70370-A
	"	C8784-A
	Decca	5545-B
Tell My Mother I'm in Heaven	Columbia	C8165-A
	American Record	C8165-A
That Silver Haired Daddy of Mine (Gene Autry)	Decca	5110-A
	Vocalion	02991
	Imp'l. Industrial	5421
	U. S. Record	5001
There's An Empty Cot in the Bunkhouse Tonight (Gene Autry)	Vocalion	04375
	Victor	206226
	"	504820
	"	5048202
	"	2062262
<b>U</b>		
Uncle Noah's Ark	Victor	206609
<b>W</b>		
Way Out in Texas (Gene Autry)	Vocalion	04485
We Buried Her Beneath the Willow	Decca	5229-B
When It's Prayer Meetin' Time in the Hollow	Brunswick	M13341-B
	Columbia	C8219-A
	American Record	C8291-A
	"	P13122-B
	Decca	5110-B
	"	45108-B
	"	4985-B
When the Bloom Is on the Sage	Brunswick	V03164-A
	"	V4724-A
	Columbia	C9181-A
	American Record	C7733-A
	"	P12615-A
	"	B0704-A
	Decca	5002-B
	"	2237-B
	Varsity	5012
	(U.S. Record)	
	Imp'l. Industrial	5010
When the Wild Flowers Are in Bloom	Brunswick	V03263-B
	American Record	P80455-B
	"	R80455-A
	"	C8956-A
Wonder Valley	Brunswick	M70673-A
	American Record	P70673-A
	"	R70673-A
	Decca	5002-A
<b>Y</b>		
Yellow Rose of Texas (The) (Gene Autry)	Vocalion	04998
Yodeling Hobo	Varsity	5008
	(U.S. Record)	
You're A Flower Blooming In The Wildwood	Decca	5503-B

## 125 Stations Already Submitting Reports for Unit Plan

The Research Department reports that through Thursday, the 17th, 125 stations have sent in September business reports for use in the "Unit Measurement of Broadcast Advertising" plan. Many additional stations have committed to send in September information which will increase the number of stations analyzed in the September report. Undoubtedly, some of the delay in sending in reports is due to the fact that the Research Department was unable to get the printed forms in the hands of stations prior to September billing. Any stations who have not started preparation of a September report are urged to do so since this analysis of the broadcast advertising business for the use of broadcasters requires the active interest of all stations.

Details of the September analysis are well underway and it is planned a report will be issued early in November.

The 125 stations sending in September reports are given in the following list. It will be noted that no returns have been received from 10 states. The District of Columbia, although not a state, leads the country with 100% response. The State of Maryland leads the country with 42% response.

DISTRICT 1	DISTRICT 4
CONNECTICUT	DISTRICT OF COLUMBIA
WDRC—Hartford	WJSV—Washington
WELI—New Haven	WMAL
MAINE	WOL
WCOU—Lewiston	WRC
WCSH—Portland	MARYLAND
MASSACHUSETTS	WCBM—Baltimore
WLAW—Lawrence	WFBR—Baltimore
WLLH—Lowell	WBOC—Salisbury
NEW HAMPSHIRE	NORTH CAROLINA
RHODE ISLAND	WBT—Charlotte
VERMONT	WBIG—Greensboro
	WGTC—nr. Greenville
	WPTF—Raleigh
	WSTP—Salisbury
	WSJS—Winston-Salem
	SOUTH CAROLINA
	WIS—Columbia
	WFBC—Greenville
	VIRGINIA
	WBTM—Danville
	WGH—Newport News
	WTAR—Norfolk
	WPID—Petersburg
	WRNL—Richmond
	WEST VIRGINIA
	WJLS—Beckley
	WBLK—Clarksburg
	WPAR—Parkersburg
	WWVA—Wheeling
DISTRICT 2	DISTRICT 5
NEW YORK	ALABAMA
WVFW—Brooklyn	FLORIDA
WENY—Elmira	WDBO—Orlando
WJTN—Jamestown	GEORGIA
WINS—New York City	WMGA—Moultrie
WQXR—New York City	WSAV—Savannah
WHAM—Rochester	WTOC—Savannah
WHEC—Rochester	PUERTO RICO
WTRY—Troy	
WFAS—White Plains	
WWRL—Woodside	
DISTRICT 3	
DELAWARE	
NEW JERSEY	
WCAM—Camden	
PENNSYLVANIA	
WHJB—Greensburg	
WHP—Harrisburg	
WJAC—Johnstown	
KYW—Philadelphia	
WCAU—Philadelphia	
KDKA—Pittsburgh	
WKOK—Sunbury	
WBAX—Wilkes-Barre	
WRAK—Williamsport	



**DISTRICT 6**

ARKANSAS  
KFPW—Fort Smith  
KARK—Little Rock  
LOUISIANA  
KTBS—Shreveport  
KWKH—Shreveport  
MISSISSIPPI  
TENNESSEE  
WOPI—Bristol  
WAPO—Chattanooga  
WLAC—Nashville

**DISTRICT 7**

KENTUCKY  
WCMI—Ashland  
WLBJ—Bowling Green  
WAVE—Louisville  
OHIO  
WCKY—Cincinnati  
WGAR—Cleveland  
WTAM—Cleveland  
WBNS—Columbus  
WCOL—Columbus  
WHIO—Dayton  
WLOK—Lima

**DISTRICT 8**

INDIANA  
WIBC—Indianapolis  
WFAM—South Bend  
WSBT—South Bend  
MICHIGAN  
WJR—Detroit  
WWJ—Detroit  
WKZO—Kalamazoo

**DISTRICT 9**

ILLINOIS  
WENR—Chicago  
WMAQ—Chicago  
WTMV—East St. Louis  
WJPF—Herrin  
WTAD—Quincy  
WDZ—Tuscola  
WISCONSIN  
WTAQ—Green Bay  
WCLO—Janesville  
WIBA—Madison  
WTMJ—Milwaukee  
WRJN—Racine  
WSAU—Wausau

**DISTRICT 10**

IOWA  
KRNT—Des Moines  
KSO—Des Moines  
WKBB—Dubuque  
MISSOURI  
KFRU—Columbia  
WDAF—Kansas City  
NEBRASKA  
KMMJ—Grand Island  
KGFW—Kearney

**OREGON BROADCASTERS ORGANIZE**

At a meeting of the Oregon broadcasters in Portland last week, a state association was organized and elected Lee Bishop of KMED, Medford, as president, and Frank Logan of KBND, Bend, as secretary-treasurer.

The formation of the state association followed a full day's meeting attended by practically all broadcasters in Oregon.

Harry Spence of KXRO, Aberdeen, Washington, NAB Director, was a guest.

**DISTRICT 11**

MINNESOTA  
WCCO—Minneapolis  
WTCN—Minneapolis  
KSTP—St. Paul  
NORTH DAKOTA  
WDAY—Fargo  
SOUTH DAKOTA  
KABR—Aberdeen

**DISTRICT 12**

KANSAS  
KSAL—Salina  
KFBI—Wichita  
OKLAHOMA  
KVSQ—Ardmore  
KTOK—Oklahoma City

**DISTRICT 13**

TEXAS  
KFDA—Amarillo  
KRIS—Corpus Christi  
KGKO—Fort Worth  
WBAP—Fort Worth  
KPDN—Pampa  
KPAC—Port Arthur  
KONO—San Antonio

**DISTRICT 14**

COLORADO  
KIUP—Durango  
IDAHO  
KRLC—Lewiston  
MONTANA  
KFBB—Great Falls  
KGOV—Missoula  
UTAH  
KDYL—Salt Lake City  
WYOMING

**DISTRICT 15**

CALIFORNIA  
KWG—Stockton  
HAWAII  
NEVADA

**DISTRICT 16**

ARIZONA  
NEW MEXICO  
CALIFORNIA

**DISTRICT 17**

ALASKA  
OREGON  
KAST—Astoria  
KALE—Portland  
KOIN—Portland  
KWJJ—Portland  
KSLM—Salem  
WASHINGTON  
KGA—Spokane  
KHQ—Spokane

**ETHRIDGE TO ADDRESS ANA CONVENTION**

Radio will be officially represented at the forthcoming convention of the Association of National Advertisers by Mark Ethridge, WHAS, Louisville and Paul Peter, NAB Director of Research. The ANA's annual meeting is scheduled for White Sulphur Springs, W. Va., October 24th to 26th.

Mr. Ethridge will address the convention on Thursday afternoon, October 24, when leading representatives of the four major media will acquaint the national advertisers with present day problems and developments in their respective fields. Other media will be represented by Grove Patterson, Vice-President and Editor, Toledo Blade; Roy Larsen, President of Time, Inc.; and former Senator George Wharton Pepper, of Pennsylvania, who is counsel to the outdoor industry.

Mr. Peter will be on hand to observe in addition to the media session the latest trends in product standardization, the consumer movement, national defense and its effect on manufacturing and marketing processes, and other developments affecting radio, as they will be brought forth at the convention.

Invited representatives of the networks and many individual stations are also expected to attend.

**National Defense****RADIO AND PRESS PRAISES**

Commendation for the Nation's newspapers, press services and radio broadcasting facilities for their outstanding assistance in disseminating information concerning the Selective Service Act and all phases of its operation was broadcast yesterday by Captain Ernest M. Culligan, public relations officer at the National Selective Service Headquarters.

In a nation-wide broadcast over NBC, Captain Culligan, speaking of plans for the registration of more than 16,000,000 men under the Selective Service Act, declared:

"The American people understand Selective Service only because the American press and radio news agencies continue to maintain their high tradition and unequalled efficiency in promoting a public understanding of national affairs and stimulating a public consciousness of national problems.

"The success of this registration owes much to our press and radio news agencies.

"The splendid public service they have rendered in publicizing Selective Service is a demonstration of the importance of a free and uncensored press and radio in a free and democratic country."

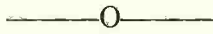
## RECRUITING

How effectively radio interests applicants for enlistment in the regular army is evident by the experience of WROK, Rockford, Ill., reported by William R. Traum, promotion director.

During September the Rockford recruiting office received fifty-seven applications. These were the result of eight different means of contact and publicity employed by the Army.

In a letter to WROK, Lieutenant A. C. Johansson reported that the Army's check indicated that one-fifth of the applicants were motivated in seeking enlistment by hearing programs and spot announcements over WROK.

"Inasmuch as we have used eight different means of contact and publicity," wrote Lieutenant Johansson, "we believe that this 20 per cent is very substantial and that it shows excellent results for radio."



WCAU, Philadelphia, gave a big lift to the national defense program recently when it broadcast the story of the building of a battleship. The program was one in the station's "Philadelphia Prepares" series.

Portable recording equipment was taken to the Philadelphia Navy Yard. Program started in the drafting room and moved to the mold loft where patterns are cut for every piece that goes into ship. The huge structural steel shop, where steel is cut to fit the moldings, was next; followed by pickups at the way where the keel of the 45,000-ton New Jersey is being laid. The next stop was on the bridge deck of the U. S. S. Washington, 35,000 tonner, launched last June and now nearing completion in dry dock.

There were interviews with officers, workmen and supervisors in the yard and sound effects ran rampant throughout the broadcast. Admiral A. E. Watson opened the show with a two-minute talk.

Joseph T. Connolly, WCAU promotion director, advises that scripts of this show and recordings are available to any interested member station.

## CIVIL SERVICE RESULTS

Forty thousand additional points of contact for skilled workers who want the national defense jobs being promoted by American broadcasters will soon be established. They will be located in all of the third and fourth class post offices of the United States.

This constructive move is expected to add impetus to the task of recruiting the second hundred thousand skilled workers.

Visual identification for these national defense information bureaus will be colored posters, entirely different from the one now placed in the 5,000 first and second class post offices and in police stations. Its design has

just been approved and printing will begin almost immediately.

KWLM, Willmar, Minn., which has just started operation, is including the Man Power announcements in its daily schedule according to information from Edgar Parsons. Including KWLM the number of stations which have notified NAB headquarters of their cooperation totals 646.

Julien Smith, Jr., general manager, WHBB, Selma, Ala., has evolved a single daily program to carry such things as Man Power announcements and other national defense items.

It is called, "Uncle Sam on the Air." In addition to announcements there are patriotic transcribed selections and march tunes.

It was evolved in order that more time and more emphasis might be given to promotion of national defense. He reports that the program is well received by listeners.

Soon to go on the air, WSTV, Steubenville, Ohio, has arranged to broadcast Man Power announcements with the very first program. So reports John L. Merdian, program director.

Advice from the various national defense agencies, relayed to NAB by the United States Civil Service Commission, indicates that this important task of recruiting man power, which the industry has undertaken, is proceeding with eminent satisfaction.

## Promotion

### TWENTIETH BIRTHDAY CELEBRATION

Now that everybody has counted the candles on the cake on "Let's Celebrate Radio's 20th Birthday" broadcast—

Now that station managers have approved the idea—

Now that program, promotion and publicity manager, special events men, salesmen and engineers are preparing suggestions, there can be no doubt that radio is in for a first class promotion next November 11-30.

The 20th anniversary of broadcasting is also receiving recognition from the RMA.

Bond Geddes, executive vice president, contracted the entire Board of Directors at the recent New York City meeting. And, on October 11, his remarks were supplemented in a bulletin to all members. The headline reads:

#### "GET IN AND HELP PROMOTE "RADIO'S 'BIRTHDAY' CELEBRATION"

In the body of the letter he urged the set makers to tie in various ways including the purchase of time.

A particular paragraph follows:

"RMA members also are urged to supply their advertising agencies with details of the 'radio birthday' campaign and to rec-



commend placement of advertisements with local broadcast stations, through cooperative advertising allowances or otherwise. It is also requested that RMA members supply their distributors with advertising material, such as forms of spot announcements, continuity, etc., for use by broadcast stations, similar to the advertising matter furnished to distributors for newspaper use."

The October 16 issue of *RADIO WEEKLY*, widely circulated throughout the manufacturing and distributing units of radio, gave a strong support to the efforts of RMA.

In addition to a two column, page one, editorial, "Twenty Years Old," there was a bold face paragraph on celebration on nearly every page.

You may have noticed that important daily papers have started a black and white campaign to sell readers on the newspapers' contribution to the progress and well being of the community and nation. This is a constructive step as proven by the radio industry over a period of years.

Probably a great many more than the reported 250 newspapers already engaged in the promotion will follow suit.

Radio's 20th Birthday Celebration is the current example of this type of promotion in broadcasting. Others were National Radio Festival, Curtain Raiser and Open House, to mention a few.

Aside from content, the outstanding difference between the promotion by the newspapers and by the broadcast stations is in the method of communication.

With the former it's silent type.

With radio, it's a warm, vibrant voice which cuts across time and space to reach all ages, all races and creeds, people of all walks of life, simultaneously.

Radio and newspaper supplement each other. Maybe it would be a good idea to get the newspaper men over to your station. Invite him to relate the newspaper's contribution in building America over the air.

### "LISTEN BEFORE YOU VOTE"

From cities 3,000 miles apart, and in between, special reports have been received at headquarters of the productiveness of "Listen before You Vote" promotion.

From Washington state comes the news that the "Listen before You Vote" campaign is continuing with reasonable success. Informant is Peter Lyman, public relations director, KOMO and KJR.

These stations are also conducting a campaign to get out registration and voters for the November 5 election. "Like the 'Listen before You Vote' campaign, this activity," says Mr. Lyman, "has been well received and enjoys the backing of civic and political groups throughout the area."

"Along the same line, we cooperated with some twenty-two Seattle Service Clubs in a Town Meeting of Washington program last Friday evening (Oct. 11). The audience totaled over a thousand, and met in one of our local high school auditoriums. They listened to impartial discussions of the six initiatives and referendums to be voted on, followed by a question and answer discussion

by the audience and leading pro and con representatives on each measure.

"The program was fed to Spokane and Wenatchee on the east side of the mountains, and was listened to by groups throughout the state, organized through clubs associated with those in Seattle who sponsored the program. The reaction to this program has been excellent, and it looks like the forerunner of a possible series on civic and state affairs."

WBAB, under direction of Norman Reed, managing director, has "Listen before You Vote" in full swing in Atlantic City.

Part of his promotion consists of a series of appropriate 68 lines x 2 column ads in the *Atlantic City Press* and the *Atlantic City Evening Union*.

Headline of a recent ad reads "LISTEN to station WBAB, before You Vote." Then, in part, the following:

"The whole process of national and local elections has been broadened and deepened in its significance by the tremendous part that radio plays in it.

"The National Association of Broadcasters has adopted the theme, 'Listen Before You Vote,' believing that the strength of a democracy is through an informed, alert citizenry.

"Radio brings its listeners directly in touch with rival candidates and rival policies in the same close and intimate style that characterized the days of town meetings and of platform debates between candidates."

## Cuts of NAB Seals Still Available

Many stations have been supplied with the one inch and 5/8 inch cuts of the NAB seal and are making effective use of it on their stationery and publicity. We still have a supply on hand and invite your order. There is no charge. (For sample of cut, see *REPORTS* of September 20, p. 4616.)

Headquarters is gratified with the increase in the number of stations who are making daily announcements in connection with station identification, calling attention to the fact that station ——— is a member of the National Association of Broadcasters.

As the NAB becomes better known to the general public its ability to do a better job for the industry will increase.

## NEW MEMBERS Let's Make it 500

Since the last report on the subject of new members (*NAB REPORTS*, September 13, 1940, Page 4597) we are pleased to welcome to membership the following stations which have joined in the last month.

KFBC—Cheyenne, Wyoming  
KYA—San Francisco, California  
WAKR—Akron, Ohio  
WCBI—Columbus, Mississippi  
WESX—Salem, Massachusetts  
WORD—Spartanburg, South Carolina  
WOSU—Columbus, Ohio  
WSPA—Spartanburg, South Carolina

This raises the total membership to 484. We urge members to pass up no opportunity to bring in the stations still on the outside. We would like to make that membership 500 by the first of the year. We ask your cooperation.

Members will be interested in articles appearing in two current publications. *Harper's Magazine* for October carries an article entitled "The Battle of Tin Pan Alley," by Leonard Allen. In the October issue of *Saturday Evening Post*, there is an article on James C. Petrillo, president of the American Federation of Musicians, entitled "He Was Always Good at Arithmetic," by Bruce Dennis.

### COMMUNICATIONS DEFENSE BOARD MEETS

Meeting was held early this week of the Defense Communications Board and further meeting will be held on Friday.

James Lawrence Fly, Chairman of the Board, stated that at its Monday meeting it made progress in shaping up its organization and studying the whole problem. Mr. Fly said that the Communications Board has taken up the matter of Advisory Committees, but that no conclusions have been reached. He said that there had been some discussion as to the number of committees or sub-committees to be appointed, as well as how many people would be on each, but that no final decision has yet been reached.

### NO FURTHER EXTENSION

The promptness and cooperative efforts of the amateur and commercial radio operators in filing satisfactory proof of their citizenship and identification as required by Order No. 75 has been very gratifying to the FCC. In order to avoid any unnecessary hardship to the operators, the filing date for the responses to that Order has twice been extended by one month periods from the original date of August 15. Under the provisions of the Order as amended the responses are due on or before October 15, 1940. It is apparent that there has been an honest attempt on the part of the large majority of the operators to meet that filing date.

There will be no further extension granted. However, the Commission realizes that certain individuals and groups of operators will be unable to secure the necessary documentary proof of citizenship within the time provided by the Order due to factors beyond their control. Accordingly, the Commission is disposed to accept without further action such responses as may be tardily filed provided they are accompanied by satisfactory explanation of the reasons which prevented prompt compliance with the Order. At the same time it is desired

to emphasize that arbitrary failure to submit the response in accordance with the Order, or to offer a reasonable explanation of the factors necessitating late filing, may be considered just cause for further action on the part of the Commission.

### CHAIN BROADCAST ARGUMENT SET

FCC on Thursday announced that oral argument in connection with its investigation of chain broadcasting would be held on December 2 and 3. The subject matter for argument will be limited to the issues of fact and policy raised by the report of the chain broadcasting committee dated June 12.

It was further announced that at the request of interested parties the final date for the filing of briefs would be extended to November 11.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has announced the adoption of Statement of Facts, Grounds for Decision, and Order GRANTING the applications for renewal of licenses for station WLTH, The Voice of Brooklyn, Inc., and WARD, United States Broadcasting Corp., and DENIED application for modification of license by WBBC, Brooklyn Broadcasting Corp., in so far, only as the facilities of WARD and WLTH are requested. All stations operate on the frequency 1400 kilocycles with 500 watts power, sharing time equally, each station serving the Brooklyn, N. Y., area.

In 1932 four Brooklyn stations (WLTH, WARD, WBBC and WVFW), filed applications for increase of operating time, which if granted, would have required the deletion of one or more of the other stations. A hearing was held before an examiner in August and September, 1933. During this hearing and subsequent thereto a number of applications were filed by other parties seeking fulltime use of the 1400 kilocycle frequency. Also, the licensees amended their applications as to operating time requested. Therefore, the Commission ordered a further hearing to include these subsequent applications, which was held in December, 1934, and the Commission rendered its decision on December 17, 1935. Thereafter upon consideration of petitions for rehearing the Commission on February 5, 1936, ordered a hearing *de novo* to be held before it upon all the applications then pending and involving the use of the 1400 kilocycle frequency in Brooklyn, including renewal applications of the licensees. This hearing was held in March and April, 1937. On June 29, 1937, the Commission entered its order (1) granting the applications of WBBC for renewal



of license and for renewal of auxiliary transmitter license, and granting in part, the application for modification of license, subject to compliance with Rule 131, in so far as that application requested the facilities of stations WARD and WLTH, and denying the application in so far as it requested the facilities of WVFW; (2) granting the applications of WVFW for construction permit to make equipment changes and for renewal of license, and (3) denying all other applications involved in the proceeding.

Thereafter WLTH and WARD each filed notice of appeal in the U. S. Court of Appeals for the District of Columbia from the Commission's decision of June 29, 1937, denying their applications for renewal of licenses. Appeals were also taken by the Brooklyn Daily Eagle Broadcasting Co. Inc. and the Debs Memorial Radio Fund, Inc., from the same decision which denied their applications for the operating time of WBBC, WLTH, WARD and WVFW. Later the appeals of Debs Memorial Radio Fund, Inc. and the Brooklyn Daily Eagle Broadcasting Co. Inc. were withdrawn.

On September 30, 1937, the Court of Appeals, on petitions filed by WLTH and WARD stayed the effectiveness of the Commission's order of June 29, 1937, in so far as it terminated the service of WLTH and WARD and assigned the operating time of said stations to WBBC. Pursuant to a motion filed by the Commission the Court of Appeals on October 13, 1939, remanded back to the Commission for further proceedings the cases which were the subject of the above appeals taken by WLTH and WARD with the stipulation that "The Commission and the other parties in interest agree that the status quo will remain until the Commission has acted on the remand."

Based upon the foregoing the Commission on October 27, 1938, ordered temporary licenses be issued to WLTH and WARD for their continued operation, and on the same date set aside its order of June 29, 1937, in so far only as the same denied the applications of WLTH and WARD for renewal of licenses and granted in part the application of WBBC for modification of license to utilize the time of WLTH and WARD. The Commission's order of October 27, 1938, also set aside the Statement of Facts and Decision of June 29, 1937, in so far as the same denied the renewal applications of WLTH and WARD and granted the application of WBBC for the operating time of WLTH and WARD. The Commission's reconsideration of this record has been limited to the evidence which relates to the applications of WLTH, WARD and WBBC.

In its grounds for decision the Commission concludes:

1. The broadcasting service rendered the public by Stations WLTH and WARD has been of the same general character and quality as the service rendered by Station WBBC and there is, in fact, no substantial distinction in the merits of the services of these three stations.

2. The licensees of Stations WLTH and WARD are qualified legally, technically, financially, and otherwise to operate their respective stations on the limited basis of a time-sharing station.

3. The granting of the application of WBBC for modification of license in so far as said application request authority to operate

during the hours used by WLTH and the hours used by WARD would not serve public interest, convenience and necessity.

The order in this case will become effective October 22.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled before the Commission for the week beginning, Monday, October 21. They are subject to change.

### Monday, October 21

WGY & Auxil.—General Electric Company, Schenectady, N. Y.—Renewal of license and auxiliary, 790 kc., 50 KW night, 50 KW LS, unlimited time.

### Thursday, October 24

Oral Argument Before the Commission

Report No. B-122:

KGFI—Eagle Broadcasting Company, Inc., Brownsville, Tex.—In re: Revocation of Station License of KGFI.

### FUTURE HEARINGS

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

### November 22

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 1 KW night, 1 KW LS, unlimited time (DA night).

### December 6

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer (Transferors), and Florida West Coast Broadcasting Co., Inc. (Transferee), Lakeland, Florida.—Transfer of control of station WLAK, operating on 1310 kc., 250 watts, unlimited.

### December 9

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Voluntary assignment of license; operating on 1450 kc., 1 KW, unlimited-DA.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Hampden-Hampshire Corp., Holyoke, Mass.—Granted construction permit for new station to operate on 1370 kc., with 250 watts, unlimited time (B1-P-1701).

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted modification of license to increase night power from 500 watts to 1 KW, operating on 880 kc., sharing with KPOF, Denver (B5-ML-941).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted construction permit to install directional antenna for night use; increase hours of operation from daytime only to unlimited; move transmitter to 2.5 miles northwest of center of Spartanburg, Saxon Mill, S. C., and operate with 1 KW on 920 kc. (B3-P-2901).

- KVIC—Radio Enterprises, Inc., Victoria, Tex.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1310 ke.** (B3-ML-975).
- WGOV—E. G. Rivers, Valdosta, Ga.—Granted modification of license to increase night power to 250 watts, operating unlimited time on **1420 ke.** (B3-ML-1022).
- WWJ—The Evening News Assn., Detroit, Mich.—Granted construction permit to make changes in transmitting equipment, increase night power from 1 to 5 KW, and install directional antenna for night use, operating unlimited time on **920 ke.**, with 5 KW day (B2-P-2680).
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted modification of international broadcast station license authorizing unlimited time operation on frequency **9590 ke.** and addition of **11710** and **15250 ke.** and deletion of **11870 ke.** (B2-MLIB-39).
- WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of international broadcast station license authorizing deletion of frequency **15250 ke.** and addition of **15350** and **17750 ke.** (B1-MLIB-41).
- WRUW—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of international broadcast station license authorizing deletion of frequency **15250 ke.** and addition of **15350** and **17750 ke.** (B1-MLIB-42). The use of frequency **15130 ke.** authorized to WRUL-WRUW is subject to termination without advance notice or hearing pursuant to Executive Orders regarding assignment of this frequency.
- KAQV—Central States Broadcasting Co. (Portable-Mobile), area of Omaha, Nebr.—Granted modification of relay broadcast station license for the period October 1, 1940, to October 1, 1941, deleting frequency **2022 ke.** heretofore assigned station and substituting frequency **2074 ke.**, subject to condition that no interference is caused to government stations on adjacent channels.
- KAQY—The Farmers & Bankers Broadcasting Corp., Portable-Mobile, area of Wichita, Kans.—Granted modification of relay broadcast station license for the period October 1, 1940, to October 1, 1941, deleting frequency **2022 ke.** heretofore assigned station and substituting frequency **2074 ke.**, subject to condition that no interference is caused to government stations on adjacent channels.

#### MISCELLANEOUS

- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 9 to 10 p. m., October 16, in order to broadcast program sponsored by Willkie Democratic Clubs only (B2-5-855).
- WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7:30 p. m. to midnight, EST, October 11, in order to broadcast a football game between Manhattan College and Boston University only (B1-S-211).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST), November 5, to 4 a. m., November 6, in order to broadcast election returns only (B2-S-984).
- W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on the frequencies **60000-86000 ke.**, at 515 Madison Avenue, New York City, for the period October 11 to November 9, in order to conduct field tests.
- W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on frequency **26300 ke.**, using maximum power of 1000 watts, special emission (FM), in cooperation with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual skywave interference existing between two stations operating with 1 KW on **26300 ke.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via skywave will interfere with program reception of the desired station in its own coverage area.
- W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted special temporary authority to operate a Type No. 50 UTX F.M. Link transmitter on the band **60 to 66 mc.**, 50 watts, A3 emission, and Type No. 25 UBX F.M. Link transmitter, 50 watts power as aural unit, in order to conduct site survey in Chicago area in connection with construction permit granted August 2, 1940, not to exceed 30 days.
- KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted authority to change the name of the licensee of station KTKC, Visalia, Calif., from Tulare-Kings Counties Radio Associates—Charles A. Whitmore, President, to J. E. Richmond, Percy M. Whiteside, Homer W. Wood, and Visalia Publishing Company, d/b as Tulare-Kings Counties Radio Associated (B5-ML-1019).
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted motion to continue for 30 days the hearing now scheduled for October 23, in re application for construction permit to operate unlimited time with 1 KW power on **620 ke.** (DA-N\* instead of daytime with 250 watts).
- World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—Denied motion to accept proposed findings filed late in the matter of the application for construction permit for a new station in Oakland, Calif., to operate on **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 ke.**, 10 watts, unlimited time.
- KWLC—Luther College, Decorah, Iowa.—Withdrew motion to extend time within which to file exceptions to Commission's Proposed Findings No. B-120.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 8 p. m., PST, to the conclusion of football games described in letter dated October 1, 1940, on October 18, 25, November 1 and 8, 1940, in order to broadcast said games only.
- WABL—American Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft transmitter, call letters KHAAG, NC-14279, on frequency **2790 ke.**, from 2 p. m. to 2:15 p. m., October 10, 1940, in order to relay broadcast Fire Preventive Week program to Radio Station WSAI.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (October 5:45 p. m., EST) to midnight, EST, October 25, 1940, in order to broadcast the second anniversary of the opening of Radio Station WPIC.
- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted license to cover construction permit which authorized installation of new equipment and changes in authorized equipment; **1240 ke.**, 1 KW, unlimited time (B5-L-1288).
- WAYX—Jack Williams, Waycross, Ga.—Granted authority to install new automatic frequency control equipment (B3-F-152).
- National Broadcasting Co., Inc., New York City.—Granted special temporary authority to transmit an address by the President on October 12 to radio station CMCK, Havana, Cuba, via RCA, Inc., only.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with station WFAS from 4 p. m. to 5 p. m., EST, November 2, 9, 16 and 23, 1940, and from 1:45 p. m. to 4:30 p. m., EST, November 21, 1940, in order to broadcast football games only.
- WGEO—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to conduct two-way communications with stations KRTA, KRTC and KRTK of the Byrd Antarctic Expedition between 12 midnight and 2 a. m., EST, for the period beginning November 1, 1940, to not later than February 1, 1941.
- KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m., CST, October 18, 25, November 1, 1940, in order to broadcast football games only; to operate from 9:30 p. m., November 5, to 1:30 a. m., CST, November 6, 1940, in order to broadcast election returns only.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 10:45 p. m., October 18, 1940, and from 2 p. m. to 5:30 p. m., MST, November 1, 1940, in order to broadcast football games only.
- WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 11 a. m. to 12 noon, EST, October 25, 1940, in order to broadcast the inauguration ceremonies of President Howard L. Bevis of Ohio State University only (provided WKBN remains silent).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 7 p. m. to 7:30 p. m., CST, October 11, 1940, in order to permit WGBF to broadcast a Republican National Committee program with Wendell Willkie speaking only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except



- simultaneously with KFRU, in order to broadcast a Republican National Committee program with Wendell Willkie speaking only.
- W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to operate high frequency station W1XSO on frequency **43.7 mc.** instead of **43.2 mc.**, for the period not to exceed 30 days, in order to eliminate certain interference.
- KODL—Western Radio Corp., The Dalles, Ore.—Granted modification of construction permit as modified which authorized construction of a new broadcast station, for change in type of transmitter; **1200 kc.**, 100 watts, 25 KW LS, unlimited time (B5-MP-1082).
- KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate from 2 p. m. to 6 p. m. LST, October 13, 20, 27, November 3, 1940, in order to broadcast Army football games only.
- WCAB—WCAU Broadcasting Co., Newton Square, Pa.—Granted petition authorizing extension of effective date of Sec. 4.45 of the Rules Governing International Broadcast Stations until January 1, 1941.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Dismissed petition of applicant requesting classification of station WQAM as a Class III-A station, licensee to notify the Commission whether it desires its application for 5 KW power to be given further consideration.
- WHCU—Cornell University, Ithaca, N. Y.—Granted petition to reconsider and grant without hearing the application of WHCU for renewal of license, and ordered that hearing on the application be cancelled and renewal granted to operate on **850 kc.**, with 1 KW power, daytime only.
- WTNJ—WOAX, Inc., Trenton, N. J.—Adopted order cancelling construction permit granted on September 27, 1939, authorizing installation of auxiliary transmitter for emergency use only. This construction permit expired by its own terms on May 27, 1940, and no request for extension or for a license to cover same has been filed.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:30 p. m. to 8:45 p. m., October 14, 1940, in order to broadcast an address by Claude Wickard, Secretary of Agriculture only, from 8:30 p. m. to 9 p. m., October 28, and from 9:30 p. m. to 10 p. m., EST, October 31 1940, in order to broadcast addresses by Henry A. Wallace only.
- W2XBS—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate television station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period October 14, 1940, to not later than January 1, 1941.
- WSBT—The South Bend Tribune, South Bend, Ind.—Amended minute entry regarding grant of construction permit authorized on October 1, 1940, to show time of operation as unlimited instead of sharing with WGES.
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted petition for reconsideration of the Commission's action of August 21, 1940, granting the application of Columbia Broadcasting System, Inc., for a new international station at Brentwood, N. Y.; ordered that the grant of August 21st be set aside, the application removed from hearing docket, and the application granted except as to use of frequency **9590 kc.**; that the construction permit for the new Brentwood station shall authorize the use of frequency **15,270 kc.** shared only with WCBX, Wayne, N. J., and WCAB, Newton Square, Pa., instead of with station WLWO as requested in application, and the grant of the Columbia Broadcasting System's application is made subject to condition that permittee shall file an application for modification of construction permit within 2 months after date of grant specifying dimensions and expected directional characteristics of proposed antenna systems, said antenna system to comply with Sec. 4.43 of the Commission's rules; and permittee shall install frequency control equipment capable of maintaining the operating frequency within 0.005% of assigned frequency in accordance with Secs. 4.41 and 4.47 of the Commission's rules.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. EST, October 15, 1940, in order to broadcast a political speech by Lewis Douglas only.
- WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (October, 5 p. m. CST) to 9 p. m. CST, October 16, 23, and 30, 1940, in order to broadcast program sponsored by the Chamber of Commerce only.
- WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to operate from 6 p. m. CST to the conclusion of the Michigan State-Temple football game on October 18, 1940, in order to broadcast said game only.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with station WJBO from 9:30 to 11 p. m. CST, October 19, 1940, in order to broadcast program in connection with Corps Dance of A. and M. College only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m. October 15, 1940, in order to broadcast program sponsored by the Democratic National Committee; from 6:30 p. m. to 6:45 p. m. October 16, 1940, in order to broadcast program sponsored by the Republican State Committee of Massachusetts; from 7:45 p. m. to 8 p. m. October 18, 1940, in order to broadcast program sponsored by the Massachusetts Independent Voters; from 9 p. m. to 10 p. m. EST, November 4, 1940, in order to broadcast program sponsored by the Massachusetts Republican Committee.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 1:30 p. m. to 2:30 p. m. instead of from 2 to 3 p. m. CST, October 17, 1940, as outlined in agreement of September 9, 1940, in order to broadcast a political address by Senator McNary only (provided WNAD remains silent).
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 1:30 to 2:30 p. m. only instead of from 2 to 3 p. m. CST, October 17, 1940, as outlined in agreement of September 9, 1940, in order to permit KGGF to broadcast a political address by Senator McNary only.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Scheduled for oral argument on November 21, 1940, the Proposed Findings (B-115) in re application for renewal of license of station WBAX.
- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted construction permit to increase night power from 1 KW to 5 KW and make changes in directional antenna system for day and night use; **560 kc.**, 5 KW LS, unlimited time, directional antenna (B4-P-1990).
- WIS—The Liberty Life Insurance Co., Columbia, S. C.—Granted construction permit to make changes in directional antenna for nighttime use and increase night power from 1 KW to 5 KW; **560 kc.**, 5 KW LS, directional antenna night (B3-P-2870).
- Columbia Broadcasting System, Inc., New York, N. Y.—Denied without prejudice application for construction permit for new experimental Class II point-to-point telephone station in the fixed service; frequency **156525 kc.**, 50 watts power, special emission for frequency modulation (T1-PE-3905).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 8:30 p. m. October 18, 1940, and from 10 p. m. to 10:30 p. m. November 4, 1940, in order to broadcast program sponsored by the Democratic National Committee; to operate from 10:30 p. m. to 11 p. m. October 28 and from 9:30 p. m. to 10 p. m. EST, October 30, 1940, in order to broadcast speeches by President Roosevelt only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF from 8:30 p. m. to 10 p. m. October 15, 1940; from 8:30 p. m. to 9 p. m. October 22 and 29, from 8 p. m. to 9 p. m. October 18, 21, and November 1, from 8:30 p. m. to 10 p. m. CST, October 19, 26, and November 2, 1940, with power reduced to 250 watts, in order to broadcast Democratic political programs only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to permit KFRU to broadcast Democratic political programs only.
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. October 15, 1940, in order to broadcast a speech by Lewis Douglas and from 8 p. m. to 9 p. m. EST, October 18, 1940, in order to broadcast a speech by

Representative Johnson and others only, using power of 100 watts.

WNYC—City of New York, Municipal Broadcasting System.—Granted special temporary authority to operate from 6:45 p. m. to 7:30 p. m. EST, October 15 and from 6:45 to 10 p. m. EST, October 16, 1940, in order to broadcast official information relative to Selective Service announcements and fill-in programs only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7:30 p. m. to midnight EST, October 18, 1940, in order to broadcast the Manhattan-Detroit University football game only (broadcast sustaining music from sign-off to game time).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 8:30 p. m. CST, October 16, 1940, in order to permit WGBF to broadcast a Democratic National Committee program only.

WGY & auxiliary—General Electric Co., Schenectady, N. Y.—Granted in part motion for continuance until after January 1, 1941, of hearing now set for October 21, 1940, to continue to November 7, 1940, only, in re application for renewal of license of station WGY and auxiliary; **790 kc.**, 50 KW, unlimited time (B1-R-264).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Changed date of oral argument on Proposed Findings (B-115) in re application for renewal of license of station WBAX from November 21, 1940 to November 12, 1940.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast a Democratic National Committee program only.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—License to cover construction permit (B3-P-2681) for increase in power and changes in directional antenna system (night use only). (Sec. 5a thru 5h, 5l, 5m, 9 & 10c.)

### 920 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Modification of license to change day power from 500 watts to 1 KW.

### 940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. D.—Authority to install automatic frequency control equipment.

### 970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—License to cover construction permit (B2-P-2645) as modified, for new transmitter, increase in power, and change in hours of operation.

### 1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter, change frequency from **1040 to 1340 kc.**, increase power from 250 watts to 500 watts night, 1 KW day, and change hours of operation from daytime to unlimited time. Amended: To change requested power from 500 watts night, 1 KW day to 1 KW day and night, install directional antenna for day and night use, and omit request for contingency on KOY going to another frequency.

### 1120 Kilocycles

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—License to cover construction permit (B2-P-2770) as modified, for a new station.

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1200 Kilocycles

KODL—Western Radio Corp., The Dalles, Ore.—Modification of construction permit (B5-P-2838) as modified, for change in type of transmitter.

### 1210 Kilocycles

WBIR—J. W. Birdwell, Knoxville, Tenn.—Modification of construction permit (B3-P-2840) for a new station, requesting increase in power from 100 watts night, 250 watts day to 250 watts day and night, approval of antenna, approval of studio site at Chamber of Commerce Bldg., 618 S. Gay St., Knoxville, Tenn., and transmitter site at 300 feet north on Wilder Place from junction of Wilder Place and Brooks Ave., Knoxville, Tenn.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1210 to 1220 kc.**, increase power from 250 watts to 1 KW and move transmitter. Class III-B station.

NEW—Western Gateway Broadcasting Corp., Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited hours. Amended: Re antenna system and to specify transmitter site.

### 1220 Kilocycles

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Construction permit to install directional antenna for day and night use and move transmitter from south of Tonganoxie, Kans., to southwest of Kansas City, Kans., and move studio from Lawrence, Kans., to Kansas City, Mo. Amended to make changes in directional antenna and change power from 1 KW night, 5 KW day. to 5 KW day and night, using directional antenna.

### 1270 Kilocycles

WWNY—The Brockway Company, Watertown, N. Y.—Modification of construction permit (B1-P-937) for a new station, requesting authority to install new transmitter, approval of antenna, approval of studio site at Woodruff Hotel, 49 Public Square, Watertown, N. Y., and transmitter site at Outer Holcomb St., Watertown, N. Y.

### 1310 Kilocycles

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—License to cover construction permit (B4-P-2370) as modified for a new station.

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Construction permit to change frequency from **1370 kc.** to **1060 kc.** (under N. A. Regional Agreement); change power from 250 watts to 500 watts night, 1 KW day; install new transmitter and antenna.

WCBI—Birney Imes, Columbus, Miss.—License to cover construction permit (B3-P-2675) as modified for a new station.

WCBI—Birney Imes, Columbus, Miss.—Authority to determine operating power by direct measurement of antenna power.

WCBI—Birney Imes, Columbus, Miss.—Modification of construction permit (B3-P-2675) as modified to change type of transmitting equipment.

### 1380 Kilocycles

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—License to cover construction permit (B5-P-2278) as modified for change of frequency, power, move of transmitter and studio, install new equipment and vertical antenna.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—License to cover construction permit (B3-P-2646) for changes in equipment, increase in power, and move of transmitter and studio (Sec. 10c and Studio site).

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Modification of construction permit (B2-P-2711) for new transmitter and directional antenna for night, change frequency from **1420 kc.** to **590 kc.**, increase in power from 250 watts to



1 KW, requesting authority to make change in directional antenna, install new transmitter, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

- KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.
- NEW—Findlay Radio Co., Findlay, Ohio.—Construction permit for a new station to be operated on 1500 kc., 250 watts, unlimited time. Class IV station. Amended to request 1420 kc.
- KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Voluntary assignment of license from Chester Howarth and Clarence Berger to Silver Broadcasting Co.

#### 1490 Kilocycles

- NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass.—Construction permit for a new station to be operated on 1500 kc. (1490 kc. under North American Regional Agreement), 100 watts, unlimited time.

#### 1500 Kilocycles

- NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time (no reply to Commission letters).
- WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Authority to determine operating power by direct measurement of antenna power.
- WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—License to cover construction permit (B2-P-2879) as modified, for a new broadcast station.
- WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to transfer control of corporation from Owensboro Publishing Co. to L. W. Hager, 77 shares, W. B. Hager, 77 shares and George M. Fuqua, 37 shares. (Jurat Part I, Sec. 4(a) Part II.)

#### TELEVISION APPLICATION

- W2XD—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PVB-55) as modified, for a new television station, requesting extension of completion date from 11-12-40 to 1-1-41.

#### MISCELLANEOUS

- W2XOY—General Electric Co., New Scotland, N. Y.—Modification of license to increase power from 1000 watts to 2500 watts.
- W2XOY—General Electric Co., New Scotland, N. Y.—License to cover construction permit (B1-PHB-112) for increase in power and move of transmitter.
- W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-PVB-58) for a new Class II television broadcast station, requesting approval of antenna and approval of transmitter site.
- WEIC—General Electric Co., Portable-Mobile.—License to cover construction permit (B1-PRE-346) for increase in power and installation of new transmitter.
- NEW—Racine Broadcasting Corp., Racine, Wis.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 10 watts, A-3 emission. Amended re antenna.
- WEND—WHP, Inc., Portable-Mobile.—Construction permit to change frequencies from 33380, 35020, 37620, 39820 kc. to 1696, 2022, 2102, 2750 kc., and make changes in equipment, increase power from 0.5 watt to 2 watts. Amended to request frequencies 1606, 2074, 2102, 2758 kc.
- KEHS—WDAY, Inc., Portable-Mobile.—Construction permit to change frequencies from 133030, 134850, 136810, 138630 kc. to 156750, 158400, 159300, 161100 kc., increase power from 1 watt to 5 watts, and install new equipment.
- NEW—Loyola University, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 100 watts, Emission A-3.
- WOEG—General Electric Company (Area of Schenectady, N. Y.).—License to cover construction permit (B1-PRY-216) for a new transmitter.
- KEHO—Intermountain Broadcasting Corp., Portable-Mobile (area of Salt Lake City, Utah).—Modification of license to change frequencies from 132260, 134080, 135480, 135760 kc. to

156075, 157575, 159975, 161925 kc., in accordance with new Group H frequencies.

- W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PHB-281) to install new transmitter, antenna changes and move of transmitter.
- WEIE—Havens & Martin, Inc., Portable-Mobile (area of Richmond, Va.).—Construction permit to change type of transmitter and decrease power from 25 watts to 2 watts.

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

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.

**Capital Drug Company**—See Rex Drug Company.

**Carlton Mills Company, Inc.**—A complaint has been issued charging Carlton Mills Co., Inc., 241 West Wyoming Ave., Philadelphia, fabric manufacturer, with misrepresentation.

The complaint alleges that through labels supplied by the respondent to manufacturers and retailers for attachment to coats and other garments manufactured from its fabrics, the respondent company represents that its fabrics and the garments made therefrom are manufactured from the peltries of Persian lambs, Karakuls and Caraculs, or from wool taken from such animals. However, the complaint alleges, the respondent's products and the garments made therefrom are composed of ordinary wool and cotton, or ordinary wool and rayon, or cotton and rayon.

The complaint alleges that on its labels supplied to garment manufacturers and retailers the respondent uses names such as "Genuine Babelamm", "Karagora", "Pelkara", "Bashkara Lamm", and "Kosva-Lam", together with picturizations or figures of lambs. Other labels used by the respondent, according to the complaint, bear the names "Persian Royal", "Rivalamm", "Volgalam", "Persialaine", "Lam Kurl Persian", "Aristo Kurl", "Russkara", "Kurl Kohvar", and "Galykurl". (4321)

**Cutter Laboratories**—A complaint has been issued against Cutter Laboratories, Berkeley, Calif., alleging misrepresentation in the sale of a product for treating cattle. The respondent corporation has depots and branch offices in Los Angeles, Chicago, San Antonio, Seattle, Denver, Boise, Fort Worth, El Paso and New Orleans.

According to the complaint, the respondent advertised a vaccine preparation designated "Blacklegol", recommending its use as a means of rendering cattle immune to the ailment "Blackleg". Through advertising matter disseminated by mail and by other means in various States, the respondent, according to the complaint, has represented that its preparation is 100 per cent effective and that the immunization effect from the use of the product is invariably unailing or permanent, when such are not the facts, and there have been deaths from blackleg of animals treated with the respondent's preparation.

The complaint further alleges that the respondent has misleadingly and unfairly disparaged "bacterin" and "aggressin" preparations of competitors by publishing the false assertion that immunity obtainable from such competitive preparations is only one-half that of the respondent's product; that the respondent's preparation assures immunity even to the last drop after it is injected into the animal's tissues, and that competitors' preparations do not produce such immunity, when in fact there is no scientific basis for the respondent's claims. (4348)

**Franklin Institute**—John L. Keenan, trading as Franklin Institute, 550 East Main St., Rochester, N. Y., is charged with making misleading representations in the sale of correspondence courses intended for preparing students for United States Civil Service examinations in a complaint.

In advertisements circulated in various States, the respondent, according to the complaint, represents or implies that he has positions to offer under the United States Government; that examinations for Government positions will be held within a short time in certain localities; that starting salaries are greater than they are in fact; that promotions are automatic and regular; that full time employment is furnished railway postal clerks at the start, and that the classification of file clerk and clerk are currently used for examinations by the United States Civil Service Commission.

According to the complaint, the respondent is not connected with the Federal Government or the United States Civil Service Commission; has no Government positions at his disposal and cannot assist students in respect to such positions other than to give them instruction in preparation for examinations. The complaint alleges that, contrary to the respondent's representations or implications, no examinations were held or were to be held at the time and places indicated; that regular examinations for file clerks and clerks have not been held for many years by the Civil Service Commission; that railway postal clerks are required to serve as temporary employees before they are eligible for regular employment, and that the respondent's representations with respect to starting salaries and promotions are inaccurate and misleading.

The complaint alleges that through his agents the respondent represents that positions are immediately available or guaranteed upon a student's passing an examination, and that the respondent, by use of so-called "blind" advertisements in which only a post office box is given as a reply address, conceals the fact that the advertisements are those of a correspondence school, and thereby represents that the advertiser is in a position to offer employment.

The complaint alleges that the respondent uses the fictitious name "International Creditors Protective Association" solely to intimidate purchasers and compel them to pay for the courses even when purchased as a result of the mistaken belief engendered by the respondent's deceptive practices as alleged. (4347)

**Monarch Printers & Binders**—Ora R. Yates and Charles W. Miller, trading as Monarch Printers and Binders, 812 Hunt St., Adrian, Mich., engaged in the sale and distribution of sales promotion cards and other merchandise to wholesale dealers, jobbers and retail dealers, are charged in a complaint with placing in the hands of dealers the means for conducting lotteries, and with misrepresentation.

The complaint charges that the respondents sell cards so designed and arranged as to involve the use of games of chance, gift enterprises or lottery schemes when used by dealers in promoting and increasing sales of their merchandise to the consuming public. The respondents are also charged with having caused display cards, letterheads and sales promotion cards to be distributed through the States, containing thereon the firm name of the respondents, "Monarch Printers and Binders," when in truth, the complaint continues, the respondents do not own, operate or control a plant for the printing and binding of sales promotion cards and other merchandise. (4339)

**Parker Pen Company**, Janesville, Wis., is charged with making misleading representations in the sale of fountain pens in a complaint.

The complaint alleges that the Parker Company advertises its "Blue Diamond Vacuumatic" pens as being of such superior quality and durability that they will last a lifetime and as being guaranteed for life, when in fact the respondent's pens are not such that they will last a lifetime, and the respondent's purported lifetime guarantee is in no sense such a guarantee but only a contract whereby the respondent agrees for the life span of the purchaser to make necessary repairs and adjustments at a flat rate of 35 cents each time a pen is sent to it for such service.

The Parker company, according to the complaint, in the sale of its "Vacumatic" pens, advertises that "its sacless filler abolishes 14 old-style parts," and that its pens are equipped with points which make them absolutely scratchproof.

The complaint alleges that the respondent's "Vacumatic" pens do not have any fewer parts than a number of other self-filling fountain pens; that the respondent has not eliminated the rubber sac or any other parts but merely changed their size, shape or

function; that the respondent's fountain pens are subject to the same trouble as other self-filling fountain pens with rubber sacs; and that its pen points designated "Scratch-proof" possess no novel, exclusive features which make it impossible for them to scratch under all conditions. (4338)

**Patent Specialty Company**—In a complaint, George W. Brenner and John M. Kurtz, doing business as Patent Specialties Company, 1060 Julia St., Teaneck, N. J., are charged with misrepresentation.

The complaint alleges that the respondents are engaged in the manufacture and sale of two devices known as the "Magic Wand Welder" and the "Super Magic Wand Welder", designed to be used in welding different kinds of metals, using electric current as the heating agency.

Through advertisements in trade publications and circulars, according to the complaint, the respondents have represented, among other things, that the Magic Wand Welder is a genuine heavy duty device which will, when connected with an ordinary automobile storage battery, weld all base metals in any form; that the Super Magic Wand Welder is useful for heavy duty in welding base metals of all kinds, and that it is a safe and efficient device to use in obtaining a "sun tan" on the skin.

The complaint alleges that in truth both devices are of light and flimsy construction; that the Magic Wand Welder will not, when connected to an automobile storage battery, generate sufficient heat, when used according to instructions, to prepare any metal for proper welding; that the Super Magic Wand Welder does not generate heat sufficient to do a good job of welding except on extremely thin metals; that it is dangerous, both to the user and to the wiring of any ordinary house circuit; and that the flame produced by the carbon arc, if employed by a novice in the use of violet-ray, might result in severe injury to the eyes and skin. (4336)

**Rex Drug Company**—Complaints alleging misrepresentation in the sale of medicinal preparations have been issued against Rex Drug Company and Louis Podrofski, its president, trading as Rex Drug Company, 201 East 35th St., Chicago; Max Caplan, trading as Capital Drug Company, 18 East Campbell Ave., Roanoke, Va., and Sherry's Cut Rate Drug Company, Inc., 406 Federal St., Bluefield, W. Va.

The complaint against Rex Drug Company and the respondent Podrofski alleges that they disseminate advertisements through the mails and by other means in which they represent directly or through inference that their product "Rex Perio Pills" constitutes a competent and effective treatment for delayed and painful menstruation, and that the preparation is safe and harmless. (4342)

The complaints against Capital Drug Company and Sherry's Cut Rate Drug Company, Inc., charge the respondents with disseminating advertisements in which they represent directly and by implication that the preparation designated as "Mrs. Bee Femo Caps" constitutes a safe, competent and effective treatment for delayed menstruation; that there is no risk in its use; that it does not cause the user discomfort or inconvenience, and that it is harmless and effective in suppressed cases. (4343 and 4345)

According to the complaints, the products sold by each respondent are not competent or effective treatments for delayed menstruation and are not safe or harmless in that they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaints further charge that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparations under such conditions may result in serious injury.

The Capital Drug Company and Sherry's Cut Rate Drug Company, Inc., last month were restrained by United States District Courts, on petition of the Federal Trade Commission, from further dissemination of advertisements containing representations similar to those charged in the Commission complaints, pending issuance of the complaints and their final disposition.

**W. A. Sheaffer Pen Company**, Fort Madison, Iowa, is charged in a complaint with making misleading representations in the sale of fountain pens.

According to the complaint, the Sheaffer company advertises that its "Lifetime" fountain pens are of such superior quality and



durability that they will last a lifetime without repair or adjustment; that only the respondent manufactures a fountain pen of such quality and that its "Lifetime" pens are guaranteed for life and are the only fountain pens so guaranteed.

The complaint alleges that the quality and durability of the respondent's pens are not such that they will last a lifetime without repair or adjustment; that the designation "Lifetime" is not warranted and that the respondent's purported lifetime guarantee is in no sense such a guarantee but only a contract whereby the respondent agrees for the life span of the purchaser to make necessary repairs and adjustments at a flat rate of 35 cents each time a pen is sent to it for such service. (4337)

**Sherry's Cut Rate Drug Co., Inc.**—See Rex Drug Company.

**William Silver & Company**—Violation of the brokerage provision of the Robinson-Patman Act is alleged in a complaint issued against William E. Francis S. Silver, trading as William Silver & Co., Aberdeen, Md. The respondents, according to the complaint, are engaged in the business of field brokers, and while so engaged act as agents of the sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores and other purchasers.

The complaint alleges that the respondents, while engaged as field brokers, effect sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondents; that for their service to the sellers the respondents receive from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where the respondents effect sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondents, such allowance and discount usually being the equivalent of the brokerage paid by the respondents to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the complaint, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondents.

The complaint further alleges that the respondents also purchase canned fruits and vegetables for their own account for resale to jobbers, wholesalers, retail chain stores and other purchasers and that in connection with such purchases and the resale of such commodities they have received and accepted from the sellers and have granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The complaint charges that the respondents have violated section 2 (c) of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting and by granting and allowing the brokerage fees and commissions or allowances and discounts in lieu thereof, as alleged. (4340)

**Vonnegut Hardware Company**—Alleging price discrimination in violation of the Robinson-Patman Act, a complaint has been issued against Vonnegut Hardware Company, 120 East Washington St., Indianapolis, operator of retail hardware stores in Indianapolis and manufacturer of self-releasing fire exit devices. The manufacturing part of the respondent's business is conducted under the name "Von Duprin."

The complaint alleges that the respondent discriminates in price between different purchasers buying its Von Duprin products of like grade and quality by selling such products to some purchasers at a 40 per cent discount from uniform list prices while selling similar products to other customers at a 50 per cent discount, such customers being competitively engaged one with the other.

The effect of the alleged discrimination, according to the complaint, has been and may be substantially to injure, destroy or prevent competition with the respondent and also with those purchasers receiving the benefit of the discriminatory prices. (4344)

**Walton Training Bureau**—Alleging misrepresentation in the sale of correspondence courses intended to prepare students for United States Civil Service examinations a complaint has been issued against Milton S. Long, trading as Walton Training Bureau, 121 Ellison St., Paterson, N. J.

In advertising matter circulated in various States, the respondent is alleged to represent or imply that United States Government positions are immediately available; that the respondent can obtain positions for students; that examinations will be held frequently; that the starting salaries are greater than they are in fact; that the respondent obtains information from the United States Civil Service Commission with respect to examinations being held which is not available to students, and that qualified instructors grade and mark examination papers. Among positions advertised, according to the complaint, are railway postal clerk, city mail carrier, post office clerk, and rural mail carrier.

The complaint alleges that in fact no positions are immediately available in the United States Postal Service; that the respondent is not connected with the United States Civil Service Commission and has no control over any appointments to Government positions, and that with respect to positions named in his advertisements, there have been extended periods during which no examinations were held, and only residents of the districts in which they may be held at some future date are eligible to take the examinations.

According to the complaint, the respondent does not employ qualified instructors; he has had no experience in preparing applicants for Civil Service examinations in the subjects offered, and has no information with respect to dates and locations of such examinations which is not available to the public generally. (4346)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Jno. O. Flautt Manufacturing Company, Inc.,** Jno. O. Flautt and John M. O'Connor, who formerly traded under the name O'Connor-Flautt Company, all of 1219 California St., Denver, have entered into a stipulation with the Federal Trade Commission in which they agree to cease certain representations in the sale of "Lifeguard" life preservers or buoyancy belts. The respondents agree to cease representing, directly or inferentially, that their products afford complete protection from drowning; that purchasers and users of "Lifeguard" belts are insured by Lloyds of London, or that purchasers are insured against drowning in the sum of \$1,000 or any other amount, unless, in direct connection with such representations, all limitations or qualifications are clearly stated. The respondents also agree to cease using statements concerning their product such as "When needed, it inflates itself into a man-size life preserver," implying that the inflating mechanism in "Lifeguard" belts is completely automatic, and to desist from use of the word "guarantee" or words of similar meaning, unless whenever used clear disclosure is made of exactly what is offered by way of security. (2951)

**Moto-Sway Corporation of America,** 430 South Green St., Chicago, manufacturer of pneumatic automobile jacks, which sway or rock automobiles during the greasing or servicing operations, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing, directly or inferentially, that automobile shock absorbers cannot be examined or refilled without the use of "Moto-Sway" automobile jacks; that enclosed springs of automobiles cannot be lubricated without the use of such appliances; that the use of the respondent's appliances results in the removal of all oils and sediment from crank-cases or in the elimination of repair bills, or in any other manner implying that the respondent's equipment is essential for the lubrication or other servicing of automobiles.

**Myco-Lac Mineral Yeast Company, Inc.,** 121 North Fourth St., Atchison, Kans., has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of "Myco-Lac Mineral Yeast," a livestock and poultry food or food supplement.

Among various representations which the respondent agrees to discontinue are that a product composed of 32 pounds of oats and one-third pound of "Myco-Lac" is equal in feeding value to 56 pounds of corn, and, directly or inferentially, that its product is superior to all competing products for increasing weight, stimulating appetite, rounding out cattle for market or for any other purpose.



## CEASE AND DESIST ORDERS

The respondent also agrees to cease making representations which imply that "Mycro-Lac" is a prophylactic, an effective treatment or a competent remedy for any malady, disease or ailment to which farm livestock or poultry are subject; that it builds up the resistance of livestock, or is an insurance against disease or a safeguard for health. The respondent also agrees to desist from representing, directly or inferentially, that the product, when used or fed as directed, provides sufficient protein for livestock or poultry; is a potent or adequate source of yeast, cod liver oil or Vitamins A, B, D and G for livestock deficient in vitamins; is adequate as a supplement to rations lacking in vitamins, or will produce miraculous or almost miraculous results. (2945)

**Overall Paint & Lead Company, Inc.**, 6318 Kinsman Road, Cleveland, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing that its liquid roof coating conforms to Federal Government specifications for that product, and to desist from using the letters "WPA" in a manner tending to convey the impression that its product has been sponsored or approved by the Work Projects Administration or any Federal Government agency. The respondent, according to the stipulation, also operates under the trade names Nu-Ruf Roofing & Manufacturing Company, Fibre-Oil Roofing & Manufacturing Company, Western Products Company, Top-All Roofing & Manufacturing Company, and Crescent Products Company. (2947)

**Roxborough Knitting Mills, Inc.**, Maple Shade, N. J., engaged as a wholesaler in the selling and distribution of hosiery, has agreed to cease and desist from use of the words "Union Made" or of any mark or insignia resembling or simulating the Union Label upon or in connection with products not made by workmen affiliated with the American Federation of Labor or with any labor union organization, and from use of the words "Knitting Mills" as part of its corporate or trade name, and from use of either the word "Knitting" or "Mills" in any way so as to import or imply that the Roxborough Knitting Mills, Inc., actually owns and operates or directly and absolutely controls the plant or factory in which its products are knitted or manufactured. (2948)

**Seneca Textile Corporation**, 91 Franklin St., New York, manufacturer of textiles, including vat-dyed prints and cretonnes used as furniture covering material, has entered into a stipulation with the Commission in which it agrees to desist from the use of either the word "Sunfast", "Tubfast" or "Faskolor", or of any other words of similar meaning, as descriptive of fabrics the appearance or color of which is changed or affected when the fabrics are laundered or exposed to light; and from the use of such words as descriptive of fabrics so as to imply that their coloring is unfadable or proof against fading, as when the fabrics are exposed to light or are laundered. (2950)

**Springfield Dyeing Company, Inc.**, Bordentown, N. J., engaged in the dyeing and finishing of hosiery furnished it in the grey, for the owners of such products, agrees in connection with the dyeing and finishing and subsequent sale of the products to cease and desist from marking, stamping, branding or labeling the products with the words "Union Made" or with any mark or insignia resembling or simulating the Union Label, when in fact the products are not made by workmen affiliated with the American Federation of Labor or with any labor union organization. (2949)

**Stock-Gro, Inc.**, 612 North Michigan Ave., Chicago, has made a stipulation in which it agrees to cease representing that its product "Stock-Gro" or any product of similar composition, is a competent treatment or effective remedy for, or prevents, or "corrects" necro enteritis, blackhead, coccidiosis, round worm, scours or any other livestock or poultry disease.

The respondent also agrees to cease representing, directly or inferentially, that its preparation possesses any therapeutic properties or is efficacious as a food conditioner beyond any nutritive properties which it may possess.

Other representations which the respondent agrees to discontinue are that lactic acid is "a most excellent antiseptic", aids the growth of animal tissue, or has any beneficial effect in preventing or treating round worm infestation, intestinal disturbances or other diseases of animals, and that "Stock-Gro" will cut the cost of milk feeding 40 per cent. (2946)

Commission has issued the following cease and desist orders:

**Ralph Corn Underwear, Inc.**—An order has been issued directing Ralph Corn Underwear, Inc., 36 East 31st St., New York, to cease and desist from making misleading representations in the sale of women's wearing apparel.

Commission findings are that through the mails, and on labels and letterheads, the respondent corporation represented the character and quality of its garments by the following, among other, representations:

"Ralph Corn Underwear, Inc., the king of Satins, Satin and Pigment Crepe Slips, Gowns and Man-Tailored Pajamas. Pigment Back Silk Satin Slip. Pigment Crepe Heavy Quality Satin Striped Gown. Multifilament Crepe Gowns."

However, the findings continue, none of the garments sold by the respondent were made entirely of silk, but of rayon or other non-silk material, or a mixture of rayon and silk.

According to findings, the respondent further used in its advertising material and on letterheads the words "Manufacturers of Silk Undergarments", thereby representing itself to be the manufacturer of the garments it sells, when in fact its method of production does not constitute the respondent a manufacturer, and the respondent does not own, operate or control a manufacturing plant.

The Commission order directs the respondent corporation to cease and desist from using the unqualified terms "Satin" or "Crepe" or other descriptive terms indicative of silk to describe any garment or fabric not composed wholly of silk; provided, however, that when these terms are truthfully used to describe the type of weave, construction or finish they should be qualified by use, in immediate connection therewith, in letters of equal conspicuousness, of words accurately describing the constituent fibers.

The order also prohibits use of the unqualified term "Silk", or other terms of similar meaning, to describe a garment or fabric not composed wholly of silk; provided, however, that in case of a garment or fabric made in part of silk and in part of other materials such terms may be used as descriptive of the silk content when immediately accompanied by other words of equal conspicuousness accurately designating such other materials in the order of their predominance by weight, beginning with the largest single constituent.

The order further prohibits the advertising or sale of garments or fabrics composed in whole or in part of rayon, without clearly disclosing the rayon content. When such garments or fabrics are composed in part of rayon and in part of other materials, such other materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (4017)

**Parker T. Frey Company**—An order has been issued directing Parker T. Frey, trading as Parker T. Frey Company and Nearby Sales Company, 8 South Front St., Philadelphia, to cease and desist from violations of the brokerage provision of the Robinson-Patman Act. The respondent is a broker in the sale of food products, particularly canned sea food and vegetables.

In buying such food products for his own account for resale, the Commission findings relate, the respondent Frey, trading in his own behalf principally under the name of Nearby Sales Company and often under the name of Parker T. Frey Company, receives and accepts from numerous sellers a brokerage fee or an allowance or discount in lieu of it.

The Commission order directs that the respondent cease and desist from accepting from sellers, directly or indirectly, on purchases of commodities made for the respondent's own account any brokerage and any allowances and discounts in lieu of brokerage, and from accepting from sellers anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made for the respondent's own account. (4290)

**Interwoven Stocking Company** has been served with an order directing it to cease and desist from misleading representations in the sale of men's hosiery.

Pointing out that many purchasers prefer foreign-made hosiery, especially that made in England, the Commission's findings are that the respondent's manner of branding and labeling certain



of its hosiery products gives the impression that they are machine made and imported from England. The findings continue that the presence of the English Crown superimposed above an oval portion of the respondent's stamping or printing followed by the words "Genuine 6x3 Ribbed" thereunder further implies that the hose were "Imported from England" but "Made on Machinery." Originally, the findings continue, 6x3 ribbed hose were made only in England, although later machinery therefor was imported into the United States from England and other countries, and American machinery was later devised for the manufacture of 6x3 ribbed hose.

The respondent's use of the word "Genuine" before "6x3 Ribbed" according to the findings, gives the further impression and effect that the hose are imported from England, inasmuch as England was originally the only source through which a "6x3 Ribbed" hose could be obtained.

The Commission order directs the respondent, in connection with the sale of hosiery, to cease and desist from using the term "Imported from England," either alone or in connection with any other term indicative of English or other foreign manufacture, to describe hosiery manufactured in the United States, and the term "Made on Machinery Imported from England" to describe hosiery made in the United States on machinery imported from England, unless, in each instance, the words "Made on Machinery" appear in immediate connection with the words "Imported from England" in letters and type of equal prominence and conspicuousness.

The order also directs the respondent to discontinue the use of a facsimile of the English crown, or any other symbol indicative of England, alone or in connection with the words "Genuine 6 x 3 Ribbed", or in any other manner, so as to imply that hosiery manufactured in the United States is imported from England, and the representation, in any manner, that hosiery made in the United States is imported from England or any other foreign country. (4179)

**M & M Bag & Suit Case Company**—Meyer Brodie and Morris White, trading as M & M Bag and Suitcase Company, 26 Exchange Place, Jersey City, N. J., engaged in the sale and distribution of leather luggage, have been ordered to cease and desist from misrepresentation of their products.

Findings of the Commission are that the respondents have represented that traveling bags, suitcases and other luggage sold by them are "Made of Genuine Buffalo Walrus Leather", when in fact these products are not made of walrus leather but of buffalo leather.

The respondents are ordered to cease and desist from representing that traveling bags, suitcases or other articles of luggage made of buffalo leather are made of walrus leather, or representing that any traveling bag, suitcase or other article of luggage is made of any specified material, when such traveling bag, suitcase or other article of luggage is not, in fact, made of the material specified. (4046)

**Nearby Sales Company**—See Parker T. Frey Company.

**Siegal-Kahn Company, Inc.**—An order has been issued directing Siegal-Kahn Company, Inc., trading as Manshire Mills and as Snugintucks Mills, 93 Worth St., New York, to cease and desist from making misleading representations in the sale of women's undergarments.

Commission findings are that the respondent company represented that its products designated "Snugintucks" contained 30 and 15 per cent wool, respectively, when in fact the actual fiber content of each product was 88 per cent cotton, 9 per cent rayon, and 3 per cent wool.

Through use of the word "Woolywarms" in the name of its product "Dr. Ames Treat Yourself Woolywarms Multi-Ply Crotch, Full Combed", unaccompanied by any specific designation of the fiber content, the respondent, according to findings, represented that this product contained a substantial percentage of wool, when in fact it was composed entirely of cotton.

The Commission order directs the respondent to cease and desist from misrepresenting the wool or other fiber content of its products, and from using the term "Woolywarms" or other terms containing the word wool to designate garments or fabrics not composed entirely of wool, provided, however, that such terms may be used to describe garments of fabrics composed of wool and other materials when the true wool percentage is adequately disclosed.

The order further directs the respondent to cease advertising or selling garments or fabrics composed in whole or in part of rayon, without clearly disclosing the rayon composition. In cases where such products are made in part of rayon and in part of other fibers, such fibers or materials, including rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order.

Use of the word "Doctor" or "Dr." to designate a garment or fabric not designed or approved by physicians, and of the word "Mills" as a part of the respondent's trade name or otherwise to represent that it manufactures the products it sells, also are prohibited in the order (4204).

**Snugintucks Mills**—See Siegal-Kahn Company, Inc.

**Spors Company**—Frank Spors, trading as The Spors Company, Le Center, Minn., a dealer in medicinal products, household accessories and other articles, has been ordered to cease and desist from making misleading representations in the sale of certain of his products.

Commission findings are that the respondent has represented that a medicinal preparation known as "Super-Pure Laxative Bromide Quinine Tablets" constitute a cure or remedy for colds; that a water heater designated "Electro Heat-Kwik" is capable of heating substantial quantities of water for family uses, is entirely safe for use, and has been approved by the Underwriters' Laboratories; that a product described as "Savarip" is of substantial value in the prevention of runs, snags and breaks in silk and rayon hosiery and lingerie; that fountain pens described "Elgin Stylo Pointed Pens" are comparable with fountain pens retailing for sums up to \$5 each, and that salesmen or agents reselling such pens are enabled to make a profit of 300 per cent.

According to findings, the quinine tablets, while possibly affording temporary relief for cold symptoms, do not constitute a cure or remedy for colds and the other products will not accomplish the results claimed. Commission findings are further that the respondent's hot water heater is not entirely safe for use, and that while the cord attached to it may have been approved by the Underwriters' Laboratories, the heater itself has not been so approved.

The Commission order directs the respondent to cease and desist from disseminating advertisements representing, directly or through inference, that "Super-Pure Laxative Bromide Quinine Tablets" are a cure or remedy for colds; to cease representing that the products "Savarip," "Elgin Stylo Pointed Pens" and "Electro Heat-Kwik" will accomplish the results claimed, and that the heater has been approved by the Underwriters' Laboratories, and to discontinue representing that the heater is entirely safe for use, through failure to reveal that a user coming in contact with any grounded metal object may suffer severe shock (4246).

**Jordan Stevens Company**—An order has been issued directing Jordan Stevens Company, 200 Third Ave., North, Minneapolis, to cease and desist from the use of lottery methods in the sale of coffee.

The order prohibits the respondent from selling or distributing coffee or any other merchandise so packed and assembled that sales may be made by means of a lottery; supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of coffee or other merchandise, or separately, which devices may be used in selling such coffee or other merchandise to the public; or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme. (4269)

## FTC CASES CLOSED

Federal Trade Commission has dismissed a complaint charging Shaw's Jewelry Company and Shaw's, 1618 Main St., Dallas, Tex., with violation of the Commission Act in the sale of jewelry and silverware. The respondent corporations are no longer engaged in business and have been legally dissolved.

The Commission has also closed its case against Reading Batteries, Inc., Temple, Pa., and others, without prejudice to its right to resume proceedings should future facts so warrant. Other respondents include Bowers Battery Manufacturing Company, Inc., Reading, Pa.; Royal Battery Corporation, New Brunswick, N. J.; Price Battery Corporation, Philadelphia, and Perrine Quality Products Corporation, Waltham, Mass. The respondents had been charged with unfair methods of competition in the sale of automobile storage batteries.







THE WEEK IN WASHINGTON

Stanley E. Hubbard, President and General Manager of Station KSTP, St. Paul, announced this week that he was recommending to his Board that the station join the BMI. Gene O'Fallon, KFEL, Denver, told ASCAP why an ASCAP number sometimes was heard on his station although it was station policy not to use ASCAP music on local programs. BMI tunes were 2, 3 and 4 on the "Variety" sheet this week. Independent broadcasters endorsed BMI at a New York meeting. (p. 4707.)

Broadcasters who have given the meat industry free advertising for many years should note that the industry passed up radio in its current \$2,000,000 campaign. (p. 4710.)

The 40-hour week under the Wage and Hour Act is now in effect. Members having questions about exemptions should write to the NAB Labor Relations Department. (p. 4710.)

Plans for radio's Twentieth Birthday Celebration, November 11-30, are being made all over the country. (p. 4712.)

Results of the draft drawing can be broadcast; it is not a "lottery". Utah was the only state to report a change in the status of the Communist Party this week. (p. 4712.)

Oregon and California broadcasters held meetings. (p. 4713.)

Better broadcasting was the theme of the University of Iowa's first annual conference on applied radio. (p. 4714.)

Broadcasters are urged to prepare for handling the news of conscription drawings. (p. 4716.)

Short-wave broadcasters will meet in New York City, Tuesday, October 29, to discuss the new FCC rules. (p. 4716.)

A partial list of phonograph records of the Peer International Corporation Publications available for broadcasting is included in this issue. It supplements a list of Cole publications records published in last week's issue. (p. 4718.)

**BMI Developments**

STANLEY HUBBARD JOINS

Stanley E. Hubbard, president and general manager of Station KSTP, St. Paul, announced this week that he was recommending to his board that the station join BMI. Mr. Hubbard issued the following statement:

Stanley E. Hubbard, President and General Manager of KSTP, which has the largest musical library of any independent station in the United States, announced today that he was recommending to the Board of Directors that his station, KSTP, join Broadcast Music, Inc. Mr. Hubbard's decision was reached after an investigation of BMI.

"For several months I have been investigating the music situation as its availability would affect the future programming of broadcast stations. This study was undertaken and carried on by me without the knowledge of any other broadcaster for the purpose of ascertaining in the most thorough and independent way possible what the facts were before reaching a conclusion as to what position we should take with reference to Broadcast Music, Inc. I investigated BMI, its facilities, its library and its production schedule, and after giving careful consideration to all the facts involved I have decided that BMI will not only take care of all the musical needs of the broadcasters, but that BMI offers the best service that has been known to American music in my time in making possible a hearing for music produced by independent composers, and in making its music available to orchestra leaders and musicians in general without any strings tied to it. I was very much impressed with the practical arrangements which BMI is making of the world's greatest music by which orchestras, both large and small, and independent radio stations will be able for the first time to meet the growing demand of the public for good music. We have discovered that a large percentage of our audience wants the music of great masters, such as Stephen Foster, and BMI will give it to them.

"Because I knew from experience that BMI could not succeed, even though it possessed all the facilities and advantages mentioned, unless the major networks gave their sincere and unqualified support to it, during the course of my investigation I took occasion to ascertain what the attitude of the networks would be toward BMI. I found that the networks were doing all they could to insure its success and I went so far, after being convinced that BMI was otherwise worthy of support, as to secure the unqualified and absolute assurance from executives of the major networks that they would stand behind BMI and give it their wholehearted support. I also secured like assurances from them that the networks would continue to fight along side and with the independent broad-

*(Continued on page 4708)*



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*; Andrew W. Bennett, *Special Copyright Counsel*

## STANLEY HUBBARD JOINS (Continued from page 4707)

casters in their efforts to build and maintain a responsible and adequate source of interesting and high class music and to make it available for broadcasting.

"With these facts disclosed through an independent study and investigation and on the basis of the unqualified assurances given me by network executives, I am convinced that BMI is definitely over the hump and that it is assured of success. I am just as completely convinced that BMI has broken the strangle-hold which has bound music for the past twenty years.

"In 1925 in my early days of radio I put Olsen and Johnson on the air for the first time and naturally have been interested in their success ever since. I have had an understanding with Olsen and Johnson and J. Levison regarding the music from their show, 'Hell Z' Poppin', now a musical hit on Broadway and which has already broken all records for musical comedies. From time to time we have discussed what to do with the musical numbers from this show, and because of my deep-seated interest in their success I have withheld by advice until I could complete the investigation of BMI. Being convinced that the success of BMI is assured, I have released all my rights to these numbers and have advised Olsen and Johnson to go in BMI with all their present and future show hits, which they have done. KSTP, too, is joining BMI and will be on board the new band wagon of American music."

Upon learning of Mr. Hubbard's action, Neville Miller issued this statement:

"We are naturally delighted with the action of Stanley E. Hubbard, president and general manager of KSTP. The fact that he approved of BMI only after a thorough investigation should be convincing evidence to those who have hesitated until now to join.

"His action in securing the Olsen and Johnson music is especially appreciated. I have heard two of the numbers and they are just what we want—real hits.

"I heartily second Mr. Hubbard's statement that BMI is definitely over the hump and it is assured of success."

## GENE O'FALLON, KFEL, ELIMINATES PRACTICALLY ALL ASCAP MUSIC

Gene O'Fallon, KFEL, Denver, has sent the following letter to ASCAP:

October 15th  
1940—Our 18th Year

Mr. Herman Greenberg  
American Society of Composers,  
Authors and Publishers  
Thirty Rockefeller Plaza  
New York, N. Y.

DEAR MR. GREENBERG:

Information has reached us that you and your Associates may be using certain information regarding the musical content of pro-

grams originated by KFEL in your contact with other stations. We would like to clarify our position so that such stations will have full facts available in considering the value of your information.

Frankly, the information we have is that ASCAP is supposed to be circulating a check sheet on our program originations showing that we are performing certain music copyrighted by ASCAP.

We assume that this is being used in your sales talk to offset the effect of our announced policy of restricting the use of ASCAP music since the latter part of last July. So that you and any stations to whom such information is presented may have all of the facts let it be understood that for the duration of our existing ASCAP license period, i.e., until December 31st of this year, we shall make whatever use we desire of ASCAP music in conformity with our license—we have been doing so and will continue to do so until December 31st. In addition we are performing other copyrighted music for which we are licensed by SESAC, Associated Music Publishers and the various catalogs which have been acquired by BMI.

The plain facts of the case are that we have eliminated practically all ASCAP music from our local program originations since last July 25th, but there have been some instances where it was to our advantage to occasionally perform an ASCAP composition. Where it has suited our convenience, we have made such performances of ASCAP music which we have a perfect right to do under the terms of our license—a typical instance is on a commercial program for a roller skating rink in which we have permitted the Agency to select the musical compositions—the fact that this rink employs an organist who has been in the past, and perhaps may be at present, employed as an ASCAP spotter for infringements may have something to do with the selection of certain ASCAP compositions for its programs.

We should like to go further and explain that we have two purposes in mind in concentrating upon non-ASCAP music in our program originations. In the first place, we have been informed repeatedly by your organization that the performance of your music by radio broadcasting has been injurious to your music—specifically, that radio has "killed your tunes". We still do not acknowledge this effect but we certainly have no desire to injure your compositions.

In the second place, our policy is giving us the opportunity of acquainting our listeners with music other than that controlled by your Society so that they may become familiar with it prior to the expiration of our ASCAP license, which we do not intend to renew because your Society has consistently refused to permit us to purchase any portion of your service without requiring us to pay for the use of your entire catalog. Probably you have the right to dictate the terms upon which we can use your product, but we don't see how you can force us to use it if we don't like your terms.

It has been your contention that radio performances have ruined your music and it has been our contention that radio performances have built it up. To support our contention we have invested in a music corporation to give us another source of supply. We feel it will be best for all concerned to prove once and for all which contention is right. We have always acknowledged and do not now deny that your Society controls some desirable music for radio broadcasting, but we feel our industry has progressed to the point where it can no longer be dependent upon a single source of supply for music, any more than for other broadcasting material, such as news, sports, special events, drama, quizzes and forums, which are supplementing musical programs in ever increasing numbers.

We hope you will keep these facts in mind in any information you release regarding the musical performances by KFEL.

Cordially yours,

GENE O'FALLON, KFEL.



**BMI FEATURE TUNES**  
**October 21-November 4**

1. PRACTICE MAKES PERFECT
2. YOU WALK BY
3. THE SAME OLD STORY
4. MAY I NEVER LOVE AGAIN
5. THERE I GO
6. I GIVE YOU MY WORD
7. I HEAR A RHAPSODY
8. SO YOU'RE THE ONE

The BMI big three, *Practice*, *Story*, and *There I Go*, stand in second, third and fourth places on the "sheet" this week. *I Give You My Word* is climbing up toward them, and *We Could Make Such Beautiful Music* appears for the fifteenth week. Last week, *Practice* and *There I Go* were numbers two and ten respectively on the Hit Parade.

On every one of the best seller lists, both for sheet music and for phonograph records, *Practice Makes Perfect* appears, and two different records of it appear in sixth and eighth places on the list for the Midwest. The recording by Bob Chester is the sixth in line of the biggest money makers in the automatic phonographs.

National Independent Broadcasters, an association composed wholly of independently owned broadcasting stations, voted Tuesday, October 22, 1940, at their Convention at the Waldorf-Astoria to support Broadcast Music, Inc., radio's new source of music supply. The resolution which was passed during the morning reads: "Resolved that National Independent Broadcasters support Broadcast Music, Inc., in its effort to create a permanent and adequate supply of music for broadcasting and urge that all independent stations immediately cooperate with Broadcast Music, Inc., to the best of their ability."

This places the radio industry unanimously on record in favor of the BMI plan to create an open and competitive market for music by means of which other licensing agencies may compete with ASCAP (American Society of Composers, Authors and Publishers).

The present "blanket licensing" by ASCAP was condemned as contrary to just and equitable business practice and the association went on record as favoring a "per-program" basis of payment which would require payment only on those programs using ASCAP music.

At the end of the Monday afternoon session of the NIB Convention, BMI entertained the delegates in the Perroquet Suite of the Waldorf. Carl Haverlin, BMI's

Station Relations Director, spoke briefly to the guests and they were given an opportunity to question him and other representatives of BMI who were present.

We add three more to our previous 400 stations. BMI welcomes the following new members:

WIBX, Utica, N. Y.  
WKPT, Kingsport, Tenn.  
WSLS, Roanoke, Va.

At the end of last week, BMI moved into enlarged quarters. At the present time the offices occupy nearly the entire fifth floor of 580 Fifth Avenue. The new quarters add about 5,600 square feet, which somewhat more than doubles the floor space. Earlier this month, the Arranging and Production Departments took over another floor at 23 West 47th Street. BMI now occupies with all its forces about 18,000 square feet of office space and in addition keeps nine or ten independent printing companies working full time or over time to turn out the music with which it fills five Railway Express truck loads a week.

This week, there will be shipped 40,000 regular orchestrations, 16,000 dance orchestrations, 22,000 professional and sheet music copies of popular music, 4,000 copies of standard music, 15,000 re-prints from the Hinds, Hayden and Eldridge catalogue—a total of 97,000 units.

A somewhat natural confusion seems to have arisen as to the music covered by BMI's contract with G. Ricordi and Company of Milan, Italy. The confusion is caused by the fact that there is a G. Ricordi, Inc., of New York, originally a branch of the old Milan company but now operating as an American publishing house and a member of ASCAP. Naturally, the music of the New York house is not covered by the contract with BMI. The music of the New York house may be distinguished from that of the Milan house by the "Inc." after the name. Where the "Inc." appears, the music is not covered by the arrangements with BMI.

Harry Engel has been engaged to head the BMI office in Los Angeles.

Mr. Engel has had a noteworthy career in the music industry, having spent approximately 18 years during which he became familiar with every phase of the business. His first years were spent with Jack Robbins, later becoming a member of the firm under the name of Robbins Engel, Inc. During his association with Robbins over a period of ten years, he acted as the business executive of the company, spending a great deal of his time contacting the music dealers and in general professional contact throughout the country.

In 1928 Engel replaced Bobby Crawford as sales manager of the Irving Berlin Company at the time Bobby Crawford formed De Sylva, Brown, Henderson publishing firm. Engel remained with Irving Berlin for eight and one-half years after which he formed his own publishing company known as Davis-Coots, and Engel, Inc.; Davis and Coots being the well-known popular writers, Benny Davis and J. Fred Coots. This firm enjoyed the reputation of being one of the fastest producers of hit songs publishers in the industry. They started out immediately with the musical comedy success "SONS O' GUNS." Amongst the songs published by the firm the first couple of years were such numbers as "WHY," "I STILL GET A THRILL," "DREAM A LITTLE DREAM," "FAREWELL TO ARMS," "WE JUST COULDN'T SAY GOODBYE," "AS YOU DESIRE ME," and a score of others, equally well-known.

In 1934, approximately, Engel affiliated his company with the National Broadcasting Company of which Leo Feist, Inc., and Carl Fisher, Inc., were the other two companies in the group of publishers controlled by Radio Music Corp. At the time Radio Music Corp. went out of existence, Engel bought his interest back from Radio Music and operated the business under the firm name of Harry Engel, Inc. About three years ago he sold his company to Fred Waring, Guy Lombardo, and Paul Whiteman.

Recently he has been affiliated with Fanchon and Marco, in charge of the motion picture division. During this time he has placed numerous people under picture contracts, including Judy Canova. His work in the past three years has kept him in close contact with the entire amusement industry.

## Free Offers

### "IT'S YOUR MOVE, NOW!"

"Meat Makes Its Move" is the title of a recent Printers' Ink article (Sept. 13) reporting on the current promotion campaign of the American Meat Institute. Designed as a cooperative effort to increase meat consumption, which has fallen off per capita considerably in the past twenty years, the \$2,000,000 campaign broke in 16 general magazines and some 150 newspapers throughout the country. Radio was not on the list, and many members have written the Bureau of Radio Advertising asking why.

Here is a perfect example of the evils resulting from the free offer problem. Why isn't radio getting a fair share of the \$2,000,000? Because it is the American Meat Institute's firm conviction (based on their own experience and that of others) that radio can be depended on for plenty of free time. In its handling of

free offers and in its contacts with individual time-chiselers, the Bureau has had considerable correspondence with the National Live Stock and Meat Board, the Institute of American Meat Packers, and other groups represented in the current campaign, on the subject of radio advertising. Admitting that many individual advertisers in this field have been and are regular users of paid time, the extent to which radio is being bled still appears as the chief reason for its being shut out of the present campaign.

Every broadcaster is familiar with the flood of publicity scripts, recipes, menu suggestions, booklet offers and other so-called "news for housewives" which these same groups have constantly sought to place on women's programs and domestic science hours throughout the country. Such efforts are not new or surprising. The regrettable fact remains that far too many stations have either been too receptive to such offers, or too lax in their supervision of scripts where such commercialism is hidden. The problem is a very real and complicated one. But when the meat packing industry, which has warded off radio's sales solicitations for years with the excuse "No funds for advertising", invests \$2,000,000 in printed media (while still seeking and expecting free time on the air) it may well be that the time has come for radio to "make its move".

A firm and united stand—that is all that is needed to solve the free offer problem. Many courageous and far-sighted station managers are constantly battling in this cause. In the NAB's opinion, it is a worthy cause, deserving of industry-wide support. No better proof of that can be found than the American Meat Institute campaign. \$2,000,000 is a lot of money. Even half of it would buy time for a respectable campaign on every member station, and though it may be too late, so far as this particular account is concerned, there will be others. Radio cannot afford to and must not play the sucker, if it is to share equally with other major media in cooperative campaigns and industry promotion efforts of the future. If it is to protect itself from the chiselers, it will have to take a firm stand and present a united front in refusing to accept free offers. There is no other solution. It's our move now.

## Labor

### WAGE AND HOUR ACT

A great many broadcasters have written to the NAB during the past week about the redefinitions of executive, administrative, and professional employees, and outside salesmen under the Wage and Hour Act. The Act exempts employees in these categories from its wage and



hour provisions. No overtime, therefore, needs to be paid to employees in these categories.

In last week's *REPORTS*, page 4686, the NAB expressed the opinion that an executive of a department which was in operation, for instance, for 126 hours a week could do the same type of work as those under him 25.2 hours a week without losing his executive status. This opinion has been challenged. Some contend that Section F of the new definition of an executive refers to the hours of individuals under him and not to the aggregate number of hours worked by those under him. Until this question is cleared up it would perhaps be best for executives not to do more than 20 per cent of the same type of work performed by the individuals under him, to retain their executive status. That is, a "chief engineer" should do no more than 8 hours at the controls each week if the technicians under him normally work 40 hours per week.

There appears to be a little confusion as to what employees can be classed as administrative. The report from the Wage and Hour Administration accompanying the new definitions includes the following paragraph which may be helpful:

"Here, as in the other instances, the differentiation between the clerk and the person with true administrative responsibility is to be found, first, in the exercising of discretion and independent judgment, and, second, in the receipt of an appropriate salary."

The Administration found that "an appropriate salary" was \$200 or more a month. The same report also indicated that no administrative worker could do any substantial amount of manual labor and retain his administrative status. It said:

". . . The performance of some incidental manual work, in a technical sense, should not serve as a bar to exemption. For example, if otherwise qualified, the incidental performance of stenographic work by an executive secretary or the incidental operation of a machine by a machine demonstrator would not disqualify them from the exemption."

The NAB again urges stations who have any doubt about the status of individual employees to send in a complete description of their duties. If the NAB is unable to give an opinion as to their status, an official opinion from the Wage and Hour Administration will be secured.

### RATHBORNE RESIGNS

Mervyn Rathborne, president of the American Communications Association (CIO), has resigned. Ill health was given as the reason. Joseph P. Selly, vice-president, has been named acting president.

### PAYMENTS TO DRAFTEES

Under a ruling of the Bureau of Internal Revenue sums paid to employees absent in the military service or serving the Government in other ways at a nominal compensation during the present emergency will be deductible from gross income for Federal income tax purposes.

The ruling, in response to several inquiries by business organizations, pointed out that a similar practice was followed in 1917 and 1918.

Test of the ruling is as follows:

"Advice is requested whether the M Company, which intends to make payments of salaries to employees who are called for military service, may deduct amounts so paid from gross income for Federal income tax purposes. In 1917 and 1918 many employers adopted the practice of making such payments. At that time the question arose whether employers could deduct the amounts so paid from their gross income. It was held that salaries paid by employers to employees who were absent in the military or naval service or were serving their government in other ways at a nominal compensation but who intended to return at the conclusion of such services were allowable deductions from income. The same rule will apply to salaries paid during the present emergency."

### CONSCRIPTION

For the information of member stations who will be called from time to time by various people, including employees, seeking information about the rights of men drawn into selective service training, we publish herewith a statement from the Selective Service Headquarters in Washington:

Four important provisions for the protection of the civil rights of men in Selective Service training, or in the armed forces of the Nation that are given by The Soldiers' and Sailors' Civil Relief Act of 1940, are emphasized by National Headquarters, Selective Service System, in a summary of the Act.

The major provision, it is pointed out, is the wide discretionary power given to all courts in the country with regard to the enforcement of the judgments as well as for the protection of defendants when suits are entered and heard. Important specific general provisions of the Act are:

1. No default judgment can be obtained against any man of military age unless the court first is informed by affidavit of his military status. The penalty prescribed for making a false affidavit is imprisonment for one year or a fine of not more than \$1,000, or both.

2. Generally, no judgment can be collected against any man in military service unless a bond is posted to indemnify him should the judgment be reversed after he has finished military service.

3. The court may extend the time for payment of a judgment not exceeding three months after completion of military service, or may arrange for its payment in instalments over a longer period.

4. No man in military service may be sued unless he is represented in court. If he is not represented by his own attorney, the court will appoint an attorney to act for him—but he is not bound by the action of an attorney so appointed.

The summary of the Act reads:

*General Relief:* Persons in the military service are granted an extension of time to apply to any court which has entered certain judgments against them, while they were in service. Other relief in connection with legal proceedings is also provided.

*Rent, Installment Contracts and Mortgages:* The courts are allowed to be more lenient in certain cases of nonpayment of rent for the dwelling place occupied by the wife, children or other dependents of a person in military service. Where an automobile, tractor, clothing, furniture or other personal property has been purchased under an installment or deferred payment contract, prior to October 18, 1940, and the purchaser has entered the military service and thereby becomes unable to make the payments, the property cannot be repossessed by the seller without a court order. The court may stay the proceedings as provided in the Act, or may make such other disposition of the cases as may be equitable to conserve the interests of all parties to the contract. The court may order all or any part of the deposit or installment payments to be refunded to the purchaser before the seller can resume possession of the property, or the court may adjust the payments to the financial ability of the person in military service, or it may arrange for the payments to be completed after the period of military service.

The Act provides that the purchaser and seller can change or cancel the contract on such terms as they mutually agree upon in writing or they can make a new contract if they so desire. Similar relief is provided for real estate contracts and mortgages.

**Life Insurance:** Persons in or entering the military service may secure through the military and naval authorities information as to how they may apply to the Veterans' Administration for the benefits of the Act to safeguard their life insurance. Premiums for not more than \$5000 worth of life insurance in one or more policies on the legal reserve plan, under certain conditions will be advanced in full or in part by the government. The amount of premiums paid by the government remain as a lien against the policies unless the individual pays the company within one year after he has left the military service.

**Taxes:** The payment of any taxes or assessments, general or special, falling due during the period of military service in respect to real property owned and occupied for dwelling, agricultural or business purposes by a person in military service or his dependents may be postponed until six months after the termination of the period of military service, by filing the prescribed affidavit with the collector of taxes. If the property has been sold or forfeited for taxes it may be redeemed within six months after the termination of military service, by the payment of the amount of back taxes together with 6 per cent interest. Other penalties are to be waived.

**Public Lands:** The Act provides for the protection of rights and allows certain credits to persons in the military service who have made application for homestead entry, desert-land entry, or are claimants of mining locations under permit or lease.

The purpose of the law is to protect the civil rights of persons in the military or naval service, and is clearly stated in the law as follows: "\* \* \* to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of Civil liabilities, in certain cases, of persons in the military service of the United States \* \* \*, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified \* \* \*."

## Promotion

### RADIO'S TWENTIETH BIRTHDAY

Early as it is broadcasters are at work making plans for taking a hand in celebrating Radio's 20th Birthday next November 11-30.

Robert Greenberg, promotion manager, WHK-WCLE, Cleveland, has tied-up a string of prominent store windows, of a nationally known chain, for a portion of the participation of his stations.

From Boston, New York, Philadelphia, Baltimore, Pittsburgh, the Middle West and Seattle have come rumblings of big things to happen.

Dave Finn, advertising manager of RCA Manufacturing, has sent all of RCA dealers a folio containing a series of commercials which tie-in with Radio's Birthday.

Three birthday programs and one pre-birthday show are set for 7:30 p. m. EST, Fridays, over WJZ and NBC—Blue, according to word from Dr. O. H. Caldwell, editor, *Radio Today*.

A synopsis of these four programs follows:

#### "TWENTY YEARS OF RADIO PROGRESS"

Nov. 8—"RADIO'S MILLIONS." Somebody Buys a Receiving Set Every Two Seconds—a Radio Tube Every Quarter Second. Fifty Million Sets in Use. Homes with Radio. Cars with Sets. Billions Invested in Receivers. Radio Stations. Statistics of the

New Art. Spending Half-a-Million a Day—and All Free to You! Nov. 15—I. "TWENTY YEARS OF RADIO." Milestones of Discovery and Invention that Led up to the Beginnings of Broadcasting. Pioneers Who Blazed the Way. Forward Steps along Radio's Pathway, 1920-1940. Locations in New York City Which Made Radio History, as Viewed from a Plane, from Which the Broadcast Will Be Conducted.

Nov. 22—II. "FROM CRYSTAL SET TO SUPERHET." The Story of Home Receivers. Building Always toward Better Reception and Greater Convenience for the Listener. Improvements in Tubes and Speakers. Modern Fidelity and Lifelike Reproduction. How to Get the Most Out of Your Radio Receiver.

Nov. 29—III. "RADIO'S EFFECTS ON HOME LIFE." What It Does for Us from Dawn 'til Bedtime. Time, Weather, News, Music, Drama, Education of the Masses. Creating New Alertness and Awareness throughout the Nation. Family IQ's and Listening Hours.

### LISTEN BEFORE YOU VOTE

This week's burst of political oratory over the airways by members of both major parties caused a fresh demand for "Listen Before You Vote" posters. But no more posters were available.

The increased broadcasting tempo, however, is demonstrating to everybody that radio has become the modern counterpart of the old New England town meeting.

Whichever way the election goes, recognition of the unsurpassed effectiveness of radio as a medium to reach people will penetrate to the remote corners of these United States.

### RADIO GETS DEFENSE JOBS

Radio has sold 23,000 individual jobs to skilled workers in the last thirty days to October 15. In all 123,000 men have been put to work in national defense agencies since June of this year. Recruiting of the great majority has occurred since the broadcasting industry took over this job at the request of the United States Civil Service Commission.

The addition of two more stations to the list of known cooperators brings the total to 649. It is assumed that many other stations are likewise helping to recruit workers. Hearing from stations which have not previously reported their assistance will be appreciated.

WLOF, Orlando, Fla., and KRKO, Everett, Wash., are the two new additions to the list.

George A. Hazlewood, president, wrote that WLOF would take the air the week of October 21 and that Man Power Announcements would have a place on the schedule from the first day's operation.

## Legal

### DRAFT A "LOTTERY"?

The question has been raised as to whether the Selective Training and Service "lottery" to be held October 29 is a lottery within the meaning of Section 316 of the



Communications Act so as to bar the broadcasting of information concerning it. NAB Counsel is of the opinion that it is not such a lottery, and upon taking the question up with the FCC, received authorization to state that the Commission concurs in that view.

## COMMUNISTS IN UTAH

Further supplementing the information contained in the NAB REPORTS of October 11 (page 4665) and October 18 (page 4688), we set out below the only change in the status of Communist candidates which has occurred this past week:

UTAH: Court ordered Communist candidates certified for the ballot. Communist candidate for Governor withdrew after the court order was issued, so there will appear on the ballot only the names of the four Presidential and Vice-Presidential electors under the title of the Communist Party of Utah.

## COURT UPHOLDS STATION

The Communist Party of Rochester and Monroe County, New York, was denied a mandatory injunction by the New York Supreme Court last week to require Station WSAY, Rochester, to complete performance of a contract for thirteen broadcasts. The decision was based on WSAY's contractual right to cancel. The opinion of Justice Van Voorhis follows:

The complaint and the moving papers set forth that plaintiff is a voluntary unincorporated political association of Rochester, New York, affiliated with a state party unit of another unincorporated political association known as the Communist Party of the United States of America, of New York City; that the defendant is the owner and operator of a commercial radio broadcasting station known as radio station WSAY, at Rochester, New York, engaged in the business of selling broadcasting time and facilities for advertising purposes; that on June 25, 1940, plaintiff and defendant entered into a written agreement for the use of said broadcasting facilities "for the promotion of plaintiff's political party and campaign interest; preliminary to the fall elections of 1940, by thirteen weekly Sunday afternoon broadcasts beginning July 14, 1940, and ending November 3, 1940"; that six of said Sunday afternoon broadcasts have been made commencing July 14, 1940, but that on September 20, 1940, prior to the seventh broadcast scheduled to occur on September 22, 1940, defendant notified plaintiff that the station management had cancelled the broadcasting contract with the plaintiff and that no further broadcasts provided for by the said contract would be permitted; and the prayer for relief is that a mandatory injunction issue commanding the defendant to permit the plaintiff to conduct the remaining broadcasts for which it contracted. The temporary injunction applied for is to secure the same relief during the pendency of the action.

In opposition defendant sets forth that the programs were not submitted ten days in advance of the broadcast, as required by the terms of the contract, that the material to be given out on September 22nd contained defamatory matter which plaintiff's agent refused to alter notwithstanding that it might subject the defendant to actions for slander or libel, and that for these and other reasons, including the general character of the broadcasts, the defendant elected to end the contract under clauses providing that all program material is subject to the approval of the station management and that the contract may be terminated by either party upon two weeks' notice to the other. The contract on which the action is based is upon a printed form consisting of an order sheet with terms and conditions stated upon the reverse side. In such terms it is written that "this agreement may be terminated by either party by giving the other party two weeks' notice, unless otherwise stipulated on the face of this order." No stipulation to the contrary is stated on the face of the order. There is a statement that "the station reserves the right to cancel this

contract if any legal enactment makes such program illegal." But this refers to immediate cancellation upon the happening of the contingency mentioned and does not negative the general right to cancel on two weeks' notice. It was to be in addition to the latter. The intention was evidently that if broadcast by the Communist Party should be outlawed by legal enactment, then the contract would be ended before the two weeks' notice of cancellation otherwise provided for could be given. Nothing indicates that the immediate termination of the relationship of the parties if the law intervened was meant to be a substitute for the right of cancellation upon two weeks' notice. Where the station exercises the right of cancellation upon two weeks' notice and the parties fail to agree upon some other time for the broadcasts, it is expressly provided that the sponsor shall pay for the broadcasts that have been conducted at the same rate as though there were to be the larger number originally contemplated, but that otherwise the parties' obligations to each other shall be concluded.

By notifying plaintiff on September 20, 1940, that no further broadcasts would be permitted, defendant relieved itself of any obligation to conduct them after two weeks from that date, viz., October 4th. It is immaterial to the present motion whether defendant had a right to withhold its facilities from plaintiff for the broadcasts scheduled for September 22nd and 29th, inasmuch as those dates were already past when the motion was made. That is to say, defendant's cancellation applied in any event to the Sunday afternoon broadcast of October 6th and to those scheduled to occur thereafter. This motion was returnable October 7th, with the result that when it came before the Court, the question had already become academic.

*Churchill Evangelical Ass'n. Inc. vs. Columbia Broadcasting System, Inc.* (142 Misc. 210, Aff'd 236 App. Div. 624) like the present action, was brought for the specific performance of a contract to require a defendant to broadcast a radio program, but relief was denied for the reason that the contract if it were to be held that any had been entered into, permitted cancellation at the option of either party. For the same reason, the application for a temporary injunction in this action must be denied.

Neither the complaint nor the moving affidavits contain allegations bringing the action within 48 St. 1088, providing that if any licensed broadcasting station shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, it shall afford equal opportunities to all other such candidates for that office in the use of such station. No decision is made concerning whether any portions of plaintiff's programs were, in fact, misleading or defamatory, nor is the question raised by the papers before the Court whether a radio station can be compelled (other than as required by 48 Stat. 1088, supra, or by contract) to supply radio time to sponsors against its will. It has been generally understood, thus far, that except insofar as it shall bind itself by contract a radio broadcasting station has the right to select what programs it will transmit and to reject such as it chooses provided that 48 Stat. 1088 be not violated (*Sta.-Shine Products Company, Inc. vs. Station WGBB*, 188 I.C.C. 271; *Summit Hotel Co. vs. National Broadcasting Co.* (Sup. Ct. of Pa.) 8 Atl 2nd 302; Dill; Radio Law, pp. 104-5).

It has been argued in defendant's behalf that public interest, convenience and necessity requires the exclusion of Communists from the air. Plaintiff, on the other hand, asserts that it has been denied its fair share of publicity over the radio and in newspapers. No such questions are now before the Court, which is asked to grant the relief applied for solely upon the ground of contract right. That relief must, as has been stated, be denied.

Dated: October 16, 1940.

## District Meetings

### OREGON BROADCASTERS MEET

The broadcasters of Oregon met at Portland on October 11 to form the Oregon State Association of Broadcasters. At this meeting Lee Bishop of KMED was selected as president of the Association and Frank Loggan of KBND was appointed secretary and treasure. Mr. Bishop will appoint a committee to draft by-laws and

another meeting will be held in the very near future to complete the organization.

This is the first time an Oregon broadcasters association has been organized, and from the enthusiasm displayed at the meeting, it was the consensus of opinion it will be a very successful move.

Judge John C. Kendall, representing several of the northwest stations, talked on the music situation as it affects broadcasting stations. Also Harry Spence of KXRO, Aberdeen, drove down to be one of the principal speakers on the subject, "What NAB Has to Offer the Independent Stations". Marie Hornbeck, director of women's activities of the Oregonian, spoke on "What Women Desire in a Home Economics Program". Mr. Mac Wilkins of Mac Wilkins & Cole Advertising Agency, who is one of the eight directors of the radio committee appointed at a recent meeting of the AAAA, spoke at the luncheon meeting on "What an Advertising Agency Expects from a Radio Station" directing his remarks particularly to those stations outside the metropolitan areas. Also, Harry Singleton, chief engineer of KGW-KEX addressed the group on FM Broadcasting and general engineering problems. A visitor at the meeting was Ralph Wentworth of Long-Worth. He gave a very enlightening dissertation on BMI music as it affects transcription companies.

The late afternoon hours were given over to a cocktail party to which advertising executives were invited.

The committee organizing the meeting consisted of Chuck Myers, KOIN; Carey Jennings, KGW; Lee Bishop, KMED; and Frank Loggan, KBND.

Those in attendance were:

James C. Wallace, KAST, Astoria; Harry Spence, KXRO, Aberdeen; Ben E. Stone, KOOS, Marshfield; Don Parker, KWJJ, Portland; J. G. Bauriedell, KUIN, Grants Pass; Judge John C. Kendall, Portland; George Kincaid, KFJI, Klamath Falls; Mac Wilkins, Portland; Lee Bishop, KMED, Medford; Marie Hornbeck, Portland; R. C. Wentworth, Lang-Worth Co., New York; Paul Connet, KGW-KEX, Portland; Harry Read, KSLM, Salem; W. Carey Jennings, KGW-KEX, Portland; M. H. Pengra, KRMR, Roseburg; Bob Prigmore, KGW-KEX, Portland; Frank Loggan, KBND, Bend; Joe Messme, KGW-KEX, Portland; C. G. Phillips, KIDO-KORE, Boise; Chet Blomness, KGW-KEX, Portland; Frank L. Hill, KORE-KIDO, Eugene; H. Q. Cox, KGW-KEX, Portland; James Mount, KGW-KEX, Portland; C. Roy Hunt, KOIN-KALE, Portland; C. W. Myers, KOIN-KALE, Portland; H. M. Swartwood, KOIN-KALE, Portland; Charles Couch, KOIN-KALE, Portland; Henry Buckendahl, KOIN-KALE, Portland; Ted Kooreman, KOIN-KALE, Portland.

## DISTRICT 15

Twenty-two broadcasters representing 19 stations in District 15 and the Northern California Broadcasters Association held a joint meeting Wednesday in San Francisco. The music situation, the daylight saving proposal on the California ballot and foreign language broadcasts were among the subjects discussed. Howard Lane, district director, reported that it was an excellent meeting.

## Miscellaneous

### IOWA EDUCATIONAL CONFERENCE

Opening the State University of Iowa's First Annual Conference on Applied Radio, in Iowa City, October 17, Dr. James Rowland Angell, Educational Counselor for the National Broadcasting Company and former president of Yale University, spoke on "The Place and Function of Radio in a Democracy," pointing out that democracy must recognize radio as a major instrument for meeting the revolutionary changes which are facing America today.

"It is repelling to think that we must adopt totalitarian methods," Dr. Angell said. "If a crisis comes to this country, radio is likely to be one of the first mediums of influence to be taken over. Radio must be kept clear, it must not become a tool of government."

Dr. C. A. Siepmann of Harvard University, former Program Director of the British Broadcasting Corporation, set the keynote for the Educational Directors' session with the statement, "The business of education is to make people free."

"The magnificent function of the broadcaster is to put up signposts, give direction to people's thoughts and hopes. Radio must get across to a mass audience the feeling of belonging, of being, not alone, but part of a great nation. This must be done by utilizing the immense resources of the radio industry, adapted to the longings, experience, and limitations of that great audience. The educator should not be ashamed to use the techniques of radio which are already successfully exploited by the entertainer," he said.

Miss Harriett Edwards, Director of Educational Programs, KMOX, St. Louis, showed various ways of getting over to the listener the educational offerings of radio, through adequate merchandising which will reach all classes of listeners.

That a serious responsibility falls on the station to set up standards and to determine what meets the listeners' needs was pointed out by Miss Harriett Hester, Educational Director, WLS, Chicago. Kenneth Graham, Director of Education at KMBC, Kansas City, supplemented this with the explanation that network programs alone will not solve the problems of educational radio, but that the programs to fit community needs must be built locally.

Mrs. Lavinia Schwartz, Educational Director, Midwest Division, Columbia Broadcasting System, stated that all the success of educational programs eventually is based on their content. "We cannot get lost in our objective, for fundamentally the job is to give good programs."

Continuing on this subject, Harold W. Kent, Director of the Radio Council of the Chicago Public Schools, stated that local programs should be of the same quality as network offerings, with the same authenticity and standards, supplementing the network show by meeting the local educational need.

Miss Judith Waller, Educational Director, Central Division, National Broadcasting Company, was chairman of the session. She summarized the contributions and pointed out the relations between the respective tasks of the network and local stations.

Conducted by Thomas D. Rishworth, Educational Director of KSTP, St. Paul, the panel on Organization programs set up five standards for desirable organization programs.

These were: (1) To find programs of general listener interest and mass appeal. (2) To solve production difficulties through the formation of Radio Councils and the establishments of budgets by the organizations desiring programs. (3) To cooperate with university stations for the writing and production of better scripts. (4) To merchandise programs both to and through the members of the organizations. (5) To develop interest on the part of organ-



izations in listening and analyzing programs and assisting stations in evaluating them rather than in producing their own programs.

Those participating in the discussion were Mrs. Wilma Briggs, President of the Iowa Department of the American Legion Auxiliary; F. C. Eighmey, Manager, KGLO, Mason City, Iowa; W. I. Griffith, Director of Radio, Iowa State College, Ames, Iowa; Mrs. George B. Palmer, Radio Chairman of the Minnesota Federation of Women's Clubs; Miss Agnes Samuelson, Executive Secretary, Iowa State Teachers' Association and Chairman of the Department of Education, General Federation of Women's Clubs; Woody Woods, Educational Director, WHO, Des Moines.

Lively discussion of what makes a good script was part of the session on Scripts for School Use directed by Geraldine Elliott, Dramatic Director, WJR, Detroit.

The panel consisted of Burton Byers, Franklin High School, Cedar Rapids, Iowa; Clara Krefling, Bradley Polytechnic Institute, Peoria, Ill.; Thomas D. Rishworth, Educational Director, KSTP, St. Paul; Wilbur Schramm, Department of English, State University of Iowa; and Luther Weaver, Luther Weaver and Associates, St. Paul.

### Farm Broadcasting

"Farmers aren't dumb," said Ray Anderson of the Cedar Rapids (Iowa) Gazette in opening the discussion of what the farm audience is. "The farmer is keen, intelligent and can spot insincerity in a radio broadcast just as quickly as he can in print. This can be explained perhaps in the light of his position as the "hub" of the nation. Political campaigns are directed at him, and he is a member of the largest single occupational group in America—as such he is industry's greatest potential customer. Farm audiences, then, have seen the necessity of analyzing all information and opinions which come their way. Then, too, a farmer has time to think. As he rides a tractor or cultivator, he is by himself and depends upon his own judgment in deciding what is right and just. His trips to town are infrequent during the harvest season and contact with outside opinions usually is made by radio. Hence broadcasters have a real responsibility in serving the farm population."

"Farmers like music, drama, news, and all the other features that the average Americans like—but he likes markets, it may be a matter of profit or loss to him if he is late in knowing the markets," Anderson continues.

In closing his remarks, Anderson said that the Agricultural Adjustment Administration perhaps had made a mistake in not allowing the farmer to make the program its own. "The farmer hates dictation—he won't have things stuffed down his throat. The A.A.A. local committees have had difficulty in some cases in 'selling' the idea in their own community, because members of the state committees have power to dictate the policies."

At this point, Charles Stookey, CBS farm program director, expressed the opinion that a local A.A.A. committeeman who was a member of the farmer's own community could do a better job of leading the farmer to accept new ideas than could an extension worker who might be considered an outsider.

Discussion after Mr. Anderson's speech and those that followed was led by Ed Mason, WLW's dynamic farm program director and an Iowa University graduate.

Charles Worcester, WNAX, Yankton, South Dakota, farm service director, spoke second on the subject, "How technical can a farm program be?" Worcester pointed out that the program must be planned with the needs and general education of the listeners in mind. He expressed the general view that the program should employ non-technical language and be simple, entertaining and practical.

Discussion and sharp difference of opinion was immediately voiced by panel members, and Mrs. Harriet Rinehart of Winterset, Iowa, said that if the farmer didn't know what 'parity payments'

and other terms that have come into common use, meant, then radio had missed a good bet—it was radio's job to tell them.

J. O. Maland, vice president of the Central Broadcasting Company, Des Moines, said in defense of radio—"WHO has been explaining those terms, and the government program for seven years, in the best way we know how, many of our listeners have undoubtedly become familiar with most of the phases of the program, while just as surely others have not."

"The Farm Program of the Small Station in a Farming Community" was explained as it applied to WDW, Tuscola, Illinois, by the station director, Clair Hull. "In our community, the farm program starts in the morning and finishes at the sign off. We have found the policy of inciting the farmer into action over an issue the most effective," said Mr. Hull.

He went on to explain that the farmers in the WDW community hated orders, but if an opinion was expressed over the station which was unpopular, a flood of letters were received from the opposition.

"If Rural Electrification, for example, is not of interest to our community, we would have a man speak who was against the plan—immediately these who believe in REA and its program, will organize and present their arguments in a way which will be to the best interests of the program. Get the farmer to champion his own cause, then, is the duty of the farm program of the small station," Mr. Hull concluded.

Arthur Page, veteran WLS Farm Program director, said on the topic, "Composition of the Regular Farm Program," "We find at WLS that the noon hour, which is an excellent time for farm listeners, is also an hour which attracts city and suburb listeners, so we must remember that the needs of both groups must be served. The programs must be interesting and combine service with entertainment.

"City listeners are interested in the farmer and his problems," said Phil Evans of KMBC, Kansas City, in discussing "Build Farm Shows Without Regard to Urban Listeners?" Mr. Evans explained that a study of audiences by KMBC showed no appreciable drop in number of city listeners when a farm broadcast was on the air. Also, the farmer only wants to know whether oats, wheat, hogs, or other products are up or down—long explanations and complicated trends are for farm readers, not the listener, in Mr. Evans' opinion.

Herb Plambeck, Farm Editor of WHO, Des Moines, discussed "Radio News" and praised much of the United States Department of Agriculture releases and stressed the importance of personal contacts with farmers. Plambeck averages 25,000 miles a year in this latter phase of the work. WHO's public relations plan includes bringing the farmer to the station, not only as contributors to farm broadcasts but also that they may understand the job radio does.

"The Ideal Program for Farm Women" was the subject discussed by Mrs. Elizabeth Wherry, Wyoming, Iowa. Mrs. Wherry explained that through the work of county agents, home demonstration work and farm bureau activities the woman on the farm today is conscious of modern improvements, is cultured, appreciates good music and welcomes it over the air. The popular folk-music should be replaced by music of a higher type, which, according to Mrs. Wherry, the average farm woman is now educated to appreciate.

Mr. J. O. Maland of WHO was ready with statistics to show that folk music well played and interpreted is what most people listen to and a discussion of the relative merits of the two types brought the session to a close.

### Building the Radio Audience

Describing the present radio picture as a "Dr. Jekyll and Mr. Hyde" situation, J. Oren Weaver, Director of Public Affairs

for the Midwest Division of the Columbia Broadcasting System, opened the session on "Building the radio audience." "The voice of radio is one big eighteen hour program and its personality is represented by the combined efforts of that voice." Mr. Weaver charged that the sustaining features did not stand up to the commercial programs, and that until this was remedied, no station could hope to hold its audience throughout the day. Speaker Weaver also cited the problems of program duplication, perfect balance in programming, and "news-tailoring" for the individual markets.

As might be expected the "soap opera" question was brought up for considerable discussion. Ed Smith, radio program manager of General Mills, upheld the daytime dramas, claiming that the sponsors were putting out what the women want to hear, and will continue to do so until such time comes when it is proven the audience wants another type of entertainment. "Radio advertising is too costly to experiment with," added Mr. Smith.

Getting away from script shows, J. C. Rapp, manager of KMA, Shenandoah, pointed out that a tremendous audience could be built by adopting a "friendly attitude" toward the listener, not one of intellectual superiority. Robert DeHaven, program director for WTCN, Minneapolis, presented the possibilities of building a daytime audience with music and good comedy, using the NBC-Blue net and its "Breakfast Club" and "Club Matinee" programs as illustrations. Luther Weaver of Luther Weaver and Associates, Minneapolis, pointed out that the audience must be educated to like what is good, if the "soap operas" are to be replaced.

Both Mr. Oren Weaver and Mr. Smith expressed interest in the question of whether "premium build the audience." William Quarton, commercial manager of WMT, Cedar Rapids, insisted that it was up to the sponsor to sell his product, not a gadget. The rebuttal to this statement by Ted Enns, sales manager of the Cowles Stations, was the use of premiums as an audience or station check.

Luther Hill, vice-president of the Iowa Broadcasting Company, was chairman of the meeting.

## CONSCRIPTION DRAWING

The order in which each of America's approximately 17,000,000 registrants for Selective Service will be called to qualify for military training, to be determined by the National Lottery in the National Capital next Tuesday, will be a matter of immediate permanent record as well as of instantaneous, oral and visual announcement.

Each number, as it is drawn from the historic goldfish bowl that was used in the 1917-1918 drafts, will be announced over a loudspeaker system, displayed on a blackboard, and electrically photographed for the National archives. The slips of light cardboard bearing the numbers also will be strung by needle and thread in the sequence they are drawn and constitute another carefully protected record.

In announcing the arrangements for the national lottery, C. A. Dykstra, director of Selective Service, emphasized that they had been planned so that the press, radio and photo agencies could give as complete a story as possible to the registrants, their families and friends. It is hoped, he said, that everyone in the country will feel that he or she is an actual spectator at this historic event.

For the millions of registrants beyond the range of the loudspeaker systems within and immediately outside the Departmental Auditorium, where the historic ceremony will be staged, virtually as instantaneous information of its results will be given by the most intensive and extensive news coverage ever arranged.

Some ten thousand capsules, each containing an individual number, will be placed in the famous goldfish bowl at high noon next Tuesday. Secretary Stimson will draw the first number. All

major networks will broadcast the drawing ceremonies. It is estimated that fifteen hours will be necessary to complete the lottery because each capsule will be opened individually.

The news services serving radio stations will carry the numbers drawn so that individual radio stations will be able to broadcast the numbers periodically throughout the afternoon and night of October 29, and also the morning of Wednesday, October 30, when it is estimated that the drawing will be completed. Each person who has registered has received a number which will correspond to those drawn in Washington. Therefore, every station has a certain number of families in its listening area who are concerned with the order in which the numbers are drawn, because it is this order which will be followed by the local draft boards in summoning before them those subject to military training. In other words, if serial number 29 is the first one drawn, then those people who have been given serial number 29 become the first ones considered for selective compulsory military training by their local draft boards, and so on through the list. It is estimated that not more than 7,500 people have registered at any one registration point. However, in order to make certain that an adequate supply of numbers will be drawn, 10,000 numbers will be drawn from the bowl on October 29.

Those stations having display points on the street or in their studios might find it helpful to publish these numbers as they come over the wire after they have been broadcast. Many stations will be subject to telephone inquiries for verification of numbers read out, and NAB suggests that telephone operators be supplied with a list. The most extreme care is necessary in handling these numbers, both in clear enunciation over the air and in correct reference by station employees upon inquiry from the public. Newspapers, it is understood, will have some similar set-up for the information of the general public.

## LIBRARY OF CONGRESS HELP

Archibald MacLeish, the Librarian of Congress, has announced that the Rockefeller Foundation has placed at the disposition of the Library of Congress the services of two Fellows in Radio Research whose first duty will be to survey those resources of the Library which might be of service to educational broadcasting groups.

University broadcasting stations and other educational stations throughout the country may apply to the Fellows by mail or wire for their assistance in planning programs, in supplying background material, and in suggesting bibliographic and other supplementary material. It is believed that the Fellows will be of particular use in connection with programs drawing upon the rich resources of the Library of Congress in the fields of American History and of American Folk Music and Folk Tales.

The Library's Fellows in Radio Research are Philip H. Cohen, former production director of the Office of Education radio division and associate director of the New York University Radio Workshop, and Charles T. Harrell, Program Director of station WLB, on leave from the University of Minnesota station.

## FEDERAL COMMUNICATIONS COMMISSION

### SHORT-WAVE MEETING

A meeting has been called by NAB for the purpose of discussing the new FCC rules concerning international



short-wave broadcasting stations. The meeting will be held in New York City, Tuesday, October 29. The following short-wave broadcasters have been invited to attend: Columbia Broadcasting System, Crosley Corporation, General Electric, Mutual Broadcasting System, National Broadcasting Company, WCAU Broadcasting Company, Westinghouse Electric and Manufacturing Company and World Wide Broadcasting Corporation. Mr. Arney and Mr. Smeby will attend on behalf of NAB.

#### REHEARING FOR WGAN GRANT DENIED

International as well as domestic considerations figured in denial by the FCC of two petitions for rehearing of its grant, on July 16, to the Portland Broadcasting System, Inc., of a construction permit to change the frequency of radio station WGAN at Portland, Me., from 640 to 560 kilocycles, and to increase power from 500 watts limited time to 5 kilowatts unlimited time.

Rehearing was sought by two petitioners each of whom has an application pending for the use of 560 kilocycles. They are Community Broadcasting Service, Inc., licensee of WABI, at Bangor, which has applied to change its frequency from 1200 kilocycles to 560 kilocycles and to increase its power from 250 watts to 1 kilowatt; and William H. Rines, who has applied for a construction permit to erect a new station at Portland to operate on 560 kilocycles, with power of 5 kilowatts day and 1 kilowatt night. The three applications are mutually exclusive.

The Commission points out that before WGAN filed its present application, it had filed an application (later withdrawn) for unlimited time on 640 kilocycles. Shortly thereafter the government of Newfoundland advised the Commission that the 640 frequency was assigned to it by the North American Regional Broadcasting Agreement and that station VONF, which operates on this frequency, is in many instances the only effective means of keeping the Newfoundland public informed as to weather reports, government decreases, and other news. Newfoundland pointed out that even as then operated WGAN caused serious interference to the secondary service area of VONF and that the grant of the application would increase the interference. Newfoundland proposed that if the Commission would not assign 640 kilocycles to any station in the United States which would cause interference to VONF's secondary service area, Newfoundland would relinquish in favor of the United States all claims to the frequency 560 kilocycles also assigned to Newfoundland. These terms are mutually agreeable to both countries.

The Commission found that WGAN and WABI were both qualified to operate stations as proposed in their applications. Between these two stations the question narrowed as to whether the public would be better served

by location of new facilities in Portland (WGAN) or in Bangor (WABI).

It was found that WGAN would provide a greater service than WABI. Further it appeared that there is greater need in Portland for the radio service requested than in Bangor. Portland, Maine's largest city, is served both day and night by only one local station as compared to two stations serving Bangor, with less than half Portland's population.

In the case of the Rines application, the Commission determined that public interest, convenience or necessity would be better served by the WGAN grant. WGAN offered more adequate coverage. The WGAN grant did not involve objectionable interference to any station, whereas the proposed Rines service would interfere with CJKL at Dane, Ontario, in violation of the North American Regional Broadcasting Agreement. The WGAN equipment is satisfactory but part of the proposed Rines installation is not. The licensee of WGAN is better qualified and has had more radio experience than Rines. Competition between radio stations in Portland will be keener under the WGAN grant, for the Rines family is interested in Portland's other station—WCHS—as well as WRDO, Augusta, and WFEA, Manchester, N. H.

#### PROCEDURE FOR EXAMINATION OF APPLICATIONS REVISED

The Federal Communications Commission announced that its procedure for examination of standard broadcast applications by the staff departments has been revised with a view to more orderly and expeditious handling. Provision has been made for the consideration of these applications simultaneously, as far as possible, by the technical departments. The methods of operation of each of the individual units responsible for the review of applications is also being studied with a view to speeding up the work.

The Secretary of the Commission has been directed not to regard applications as formally filed with the Commission until they are in his hands, duly executed, and complete with respect to the answering of all required questions. Under the new procedure, an acknowledgment card will be sent to the applicant immediately upon receipt of the application. If it is necessary to return the application for the correction of formal defects or to enter into correspondence with the applicant with regard to correcting his application in respect of any matters of form, the applicant will be notified that his application is not in form for consideration by the Commission and that the application will not be shown on the records of the Commission as officially filed until the formal defects specified in the letter of notification have been corrected. Upon the return of the application in proper form, a file number will be assigned and the application will take its place in the regular order for consideration.

## BROADCAST MEASUREMENTS

During September the FCC measured 696 broadcast stations, leaving 160 not measured.

Of this number, 635 stations had a maximum deviation within 0-10 cycles; 56 stations a maximum deviation within 11-25 cycles; 3 stations with a maximum deviation within 26-50 cycles; and 2 stations with a maximum deviation of over 50 cycles.

### Records for Peer Catalogue Available for Broadcasting

Partial list of Phonograph Records of the PEER INTERNATIONAL CORPORATION publications available for broadcasting January 1, 1941, to all stations having BMI licenses, available immediately and until December 31, 1940, to all stations licensed by ASCAP.

The performing rights are now held by Southern Music Publishing Company, Inc. (an ASCAP member), and these rights are being transferred to the PEER INTERNATIONAL CORPORATION and to BMI on January 1, 1941.

Title	Company	Number
	A	
Abandono	Brunswick	41576
A de Diego	Victor	46060
Adios	Victor	22963
	"	T-17
	Decca	455
Adios A Gardel	Victor	32537
Adios Borinquen	Brunswick	15002
Adios del Emigrante	Victor	46686
Adios Ingrata Mujer	Victor	46598
Adios Mariquita Linda	Victor	26542
	"	26248
	Decca	10380
Adios Mi Chaparrita	Victor	32245
	"	32140
	"	75570
	"	32393
	"	2214
	"	5582
	"	4861
Adrede	Victor	3078
	"	82215
	Decca	10283
	"	10309
Advertencia-Habanera	Victor	46497
Africa	Victor	32372
	"	32390
Aguacate, Agucatito	Victor	46768
Aguinaldo de Puerto Rico	Victor	30142
Ahora Seremos Felices	Victor	3329
	"	82621
	"	82679
	"	82815
	Decca	10419
	Columbia	5749
Alborada	Brunswick	41613
Alegre Conga	Victor	10679
	"	82273
	"	82101
	"	82084
	"	75982
	Columbia	5590
	Decca	18000
Alegre En El Canaveral	Victor	32924
Alejado De Este Mundo	Victor	46431

Title	Company	Number
Alguna Vez	Victor	30309
Alice	Victor	30552
Alla Va	Victor	30840
Alma de Mujer	Victor	2915
	"	7120
	Columbia	5439
Alma de Roca	Victor	32719
Alma Mia	Victor	30490
	Columbia	17192
Almendra	Victor	83028
	"	82768
Altiva	Victor	30412
Amar	Victor	82263
Ambiciosa	Victor	46845
Ame Una Joven	Victor	46899
Amor De Ciego	Brunswick	41532
Amor Del Chano	Victor	46473
Amor de Mi Bohio (El)	Victor	82910
	"	82992
	"	82683
	"	82812
	"	76214
	Columbia	5927
	Decca	21062
Amor Fingido	Victor	30065
Amor Perdido	Decca	21004
Amor y Duda	Victor	46436
Anoche En Tus Brazos	Victor	46958
A Poco No	Victor	75687
	Brunswick	9114
	Decca	10259
Aquello Ojos Verdes	Victor	30397
	"	30186
	"	37447
	"	37054
	"	22729
	Decca	10360
	"	10242
Aquinaldo De Navidad	Victor	30141
Arlequin	Victor	46887
Arriba La Conga	Victor	82876
Arroyito	Victor	32081
Asi So You	Victor	30988
A Tus Pies	Victor	1564
	"	4242
A Una Muneca Como Tu	Victor	32220
Aun Viven Tus Recuerdos	Brunswick	41547
Automobil Gris (El)	Victor	46614
Aventurera	Victor	30271
Ay Que Chulo Es Guarajuato	Victor	46473
Ay Que Mujer	Victor	75766
Ay, Simon	Victor	32398
	B	
Babalu	Victor	82634
Bajo El Cielo Azul	Decca	21097
Bamba, La	Victor	32937
	"	32868
	"	3907
	Columbia	5748
	Brunswick	9836
Barandales del Puente (Los)	Victor	46614
Bendito Amor	Victor	32218
Besa	Victor	30704
	"	30753
Beso Diabolico	Victor	32616
Beso Indeleble	Victor	46685
Boca Loca	Victor	46377
Bonitos Ojitos	Victor	46878
Borinquen	Brunswick	7463
	Columbia	5293
Borinquen Bella	Victor	30706
Borracha, La	Victor	3317
	"	75968
	Columbia	5890
	Brunswick	9221
	Decca	10446
Borrachita, (La)	Victor	3117

NOTE: LA, LAS, EL and LOS are articles. Look under list for second word in title. The same applies to UN, UNA and UNO when they mean "a", but not when they mean the numeral "one."



Title	Company	Number	Title	Company	Number
Botijona, (La)	Victor	2908	Capullito De Aleli—Continued	Brunswick	41464
	"	2906		"	41509
	"	32896		Decca	18014
	"	75314		Columbia	5038
	Brunswick	8839		"	4730
	"	8874		"	4160
Boton De Rosa	Victor	30779		"	5034
Bruca Manigua	Victor	25770	Capullito de Azucena	Victor	30813
	"	82403	Caramelero, El	Victor	30785
	"	82114		"	30746
	Decca	10313		"	624
	"	1688		Brunswick	41521
	Columbia	5641		"	41480
Brujeria	Victor	30661		"	12756
Buche y Pluma	Victor	30454	Carino Perdido	Brunswick	41633
	Decca	18013	Carita De Virgen	Victor	75173
			Cataplum	Victor	30849
			Cautiva	Victor	30414
			Celia	Victor	46954
			Celos	Victor	32363
				Brunswick	41507
			Cementerio Virginal	Victor	30718
			Chamaquita	Victor	32357
			Chiapas	Victor	75939
			Chan Li Po	Victor	32977
			Chin, Chum, Chao	Victor	75624
			Clara	Victor	30936
				"	39772
				"	6001
			Claudia	Brunswick	41612
			Claveles	Brunswick	41619
			Clavel Sevillano	Victor	46970
			Coas Viejas	Victor	30863
			Cobarde	Victor	46876
			Colombina	Victor	46779
			Colorin Colorao	Victor	75696
			Columbia, Columbia	Victor	30065
			Como Dos Punales	Victor	30320
			Comparsa De Los Congos	Victor	30746
				Brunswick	6762
				Victor	75246
			Conga, Gonguita	Victor	30574
			Condenala, Senor	Victor	82105
			Congoja	"	32920
				Brunswick	9060
				Columbia	5569
				"	5686
				Decca	10265
			Conque Ese Era Tu Amor	Victor	46884
			Consagracion	Brunswick	41532
			Contraste	Victor	30339
			Coqueta	Victor	46756
			Corrido De Texas, El	Victor	46616
			Cortesana	Victor	30322
				Brunswick	30247
			Cruel Tormento	Victor	82262
				Columbia	5641
			Cuando Me Vaya	Victor	4233
				"	1565
				"	5003
				"	4001
				Columbia	1565
			Cuando Las Mujeres Quieren A Los Hombres	Victor	46299
			Cuando Te Acuertes De Mi	Victor	82683
			Cuando Tu Me Querias	Victor	32795
				"	32963
				Columbia	5445
			Cuartito Sagrado	Victor	30847
				"	32746
			Cuatro Vidas	Victor	83064
				"	76118
				Decca	10390
			Cubanacan	Victor	30848
				"	32062
				Columbia	5730
				"	352
				Brunswick	7875
			Cuidadito Compay Gallo	Victor	32885
				"	32976
				"	32978
				"	82083

Title	Company	Number	Title	Company	Number
Cuidadita Company Gallo—Continued	Columbia	5514	Es Tu Amor	Victor	46778
Culembo Toca La Corneta	Victor	30863		Brunswick	8421
Cumbancha, La	Victor	2339	Expiacion	Victor	82247
	"	32169		Brunswick	41522
	"	32629		"	41461
				F	
<b>D</b>			Falsa	Brunswick	9270
Decimas De Amor	Victor	30141		Victor	76040
Dejame Que Te Bese	Brunswick	4167		"	8605
Dejame Solo Con Mi Vida Loca	Columbia	5874	Fidelidad	Victor	76178
Desde el Destierro	Victor	30633	Flauta y Saxofon	Victor	32347
Desolacion	Victor	30224	Flor de fuego	Victor	32848
Despierta Holgazan	Victor	30956		"	32704
Desvelo de Amor	Victor	82452		"	32758
	"	32333		"	46876
	"	75438	Florecita, Margarita	Victor	3052
	"	30898	Flores Negras	Victor	75457
	Brunswick	8889		"	82154
Devuelveme los Besos	Victor	46336		"	82589
Dia Sone, Un	Victor	82042		"	9019
	"	75308		Brunswick	9049
	"	7253		"	5655
Dichosa Suegra, La	Victor	32014		Columbia	5662
Dime por Dios	Victor	46459		"	10272
	"	46338		Decca	5340
	"	3382	Flor Silvestre	Columbia	76160
Dime, Por Que	Victor	30666	Frenesi	Victor	26542
Divina	Victor	32728		"	76162
Divina Mujer	Victor	30271		"	76163
	"	30321		"	76161
	Columbia	3428		Decca	21035
Dolor Cobarde	Victor	82114		Columbia	5962
Do-re-mi-do-re-mi	Victor	30466	Fufunando	Victor	82343
Dos Almas	Columbia	5739		Decca	10326
Dos Corazones	Brunswick	8947			
Dos Mendigos	Brunswick	5335	Gata de Wenceslao	Victor	32366
Duerme	Victor	82542	Gavilan, El	Victor	46584
	"	82365	Gavilan, Gavilancito	Victor	46389
	"	75743	Gentil Princesita	Victor	46778
	"	82112	Gotas de Amor	Victor	30413
	Brunswick	8936		Columbia	704041
	Decca	21023	Guadalajara	Victor	3173
	Columbia	5717		"	82587
Duerme Princesa	Victor	32004		"	75238
Dulce Serenidad	Victor	82123		"	75409
	"	82108		"	3501
Dulce Veneno, El	Victor	30054		Decca	10253
Dulzura	Victor	75309		Brunswick	9008
	Brunswick	8942		Columbia	5665
				Victor	30054
<b>E</b>			Guantanamera, La	Victor	30324
Echale Cinco Al Piano	Victor	82955	Guarapero, El	Victor	46939
	"	82767	Guitarras y Flores		
	"	75904		H	
	"	75747	Haciendo El Bongo	Victor	32493
	Decca	10286	Hasta El Cepillo	Victor	75412
Echa Un Pie En La Congas	Columbia	5899		Brunswick	8969
Ella Dijo Asi	Victor	30027		"	8961
Enamorada	Victor	30712		Columbia	5608
Enamorado De Ti	Victor	75304		Victor	3001
En El Silencio de La Noche	Victor	2357		"	3082
	Brunswick	41523	Hasta La Tumba	Columbia	5340
Enlutada, La	Victor	30018	Heroismo Boricua	Victor	30771
Ensonacion	Victor	82968	Hollywood Ciudad De Ensueno	Victor	30553
Entre Tu y Yo	Victor	82189	Hombres Son Siverguenzas, Los	Victor	32658
	"	75668		Columbia	6315
	"	82423	Huateque, El	Victor	46541
En Vano Sufro	Victor	46789	Hubo Una Noche	Victor	46687
Eres Tu	Victor	1646		I	
Errante	Victor	75417	Ilusion China	Victor	32053
	"	2203		"	30619
	Decca	10163		"	32112
Eso Es Mentira	Victor	46389	Incertidumbre	Victor	8594
	"	30495		"	83034
Espana	Victor	46322		"	76110
	"	30492		"	82661
Espejito	Victor	82448		"	3379
	"	82840		"	82868
	"	25693		Brunswick	9285
	Brunswick	9101		Decca	21039
	Columbia	5726		"	21065
	Decca	10335		Columbia	6962
Esther	Victor	30130		"	5967
Estoy Enamorado	Victor	75763			



Title	Company	Number	Title	Company	Number
India Bella	Victor	82348	Maria Elena— <i>Continued</i>	Decca	10003
Infel	Victor	46442		"	10011
Ingrata	Victor	32052	Ma Rosenda	Columbia	5659
Inspiracion	Victor	82831	Masabi	Victor	32142
	Columbia	5810		"	30880
	J			"	32353
Jaibera, La	Victor	32867	Mendigo	Brunswick	7443
	"	75237		Brunswick	8779
Julita	Victor	42850	Me Dejaste	Columbia	5410
Justina	Victor	30767		Victor	75450
	L			"	75183
Lagrima	Victor	75166	Melcochero, El	Victor	82331
Lagrimas Negras	Victor	24449	Mentirosa	Victor	30728
	"	30509	Merce	Victor	30821
	Brunswick	12657	Mercedes	Victor	30328
Lagrimas y Besos	Victor	30404	Mi Cancion	Victor	82161
Lamento Borincano	Victor	30787		"	32104
	"	X-5	Mi Desesperacion	Victor	82553
	"	24249		"	3184
	"	30735	Mi Islita	Brunswick	8934
	"	30804	Mi Pensamiento	Victor	41607
	"	32514		Columbia	5949
	"	2240		"	5981
	"	30638		Brunswick	9270
	"	30008	Mi Pesame	Victor	76064
	Brunswick	41521	Mi Ramon	Columbia	5335
	"	41479	Mi Ranchito	Victor	46592
	"	12576		Victor	3241
	Columbia	5095		"	75818
Lamento Cubano	Decca	20465	Mi Secreto	Victor	46800
	Victor	30830	Misma Estrella, La	Columbia	5776
	"	30751		"	5805
Lamento Esclavo	Victor	25043	Modelando el Amor	Victor	32351
	"	32061	Monisima	Brunswick	46807
	Decca	10242	Montuno O Pantaleon	Victor	30983
Lamento Gitano	Victor	46922	Morena	Victor	32565
	"	30931		"	2432
	Decca	10165		"	37712
Languidez	Brunswick	41598		"	37705
	Victor	30969		"	2369
Lejos de Mi Tierra	Brunswick	8630		"	30486
	Victor	82541	Morena Linda	Brunswick	9221
	Columbia	5790		Columbia	5890
Lejos de Ti	Victor	82919		Victor	8591
Lejos de Tu Querer	Victor	82319		"	82754
Le Pido a Dios	Victor	46585		"	75790
Libertad	Columbia	5804	Muchacha	Victor	46740
Linda Amapola	Victor	30707		"	46736
Llorar Llorar	Victor	46857	Muchacha Tropical	Victor	75178
Luisa	Columbia	5374	Mujer	Victor	37068
Lulu	Columbia	5327		"	30802
Luna Amiga	Victor	76133		"	30245
Luna de Plata	Victor	76163		"	30025
Lydia	Brunswick	41600	Mujer de Antonio, La	Victor	46402
	M		Mujer del Paraiso, La	Victor	46846
Madre	Victor	04308	Mujer Rejega	Victor	75691
	"	30522	Munequita de mi Vida	Victor	30864
Mamauca	Victor	75624	Murmullo	Victor	82108
Manojo de Rosas	Victor	30647		Decca	1753
Maracas de Cuba, Las	Victor	32190		"	10304
	"	30936	Musme	Victor	30896
	"	18-6001		N	
Maraqueando	Victor	7526	Nada	Victor	75176
	Decca	455	Nadie Sabe Lo Que Tiene	Victor	32028
Mariachi, El	Victor	75266	Naufragio	Victor	83026
Maria Elena	Victor	2207		"	82747
	"	30972		"	76074
	"	2202		Columbia	5967
	"	32010		Decca	10298
	"	2216		"	21026
	"	32325	Negra Ingrata	Brunswick	9285
	"	24464	Negra Linda	Victor	46789
	"	32723	Negrita	Victor	82707
	"	37913		Victor	30853
	Brunswick	9108		"	30419
	"	41614	Negro Bembon	Victor	30821
	"	41642	Negro Bengue	Victor	82847
	"	41603	Nicolasa, La	Victor	46570
	"	8497	Nina del Cine, La	Victor	32356
	Columbia	5525	Nina de Los Ojos Azules	Victor	30492
	"	5698	Ninfa de Amor	Victor	30008
			Noche de Amor	Victor	30706





Title	Company	Number	Title	Company	Number
Pregunta—Continued	Decca	21034	Rizos de Oro	Victor	30717
	Brunswick	9275	Romance	Victor	82649
Prenda Del Alma (Prenda De Mi Vida)	Columbia	46738		"	82982
Presagio	Victor	82887		"	32066
Presidente Ortiz Rubio	Victor	46718		Columbia	5945
	"	46706		Decca	21036
Pretenciosa	Victor	46958	Rosa	"	21072
	"	46470		Victor	37068
Primavera	Victor	30849	Rosa Oriental, La	"	46922
Princesa	Victor	24632	Rumba en el Cacique, La	Victor	30143
Prisionero, El	Victor	46712		Victor	30718
	Columbia	5514			
Puerquito Pinto	Victor	46878	Salambo	Victor	82328
Punal, Un	Victor	32181		"	25785
Punalada	Victor	3009		"	161
	"	82068	Santa	Victor	30700
	"	75060		Columbia	5038
	"	75168	Sara	Victor	30328
Purissima	Victor	82623	Se Acabo El Platanar Tormento		
	Columbia	5900	Guajiro	Victor	30899
Pu Ru Pu Pu Ru	Victor	32399	Se Bastanta	Victor	82977
			Se Fue La Comparsa	Victor	32430
				Decca	18003
Que Felicidad	Victor	32076	Seis Jibaro	Victor	30142
Que Le Den	Victor	30666	Senora Tentacion	Victor	32746
Que Me Importa	Victor	75488		"	30712
	Brunswick	8987		Brunswick	41467
	Decca	10386		Columbia	5035
	"	10397	Senorita	Victor	30699
	Columbia	5673	Serenata	Victor	32052
Que Orgullo Tiene	Victor	46845	Se Rompio La Batea	Victor	32020
Que Puntada	Victor	76211	Serpentina	Victor	30990
Que Sera	Victor	75470	Se Te Ve	Victor	30988
	"	75436	Shunca, La	Victor	82448
	Brunswick	8928		"	3229
	Columbia	5669		"	82480
Que Te Importa	Victor	3306		"	75693
	"	82970		Brunswick	9101
	"	75662		Columbia	5726
	"	75989		Decca	10334
	"	8590	Siempre Fuerte	Victor	32149
	"	75671	Siempre Lloro	Victor	46769
	Brunswick	9181	Silencio	Victor	30720
	"	9063		"	32100
	Columbia	5714		"	32137
	"	5894		"	2436
Quien	Victor	33073	Sin Ella	Victor	76114
Quiereme	Victor	32018	Si Supieras	Victor	32234
Quiero Besar Tu Boca	Victor	30707		Columbia	5683
Quiero Decirte	Victor	82678	Sitiera, La	Victor	32861
	"	75950		"	32319
	"	46588		"	30884
	Columbia	5888	Si Yo Fuera Un Marino	Columbia	5403
Quimbamba	Victor	26302	Si Yo Pudiera	Columbia	5342
	"	75169	Sola Y Triste	Victor	46980
	"	32591		Victor	82466
	Decca	1102		"	32616
	"	11059	Solo Tu	Columbia	5399
	Columbia	5354		Victor	46682
Quimbera	Victor	32594	Songoro Cosongo	Columbia	46682
Quisiera Estar En Casa	Brunswick	41613	Soy Para Ti	Victor	30830
Quisiera Olvidar Tus Ojos	Victor	1646	Sucedio	Victor	76134
Quisiera Ser	Columbia	5727	Sueno Guajiro	Victor	82229
				Victor	82849
				"	76179
Rachel	Victor	30771	Sueno, Un	Victor	46970
Rebambaramba	Victor	82229	Suspiro, Un	Victor	76174
	"	3080		Decca	21049
Recien Casado, El	Victor	46788			
Recuerdos	Brunswick	41618	Taboga	Victor	82121
Recuerdo Andaluz	Victor	46300		"	32876
Recuerdos de Borinquen	Victor	30750	Tabu	Victor	75206
Redencion	Victor	82340		"	24631
	"	32985		"	24840
	"	2956		"	32115
Reina	Columbia	5582		Brunswick	7490
Reina Mora	Brunswick	41602		Columbia	5296
Reloj, El	Victor	76053		"	5293
Rifle, El	Victor	82520		Decca	2070
	"	82580		"	10243
Rincon Mexicano	Brunswick	9086		"	10361
	Columbia	5703			
Rita	Victor	30871			

Title	Company	Number	Title	Company	Number
Talisman	Victor	82815	Tu Ya No Soplas—Continued	Victor	82151
	"	3329		"	82219
	"	8601		"	82222
	"	30660		"	82097
Tanto y Tanto	Victor	32398		"	75490
Tapatia	Victor	32345		Brunswick	9003
	"	102		"	9031
	"	32345		"	8989
Tehuana	Victor	46832		"	8939
Tehuantepec	Victor	82779		Decca	10284
	Decca	10335		"	10238
Temporal	Victor	46237		Columbia	5607
Tengo Fe En Ti	Victor	30767		"	5629
Te Quiero Mas Que A Mi Vida	Victor	46611	Tu y Yo	Columbia	5327
Te Quiero Dijiste	Victor	30078			
	"	32711	Ultimo Adios	U	
	"	30861	Una Vez Mas		
	Columbia	30078		Columbia	704108
	Brunswick	41625		Victor	3063
Three Nine Eight (398)	Victor	32041		Brunswick	9072
Tierra Brava	Victor	75746		Decca	10283
Tierra Divina	Victor	32419		Columbia	5722
Todo Depende De Ti	Victor	30871	Uno Dos Tres	"	5751
Todo Para Ti	Victor	82158		Victor	82550
	"	82110		"	83014
	"	75450		Decca	21003
	"	32699		"	18001
	Brunswick	9027	Valencia	V	
	Columbia	5571		Victor	75182
Toro Coquito, El	Victor	75492	Valor me Sobra	"	32860
	"	3083	Vano Empeno	"	75182
	Brunswick	8986	Ven Aca	Victor	46788
	Columbia	5621	Venenosa	Brunswick	41576
	Decca	10254		Victor	83062
Tortitas	Columbia	5423	Ven Junto A mi	Victor	46172
Traicion	Victor	32920		Brunswick	46610
	"	82112	Viajera	Decca	21008
	Columbia	5566		Columbia	5742
	Brunswick	9034		Victor	3078
	Decca	10263		"	75206
Traidores Labios Rojos	Victor	30923	Vida Es Sonar, La	"	82153
Tras La Tempestad	Victor	30840	Vida Mia	Victor	32018
Triguenita	Victor	30785	Virate Tu	Columbia	5330
	"	24449	Viva el Presidente Gil	Victor	30997
	Decca	10244	Volo	Victor	46706
Tu Me Haces Falta	Victor	2948	Volveras	Victor	32039
	"	82014		Decca	21071
	"	32585	Vuelve	"	21085
	Columbia	5346		Brunswick	9027
	Brunswick	8713		"	41618
Tu No Comprendes	Victor	76059		Victor	75210
	"	82696	Xochimilco	Decca	10330
	"	82990			
	"	82724			
	"	82772			
	Columbia	5852	Ya Lo Ves	X	
	"	5957	Yanina	Y	
	Decca	21011	Ya No Alumbra Tu Estrella		
	"	21004			
	Brunswick	9275	Ya No Te Quiero		
Tu No Yo Si	Victor	32191			
Tu Partida	Brunswick	8877			
	Victor	32886			
	"	75172			
Tu Sourisa	Victor	46850			
Tus Pupilas	Victor	30705	Y Le Dije Asi		
	"	30924	Yo Quiero A Mi Islita		
Tu Traicion	Columbia	5342	Yo Ta Cansa		
Tu Ya Es Mi Vida	Victor	30779	Y Que Noche Aquella		
Tu Ya No Soplas	Victor	3067	Ysabel		
	"	82266	Yumuri		
	"	82988			
	"	3046			
	"	7406	Zafiro	Z	
	"	82518	Zuni Zuni		
				Victor	32595
				Victor	82268



## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral argument in a broadcast case will be held before the Commission during the week beginning Monday, October 28. It is subject to change.

**Thursday, October 31**

Oral Argument Before the Commission

Report No. B-124:

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., 1420 kc., 250 watts night, 250 watts LS, unlimited time.

### FUTURE HEARINGS

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

**December 2 and 3**

Oral Argument Before the Commission

In the Matter of the Investigation of Chain Broadcasting.—Limited to issues of fact and policy raised by the report of the Chain Broadcasting Committee.

**December 12**

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts night, 100 watts LS, unlimited time.

WWL—Loyola University, New Orleans, La.—Renewal of license, 850 kc., 50 KW night, 50 KW LS, specified hours.

**December 16**

NEW—Harbenito Broadcasting Company, Harlingen, Tex.—C. P., 1420 kc., 250 watts night, 250 watts day, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WJAR—The Outlet Company, Providence, R. I.—Granted construction permit to increase night power from 1 to 5 KW; move transmitter from Rumford, E. Providence, to Wampanoag Trail, E. Providence, five miles southeast of center of Providence; install new directional antenna with different adjustments for day and night use; 890 kc., 5 KW day, unlimited time (B1-P-2192).

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted construction permit to increase night power from 1 to 5 KW, and make changes in directional antenna; 890 kc., 5 KW day, unlimited time (B3-P-2570).

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted construction permit to increase night power from 1 to 5 KW, and make changes in directional antenna; 890 kc., 5 KW day, unlimited time (B2-P-2913).

WBAA—Purdue University, W. Lafayette, Ind.—Granted construction permit to increase power from 1 KW day, 500 watts night, to 1 KW night, 5 KW until local sunset, operating on 890 kc.; increase hours of operation from specified

to unlimited; move transmitter to 5 miles south of Lafayette, and install directional antenna for night use (B4-P-2604).

WBRY—American Republican, Inc., Waterbury, Conn.—Granted construction permit to install new transmitter, change directional antenna system, and increase power from 1 to 5 KW, operating unlimited time on 1530 kc. (B1-P-2756).

KFUN—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Granted modification of construction permit (B4-P-2374) for increase in night power from 100 to 250 watts, approval of new transmitter, antenna and site at Charleston Blvd., 1.8 miles east-southeast of center of Las Vegas; 1420 kc., 250 watts day, unlimited time (construction permit only) (B5-MP-1037).

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW unlimited; 920 kc. (B5-P-2848).

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted construction permit to move transmitter locally, install new transmitting equipment, install directional antenna for night use, and increase power from 1 KW night, 5 KW day, to 5 KW, unlimited time; 1320 kc. (B4-P-2726).

KENO—Nevada Broadcasting Co., Las Vegas, Nev.—Granted modification of construction permit (B5-P-2355) for approval of transmitter location and antenna, change in type of transmitter, and increase in night power from 100 to 250 watts; 1370 kc., 250 watts day, unlimited time (construction permit only) (B5-MP-1023).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted construction permit to increase power from 250 watts to 1 KW, change frequency from 1310 to 1360 kc., and install new transmitter and directional antenna for night use (B3-P-2525).

KLPM—John B. Cooley, Minot, N. Dak.—Granted modification of license to increase nighttime power from 500 watts to 1 KW, upon compliance with Rule 3.45; 1360 kc., 1 KW day, unlimited time (B4-ML-651).

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted modification of construction permit as modified for move of transmitter, antenna changes, and increase in night power from 100 to 250 watts; 1310 kc., 250 watts day, unlimited time (B4-MP-1019).

KPRC—Houston Printing Corp., Houston, Tex.—Granted construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW unlimited; 920 kc. (B3-P-2791).

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted construction permit to install new transmitter, increase power from 500 watts day to 1 KW day, and extend commencement and completion dates 60 days after grant and 180 days thereafter; 1120 kc., specified hours (B3-MP-1006).

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted construction permit to increase power from 1 KW to 5 KW day and night, install new transmitter and directional antenna for day and night use; 920 kc. (B5-P-2577).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install new transmitter and increase power from 1 KW to 5 KW, using directional antenna at night; 920 kc., unlimited (B2-P-2658).

### SCHEDULED FOR HEARING

KOWH—World Publishing Co., Omaha, Nebr.—Application for construction permit to change frequency from 660 kc. to 890 kc.; increase power from 500 watts to 5 KW; increase hours of operation from day only to unlimited; move transmitter site; install new transmitter, and directional antenna for night use; requests facilities of KUSD and KFNF (B4-P-2728).

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for construction permit to install new vertical antenna; change frequency from 890 kc. to 660 kc.; change hours of operation from 500 watts night and day to 500 watts daytime, shares KFNF; to be heard jointly with above application of KOWH and application for renewal of license of KFNF, Shenandoah, Iowa (B4-P-2724).

WNAX—South Dakota Broadcasting Corp., transferor, Iowa Broadcasting Co., transferee, Yankton, S. Dak.—Application for consent to transfer of control of Station WNAX from South Dakota Broadcasting Corp. to Iowa Broadcasting Co.; 570 kc., 1 KW night, 5 KW day, unlimited time (B4-TC-223).

## RENEWAL OF LICENSES

- WJHP—The Metropolis Co., Jacksonville, Fla.—Present license further extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period November 1 to December 1, 1940 (B3-S-1083).
- WDAK—Valley Broadcasting Co., West Point, Ga.—Present license extended for the period November 1, 1940, to March 29, 1941, pending further consideration on application for renewal (B3-S-1081).
- WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Present license extended for the period November 1, 1940, to March 29, 1941, pending further consideration on application for renewal (B3-S-1071).

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

WADA, Charleston, W. Va.; WASJ, WYNK, WNYL, WNYN, WNYO, New York City; WEHL, Bangor, Me.; KBQB, Juneau, Alaska; WMVB, Dayton, Ohio; KABF, Sacramento, Cal.; WAID, Syracuse, N. Y.; WAUQ, WGBE, Syracuse, N. Y.; KNEB, Tacoma, Wash.; KNEC, Tacoma, Wash.; WATS, Akron, Ohio; WATD, South Bend, Ind.; WAEB, Macon, Ga.; WAIN, Peoria, Ill.; WEKH, Peoria, Ill.

Renewal of licenses for the following Relay Stations were granted in part, for the period ending October 1, 1941, deleting the frequency 2022 kilocycles, heretofore assigned said stations and substituting the frequency 2074, subject to condition that no interference is caused to Government stations on adjacent channels:

KIEO, San Diego, Cal.; WAAS, WENM, Detroit, Mich., and KALO, Salt Lake City, Utah.

## MISCELLANEOUS

- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 to 8 p. m., October 17, in order to broadcast Paul Dever for Governor program only (B1-S-886). Also to operate from 9:30 to 10 p. m., EST, October 18, in order to broadcast a speech by Mayor La Guardia on behalf of President Roosevelt only.
- WRMO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (October, 5:15 p. m., CST) to 11 p. m., CST, on October 21, in order to broadcast dedicatory program of the new street lights and pavement in the City of Aurora (B4-S-995).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:15 to 6:30 p. m., EST, October 21, 28, Nov. 2, 3, 4, 1940, in order to broadcast political programs sponsored by Rep. Charles R. Clason only (B1-S-886).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF from 7:30 to 8 p. m., October 16, in order to permit WGBF to broadcast a speech by Wendell Willkie, and from 8:30 to 9 p. m., CST, October 16, in order to permit WGBF to broadcast a speech by Thomas Dewey only, with power reduced to 250 watts (B4-S-624).
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted same as above, except simultaneously with KFRU in order to broadcast above speeches (B4-S-490).
- WCSC—So. Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted petition for dismissal without prejudice of application for construction permit to operate on 1360 kc., 1 KW, unlimited time (B3-P-2252).
- Thomas J. Watson, Endicott N. Y.—Granted petition to accept amendment to application for construction permit to change frequency from 1240 to 1420 kc. (B1-P-1679).
- WWL—Loyola University, New Orleans, La.—Granted petition for postponement of hearing for period of 30 days from November 12, on application for renewal of license (B3-R-447).
- WWJ—The Evening News Assn., Detroit, Mich.—Granted construction permit to make changes in transmitting equipment, increase night power from 1 to 5 kilowatts, install directional antenna for night use limiting the inverse distance field intensity at one mile from the antenna on the bearing 172.5° true to 207 mv/m when referred to an 0.311 wavelength antenna; antenna specifications subject to approval of the Commission.

- WGY—General Electric Co., Schenectady, N. Y.—Granted petition for reconsideration and grant without hearing the application for renewal of license and auxiliary; the hearing on application cancelled, and application for renewal granted.
- Findlay Radio Company, Findlay, Ohio.—Dismissed the protest and request for rehearing filed August 5, 1940, requesting the Commission to reconsider its action of July 16, 1940, granting the application of Marion Broadcasting Co., for a construction permit for a new local broadcast station on frequency 1500 kc.
- WCLS—WCLS, Inc., Joliet, Ill.—Dismissed the petition requesting a waiver of the provisions of Sec. 1,368 of the Commission's Rules and application for modification of license (B4-ML-1033); ordered that the application of WCLS for modification of construction permit (B4-MP-824), be granted, insofar as it requests unlimited time operation on 1310 kc., without prejudice to the later consideration of the remainder of the request contained therein; and the license of WCLS modified to authorize station to operate on its presently assigned frequency (1310 kc.), with 100 watts, unlimited time.
- WARM—Union Broadcasting Co., Inc., Scranton Pa.—Designated for hearing the pending application for license for new station to operate on 1370 kc., with 250 watts, unlimited time; construction permit for the new station was authorized January 26, 1940. Program tests to continue pending hearing.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off (October, 5:45 p. m. and November, 5:15 p. m., CST) to 8 p. m., 1940, in order to broadcast political speeches only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. October 25, 1940, and from 8:30 p. m. to 9 p. m., EST, October 21, 1940, in order to broadcast programs sponsored by the National Democratic Committee only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m., October 25, 9:30 p. m. to 10 p. m. October 28, 7:45 p. m. to 8 p. m. October 31, 9 p. m. to 9:30 p. m. October 31, 10:15 p. m. to 11 p. m. November 1, 6:45 p. m. to 7 p. m., EST November 4, 1940, in order to broadcast political programs only as described in letter dated October 11, 1940.
- Pan-American Broadcasting System, Inc., Hollywood, Fla.; Keys Broadcasting Co., Key West, Fla.; Atlantic Broadcasting Corp., Miami, Fla.; Central Broadcasting Corp. Sanford, Fla.; Seaboard Broadcasting Corp., Tampa, Fla.; Atlantic Broadcasting Corp., West Palm Beach, Fla.; Carl Sholtz, Miami, Fla.—Designated for hearing the applications to establish seven new standard radiobroadcast stations in the State of Florida, contemplating the construction and operation of three regional and four local stations; the three regional stations to be located at Tampa, West Palm Beach and Miami; the four local stations at Key West, Hollywood, Ft. Pierce and Sanford.
- WABI—Community Broadcasting Service, Inc., Bangor, Me.; William H. Rines, Portland, Me.—Denied petition for reconsideration and hearing of WABI, and the petition for hearing or rehearing of William H. Rines, in re the grant of a construction permit to Portland Broadcasting System, Inc. (WGAN), Portland, Maine, to change frequency from 640 to 560 kc., increase power from 500 watts to 5 KW, using a directional antenna at night, and increase hours of operation from limited to unlimited, which was granted without a hearing on July 16, 1940; and ordered that the application of WABI to change its frequency from 1200 to 560 kc., and increase power from 250 watts to 1 KW, and the application of William H. Rines for construction permit to erect a new station in Portland, Me., to operate on 560 kc., 5 KW day, 1 KW night, using directional antenna at night, be designated for hearing and further hearing respectively.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 p. m. to 4:30 p. m., CST, October 26, 1940, and from 7:45 p. m. to 10:30 p. m., CST, November 1, 1940, in order to broadcast university football games only.
- WNBI—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to change frequency from 11820 to 11890 kc., subject to the condi-



- tion that no interference is caused to any other international broadcast station having priority of registration on same or adjacent frequencies, for the period November 1, 1940, to not later than February 1, 1941.
- WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from 6:30 p. m. to 7 p. m., EST, for the period beginning October 18, 1940, to not later than October 31, 1940, in order to broadcast program relative to information regarding the draft (B1-S-241).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:30 p. m. to 11 p. m., EST, October 18, 1940, in order to broadcast an address by Secretary Ickes only.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., EST, to the conclusion of a high school football game on October 18, 1940, in order to broadcast football game only.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (October, 5:45 p. m., EST) to midnight, EST, October 25, 1940, in order to broadcast the second anniversary of the opening of Radio Station WPIC.
- Jewell Lee Noble, Earl Harris and Harry Bell, d/b as No-Bel Radio Burglar Alarm—Amended Commission Order of October 11, 1940, directing the taking of depositions of witnesses named therein on its own behalf, to include the witness from the Alameda County Sheriff's Office, and to show the facts about which he will testify.
- WJHP—The Metropolis Company, Jacksonville, Fla.—Ordered that the request of WJHP for additional time within which to answer the petition for rehearing filed by Florida Broadcasting Co. (WMBR) be granted, and the time within which WJHP may file its answer to said petition was extended to and including October 25, 1940.
- WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition for rehearing directed against the action of the Commission, September 4, 1940, granting the application of Amarillo Broadcasting Corp. (KFDA), Amarillo, Texas, for modification of license to change frequency from 1500 to 1200 kc.
- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.; WSSJ, Puerto Rico Advertising Co., San Juan, P. R.; Puerto Rico Advertising Co., Arecibo, P. R.—Designated for hearing the application of WPRA for renewal of license; reconsidered and designated for hearing the application for permit to construct station WSSJ at San Juan, and designated for hearing the application of Puerto Rico Advertising Co., Inc., for construction permit to erect a new station at Arecibo, P. R.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. October 22, from 9:30 p. m. to 10 p. m. October 23, 29 (in order to broadcast Pennsylvania Republican State Committee program instead of program sponsored by the Massachusetts Republican State Committee as authorized by grant of September 9, 1940), from 8:30 p. m. to 9 p. m. October 29, from 8 p. m. to 9 p. m. November 1, from 12 to 1 a. m., EST, November 4, 1940, in order to broadcast political programs as described in letter dated October 17, 1940, only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. October 22 (in order to broadcast a speech by Wendell Willkie instead of Republican State Committee of Massachusetts program as authorized by grant of October 3, 1940), from 9 p. m. to 9:30 p. m. October 22, 23, 25, from 10 p. m. to 10:45 p. m., EST, November 1, 1940 (in order to broadcast Republican Committee program instead of Massachusetts Democratic State Committee program originally scheduled for 10:15 to 11 p. m. as requested in letter dated October 11, 1940), in order to broadcast political programs as described in letter dated October 16, 1940, only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m. to 8 p. m., CST, October 25, 1940, in order to permit WGBF to broadcast a speech by Wendell Willkie only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above in order to broadcast speech by Wendell Willkie only.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (October, 5:45 p. m., EST) to midnight, EST, October 25, 1940, in order to broadcast the second anniversary of the opening of Radio Station WPIC.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts from 8:45 p. m. to 9:30 p. m. October 24, from 7:30 p. m. to 8 p. m. October 25, 8 to 8:30 p. m., CST, October 28, 1940, in order to permit WGBF to broadcast political speeches as described in telegram received October 18, 1940, and from 9 to 10 p. m. October 22, 7:30 p. m. to 8 p. m. October 24, and 9 to 10 p. m., CST, October 29, 1940, in order to broadcast Republican State political programs only.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 5 p. m. to 5:30 p. m. CST, October 27, 1940, in order to broadcast a special Rally-Day program by the Norwegian Lutheran Church of America only.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1:45 p. m. to 2:30 p. m., and from 3:30 p. m. to 4:30 p. m. CST, October 26, 1940, in order to broadcast football game only (provided KGCA remains silent).
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m. PST, October 25, November 1, 11, and 21, 1940, in order to broadcast football games as described in letter dated October 7, 1940, only.
- WMAM—M & M Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m. CST), to 10 p. m. CST, October 23, November 3 and 4, 1940, in order to broadcast political programs only and from local sunset November 5, 1940, to local sunrise (November, 6:45 a. m. CST), November 6, 1940, in order to broadcast election returns only.
- WIXPW—WDRG, Inc., Hartford, Conn.—Granted special temporary authority to operate on a frequency of 44.1 mc. instead of 43.4 mc., in order to continue experiments in rebroadcasting high frequency broadcast station W2XMH emissions which are to be rebroadcast by W1XOJ, for a period not to exceed 30 days.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (November, 5 p. m. EST), to 6 p. m. EST, November 2, 9, 16, and 23, 1940, in order to broadcast football games only.
- KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate with 1 KW power from 9:30 p. m. to 10 p. m., October 28, 1940, and from 8:30 p. m. to 9 p. m., October 30, and from 9 p. m. to 11 p. m., CST, November 4, 1940, in order to broadcast speeches by President Roosevelt and other Democratic leaders only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above on October 24, 25, 28, except in order to broadcast political speeches as described in telegram received, and on October 22, 24, 29, in order to permit KFRU to broadcast Republican State political programs only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 1 p. m. to 3 p. m., EST, November 21, 1940, in order to broadcast the annual football game and other programs of a holiday character (provided WOSU remains silent).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

- WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to move transmitter from Tonawanda to Town of Hamburg, N. Y.; install directional antenna for night use; and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended to make changes in directional antenna and omit request for increase in power.

### 570 Kilocycles

- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit for reinstatement of construction per-

mit (B1-P-2601) to install new transmitter, make changes in directional antenna system, increase power, and move transmitter.

#### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit to make changes in directional antenna system.

NEW—West Publishers, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on **610 kc.**, 1 KW, unlimited time, directional antenna for night use, Class III-B station. Amended re corporate structure.

#### 620 Kilocycles

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—License to cover construction permit (B3-P-2715) for changes in directional antenna system, and increase in power.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Authority to determine operating power by direct measurement of antenna power.

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—License to cover construction permit (B3-P-2681) for increase in power and changes in directional antenna system (night use only).

NEW—Frequency Broadcasting Corp., Borough of Brooklyn, N. Y., N. Y.—Construction permit for a new broadcast station to be operated on **620 kc.**, 500 watts, daytime.

#### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter and installation of directional antenna for day and night use, requesting extension of completion date from 11-6-40 to 12-6-40.

#### 880 Kilocycles

WRNL—Richmond Radio Corp., Richmond, Va.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 KW to 5 KW.

#### 950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for change in power and installation of directional antenna for night use, requesting extension of completion date from 11-5-40 to 12-5-40.

#### 1200 Kilocycles

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) as modified for a new station, requesting change in type of transmitter.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Modification of construction permit (B3-P-2775) for a new station, requesting change in type of transmitting equipment.

#### 1210 Kilocycles

WLOK—The Fort Industry Co., Lima, Ohio.—License to cover construction permit (B2-P-2506) as modified for increase in power and installation of new transmitter.

#### 1230 Kilocycles

WALB—The Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) for a new station, requesting change in frequency from **1230 to 1530 kc.** (1590 kc. under N.A.R.A.); change hours of operation from daytime to unlimited time, using 1 KW power; make changes in equipment; install directional antenna for night use; change studio site to same as transmitter; extend commencement and completion dates from 8-25-40 and 2-25-41 to 30 days after grant and 90 days thereafter, respectively.

#### 1310 Kilocycles

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. Amended to change studio site to site to be determined and antenna to be determined, also change type of transmitting equipment.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to determine operating power by direct measurement of antenna power.

#### 1340 Kilocycles

NEW—Tropical Broadcasting Co., DeLand, Fla.—Construction permit for a new broadcast station to be operated on **1310 kc.** (**1340 kc.** under N.A.R.A.) (Class IV station), 250 watts, unlimited time.

#### 1370 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Modification of construction permit (B5-P-2610) for change in frequency, increase in power; move of transmitter; new antenna and transmitter, further requesting authority to install new transmitter, approval of antenna system, and approval of transmitter site.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time, Class IV station. Amended re correct geographic location.

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Authority to determine operating power by direct measurement of antenna power.

NEW—Martin Anderson, Macon, Ga.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time.

NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time, Class IV station. Amended to give transmitter site as site to be determined, Orlando, Fla.

#### 1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-2572) for increase in power and installation of directional antenna for night use.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

#### 1420 Kilocycles

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—License to cover construction permit (B3-P-2858) as modified for a new station.

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Authority to determine operating power by direct measurement of antenna power.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time.

#### 1500 Kilocycles

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Modification of construction permit (B2-P-2251) for a new station, requesting approval of antenna, approval of transmitter and studio sites and installation of new transmitter.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

NEW—James Freeman Holmes, Valdosta, Ga.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Amended to make antenna changes.

#### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—License to cover construction permit (B2-PSB-14 as modified for a new station.

WAKR—Summit Radio Corp., Akron, Ohio.—Authority to determine operating power by direct measurement of antenna power.

#### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) as modified for increase in power, move of transmitter, and new equipment, requesting further changes in equipment; installation of directional antenna for day and night use, increase power from 5 to 10 KW, change frequency from **1550 to 1560 kc.**; Class I-B, in accordance with N.A.R.A.;



extend commencement date and completion date from 8-5-40 and 2-5-41 to 30 days after grant and 180 days thereafter, respectively.

### FM APPLICATIONS

**NEW**—Frequency Broadcasting Corp., Borough of Brooklyn, N. Y., N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43,700 kc.** Coverage: 14,400 square miles. Population: 11,900,000.

### TELEVISION APPLICATION

**W2XBB**—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-42) for a new television broadcast station, requesting approval of antenna and approval of transmitter site at 444 Madison Ave., New York, N. Y.

### MISCELLANEOUS

**WEHX**—United Broadcasting Co., Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as with Standard Broadcast Station WHK, Cleveland, Ohio.

**WEHU**—United Broadcasting Co., Portable-Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

**WEHV**—United Broadcasting Co., Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

**WRPM**—United Broadcasting Co., Portable-Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

**WEJP**—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to operate with power of 50 watts on all frequencies.

**W9XC**—Central Broadcasting Co., near Mitchellville, Iowa.—Construction permit to install new transmitter and increase power from 1 KW to 150 KW.

**WCRC**—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Modification of construction permit (B1-PIB-26) for a new international broadcast station, requesting approval of directional antenna system, add **9650 kc.** and operate unlimited time on **21520 kc.**, share time on **9650 kc.** with Station WCBX.

**WCBX**—Columbia Broadcasting System, Inc., near Wayne, N. J.—Modification of construction permit (B1-PIB-27) for move of transmitter, increase in power and new transmitter, requesting approval of directional antenna system and change time of operation from sharing time on **15270 kc.** with Stations WLWO and WCAB to sharing time on **15270 kc.** with Station WCAB.

**W2XI**—General Electric Co., New Scotland, N. Y.—Modification of license to change frequencies from **156000-162000 kc.** to **162000-168000 kc.** (Channel No. 8).

tion, 74 Trinity Place, New York; Herbert S. Blake, its president and counsel; Thomas B. Jordan, its vice president, and five member manufacturing companies: Scovill Manufacturing Company, Waterbury, Conn., operating as one of its divisions The Oakville Company, Oakville, Conn.; Noesting Pin Ticket Company, Inc., New York; Vail Manufacturing Company, Chicago; F. Kelly Company, Derby, Conn., and William Prym, Inc., Long Island City, N. Y.

The complaint alleges that Thomas B. Jordan is also secretary of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute of the Organization Service Corporation; that the five manufacturing companies, while not constituting the entire membership of the two institutes, are the largest manufacturer members thereof, and that they, in conjunction with the respondents Blake and Jordan, control the institute's affairs.

Members of the two institutes, the complaint continues, represent approximately 100 per cent of all the pin manufacturers in the United States, 90 per cent of the fastener manufacturers, and 70 per cent of the paper clip manufacturers.

The complaint alleges that the respondents, acting between and among themselves, or through the two institutes of the respondent Organization Service Corporation, have, pursuant to their understanding, combination and conspiracy (1) fixed and maintained uniform prices for the sale of the products manufactured by the respondent member manufacturers; (2) maintained identical price lists on comparable products manufactured by the respondent members; (3) simultaneously changed the prices at which comparable products manufactured by the respondent members are sold either by themselves directly or as undisclosed principals through their respective distributing agents, and (4) submitted, as undisclosed principals acting through their respective distributing agents, or by other means or methods, identical or uniform bids for the sale of their products to various governmental purchasing agencies, including those of the United States Government.

The complaint further alleges that in order to make their understanding, combination and conspiracy effective, and to require observance thereof by all respondent members, by other members of the two institutes, and by other competitive manufacturers, the respondents have (1) investigated and consulted (with each other, with other institute members and with competitive manufacturers, through and by means of the service corporation, the two institutes and the respondent Jordan) with the result that they have determined the prices charged by the member manufacturers (acting either directly or as undisclosed principals of their distributing agents), by the other members and other competing manufacturers for products made by the respondent members and their competitors; (2) interchanged through the service corporation and institutes and the respondent Jordan, monthly statistics showing the value of shipments of products manufactured by members of the institutes; (3) supervised, through the same agencies, the activities of members of the institutes and competing manufacturers for the purpose and with the effect of obtaining adherence by the respondent members and their competitors to prices, terms and conditions of sale agreed upon by the respondent members, and more particularly to prevent and prohibit the quotation by the respondent members or their competitors (regardless of whether or not they are members of the institutes) of lower competitive prices for the sale of their products, and (4) offered uniform bids to governmental agencies, including those of the United States Government, and to other prospective purchasers, either directly or as undisclosed principals through and by means of their distributing agents. (4351)

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

**Organization Service Corp.**—Charging a combination and conspiracy to fix and maintain prices and prevent competition in the sale of pins, paper clips and fasteners used as office supplies, a complaint has been issued against Organization Service Corpora-

**Reliance Jacket Company**—Louis Greenberg, trading as Reliance Jacket Company, 306 South 7th St., Minneapolis, has been served with a complaint alleging the sale of sports jackets and other merchandise by means of devices and plans involving the operation of lottery methods when sold and distributed to the consuming public.

Use of the respondent's sales methods, the complaint charges, is a practice contrary to an established public policy of the Federal Government and in violation of criminal laws, and is an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act. (4349)

**Spencer System**—A complaint has been issued against Spencer System, and John L. Shea, William J. Hagerty, Jean G. Mitchie and Glenda S. Hills, its trustees, 55 Belvidere St., Boston, alleging misleading representation in the sale of instruction courses in the



design and fabrication of arch supports and foot exercisers, and in a system of foot correction and culture.

Through circulars and pamphlets distributed in various States, the respondents, according to the complaint, directly or indirectly represent, among other things, that the structure of the foot is simple; that anyone of ordinary intelligence who can read and write can readily master the courses in arch support making and foot culture; that by reason of such mastery and the use of the respondents' system of foot culture and arch supports, the student will be able to determine whether or not a person requires arch supports; to prescribe, design and fabricate the proper supports; to diagnose as surgical or non-surgical all foot ailments or conditions, and to correct, overcome and cure all foot troubles other than those requiring operative surgery.

The complaint alleges that in fact the adequate correction of arch troubles and ailments of the feet, and the proper designing of arch supports require, as a preliminary, a diagnosis which can be properly made only by one familiar not only with the structure and physiology of the feet, but of the rest of the body. The complaint further alleges that the knowledge necessary for the proper diagnosis of all foot troubles as surgical or non-surgical, and the application of adequate corrective or curative methods to non-surgical conditions by arch supports, exercises, or otherwise, cannot be imparted by mail in the short time indicated by the respondents, to the ordinary literate person, and cannot be acquired from the respondents' courses of instruction. (4350)

**Zone Company**—A complaint has been issued against Harry S. Benham, 620 Orleans St., Chicago, alleging misrepresentation in the sale of medicinal preparations and devices. In the sale of these products the respondent, according to the complaint, trades under the names The Zone Company, Active Merchandisers, Active Medicine, Nu-Mode Company, and American Medicine Company.

The complaint alleges that the respondent, in advertising matter distributed in various States, represents, directly and through implication, that his preparations, "Nu-Mode Vaginal Jelly", "A. M. Vaginal Jelly", "Nu-Mode Hygiene Tablets", "Vaginal Suppositories", and "Speed Nu-Mode Hygiene Douche Tablets" form safe, competent and effective preventives against conception and provide a guaranteed method of preventing pregnancy, due to their antiseptic and powerful germ-destroying properties; that their use prevents disease, and that they are effective as prophylactics, when in fact the respondent's preparations, although they may possess antiseptic properties, are not powerful germicides and do not accomplish all the results claimed.

The complaint alleges that the respondent represents the "Nu-Mode Ladies' Womb Supporters" as being comfortable, efficient and sanitary, when in fact the use of this device as advertised disregards gynecological principles.

Further misrepresentations have been made by the respondent, according to the complaint, in connection with the sale of "A. M. Athlete's Foot Salve" and "A. M. Wonder Salve" for skin irritations and ailments. (4352)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**New Method File Grinders, Inc.**, trading as Automobile Body Supply Company, 5120 South Halsted St., Chicago, has been ordered to cease and desist from making misleading representations in the sale and distribution of used and reconditioned filing tools.

Commission findings are that the respondent has purchased used and second-hand files from automobile manufacturers, garages, automobile body repair establishments and from other sources; has reconditioned or resharpened them, and, in some of its advertisements, has represented to purchasers that some of its files are water-damaged or have been through fire and damaged by water, but are otherwise new and unused.

According to findings, some of the files represented by the respondent as being water-damaged but otherwise new and unused, are files which actually have been used by mechanics and other operators, and purchased by the respondent for reconditioning and sale.

The Commission order directs the respondent to cease and desist from representing, directly or indirectly, that used and reconditioned files are new files, or are new files which have been damaged in some way, or are anything other than used files which have been reconditioned. (4020)

**Progressive Medical Company**—An order has been issued directing Blanche Kaplan, trading as Progressive Medical Company, Progressive Laboratories, Ladies Aid Company, Ladies Aid, and Ladies Aid Products, 330 South Wells St., Chicago, to cease and desist from misrepresentations in the sale of several medicinal preparations.

The order directs the respondent to cease disseminating advertisements which represent, directly or through inference, that the product "Ladies Aid No. 1 H.Y.G. Tablets" is an effective prophylactic or dependable contraceptive; that "Ladies Aid No. 4" possesses therapeutic value in the treatment of certain ailments of women beyond its use as an accessory; that "Promeco Cod Liver Oil Compound Tablets" is a new scientific discovery and constitutes an effective remedy for every condition for which physicians might prescribe cod liver oil; that "Ladies Aid Reducing Tablets" is an amazing new scientific discovery, or that it is safe and harmless, or that by its use one can reduce 5 pounds a week, or any other appreciable amount.

The order also prohibits the dissemination of advertisements with respect to "Ladies Aid Reducing Tablets" which fail to reveal that use of this product may result in skin eruptions and excessive irritation of the bowels. (4261)

**Reed's Cut Rate Drug Store**—Lenard and Sarah Gottlieb, trading as Reed's Cut Rate Store and Fountain Cut-Rate Stores, Clarksburg, W. Va., have been ordered to cease and desist from disseminating false advertisements in the sale of a medicinal preparation.

Commission findings are that in the sale of a preparation designated "Prescription Female Capsules" and as "Lady Lydia Female Capsules", the respondents disseminated in various States newspaper and other advertising matter in which they represented, directly or by implication, that their preparation is a competent and efficient treatment for delayed menstruation and is safe and harmless.

According to findings, the respondents' preparation is neither competent nor efficient in treating this ailment and is not safe or harmless, in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondents are further found to have engaged in false advertising in that their advertisements fail to reveal that use of the preparation under such conditions may result in injury to health.

The Commission order directs the respondents to cease disseminating advertisements which represent, directly or through inference, that their preparation is a competent or effective treatment for delayed menstruation, and that it is safe or harmless; or which advertisements fail to reveal that use of the preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning.

Upon petition of the Commission, the respondents were recently restrained by a U. S. District Court from disseminating certain advertisements relative to their preparation pending issuance of the Commission's complaint and its final disposition. (4211)

**C. H. Stallman & Son, Inc.**, 31 West Philadelphia St., York, Pa., has been ordered to cease and desist from the use of lottery methods in the sale of candy, cigars or other merchandise.

The order prohibits the respondent from selling and distributing such products so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of such merchandise or separately, which devices may be used in selling or distributing such merchandise to the public, and selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4096)



## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Advance Spectacle Company**—Michael M. Engel, trading as Advance Spectacle Company, 537 South Dearborn St., Chicago, has entered into a stipulation with the Federal Trade Commission in which he agrees to desist from certain representations in the sale of eyeglasses. The respondent stipulates that he will cease advertising, directly or by implication, that the saving accomplished in purchasing his glasses is any amount or percentage in excess of the actual amount saved; that his glasses will enable one to read, sew or see better in every way; that the method used in testing the eyes and in purchasing his glasses is the same as used by anyone else, and that he guarantees that the glasses will fit. The respondent also stipulates that he will cease representing that the ordinary or regular selling price of the glasses is any amount in excess of the actual amount at which they are ordinarily sold, or that the regular price is a special price. (02647)

**Ethyl Tire & Rubber Company, Inc.**, and Harry and Samuel Mufson, its officers, also trading as Fordham Tire Company, 545 East Fordham Road, New York, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of automobile tires.

The respondents agree to cease using a figure five medallion or the words "Heavy Duty" as descriptive of a four-ply automobile tire; or representing directly or indirectly, by means of letters, blotters, words, figures, price lists, tire wrappings, markings, insignia or brands appearing on their tires or in any other way, that the tires they sell contain more plies in their construction than they actually contain. (2960)

**Federated Container Co., Inc.**, 3 Washington Place, New York, a corporation engaged in the sale and distribution of corrugated fiber shipping boxes, has agreed that it will cease and desist from stamping or marking its boxes or causing them to be stamped with the purported certification of a box maker or manufacturer, together with such use of its corporate or trade name "Federated Container Co., Inc.", as may tend to create the impression that it is the maker of the boxes. The corporation also agrees to discontinue use of the word "Maker" or words of similar meaning to imply that the corporation actually owns and operates or directly and absolutely controls the plant or factory in which the products are made or manufactured. (2954)

**Frank H. Fleer Corporation**, Philadelphia, engaged in selling a brand of chewing gum designated "Fleers Dubble Bubble Chewing Gum," has entered into a stipulation in which it agrees to discontinue representing that the gum will do away with the gray or dingy condition of teeth; clean them thoroughly; force its way into crevices in teeth that an ordinary tooth brush won't or can't reach; that food particles left between the teeth are the principal cause of bad breath; that chewing the gum will rid one of unpleasant breath or will beautify teeth; that merely chewing the respondent's gum will enable a person to remain or keep awake or alert during drives; that the gum is rich in dextrose or that the dextros content will help relieve a person of fatigue, give pep or animation, contribute any appreciable energy to a person, or increase vitality or strength in men, women and children; that the gum will be of material benefit in developing well arranged teeth in children; that the exercise provided by chewing the respondent's gum will enable the teeth of boys or girls to grow straight or strong; that the exercise of the facial muscles provided by chewing the gum constitutes a beauty treatment; that the exercise provided by chewing the gum will bring, give, or in any way impart youth to a person's face or facial muscles or keep the facial muscles young, or that chewing the respondent advertiser's gum is a competent aid or treatment for a great variety of oral disorders or dental diseases or gingivitis, gingival recession or alveolar atrophy, or acute and chronic Vincent's infection, or periodontoclasia (pyorrhea). The Frank H. Fleer Corporation further agrees not to make any unwarranted claims concerning the relative toughness or elasticity of its gum. (02648)

**Fordham Tire Company**—See Ethyl Tire & Rubber Company, Inc.

**James C. Gordon Fur Company**—Otto P. Barth, sole trader as Jas. C. Gordon Fur Company and as Victor Fur Company, 204 North 4th St., St. Louis, agrees to cease quoting or otherwise holding forth any extravagant or exorbitant prices which trappers or fur dealers may expect to receive from him for their furs; quoting price ranges which include amounts seldom paid, or quoting such extraordinary prices in any other manner tending to convey the impression that they are frequently paid, or quoting prices which might be applicable to furs of a grade or quality not usually produced in the territory circularized. The respondent also stipulates that he will cease representing, directly or inferentially, that he pays higher prices for furs than do all other fur buyers, and that trappers or dealers will realize a greater return by selling their furs to him than would be obtainable by selling to other fur buyers or through brokers. (2953)

**W. Irving Herskovits Fur Company, Inc.**, 333 7th Ave., New York, stipulates that it will cease quoting or otherwise holding forth any fictitious or exorbitant prices which trappers or fur dealers may expect to receive from it for their furs; quoting prices which it has not in fact paid or quoting prices which might be applicable to furs of a quality not ordinarily produced in the territory circularized; and agrees that it will cease representing, directly or inferentially, that it pays higher prices for furs than do all other buyers, and that trappers or dealers can realize a greater return by selling to the respondent than to other buyers or through brokers. The respondent also agrees to cease using the word "Guarantee" or other words of similar meaning unless clear disclosure is made of exactly what is offered by way of security. (2959)

**Kenjol Pharmacal Company**—Oman E. Johnston, trading as Kenjol Pharmacal Company, Fremont, Ohio, engaged in the sale of a product known as "Native Herb Medicine," has entered into a stipulation in which he agrees to cease and desist from representing that his product will relieve or cure ailments such as biliousness or colds, or rid the system of lumbago or rheumatism; that it is a competent remedy for functional diseases such as hardening of the arteries, diseased kidneys, and other ailments; that the product possesses any direct remedial value or has medicinal properties other than that of a laxative, or that the product is "Standard \$1.00 Size" or that its regular retail price is \$1, when in fact such amount is fictitious and in excess of the price for which the product is customarily sold in the usual course of retail trade. (2957)

**Photo Developing, Inc.**, trading as Posto-Photo, Camden, N. J., a seller of finished photographs produced from exposed, undeveloped film rolls supplied by subscribers, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease certain representations in the sale of these products.

The respondent agrees to cease misrepresenting, directly or by failure to disclose accurately any extra charges to be made, the price at which it sells and distributes its finished photographs produced from exposed, undeveloped films, and to desist from representing that it will sell and distribute finished photographs produced from any exposed, undeveloped roll of film, for 25 cents, when, in fact, it charges more for finished photographs produced from certain kinds of film without plainly and accurately disclosing the amount of the extra charge. (02645)

**Beatrice Mabie, Inc.**, 510 Culver Way, St. Louis, a corporation engaged in selling a cosmetic designated "Beatrice Mabie's Pore Cream," has entered into a stipulation in which it agrees to cease and desist from representing that the preparation will clear the skin of blackheads or banish blackheads, or by any other terminology that it will remove blackheads permanently, or that it has any effect upon blackheads beyond tending to soften temporarily the sebum in the pores; that the product will reduce or contract enlarged pores or is a competent treatment for enlarged pores; that it was "created by one of America's five most expensive beauty experts"; that it has any special ingredients or acts in a way different from competing products; that a single application will remove dust, dirt or make-up embedded in the pores for days or

weeks, or that blackheads or enlarged pores are due to faulty diet or to a skin condition requiring daily correction.

Beatrice Mabic, Inc., further agrees to cease and desist from representing, directly or indirectly, that it owns, operates or controls a laboratory. (02650)

**Merit Container Company**—Samuel Goldstein and Abraham Goldstein, co-partners, trading as Merit Container Co., 345 West 36th St., New York, engaged in the sale of fiber board packing boxes, have agreed to cease and desist from stamping or marking their products or causing them to be stamped or marked with the purported certification of a box maker or manufacturer, together with such use of their trade name "Merit Container Co." as may tend to create the impression that they manufacture the boxes. They also agree to cease and desist from use of the word "Maker" or other words of similar meaning which may tend to convey the belief to purchasers that they actually own and operate or directly and absolutely control the plant or factory in which the products are made or manufactured. (2955)

**Nasal Inhaler Company**—Harry D. Mayhugh, trading as Nasal Inhaler Company, Walton, Ky., has entered into a stipulation in which he agrees to cease certain representations in the sale of "Mayhugh's Oil Solution" and "Mayhugh's Nasal Inhaler", comprising a treatment for hay fever, asthma, and colds.

The respondent stipulates that he will desist from representing that use of his preparation and device affords a competent treatment or effective remedy for hay fever, rose fever, asthma, colds and other inhalant ailments; affords freedom from congestions in the head; assures daytime relief or restful slumber at night, and rest for children as well as adults. The respondent further agrees to cease representing that physicians recognize in "Mayhugh's Nasal Inhaler" a device for properly treating inhalant ailments; that the inhaler filters the pollens of flowering plants from the air, purifies the air entering the nostrils or removes the cause of hay fever and asthma due to pollen or dust, and that it filters the germs from the air inhaled, relieving congestion of the nostrils during a cold. (02646)

**Carolyn Nilson System**—Carolyn Nilson Dietrich, trading as Carolyn Nilson System of Beauty Culture, Book-Cadillac Hotel, Detroit, has entered into a stipulation in which the respondent agrees to cease making certain representations in the sale of cosmetic preparations sold in conjunction with a massage and gymnastics course.

The respondent stipulates that she will cease making representations which imply that her preparations have been endorsed or approved by either physicians, Hollywood stars, or leaders everywhere; that her hair tonic preparation or an eyelash preparation will stimulate or in any way cause the hair to grow and that use of a so-called "Bust Developing Cream" and of a so-called "Reducing Lotion" are effective. (2956)

**Stewart & Company, Inc.**, Howard & Lexington Sts., Baltimore, a corporation engaged in the sale and distribution of mattresses and other household furnishings, has entered into a stipulation in which it agrees to cease and desist, directly or inferentially, from quoting or representing as the customary or regular price or value of its merchandise, prices or values which are in fact fictitious and in excess of the prices at which such merchandise customarily is offered for sale and sold in the normal course of business. (2958)

**Tampax, Inc.**, 155 East 44th St., New York, a corporation engaged in selling a tampon designated "Tampax," has stipulated to discontinue representations that there is a consensus among gynecologists to the effect that there is no comparison between "Tampax" and the external sanitary napkin from a hygienic standpoint; that the American Medical Association has examined and accepted "Tampax" for advertising, or that physicians as a group have endorsed the product. (02649)

**Victor Fur Company**—See James C. Gordon Fur Company.

**Vitamins Plus, Incorporated**, 370 Lexington Ave., New York, has entered into a stipulation in which it agrees to cease certain representations in the sale of a vitamin concentrate supplement designated "Vitamins Plus."

The respondent agrees to cease representing, directly or by implication, that cloudy or lusterless eyes or lack of whiteness of the teeth are generally due to Vitamin A deficiency; that vitamins are of significance in determining the duration of time hair stays in curl, or make-up remains on the skin surface, or nail polish adheres to the nails; that Vitamin B will maintain or nourish brain tissue, or will remove lactic acid from the blood stream and thereby eliminate fatigue, or is of value in cases of constipation or nervous disorders, except where and to the extent that such cases may be due to insufficient Vitamin B; or that foods customarily consumed have but a negligible amount of Vitamin B.

Other representations which the respondent agrees to discontinue are that Vitamin E is known to be capable of preventing sterility or promoting mental or physical vigor; that by use of "Vitamins Plus," a person may expect to have sparkling eyes, or gleaming or lustrous hair, or a lovely complexion, or that one may become active, gay, beautiful or charming, or live without a "let-up" or "let-down." (02652)

#### FTC CLOSES CASE

Federal Trade Commission has closed, without prejudice to its right to resume proceedings, should future facts so warrant, a complaint issued against Lawrence A. Huffman, formerly trading as Plant N-R-G Company, and Plant Energy, Inc., 71 Sixth St., Logansport, Ind., engaged in the manufacture and sale of compounds for use in stimulating the growth of legume and non-legume plants. The complaint had alleged violation of Section 5 of the Federal Trade Commission Act.





### THE WEEK IN WASHINGTON

The FCC gave a green light to commercialized FM yesterday, granting 15 applications for stations scattered throughout the country. The Commission said it would act on the remainder of more than 50 applications "at the earliest opportunity." (p. 4733.)

Weekly BMI music grows more popular. BMI stations now number 406. Five new BMI records are announced, and a supplemental list of records of M. M. Cole music is included in this issue. (p. 4736.)

The NAB Code Committee will meet November 7, at the Hotel Stevens in Chicago to consider the operation of the commercial section of the Code and other Code problems. The Code Committee urges all members to exercise extreme caution in the proper handling of political broadcasts on election day. (p. 4737.)

The NAB Executive Committee offered the services of Ed Kirby, Director of Public Relations, to the War Department as radio liaison officer for the duration of the emergency. (p. 4738.)

A new formulation for payment of staff announcers was worked out by AFRA and NBC, CBS and WGN to cover staff announcers employed by the three organizations in Chicago. The Wage and Hour Administration says that the 20 per cent used in its definitions of executive, professional and outside salesmen refers to the ordinary work week of the ordinary subordinate, not to the aggregate working hours of all subordinates. (p. 4738.)

The AAAA Conference Committee met Wednesday in New York to discuss standard contracts and standard invoice forms. More free offers were received this week. (p. 4739.)

In connection with radio's Twentieth Birthday Celebration, November 11-30, a summary of radio's achievements in its first twenty years is included in this issue. (p. 4740.)

The Communications Defense Board is making progress, James Lawrence Fly reported this week. Committees will soon be set up. The FCC called a conference on electro-medical apparatus. (p. 4743.)

## FM Gets Green Light

The final "Go" signal for FM (frequency modulation) was given by the FCC Thursday in authorizing 15 applicants geographically scattered throughout the nation to engage in this new type of broadcast on a commercial basis as soon as they are able to do so.

"The granting of these licenses by the Commission," commented Chairman James Lawrence Fly, "marks an important milestone in the continued advance of the radio industry."

The remainder of the more than 50 applications for FM commercial operation on the high frequencies will be acted upon at the earliest opportunity.

Today's authorizations embrace proposed FM service to millions of persons in widely scattered sections of the country, and are expected to expedite the rapid development of this new program art. The locations of these prospective pioneer stations follow:

- DETROIT—The Evening News Association
- LOS ANGELES—Don Lee Broadcasting System
- BATON ROUGE—Baton Rouge Broadcasting Co.
- SALT LAKE CITY—Radio Service Corporation of Utah
- CHICAGO—Zenith Radio Corporation
- MT. WASHINGTON, N. H.—The Yankee Network
- MILWAUKEE—The Journal Co.
- NEW YORK CITY—National Broadcasting Co.  
William G. H. Finch  
Marcus Loew Booking Agency
- EVANSVILLE, IND.—Evansville On the Air, Inc.
- BINGHAMPTON, N. Y.—Howitt-Wood Radio Co., Inc.
- BROOKLYN, N. Y.—Frequency Broadcasting Corp.
- COLUMBUS, OHIO—WBNS, Inc.
- SCHENECTADY, N. Y.—Capitol Broadcasting Co., Inc.

Giving these stations the starting gun is the last formality in a series of actions by the Commission to make possible, for the first time in radio history, the use of the high frequencies for commercial broadcast.

As the result of a public hearing last March, which attested that FM is highly developed and ready to move forward on a broad scale, the Commission in late May provided 35 channels (43,000 to 50,000 kilocycles) for regular high frequency broadcast service. Engineering standards for the new service were set up in June, and

*(Continued on page 4734)*

Neville Miller, President

C. E. Arney, Jr., Assistant to President

Edward M. Kirby, Director of Public Relations; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Lynne C. Smeby, Director of Engineering

## FM GETS GREEN LIGHT

(Continued from page 4733)

rules to make such broadcasts available to as many homes as possible were promulgated in early October.

On the basis of testimony by engineers of both the radio manufacturing and the broadcast industries, the Commission heralds the business debut of FM as inviting public demand for service and sets, which will have a stimulating effect on programming as well as on the purchase and maintenance of new equipment.

Three particular advantages are claimed for FM, namely, that it gives more tone range, is static free, and more stations can use the same channel without interference. The last-mentioned asset opens up a new field for broadcasting, which has long clogged the present standard broadcast band.

### BMI FEATURE TUNES

November 4-11

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON

On the various lists of numbers most often played on the air for the past week, *Practice Makes Perfect* and *There I Go* seesaw for the front rank of BMI songs. *Same Old Story* is third in line; *So You're The One* and *I Give You My Word* are tangled over third and fourth places. *We Could Make Such Beautiful Music* shows up for the sixteenth week; only one number on the "sheet" has been there longer.

Last week *Practice* stood in number one place at the head of the Hit Parade, the unquestioned leader among all the popular songs in the country. *There I Go* moved from tenth place up to number nine.

*There I Go* appears also this week on the list of sheet

music best sellers. Vaughn Monroe's record of this tune appears among the best selling phonograph numbers on the West coast, while Bob Chester's recording of *Practice* climbs up to sixth place among the national best sellers and stands also for the second week in sixth place on the list of the biggest money makers in the automatic phonographs.

*My Heritage*, the song featured in the French film, *Heritage*, which is to be presented for the first time in America at the Belmont Theatre in New York on November 4th, is being published by BMI. The music for the film has been revised and adapted by Allan Small. Although several European composers have been brought to this country to do the music for the American films, this is believed to be the first time that an American composer has been called upon for music for a European film.

The music for *Heritage* was originally written by Jean Poueigh. The film, made by a French company, was photographed in Spain. It is said to have met the disapproval of General Franco and was smuggled out of Barcelona two days before the Franco forces took the town over. It is understood that the master print was destroyed. Both the music and the French composer have been lost since the collapse of France, and the American composer had nothing to work from except the music as he could hear it from the sound track of the film.

Mr. Small has for years been an arranger, doing orchestrations for Jack Little, Andre Kostelanetz, Paul Whiteman, Rubinoff, Raymond Paige, Gustav Haenschen, and others. He has been a specialist in Spanish and Latin-American music and was called on for the *Heritage* film because of the necessity of keeping the Spanish quality in the music.

In addition to revising the background music for the film, he took the theme music and developed it into a tango song number which is to be featured in connection with the showing of the film. The English words were written by R. Fagin.

The BMI stations now number 406. We welcome to our list of subscribers:

WGAC Augusta, Georgia  
KXOK St. Louis, Missouri  
KMLB Monroe, Louisiana  
WDAF Kansas City, Missouri

On October 30th, Broadcast Music, Inc., concluded a contract with Alpha Music by which it acquired the performing rights in the Alpha catalogue. This catalogue is made up of Latin-American music. The contract will make available to BMI's radio station subscribers more



than 100 additional phonograph records. The numbers include tangos and rhumbas as well as numerous waltzes.

BMI has also acquired performing rights in the catalogue of the Coast-to-Coast Music Corporation. Both of these contracts become operative immediately.

On Monday, October 28th, Broadcast Music, Inc., gave a luncheon at the Roosevelt Hotel for the radio and music writers from the newspapers and for representatives of the trade papers. The purpose of the luncheon was to present the point of view of broadcasters and of BMI toward the present controversy with ASCAP and to try to eliminate any misunderstandings. Mr. Kaye said in part:

"News releases have been sent to the press which speak of the broadcasters' 'boycott' and 'banning' and 'barring' of ASCAP music. Even the briefest examination of the facts will disclose that it is not the broadcasters but ASCAP which is barring ASCAO music from the air. . . .

"ASCAP calls for the payment of a percentage of all moneys paid by advertisers even with respect to programs which do not use ASCAP music. . . . What ASCAP is trying to do is comparable to the situation which would exist if the Associated Press, the United Press and the International News Service demanded a percentage of the revenue from all musical programs for the right to broadcast news. This unfair demand creates a monopoly. It is obvious that if a broadcaster has to pay for ASCAP music, whether he uses it or not, he has no incentive to cause a non-ASCAP member to write music for him. . . .

"Broadcast Music, Inc., is one of the agencies which broadcasters are utilizing in order to make the necessary transition from the music which ASCAP says may not be played to the music which may be played after December 31st. No broadcaster has any rule which compels the playing of BMI music, but broadcasters are making a gradual transition by requiring the performance of music which will be available on January 1st. . . .

"That ASCAP's misguided elimination of its own music from the air will not adversely affect the radio or the public which it serves, is proved by the extent to which this music has already been eliminated. One great national network, which utilized 80% of ASCAP music on its sustaining programs last summer, now uses only 10% of ASCAP music and 90% of non-ASCAP music. The general average among other stations shows a reduction from approximately 80% to 25% of ASCAP music on sustaining programs, and a reduction from over 70% to 36% on all music used on the air. Where ASCAP music has been eliminated from commercial programs, no diminution of listener interest is indicated by the surveys. This is because the best and the greatest music is not controlled by ASCAP but is free for public use. The public taste has been improving by the broadcasting of great music of the past, and the public is ready to absorb an increased proportion of genuinely meritorious music of lasting value. The coming year will see an increasing use of the great music of the past, of the traditional music of America which forms part of our national heritage, of the Latin-American music which comes from our friendly neighbors to the south, and of new popular music drawn, not from a limited clique in New York City, but from the great body of the American people who are now proving their genuine creativeness in the field of music."

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John McGettigan steps out of jail on Saturday, November 2, to carry on a career which brought success to him

through prison walls. He composed the music of *Stars Went To Sleep*, said to be the first song ever completely written, printed, and published from within a penitentiary. The song has been successfully performed on the radio and the sheet music has been selling well, according to *Billboard*. The tune has now been acquired by Broadcast Music, Inc. The composer is discharged from jail to hear his music go on the air from coast to coast.

Merritt Marsh, who wrote the words, and Edmund M. Duffy, the publisher, still remain behind the bars. The trio were strangers until they all landed in the State Penitentiary at McAlester, Oklahoma. The song and the trio who produced it have already had some publicity. A fellow-prisoner wrote Elsie Robinson about them and Miss Robinson devoted her widely syndicated column for one day to his letter, saying in part:

"Buried in their cells, poisoned by grim memories, there came to a trio of convicts a flash of sheer beauty—the whisper of a song. For two years, without the slightest outside aid and in the face of incredible handicaps, they worked on that song.

"Marsh, serving a seven-year term for armed robbery, composed the lyrics; McGettigan, serving a five-year prison sentence for burglary, produced the melody; and Duffy, serving a fifteen-year sentence for armed robbery, financed the publication."

"Out of that work came a song which is sweeping America at the moment—'Stars Went to Sleep.' Today, the royalties of this song are piling up . . . demands for its use are coming by every mail . . . and the trio have five more lyrics ready for publication. But greater than any success story is the attitude of the men who slaved for that success against tremendous odds.

"These men," she continues, "worked so hard and consistently that they hardly noticed prison life, its monotony and atmosphere of defeatism. They completely forgot themselves and their personal troubles. There is, I believe, a lesson there for all troubled people whatever difficulties beset them—a great panacea for despair."

McGettigan grew up in a Pennsylvania orphan asylum. When he went to McAlester, he got into the prison band and has studied music ever since his term began. He comes out now with the intention of following a musical career.

Marsh, the lyricist, was in the amusement business before he was sentenced to prison. When his term is finished about a year from now, he too expects to continue as a song-writer.

Duffy was a salesman in Oklahoma City, lived beyond his means, and in an hour of desperation, staged a hold-up. In McAlester he became associated with Marsh and McGettigan through their common love of music. He took on the publication work for the songs the other two were writing. Like them, he wants to carry on this career begun in prison. In submitting *Stars Went To Sleep*, he wrote to Broadcast Music, Inc.:

"The entire song—words, music, printing, and publication—was accomplished by three inmates of this institution. Three men led on by love for music, desire to accomplish something, and last but far from least, the realization of their fondest dreams—FREEDOM, so that they may continue in this line of endeavor."

Five new BMI records are announced:

**COLUMBIA**

<i>Strangers</i>	Raymond Scott	Col. 35745 Available now
<i>OKEH (Columbia)</i>		
<i>Accidentally on Purpose</i>	Al Donahue	Okeh 5850 Not before November 8
<i>I Hear a Rhapsody</i>	Mary Healy	Okeh 5864 Not before November 15
<i>May I Never Love Again</i>	George Hall	Okeh 5863 Not before November 15
<b>DECCA</b>		
<i>I Give You My Word and The Same Old Story</i>	John Long	Decca 3459 Not before November 28

For previous announcements of BMI records, see NAB REPORTS for October 18, page 4689.

**WARNING:** Bluebird (Victor) record B-10894, *You Walk By*, performed by Blue Barron, contains interpolations of *You Leave Me Breathless* and *Sometimes I'm Happy*, both of which are ASCAP numbers.

Okeh (Columbia) record 5659, *What Good's The Moon*, performed by Ray Herbeck, contains two interpolated bars that might be thought to have some similarity to *Romance*, an ASCAP number.

Where it is essential for stations to avoid performance of ASCAP music, they ought not to play these records.

**SUPPLEMENT "A" TO LIST NO. 1**

Additional list of phonograph records of M. M. Cole Publishing Company publications available for broadcasting *January 1, 1941*, to all stations having BMI licenses, available immediately to all stations having SESAC licenses.

Titles starred represent additions to the list of October 16, 1940. All other titles were included in List No. 1 but are repeated in this supplement with additional information furnished us by M. M. Cole Publishing Company.

Note: "Girl in the Blue Velvet Band" is to be deleted from List No. 1 as it is not a Cole copyright.

Title	Company	Number
*Alone and Lonesome	Decca	5378
Answer To The Prisoners Dream (Shelton Bros.)	Decca	5468-B
*Brakeman's Reply	Decca	5379
Bringing Home the Bacon (Bruner's Tex Wanderers)	Decca	5334-B
By a Window at the End of the Lane (Bruner's Tex Wanderers)	Decca	5515-B
*Cowboy Song	Decca	5541
Girl in the Blue Velvet Band is to be deleted from List No. 1		
Goin' Back to Old Montana	American Record	070252-B
Great Speckled Bird (The) (Jack & Leslie)	Decca	5555-A
Hiding All My Cares (Decca B8284-A was Incorrect) (Wm. Chapman)	Bluebird	B8248-A

Title	Company	Number
Hillbilly Wedding in June (A)	American Record	B32981-A
"	"	08308-A
"	"	R5308-A
*Hobo Blues	Victor	5397
I Am Just What I Am (Homer Brierhopper)	Decca	5379
*I'll Go Riding Down That Texas Trail	Decca	5588-B
I Only Want A Buddy (Sally Foster & The Travelers) (D. Robertson Orch.) (Leo and His 4 Aces)	Vocalion	03138
I'm Here to Get My Baby Out of Jail (Tex Fletcher) (Shelton Bros.)	Decca	5352-A
It's Time to Say Aloha (Frank Luther Trio)	Decca	2807-A
Just an Evening at Home (Ranch Boys)	Decca	5210
Keep a Light in Your Window (Frank Luther Trio)	American Record	R70552-A
"	"	070552-A
I'm Here to Get My Baby Out of Jail (Tex Fletcher) (Shelton Bros.)	Decca	5312-A
"	"	5409-B
It's Time to Say Aloha (Frank Luther Trio)	Decca	5003-B
Just an Evening at Home (Ranch Boys)	Decca	5167-B
Keep a Light in Your Window (Frank Luther Trio)	Decca	5003-A
"	Victor	504481
"	"	5379
"	"	3460
"	Starr Company	16812-A
Last Letter (The) (Tex Griffen) (Jimmie Davis)	Decca	5383-A
"	"	5726-A
Little Girl Dressed in Blue (Frank Luther) (H & S Radio Pals)	Decca	5008-A
"	"	5428-B
Little Old Rag Doll (Big Slim Aliff)	Decca	5329-A
Little Sweetheart of the Ozarks (Tex Fletcher)	Decca	5450-B
*Lonesome and Blue	Imp'l Industrial	5609
"	"	8253
"	American Record	1993-B
"	"	2617-B
"	"	C8112-B
"	"	15713-B
"	"	32640-B
"	Brunswick	12566-B
Me and My Burro (Ranch Boys)	Decca	5128-A
"	American Record	C8637-B
"	"	B60357-B
"	"	R60357-B
"	"	P60357-B
"	"	060357-B
"	Brunswick	M60357-B
"	Decca	5004-B
Mellow Mountain Moon (Frank Luther Trio)	Decca	5160
Mississippi Valley Blue (Carolina Buddies)	Decca	5160
My Old Pal of Yesterday	American Record	C8011-A
*My Old Saddle Pal	Vocalion	031318
Mexicali Rose (Rosa de Mexicali) (Bing Crosby)	Decca	2001-A
"	"	5200-A
(M. Brown & Browning)	American Record	R60559-A
"	"	060559-A
"	Imp'l Industrial	8971
Old Corral (The) (Ranch Boys)	Decca	5258-B
Old Shep (Red Foley) (Jack and Leslie)	Decca	3389
"	"	5575
Please Don't Leave Me Now (Austin Powell) (Decca B8248-A was Incorrect) (Erskine Butterfield & Blue Boys)	Bluebird	B8248-A
"	Decca	3357
Pretty Quadroon	Imp'l Industrial	8455
Ridge Runnin' Roan (Tex Fletcher)	Decca	5302-A
"	Brunswick	B599-A
Rock Me to Sleep in My Rocky Mountain (Luther Trio)	Decca	5006-B



Title	Company	Number
<b>Seven More Days</b> (Tex Fletcher & Joe Rogers)	Decca	5403-A
<b>Song for Mother</b> (Tex Fletcher)	Decca	8010-B
<b>Strawberry Roan (The)</b> (Ranch Boys)	Decca	5074-B
* <b>Sweet Something</b>	Imp'l Industrial	8454
	"	4936
	American Record	2620-B
	"	32638-B
	"	1990-B
<b>Take Me Back to Renfro Valley</b> (Shelton Bros.)	Brunswick	15710-B
	American Record	12567-B
<b>Tell My Mother I'm in Heaven</b>	American Record	070370-A
	Decca	5545-B
* <b>That's How I Got My Start</b> (Gene Autry)	American Record	08236-A
	"	C8192-A
	"	R5236-A
	"	P12915-A
	"	B32774-A
<b>That Silver Haired Daddy of Mine</b> (Log Cabin Boys)	Victor	23827
	Brunswick	M12703-A
<b>We Buried Her Beneath the Willow</b> (Sally Foster)	Decca	5488
	Decca	5110-A
<b>When It's Prayer Meetin' Time in the Hollow</b>	Imp'l Industrial	4818
	"	8065
	Decca	5229-B
	Victor	353
	"	5472
<b>When the Bloom Is on the Sage</b> (Frank Luther Trio)	"	504482
	American Record	R5444-B
	"	R33374-B
	"	C8191-A
	"	08444-B
<b>When the Tumble Weeds Come Tumbling Down</b>	Imp'l Industrial	8590
	"	5947
<b>Why Don't You Come Back to Me?</b>	"	4949
	Decca	5110-B
<b>Wonder Valley</b> (Frank Luther Trio)	Decca	5002-B
	Decca	2237-B
<b>You're a Flower Blooming in the Wildwood</b> (Edith & Sherman Collins)	American Record	C91818-A
	Vocalion	04091
<b>Amor Que Sa Va Antillana</b>	Vocalion	04274
	American Record	M70673-A
	Brunswick	V3029-A
<b>Bola Negra, La</b>	Decca	5002-A
	Decca	5503-B

### SUPPLEMENT "A" TO LIST NO. 2

Additional list of phonograph records of the Peer International Corporation publications available for broadcasting January 1, 1941 to all stations having BMI licenses, available immediately and until December 31, 1940, to all stations licensed by ASCAP. The performing rights are now held by Southern Music Publishing Company, Inc. (an ASCAP member), and these rights are being transferred to the Peer International Corporation and to BMI on January 1, 1941.

Title	Company	Number
<b>Amor Que Sa Va Antillana</b>	Victor	76057
	Victor	75942
	"	82660
<b>Bola Negra, La</b>	Victor	76178
	"	76179
	"	82747

Title	Company	Number
<b>Campirana</b>	Columbia	5627
	Brunswick	8962
<b>Dime Que Si</b>	D	
	Victor	75809
	"	82519
	"	82582
	Decca	10384
<b>Inquietud</b>	Columbia	5814
	Brunswick	9182
<b>Jarrito, El</b>	I	
	Victor	32952
	"	75406
	"	75416
	Columbia	5584
<b>Lejos Me Voy</b>	Brunswick	8951
	J	
	Victor	82566
	"	3228
<b>Mi Viejo Vals</b>	"	7647
	Columbia	5632
	Brunswick	8964
<b>Principe Vals</b>	L	
	Decca	10391
<b>Tehuana</b>	M	
	Decca	10330
	P	
<b>Una Vez Mas</b>	Victor	75195
	T	
<b>Una Vez Mas</b>	Columbia	5982
	Brunswick	9293
<b>Una Vez Mas</b>	U	
	Victor	75942
	Brunswick	9266

## Code

### CODE COMMITTEE MEETING

To review the workings of the commercial section of the NAB Code, which has been in effect since October 1, 1940, Edgar Bill, WMBD, chairman, has called a special meeting of the Code Committee for November 7 in the West Ballroom of the Hotel Stevens, Chicago. Invitations have been sent out to advertising agencies, advertisers and station representatives. Member broadcasters who have suggestions and recommendations are also asked to submit them either in person or in writing. The morning session of the Code Committee will be open only to broadcasters. The afternoon session will be open to all advertisers, agency people and station representatives. Particular attention will be given to time limitations of commercial copy and to the problem of "free offers" and other related subjects.

The membership of the 1940-41 Code Committee has just been announced by Neville Miller, who at the same

time sent letters of appreciation to former members of the Committee whose work has contributed so much to the progress and growing prestige of American broadcasting. Following is the membership of the new Committee:

Edgar L. Bill, WMBD, Peoria, Illinois—Chairman  
Earl J. Glade, KSL, Salt Lake City, Utah  
Gilson Gray, Columbia Broadcasting System, 485 Madison Avenue, New York City  
Hugh A. L. Hall, WOAI, San Antonio, Texas  
Henry P. Johnston, WSGN, Birmingham, Alabama  
J. O. Maland, WHO, Des Moines, Iowa  
Frank Mullen, National Broadcasting Company, New York City  
Calvin J. Smith, KFAC, Los Angeles, California  
Theodore C. Streibert, Mutual Broadcasting System, New York City  
Ed Kirby, NAB—Secretary

## ELECTION DAY BROADCASTS

The Code Committee calls to the attention of members the extreme caution necessary in the proper handling of paid political broadcasts during election day, next Tuesday, November 5.

The Committee has in mind the experience of one broadcaster whose facilities were used on the morning of a recent primary election by one faction to announce that the other faction had "already conceded defeat," and that the "landslide" was such (it was around 10 a. m.) that additional ballots would not change the overwhelming verdict of those who had already voted.

As a yardstick for election day programs, the Committee makes the following recommendations: those programs, paid political or sustaining, *which encourage citizens to go to the polls and vote* admirably serve the public interest. Those which would discourage going to the polls do not.

## AMERICA FIRST COMMITTEE

The America First Committee program as revised several weeks ago become acceptable as paid political broadcasts up through election day, November 5.

After next Tuesday these programs become discussions of public controversial issues as such, under the Code, and broadcastable only on sustaining time and not as commercial programs.

## COMMUNIST CANDIDATES

Supplementing the information contained in the last two issues of the NAB REPORTS, we print below the changes in the status of Communist candidates which have come to our attention this past week:

ILLINOIS: Communist candidate for Congressman from the First Congressional District will appear on ballot in that district.

NEW YORK: Court barred Communist candidates from the ballot.

## KIRBY TO WAR DEPARTMENT

In response to a request from the War Department, the services of Ed Kirby, NAB Director of Public Relations,

were offered the U. S. Army by the NAB Executive Committee last Friday, October 25, in Washington.

Mr. Kirby, a former reserve officer in the Field Artillery, will be given an indefinite leave of absence, returning to his NAB post at the expiration of the present war emergency. According to tentative plans, he will be called to the Public Relations Division of the Army on the General Staff, to establish and direct its radio department. Separate departments for press, motion pictures and magazines are also to be established, it is understood.

## Labor

### AFRA SETTLEMENT

A new formula for the payment of staff announcers was worked out by AFRA and NBC, CBS and WGN to cover staff announcers employed by NBC, CBS and WGN in Chicago, as part of the settlement of the recent dispute between AFRA and the networks.

The new formula provides that staff announcers paid a salary of \$75 or more a week can be required to handle 12 15-minute local commercial programs each week without extra compensation. After he has done 12 15-minute local commercials (or their equivalent), the announcer will be paid on a fee basis in addition to his salary.

The minimum salary for staff announcers was set at \$55.

A summary of the whole agreement with AFRA follows:

1. The contract governing rates and working conditions for the employment of actors and singers on network sustaining programs in New York, Chicago, Hollywood and San Francisco has been extended for three years beginning November 1, 1940, subject to increases amounting to 10% or \$2.00, whichever is greater, over and above the performance rates established in the 1938 contract, which has recently expired. It is understood, however, that if the nationwide cost of living index issued by the Bureau of Labor Statistics of the U. S. Department of Labor shows a 10 point increase for the 3-month period ending on September 15, 1942, above the figure for the 3-month period ending September 15, 1940, the rates of salaries are to be renegotiated for the balance of the contract. Should the parties fail to come to any agreement in the renegotiation, the matter is to be settled by arbitration.

2. The Code of Fair Practice governing rates and conditions for the employment of actors, singers and announcers on commercial network programs and the Schedule of Minimum Fees and Conditions for Performers Appearing on Regional Commercial Programs Originating in Hollywood, Los Angeles or San Francisco, and Not Available to Stations Other Than Those in the Eleven Western States, both of which expire February 12, 1941, have been extended with all their present terms and conditions for an additional period of three years from November 1, 1940. It is understood that if the cost of living index shows a ten point increase for the 3-month period ending December 15, 1942, above the index figure for the same period in 1940, the salary scales will be renegotiated and if the parties fail to agree, be submitted to arbitration.

3. The wages and working conditions of staff announcers em-



ployed in Chicago are now covered by contract which provides that (a) the salaries for staff announcers performing only sustaining duties shall be \$55 per week minimum, and (b) those announcers who, in addition to their sustaining duties perform work on local commercial programs at no special fee, shall receive a minimum of \$75 per week, with the understanding that in consideration for the payment of \$75 per week the station may require the staff announcer to perform at least 12 15-minute local commercial programs per week, or their equivalent in programs of other lengths on a weighted scale, and (c) local commercial programs performed by an announcer in excess of the foregoing allowance are to be paid for at the per-performance rates of \$6 for 15-minute program including 30-minute rehearsal; \$10 for one-half hour program including 45 minutes rehearsal; \$12 per one hour program including one hour rehearsal. Extra rehearsal rate to be computed at \$3 per hour. The contract is for a three-year term subject to the same provision for renegotiation as to rates in the event of an increase in the cost of living index figure, set forth in the Sustaining Agreement.

4. The network has agreed to abide by the rates and working conditions established for Chicago local commercial programs by the award of the arbitrators dated July 12, 1940, as supplemented by the amending letter dated October 14, 1940, signed by AFRA and accepted by the Company, until November 1, 1943, subject to the same provision for renegotiation in the event of an increase in the cost of living index figure as provided in the extension of the Code of Fair Practice.

5. A contract was executed covering wages and working conditions for staff announcers employed by the NBC in New York, containing substantially the same terms and conditions as the staff announcers contract which has recently expired, subject, however, to a 10% increase in salary scales for a period of three years (same provision for renegotiation as to rates at the end of two years as in Sustaining Agreement), and to a further 10% increase in minimum rates for all presently employed junior staff announcers and a restriction that in the future the Company may employ as junior announcers only persons having no previous announcing experience.

6. The Company has agreed to apply for a franchise under Rule 12 (AFRA Regulations Governing Agents) subject to the limitations set forth in the letter dated October 14th, which limitations will be more fully expressed in a waiver letter accompanying the application for franchise.

## WAGE AND HOUR ACT

The Wage and Hour Administration says that the 20 per cent used in its definitions of executive, professional and outside salesmen refers to the ordinary work week of the ordinary subordinate.

For example, Chief Engineer X is in charge of technicians, each of whom ordinarily works 40 hours a week. To qualify as an executive, Chief Engineer X among other things must do no more than 8 hours work each week of the same kind as that done by the technicians under him.

The Supreme Court this week upheld the Wage and Hour Division's right to subpoena an employer's payroll records for inspection (Montgomery Ward vs. Fleming et al.). Other cases of a similar nature, three of them involving newspapers, are pending in lower courts. The court's refusal to review the Montgomery Ward case makes

it look like the constitutionality of the act would be upheld.

The Labor Department reports that the cost of living dropped 0.1 per cent (a negligible change) during the three months ended September 15. During the past year, however, the cost of living has gone up about 2 per cent.

## Sales

### AAAA CONFERENCE COMMITTEE

The AAAA Conference Committee met Wednesday morning in New York and later with AAAA representatives to discuss standard contracts and standard invoice forms.

Those attending the morning meeting were: Paul F. Peter, NAB Director of Research; Russell P. Place, NAB counsel; Harry C. Wilder, Chairman of the Committee, WSYR, Syracuse, New York; Richard H. Mason, WPTF, Raleigh, North Carolina; Frank A. Seitz, WFAS, White Plains, New York; Dale Taylor, WENY, Elmira, New York; Lee B. Wailes, Westinghouse Radio Stations, Philadelphia, Pennsylvania; Roy Harlow, The Yankee Network, Boston, Massachusetts; and Edward Petry, Edward Petry & Co., New York, N. Y.

Also attending to advise and consult were: Harold Kelly, NBC; Ira Grimshaw, NBC; Julius Brauner, CBS; Messrs. Dannett, Wood and Walker of MBS; and John Shepard, 3rd, The Yankee Network.

The AAAA representatives attending the luncheon meetings were: C. E. Midgley, Chairman, B.B.D. & O.; C. T. Ayres, Ruthrauff & Ryan; Carlos Franco, Young and Rubicam; John Hymes, Lord & Thomas; William Maillefert, Thompson Advertising, Inc.; Miss L. Nelson, J. Walter Thompson Company; W. A. Fricke, AAAA; and Richard Turnbull, AAAA.

The following sub-committee was appointed by the NAB Conference Committee to discuss the standard contract: Roy Harlow, Chairman; Lee B. Wailes, Edward Petry; and Russell P. Place.

The sub-committee appointed to discuss the standard invoice form is as follows: Richard H. Mason, Chairman; Dale Taylor; and Paul F. Peter.

### FREE OFFERS CONTINUE

Several old standbys and some refreshingly new and different proposals appear among the flock of free offers and percentage advertising requests reported by member stations during the past two weeks. The originality and ingenuity of these concerns, in devising ways and means of chiseling more and more free time from radio, would do credit to a European diplomat.

The Donut Party Association for Local Charities offers its help to stations in putting on or publicizing dunking contests and other doughnut consuming affairs in the name of charity, but disclaims any commercial purpose or desire to sell more doughnuts by this plan. Nevertheless, the Doughnut Corporation of America is paying Bert Nevins Publicity Office for its services in handling the job.

The National Association Service offers stations some very fine recipes and "interesting facts about a la kings, and other things to do with chicken and meat loafs," including canned peas in particular.

Warner Brothers Pictures wants radio to plug its latest picture "Knut Rockne, All American," with a record which is "quite free from exploitation."

Note that all the above concerns are large, well-established and well-able to buy time, *if they can't get it free.*

### COST-PER-INQUIRY

On the cost-per-inquiry front, advertising agencies who should know better are still trying to get stations to accept contingent deals and guarantee a fixed return, often for clients whose products are barely acceptable to radio.

E. Diamond Advertising Agency, 154 East Erie St., Chicago, on behalf of Dr. N. F. Johnson Laboratories (Arnica Oil)

Frederick Duerr, 3601 East Terrace, Seattle, on behalf of Seaview Lodge, Inc.

Kermit-Raymond Corporation, 37 West 57th St., New York, has three plans by which stations may profit on behalf of the Standard American Encyclopedia and Book-a-Week Club.

All three, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

## Promotion

### BIRTHDAY

For the benefit of stations in promoting Radio's 20th Birthday celebration, Nov. 11-30, we are presenting, in part, one of the main addresses at the Iowa Radio Conference, State University of Iowa, on October 18.

Background information was contained in the first part of the talk by George C. Biggar of WLW, on "Radio—The Fifth Five Years." Said Mr. Biggar:

Radio, as we know it today, started practically from "Scratch" only 20 years ago.

It has grown during that period from a curiosity and a novelty into an amazing new medium of entertainment, education and advertising that rivals in importance the theatre, the school and the press in its influence upon the everyday lives of our people.

Let's take a few moments to consider radio's first 20 years. Back in 1921-22, we were hearing the first lusty cries of that husky infant that we today think has practically reached its manhood. The first telephone broadcasting stations were taking the air. Increasing numbers of addicts in homes everywhere were assembling crude sets from rather expensive parts—sitting up into the wee small hours with ears glued to head-sets, twisting dials for those nerve-racking but welcome "whistles" which finally meant reception from one of the pioneer broadcasters.

Those first five years constituted what might be called the "fascination" or "guess-what-I-heard-last-night" stage of radio. The public was more curious about radio as a technical marvel than about the programs it offered. Hunting DX stations became a favorite indoor sport. Proud indeed was the man or boy in the midwest who could assemble a receiving set that would pull in KFI, Los Angeles, after many anxious minutes of dial twisting and twirling.

I wonder how many recall those early days when Chicago's 10 or 12 broadcasters had to shut down entirely on Monday nights because of the demands of Windy City's listeners? Receivers were not selective enough for DX hunting while local stations were on the air, so that for a year or two, Monday night was "silent night" so far as Chicago stations were concerned, and broadcasting employees had a night off.

#### *Few Hours of Operation*

Broadcasting stations of the first five years regularly operated only a few hours daily—usually in the evening, although some pioneer stations were trying out the noon hours. It was thought that most people were too busy to listen during the working hours of the day. This was quite true, for it was truly an effort then to tune in and hear a program. It meant sitting down, adjusting head-phones to the ears, and carefully tuning in a station which often proved elusive due to fading or to some imperfection in the transmission or reception. Loud speakers were just being developed and one had to pay from \$40 up for the best ones, which often drove the neighborhood wild with loud, raucous tones.

Over 500 stations were licensed and broadcasting more or less regularly by the summer of 1924. The demand for radio parts and equipments was growing by leaps and bounds. Dozens of radio magazines came into being, the majority of them being technical. Newspapers were giving much space for program listings and stories of the personalities created by this wonder of the age.

Radio station staffs were small and talent, for the most part, was unpaid. The fascination of radio brought singers and musicians of almost every description into the studios, where, to the joy of program directors they were glad to work for hours "just for the novelty of the thing."

#### *Service Programs Started*

Besides carrying musical programs, many stations inaugurated service programs. Broadcasts, especially directed to homemakers were started in many areas, with their recipes, household hints, and talks of special interest to Mrs. Housewife. On many stations, there were the first attempts at day-time radio service.

On quite a number of stations serving rural areas, farm service was started. Market reports and weather forecasts became a most important part of the daily schedule. On a limited number of stations, farm hours were established at noon with talks by county agents and other authorities.



Unquestionably these service features contributed much to the increase in radio receiving sets on farms. Radio was providing "dollars and cents" economic information.

Educational broadcasting, too, got its start during the first five years of radio. Several colleges were granted broadcast licenses so that they might inaugurate educational features.

Then in the second five years—the novelty of radio began to wear off. Not from the listeners' standpoint, mind you, but from the point of view of station owners and talent. Radio was still going over big with the public. But entertainers couldn't sing and play forever for the love of the thing. The publicity was great—but it did not take care of bed and board. And they kept telling this to the station executives!

#### *Owners Begin to Wonder*

Station owners with limited means found themselves in a quandary. Many of them had built their stations for the publicity value to their businesses. Others built stations as hobbies or playthings. Acceptable talent was unwilling to continue to work gratis. It was discovered that if stations were to show progress, they must be well staffed with program builders, writers, announcers and technicians. The public began to be more discriminating in regard to programs. It cost more and more money each year to operate a station. The resultant publicity to a newspaper or a department store owning a radio station didn't pay the bill by any means.

#### *Gave Time for Talent*

In quite a few instances, station operators gave time to business firms who would buy talents and fill certain hours each week. That helped to cut talent overhead and usually made for more outstanding programs. These early "sponsors" usually confined their advertising to little more than mention. Harmony teams and soloists, bank-rolled by radio equipment manufacturers, travelled from station to station and were heartily welcomed to the air, in spite of their commercial "tag." Anything to get those hours filled at little or no cost!

Frankly, radio station operation had become a real problem in 1926 and 1927. The value of radio as an advertising medium was still pretty much of an unknown quantity. Attempts to sell time and advertising results usually met with a minimum of success.

#### *NBC and CBS Organized*

In 1926, the National Broadcasting Company was organized and we heard our first attempts in network programs. It was a real thrill to hear personalities and musical organizations from New York to Hollywood on the same program, with rather long pauses during the transitions which were, however, glad to tolerate. With network programs came the introduction of "big names" of the stage to radio. We were fascinated by them, in spite of the fact that their air performances were generally rather mediocre.

Evening variety shows predominated during NBC's early career. Then came along radio drama. Working with limited budgets and mostly inferior talent, individual stations had been building both variety and dramatic broadcasts, of course.

The Columbia Broadcasting System formed its first network of stations late in 1927 with an ambitious schedule. Both of the networks encountered many problems and invested much money in program operations before sales of time and shows to sponsors began to become profitable.

#### *Networks Fill a Need*

Network "feeds," although largely sustaining for the first year or two, filled a long-felt want so far as individual stations were concerned. Here were high quality programs to fill at least part of the independent station's time. Inasmuch as few stations were

on the air more than eight or ten hours daily, mainly at night, the problem of programming was partly solved.

Thus during radio's second five years—1926 to 1930—the radio industry may be said to have both lost and found itself

Program standards were raised by the introduction of network broadcasting and the industry laid its foundation for the sound financial operations that were to follow in the next decade.

I'm going to say something right here in defense of early programming on individual stations. Although talents standards were inferior and production almost an unknown quantity, it was definitely determined that the indefinable quality known as "radio personality" combined with plenty of human interest, sincerity and friendliness, in programs is a basic formula for successful showmanship in radio. The stations that realized this fact built large and loyal audiences and contributed much to the future of radio.

In criticism of earlier network programs, I will say that many of them were too formal, too devoid of human interest, to win the mass audience. When networks began to "humanize" their offerings, they started to appeal to the masses.

#### *From 1931 to 1940*

I will dwell briefly on developments during the third and fourth five year periods of radio. Most of us have had a part in writing a part of that story.

In spite of the very serious depression, the radio industry made remarkable progress, both as an entertainment medium and as a sound business investment, during the 1931-35 period. It was a steady growth, in spite of adverse business conditions.

DX listening, a popular pastime of the 1920-30 area, gave way to a more domesticated type of listening. Stations found that they had to fill all of the day and evening time allotted to them in order to hold their licenses. The day-time serial came into popularity and was found commercially successful during the morning and afternoon hours formerly considered unsalable.

"Big names" of the stage, motion picture and musical world discovered the power of radio. Production and continuity departments developed worthwhile vehicles for the presentation of "name" talent. Although radio production methods were immeasurably improved, smart radio men did not lose sight of the fact that programs must be "human" in order to command general appeal.

#### *The Public Takes to the Mike*

Amateur and audience participation in programs started to flourish along about 1934 or 1935, bringing human interest to a high point in radio. This trend very definitely had its start in locally originating programs, such as "Man-in-the-Street" and similar interview shows. Quiz programs became "the thing" and have been featured most heavily during the past five years. Listeners have lost their awe and have actually become pals with the microphone. And an excited audience listens attentively whether it's John Kieran quoting W. Shakespeare on "Information Please" or Mrs. Mary Citizen striving to win a few dollars from "Professor Quiz."

The development of outstanding network variety shows featuring "Name" talent, particularly comedians, has been a very important feature of radio's last five years. We have only to look at the popularity of the Jack Bennys, Charlie McCarthy, Fred Allens, Eddie Cantors, and Baby Snooks!

#### *News of Big Audience Builder*

The past five years have seen news become radio's outstanding "Bread-and-butter" feature. Probably no one service to listeners ranks as high as news broadcasting in creating and holding—day after day—a tremendous audience of people of all classes. News

is vital. It has probably done more than any one program service to build the vast American radio audience.

In taking a hasty glance backward over the first 20 years of radio—we cannot but marvel at the success the industry has attained, especially when it is considered that we all had to start from scratch and gain our experience as we went along, with few or no precedents to follow. A great radio audience was built by the “trial and error” method of programming. However, Mr. and Mrs. Dial Twister have had numerous stations and programs from which to choose—so when any of us presented a particularly bad program, they stayed away “in droves.”

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Washington, D. C., is to have a Radio Birthday Party, to which the public will be invited, sometime between November 11-30.

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A tribute to the broadcasting industry from the United States Civil Service Commission is to be a part of Radio's 20th Birthday celebration. Such appreciation is an official act of the Commission and will be received to stations in the form of a recording for broadcasting during the 20-Day Party.

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Emerson Radio and Farnsworth Radio as well as Motorola and RCA are distributing Radio Birthday broadsides to all distributors.

National Radio Parts Distributors Association also plans to mail the broadsides to members in all parts of the country. This is the nation's only organization of parts distributors.

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### BORDER PATROL JOBS

In one week 13,000 odd applications for border patrol jobs under United States Civil Service were received by the Commission.

Border patrol announcements were broadcast over stations in certain states west and south of North Dakota.

This is just another example of the power of radio to reach people quickly and effectively.

Two more stations, KBPS, Portland, Ore., and KHAS, Hastings, Neb., have notified headquarters of their long-time cooperation in the campaign to recruit skilled workers. The verified number of stations taking part in this important work is now 651.

### LISTEN BEFORE YOU VOTE

In Merced, Cal., David S. Ballou, manager, KYOS, found “Listen Before You Vote” to be a most successful promotion.

“You may be interested,” he said, “to know how we capitalized on ‘Listen Before You Vote.’ We had at first not thought anything of the fact that our use of it was unusual, but since it has been brought to our attention that the idea seemed to be entirely unusual, we sub-

mit it for whatever value it may have, although it is a little bit late.

“We made two transcriptions—one fifteen minutes long and the other five minutes. The five-minute transcription consisted of a young girl talking to the women in the territory we serve, stressing the fact that women received the right to vote just twenty years ago, and that their right should be exercised.

“This caused a great deal of comment, but what really caused comment and caused us business was the quarter-hour program we made, in which we used your original campaign material—excerpts from letters and statements by famous people throughout the map.

“A group of fifteen voices were used with a brief statement at the beginning as to why people should exercise their American right. The program was closed with another voice giving the names of every candidate for public office in the trade area served by KYOS. We tagged the transcription with this statement:

“These good people who are running for office—friends of yours and friends of ours—want our vote. Each of these people has the right to appear before the KYOS microphone and speak to you directly, telling you his or her qualifications. So, friends of KYOS, listen before you vote!”

## FEDERAL COMMUNICATIONS COMMISSION

The Communications Defense Board is making progress, James Lawrence Fly, Chairman, told newspaper men at his press conference on Monday.

He announced that the Board has pretty well covered the general discussion and gone into consideration of committees and their functions. He stated that there should be something pretty concrete soon. The next meeting of the Board will be on November 4.

In answer to a specific question, the Chairman said that the Defense Board committees will embrace broadcast, cable, telegraph, etc. He said that up to the present time, about a dozen committees have been considered. Most of them, Mr. Fly stated, seem to be main committees but adjustment may break this number down. He said that the committees status is not necessarily indicative of importance but recognition of interests concerned.

Mr. Fly was asked if the program situation had been considered by the Board and he said that it had in general terms only with nothing specific. Mr. Fly called attention to the fact that the Board has nothing to do with programs which he stated had already been announced. Inquiry was made as to whether or not the Board is making a study of foreign broadcasts, and he said that



there has been no coordinated study of that problem. He did point out, however, that the military services have representatives abroad and know pretty well what is going on in that line over there. The Board also he said has other channels of information.

As a typical example, the Chairman stated that he has recently had a long conversation with the British propaganda chief.

Mr. Fly told the newsmen that he has recently had further television discussions and that the Television Systems Committee is making progress and will file a report with the Commission shortly. The Chairman stated in answer to a question that no consideration has been given to color in the television rules. He did state, however, that the Television Committee will probably incorporate something about it in its coming report.

### ELECTRO-MEDICAL APPARATUS

Recognizing the importance of electro-medical apparatus to the medical profession in the treatment of human ills, the FCC has scheduled an informal engineering conference at its Washington offices on November 29, starting at 10 a. m., to facilitate establishing particular frequencies for the exclusive use of such equipment and promulgation of engineering standards to further promote these devices with mutual solution of interference questions.

It is through the cooperation of interested individuals and groups that the Commission hopes to adjust the technical problems in connection with operation of high frequency electro-medical equipment. Such effort is in keeping with views expressed at the Inter-American Radio Communications Arrangement signed at Santiago, Chile, last January.

The conference will be in Room 6117, New Post Office Building, and Chief Engineer E. K. Jett will preside.

### CORNISH APPLICATION GRANTED

As a result of hearing, the Federal Communications Commission has ordered grant of a construction permit to Guy S. Cornish of Cincinnati, Ohio (B-129), for a new Class II experimental station to operate on the frequency 310,000 kilocycles, with power of 1 watt, and type A3 emission. The applicant proposes to develop facilities for the transmission of aural signals between the announcer or speaker at public gatherings and the loud speaker system in instances where it is not possible or practical to use microphone cable.

The permit is granted upon an experimental basis only, subject to change or cancellation at any time, and upon further condition that no interference shall be caused to other radio service.

### BROADCAST RULES AMENDED

Section 3.51(a) (2) of the Rules Governing Standard Broadcast Stations, has been amended, providing for

extension of time from December 1, 1940, to June 1, 1941, within which existing stations are required to determine operating power by direct measurement of the antenna power.

### TELEVISION CONFERENCE

The FCC will confer with the National Television Systems Committee early in January for the purpose of receiving a progress report on that committee's study of the television situation.

The Commission will hear the chairman of the committee and the various panel chairmen but will not call for recommendations as to whether standards should be fixed at that time.

The conference, which will not be in the nature of a hearing, will be held in Washington at a date to be announced later and will be open to the public.

The National Television Systems Committee was created on July 31, 1940, and has operated in cooperation with the Radio Manufacturers Association and the Commission.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled before the Commission for the week beginning Monday, November 4. They are subject to change.

Thursday, November 7

Consolidated Hearing

NEW—Broadcasting Corporation of America, Riverside, Calif.—C. P., 1390 kc., 1 KW night, 1 KW LS, unlimited time.

NEW—Mollin Investment Co., Riverside, Calif.—C. P., 1390 kc., 500 watts, daytime.

NEW—Riverside Broadcasting Co., Riverside, Calif.—C. P., 1420 kc., 250 watts night, 250 watts LS, unlimited time.

Oral Argument Before the Commission

Report No. B-126:

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 100 watts LS, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Granted construction permit to increase power from 500 watts to 1 KW day and night, and make changes in transmitter; 1440 kc., unlimited time (B5-P-2849).

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Granted construction permit as modified (B3-P-2242) to

- increase power from 1 KW to 5 KW day and night, install new transmitter, move transmitter, install directional antenna for night use, and extend commencement and completion dates to 30 days after grant and 90 days thereafter, respectively; **1380 ke.**, unlimited time (B3-P-932).
- WNBC—State Broadcasting Corp., New Britain, Conn.—Granted construction permit to make changes in equipment, increase day power from 1 KW to 5 KW, directional antenna day and night; **1380 ke.**, 1 KW night (B1-P-2723).
- KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted modification of license to increase night power from 100 watts to 250 watts; **1310 ke.**, 250 watts day, unlimited time (B3-ML-1015).
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted modification of license to increase night power from 100 watts to 250 watts; **1200 ke.**, 250 watts day, unlimited time (B2-ML-1014).
- KRSC—E. W. Andrews, transferor, Palmer K. Leberman, transferee, Seattle, Wash.—Granted transfer of control of Station KRSC from E. W. Andrews to Palmer K. Leberman; **1120 ke.**, 250 watts, unlimited time (B5-TC-238).
- Wendell Mayes, Joe N. Weatherby, B. P. Bludworth, and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Granted construction permit for new station to operate on **1350 ke.**, 500 watts, unlimited time, transmitter site to be determined near or in Brownwood, subject to Commission's approval (B3-P-2672).
- KOIL—Central States Broadcasting Co., Omaha, Nebr.—Granted construction permit to increase night power from 1 KW to 5 KW and install directional antenna for night use; **1260 ke.**, 5 KW day, unlimited time (B4-P-2609).
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted construction permit to make changes in transmitting equipment, make changes in directional antenna for nighttime use, increase night power from 1 KW to 5 KW, and move transmitter locally; **1260 ke.**, 5 KW day, DA-N, unlimited (B2-P-2628).
- Henry J. Walczak, tr/as Walczak Laboratory, Springfield, Mass.—Granted application for voluntary dismissal of application for construction permit for new experimental television station to operate on **1604-1624 ke.**, 250 watts, special and A3 emission (B1-PVB-49).
- Capital Broadcasting Co., Washington, D. C.—Granted construction permit for a new station to operate on **1420 ke.**, 250 watts unlimited, with 100 watts synchronized amplifier (B1-P-2679).
- The Maryland Broadcasting Co., Baltimore, Md.—Granted construction permit for new broadcast station to operate on **1200 ke.**, 250 watts, unlimited time (B1-P-2792).
- KVWC—R. H. Nichols, W. H. Wright, and Stewart Hatch, d/b as Northwestern Broadcasting Co. (Assignor), Vernon, Tex.—Granted application for voluntary assignment of license of KVWC from R. H. Nichols, W. H. Wright, and Stewart Hatch, d/b as Northwestern Broadcasting Company, to the Northwestern Broadcasting Company; station operates on **1500 ke.**, 250 watts, unlimited time (B3-AL-281).
- Earl C. Dunn and Charles W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—Granted construction permit for a new broadcast station to operate on **1500 ke.**, 250 watts, unlimited time (B3-P-2931).
- KXYZ—Fred J. Heyne (Transferor), M. Tilford Jones (Transferee), Houston, Tex.—Granted authority to transfer control of corporation (The Harris County Broadcast Company, licensee of standard broadcast station KXYZ and portable-mobile station KIIS) to Tilford Jones, representing 5 shares (50% of outstanding capital stock) for a consideration of \$95,000. Station KXYZ operates on **1440 ke.**, with 1 KW, unlimited time (B3-TC-239).
- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted construction permit (subject to conference on daytime coverage) to increase hours of operation from daytime to unlimited; move transmitter and install directional antenna for day and night use; station operates on **1050 ke.**, with 1 KW power (B4-P-2886).
- The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted construction permit for new television station (site to be determined) in Milwaukee, on the following assignment: **66000-72000 ke.** (Channel No. 3), 1 KW aural and visual power (B4-PVE-20).
- WNBX—Twin State Broadcasting Corp., Keene, N. H.—Granted modification of construction permit (B1-P-2415) for changes in directional antenna system, install new transmitter, increase day and night power from 1 KW to 5 KW, and extend commencement and completion dates to 80 days after grant and 180 days respectively; **1260 ke.**, unlimited time (B1-MP-903). (Stations KOIL, WHIO and WNBX worked out mutual interference problems by agreement on directional antenna.)
- Batavia Broadcasting Corp., Batavia, N. Y.—Granted construction permit for new broadcast station to operate on **1500 ke.**, 250 watts power, unlimited time (B1-P-2909).
- Capitol Broadcasting Corp., Indianapolis, Ind.—Granted construction permit for new broadcast station to operate on **1280 ke.**, with power of 1 KW night, 5 KW day, unlimited time, employing directional antenna at night, subject to condition that proof be submitted that interference does not exceed calculated values (B4-P-2908).
- WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted construction permit to make changes in directional antenna and increase power to 5 KW night and day (now has 1 KW night, 5 KW local sunset), on **1280 ke.** (B4-P-2689).
- WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted construction permit to make changes in equipment and increase power from 500 watts to 1 KW, operating on **1280 ke.** (B1-P-2563).
- KLS—Warner Brothers, Oakland, Calif.—Granted construction permit to increase power from 250 watts to 1 KW, operating on **1280 ke.**, unlimited time; install new transmitter and increase antenna height 26 feet (B5-P-2826).
- WRR—City of Dallas, Tex., Dallas, Tex.—Granted construction permit to move transmitter site from Centennial Grounds to White Rock Lake, northeast of city; new equipment; install directional antenna for night and increase power from 500 watts to 5 KW, operating on **1280 ke.**, unlimited time (B3-P-2229).
- WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted construction permit to move transmitter, install directional antenna for night use, and increase night power from 1 to 5 KW (now has 1 KW night, 5 KW LS), on **1280 ke.** (B3-P-2641).
- KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted construction permit to increase night power from 1 to 5 KW, and install directional antenna for night use, operating unlimited time on **1280 ke.** (B5-P-2920).

#### DESIGNATED FOR HEARING

- Wm. D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Application for construction permit for new broadcast station to operate on **1370 ke.**, 250 watts, unlimited time, at Clarksville, Tenn.; exact site to be determined; to be heard jointly with following application:
- Paducah Broadcasting Co., Inc., Clarksville, Tenn.—Application for construction permit for new broadcast station to operate on **1370 ke.**, 250 watts, unlimited time, at Clarksville, Tenn. (B3-P-2950).
- Radio Corp. of Annapolis, Annapolis, Md.—Application for construction permit for new broadcast station to operate on **1310 ke.**, with power of 100 watts, unlimited time; requests facilities of station WINX (B1-P-2831).
- T. B. Gillespie, Paletka, Fla.—Application for construction permit to establish a new Class IV station in Palatka to operate on **1310 ke.**, with 250 watts power (B3-P-2941).
- Robert V. Lee, Bradentown, Fla.—Application for construction permit to establish a Class IV station at Bradentown, to operate on **1500 ke.**, 250 watts power (B3-P-2780).

#### RENEWAL OF LICENSES

Licenses for the following International Broadcast stations were renewed for the period November 1, 1940, to November 1, 1941:

WCBX and auxiliary, New York City; WLWO, Cincinnati, Ohio; KGEI, San Francisco; WGEA and WGEO, Schenectady, N. Y.; WNB1 and WRCA, New York City; WCAB, Philadelphia; WPIT, Pittsburgh, Pa.; WRUL and WRUW, Boston, Mass.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Granted extension upon a temporary basis only of special experimental authority to operate a 1 KW transmitter on frequency of **6080 ke.**, using A0 and A1 emission for identification only, sharing time with International Station WLWO, pending receipt and determination upon application for extension, for the period ending no later than December 1, 1940.



- KDJB—Mason City Globe-Gazette Co., Mason City, Ia.—Granted renewal of relay broadcast station license for the regular period.
- KQHS—Mason City Globe-Gazette Co., Mason City, Ia.—Granted renewal of relay broadcast station license for the regular period.
- WOEG—General Electric Co., Schenectady, N. Y.—Granted in part application for renewal of relay broadcast station license for the period ending October 1, 1941, deleting the frequency **2022 kc.** heretofore assigned said station, and substituting frequency **2074**, subject to condition that no interference is caused to Government stations on adjacent channels.
- KIJG—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt and determination upon application for renewal.
- KFAH—A. Bruce Fahenstock, Director Fahenstock South Sea Expedition, Aboard Yacht *Director II*.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt and determination upon application for renewal.
- KEMA—May Seed and Nursery Co., Shenandoah, Iowa.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1, to December 1, 1940, pending receipt and determination upon application for renewal.
- WAHJ—The Champaign News-Gazette, Inc., Champaign, Ill.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.
- WBGH—The Champaign News-Gazette, Inc., Champaign, Ill.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.
- WABG—Memphis Commercial Appeal Co., Memphis, Tenn.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.
- WAOE—Martin R. O'Brien, Aurora, Ill.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.
- WRCA—National Broadcasting Co., Inc., New York City.—Extended upon a temporary basis only, special experimental authority to operate an additional 35 kW power amplifier, using **9670 kc.**, for the period ending December 1, 1940, pending receipt of and determination upon application for extension.
- KSUB—Leland M. Perry, Cedar City, Utah.—Present license for standard broadcast station was extended to March 29, 1941, pending further consideration of application for renewal.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8:00 p. m. to 9 p. m. CST, October 23, and from 8 p. m. to 8:30 p. m., October 24, 1940, in order to permit WGBF to broadcast a Democratic National Committee talk only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above in order to broadcast a Democratic National Committee talk only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with Radio Station WOSU from 8 p. m. to 11 p. m. EST, October 23, 1940, in order to broadcast political programs as described in telegram received October 22, 1940, only.
- WRMO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (October, 5:15 p. m., and November, 4:30 p. m. CST), to 9 p. m. CST, October 24, 26, 28, 29, 30, 31, November 2, 3, and 4, 1940, in order to broadcast political programs only; to operate to 11 p. m. CST, November 8, 15 and 22, 1940, in order to broadcast football games only; to operate to 11 p. m., November 1, in order to broadcast political talks from 6 to 8 p. m., and a football game from 8 to 11 p. m.; to operate to 12 midnight, November 5, in order to broadcast election returns; to operate to 5:30 p. m., November 21, 1940, in order to broadcast a Thanksgiving Day football game.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m., October 24, 1940, in order to broadcast a speech by Sam Rayburn, Speaker of the House of Representatives only.
- W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madison Ave., New York City, for the period October 28, 1940 to not later than November 26, 1940, pending action on formal application for such authority.
- WSPR—WSPR, Inc., Springfield, Mass.—Denied special temporary authority to operate unlimited time for a period not to exceed 30 days, in order to broadcast programs of public interest, convenience, and necessity, pending change over in accordance with new allocation.
- KWKH—International Broadcasting Corp., Shreveport, La.—Denied special temporary authority to operate without a directional antenna from 5 a. m., CST, to local sunrise (Oct. 6:15 a. m., Nov. 6:45 a. m., CST), for a period not to exceed 30 days, in order to broadcast morning programs.
- WSPR—WSPR, Inc., Springfield, Mass.—Denied special temporary authority to operate from 10:15 p. m. to 10:30 p. m., EST, October 24, 1940, in order to broadcast a commentary by Raymond Gram Swing and Wythe Williams sponsored by Paramount Pictures.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate with power of 2,500 watts from 6 a. m. until local sunrise (Oct. 6:30 a. m. and Nov. 7 a. m., CST), for a period not to exceed 30 days, in order to broadcast U. S. Department of Agriculture Weather Bureau reports only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10 p. m. to 10:30 p. m., October 23, 1940, in order to broadcast program sponsored by Democrats for Willkie Committee, and from 7:15 p. m. to 7:30 p. m., EST, October 24, 1940, in order to broadcast program sponsored by the Democratic State Committee only.
- WCAQ—City of Camden, N. J.—Granted special temporary authority to operate a relay broadcast station on Group D frequency in order to relay broadcast program material incidental to President Roosevelt's inspection of defense industries to Radio Station WCAM on October 23, 1940.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 8:45 p. m., CST, October 31, 1940, in order to permit WGBF to broadcast a Republican National Committee talk only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above in order to broadcast a Republican National Committee talk only.
- KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, Hawaii.—Granted special temporary authority to operate from sign off (Nov. 10:45 p. m., LST) to 12:15 a. m., LST, November 4, 1940, in order to broadcast political rally, and on November 5, in order to broadcast election returns.

#### MISCELLANEOUS

- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 9 p. m. to 10 p. m. CST, October 23, 1940, in order to broadcast Republican political talk only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except in order to permit KFRU to broadcast Republican political talk only.



- Harbenito Broadcasting Co., Harlingen, Tex.—Granted motion for leave to amend application for construction permit for new station to operate on **1420 kc.**, 250 watts night, 250 watts day, unlimited time, with regard to corporate structure, and cancelled hearing scheduled for December 16, 1940 (B3-P-2747).
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted construction permit to move old main composite transmitter from present site at Flushing, L. I., to College Point Causeway, to site of new main transmitter at Belleville Turnpike, Kearny, N. J., to be used for emergency use only with power of 1 KW and employing directional antenna day and night (B1-P-2980).
- WCBI—Birney Imes, Columbus, Miss.—Granted modification of construction permit (B3-P-2675) to change type of transmitting equipment (B3-MP-1081). Also granted license to cover construction permit authorizing a new station to operate on **1370 kc.**, 250 watts, unlimited time (B3-L-1244).
- WCBI—Birney Imes, Columbus, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-511).
- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-501).
- WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-503).
- WHBY—WHBY, Inc., Appleton, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-514).
- KOWH—World Publishing Co., Omaha, Neb.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-516).
- WMAS—WMAS, Inc., Springfield, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-500).
- WMBS—Fayette Broadcasting Co., Uniontown, Pa.—Granted modification of construction permit (B2-P-2711), which authorized a new transmitter, and installation of directional antenna, change in frequency from **1420 to 590 kc.**, increase in power from 250 watts to 1 KW. for authority to make changes in directional antenna and install new transmitter; extend commencement date to 30 days after grant and completion date to 180 days thereafter (B2-MP-1083).
- KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted modification of construction permit (B5-P-1339, which authorized a new station), for approval of antenna, installation of new transmitter, approval of studio and transmitter site at Plains Hotel, Cheyenne, Wyo. (B5-MP-1056).
- WMRM—The Marion Broadcasting Co., Marion, Ohio.—Granted modification of construction permit (B2-P-2862, which authorized a new station), for approval of antenna system, and approval of studio and transmitter site at North Main St., ¼ mile north of city limits, Marion (B2-MP-1071).
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of construction permit (B3-P-2216, which authorized new equipment, increase in power from 5 to 50 KW, change in hours of operation to unlimited time, changes in antenna system), for further changes in directional antenna system (B3-MP-1077).
- WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted license to cover construction permit (B3-P-2384) authorizing a new station to operate on **1500 kc.**, 100 watts night, 250 watts local sunset, unlimited time (B3-L-1251). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-518).
- KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted license to cover construction permit (B5-P-2278) which authorized change of frequency from **1370 to 1380 kc.**, move of transmitter and studio, increase in power from 100 watts to 1 KW, installation of new equipment and vertical antenna (B5-L-1252). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-519).
- WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted license to cover construction permit (B2-P-2879) which authorized a new station to operate on **1500 kc.**, 250 watts, unlimited time (B2-L-1253). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-520).
- WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted authority to make changes in automatic frequency control equipment (B2-F-155).
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted license to cover construction permit (B2-P-2645) which authorized installation of new transmitter, increase in power from 100 watts to 1 KW, change in hours of operation from daytime to L-WCFL; **970 kc.** The authority granted for operation of station WIBG after local sunset, and particularly during the time period between local sunset and sunset at WCFL, Chicago, is granted upon a temporary basis only and upon the express condition that such authority is subject to modification or cancellation by the Commission at any time without advance notice or hearing. It shall not be construed as a finding by the Commission that the operation of WIBG upon the **970 kc.** frequency after sunset at the location of the station, Glenside, Pa., will be in the public interest beyond the terms hereof (B2-L-1255).
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted license to cover construction permit (B3-P-1871) as modified, which authorized change in frequency, installation of new transmitter, antenna changes, increase in power from 250 to 500 watts, and hours of operation from sharing WDAH to unlimited, and move of transmitter; **1350 kc.** (B3-L-1248).
- KHAS—Nebraska Broadcasting Co., Hastings, Nebr.—Granted license to cover construction permit (B4-P-2367) which authorized a new broadcast station to operate on **1200 kc.**, 250 watts, unlimited time (B4-L-1250). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-517).
- KAQY—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit (B5-PRE-297) which authorized a new relay broadcast station, for change of frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.**, and extend commencement and completion dates to 60 and 180 days after grant, respectively (B5-MPRE-47).
- WDAY—WDAY, Inc., Fargo, N. D.—Granted authority to install automatic frequency control equipment (B4-P-156).
- KEHS—WDAY, Inc., Portable-Mobile (area of Fargo, N. Dak.)—Granted construction permit to change frequencies in relay broadcast station to **156750, 158400, 159300, 161100 kc.**, increase power from 1 watt to 5 watts, and install new equipment (B4-PRE-372).
- WEND—WHP, Inc., Portable-Mobile (area of Harrisburg, Pa.)—Granted construction permit to change frequencies in relay broadcast station to **1606, 2074, 2102, 2758 kc.**, make changes in equipment, and increase power from 0.5 watts to 2 watts (B2-PRY-228).
- WDAC—State of Wisconsin, University of Wisconsin, Portable-Mobile (Area of Madison, Wisc.)—Granted construction permit to increase power in relay broadcast station from 10 to 30 watts and make changes in equipment (B4-PRY-227).
- WJR, The Goodwill Station, Detroit, Mich.—Granted construction for new relay broadcast station; frequencies **156075, 157575, 159975, 161925 kc.**, 100 watts power, to be used in connection with applicant's standard broadcast station WJR (B2-PRE-370).
- WAUH—Atlantic Coast Broadcasting Co., Portable-Mobile (area of Charleston, S. C.)—Granted license to cover construction permit (B3-PRE-357), for a new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.**, 2 watts power (B3-LRE-325).
- KEHO—Intermountain Broadcasting Corp., Portable-Mobile (area of Salt Lake City)—Granted modification of relay broadcast station license to change frequencies to **156075, 157575, 159975, 161925 kc.** (B5-MLRE-67).
- W3XWT—Allen B. DuMont Labs., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-31), which authorized a new television broadcast (experimental) station, for extension of commencement and completion dates to January 1 and July 1, 1941, respectively (B1-MPVB-23).
- W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted modification of construction permit (B1-PVB-30), authorizing new television station, to make changes in both visual and aural transmitters (B1-MPVB-25).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate on October 25, 1940, from 5:45 p. m. to 6 p. m. in order to broadcast



- Annual Ingathering for the County Children's Home, from 7:15 p. m. to 7:30 p. m., in order to broadcast talk by F. Clair Ross, Treasurer of the State of Pennsylvania, from 8:45 p. m. to 9 p. m. EST, in order to broadcast talk by Senator Joseph F. Guffey only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with radio station WOSU from 7 p. m. to 11 p. m. EST, October 25, 1940, in order to broadcast political programs consisting of speeches by John L. Lewis, Irving Cobb and others as described in telegram received October 24, 1940, only.
- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 10 p. m. October 27 to 6 a. m. EST, October 28, 1940, in order to broadcast a Charity Performance from the Apollo Theater in Harlem for the purpose of raising funds for England's stricken women and children.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 p. m. to 9:30 p. m. EST, October 24, 1940, in order to broadcast a speech by Hugh Johnson on behalf of Wendell Willkie only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:15 p. m. to 7:30 p. m. EST, October 25, 1940, in order to broadcast program sponsored by the National Democratic Committee only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 25, 1940, in order to broadcast Republican State Committee talk only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 25, 1940, in order to permit KFRU to broadcast Republican State Committee talk only.
- W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate high frequency station W1XOJ on frequency 44300 kc., for the period ending not later than December 31, 1940, in order to tune the antenna and make necessary adjustments in the transmitter.
- W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate on 26300 kc., for the period October 27, 1940, to not later than December 27, 1940, in order to make tests in cooperation with station W9XA, to determine interference conditions existing between the two stations.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m. EST, daily for the period October 27, 1940, to not later than November 4, 1940, in order to broadcast Wendell Willkie for President programs only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:30 p. m. to 10:45 p. m. EST, October 28, 1940, in order to broadcast program sponsored by the Massachusetts Independent Voters Committee only.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on 1060 kc., from 9 p. m. to 9:30 p. m. EST, October 28, 1940, in order to broadcast speech by Thomas E. Dewey, sponsored by Republican National Committee, and from 9:30 p. m. to approximately 10 p. m. EST, October 28, 1940, in order to broadcast program sponsored by Willkie-McNary Campaign Club of Republican State Committee for the District of Columbia only.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 9 p. m. to 10 p. m. CST, October 29, 1940, in order to broadcast program by the Illinois Commission of Independent Voters for Roosevelt and Wallace only.
- WGBB—Harry H. Carman, Freeport, N. Y.—Granted special temporary authority to operate simultaneously with station WFAS from 9 p. m. to approximately 11 p. m. EST, October 29, 1940, in order to broadcast political rally only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:15 p. m. to 8:30 p. m. EST, October 25, 1940, in order to broadcast Independent and Progressive Voters League of Massachusetts program only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 8:15 p. m. EST, October 25, 1940, in order to broadcast program sponsored by the Small Business Men's Committee for Willkie only.
- WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WPIT authorized in construction permit (File No. B1-PIB-23) with a power of 35 KW using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit for the period October 29, 1940, to not later than November 27, 1940.
- KTRB—Thomas R. McTammany & Wm. H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 7:45 p. m. to the conclusion of the Modesto Symphony Orchestra Program October 29, in order to broadcast said program only, from 6:30 p. m. to 9 p. m. November 1, from 6:30 p. m. to 10 p. m. November 4, 1940, in order to broadcast political programs only, and from 5 p. m. PST to the conclusion of election returns November 5, 1940, in order to broadcast election returns only.
- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from sign-off (October 7:30 p. m. EST) to midnight EST, October 25, 1940, in order to broadcast the Manhattan University vs. Duquesne University football game; sustaining music to be broadcast from sign-off time until commencement of game.
- WSSJ—Puerto Rico Advertising Co., Inc., San Juan, P. R.—Denied motion to strike from the Commission's files the application of Caribbean Broadcasting Association, Inc., and cancel hearing scheduled for December 4.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Denied petition filed by WHJB requesting reconsideration and grant without hearing the applications for construction permit to move transmitter and increase operating assignment on 620 kc. from 250 watts, daytime only, to 1 KW, unlimited time, using directional antenna at night.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted petition for approval of present site and amended antenna specifications, in re its application for construction permit to increase power from 1 to 5 KW night, and install directional antenna for night use.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Dismissed petition for rehearing filed by WMBR in re application The Metropolis Company (WJHP), Jacksonville, Fla., for license to cover construction permit.
- KFYO—Plains Broadcasting Co., Lubbock, Texas.—Denied petition for rehearing concerning the action of the Commission September 4, 1940, granting the application of WING, Dayton, Ohio, for construction permit to increase power, make changes in directional antenna and install new equipment.
- KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Granted special temporary authority to operate unlimited time the night of November 5, 1940, in order to broadcast election returns only.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. November 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, from 2:00 to 3:15 p. m. November 4, 11, 18, 25, from 9:15 to 9:45 p. m. November 12, 1940, in order to permit WNAD to broadcast educational programs only; to operate from 8:15 to 9:15 p. m. November 27 and from 7:15 to 9:15 p. m. CST, November 28, 1940, in order that WNAD may observe Thanksgiving vacations (provided WNAD remains silent).
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., from 2 to 3:15 p. m., from 9:15 to 9:45 p. m. on above dates in order to broadcast educational programs only (provided KGGF remains silent); to remain silent from 8:15 to 9:15 p. m. November 27 and from 7:15 to 9:15 p. m. CST, November 28, 1940, in order to observe Thanksgiving vacation.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 12 midnight MST, November 5, 1940, in order to broadcast election returns only.
- KGDM—E. E. Peffer, Stockton, Calif.—Granted special temporary authority to operate unlimited time on night of November 5, 1940, in order to broadcast election returns only.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset



- (October 5 p. m. and November 4:15 p. m. PST), to the conclusion of football games described in letter dated October 14, 1940, on October 31, November 1, 8, and 11, 1940, in order to broadcast games only.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 8 p. m. to 9:15 p. m., November 1, 1940, in order to broadcast a speech by Claude Wickard, Secretary of Agriculture, and from sign-off (November, 5:15 p. m. CST), to 10:30 p. m., November 4, 1940, in order to broadcast political speeches and from 5:15 p. m., November 5 to 1:00 a. m. CST, November 6, 1940, in order to broadcast election returns and fill-in programs only.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 5:00 p. m. to 8:00 p. m., October 31 and from 4:30 p. m. to 8:00 a. m. EST, November 1, 2, 3, and 4, 1940, in order to broadcast political programs as described in letter dated October 14, 1940, only.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 9 p. m. to 9:15 p. m. CST, November 4, 1940, in order to broadcast a political speech by T. V. Brennan, candidate for Recorder of Deeds, only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m. EST, November 5, 21, and 22, 1940, in order to broadcast sustaining musical programs as described in letter dated, October 22, 1940, only (provided WSVS remains silent).
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m. CST, November 2, 9, 16, and 23, 1940, in order to broadcast Purdue University football games only.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 11:30 p. m. PST, October 31, 1940, in order to broadcast a Hallo'ween program only.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate beyond midnight CST, November 5, 1940, in order to broadcast election returns only.
- KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from local sunset (November, 5 p. m. CST), November 5, 1940, to local sunrise (November, 7:15 a. m. EST), November 6, 1940, in order to broadcast election news and returns and fill-in material.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to occupy lulls between election bulletins with recordings and transcriptions in addition to the authority granted October 9, 1940, to operate additional time in order to broadcast election returns.
- WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted special temporary authority to operate simultaneously with Station WWVA from 10:30 p. m., November 5, 1940, to 6:30 a. m. CST, November 6, 1940, in order to broadcast election returns only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 4:30 p. m., November 5, 1940, to 6 a. m. EST, November 6, 1940, in order to broadcast election returns only. Also granted special temporary authority to operate from 4:30 p. m. to 5 p. m. EST, November 3, 1940, in order to broadcast a program for the LaGuardia-Roosevelt Campaign Committee only.
- WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from local sunset (November, 4:45 p. m. EST), November 5, 1940, to 6:45 a. m. EST, November 6, 1940, in order to broadcast election returns and matters of public interest.
- WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m. EST), November 5, 1940, to 1 a. m. EST, November 6, 1940, in order to broadcast election returns only.
- WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from local sunset (November, 5 p. m. EST), November 5, 1940, to 4:30 a. m. EST, November 6, 1940, in order to broadcast election returns only.
- WJMC—Walter H. McGenty, Rice Lake, Wisc.—Granted special temporary authority to operate from local sunset (November, 4:45 p. m. CST), to 10 p. m., November 2 and 4, 1940, in order to broadcast political programs only and from local sunset November 5 to 3:30 a. m. CST, November 6, 1940, in order to broadcast election returns only.
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to operate from 10 p. m. CST, November 5, 1940, until the trend of elections is established in order to broadcast election returns only.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted special temporary authority to operate simultaneously with station WOWO from 7:45 p. m., EST, November 5, 1940, and continuing throughout the night, in order to broadcast election returns only.
- WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Granted special temporary authority to operate from 12 midnight, November 5, 1940, to 3 a. m., EST, November 6, 1940, in order to broadcast election returns and news only (provided WCNW remains silent).
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST), November 5, 1940, to 3 a. m., EST, November 6, 1940, in order to broadcast election returns, sustaining programs, and news only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate unlimited time the night of November 5, 1940, in order to broadcast election returns and musical selections only. Also granted special temporary authority to operate from 9 to 9:15 p. m., EST, October 28, 1940, in order to broadcast Paul Dever for Governor program only. Also granted special temporary authority to operate from 10:15 p. m. to 11 p. m., October 30, 1940, in order to broadcast program sponsored by the National Democratic Committee, and from 10 p. m. to 11 p. m., EST, November 3 (instead of from 10:30 to 10:45 p. m., EST, as authorized on October 3, 1940), in order to broadcast program sponsored by the Democratic State Committee only.
- WQDM—E. J. Regan & F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8 p. m. to 10 p. m. EST, November 1, 1940, in order to broadcast Democratic Rally only.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate unlimited time on November 5, 1940, in order to broadcast election returns only.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 7 p. m. to 10 p. m. November 4, 1940, in order to broadcast political programs only and from 7 p. m. November 5 to 4 a. m. CST, November 6, 1940, in order to broadcast election returns only, using power of 500 watts.
- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7 p. m. EST, November 5, 1940, to 2 a. m. EST, November 6, 1940, in order to broadcast election returns and incidental non-sponsored music during such intervals as election returns are not being given only.
- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate from local sunset (November 4:30 p. m. CST) to the conclusion of football games on November 2, 9, 16, and 23, 1940, in order to broadcast football games only, and to operate nighttime November 5, 1940, in order to broadcast election returns only. Also granted special temporary authority to operate from 5 p. m. CST to the conclusion of a speech by Wendell L. Willkie October 28, 1940, in order to broadcast said speech only.
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to broadcast sustaining musical programs consisting of records, transcriptions and Mutual Network presentations and commercial announcements as fill-in programs between election returns in addition to the authority granted September 27, 1940, authorizing additional hours of operation November 5 and 6, 1940, in order to broadcast election returns only.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 8:30 p. m. November 5, 1940, to 1:00 a. m. EST, November 6, 1940, in order to broadcast election returns only.
- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from 7 p. m. November 5 to 3 a. m. EST, November 6, 1940, in order to broadcast election returns, incidental transcribed and live talent music.



- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 7 p. m. to 9:30 p. m. November 4 and from 5 p. m. to midnight EST, November 5, 1940, in order to broadcast political programs and election returns as described in letter dated October 16, 1940, only, using power of 250 watts.
- WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit (B1-P-2339) as modified which authorized move of transmitter, and install directional antenna for day and night use, for extension of completion date from November 6, 1940, to December 6, 1940 (B1-MP-1093).
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m. CST, October 30, 1940, in order to broadcast a program sponsored by the Republican State Committee only. Also granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m. CST, October 28, 1940, in order to broadcast a political speech by James A. Reed only.
- KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate with power of 250 watts from local sunset (November 5 p. m. CST) November 5, 1940, to the conclusion of election returns broadcast the morning of November 6, 1940; station to operate commercially from 12 midnight November 5, 1940.
- CKLW—Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up program in connection with the League of Catholic Women National Convention in Detroit to be broadcast by CKLW from 8:30 p. m. to 9 p. m. EST, October 28, 1940.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 9:45 p. m. October 30, 1940, and from 10 p. m. to 10:15 p. m. EST, October 29, 1940, in order to broadcast Dever for Governor program and speech by Rev. Peale on behalf of Wendell Willkie only. Also granted special temporary authority to operate from 9 p. m. to 9:30 p. m. October 29, 1940, in order to broadcast program sponsored by the National Republican Committee and from 8:45 p. m. to 9:15 p. m. EST, November 2, 1940, in order to broadcast program sponsored by the Republican National Committee only. Also granted special temporary authority to operate from 8:15 p. m. to 8:30 p. m. and from 7:45 p. m. to 8 p. m. and from 10:45 p. m. to 11 p. m. EST, October 29, 1940, and from 9:45 p. m. to 10:15 p. m. EST, October 30, 1940, in order to broadcast political programs as described in telegram received October 29, 1940, only.
- WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent on November 5, 11, noon 20th to 24th inclusive, noon December 30 to January 5, 1941, inclusive, and February 12, 1941, in order to observe legal holidays.
- KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 8:45 to 9:15 p. m., CST, November 2, in order to broadcast speech by Thos. E. Dewey only (B4-S-507).
- KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with KLX from local sunset (Nov. 4:45 p. m., PST) to midnight, PST, November 1, 2 and 5, in order to broadcast political programs only (B5-S-1027).
- WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate the night of November 5, in order to broadcast election returns only (B2-S-950).
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with station WOSU from 8 to 11:15 p. m., EST, October 30, in order to broadcast political addresses by Dorothy Thompson, President Roosevelt, and others (B2-S-306).
- WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., CST) to 12 midnight, CST, November 5, in order to broadcast election returns only (B3-S-819).
- WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted special temporary authority to operate from local sunset (November 5:15 p. m., EST) to 12 midnight, EST, November 5, 1940, in order to broadcast election returns only.
- WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate from local sunset, November 6:45 p. m., to 12 midnight, EST, November 2, 3, and 4, 1940, in order to broadcast special election events, and from local sunset, November 5, to 6 a. m., EST, November 6, 1940, in order to broadcast election returns only.
- W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN, for the period November 7 to December 6, 1940.
- KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 7:30 to 10 p. m., CST, November 1, in order to broadcast political programs consisting of speeches by the President, Secretary Ickes, and Herbert Hoover, and others (B4-S-507).
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:30 to 9 p. m., EST, October 30, in order to broadcast speech by Wendell Willkie only, using 100 watts power (B1-S-575).
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted special temporary authority to operate from local sunset (Nov. 6:45 p. m., EST), November 5, to 1 a. m., EST, November 6, in order to broadcast election returns interspersed with musical programs (B1-S-760).
- WSOO—Hiawathaland Broadcasting Co., Sault Ste Marie, Mich.—Granted special temporary authority to operate with power of 250 watts night, for the period ending no later than November 5, in order to increase coverage for political programs and election returns only (B2-S-1071).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:15 to 9:30 p. m., EST, October 30, in order to broadcast programs sponsored by Democratic State Committee only (B1-S-886). Also granted special temporary authority to operate from 6:45 to 7 p. m., EST, October 30, in order to broadcast a speech for Henry Parkman, candidate for the Senate, only.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:30 to 9 p. m., EST, October 30, in order to broadcast a speech by Mr. Willkie only (B1-S-748).
- KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Denied petition to re-open proceedings for the purpose of permitting the introduction of additional evidence in the matter of the application of Worcester Broadcasting Corp. to establish a new station in San Diego.

## APPLICATIONS FILED AT FCC

### 610 Kilocycles

- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit to use old RCA transmitter as auxiliary for emergency use only, with power of 1 KW, to be located at site of present auxiliary transmitter.
- WCLE—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

- WLWL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Construction permit to change frequency from 1300 to 630 kc., power from 1 KW to 1 KW night, 5 KW day; install new transmitter; make changes in directional antenna for day and night use, and move transmitter from St. Paul to Bloomfield, Minn. Amended: antenna.

### 710 Kilocycles

- KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit (B5-P-2437) for authority to install new transmitter and directional antenna, increase in power and move of transmitter, further requesting increase in power from 10 to 50 KW, and new transmitter, extension of completion date 180 days and changes in directional antenna system.

### 740 Kilocycles

- WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Authority to determine operating power by direct measurement of antenna power.

### 830 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—Authority to determine operating power by direct measurement of antenna power.

### 850 Kilocycles

KIEV—Cannon System, Ltd., Glendale, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to make changes in automatic frequency control equipment.

### 940 Kilocycles

WHA—State of Wisconsin, University of Wisconsin, Madison, Wisconsin—Authority to determine operating power by direct measurement of antenna power.

### 970 Kilocycles

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to make changes in equipment, increase power from 5 to 10 KW, install directional antenna for day and night use, Class I-B station. Amended: install new transmitter, make changes in proposed directional antenna and use night only, increase power to 50 KW, move transmitter.

### 990 Kilocycles

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Construction permit for reinstatement of construction permit (B1-P-2161) as modified, to install new transmitter, install directional antenna for day and night use, and move transmitter.

### 1200 Kilocycles

WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Authority to determine operating power by direct measurement of antenna power.

WLOF—Hazlewood, Inc., Orlando, Fla.—License to cover construction permit (B3-P-2394) as modified, for a new broadcast station.

WLOF—Hazlewood, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to change frequency from 1280 to 1230 kc., increase power from 500 watts to 1 KW, change hours from share WCAM and WCAP to unlimited time, installing directional antenna for day and night use and move transmitter from south of Morrisville, Pa., to Yardley, Pa., Class III-B station. Amended: re antenna system.

### 1310 Kilocycles

WSGN—The Birmingham News Co., Birmingham, Ala.—Construction permit to change frequency from 1310 to 610 kc. (Class III-B Station), increase from 250 watts to 1 KW, install new transmitter, install directional antenna for night use and move transmitter.

WCLS—WCLS, Inc., Joliet, Ill.—Authority to transfer control of corporation from Robert W. Thomas, Administrator c.t.a. of the estate of L. W. Wood, deceased, to Walter Ashe, 51 shares of common stock.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—License to cover construction permit (B3-P-2781) for change of frequency, increase in power, install new transmitter and antenna.

### 1350 Kilocycles

WMBG—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct measurement of antenna power (main transmitter).

WMBG—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct measurement of antenna power (auxiliary transmitter).

WMBG—Havens & Martin, Inc., Richmond, Va.—License to cover construction permit (B2-P-2876) to install new auxiliary transmitter and increase power.

### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

KYAN—J. Cecil Bott, Matilda Lannen and Nettit Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—License to cover construction permit (B5-P-2331) as modified, for a new broadcast station.

KYAN—J. Cecil Bott, Matilda Lannen and Nettit Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Authority to determine operating power by direct measurement of antenna power.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—License to cover construction permit (B4-P-1243) as modified, for a new station.

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Authority to determine operating power by direct measurement of antenna power.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Modification of license to change corporate name from Michigan Broadcasting Co. to John L. Booth Broadcasting, Inc.

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—License to cover construction permit (B3-P-2646) for changes in equipment, increase in power and move of transmitter and studio.

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Authority to determine operating power by direct measurement of antenna power.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended: To change type of equipment.

### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, make changes in directional antenna for night use. Requests Class III-A Station.

### 1500 Kilocycles

NEW—Natchez Broadcasting Co., Natchez, Miss.—Construction permit for a new broadcast station to be operated on 1500 kc., 250 watts, unlimited time. Class IV Station.

## FM APPLICATIONS

NEW—Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new high frequency broadcast station to be operated on 43300 kc.; coverage, 5,119.5 square miles; population, 421,990. Amended: To change frequency to 46100 kc.

NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new high frequency broadcast station to be operated on



- 43100 kc.; coverage, 12,400 square miles; population, 1,104,642. Amended: To change frequency to 44500 kc.
- NEW—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Construction permit for a new high frequency broadcast station to be operated on 44,100 kc.; coverage, 7,290 square miles; population, 415,501. Amended: To change frequency to 45100 kc.
- NEW—Amarillo Broadcasting Corp., Amarillo, Tex.—Construction permit for a new high frequency broadcast station to be operated on 45100 kc.; population, 80,024; coverage, 6,503.89 square miles.
- NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on 44300 kc.; coverage, 19,230 square miles; population, 6,635,751.
- NEW—Zenith Radio Corp., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 10,760 square miles; population, 4,500,204. Amended re change in transmitter and studio location and to change frequency from 43500 to 45100 kc.
- NEW—Central New York Broadcasting Corp., Onondaga, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 46300 kc.; population, 884,725; coverage, 8,300 square miles.

### TELEVISION APPLICATIONS

- NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new television broadcast station on 102000-108000 kc., power output 1000 watts, emission A3, A5 and special for aural and visual transmission. Amended: frequencies to Channel No. 8, 162000-168000 kc., power to 250 watts both visual and aural, and types of aural and visual transmitters.

### MISCELLANEOUS

- W8XFM—The Crosley Corp., Cincinnati, Ohio.—License to cover construction permit (B2-PHB-117) for a new high frequency broadcast station.
- W8XAL—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authorization to operate a 1 KW transmitter on the frequency 6080 kc., with 1 KW power and A0 and A1 emission for identification purposes only.
- WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Extension of special experimental authorization to operate an additional 35 KW power amplifier to feed a separate directive antenna, making an effective operating power of 70 KW, oriented on Central America, using 9670 kc., for period 11-1-40 to 5-1-41.
- WJEK—Hagerstown Broadcasting Co., Portable-Mobile.—License to cover construction permit (B1-PRY-220) for a new relay broadcast station.
- WEIX—Memphis Commercial Appeal Co., Portable-Mobile.—License to cover construction permit (B3-PRE-352) for increase in power and installation of new equipment.
- WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover construction permit (B1-PIB-21) for increase in power and equipment changes.
- KGBK—Helen Townsley, Portable-Mobile.—License to cover construction permit (B4-PRY-224) for a new relay broadcast station.
- WAVY—Evansville on the Air, Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-369) for a new relay broadcast station.
- WEMV—The WGAR Broadcasting Co., Portable-Mobile.—Modification of license to change frequencies from 132260, 134080, 135480, 135760 kc. to 156075, 157575, 159975, 161925 kc.
- WAFK—A. Frank Katzentine, Portable-Mobile.—License to cover construction permit (B3-PRY-207) as modified for a new relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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.

**American Bandage Corporation**, 4238 North Lincoln Ave., Chicago, manufacturer and distributor of a so-called self-adhering medicated bandage sold and distributed under the trade name "ABC Gauzband," is charged, in a complaint with misrepresentation of its product.

The complaint alleges that the respondent, in advertisements in newspapers, periodicals and other matter, represents:

"Through the development of a secret process, used exclusively by the manufacturer, GAUZBAND is medicated with an ANTISEPTIC and GERMICIDAL material, rendering it SELF-STERILIZING. It will remain sterile even after it is removed from the package."

The respondent represents, directly and indirectly, the complaint continues, that the product has been impregnated with certain materials which give it antiseptic and germicidal properties sufficient to inhibit the growth of, and to destroy, all types of bacteria, thereby making the product self-sterilizing and causing it to remain surgically sterile after it has been removed from the package. These representations, the complaint alleges, are false and misleading, as the product is not self-sterilizing and will not remain sterile after it has been removed from the package. (4354)

**Miller Drug Company**—Julius and Jessie Miller, trading as Miller Drug Company, 1160 North Clinton Ave., Rochester, N. Y., are charged in a complaint with misrepresenting that a medicinal preparation known as "Belite," "Reducers" and as "Miller's Reducing Prescription" is a cure or remedy, or a safe, competent and effective treatment for obesity and the reduction of body weight.

The complaint further alleges that the preparation is not safe in that it contains desiccated thyroid extract in sufficient quantity to cause serious and irreparable injury to health is used under conditions prescribed in the advertisements or under customary or usual conditions.

The respondent's advertisements, the complaint further alleges, constitute false advertisements in that they fail to reveal that use of the preparation under these conditions may result in serious injury to health, in that it accelerates the rate of metabolism, thereby burning the body tissues in excess of that which is normal. (4363)

**Ramsdell Packing Company**—Complaints have been issued against eight firms located in Maine, each engaged in the packing, processing and canning of sardines for sale. The complaints allege violation of the brokerage provision of the Robinson-Patman Act.

Respondents are: Ramsdell Packing Company, Rockland; Seaboard Packing Company, Lubec; Machiasport Canning Company, Machiasport; Holmes Packing Corporation, Eastport; R. J. Peacock Canning Company, Lubec; Jonesport Packing Company, West Jonesport; Sunset Packing Company, Inc., West Pembroke, and Calvin L. and John W. Stinson, trading as Stinson Canning Company and Addison Packing Company, Prospect Harbor.

The complaints allege that the respondents have granted and allowed brokerage fees and commissions and allowances and discounts in lieu of them in substantial amounts to certain of their customers.

In some instances, according to the complaints, the respondents effect sales of their sardines through brokers whom they employ as selling agents. In other instances, the complaints, continue, sardines are sold by the respondents directly to purchasers, among which class of purchasers are some of the respondents' brokers, who, on occasions, purchase sardines for their own account for resale. When sales of sardines are effected through brokers, the complaints allege, the respondents pay to such brokers a brokerage fee or commission usually amounting to five per cent of the price at which the respondents invoice such sardines to the purchasers.

Among the methods employed by the respondents in granting and allowing the brokerage fees or allowances, the complaints allege, is the granting of an allowance or discount in lieu of brokerage to some of their customers the sales to whom are effected directly by the respondents. This allowance or discount is alleged to be granted by selling sardines to such customers at a price which reflects a reduction from the prices at which the respondents



currently sell sardines to other customers. The amount of the reduction, according to the complaints, represents brokerage currently being paid by the respondents to their brokers for effecting sales of sardines to other purchasers.

A further method employed, according to the complaints, is the granting of an allowance or discount in lieu of brokerage by the respondents to other of their customers the sales to whom are effected through brokers to whom the respondents do not pay the full brokerage customarily paid to their brokers for effecting sales of sardines. This allowance or discount, according to the complaints, is granted by selling sardines to such customers at prices reflecting a reduction from the prices at which the respondents currently sell sardines to other customers. It is alleged that the reduction reflects brokerage in an amount representing and approximately equalling the difference between the full brokerage customarily paid by the respondents to their brokers for effecting such sales and the amount of brokerage actually paid by the respondents to those of their brokers who do not receive the customary full brokerage for effecting such sales. (4335-4362)

**Weaver Real Estate Appraisal Training Service**—Howard S. Weaver, trading under the name Weaver Real Estate Appraisal Training Service, 2322 East 49th St., Kansas City, Mo., engaged in the sale and distribution of home study courses in rural and city real estate appraisal training, is charged, in a complaint with misrepresentation.

In advertising matter published in newspapers and magazines, and in other ways, the complaint charges, the respondent has represented and implied among other things, that the demand for land appraisers greatly exceeds the supply; that Weaver trained men earn \$175 to 300 monthly, and that choice money making opportunities are available. Prospective students, the complaint continues, are induced to enroll on the representation that only a limited number are selected for training; that each student receives the individual assistance and guidance of Mr. Weaver, the head of the school, and that the tuition fee is less than half the regular tuition charged.

These representations, the complaint charges, are misleading and deceptive, as in fact there is not a lack of appraisers, nor does the demand exceed the supply; the respondent does not have jobs to offer and is not in a position to guarantee earnings of \$175 to \$300 monthly or in any amount; the respondent does not give his personal attention to every student; the number of students permitted to enroll is not limited, as represented, nor is the course sold for less than half, as represented, but the regular full tuition fee is charged. (4353)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Clito Company**—Rene P. Balditt, trading as Clito Company, 325 North Frio St., San Antonio, Tex., has been ordered to cease and desist from disseminating false advertisements in the sale of two medicinal preparations advertised under the name "Clito" and designated respectively as "Clito Emmenagogue Capsules" and "Rayo De Sol."

Commission findings are that the respondent disseminated, in various States, newspaper and other advertising matter in which he represented directly or by implication that his preparation designated as "Clito" and as "Clito Emmenagogue Capsules" is a competent and effective treatment for delayed menstruation and is safe and harmless.

According to findings, the respondent's preparation is neither competent nor efficient in treating this condition; nor is it safe or harmless, in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is further found to have engaged in the dissemination of false advertising matter in that his advertisements failed to reveal that use of the preparation under such conditions may result in injury to health.

Findings are further that the respondent disseminated advertisements representing directly and by implication that "Rayo De Sol" is a competent and efficient cure for, and possesses therapeutic value in the treatment of, cataracts, cloudiness of vision, film

carnosity, ulcers, and inflammation of the eyes, when such are not the facts.

The Commission order directs the respondent to cease disseminating by means of the mails or in commerce, advertisements which make such representations concerning the two preparations, directly or through inference; or which advertisements of "Clito Emmenagogue Capsules" fail to reveal that use of the preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning.

Upon petition of the Commission, the respondent was recently restrained by a U. S. District Court from disseminating certain advertisements relative to "Clito Emmenagogue Capsules" pending issuance of the Commission's complaint and its final disposition. (4262)

**Fairfacts Company**, Trenton, N. J., engaged in the sale and distribution of recessed china bathroom accessories and related products, has been ordered to cease and desist from certain misrepresentations concerning its products.

The Commission finds that the respondent represented itself to be a manufacturer, and the designation "Manufacturer" appeared on its stationery and other printed matter. Prior to the issuance of the complaint, and at the time such representations were made, the respondent was not a manufacturer of recessed china bathroom accessories, according to findings, nor did it own or operate any pottery or plant where such products were produced or manufactured.

The respondent is ordered to cease and desist from representing, through the use of the word "Manufacturers" or any word or terms of similar import or meaning, or through any means or device or in any manner, that it is the manufacturer of the products sold by it, unless and until the respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant wherein the products are manufactured by it. (2327)

**Hoosier Candy Sales Company**—Louis Talesnick, trading as Hoosier Candy Sales Company, 426 South Meridian St., Indianapolis, has been ordered to cease and desist from selling and distributing candy or any merchandise so packed and assembled that sales to the general public may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling such candy or other merchandise to the public, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or a lottery scheme. (4209)

**Tommy Loughran**, 4 South 15th St., Philadelphia, engaged in the sale and distribution of correspondence courses wherein he outlines methods of physical culture, exercise, and instruction as to diet, intended to improve the health and physical condition of purchasers, has been ordered to cease and desist from representing, directly or by implication, that following the instructions as to exercise and diet outlined in the correspondence courses will produce good health for everyone or keep everyone in a healthy condition; or will insure everyone of "big" muscles or a "huge," "robust" and powerful body; or enable one to become a "paragon" of strength. The Commission's findings were to the effect that these representations were exaggerated and misleading. (3976)

**Sun Cut Rate Store**—Howard Deckelbaum, trading as Sun Cut Rate Store, 817 Fourth Ave., Huntington, W. Va., has been ordered to cease and desist from disseminating false advertisements in the sale of a medicinal preparation.

Commission findings are that in the sale of a preparation designated "Harmless Prescription Capsules" and as "Special Prescription Capsules," otherwise advertised as "Prescription Female Capsules—Double Strength," and as "Prescription Female Capsules—Triple Strength," the respondent disseminated in various States newspaper and other advertising matter in which he represented, directly or by implication, that his preparation is a competent and efficient treatment for delayed menstruation and is safe and harmless.

According to findings, the respondent's preparation is neither competent nor efficient in treating this ailment and is not safe or harmless, in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the



conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is further found to have engaged in the dissemination of false advertising matter in that his advertisements fail to reveal that use of the preparation under such conditions may result in injury to health.

The Commission order directs the respondent to cease disseminating by means of the mails or in commerce, advertisements which represent, directly or through inference, that his preparation is a competent or effective treatment for delayed menstruation, and that it is safe or harmless; or which advertisements fail to reveal that use of the preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning.

Upon petition of the Commission, the respondent was recently restrained by a U. S. District Court from disseminating certain advertisements relative to his preparation pending issuance of the Commission's complaint and its final disposition. (4213)

**Thomas Brothers**—Orders directing cessation of lottery methods in connection with the sale of their products to consumers have been issued against Chester E. Thomas, trading as Thomas Brothers, Portland, Oreg.; Dixie Candy Company, Inc., Charlotte, N. C., and Robert R. Raynor, trading as Southern Sales Company, Dunn, N. C., candy manufacturers.

The orders direct the respondents to cease and desist from selling and distributing candy or any merchandise so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such candy or other merchandise to the public, and selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4151-4255-4297)

**Trading Sales Company**—Harry Pure, doing business as Trading Sales Company, 354 West 38th St., New York, in the sale of manicure sets, electric lamps, and other merchandise, has been ordered to cease and desist from supplying to others or shipping or mailing to agents, distributors or members of the public, push or pull cards, punch boards or other lottery devices, which may be used in selling such merchandise; from selling or otherwise disposing of any merchandise by the use of such lottery devices and from using the terms "free" or "without any cost" or other terms of similar import to refer to merchandise offered as compensation for distributing the respondent's merchandise, unless all terms and conditions are clearly stated and there is no deception as to price, quality or other features, or as to the services to be performed.

Commission findings are that the respondent distributed by mail 250,000 sales circulars containing a lottery plan and as a result filled approximately 16,000 orders for merchandise. (3406)

**Trinidad Creamery Company**—An order directing cessation of lottery methods in the sale of butter or other merchandise, has been issued against Trinidad Creamery Company, Trinidad, Colo. The order directs the respondent to cease and desist from selling or distributing butter or any other merchandise so packed and assembled that sales may be made by means of a lottery; from supplying others with packages of butter containing coupons which may be used in the distribution of other butter to the public by means of a lottery; from supplying others with any merchandise together with any device or separately, which device may be used in the distribution of merchandise to the public by means of a lottery, and from selling or otherwise distributing merchandise by means of a lottery, game of chance or gift enterprise. (4251)

**Wain's Laboratory, Inc.**, 4687 Hollywood Boulevard, Hollywood, Calif., distributor of a preparation containing drugs, formerly designated "AMA-GON" and now sold under the name "Wain's Compound," has been ordered to cease and desist from certain misrepresentations of the product.

The Commission finds that in various advertisements in commerce the respondent has represented directly and by implication that the preparation is an effective and competent treatment for bronchial asthma and bronchial coughs, when such is not a fact, and that it is entirely safe and harmless and may be used without danger of ill effects upon the health of the user. According to

findings, the preparation contains potassium iodide in quantities sufficient to cause, in some instances, injury to health if taken under conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is ordered to cease and desist from the dissemination of any advertisement by means of the United States Mails or in commerce, which represents that the preparation has any therapeutic value in the treatment of bronchial asthma or bronchial coughs in excess of furnishing temporary symptomatic relief from the paroxysms of asthma and bronchial irritations; that the preparation is in all cases safe or harmless; or which advertisement fails to reveal that the preparation should not be used by those having tuberculosis or goiter (provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or goiter.) (4203)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Crescent Macaroni and Cracker Company**, Davenport, Iowa, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from representing that "Crescent Macronets" contain all elements essential to life, health and growth; that "Crescent Egg L-Bo Macronets" are made with fresh country eggs, and that its products contain food value greater than is actually the fact. (02654)

**Fentone Medicine Company**—Will T. Warren, Jr., trading as Fentone Medicine Company, Paris, Tenn., engaged in selling a medicinal preparation designated "Fentone Compound," agrees to discontinue representing that the preparation is a new type or new kind of medicine, or that it constitutes a medicinal discovery; that it is an effective agent in the treatment of lumbago, liver trouble and other ailments; that it is a competent diuretic, or will increase the flow of bile from the liver, and that it removes or assists in removing poisons and impurities from the entire system. (02653)

**Hannon's Medicines, Inc.**, Brookhaven, Miss., engaged in selling a medicinal preparation designated "Hannon's Emergency Medicine," agrees to discontinue representing that the preparation has any value as a treatment for menstrual colic or asthma; that it is a competent remedy or effective treatment for croup, laryngitis and other ailments; that it is a remedy or heals or cures or has any therapeutic value other than that of a local counter-irritant or a rubefacient; that the preparation affords immediate, certain or instant relief from aches or pains or such relief within any specified period of time; that it produces heat, has a heat reaction or produces heat waves, and that other products or preparations do not have the same reaction or are not capable of producing the same results as "Hannon's Emergency Medicine." (02651)

**Health Calendar Company**—Edwin Rees, doing business as The Health Calendar Company, 2407 Clark Ave., Cleveland, engaged in selling a mechanical chart designated "Fertility Calendar," has entered into a stipulation in which he agrees to cease and desist from representing, directly or by implication, that conception may be completely controlled or partially controlled to any definitely stated percentage by using the "Fertility Calendar" or any other device designed for the purpose of making calculations necessary to practice the Ogino-Knaus Law of Conception; that the problem of birth control is solved by using the "Fertility Calendar," or any similar device, or by practicing the Ogino-Knaus Law of Conception; that physicians are either unconscientious or disreputable by reason of having prescribed methods of birth control other than the Ogino-Knaus Law of Conception method; that the use of methods of birth control other than the Ogino-Knaus Law of Conception upon prescription of competent physicians, in most cases and without substantial exceptions result in pelvic infections and other ailments, and that the "Fertility Calendar," as compared with other devices designed for the same or similar



purpose, is superior in the following respects: It applies to menstrual cycles of any length from 21 to 36 days; it tells the fertile and sterile days without any figuring; it is adjustable to months of any length, including the 29-day month of February in Leap Year, and it requires only three simple moves to indicate the fertile and sterile days in any given case (02656).

**House of Hollywood**, Los Angeles, stipulates that in the sale of its perfume products, it will desist from using in advertising matter or on labels affixed to the containers the words "Honolulu, Hawaii," or either of such words alone or in connection with the words "Aloha Lei," or with other words so as to imply that its products are of Hawaiian origin, or have been imported thence into the United States. The respondent corporation also agrees to cease labeling or otherwise referring to any of its preparations as "Pikake," either alone or in connection with the word "Paradise" or with any other words so as to imply that the preparation has been made or compounded from the Hawaiian flower of that name, when such is not a fact.

The respondent corporation also agrees to cease employing either of the words "Avocado" or "Turtle" to describe cosmetic preparations so as to imply that their oil content consists respectively of the oil of avocados or of turtle oil, when such is not a fact. The stipulation provides that if a preparation's oil content is composed in substantial part of either the oil of avocados or of turtle oil and of other oils, the words "Avocado" or "Turtle," if used to describe such avocado or turtle oil content, shall be accompanied by other words in equally conspicuous type to clearly indicate that the oil content of the product is not composed wholly of the oil of avocados or of turtle oil, but also contains other oils.

The respondent corporation further agrees to discontinue certain representations regarding the efficacy of its "La Finne Tahitian Cleansing Cream," "La Finne Honey Pack," and "La Finne Spinach Cream." (2967)

**Ideal Laboratories, Inc.**, Waxahachie, Tex., has stipulated with the Federal Trade Commission to cease and desist from representing that food flavoring products are extracts when not composed of genuine ingredients suspended in ethyl alcohol, and to discontinue representing, by use of the words "Laboratories" or "Laboratory" or any abbreviation thereof, as part of its trade name, or by other means, that it maintains, operates or controls a laboratory. (02660)

**Harry Isaacs, Inc.**, 1239 Broadway, New York, engaged in the manufacture and distribution of men's neckwear, has stipulated to cease and desist from the use of depictions or illustrations of hand looms on labels, brands or other advertising media, so as to imply that the fabric or material of which such neckwear was manufactured was made on hand looms, when, in fact, such material was made or fabricated on power-driven or machine looms; or from any representations, whether by depiction, statement or otherwise, the effect of which tends to convey the belief to purchasers that neckwear or other textile products manufactured of fabric or material not actually made on hand looms, are made of hand-woven or homespun materials. (2964)

**George W. Luft Company**, 34-12 Thirty-Sixth Ave., Long Island City, N. Y., has stipulated with the Federal Trade Commission to cease advertising that its preparation "Tangee Theatrical Lipstick" ends "that painted look"; that it cannot make one look painted or that it contains no pigment or paint; that it was created at the request of America's most prominent actresses, and that the respondent company's lipsticks are permanent. (02655)

**Ponca Drug Company**—Jacob G. Bowser and his wife, Opal Keller Bowser, trading under the name Ponca Drug Company, Ponca City, Okla., and engaged in the compounding and sale of "Highwood's Old Indian Prescription," have entered into a stipulation in which they agree to cease and desist from representing that the preparation will relieve the worst cases of stomach trouble in a few minutes, or colds, fever and tired feeling in one day, or that the use of the preparation will do more than act as a laxative, temporarily relieving ailments due to constipation or digestive fermentation.

The respondents also agree to cease use of the word "Indian," either alone or in connection with the words "Old" or "Prescrip-

tion" as a trade name so as to imply that the preparation consists of a formula in use by, and which has been handed down from, old Indian tribes, when in fact the preparation contains ingredients which were unknown to the old Indian tribes and medicine men; or stating and representing that their prescription is a \$1 value or is of any other alleged valuation which is exaggerated. (2963)

**R. Rudinger & Company**—R. Rudinger, trading as R. Rudinger & Co., Honolulu, agrees to cease and desist from the use on labels attached to perfume products of the words "Hawaii Pikaki," or of either of such words so as to imply that his product has been made or compounded in the Hawaiian Islands or from the flower of that name, when such is not a fact. The respondent also agrees to desist from the use on containers of his preparation of any fictitious or misleading price. (2966)

**S & Z Manufacturing Company**—Sidney and Albert Saltz and Joe Zimmerman, trading as S & Z Manufacturing Company, 230 South Franklin St., Chicago, sweater manufacturers, have entered into a stipulation with the Federal Trade Commission to cease and desist from use of the word "Kamelo" as descriptive of products not made from fabric composed of camel hair; and from use of the word "Kamelo" or any derivation or simulation of the word "Camel," alone or with other words, so as to imply that the products so referred to are made from fabric composed of camel hair. The respondent co-partners also stipulate that they will cease offering or selling any product made in whole or in part of rayon without clear disclosure of such rayon content. (2968)

**Signet Stationery Company**—William J. Brewer, trading as Signet Stationery Company, 213 State St., Binghamton, N. Y., engaged in the sale and distribution of stationery, letterheads and envelopes, has entered into a stipulation in which he agrees to cease and desist from use of the statement "14-Karat Gold Point" as descriptive of a pen which actually is not composed of gold of such indicated karats fineness, and from use of the mark "14-K" or any symbol of similar import as a stamp or brand for pen points or in advertising or printed matter, referring to pens, so as to imply that the pens or pen points are 14-karat gold.

The stipulation provides that if the pen or pen point actually is plated with gold of 14 karats fineness, the symbol "14-K," if used as descriptive of the plate, shall be accompanied by the words "gold plate" or similar words in conspicuous type to indicate clearly that the symbol refers to the plating of the pen or point.

The respondent also agrees to desist from use of the word "Tipped," either alone or in connection with the word "Durium" or the word "Warranted," or with other words to imply that the pen to which the words refer has been headed, pointed or tipped with a substance known as "Durium" or with any superior, hard or other metal, different from the body of the pen, to insure smooth writing and lasting quality.

The respondent also agrees to discontinue certain misrepresentations as to the sale price of his products. (2962)

**Sloat Perfume Company**—Donald Sloat, trading as Sloat Perfume Company, Chicago, has entered into a stipulation with the Federal Trade Commission to cease and desist from using either of the words "Importers" or "Manufacturers" as descriptive of his business, and the words "Dorian of London," "Etoile Du Soir," "Celeste Nuit," "Rejouir" or "Blue Hawaii" as descriptive of products of domestic origin. (2965)

**United Box Corporation**, 114 West 26th St., New York, a corporation engaged as jobber in the sale and distribution of corrugated fiber boxes, has entered into a stipulation in which it agrees to cease and desist from stamping or marking its boxes, or causing them to be marked or stamped, with the purported certification of a box maker or manufacturer, together with such use of its corporate or trade name "United Box Corporation", as may tend to create the impression that it is the maker of the boxes.

The respondent also agrees to discontinue the use as a mark or stamp on its boxes or otherwise, in connection with their sale, of the word "Maker" or any words of similar meaning, so as to imply to purchasers that the respondent actually owns and operates or directly and absolutely controls the plant or factory in which the boxes are made or manufactured. (2961)



**Vapo-Cresolene Company**, Chatham, N. J., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from representing, directly or by implication, among other things, that administration of its preparation "Vapo-Cresolene" constitutes a competent treatment or effective remedy for colds, or that it is such a treatment or remedy for spasmodic or ordinary croup, whooping cough, "children's diseases," pneumonia or bronchial pneumonia, "chest complaints," influenza or deep chest colds.

The Vapo-Cresolene Company further agrees to cease representing, directly or by implication, that Vapo-Cresolene is a competent remedy or effective treatment for bronchitis or is of any therapeutic value in treating it in excess of affording temporary relief to the membranes of the mucous lining of the bronchial tree in cases of bronchitis due to colds; that it is of any benefit in the treatment of all types of asthma; or, by failure properly and clearly to explain and limit its claims, that the product will be effective in the treatment of asthma, due to allergic or cardiorenal conditions, or that it affords the greatest relief from asthma available. (02661)

### FTC DISMISSES CASE

The Federal Trade Commission has dismissed a complaint against Good Humor Corporation of America, Maspeth, Long Island, N. Y., Popsicle Corporation of the United States, New York, and their exclusive licensing agent, Joe Lowe Corporation, New York, it appearing that the allegations of the complaint had not been sustained by the evidence. The complaint had charged violation of Section 5 of the Federal Trade Commission Act and of Section 3 of the Clayton Act in the licensing of machinery and equipment in connection with the sale of frozen stick confections.

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### THE WEEK IN WASHINGTON

Radio's 20th Birthday Party starts Monday, November 11. Stations throughout the country are making plans for a gala celebration. (p. 4757.)

BMI bonus transcriptions have gone out to all member stations. Full use should be made of them. Advertising contracts entered into between now and January 1 should be revised to take care of a change in the music situation. BMI tunes grow more and more popular. (p. 4759.)

Sustaining performers need not be paid under the Wage and Hour Act under certain conditions. The Wage and Hour Division's latest opinion on this matter takes care of the hill billy situation. (p. 4766.)

Miss Harriet Elliott in charge of the Consumer Protection Division of the National Defense Advisory Commission praised radio in a recent speech over station WBIG. (p. 4767.)

A new "Results From Radio" study is going out to all members. The canned pea industry is attempting to obtain free time for advertising. The Advertising Federation of America launches an offensive against attacks on advertising. (p. 4768.)

The NAB has assembled a great deal of information on the cost and operating expense of recording equipment required by the FCC for international short-wave broadcasters. Other broadcasters may be interested. The NAB Insurance Committee has sent out a questionnaire to facilitate its work. Broadcasters of the Eleventh District will meet in Minneapolis, Friday, November 15. (p. 4769.)

The FCC says that more than 27,000,000 persons will be in the potential audience of the 15 FM stations now authorized to go on a full commercial basis as soon as practicable. (p. 4770.)

they were broadcasting to the public twenty years ago . . . that each was on the air at that time transmitting voice communication by radio for public consumption.

There may have been additional stations, not in existence today, which were in operation then. We don't know. The important thing is that there is no argument that in the year 1920, there were a sufficient number of stations operating to justify marking that year as the beginning of broadcasting.

These thirteen stations, arranged alphabetically by cities, are:

- 1—Albuquerque—KOB
- 2—Dallas—WRR
- 3—Denver—KLZ
- 4—Detroit—WWJ
- 5—Madison, Wis.—WHA
- 6—Northfield, Minn.—WCAL
- 7—Oklahoma City—WKY
- 8—Pittsburgh—KDKA
- 9—Pittsburgh—KQV
- 10—San Jose—KQW
- 11—Spokane—KHQ
- 12—Tuscola, Ill.—WDZ
- 13—West Lafayette, Ind.—WBAA

As of October 1, 1940, there were 810 broadcasting stations in operation in the United States. Construction permits numbered 54.

We sincerely believe that the promotion which you put back of Radio Birthday will be repaid many fold. Here's to your success and some birthday news:

#### Kansas City Plans

Kansas City, Mo., is going to celebrate Radio's 20th Birthday.

Jerry Weston, veteran secretary-manager, The Electric Association of Kansas City, is carrying the torch for this promotion.

His first bulletin, Nov. 1, addressed to local radio distributors said in part:

"Are you in on the local cooperative program to tie-in with the big national activity sponsored by the National Association of Broadcasters? It's 20 days for Radio's 20th Birthday.

"The local program, as worked out by a committee of broadcasters, dealers and distributors is outlined on a sheet enclosed."

Bulletin No. 2, on Nov. 4, announced "Friday's Radio Rally," Nov. 8, at the Hotel President. This also stated that window posters were being printed and that addi-

(Continued on page 4758)

## Radio's Birthday

For 20 days beginning with next Monday, November 11, the radio industry will celebrate its twenty years existence.

Thirteen stations now in operation have reported that

Neville Miller, *President*C. E. Arney, Jr., *Assistant to President*Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## RADIO'S BIRTHDAY

(Continued from page 4757)

tional letters had gone to the trade and broadcasters in the Missouri-Kansas territory.

On the same date a bulletin went to every dealer selling radios in greater Kansas City. "You and all of your salesmen who sell radios", it stated, "are urged to attend the FREE RADIO RALLY."

"This is the first big Radio Rally ever called in Kansas City—a call for all broadcasters, distributors, dealers and radio salesmen to pool their efforts in a common radio celebration."

The plan was printed on one sheet and attached to the several bulletins. It is reproduced below because of its excellence and in the hope that it may inspire similar activities.

Jerry Weston is a past master at this sort of promotion and the plan will deliver:

### Radio's Birthday Party, November 11-30, 1940 Greater Kansas City Celebration

**POSTER**—A window poster will be given to every dealer by his distributor. Enough posters will be made for distribution by distributors to their territorial dealers.

**WINDOW CONTEST**—For Greater K.C. dealers, with cash prizes of \$25, \$15, and \$10, for best illustrating the 20 years' progress of radio. Originality and simplicity will count heavily, so small dealers have as good a chance to win as large dealers. The window poster must be used with the window display. The old vs. new might be the dominant theme in the display, and perhaps an invitation to come in and hear the difference.

**OPENING MEETING—FRIDAY, NOVEMBER 8, 8 P. M.**, Hotel President. Lip-smacking refreshments FREE to radio salesmen, dealers, distributors, and broadcasters. The one and only TOM COLLINS as principal speaker—one of the best humorous speakers anywhere—in demand all over the middle-west. Cash attendance prizes.

**FOLLOW-UP MEETING—FRIDAY, NOVEMBER —, 8 P. M.** Free refreshments. Speaker, Dr. G. W. Allison of New York City—one of the best inspirational speakers anywhere—in demand from coast to coast.

**ADVERTISING**—Every ad, radio or newspaper, by a distributor or dealer, should call attention to Radio's 20th Birthday—celebrating 20 years' radio progress the American way, or words to that effect.

**RADIO ADS**—There'll be some big national radio programs, etc., telling the public about Radio's 20th Birthday Party. Greater K.C. broadcasters will cooperate, too, so there should be plenty on the air.

**PUBLICITY**—It is hoped to have some newspaper publicity, as the public is interested in radio and its progress the past 20 years under the American system of broadcasting.

**SPONSOR**—The Electric Association of K.C., HA 5737, is sponsoring the local activity, but all dealers, salesmen, broadcasters, and distributors in Greater K.C., whether they are members or not, are urged to pitch in and cooperate to the limit, in every way possible.

Prizes, printing and mailing costs were assumed by the cooperating distributors through The Electric Association.

## "Radio Today" Helps

When O. H. Caldwell, editor, *Radio Today*, said that he would give the industry a hand in the promotion of Radio's 20th Birthday, we counted on the good Doctor to come up with something extra special. And he did.

Dr. Caldwell got under way last Monday, November 4, over NBC-Blue, at 7:15 with some radio magic figures that are well worth repeating over any station. Other Radio Birthday broadcasts will be featured on successive Fridays at 7:30 p. m., beginning November 15. Here are several quotes from the script:

"If the 7,000,000 automobiles now equipped with radios, were to form an auto parade, bumper to bumper, it would extend 30,000 miles, and stretch around the world with a couple of continents to spare. To accommodate such a display of autos would require ten Lincoln Highways, reaching from coast to coast."

"The 350,000 wage earners on radio's payroll equal the total number of wage earners in a city the size of Detroit or Cleveland. A whole city the size of Los Angeles derives its support from radio."

"If all 80,000,000 radios built during the past 20 years were to come off a single production line, that line would be 60,000 miles long, reaching twice around the globe and twice across the North American continent. Piled on top of each other, those 80,000,000 sets would reach upwards 30,000 miles—or 200 times as high as the Heaviside-Kennelly radio reflecting layer of the upper atmosphere."

"Modern radios cost about \$1.50 per pound, on the average. This is about equal to the 'price per pound' of fine candy,—or average books or novels."

"All radio broadcasts that have been put on the air during the past 20 years are still traveling out through the ether in the direction of the stars, at a velocity of 186,000 miles per second. But so far, these programs haven't gotten very far, as inter-stellar distances go,—only about 20 light-years, which means that only a few nearby stars like Alpha Centauri, Sirius, 31 Cygni and other comparatively near neighbors of our sun, yet know that any such thing as broadcasting exists here on earth."

"With 1200 different new radio-receivers models being offered by the radio manufacturers of America, in their 1941 lines, a tremendous variety of choice is made available for retail buyers, just as the most important listening season in all radio's history opens up.

"Looked at as a vast 'radio show,' these 1200 radio-set offerings would fill the largest exposition building erected at either of the recent World's Fairs. Allowing



four feet to a model, some 4,800 ft. of aisle displays would be taken up, nearly a mile of continuous, unduplicated displays!

"And for the radio buyer who undertook to inspect this tremendous array of radio sets, if he allowed only two minutes for the study and scrutiny of each model, he would have to plan on 2,400 minutes or 40 hours of unremitting seeing! Taken in a succession of evenings say from 8 to 10:30 p. m., he would need two full weeks of radio-show going to make the rounds!"

### WCHS Promotion

Howard L. Chernoff, managing director, WCHS, Charleston, W. Va., has already started the promotion of Radio's 20th Birthday. While being interviewed by a station announcer on election eve he referred to the 1916 fiasco as being well-nigh impossible to happen today because of radio. This referred to the fact that candidate Hughes retired for the night believing he had won the election. He awoke to find that late returns overcame his lead and brought Mr. Wilson to the Presidency.

### Defense Transcriptions

Public recognition of the work radio is performing in recruiting skilled workers for National Defense will be made in a special Radio Birthday transcription to be mailed all stations late next week.

Be on the lookout for it! It's suitable for broadcast at any time up to the final day of the Radio Birthday observance on November 30. Chances are, you'll decide the tribute to you and the industry warrants repeating.

Short remarks by Harry B. Mitchell, president, United States Civil Service Commission, are preceded and followed by music of the U. S. Army Band.

### Prize Winner Participates

The American system of radio won't be forgotten during the Radio Birthday celebration. Neal Blake, Hartford, Conn., winner of the NAB essay contest on "The American System of Broadcasting—Why It Is Best for Americans", will be heard on WJZ-Blue network, Sunday, November 17, at 5:30 p. m. during "Behind the Mike" program.

The prize winning essay, an excellent exposition of American radio, was first presented publicly, in full, early this fall, over WTIC, the station which received the Blake entry. Award of the hundred dollar prize was made at that time.

**BMI**

### BONUS TRANSCRIPTIONS

BMI's transcription Bonus still seems to be the cause of some uncertainty in a few broadcasting stations. It

is important that all misunderstanding should be cleared away so that stations may use these transcriptions freely and get full benefit from them. Here is the whole story of the "Bonus" transcriptions:

Some months ago the BMI Board of Directors voted to distribute to all BMI member stations, entirely free of charge, 500 electrically transcribed titles that are not subject to ASCAP control. The directors charged the BMI officers with responsibility for preparing these transcriptions and delivering them to the member stations.

Every BMI station is entitled to use every one of these 500 numbers immediately upon receipt and will continue to be entitled to such use on and after January 1, 1941, for as long as the station remains a BMI licensee.

These transcriptions are prepared by six different transcription companies under an arrangement between them and BMI. The six companies are Associated Music Publishers, C. P. MacGregor, Lang Worth feature programs, Standard Radio, Thesaurus and World Broadcasting System.

The arrangement between these companies and BMI is as follows: BMI selects the pieces to be recorded and pays the cost of pressing the transcriptions and pays the musicians who perform the music for the recording. The transcription companies contribute their recording facilities.

Each transcription company, after it makes any of these BMI transcriptions, delivers them itself to all BMI members who subscribe to the library service of that transcription company. The BMI "Bonus" transcriptions are in addition to the number furnished under the contract of the transcription company with the station. For example, if a BMI member station has a contract with one of the transcription companies by which it is entitled to receive a total of 40 transcriptions by the end of 1940, and if that company makes 8 of the BMI "Bonus" transcriptions, then the BMI member station will receive 48 transcriptions from that transcription company.

The transcriptions made by companies with which the station does not have contracts will be delivered to the station by BMI.

Up to the present time 184 recorded titles have been shipped out as a part of this BMI bonus of 500. They are free of charge. They are available for use immediately by all BMI subscribers.

Some broadcasters have mistaken these bonus transcriptions as "samples", or not understanding the plan have failed to make full use of them. Check your library and your files to make sure that you have received all the "bonus" transcriptions shipped to date, and arrange to make full use of them. If you desire

any further information concerning the "bonus" transcriptions write direct to Broadcast Music, Inc.

## CONTRACTS

The NAB-4A Conference Committee in its deliberations on the Standard Order Blank Contract agreed that Section 6-c of the standard conditions must be revised because of its specific mention of "musical compositions . . . licensed by ASCAP." Chairman Harry C. Wilder has suggested that all stations not planning to take a new ASCAP license should revise any contracts entered into between now and January 1st on national spot and local business by rubber stamp or write-in provision to the following effect:

"Notice—This station does not expect to have a license from ASCAP after December 31, 1940. Advertisers should bear this in mind in the preparation of transcriptions for use on this station after that date."

The present wording of Section 6-c of the standard conditions probably does not imply that a station must have an ASCAP license. Also, Section 6-d provides that all program material be approved by the station. In spite of there being no apparent legal question involved, it is advisable to put all advertisers on notice to avoid any misunderstanding.

In addition to changing the provisions of Section 6-c on new contracts drawn between now and January 1st, stations are advised to communicate to advertising agencies and advertisers placing business directly with the station of their position with regard to music available for broadcast after December 31, 1940. NAB is advising transcription companies and station representatives of the situation as it applies to the building of transcribed programs for production after December 31.

An effort is being made to revise the entire Standard Order Contract at an early date.

### BMI FEATURE TUNES

November 10-18

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. I HEAR A RHAPSODY
6. YOU WALK BY
7. IT ALL COMES BACK TO ME NOW
8. COME DOWN TO EARTH MY ANGEL

*Practice Makes Perfect* has been handling itself now for several weeks without further assistance from BMI's professional staff. Left all by itself, it still stands number

one on the list of most played tunes in three papers and in third place in a fourth paper. It is a national best-seller, both in sheet music and phonograph records, and fifth among the biggest money makers in the automatic phonographs.

*There I Go* comes close behind it and has now joined it on the list of best sellers and coin machine money makers.

Other BMI numbers appearing on the "sheet" are, *I Give You My Word, So You're the One, The Same Old Story, I Hear a Rhapsody*, and *We Could Make Such Beautiful Music*.

On the Hit Parade survey last week *Practice* stood second and *There I Go* was number nine. This makes the eleventh week for *Practice* among the nation's leading hits.

We welcome to the BMI list of subscribers the following stations:

KFRU Columbia, Missouri

WBLJ Dalton, Georgia

WHKY Hickory, N. C.

BMI now has a new Broadway show in the works. It has acquired the publishing and radio rights to the songs from the new Leonard Sillman production, *All In Fun*, which is scheduled to open in New York at the Majestic Theater during Christmas week. *All In Fun* will star Phil Baker and Bill Robinson, supported by Imogene Coca, Jerry Lester, Pert Kelton, Betzie Beaton, and other top notch performers. The music is by Baldwin Bergersen, Irvin Graham, Will Irwin and John Rox, lyrics by June Sillman, Irvin Graham and John Rox, the book by Virginia Faulkner and Everett Marcy. The songs in the show are: *My Memory Started With You, Where Can I Go From You, It's a Big, Wide, Wonderful World, Quittin' Time, Love and I, Life With Father, Lazy Boy, Macumba, Before With Love*, and *I've Grown Up*. The show is already in rehearsal.

BMI is also publishing the music of the Princeton University Triangle Club show, *Many a Slip*. The Triangle Club is an undergraduate organization which writes and produces a musical comedy each year. During the Christmas vacation of the University, the club takes a trip during which the show is presented in leading cities across the country. Many members from Triangle Club shows have become nation-wide hits, such as *East of the Sun and West of the Moon, Love and a Dime, Ships That Pass in the Night*, and *Just One Hour More*.

The first performance of *Many a Slip* is scheduled for November 15th, the night before the Princeton-Yale football game. The music will be ready to go on sale at that time, and copies of the score will be sent to BMI stations.



Executive Director Thomas D. Green has issued from the American Hotel Association headquarters a plan prepared by Harry P. Somerville, Chairman of the A.H.A. Legislative Committee, to acquaint hotelmen with the program of BMI. This procedure follows the adoption of a resolution presented by Mr. Somerville at the Seattle convention authorizing President Franklin Moore to appoint a committee "to make a careful study of sources of music supply other than the ASCAP" and "to cooperate with any group or organization formed for the purpose of relieving users of copyrighted musical works from the imposition of such arbitrary 'fees'."

The communication which has been mailed to all the officers of the A.H.A., including State Secretaries, carries, in addition to a copy of Mr. Somerville's resolution adopted at the Seattle convention, a copy of a letter written to the A.H.A. Legislative Chairman by Neville Miller, President of the NAB.

Mr. Somerville suggests that Secretaries of each State or Regional Association act as a clearing house for their members as a means of acquainting the hotels that use music with the plan of BMI. On request, BMI will send all details of the plan to State or Regional Secretaries so that they in turn may pass along this information to their members.

Mr. Somerville has made the following statement:

"I am not recommending to the A.H.A. membership that they drop ASCAP licenses at this time. I do, however, recommend that they use BMI music as much as possible and then each individual hotel can determine whether or not they can get along without ASCAP music.

"I, personally, do not feel that this is the setting up of another monopoly, but rather that it will be a direct competitor with ASCAP and should be the medium of getting ASCAP to make more reasonable license fees. If they fail to do so, the probabilities are that a hotel could get along without ASCAP music, by simply using BMI.

"What their rates will be to the hotels when they finally adopt a commercial basis, I do not know. I do

feel, however, that they will be perfectly willing to make a very moderate charge compared to ASCAP's fees. At any rate, they will be willing to sit down and discuss the matter from a plain practical business standpoint."

Victor Arden, noted conductor, heard with his orchestra on many commercial programs, is making transcriptions for release to BMI subscribers. Mr. M. E. Tompkins, BMI's General Manager, has received the following telegram from him:

ACCEPT MY SINCERE THANKS IN APPRECIATION FOR YOUR MOST GRATIFYING AND ENJOYABLE RECORDING ASSIGNMENT. CONGRATULATIONS UPON THE SPLENDID ARRANGEMENTS BMI HAS MADE OF SO MANY INTERESTING SELECTIONS. CORDIAL WISHES. VICTOR ARDEN.

### NAB CATALOGUE

BMI this week sent out the following letter to its members:

Many of our member stations have inquired as to lyrics in English of various tunes which are in public domain.

As a partial solution of this problem and for your assistance immediately, we refer you to the work accomplished by Mr. Fitzgerald of NAB some years ago. All of the material distributed to broadcasters by NAB at that time had been very carefully checked and most of our stations received this music.

Under separate cover we are sending out sets, which may duplicate those you already have in your libraries, for whatever purpose this material may serve.

Attached is a list of this music alphabetically arranged by title which we will call LIST NO. 3 (NAB). Part 1 is music with lyrics and Part 2, music only. In many instances the lyrics mentioned can be used by your singers with the orchestrations that have already been distributed.

From time to time we shall send out other English translations, and as time permits we shall issue new lyrics to replace those that were distributed by NAB.

The music without lyrics may prove of service to stations utilizing organists and pianists for fill-in, mood, background and stand-by music.

#### LIST NO. 3

#### PART 1, NAB

\* means "Copyright 1937"

For titles beginning with a, the, le, la, der, die, etc., see second word.

Title	Composer	Author	Arranger	NAB No.
*Abide With Me	Monk	Lyte	Fitzgerald	77
Ach Du Lieber Augustin	(Folk Song)			24
A Csap Utczan Vegig, Vegig, Vegig				400
Adeste Fideles	See "Come All Ye Faithful"			
All A Malom				418
*All Hail The Power Of Jesus Name	Holden	Perronat	Armington	248
*All Through The Night	(Old Welsh Air)		Fitzgerald	240
*Aloha Oe	Liliuokalani	Fitzgerald		13
Am I not Fondly Thine Own	(Du Du Liegst Mir Im Herzen) (German)			25
America		Smith	Wickett	140
And Ye Shall Walk In Silk Attire		Blamire		310
Annie Laurie	Scott	Douglass		142

Title	Composer	Author	Arranger	NAB No.
Auf Wiederseh'n	Pinsuti	Weatherly		407
Auld Lang Syne				144
Ave Maria	Bach-Gounod			10
Ave Maria	Schubert			90
Az Egri Menes				417
Azert Csillag, Hogy Ragyogjon				396
*Barbara Allen		Fitzgerald		159
Banbury Cross	Wellings	Oxenford		337
*Barcarolle (Tales of Hoffman)	Offenbach	Barbier (Fr.) Fitzgerald (Eng.)	Fontaine	181
Beautiful Dreamer (Serenade)	Foster			3
Bedouin Love Song	Pinsuti			315
*Believe Me If All Those Endearing Young Charms	Moore		Fitzgerald	18
Billy Boy				158
*Blessed Be The Tie That Binds	Naegeli	Fawcett	Armington	217
*Blue Evenings	Fitzgerald & Fontaine			98
Bohemian Girl	See "Then You'll Remember Me"			
Bonnie Banks Of Loch Lomon', The	(Old Melody) Words from about 1746			151
Bridal Chorus (Lohengrin)	Wagner	Oxenford		79
*Buffalo Girls			Fitzgerald	157
Camptown Races	Foster			97
Carmen	See "Habanera"			
*Carry Me Back To Old Virginny	Bland		Fitzgerald	71
*Ciribiribin	Pestalozza	Fitzgerald	Fitzgerald	96
Clare De Kitchen	Rice			401
Cleaning House				328
*Columbia The Gem Of The Ocean	Shaw	Becket	Fontaine	143
Come Back To Erin	Barnard			34
Come, Come, Come (Kommt Heran)	(Folk Song)			177
*Comin' Thru' The Rye			Wickett	291
Come Where My Love Lies Dreaming	Foster			66
Comrades	McGlennon	McGlennon		325
Cradle Song	Brahms (Copyright 1936)		Fitzgerald	109
*Crow Song, The			Wickett	266
Cserebogar, Sarga Cserebogar				392
Csillag Ragyog, Holdvilag Van				397
*Dark Eyes (Orche Tchornia)		Fitzgerald	Tarnovsky	14
*Darling Nellie Gray	Hanby		Fitzgerald	20
*Deep River	Fitzgerald—revised words and music			15
De Ole Ark A-Moberin' Along				253
*Dixie Land	Emmett		Fitzgerald	206
Doxology	See "Praise God"			
*Drink To Me Only With Thine Eyes (Old English Air)		Ben Johnson	Fitzgerald	41
Du Du Liegst Mir Im Herzen	See "Am I Not Fondly Thine Own"			
Edes Anyam, Ha Bejon Egerbe	Laszlo			438
Edes Anyam Is Volt Nekem	Notaja			415
Eg A Kunyho Ropog A Nad	Laszlo			399
*Elegy	Massenet	Fitzgerald		65
Evening Star (Tannhauser)	Wagner			107
Faluvegi Csarda				385
Farewell Dear Love	See "Auf Wiederseh'n"			
Faust	See "Soldier's Chorus"			
*Flow Gently Sweet Afton	Spilman	Burns	Fitzgerald	272
Flying Trapeze, The				100
Foreigner With His Clarinet, The	Thorpe			351
Four Little Girls Went Sweeping				327
Fritz and Spitz				220
*Frog He Would A-Wooing Go (A)			Armington	222
*From Greenland's Icy Mountains	Mason	Heber	Armington	243
Girl I Left Behind Me, The	"Brighton Camp" 1760?			136
*God Be With You Till We Meet Again	Tomer	Rankin	Fitzgerald	127
*Go Down Moses	(Negro Spiritual)		Fitzgerald	27
Go In And Out The Window	See "Cleaning House"			
*God Rest You Merry Gentlemen	(Old Carol)		Fitzgerald	50
Golondrina, La	Serradel			105
Good Bye!	Tosti	Whyte-Melville		311
Good Bye, Liza Jane				363
Dood News De Chariot's Comin' (Negro Spiritual)				31
*Good Night Ladies			Wickett	205
*Go 'Way Old Man	McHenry		Wickett	405
*Grandfather's Clock	Work		Fitzgerald	39
*Guard My Journey Home	Dvorak	Fitzgerald	Fontaine	63
(Largo from the New World Symphony Op. 95, No. 5)				



Title	Composer	Author	Arranger	NAB No.
Habanera* (Carmen)	Bizet			164
Hail Columbia		Hopkinson		313
Hallelujah Chorus (Messiah)	Handel			128.65
Hamis Az En Babam Lelke				416
Hannah Boil Dat Cabbage Down	Lucas			404
*Harp That Once Thro' Tara's Halls, The		Moore	Fitzgerald	342
Has Sorrow Thy Young Days Shaded		Moore		216
Hey Diddle Diddle				331
Hickory Hickory Dock				330
Hullamzo Balaton Tetjen				393
Humpty Dumpty				23
I Cannot Sing The Old Songs	Claribel	Claribel		146
Ich Liebe Dich (I Love Thee)	Grieg	Gray		82
I Dreamt I Dwelt In Marble Halls	Balfe	(Bohemian Girl)		45
*I-Eel			Fontaine	204
I'll Take You Home Again Kathleen	Westendorf (Copyright 1936)		Fitzgerald	84
I Love To Tell The Story	Fischer	Hankey		49
I Love You So	Lehar	Ross		102
*Inching Along			Wickett	255
In Dat Great Gittin' Up Mornin'	Towe			28
I Need Thee Every Hour	Lowry	Hawkes		249
Ingle Side, The	Wiesenthal	Ainslie		273
In Old Madrid	Trottere	Bingham		198
*In The Evening By The Moonlight	Bland		Fitzgerald	38
*In The Gloaming	Harrison	Orred	Fitzgerald	85
*It's A Way We Have At Old Harvard			Fontaine	202
*Jesus, Lover Of My Soul	Marsh	Wesley (?)	Armington	247
Jim Along Josey				402
*Jingle Bells	Pierpont		Fitzgerald	137
*John Peel (Old English Hunting Song)			Fitzgerald	36
*Juanita (Spanish Melody)		Norton		74
Kaka Toven Kolt A Rucza				419
Kathleen Mavourneen (Ballad)	Crouch			138
Keep In De Middle Ob De Road	Hays	Hays		259
Keep Me From Sinking Down				254
Kerry Dance, The	Molloy			108
Kis Madar Dalol Az Agon	(Mar en nem beszelek nagyon)			394
Kitettek A Holttestet Az Udvarra				414
*Kol Nidre (O Day of God)		Fitzgerald	Fitzgerald	94
Last Rose of Summer, The (Old Irish Air)		Moore		73
Lead Kindly Light	Dykes	Newman		53
Little Annie Rooney	Nolan			316
*Little Brown Church, The	Pitts		Wickett	336
Little Brown Jug				17
Little Jack Horner				21
Little Old Cabin In The Lane	Hays	Hays		154
Lohengrin	See "Bridal Chorus"			
London Bridge				22
*Londonderry Air (Old Irish Air)		Fitzgerald	Fitzgerald	75
*Long Long Ago	Bayly		Fitzgerald	55
Lost Chord, The	Sullivan	Proctor		62
*Love's Lullaby	Scotland	Fitzgerald	Fontaine	269
Love's Old Sweet Song	Molloy	Bingham		112
Lullaby	Emmet			304
Lyuk, Lyuk, Lyuk, Lyuk				411
Maros Vize Folyik Csendesen				384
Mary and Martha				251
Merry Widow Waltz	See "I Love You So and Vilia"			
Mikado	See "Wandering Minstrel, A"			
Minstrel Boy, The	Moore (?)	Moore		215
*My Faith Looks Up To Thee	Mason	Palmer	Armington	250
My Heart At Thy Sweet Voice	Saint-Saens	(Samson and Delilah)		67
My Lord What A Morning (Negro Spiritual)				32
My Old Kentucky Home	Foster			8
My Sweetheart's The Man In The Moon	Thornton	Thornton		343
Nancy Lee	Adams	Weatherly		129
*Nearer My God To Thee	Adams		Wickett	246
Nem Loptom En Eletembe				395
Ninety and Nine	Sankey	Clephane		48
Nobody Knows The Trouble I've Seen (Negro Spiritual)				29
*None But The Lonely Heart	Tschaikowsky	Fitzgerald		93
(Nur Wer Die Sehnsucht Kennt) (Op. 6, No. 6)				
Not E'En Angels—Nicht Mit Engeln	Rubinstein	Stigand		87
(German Lyrics by F. Bodenstedt—from Persian by Mirza-Schaffy)				

Title	Composer	Author	Arranger	NAB No.
*O Come All Ye Faithful O Day of God	Reading See "Kol Nidre"	Oakley	Fitzgerald	52
*O Dem Golden Slippers Oh, Susanna	Foster	Bland	Fitzgerald	207 5
Oh, Wasn't Dat A Wide Riber				257
Old Black Joe	Foster			64
Old Dan Tucker				403
*Old English Round			Fontaine	4
Old Folks At Home	Foster			6
Old King Cole				11
Old Oaken Bucket, The	Kiallmark			135
One Sweetly Solemn Thought	Ambrose	Carey		51
On The Banks Of The Old Raritan				359
Onward Christian Soldiers	Sullivan (1872)			141
On Wings Of Song	Mendelssohn			72
Pagliacci	See "Vesti La Giubba"			
Palms, The	Faure			340
*Paloma, La	Yradler	Fitzgerald—revised lyrics		165
*Polly Wolly Doodle			Fitzgerald	169
Pop Goes The Weasel				99
*Praise God From Whom All Blessings Flow	Bourgeois	Ken	Fitzgerald	145
Queja, La (Il Lamento)	Vilanova			317
Reuben and Rachel	Gooch	Biech		262
Rigjag Jigjag				261
Ring, Ring De Banjo!	Foster			131
Rock'd In The Cradle Of The Deep	Knight			324
Rock of Ages	Hastings	Toplady		35
Roll, Jordan Roll				256
*Rose Of The Valley, The			Fontaine	152
Samson And Delilah	See "My Heart At Thy Sweet Voice"			
Santa Lucia (Neapolitan Song)				110
Schnick Schnack	Reinecke			211
See The Cook				329
Serenade	Schubert			56
Shew Fly	Campbell	Reeves		267
Silver Threads Among The Gold	Danks	Rexford		270
Sing A Song Of Six-Pence	Elliott			264
Sleep Baby Sleep				103
Sleep, Darling, Sleep (Schlaf, Kindlein, Schlaf)				406
Softly Now The Light Of Day	von Weber	Doane		42
Soldiers' Chorus (Faust)	Gounod			126.66
Solveig's Song	Grieg			111
Songs My Mother Taught Me	Dvorak			12
*Son Of A Gambolier			Fontaine	203
Spanish Cavalier	Hendrickson			263
Star Spangled Banner	Smith	Key	Fitzgerald	120
Steal Away (Spiritual)				30
Still As The Night	Bohm			68
Sweet and Low	Barnby	Tennyson		170
Sweet Evelina				268
*Swing Low Sweet Chariot (Spiritual)			Fitzgerald	33
Tar's Farewell, The	Adams	Burnand		37
This Old Time Religion				258
Temetoben Lattalak Meg				383
Ten Little Injuns	Winner			353
Then You'll Remember Me	Balfe	(Bohemian Girl)		69
*There's A Letter In The Candle	Coote	Clarke	Wickett	295
*There's Music In The Air			Armington	455
*Tooriletoo			Wickett	294
Turn Back Pharoah's Army				252
Uncle Ned	Foster			7
Upidee				148
*Valley Lay Smiling Before Me	Moore		Fontaine	139
Air—The Pretty Girl Milking Her Cow				
Vesti La Giubba (Pagliacci)	Leoncavallo			301
Vilia	Lehar			70
*Vive L'Amour			Fontaine	352
Wait Till The Clouds Roll By		Fulmer	Wood	339
Wandering Minstrel, A (The Mikado)		Gilbert and Sullivan		83
When You And I Were Young, Maggie	Butterfield-Johnson			106
Where Did You Get That Hat?	Sullivan (Joseph)			260
Where Has My Little Dog Gone	(Lauterbach)			26
Whispering Hope	Hawthorne	(Vocal Duet)		54.58



Title	Composer	Author	Arranger	NAB No.
*Yankee Doodle			Fitzgerald	133
*Yield Not To Temptation	Palmer		Wickett	228

LIST NO. 3  
PART 2, NAB

Title	Composer	Arranger	NAB No.
Aida	See "Triumphal March"		
*Amelia Waltz		Fontaine	104.28
Angel's Serenade	Braga		235.26
Anitra's Dance (Peer Gynt Suite)	Grieg		116.28
Apache Dance	Offenbach		171.28
*Arkansas Traveler		Fitzgerald	156.28
Artist's Life (Op. 313)	Strauss		166.28
Ase's Death (Peer Gynt Suite) (Op. 46, No. 2)	Grieg		115.28
Ave Maria—Intermezzo (Cavalleria Rusticana)	Mascagni		119.28
Beautiful Blue Danube (On The) (Op. 314)	Strauss		9.28
*Berceuse	Godard	Wickett	76.28
The Campbells Are Coming			161.28
Cavalleria Rusticana (Melodramma in un Atto)	Mascagni		300.
Cavalleria Rusticana	See "Ave Maria"		
Cavatina (Op. 85, No. 3) (Violin & Piano)	Raff		309.26
Consolation (Songs without Words)	Mendelssohn		306.28
Coronation March (Le Prophete)	Meyerbeer		125.28
Devel's Dream			153.28
Du Und Du—You And You (Op. 367) (Die Fledermaus)	Strauss		121.28
Entr'acte Gavotte (Mignon)	Thomas		323.28
Estudiantina (Waltzes)	Waldteufel		149.28
Fisher's Hornpipe—Sailor's Hornpipe			134.28
Fledermaus, Die	See "Du und Du—You and You"		
*Flight Of The Bumble Bee (Tsar Saltan)	Rimsky-Korsakov	Wickett	308.28
Funeral March	Chopin		81.29
Garry Owen			307.28
Gondoliera, La	Liszt		60.28
*Gretchen's Party		Wickett	338.28
Hull's Victory			299.28
Humoresque	Dvorak		92.28
Hungarian Dance No. 5	Brahms		118.28
*Hymn To The Sun	Rimsky-Korsakov	Fontaine	101.28
In The Hall Of The Mountain King (Peer Gynt Suite) (Op. 46, No. 4)	Grieg		117.28
*Irish Washerwoman		Fitzgerald	160.28
Kammenoi-Ostrow	Rubinstein		168.28
Kathinka-Polka (Op. 210)	Strauss		410.26
Largo (Xerxes)	Handel		80.28
Larry O'Gaff			297.28
Liebestraum	Liszt		130.28
Lullaby	Emmet		304.
Lustspiel Overture (Op. 73)	Bela		167.28
*Madrid (Spanish Dance) (Op. 12, No. 1)	Moszkowski	Fontaine	321.28
March (The Magic Flute)	Mozart		123.28
Martha	Von Flotow		298.28
Meditation (Op. 72, No. 5)	Tschaikowsky		319.28
Melody (Op. 18, No. 1)	Moszkowski		348.28
Melody in F	Rubinstein		91.28
Menuet (Op. 14, No. 1)	Paderewski		89.28
Mignon	See "Entr'acte Gavotte"		
Minute Waltz (Op. 64, No. 1)	Chopin		86.28
Miss McLeod's Reel			271.28
Money Musk			356.28
Moonlight Sonata	Beethoven		58.28
Morning (Peer Gynt Suite) (Op. 46, No. 1)	Grieg		114.28
*Orientale	Cui	Wickett	1.28
Over The Waves	Rosas		390.28
Overture To Martha	See "Martha Overture"		
Peer Gynt Suite (See Sub-titles)			
Poems (Op. 41)	Fibich		2.28
Prelude in A <sup>b</sup> (Op. 28, No. 17)	Chopin		59.28

Title	Composer	Arranger	NAB No.
Rickett's Hornpipe			208.28
Romance (Op. 44, No. 1)			305.28
Rory O'Moore			296.28
Rustic Reel			162.28
Rustle Of Spring (Op. 32) (murmurings of Spring)	Sinding		61.28
Schwalben, Die (Op. 208)	Strauss		409.26
Serenade (Op. 15, No. 1)	Moszkowski		347.28
Serenade Badine	Gabriel-Marie		303.28
*Seville (Spanish Dance) (Op. 12, No. 2)	Moszkowski	Fontaine	341.28
Simple Aveu (Op. 25)	Thome		57.28
Skaters, The (Les Patineurs) (Waltz)	Waldteufel		132.28
Soldier's Joy			155.28
Song of India (Sadko)	Rimsky-Korsakov		16.28
Souvenir (1 for piano, 1 for violin)	Drdla		88.26
Spanish Dance See "Madrid" and "Seville"			
Sweetheart Waltz (Zigeunerbaron)	Strauss		122.28
Tales From The Vienna Woods (Op. 325)	Strauss		95.28
Triumphal March (Aida)	Verdi		320.28
*Turkey In The Straw		Wickett	19.28
Under The Double Eagle (March) (Op. 159)	Wagner		78.28
Valse Bleue	Margis		147.28
Vienna March	Clark		408.28
Vinton's Hornpipe			389.28
White Cockade			163.28
William Tell (Overture)	Rossini		113.28
Zigeunerbaron See "Sweetheart Waltz"			

## Labor

### SUSTAINING PERFORMERS

It is not necessary to pay hill-billies and other performers on sustaining programs, as long as their service is voluntary and they are performing for some benefit to themselves (plugs for dance engagements, personal build-up, etc.).

This was agreed at a conference this week between Wage and Hour Division attorneys and Joseph L. Miller, NAB labor relations director.

Some time ago, Col. Philip B. Fleming, Wage and Hour Administrator, issued a memorandum holding that all performers on sustaining programs, except those on remotes from hotels, were employees of the broadcasting stations and thus entitled to the minimum wage. (NAB REPORTS, p. 4612.)

A few weeks later, after the NAB had explained the situation, Col. Fleming issued another memorandum exempting "public service" program performers. He held that they were not employees. (NAB REPORTS, p. 4687.)

When Mr. Miller explained to the Wage and Hour attorneys this week what a headache it was for the broadcasters to try to keep all the books, set up Social Security accounts, etc., for minimum wage payments to all sustaining performers, the attorneys agreed that those performers need not be paid who:

- (1) Were not customarily paid or were in the category of performers not customarily paid; and
- (2) Whose performances were voluntary; and
- (3) Who derived some benefit (plugs, self-promotion, etc.) from their performances.

The attorneys did not concede that all these performers were not employees of the station. However, they said they would not prosecute any station for failure to pay these performers the minimum wage for the time being. If they did decide these performers should be paid, they said, the industry would be given adequate notice. In this event, they said, no prosecution would be retroactive.

### "STUDENT ANNOUNCERS"

Any station employing or contemplating the employment of "student announcers" will be interested in the following exchange of correspondence:

Mr. Joseph L. Miller  
 Director of Labor Relations  
 National Association of Broadcasters  
 Washington, D. C.

DEAR MR. MILLER:

During the summer vacation period we employed a \_\_\_\_\_ College student as a fill-in announcer, paying him in accordance with the wage and hour schedule. This young man plans to return to college this fall but during his off hours would like to further benefit his announcing technique by filling in at odd times. We do not plan to pay him for his time on duty although we will from time to time give him small gratuities in the way of cigarette money and pocket change. This boy might occasionally take a shift but only very occasionally. He is anxious to continue in the announcing field in the hope that after graduation he may find permanent employment, either here or at some other radio station.

We cannot afford to pay him the minimum wage because we



have a full staff. Actually his employment is to his advantage although it gives us a change of voice at various intervals which is desirable. So far as the boy is concerned he is delighted with the arrangement that we contemplate. On the other hand, some of these days he may be unhappy with it. Naturally we do not want a claim for back wages.

I'd like to have your opinion, and if you think it advisable, I would appreciate your submitting the case to the Wage and Hour Administration for ruling.

Very truly yours,

RADIO STATION \_\_\_\_\_.

This letter was forwarded to the Wage and Hour Division. The following opinion was received:

DEPARTMENT OF LABOR  
Office of the Solicitor  
Washington

November 2, 1940.

Mr. Joseph L. Miller  
Director of Labor Relations  
National Association of Broadcasters  
Normandy Building  
1626 K Street, N. W.  
Washington, D. C.

DEAR MR. MILLER:

Colonel Fleming has asked me to reply to your letter of September 18, 1940, enclosing a communication from a broadcaster member of your association inquiring if a student of a southern college may perform work as a "fill-in announcer" without being subject to the Fair Labor Standards Act. I regret that an earlier reply was not possible. You refer to a letter quoted in the Wage and Hour Reporter, Volume 3, Page 385, of September 9, 1940, to the effect that certain students of schools of journalism are not, under certain conditions, considered to be employees of the newspapers which are cooperating with the schools of journalism in giving practical experience to the students.

It appears from the information contained in the communication attached to your letter that the "fill-in announcer" is taking general academic training at the southern college and is not a member of a school which is preparing him to be a radio announcer. It is therefore our opinion that the letter quoted in the Wage and Hour Reporter to which you refer would not be applicable in the situation presented by you. If the "fill-in announcer" engages in performing actual work for the broadcasting company, it is our opinion that he is an employee under the broad definition of the employer-employee relationship in section 3(d), (e) and (g) of the act.

Very truly yours,

For the Solicitor,

BY /s/ RUFUS G. POOLE,  
Rufus G. Poole,  
Assistant Solicitor  
In Charge of Opinions and Review.

### OVERTIME EVASIONS ILLEGAL

Continuing to pay the same salary to workers for a 42-hour week after October 24 is a violation of the Fair Labor Standards Act, even though the employer makes a show of compliance through bookkeeping manipulations, Colonel Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, warned in a statement this week.

On October 24, the standard workweek was reduced to 40 hours, after which overtime at time and one-half the regular rate of pay had to be paid.

Colonel Fleming pointed out the illegality of adopting a bookkeeping rate for the purposes of the overtime provisions of the Wage and Hour Law and a different rate for actual payment.

"The Act requires that overtime must be paid at the rate of time and one-half the 'regular rate' of pay at which the employee is employed," Colonel Fleming said. "Time and one-half must be paid upon the rate at which the employee is actually employed and paid, and not upon a fictitious rate which the employer adopts solely for bookkeeping purposes."

These practices are violations of Section 7 and as such will subject the employer to the penalties prescribed in the Act, Colonel Fleming warned.

## National Defense

### DEFENSE COMMISSIONER PAYS TRIBUTE TO RADIO

When Miss Harriet Elliott, in charge of the Consumer Protection Division of the National Defense Advisory Commission, returned for a visit to her old home town, Greensboro, N. C., Director Edney Ridge of WBIG, arranged for Miss Elliott to go on the air. This she did on November 3 at 6:30 p. m.

What she said about radio and what it can do for "National Defense in the American Way," is both a tribute to our industry and an appreciation for its vast power for service.

"Here in the United States," said Miss Elliott, "we have freedom of speech, freedom of the press and the airways. Our government does not tell us what to say, what to read or which radio programs we may listen to. We do not need government permits for discussion groups or forums or lectures. We are a free people—free to think and talk and listen as we choose. This freedom is an actual instrument for the preservation of our democracy. Let us exercise it is educating ourselves on the human and political affairs of the day. Let us know the world we live in, and thus defeat confusion and misinformation by intelligence and understanding.

"Energetic and informed public opinion is a bulwark of democracy. Ignorance is a national liability. In time of emergency this weakness becomes a positive menace. Public interest and participation are first essentials in the democratic process.

"Today every channel of public information is striving to keep us informed on important national and international events. The newspapers report and analyze the news of the day, the radio brings us overseas and spot news broadcasts, the newsreels give us eye-witness accounts. They relay to our eyes and ears vivid pictures of world history in the making. We read, look and listen because these are interesting and exciting things.

"But we must also think about these events and their meaning for our present and future well-being as individuals and as a nation. We must discuss them fully,

openly, and calmly in our homes and in our public meeting places, if we are to prepare ourselves to meet their challenge.

"It is indeed fitting that I should be saying these things to you over the radio. Broadcasting, as we know it in the United States, has become a fundamental instrument and privilege of democracy. It is a demonstration of democracy in action. For example, I am speaking to you of my own free will, I am expressing my own ideas—you on the other hand are listening of your own free will. If you disagree with me or if you have heard enough you can turn the dial to another program or flip a little switch on your radio and I am no longer a guest in your home.

"The people of totalitarian nations do not have these privileges. Their radio is government controlled. Their sets are manufactured according to government specifications, and are designed to eliminate all but authorized broadcasts. They cannot get world news by short wave. Their news and information is interpreted for them in accordance with the will of a dictator. Their programs are chosen and planned for them and the people are ordered to listen. Failure to do so is a sign of disloyalty.

"In America the radio has performed a valiant service in helping to educate us in the meaning of democracy, and good citizenship. It has been instrumental in making available to millions of our people the world's best music, song, and dramatic entertainment. It has brought into the homes of America information, diversion and amusement.

"Besides the dissemination of timely news, the presentation of educational and cultural programs, and the offering of entertainment, radio has a definite responsibility in the present emergency to prepare America for total defense. Radio stations can cooperate with local organizations in the promotion and protection of human welfare in the communities they serve. They can encourage broadcasts by dietitians and food experts who can inform us what protective foods to eat and how to prepare them. They can help us develop physical fitness.

"Clear minds function well in strong bodies. We need to know more about body building foods. We should know when they are available and where they are abundant."

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Both sides of 7,000 U. S. Mail trucks soon will be displaying National Defense Man Power posters as a tie-in with the work of recruiting skilled workers by the nation's broadcast stations.

It is planned to have posters in position by November 15 for a run of fifteen days. During December they will be replaced with Christmas posters. In January the Man Power posters will be returned to the trucks.

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It may interest broadcasters that, where necessary, the Civil Service Commission gives special attention to the

procurement of housing facilities for skilled workers attracted by radio announcements.

When 850 men were put to work at the Rock Island, Ill., Arsenal in the past two months, it was necessary to make a housing survey throughout the Tri-Cities. Mail carriers did the job in fine style. Now 200 more men are needed in machinist and other skilled trades, and a new survey is probable.

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Watch for the Tribute to Radio transcription to be mailed next week.

## Sales

### BUREAU RELEASES NINTH STUDY

"Results from Radio," Volume 1, Number 9, is going out to all members from the Bureau of Radio Advertising. The latest study in the success story series deals with four different sponsors, all of whom used radio effectively to solve their various sales or distribution problems. Included are a flour mill, a drug store, and two department stores. Members who have not yet ordered their supply of these case histories are urged to use the order form which accompanies their sample copy of Trade Study No. 9.

### FREE OFFERS

The canned pea industry has apparently discovered radio, if we are to judge by recent activity on the "free offer" front. The Canned Pea Marketing Institute, through Theodore R. Sills & Company, Chicago, is asking stations to broadcast recipes and historical facts about canned peas—all on free time. This is the second offer involving canned peas referred to the Bureau of Radio Advertising by member stations in the past two weeks. The Sills Company is also an old offender, on behalf of other products, and the Bureau has suggested that they pay for time or withdraw their offer.

Shaffer Brennan Margulis Advertising Company, St. Louis, wants stations to act as clearing houses for mail orders and to guarantee results on a per-inquiry basis, for its client, Smith Mother Nature Brooder.

### AFA LAUNCHES OFFENSIVE AGAINST ATTACKS ON ADVERTISING

"It is the opinion of leaders in the Advertising Federation that advertising interests should launch an offensive against unscrupulous attacks against advertising, and that advertising has been on the defensive long enough."

This statement was made this week by Paul Garrett, vice president and director of public relations, General Motors Corporation, speaking in his new capacity as chairman of the Board of the Advertising Federation of America.



Continuing, he said:

"We know, of course, that advertising has its shortcomings. It is not all 99 44/100 per cent pure. Some of it might rate a good deal lower from the standpoint of ethics, but some mighty satisfactory progress has been made by organized advertising itself in raising the standards.

"At a meeting of the Federation Board of Directors in New York on Friday last, we took a little time to review the results of the thirty-five years' work by advertising men themselves through the Federation and other organized groups.

"We can well be proud of the housecleaning that has been done when we look back a few years at the conditions as of an earlier date compared with those of the present.

"The astonishing thing is that this broom-sweeping started because of the far-sightedness of those who had their money invested in the advertising business, or their jobs were dependent upon the business of advertising—and they are the ones who took the initiative and pushed the broom.

"Now that a grand job has been done, we find that the unfair criticisms are coming from outside sources—usually with an ulterior motive.

"Advertising leaders are by no means averse to criticism from those who mean to be constructive.

"Businesses with large and small investments in advertising welcome that kind of criticism and will profit by it."

Mr. Garrett stated that the Federation's program this year provides for a strong counter-attack, not only from national headquarters in New York, but from the numerous affiliated Advertising Clubs throughout the country.

The Federation's constructive work in the consumer field was presented in detail by the chairman of the Advisory Council of the Bureau of Research and Education, Allan T. Preyer. Mr. Preyer is vice president of the Vick Chemical Company. The ten-year educational program of the Bureau was reviewed and highly commended by the directors.

President Elon G. Borton told of his visits with Advertising Clubs in the middle west and southwest. He reported that he had personally contacted twenty-five clubs since the Federation's convention last June.

"We don't need to worry about our Advertising Clubs," he said. "They are keenly alert to the problems advertising is facing. They are taking their jobs more seriously than ever before. Many of them are carrying out highly constructive educational activities, both for the benefit of their own members and also with the hope of bringing about a better understanding of the functions of advertising among the consumers. It is my opinion that we can be very proud of the work which these clubs are doing. I know of no Federation club that is not sponsoring some activity for the improvement of advertising and the increasing of public acceptance of advertising."

Edgar Kobak, chairman of the Federation's Finance Committee, and J. A. Welch, Federation treasurer, reported on the finances. The Federation, they stated, is in a healthy financial condition, but both urged stronger support in order that the program might be extended.

## Miscellaneous

### LONG-TIME RECORDERS

In the October 18 issue of the REPORTS (page 4688), an item appeared to the effect that the Federal Communi-

cations Commission at the instance of the international short-wave broadcasters, had issued an order making mandatory the transcription of all programs carried over such facilities. This order presented to those engaged in international short-wave broadcasting a rather difficult recording problem.

NAB was asked to assemble information on the cost and operating expense of recording equipment that would efficiently and economically do the job. Questionnaires were sent to all concerns known by us to manufacture equipment adaptable to long-time, low cost recording. The problem presented was to get recording equipment for "record purposes only" and not for rebroadcasting. In other words, fidelity transcription was not essential. The records kept are merely for checking and protection purposes. Information with respect to these recording devices, capital outlay and operating costs are in our files and available to any and all broadcasters. It is thought possible that other than international short-wave broadcasters may be interested in this information in considering the advisability of keeping verbatim records of programs broadcast. We shall be very glad to make this information available to any interested members.

### INSURANCE COMMITTEE

The NAB Insurance Committee, under the leadership of its Chairman Roger W. Clipp of WFIL, has been active in carrying out the work assigned to it and has issued a confidential questionnaire designed to bring out information concerning the various types of insurance carried by the broadcasting stations. This questionnaire was mailed to each member on October 31 and each member is urged to fill in the questionnaire and return it. It is important that the Committee receive as large a number of these questionnaires, filled out, as possible because the Committee will then have a more complete tabulation of the radio broadcasting insurance risks.

The work to be covered by the Insurance Committee falls under four general classifications and these are:

1. Standardization of rates for various risks.
2. More clearly defined risks as applicable to broadcasters.
3. Establishment of the status of broadcasters for purposes of compensation rates.
4. Making available to broadcasters insurance which covers risks not specifically included in insurance policies that are being written today.

Besides Mr. Clipp, the Insurance Committee has as members, Mr. William I. Moore, WBNX; Charles A. Wall, NBC; C. R. Dean, CBS; J. R. Poppele, MBS.

### 11TH DISTRICT MEETING

Director Earl Gammons of the 11th District which embraces Minnesota, North Dakota and South Dakota,

has scheduled a District meeting to be held at Minneapolis on Friday, November 15. Pursuant to the policy of having a staff representative present wherever possible at District meetings, President Miller has designated Mr. Arney to attend this meeting.

### MORE ABOUT MEMBERSHIP

Just so all members will be up to date, the total membership of NAB is 489. This means that if we are to achieve our goal of 500 members by the first of the year, we have to get new members at the rate of almost two a week. We sincerely urge the cooperation of all of our present members in this objective.

## FEDERAL COMMUNICATIONS COMMISSION

### MORE FM GRANTS

More than 27,000,000 persons are embraced in the 110,000 square miles of potential service areas of the 15 frequency modulation broadcast stations initially authorized by the FCC to go on a full commercial basis as soon as practical, says the following FCC statement.

Varied geographic regions—from New England to the Pacific Coast and from the Great Lakes to the Gulf—are represented by the 10 states first slated to be able to listen to this newest type of broadcast.

Subject to certain engineering requirements, the following FM applicants are the first to receive Commission grants to go commercial:

Location	Applicant	Frequency (Kc)	Coverage (sq. mi.)	Population
Detroit	Evening News Ass'n	44,500	6,820	2,498,000
Los Angeles	Don Lee Broadcasting System	44,500	6,944	2,600,000
Schenectady	Capital Broadcasting Co., Inc.	44,700	6,589	967,700
New York	Marcus Loew Booking Agency	46,300	8,500	12,000,000
	National Broadcasting Co.	45,100		
Brooklyn, N. Y.	Wm. G. H. Finch	45,500	8,500	12,000,000
	Frequency Broadcasting Corp.	45,900		
Evansville, Ind.	Evansville On the Air, Inc.	44,500	8,397	465,000
Mt. Washington, N. H.	Yankee Network	43,900	31,000	2,000,000
Binghamton, N. Y.	Howitt-Wood Radio Co., Inc.	44,900	6,500	256,300
Baton Rouge, La.	Baton Rouge Broadcasting Co.	44,500	8,100	361,400
Columbus, Ohio	WBNS, Inc.	44,500	12,400	1,100,000
	Salt Lake City	Radio Service Corp. of Utah	44,700	623
Chicago	Zenith Radio Corp.	45,100	10,760	4,500,000
Milwaukee	The Journal Co.	45,500	8,540	1,522,000

Some of these stations have been operating experimentally and hope to start commercial operation almost immediately; the rest have construction work to do before going on the air.

Thirty-six additional applications are awaiting early action, the result of a rush of requests for high frequency broadcast facilities since the Commission, last May, paved the way for FM commercialization.

Meanwhile, the Commission is investigating the pos-

sibility of assigning identifying call letters to FM stations to distinguish them from standard broadcast stations.

Under Commission rules and regulations, FM stations are available to every community. They are not subject to the same interference as standard broadcast stations and, therefore, can operate on the same channel with less mileage separation. However, FM stations serving the same area are not assigned adjacent channels. As many as a dozen or more different FM stations using alternate channels may operate in a large metropolitan area.

These high frequency broadcast stations are authorized to serve a specified area in square miles. Service area is comparable in places where one or more such stations may be located. To obviate possible monopoly, and to encourage local initiative, no person or group is permitted to control more than one FM station in the same area, and not more than six in the country as a whole.

At the outset, the Commission is requiring a daily (except Sunday) minimum operating schedule for FM stations of at least three hours during the day and three hours at night. To demonstrate the capabilities of the new service, one hour a day at least must be devoted to programs not duplicated simultaneously in the same area, which means programs distinct from standard broadcast. Otherwise, FM operation is governed largely by standard broadcast rules.

FM (frequency modulation) will not interfere with standard broadcast (amplitude modulation). The two types of services are on different bands—AM in the lower part of the spectrum (550 to 1600 kilocycles), and FM in the higher frequencies (43,000 to 50,000 kilocycles). Introduction of FM does not make standard broadcast obsolete. FM has a more limited range and the rural areas particularly must continue to depend upon AM for years to come.

Because of their different positions in the spectrum, FM can not be received on standard broadcast receivers and vice versa. That is why certain manufacturers are making separate FM sets or a combination of the two. Besides being claimed static-less, FM offers more tone range than standard broadcast and has particular appeal to listeners who like fidelity of sound, such as in musical broadcasts. It also opens up new broadcast facilities to augment the congested standard broadcast band.

### FROM THE FCC MAIL BAG

(No. 17 of a series)

Various letters referring to discontinuance of broadcasts by the Rev. Charles E. Coughlin have been received by the FCC. In reply to these, the Commission reiterates that the censorship provision of the Communications Act places responsibility for the selection of program material upon the respective licensees, and the Commission cannot require a station to put any individual on the air or take him off the air.

In answering mail prompted by refusal of radio time, the Commission points out that the Act further provides that a broadcast station is not a "common carrier" such as is the telephone and telegraph. Consequently, a radio station is not required to make



its facilities available to a person or group, even though offer is made to purchase time. Unlike common carrier tariffs, broadcast station rates are not required to be filed with the Commission.

Under its statute, the Commission explains that it likewise lacks authority to oblige such current correspondents as:

The Louisville resident who complains about the commercial continuity of a certain tobacco program.

The Cincinnati listener who is apprehensive that particular commercial continuities "might influence children against law and order."

Residents of Lowell, Mass., and Duluth, Minn., who object to advertising liquor on the radio.

Various New Yorkers who request "free speech over the airways for real Americans."

A Baton Rouge, La., group which wants Sunday radio programs confined to religious features.

Detroit protest that radio chains bar certain patriotic music from the air.

The organization that registers indignation because it was not given opportunity to broadcast "an item of news of particular interest to local communities."

And the Connecticut man who is wrathful because his receiver is not functioning properly.

Because the Commission functions largely as a licensing agency, it cannot supply—

A list of stations which issue membership cards to listening clubs, as requested by a Californian.

A list of "approved" radio schools, as requested by a Chicagoan.

A certain radio script, as requested by a New Yorker, Program schedules, as requested by a Georgian.

By the same token, it is unable to pass judgment upon—

An original radio script written by a Philadelphian.

A device invented by an Ohioan to "revolutionize" radio.

A new patriotic song by an Illinois woman who wants it to open and close all radio programs daily.

Incidentally, Charles (Buddy) Rogers of Beverly Hills, Calif., is among those licensed by the Commission to operate radio aboard private aircraft. His particular call letters are KHBUD.

## FCC WORK ASSIGNED

The FCC has announced that the work, business and functions of the Commission for the month of November have been assigned as follows:

Commissioner Thompson: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Payne: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further 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; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments will be held before the Commission during the week beginning Monday, November 11. They are subject to change.

Thursday, November 14

Broadcast

Oral Argument Before the Commission

Report No. B-126:

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 100 watts LS, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Company, Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following future broadcast hearings. They are subject to change.

December 16

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., 630 kc., 1 KW night, 1 KW day, unlimited, DA night and day.

December 18

WMBD—WMBD Broadcasting Co., Assignor, Peoria, Ill.—Voluntary assignment of license of WMBD and portable-mobile stations WAIN, WEKH, WPEO, and WEKI to Peoria Broadcasting Co. (a Delaware Corporation), Assignee; operating on: WMBD—1440 kc., 1 KW night, 5 KW day, unlimited; WAIN—1622, 2058, 2150, 2790 kc., emission A-3, 25 watts night, 25 watts day, Section 4.24; WEKH—1622, 2058, 2150, 2790 kc., emission A-3, 50 watts night, 50 watts day, Section 4.24; WPEO—33380, 35020, 37620, 39820 kc., emission A-3, 1 watt night, 1 watt day, Section 4.24; WEKI—33380, 35020, 37620, 29820 kc., emission A-3, 10 watts night, 10 watts day, Section 4.24.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

Because of election there was no regular FCC meeting this week. The next regular meeting will be held Wednesday, November 13.

## MISCELLANEOUS ACTION

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 9:15 to 10 p. m., CST, Nov. 2, in order to broadcast Willkie speech only, using power of 1 KW (B4-S-507).

KGDM—E. F. Pepper, Stockton, Calif.—Granted special temporary authority to broadcast music between election return reports in addition to authority granted Oct. 28, permitting unlimited time operation the night of Nov. 5, in order to broadcast election returns only (B5-S-51).

KPRC—Houston Printing Corp., Houston, Tex.—Granted special temporary authority to operate with power of 5 KW night Nov. 5, in order to broadcast election returns to a larger listening area (B-3-S-408).

- WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to broadcast speeches of candidates for Governorship and Congress in addition to speech by Postmaster General the night of Nov. 2 (B1-S-810). Also granted special temporary authority to operate unlimited time on Nov. 5, in order to broadcast election returns only.
- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from 4 to 4:30 p. m., CST, Nov. 3, 10, 17 and 24, in order to broadcast program entitled "America Talks It Over" only (B4-S-946).
- WTSN—Hearst Radio, Inc., Milwaukee, Wis.—Granted special temporary authority to operate with 1 KW power from local sunset (4:30 p. m., CST, Nov.) on Nov. 5, to 6 a. m., CST, Nov. 6, in order to serve greater area for election returns broadcast (B4-S-614).
- WGBH—Onondaga Radio Broadcasting Corp., Portable-Mobile (area of Syracuse, N. Y.)—Granted license to cover construction permit (B1-PRY-225) authorizing a new relay station to operate on **1646, 2090, 2190, 2830 kc.**, 100 watts (B1-LRY-211).
- WOG—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.)—Granted license to cover construction permit (B1-PRY-216), which authorized installation of new transmitter; frequencies **1606, 2074, 2102, 2758 kc.** (B1-LRY-208).
- WAWU—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover construction permit (B1-PRE-342) which authorized new relay broadcast station; frequencies **31620, 35260, 37340, 39620 kc.**, power 100 watts (B1-LRE-327).
- Loyola University, Portable-Mobile (area of New Orleans, La.)—Granted construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts (B3-PRY-230).
- E2XD—General Electric Co., Schenectady, N. Y.—Granted modification of construction permit (B1-PVB-55) as modified, which authorized construction of new television station, for extension of completion date from November 12, 1940, to January 1, 1941; granted on experimental basis only, conditionally (B1-MPVB-27).
- KGKO Broadcasting Co., Portable-Mobile (area of Fort Worth, Tex.)—Granted license for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 75 watts (B3-LRY-210).
- WPEO—Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.)—Granted modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRE-65).
- WEKI—Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.)—Granted modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRE-66).
- KGKO Broadcasting Co., Portable-Mobile (area of Fort Worth, Tex.)—Granted license for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.**, power 2 watts (B3-LRE-329).
- Racine Broadcasting Corp., Racine, Wis.—Granted construction permit for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.**, power 10 watts (B4-PRE-355).
- W2XOY—General Electric Co., New Scotland, N. Y.—Granted license to cover construction permit for new high frequency broadcast station, **43200 kc.**, 1000 watts, special emission, granted on experimental basis only, conditionally (B1-LHB-63).
- WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted license to cover construction permit (B1-P-1140) which authorized a new station to operate on **1210 kc.**, 250 watts, unlimited time (B1-L-1247).
- WAGF—Dothan Broadcasting Co., Dothan, Ala.—Granted license to cover construction permit (B3-P-2829) which authorized installation of new antenna and move of transmitter (B3-L-1243).
- WEIC—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.)—Granted license to cover construction permit (B1-PRE-346) which authorized increase in power and installation of new transmitter in relay station (B1-LRE-391).
- WEHU—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio)—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-69).
- WRPM—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio)—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-71).
- WEHV—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio)—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-70).
- Amarillo Broadcasting Corp., Portable-Mobile (area of Amarillo, Tex.)—Granted construction permit for new relay broadcast station; frequencies **1622, 2150, 2058, 2790 kc.**, 21 watts, to be used in connection with applicant's standard broadcast station KFDA, Amarillo (B3-PRY-229).
- WTNK—WOAX, Inc., Portable-Mobile.—Granted license to cover construction permit (B1-PRY-193) for new relay station; frequencies **1622, 2058, 2150, 2790 kc.**, 50 watts (B1-LRY-195).
- Royal Miller, Portable-Mobile (area of Sacramento, Calif.)—Granted license to cover construction permit (B5-PRE-371) which authorized a new relay station; frequencies **30820, 33740, 35820, 37980 kc.**, 10 watts, to be used in connection with applicant's standard broadcast station KROY (B5-LRE-328).
- Royal Miller, Portable-Mobile (area of Sacramento, Calif.)—Granted license to cover construction permit (B5-PRE-371) which authorized a new relay station; frequencies **30820, 33740, 35820, 37980 kc.**, 10 watts, to be used in connection with applicant's standard broadcast station KROY (B5-PRE-371).
- WEHX—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio)—Granted modification of license to operate relay station in connection with standard broadcast station WCLE, Cleveland, as well as with standard broadcast station WHK, Cleveland (B2-MLRE-68).
- KFH—Radio Station KFH, Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462) authorizing increase in power, move of transmitter, etc., for change in type of transmitting equipment and move transmitter from 5 miles east of center of City, near Wichita, to RFD No. 3, Wichita, Kans. (B4-MP-1072).
- WNAB—Harold Thomas, Bridgeport, Conn.—Granted modification of construction permit (B1-P-2410) which authorized a new station for changes in equipment, approval of antenna and transmitter site (B1-MP-1052).
- WCED—The Tri-County Broadcasting Co., DuBois, Pa.—Granted modification of construction permit (B2-P-2665) which authorized a new station for approval of antenna, new transmitter, and studio and transmitter site at 80 No. Park Place, DuBois, Pa. (B2-MP-1054).
- W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted license to cover construction permit (B1-PHB-281), which authorized installation of new transmitter, antenna changes and move of transmitter (B1-LHB-66).
- WEIE—Havens & Martin, Inc., Portable-Mobile, area of Richmond, Va.—Granted construction permit to change type of transmitter and decrease power in relay station from 25 to 2 watts (B3-PRE-373).
- WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted construction permit to make changes in directional antenna system (B2-P-2992).
- WAJR—West Va. Radio Corp., Morgantown, W. Va.—Granted modification of construction permit (B2-P-2871) as modified, which authorized construction of a new broadcast station for change in type of transmitter (B2-MP-1091).
- WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243) as modified, which authorized increase in power and installa-



- tion of directional antenna for night use, for extension of completion date from November 5 to December 5, 1940; **950 kc.**, 5 KW, unlimited time (B1-MP-1090).
- WBLJ**—Dalton Broadcasting Corp., Dalton, Ga.—Granted modification of construction permit (B3-P-2776), which authorized a new broadcast station, for change in type of transmitting equipment.
- WOV**—Greater New York Broadcasting Corp., New York City.—Granted modification of construction permit (B1-P-2752) for authority to change type of transmitter (B1-MP-1070).
- WMVA**—Martinsville Broadcasting Co., Martinsville, Va.—Granted modification of construction permit (B2-P-2226), which authorized a new station to operate on **1420 kc.**, 100 watts night, 250 watts local sunset, unlimited time, for changes in antenna system, move of transmitter locally, extend commencement date to 30 days after grant and completion date to 90 days thereafter (B2-MP-1075).
- WMCA**—Knickerbocker Broadcasting Co., Inc., New York City.—Granted reinstatement of construction permit to install one new transmitter, make changes in directional antenna system, increase power from 1 KW unlimited time, to 5 KW local sunset, 1 KW night, and move transmitter to Belleville Turnpike, Kearny, N. J. (B1-P-2601), which was granted February 7, 1940, and which authorized commencement of construction on May 7, 1940. The permit expired under the terms thereof on October 7th; construction has been completed but proof of performance measurements extended over a greater period of time than was anticipated (B1-P-2996).
- Voice of Alabama, Inc.**—Granted petition to intervene in the hearing on the application for renewal of license for station **WAPI**, Birmingham Ala.
- Mohawk Radio, Inc.**, Schenectady, N. Y.—Granted motion to accept amendment with regard to corporate structure of applicant corporation, in re application for construction permit for new station to operate on **1210 kc.**, 250 watts, unlimited time.
- WHCU**—Cornell University, Ithaca, N. Y.—Granted special temporary authority to operate from 6 p. m. November 5 to 4 a. m. EST, November 6, 1940, in order to broadcast election returns only.
- WHEB**—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from 8:15 p. m. to 9:30 p. m. EST, November 2, 1940, in order to broadcast a speech by Postmaster General Walker only.
- WHIP**—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from 4 p. m. November 5 to 3 a. m., CST, November 6, 1940, in order to broadcast election returns interspersed with music. Also granted special temporary authority to operate from 4 p. m. to 10 p. m. CST, November 6, 1940, in order to broadcast speech by Ambassador Biddle and other material in connection with Paderewski Celebration.
- WHLD**—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted special temporary authority to operate from local sunset (November 5 p. m. EST) to midnight EST, November 5, 1940, in order to broadcast election returns only, using power of 250 watts.
- WICA**—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate from 5 p. m. to 6 p. m. EST, November 3, 10, 17, 24, and December 1, 1940, in order to broadcast Father Justyn's Rosary Hour only.
- WORL**—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 6 p. m. to 6:15 p. m. EST, November 3, 1940, in order to broadcast a speech by Mrs. Anthony Drexel Biddle only. Also granted special temporary authority to operate from 5 p. m. to 6 p. m. EST, November 3, 10, and 17, 1940, in order to broadcast the "Rosary Hour" only.
- WSAM**—Saginaw Broadcasting Co., Saginaw, Mich.—Granted special temporary authority to operate from 1 a. m. to 6 a. m. CST, November 6, 1940, in order to broadcast election returns and fill-in music only.
- WSAZ**—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate from 8 p. m. to 9:30 p. m. EST, October 31, 1940, in order to broadcast a political program only.
- KFBI**—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 11 to 12 p. m. CST, November 4, in order to broadcast Republican National Committee program only (B4-S-507).
- KNET**—Palestine B/c Association, Palestine, Texas.—Granted special temporary authority to operate from 5:30 to 11 p. m., CST, November 1, 8, 15, 22, and 28, in order to broadcast Palestine High School football games only (B3-S-878).
- KOAM**—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans.—Granted special temporary authority to operate from local sunset (November 5:15 p. m. CST) November 5 to 2 a. m. CST, November 6, in order to broadcast election returns, recordings and transcriptions (B4-S-943).
- KRKO**—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with station **KEVR** from 8 p. m. November 5 to 1 a. m. November 6, in order to broadcast election returns only (B5-S-56).
- KYOS**—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (November 5 p. m. PST), November 5, 1940, to 6 a. m. CST, November 6, 1940, in order to broadcast election returns only (B5-S-896).
- WEJI-WEJL**—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to communicate between the public address system booth in Madison Square Garden, and the announcer on the floor of the arena for the period November 7 to 13, in order to transmit close-up descriptive information concerning the annual National Horse Show to the audience.
- WFAS**—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with **WBRB** from 7:30 to 9:30 p. m. EST, November 1, in order to broadcast Democratic Rally sponsored by the Westchester County Trade Unions Committee only (B1-S-726).
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:45 p. m. to 11 p. m. EST, November 1, 1940, in order to broadcast program sponsored by the National Democratic Committee only. Also granted special temporary authority to operate from 5:45 p. m. to 6 p. m. EST, November 3, 10, 17, and 24, 1940, in order to broadcast the Rosary Hour only. Also granted special temporary authority to operate from 9 p. m. to 9:30 p. m. EST, November 3, 1940, in order to broadcast a program sponsored by the French-American Republican Club only.
- WFNC**—Cumberland Broadcasting Co., Fayetteville, N. C.—Granted special temporary authority to operate throughout the night of November 5, in order to broadcast election returns only (B3-S-1070).
- WHJB**—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 9:30 p. m. EST, to conclusion of speech by Senator Davis on November 2, in order to broadcast the speech only.
- WKBN**—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with **WOSU** from 8 p. m. to 12 p. m. EST, November 4, in order to broadcast political programs as described in telegram received October 30th only (B2-S-306).
- WSBN**—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with **WOSU** from 7 to 11 p. m. EST, November 1 and 2, in order to broadcast political programs as described in telegram received October 31.
- WLAW**—Hildreth & Rogers, Lawrence, Mass.—Granted special temporary authority to operate from 1 to 4 a. m. EST, November 6, and to broadcast recordings and transcriptions between election returns reports in addition to authority granted October 28, to operate from local sunset November 5 to 1 a. m. EST, November 6, in order to broadcast election returns only (B1-S-953).
- WRUL-WRUW**—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate on frequency **15250 kc.** for the period Nov. 1 to Nov. 10, pending installation of crystal for change over to **15350 kc.**
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 to 8 p. m., November 1, in order to broadcast program sponsored by David I. Walsh and from 10:45 to 11 p. m. November 2, and 8:30 to 8:45 p. m. EST, November 4, in order to broadcast programs sponsored by Massachusetts Democratic Committee only (B1-S-886). Also granted authority to operate from 10:15 to 11 p. m. EST, November 2, in order to broadcast programs Massachusetts and National Democratic Committee as described in letter of October 28; and to operate from 10 to 11 p. m. November 1 and from 7 to 8 p. m. EST, November 3, in order to broadcast political programs as described in letter of October 30.



- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Adopted Findings of Fact and Conclusions (No. B-123), and entered Final Order denying the application of KFIO for construction permit requesting authority to install a new transmitter, new antenna, and change frequency from 1120 to 950 kc., and increase power from 100 watts daytime only to 1 KW unlimited time.
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to broadcast commercial announcements between election result bulletins at 15-minute periods in addition to the authority granted Oct. 28 permitting operation from 10 p. m., Nov. 5, until trend of election is established (B4-S-682).
- KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 6:45 to 7 p. m., CST, Nov. 3, using 1 KW power, in order to broadcast program sponsored by Committee to Uphold Constitutional Government only (B4-S-507).
- WKPA—Allegheny-Kiski Broadcasting Co., New Kensington, Pa.—Granted special temporary authority to operate from 5 p. m., Nov. 5, to 3 a. m., EST, Nov. 6, in order to broadcast election returns only.
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate the equipment of international broadcast station WLWO with power input to the final stage of 100 KW, for the period not to exceed 30 days, in order to obtain data requested in connection with application B2-MLIB-40.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 to 7:15 p. m., EST, Nov. 2, in order to broadcast Willkie volunteer program only (B1-S-866). Also to operate from 7:15 to 7:30 p. m., on Nov. 2, in order to broadcast Paul Dever Campaign Committee program only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 11:15 p. m. to midnight, EST, Nov. 2, in order to broadcast Willkie political program only (B1-S-866).
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 10 p. m. to midnight, Nov. 4, in order to broadcast President's addresses, and from 6:30 p. m., Nov. 5, to 2 a. m., EST, Nov. 6, in order to broadcast election returns only (B1-S-748).
- WWJ—The Evening News Association, Detroit, Mich.—Granted special temporary authority to operate with power of 5000 watts the night of Nov. 5, in order to permit greater coverage for election returns broadcast (B2-S-315).
- WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Denied special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST), Nov. 5, to local sunrise (Nov. 6:45 a. m., EST), Nov. 6, in order to broadcast election returns and fill-in programs (B1-S-1055).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m., EST, November 4, 1940, in order to broadcast a political speech by Larson E. Cusick only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m., EST, November 4, 1940, in order to broadcast a political speech by Patrick A. Doyle, Democratic candidate for Congress, only.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST), November 5, 1940, to 6 a. m., EST, November 6, 1940, in order to broadcast election returns only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:45 p. m. to 9 p. m., EST, November 4, 1940, in order to broadcast Chicopee City Manager League program only.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to broadcast incidental recordings and transcribed musical programs during the intervals between election bulletins in addition to the authority granted October 28, 1940, to operate additional time in order to broadcast election returns only.
- KGLO—Mason City Globe Gazette Co., Mason City, Iowa; KGCA—Charles Walter Greenley, Decorah, Iowa; KWLC—Luther College, Decorah, Iowa.—Adopted final order (No. B-120) denying renewal of license of station KGCA; denying without prejudice renewal of license of station KWLC; granting construction permit to station KGLO to install new transmitter, directional antenna for night use, change frequency from 1210 to 1270 kc., and increase power from 100 watts night, 250 watts LS, to 1 KW, unlimited time.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied extension of special temporary authority to operate unlimited time on 1180 kc., with power of 5 KW day and 1 KW night, for the period November 8 to December 3, 1940, in order to broadcast programs of public interest, convenience and necessity, pending allocation of new facilities.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., with 5 KW power day and 1 KW night, for the period November 4 to November 7, 1940, only, in order to broadcast programs of public interest, convenience and necessity, pending allocation of new facilities.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1:45 p. m. to 2:30 p. m. and from 3:30 p. m. to 4:30 p. m., CST, November 16, 1940, in order to broadcast Luther College vs. Loras College football game only (provided KGCA remains silent).
- WMAM—M & M Broadcasting Co., Marinette, Wis.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m. and Dec. 4:15 p. m., CST), November 10, 16, 23, and Dec. 1, to the conclusion of football games and an additional 15 minutes in order to broadcast games, statistics of games and other scores.
- WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted special temporary authority to operate from 7:15 p. m. to 8:45 p. m., EST, Nov. 8, in order to broadcast a high school football game only.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from LS (Nov. 5 p. m., EST), Nov. 5, to 4 a. m., Nov. 6, in order to broadcast election returns, recordings, and transcriptions, with power of 1 KW, using transmitter described in modified construction permit instead of operation as authorized in grants of October 9 and 28.
- WTAB—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to operate from 4:45 p. m., Nov. 5, to 2 a. m., CST, Nov. 6, in order to broadcast election returns only.
- WHLN—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted special temporary authority to operate from midnight, Nov. 5, to 2 a. m., EST, Nov. 6, in addition to the authority granted Oct. 31, in order to broadcast election returns only, using power of 250 watts.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WBRB from 12 midnight November 5 to 3 a. m., EST, November 6, in order to broadcast election returns only.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—To operate simultaneously with station WFAS from 12 midnight November 5 to 3 a. m., EST, November 6, in order to broadcast election returns only.
- KSAL—KSAL, Inc., Salina, Kans.—Granted special temporary authority to operate with power of 1 KW directional antenna from local sunset (November 5:15 p. m. CST), November 5 to 6 a. m. CST, November 6, in order to broadcast election returns to a greater audience.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to broadcast CBS network programs and commercial announcements in addition to the authority granted October 28 to operate from 8:30 p. m. November 5 to 1 a. m. EST, November 6, in order to broadcast election returns only and the authority granted November 4 to broadcast incidental recorded and transcribed musical programs during intervals between election bulletins.
- KOAM—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans.—Granted special temporary authority to broadcast NBC Network and local live talent and commercial announcements in addition to authority granted October 31, to operate from local sunset November 5 to 2 a. m. EST, November 6, in order to broadcast election returns, recordings and transcriptions.
- WLAW—Hildreth & Rogers, Lawrence, Mass.—Granted special temporary authority to broadcast local live talent and commercial announcements in addition to recordings, transcriptions and election returns as authorized by grants November 1 and October 28 for November 5 and 6.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted special temporary authority to operate with power of 5 KW



from 4:30 p. m. November 5 to 7:15 a. m. PST, November 6, in order to serve a larger area.

- W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on frequencies 60000-86000 kc., at 515 Madison Ave., New York City, for the period November 10 to December 9, in order to conduct field tests.
- WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted special temporary authority to operate from midnight, EST, November 5, to 6 a. m., EST, November 6, in order to broadcast election returns and sustaining musical programs only.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from midnight November 5 to 2 a. m., CST, November 6, in order to broadcast election returns only (provided WNAD remains silent).
- WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted license to cover construction permit which authorized changes in directional antenna and increase in power to 5 KW; 620 kc., specified hours, directional antenna at night (B3-L-1245). Also granted authority to determine operating power by direct measurement of antenna input. (B3-Z-512).
- KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted authority to install automatic frequency control equipment (B4-F-154).
- WMBG—Havens & Martin, Inc., Richmond, Va.—Granted license to cover construction permit which authorized installation of new auxiliary transmitter and increase in power to 1 KW; for emergency use only; directional antenna day and night; 1350 kc. (B2-L-1262). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-530). Also granted authority to determine operating power (auxiliary transmitter) by direct measurement of antenna power (B2-Z-531).
- WAGF—John T. Hubbard, Julian C. Smith, & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-526).
- KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-529).

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Construction permit to install directional antenna for night use, increase power from 500 watts night, 1 KW day to 1 KW day and night; make changes in specified hours to specified hours day, unlimited time night (simultaneous WOSU after sunset). Amended: To install new transmitter, make changes in proposed directional antenna system, request power of 5 KW, using directional antenna night only, and request unlimited hours, facilities of WOSU.

### 590 Kilocycles

- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Authority to determine operating power by direct measurement of antenna power.

### 620 Kilocycles

- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

- KXOK—Star-Times Publishing Co., St. Louis Mo.—Authority to determine operating power by direct measurement of antenna power.
- KXOK—Star-Times Publishing Co., St. Louis, Mo.—License to cover construction permit (B4-P-2323) as modified, for new transmitter, changes in directional antenna for day and night use, change frequency, increase power and move transmitter,

### 710 Kilocycles

- KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit (B5-P-2437) for authority to install new transmitter and directional antenna, increase power and move of transmitter, further requesting increase

in power from 10 to 50 KW, changes in directional antenna system, and new transmitter, extension of completion date 180 days after grant.

### 900 Kilocycles

- WLBL—State of Wisconsin, Department of Agriculture, Stevens Point, Wisc.—Authority to determine operating power by direct measurement of antenna power.

### 1200 Kilocycles

- KPHO—M. C. Reese, Phoenix, Arizona.—License to cover construction permit (B5-P-2182) as modified, for a new station.
- KPHO—M. C. Reese, Phoenix, Arizona.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

- WJW—WJW, Inc., Akron, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1220 Kilocycles

- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—License to cover construction permit (B1-P-2968) to install new transmitter.

### 1250 Kilocycles

- WGBF—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-2321) as modified, for new transmitter and directional antenna for night use, change of frequency, increase in power, change hours of operation and move transmitter.
- WGBF—Evansville On The Air, Inc., Evansville, Ind.—Authority to determine operating power by direct measurement of antenna power.

### 1270 Kilocycles

- KWLC—Luther College, Decorah, Iowa.—Construction permit to change frequency from 1270 to 1210 kc., power from 100 to 250 watts, hours from daytime, share KGCA to daytime, install new transmitter and move transmitter.

### 1310 Kilocycles

- WSAJ—Grove City College, Grove City, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

- KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Authority to determine operating power by direct measurement of antenna power.
- WISE—Radio Station WISE, Inc., Asheville, N. C.—Authority to determine operating power by direct measurement of antenna power.

### 1400 Kilocycles

- NEW—Richard Field Lewis, Jr., Winchester, Va.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited time, Class IV station (requesting 1400 kc. under N.A.R.A.).

### 1420 Kilocycles

- WMBC—Michigan Broadcasting Co., Detroit, Mich.—Construction permit to change frequency from 1420 to 1220 kc. (under N.A.R.A.); increase power from 250 watts to 50 KW; move transmitter from Detroit to near Plymouth, Michigan; install new equipment and directional antenna for day and night use; requests Class II station. Amended to change name from Michigan Broadcasting Co. to John L. Booth Broadcasting, Inc.
- NEW—R. G. LeTourneau, Toccoa, Ga.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended to change requested transmitter site.

### 1450 Kilocycles

- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—License to use old RCA 250-watt transmitter as an auxiliary transmitter, using 250 watts power.

## 1490 Kilocycles

NEW—Monroe B. England, North Adams, Mass.—Construction permit for a new broadcast station to be operated on **1500 kc.** (1490 kc. under N.A.R.A.), (Class IV station), 250 watts, unlimited time.

## 1500 Kilocycles

KOMB—MSB Broadcast Co., Omaha, Nebr.—Modification of construction permit (B4-P-2697) for a new station, requesting approval of antenna, new transmitter, and approval of studio and transmitter sites. Amended re engineering data and geographic location.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATIONS

NEW—WGN, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.**; coverage, 16,822 square miles; population, 6,344,983. Amended to change frequency to **45100 kc.**; coverage to 12,855 square miles; population to 5,359,556, and change location and make changes in antenna.

NEW—Rockford Broadcasters, Inc., Rockford, Ill.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**; coverage, 6,000 square miles; population, 394,500.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new high frequency broadcast station to be operated on **43100 kc.**; coverage, 15,642 square miles; population, 2,168,091. Amended to change frequency to **45500 kc.**, coverage to 8,540 square miles; population to 1,522,544, change type of transmitter and make changes in antenna.

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.**; coverage, 3,960 square miles; population, 11,010,372.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

**Continental Silver Company**—John Maricak, trading under the name Continental Silver Company of America, Charlevoix Building, Detroit, is charged in a complaint with misrepresentation.

The complaint alleges that the respondent, in order to sell premium cards, tableware, silverware and other materials, distributed by him, enters into a form of agreement with retail merchants who are contacted by the respondent's selling agents. The form of agreement, the complaint continues, provides that the respondent is to furnish participating retail merchants with various display posters, circulars, redemption catalogs and other advertisements to be used by them, in a sales stimulator plan.

According to the complaint, the respondent alleges that he is a representative of, or is connected with, or is putting into effect an advertising campaign for, Wm. A. Rogers, Limited, Oneida, Ltd., Successor of Sherrill, New York, manufacturers of tableware and silverware, and that he will redeem without cost, in designated items of merchandise, such premium cards as are forwarded to him in specified numbers by the merchants' customers, and that he will refund to the retail merchant the entire purchase price of such premium cards after a designated number of the cards has been sent in by the merchant's customers for redemption.

The complaint charges that these representations are false and misleading, and that the respondent is not in any manner con-

nected with Wm. A. Rogers, Limited, Oneida, Ltd., Successor, nor does he refund to participating retail merchants the entire purchase price of the premium cards after a designated number of them has been sent to him for redemption. The complaint further alleges that retail merchants cannot participate in the plan and obtain the premium cards, display or exhibit sets and the premiums for their customers without cost to them. (4369)

**Golding Brothers Company, Inc.**, 316 Broadway, New York City, engaged in the manufacture and sale of cloth fabrics, is charged in a complaint with misrepresentation of certain of its products.

In circulars and other printed matter, and on labels distributed in the various States, the complaint charges, the respondent represented that the color or dye of certain fabrics will not change in shade or stain after having been wet or dampened with perspiration.

In truth, the complaint continues, the colors of the respondent's fabrics represented as being "Perspiration Proof" are not impervious to perspiration and will change in shade of color and fade and stain after having been wet or dampened with perspiration. (4365)

**Keller Company**—See Sorbol Company.

**Republic Yeast Corporation**, 740 Frelinghuysen Ave., Newark, N. J., is charged with price discrimination in violation of the Robinson-Patman Act, in a complaint.

In the sale of baker's yeast, the respondent is alleged to discriminate in price between different purchasers of its product of like grade and quality by giving and allowing some purchasers of baker's yeast used in the manufacture of bread and allied products, different prices than given or allowed other purchasers competitively engaged with the favored purchasers in the sale of bread and allied products.

Among the methods used by the respondent in accomplishing the discrimination, the complaint alleges, has been a pricing policy under which its product has been sold to customers competitively engaged, in approximately equivalent quantities and at concurrent periods of time at prices of 10, 11, 12, 13 and 14 cents a pound.

Further discrimination in price between different competing purchasers is brought about, the complaint alleges, as a result of the respondent making delivery of large quantities of baker's yeast to some purchasers free of charge, thereby reducing the cost of the yeast as purchased by these favored customers, while at the same time not furnishing such additional free yeast to other purchasers competitively engaged with the favored customers and paying the same price per pound.

In accomplishing this discrimination the respondent, according to the complaint, has made such deliveries of yeast ranging in amount per customer from 20 to 1121 pounds a month.

In the case of some of such deliveries, the complaint alleges, the cost of yeast has been reduced to favored purchasers in this manner: One customer purchasing 247 pounds of yeast at 12 cents a pound received 316 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.2 cents; another customer purchasing 1554 pounds of yeast at 10 cents a pound received 1121 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.8 cents. In other instances, the complaint continues, a purchaser of 78 pounds at 12 cents a pound got a reduction to 3.4 cents a pound, and another buying 158½ pounds at 11 cents a pound, obtained a reduction to 4.2 cents a pound.

At the time of these free deliveries, the complaint continues, the respondent sold yeast to other of its customers competitively engaged with those receiving free deliveries of yeast at prices of 10, 11 and 12 cents a pound, and did not accompany such sales with deliveries of free yeast. (4367)

**Simmon's Cut Rate Drug Store**—Alleging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against Carl D. Bates, trading as Simmon's Cut Rate Drug Store, Canandaigua, N. Y.

The complaint charges the respondent with disseminating advertisements through the mails and by other means in commerce in which it is alleged the respondent represents, directly and by implication, that its preparation designated as "Mrs. Bee Femo Caps," and also as "Femo Caps" and as "Bee Caps," constitutes



## CEASE AND DESIST ORDERS

a safe, competent and effective treatment for delayed, unnatural and suppressed menstruation.

According to the complaint, the respondent's preparation is not a competent or effective treatment for these conditions and is not safe or harmless in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint further charges that the advertisements disseminated by the respondent constitute false advertisements in that they fail to reveal that use of the preparation under such conditions may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning. (4366)

**Sorbol Company**—Charles Keller, doing business as Sorbol Company and as Keller Company, Mechanicsburg, Ohio, engaged in the selling and distribution of two medicinal preparations, is charged in a complaint with misrepresentation.

The complaint alleges that in advertisements in newspapers, periodicals, and other printed matter, the respondent has represented that the preparation known as "Sorbol-Quadruple" constitutes a cure or remedy for simple goiter; possesses substantial therapeutic value in the treatment of such conditions, and is entirely safe and harmless; and that the preparation "Buckets" eliminates excess acid and waste from the body and thereby constitutes a remedy for rheumatic pains, backache and leg pains.

The complaint alleges that rheumatic pains, backache and leg pains are not generally due to the presence in the body of excess acid or waste, as represented by the respondent; that "Buckets" even in those cases where such conditions may be due to excess acid or waste, is of no substantial value in eliminating such excess acid or waste, and that the preparation possesses no therapeutic value in excess of that of a mild diuretic.

The complaint also alleges that "Sorbol-Quadruple" is neither a remedy for, nor possesses substantial therapeutic value in treating goiter; nor is it safe or harmless in all cases as it contains the drug potassium iodide in a quantity sufficient to cause injury to health if taken under certain conditions.

The advertisements disseminated by the respondent, the complaint charges, contain neither a statement to the effect that "Sorbol-Quadruple" should not be used by persons having goiter other than simple goiter, or by persons having tuberculosis, nor a cautionary statement to the effect that the preparation should be used only as directed on the label.

Consequently, the complaint alleges, the respondent's advertisements of "Sorbol-Quadruple" constitute false advertisements in that they fail to reveal that use of the preparation under conditions prescribed in the advertisements or under customary or usual conditions, may result in injury to health. (4368)

**U. S. Drug & Sales Company**—Misleading representation in the sale of a medicinal preparation is alleged in a complaint issued against Edwin L. Leisenring, trading as U. S. Drug & Sales Company, U. S. Drug Laboratories, and U. S. Drug Company, and against Gordon Leisenring, both of 1534 Lawrence St., Denver.

The complaint charges the respondents with disseminating advertisements through the mails and by other means in commerce in which they represented, directly and by implication, that their preparation "Alcoban" is a competent and effective treatment for alcoholism which removes the desire for alcoholic stimulants and is safe and harmless.

The preparation "Alcoban," according to the complaint, will not accomplish the results claimed and is not safe or harmless as it contains certain drugs in quantities sufficient to cause serious injury to health if used under conditions prescribed in the respondents' advertisements or under customary or usual conditions.

The complaint further charges that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparation under such conditions may cause serious injury to the nerves, tissues and lungs, and may produce toxic conditions in the body.

Upon petition of the Commission, the respondents were restrained recently by the U. S. District Court for the District of Colorado, in a consent decree, from disseminating certain advertisements relative to their preparation pending the Commission's issuance of a complaint and its final disposition under Commission procedure. (4364)

Commission has issued the following cease and desist orders:

**American Hair and Felt Company** and Clinton Carpet Company, both located at 222 West North Bank Drive, Chicago, have been ordered to cease and desist from certain misrepresentations concerning their products. American Hair and Felt Company is engaged in the manufacture and distribution of rug cushions. Clinton Carpet Company is engaged in the sale and distribution of rug cushions manufactured by the respondent American Hair and Felt Company. Clinton Carpet Company is a subsidiary of the respondent American Hair and Felt Company.

The Commission finds that the respondents, in promoting the sale of cushions sold under the trade name "Ozite," have caused to be published in magazines, trade journals and in other printed matter certain representations, among which are:

"Age or dry air causes jute to disintegrate into a fine powder in a short time while moist air makes it pack into a hard mass. Thus jute pads pack down and form lumps, and actually make rugs wear out sooner!"

By use of such representations, the Commission finds, the respondents have represented that rug cushions composed of materials other than hair will not serve the customary and ordinary purposes for which they are intended and used. They have also represented that their "Ozite" cushions are composed entirely of hair.

The Commission finds that any cushioning material, even paper, will serve some useful purpose as a rug cushion and that jute and hair mixed pads will prolong the life of rugs under which they are placed and otherwise serve the purposes for which they are intended and used.

The respondents are ordered to cease and desist from representing that jute, or jute and hair, rug cushions will cause rugs to wear out sooner than if no cushion whatever is used; or that only cushions made of hair are useful as rug cushions; or that jute, or jute and hair, rug cushions will not serve the usual and ordinary purposes for which rug cushions are intended and used. The respondents are also ordered to cease using the term "All Hair" or any other term of similar import to refer to the rug cushion now sold by them under the name "Ozite," whether sold under that name or any other trade name, unless there appears in immediate connection or conjunction with such a term a complete and equally conspicuous statement disclosing the presence in the cushion of a reinforcing center of burlap or jute. (3822)

**Clinton Carpet Company**—See American Hair & Felt Company.

**Electrolysis Associates, Inc.**—An order has been issued vacating the stipulation and findings as to the facts and the order to cease and desist recently issued against Electrolysis Associates, Inc., and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York. The order had directed the respondents to cease and desist from certain representations in the sale of "Beautiderm Midget," a device recommended for use in the electrolytic removal of hair. This action was taken because the Commission had reason to believe that the respondents did not fully understand the character of the stipulation executed by them. The case has been remanded to the Commission's trial calendar and hearings will be held in due course. (4144)

**Maf Hat Works, Inc.**—An order has been issued directing Maf Hat Works, Inc., a corporation trading under its own name and also as New System Hat Manufacturing Company, and Alex Milder, individually and as an officer of the corporation, all of 102 Murray St., Newark, N. J., to cease and desist from misrepresentations in the sale and distribution of hats.

The order directs the respondents to cease representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the representation that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the



sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (1897)

**New System Hat Mfg. Company**—See Maf Hat Works, Inc.

**Parr Sales Company**—An order has been issued directing Mitchell F. Brice, trading as Parr Sales Company, Vidalia, Ga., to cease and desist from violation of the brokerage provision of the Robinson-Patman Act in the sale of merchandise, particularly foodstuffs.

Commission findings are that the Parr Sales Company is a brokerage firm owned by the respondent Brice and Francis K. Graham; that Tanner-Brice Company, Inc., of Vidalia, Ga., engaged in a general wholesale merchandising business, places orders for a substantial portion of its requirements in merchandise, particularly foodstuffs, with sellers through Parr Sales Company, and that in the course of such buying and selling transactions the sellers have paid Parr Sales Company brokerage fees or commissions amounting to a certain percentage, usually from 2½ to 5 per cent of the sales prices of such purchases.

The findings continue that since June 19, 1936, and while the respondent Mitchell F. Brice owned and controlled 83 per cent of the outstanding capital stock and actively managed the business of Tanner-Brice Company, Inc., sellers have paid brokerage fees and commissions to, and they have been received by, the Parr Sales Company upon the purchases of Tanner-Brice Company, Inc., in substantial amounts.

In all such transactions, the findings continue, the respondent Brice has been the agent and acted in fact for, and in behalf of, the Tanner-Brice Company, Inc. A substantial amount of such brokerage fees and commissions received by Parr Sales Company, according to findings, has been paid to Francis K. Graham as compensation for his services in his respective capacities as an employe of various enterprises owned and controlled by the respondent Brice.

The Commission order directs the respondent Brice, individually and trading under the firm name of Parr Sales Company, to cease and desist from accepting from sellers, directly or indirectly on purchases of commodities of the Tanner-Brice Company, Inc., any brokerage fees or commissions or any allowance or discount in lieu of brokerage in whatever manner or form they may be offered, allowed, granted, paid or transmitted. The order also directs the respondent to cease and desist from accepting from sellers in any manner or form, directly or indirectly, anything of value as a commission, brokerage or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made for the respondent's own account. (4233)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Casa Anna**—Gaetano Andronaco and Anna Andronaco, trading as Casa Anna, 545 Fifth Avenue, New York City, engaged in the sale and shipment of a line of cosmetics, have stipulated, in connection with the advertisement, offering for sale, or sale and distribution of their cosmetic preparations, to cease and desist from stating or representing that use of their cosmetic preparations will either nourish, protect or impart tone or tonicity to the skin, or will prevent, smooth or take away lines or wrinkles in the skin. (2976)

**Empire Diamond Company**—Frank Milligan, who traded originally as Frank Milligan Co., and whose present trade name is Empire Diamond Company, 202 North Wilson Ave., Jefferson, Iowa, has agreed to cease and desist from use of the word "free", or of any other words of similar import, to describe or refer to merchandise offered as compensation for services rendered in selling or distributing his merchandise, unless all the terms of such offer are clearly and unequivocally stated with equal conspicuousness and in immediate connection or conjunction with the word

"free" or other words of similar import and meaning, and there is no deception or probability of deception as to the price, quality, character or any other feature of such merchandise or as to the services to be performed in connection with obtaining such merchandise, and from stating or representing that merchandise offered for sale or sold by him, either alone or in connection with an alleged free gift or gratuity, is of or has a designated sales value, when in fact such alleged valuation is fictitious or is in excess of the price for which such merchandise, or merchandise of similar quality or character, is customarily sold in the usual course of business. (2969)

**Fischer Baking Company, Inc.**, Rose and Livingston Sts., Newark, N. J., has stipulated with the Federal Trade Commission to cease and desist, directly or indirectly, from statements which imply that the inclusion of "Fischer's Buttercup Bread" or any bread in the diet is essential or necessary; or representations having the effect of conveying the impression that "Fischer's Buttercup Bread" or any other bread composed of similar ingredients in approximately the same proportions, is a "quick energy" food. The respondent also stipulated to cease representing that such bread or its protein content is not fattening, or that its use eliminates or aids in the elimination of fat; and to discontinue use of statements which cause the belief or impression that the respondent's bread provides a sure or otherwise invariable means of combating or counteracting "tired, let-down" feelings or fatigue, or that it contains ingredients efficacious in combating fatigue which are not present in other foods. (2978)

**Fisher Research Laboratories**—Gerhard R. Fisher, trading as Fisher Research Laboratories, Palo Alto, Calif., engaged in manufacturing a number of types of geophysical instruments, including one called "Metallscope", or "M-Scope", for use as means to locate pipes and metal objects underground in connection with utility operations and for prospecting, has entered into a stipulation in which he agrees to cease and desist from use of the word "Doctor", or its abbreviation, in connection with his name; and from use of the quoted word, or its abbreviation, in any way, the effect of which tends to convey the belief that he has received such a degree or an appropriate degree from a college or university of recognized standing empowered to confer such a degree. He also agrees to discontinue use of the plural word "Laboratories" in or as part of his trade name, and from use of the word "laboratories" in any way so as to import or imply that he actually owns and operates or directly and absolutely controls, two or more laboratories. (2974)

**George's Radio Company, Inc.**, 814 F St., N. W., Washington, D. C., a corporation, engaged in selling merchandise, including radio receiving sets together with cabinets in which the sets are housed, has stipulated to cease and desist from stating or representing that its products have a "factory" or "list" price of \$99.95, or any other designated price, when in fact the designated price is fictitious or in excess of or is other than the price for which the products are customarily sold in the usual course of retail trade; from use of the phrase "More than ½ Off" or "Reduced \$60" in connection with the offered retail selling price of \$39.95, or in any other way so as to import or imply that the regular or customary retail selling price of the products is \$99.95 or that the price of \$39.95 is a special price or is less than one-half of the customary sales price or is \$60 less than the customary sales price or is other than the regular or customary retail sales price of the products; and from use of the word "Grunow" as an escutcheon on cabinets housing radio receiving sets so as to import or imply that the radio receiving sets were made or manufactured by Grigsby-Grunow Corporation, formerly of Chicago; and from use of the word "Grunow" in any way, the effect of which tends or may tend to mislead or deceive the purchasing or consuming public as to the origin, size, capacity, make, manufacture, brand or type of the sets. (2973)

**Joseph Hagu Company**, 217 West Madison St., Chicago, engaged as a wholesaler in the sale and distribution of jewelry, in connection with the sale of its merchandise, agrees to cease and desist from the use of, or from supplying others for their use, advertisements or advertising matter of whatever kind or description which features or in any way makes use of the word "Certified" or any other word or words of similar import or meaning,



to designate or as descriptive of diamonds which are not certified by any Governmental agency, scientific bureau, or other responsible agency charged with the duty of examining and certifying to the perfection thereof. (2971)

**Joseph Heusler Brewing Company**, Hensler St. and Wilson Ave., Newark, N. J., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease using the statement "Made from Barley Malt and Hops" as descriptive of a beer product, the effect of which statement tends to convey the impression to purchasers that the product is composed of barley malt flavored with hops as its only fermentable substance, when in fact it actually contains such a substance other than barley malt. The stipulation provides that if the product contains hops-flavored barley malt in substantial quantity, and also other fermentable substance, and the words "Barley Malt and Hops" are used to refer to such hops-flavored barley malt content, the respondent shall conspicuously disclose that the fermentable substance content is not composed wholly of hops-flavored barley malt or that the product contains a fermentable substance other than barley malt flavored with hops. (2977)

**Informative Classroom Picture Association**—Raymond E. Fideler, trading as Informative Classroom Picture Association, 48 North Division Avenue, Grand Rapids, Mich., engaged in the production of certain types of so-called visual educational aids, in the form of publications, for use in libraries, classrooms, and by school teachers, has entered into a stipulation in which he agrees to cease and desist from use of the word "Association" as part of his trade name under which he conducts his business, and from use of the word "Association" in any way, in connection with the advertisement, offering for sale or sale of his educational material, so as to import or imply that the business conducted by him is that of a body or society of persons engaged in the disseminating of informative learning or teaching of the type described. (2975)

**F. Koehler Manufacturing Company, Inc.**, 231 Monmouth St., Newport, Ky., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing, directly or by implication, that "F. K. Invisible Nasal Filter" will relieve the misery or discomforts of hay fever, rose fever, sinus infections or asthma, or has any therapeutic value in their treatment in excess of a partial protection of the nasal membrane from the irritating substances. Among other representations which the respondent agrees to discontinue are: that the device will protect the nasal passages from dust or pollen, and afford effective relief for headaches caused by gasoline fumes or for coughing or phlegm-filled throat condition caused by asthma or sinus infections. (02663)

**National Distributors**—Fred B. Peake and William H. Roose, doing business under the trade name of National Distributors, 1205 West Market St., Louisville, Ky., engaged in selling a product designated "Economy Coal-Saver" for the treatment of coal which allegedly causes the production of better results and a saving in quantity, have entered into a stipulation in which they agree to cease and desist from representing that the product will save coal up to one-third, or in any proportion, or that 200%, or any definite percentage in profit, would result from its use, or that a 60¢ box or any amount thereof will save a ton of coal or any amount of coal; or that it is an effective soot destroyer or smoke reducer, creates oxygen or a steadier or more even heat, and makes coal burn better, last longer, produce more heat, or leave less ash; that it helps to burn the carbon or preserve the heating element in coal, aids in burning gases, purifying the air, or reducing evaporation, and that it prevents odors or gases or saves labor.

The respondents further agree to cease and desist from representing that any results claimed are guaranteed or that Economy Coal-Saver is the newest or biggest money-making specialty ever offered salespeople. They also agree to cease and desist from the use of the words "Economy" or "Saver," or any other words of similar import or meaning as part of the trade name of their product. (02662)

**Philip Ofria**—Maria Ofria, trading under the name of Philip Ofria, 1158 56th St., Brooklyn, engaged in selling a medicinal preparation designated "Ofria" (variously known as L'Unguento

Ofria, Ofria Pile Remedy and Ofria Ointment) has stipulated to cease and desist representing that the preparation will cure or dry up piles, pruitus and similar ailments, or that it will afford lasting relief.

Maria Ofria further agrees to discontinue use of the word "Remedy" in the trade name for this product or any other preparation of similar composition. (02659).

**Peanut Products Company**—R. H. Powell, H. G. Taylor, W. M. Russell, Dave Randall, C. M. Haygood and Howard Pill, copartners, trading as Peanut Products Company Tuskegee, Ala., engaged in selling a hair preparation designated "Peano-Oil," have stipulated that they will cease and desist from representing that the use of "Peano-Oil" will result in healthy hair, restore the natural oil to the hair, prevent hair from falling out or becoming brittle, restore the natural sheen or luster, or prevent baldness; that "Peano-Oil" penetrates to the roots of the hair or affords nourishment to the scalp; that it is the discovery of an eminent scientist; that anything contained in "Peano-Oil" will grow hair, or that salesmen of "Peano-Oil" earn any profit in excess of the amount that is actually earned by such salesmen. (02657)

**George W. Prior Hat Company**, 1735 Lawrence Street, Denver, Colo., engaged in the sale and distribution of Western hats, shirts, scarfs, mufflers and other cowboy and rodeo equipment, has entered into a stipulation in which it agrees to cease and desist from use of the statements or representations "Made in U. S. A.", "American Made", or any term, legend or expression of equivalent meaning, to designate the place or country of origin of an article not actually made in the United States of America; and from advertising an imported article in any manner signifying domestic origin, or otherwise, in a manner having the capacity to mislead or confuse purchasers with respect to the identity of the country of origin thereof. (2980)

**Shiman Bros. & Co., Inc.**, 234 West 39th St., New York City, a corporation engaged as importer of diamonds and manufacturer and distributor of diamond rings, has agreed to cease and desist from the use of, or from supplying others for their use, advertisements or advertising matter of whatever kind or description which features or in any way makes use of the word "Certified" or of other words of similar import or meaning to designate or as descriptive of diamonds which are not certified by any Governmental agency, scientific bureau or other responsible agency charged with the duty of examining and certifying to the perfection thereof. (2970)

**Finlay Straus, Inc.**, a corporation, trading as L. W. Sweet, 25 West 14th St., New York, engaged in selling jewelry, has entered into a stipulation in which it agrees to cease and desist from representing that all its diamonds are imported direct; that it has definite information to the effect that certain of its articles of merchandise would cost more than the prices quoted if bought from one of its competitors; that the sales price asked for certain of its articles of merchandise is less than the regular or ordinary price asked for such articles; that the person signing an affidavit of perfection for certain of the respondent's diamonds is a disinterested party, or that any offer is a free trial offer, unless the article is delivered to the prospective purchaser without requiring the payment of a deposit and the additional expense of returning the merchandise.

The stipulation points out that the respondent, directly and by implication, that the mere fact that certain rulings of the Federal Trade Commission are designed to prevent the advertising and sale in commerce of imperfect diamonds as perfect diamonds, constitutes an assurance to the purchaser that such rulings will always be complied with.

The respondent agrees to cease representing that the Federal Trade Commission's rulings alone constitute any assurance or protection to the purchaser with regard to the quality of any of the merchandise sold or offered by Finlay Straus, Inc. (02658).

**Surgical Appliance Company**—Abraham R. Canter, trading as Surgical Appliance Company, 617 Liberty Avenue, Pittsburgh, engaged in selling certain corsets and girdles known by the trade name "Camp," and other so-called "reducing girdles," has stipu-

lated to cease and desist from use of the words "Give Health" or any other words of similar implication, the effect of which tends to convey the belief that the wearing of such garments will give or restore health where there is an unhealthful or diseased condition, and from use of the statement, "You Don't Have To Be Fat" or "Reduce Your Waist and Hips with this Marvelous New Reducing Girdle," or the word "Reducing," in any way as descriptive of any of the garments so as to import or imply that the wearing of the garments will reduce or eliminate fat, or cause the removal of local tissue and thus overcome a condition of fatness, or result in the reduction of bodily tissue from either the waist or hips.

The respondent also agrees to discontinue the price representation "5.95," either alone or in connection with the word "Regularly," or with any other words, as indicative of the selling price of an article which customarily sells for less, and to desist from use of the word "special" as descriptive of the price for which the article is offered for sale, when, in fact, such price is that for which the article is generally sold in the usual course of business. (2979)

**F. C. Taylor Fur Company**, 400 South 7th St., St. Louis, Mo., a dealer in the purchase and sale of raw furs, has entered into a stipulation in which it agrees to cease and desist from quoting or otherwise holding forth any extravagant or exorbitant price or prices which trappers or fur dealers may expect to receive from it for their furs; quoting price ranges which include amounts seldom paid, or quoting such extraordinary prices in any other manner having the capacity, tendency or effect of conveying the impression that they are frequently paid, or quoting prices which might be applicable to furs of a grade or quality not produced in or which are exceptions in the section or territory circularized,

representing directly or inferentially that it pays higher prices for furs than do all other fur buyers; that trappers or dealers in furs can or will realize a greater return by selling their furs to the respondent than would be obtainable by selling such furs to other buyers or through brokers; or, by direct statement or by inference such as, for example, an implied necessity of obtaining furs with which to fill large orders, that it pays higher prices than are justified by general economic conditions.

The respondent also agrees to cease use of the word "Guaranteed" or any word or words of similar meaning unless, whenever used, clear and unequivocal disclosure be made in direct connection therewith of exactly what is offered by way of security. (2972)

**R. C. Williams & Co., Inc.**, 265 Tenth Ave., New York, has stipulated with the Federal Trade Commission that it will cease representing, directly or by implication, that its product "Delphi Olive Oil" is the purest ever imported into America, and is different from all other olive oils, and that, through use of the product, salads and cooked vegetables will taste better than when any other olive oil is used. (02664)

#### FTC CLOSES CASE

The Federal Trade Commission has closed a case against R. T. Miller, Jr., trading under the name of American Technical Society, 850 East 58th St., Chicago, without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged, in a Commission complaint, with violation of the Federal Trade Commission Act in connection with the sale of books on automotive and diesel engineering.





### THE WEEK IN WASHINGTON

A new Defense Communications Board this week set up fifteen committees to assist with its work. Only two of the committees—law and coordinating—were filled. All the appointees were federal officials. (p. 4781.)

The NAB will hold a Twentieth Birthday Party in Washington, November 26, for members and their friends, Government officials and others. Details will be announced within a few days. (p. 4785.)

Seventy stations from seven states were represented at a regional meeting Tuesday at Fort Worth, Texas, to discuss the establishment of a regional copyright clearance bureau. Harold Hough reported that broadcasters present were enthusiastic about the idea. (p. 4788.)

Many member stations are planning to send representatives to the Fourth Chicago School Broadcast Conference, December 4-6. (p. 4789.)

Paul Whiteman appealed to the United States Supreme Court from a Circuit Court decision in the Whiteman v. RCA Manufacturing Company case. (p. 4789.)

24, 1940, under authority of the Communications Act of 1934 (48 Stat. 1064), as amended.

Members—Chairman, Hon. James Lawrence Fly, Chairman of the Federal Communications Commission; Major General Joseph O. Mauborgne, Chief Signal Officer of the Army; Rear Admiral Leigh Noyes, Director of Naval Communications; Hon Breckenridge Long, Assistant Secretary of State in Charge of the Division of International Communications.

Secretary, Hon Herbert E. Gaston, Assistant Secretary of the Treasury in Charge of the Coast Guard.

#### EXECUTIVE ORDER

#### CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

WHEREAS coordinated planning for the most efficient control and use of radio, wire, and cable communication facilities under jurisdiction of the United States in time of national emergency involves the consideration of the needs for communication of the armed forces of the United States, of other government agencies, of industry, and of other civilian activities; and

WHEREAS such planning must be accomplished as a matter of preparation for national defense; and

WHEREAS the interest of national defense in the matter of control and use of communication facilities during any war in which the United States may become a belligerent is deemed paramount:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and by the Communications Act of 1934 (48 Stat. 1064), as amended, it is ordered as follows:

1. There is hereby created the "Defense Communications Board", hereinafter called the Board, consisting of the Chairman, Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, the Assistant Secretary of State in charge of the Division of International Communications, and the Assistant Secretary of the Treasury in charge of the Coast Guard.

2. The functions of the Board shall be, with the requirements of national defense as a primary consideration, to determine, coordinate, and prepare plans for the national defense, which plans will enunciate for and during any national emergency—

a. The needs of the armed forces of the United States, of other governmental agencies, of industry, and of other civilian activities for radio, wire, and cable communication facilities of all kinds.

b. The allocation of such portions of governmental and non-governmental radio, wire, and cable facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

c. The measures of control, the agencies to exercise this control,  
(Continued on page 4782)

## National Defense

### DEFENSE COMMUNICATIONS BOARD SETS UP COMMITTEES

The new Defense Communications Board, established September 24 by President Roosevelt "to determine, coordinate and prepare plans for the national defense" in the communications field, this week set up 15 committees to assist with its work.

Only two of the committees—Law and Coordinating—were filled. All the appointees were federal officials.

Below is the board's explanation of its work and the work to be done by the new committees. On another page is a chart of the set up.

November 12, 1940

DEFENSE COMMUNICATIONS BOARD

Washington, D. C.

Creation and Authority—The Defense Communications Board was created by Executive Order of the President on September



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## NATIONAL DEFENSE

(Continued from page 4781)

and the principles under which such control will be exercised over non-military communications to meet defense requirements.

3. The Chairman of the Federal Communications Commission shall be the Chairman of the Board. In the absence of the designated Chairman, the temporary chairmanship shall devolve upon the remaining members of the Board in the following order:

1. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be senior in rank.
2. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be junior in rank.
3. The Assistant Secretary of State in charge of the Division of International Communications.
4. The Assistant Secretary of the Treasury in Charge of the Coast Guard.

In the absence of any regularly designated member, the agency which he represents may be represented by an alternate from that agency, designated by the head thereof, but such alternate shall not serve as Chairman. The Assistant Secretary of the Treasury in Charge of the Coast Guard is designated as the Secretary of the Board.

4. The Board shall take no cognizance of matters pertaining to censorship. The Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency.

5. The Board shall appoint such committees as may be necessary to carry out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communication industry.

6. Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall express by written report their findings and recommendations. Minority reports may be submitted if deemed of sufficient importance to warrant further consideration by the Board.

7. The Board and the committees shall call for consultation such representatives of other government agencies and of the civilian communication industry as may be deemed advisable in obtaining full knowledge of the situation being studied, to the end that the needs of all may be considered and provided for in so far as the situation permits. Other governmental agencies are directed to cooperate in providing assistance required by the Board in its studies.

8. During any war in which the United States is a belligerent, or any national emergency, the existing Interdepartment Radio Advisory Committee shall act as a Committee of the Board, but only

in an advisory capacity. While the Interdepartment Radio Advisory Committee is so acting as an advisory committee, all of its reports, recommendations, or communications normally prepared for submission to the President shall instead be submitted to the Board, for consideration from the standpoint of national defense and for disposition.

9. Reports containing the findings and recommendations of the Board shall be submitted to the President for final action through one of his administrative assistants.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

September 24, 1940.

## Committees

The Board, acting under authority contained in Paragraphs 5 and 7, of the President's Order, designates the following committees to assist in carrying out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communication industry. The Board, as it may deem necessary, from time to time, may appoint further committees or make changes or additions in existing committees or in the definitions of their respective functions. In addition to their other functions all of the committees named below should examine and consider existing and proposed precautions against interruptions of communication facilities within their purview, and should recommend any changes which might be considered necessary from the standpoint of national defense:

*Coordinating Committee*—The duties of the Coordinating Committee include assistance to the Board in planning and coordinating work. It will maintain liaison with the Law Committee, Labor Advisory Committee, and Industry Advisory Committee, for the purposes of advice and consultation and will supervise the work of the other committees, which will report directly to it.

Members: Chairman, Mr. E. K. Jett, Chief Engineer, Federal Communications Commission; Mr. Francis C. deWolf, State Department; Major W. T. Guest, War Department; Commander Earl E. Stone, Navy Department; Commander J. F. Farley, Chief of Communications, U. S. Coast Guard, Treasury Department.

*Law Committee*—The duties of the Law Committee include the furnishing of legal opinions and advice, and the drafting of final reports and recommendations, proposed Executive Orders, proclamations, and legislation. The Law Committee will report directly to the Board but will have liaison, for purposes of advice and consultation, with the Coordinating Committee, and, as may be necessary, with other committees.

Members: Chairman, Mr. Telford Taylor, General Counsel of the Federal Communications Commission; Captain J. W. Huyssoon, Office of the Judge Advocate General, War Department; Mr. Steven Spingarn, Treasury Department; Lt. Comdr. Franz O. Willenbacher, Navy Department; Mr. Raymund T. Yingling, State Department.

*Labor Advisory Committee*—The duties of the Labor Advisory Committee include the submission of expert advice to the Board on all labor problems incident to the proper carrying out of its national defense mission. With the requirements of national defense as a primary consideration, the Labor Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Labor Committee will report



Amateur  
Radio Committee

I

Aviation  
Radio Committee

II

Cable  
Committee

III

Domestic  
Broadcasting  
Committee

IV

Interdepartment  
Radio Advisory  
Committee

V

International  
Broadcasting  
Committee

VI

Radiocommuni-  
cations  
Committee

VII

State and  
Municipal  
Facilities  
Committee

VIII

Telegraph  
Committee

IX

Telephone  
Committee

X

United States  
Government  
Facilities  
Committee

XI

Law  
Committee

Coordinating  
Committee

Labor Advisory  
Committee

Industry Advisory  
Committee

DEFENSE COMMUNICATIONS BOARD

November 12, 1940

Committees

..... (Liaison) .....

..... (Liaison) .....

directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Industry Advisory Committee.

Members: (To be designated later.)

*Industry Advisory Committee*—The duties of the Industry Advisory Committee include the submission of expert advice to the Board on all problems of general concern to the communications companies incident to the proper carrying out of the Board's national defense mission. With the requirements of national defense as a primary consideration, the Industry Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Industry Advisory Committee will report directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Labor Advisory Committee.

Members: (To be designated later.)

I. *Amateur Radio Committee*—The duties of this Committee include the study of all phases of amateur radio facilities. With the requirements of national defense as a primary consideration, the committee shall recommend precautions and restrictions with respect to amateur radio operations under various emergency conditions, and the allocation of such amateur facilities as may be required by the Army or the Navy.

Members: (To be designated later.)

II. *Aviation Radio Committee*—The duties of this Committee include the study of all phases of domestic and international civil aviation radio facilities and communications services associated therewith. It will have liaison with the U. S. Government Facilities Committee and the State and Municipal Facilities Committee. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

III. *Cable Committee*—The duties of this Committee include the study of all phases of submarine cable communications facilities used in the international or overseas service. With the requirements of national defense as a primary consideration, the Committee shall recommend for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

IV. *Domestic Broadcasting Committee*—The duties of this committee include the study of the physical aspects of domestic standard broadcasting and formulation of recommendations of such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also consider other domestic broadcasting systems including relay broadcasting, high frequency (FM) broadcasting, television, facsimile broadcasting and experimental broadcasting. The Committee's work in all of these fields will include recommendations for the speedy and efficacious use in time of military emergency of all necessary domestic broadcasting facilities and communications services associated therewith, with the requirements of the national defense as a primary consideration.

Members: (To be designated later.)

V. *Interdepartment Radio Advisory Committee*—This Committee is designated under the provisions of Par. 5 and 7, but without reference to Par. 8, of the President's Executive Order of September 24, 1940. The duties of this committee will include

making special studies and recommendations regarding frequency allocations, with the requirements of national defense as a primary consideration but giving due consideration to the needs of governmental agencies, of industry, and of other civilian activities.

Members: (Existing members of I. R. A. C.)

VI. *International Broadcasting Committee*—The duties of this Committee include the study of all phases of international broadcasting and the formulation of recommendations concerning such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. With the requirements of national defense as a primary consideration, it shall also recommend plans for the speedy and efficacious use of all necessary international broadcasting facilities in time of military emergency giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

VII. *Radiocommunications Committee*—The duties of this committee include the study of all phases of domestic and international radiotelegraph and radiotelephone communications facilities (including mobile and fixed services) except aviation, amateur, Federal, State, and Municipal communications facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

VIII. *State and Municipal Facilities Committee*—The duties of this committee include the study of all phases of State and Municipal communications facilities, including Municipal and State Police Radio Stations, Inter-City Police Radio Stations, State Forestry Radio Stations, Marine Fire Radio Stations, and State and municipally owned or leased wire facilities. With the requirements of national defense as a primary consideration, the committee shall recommend plans for the most efficacious use of all of those facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

IX. *Telegraph Committee*—The duties of this Committee include the study of all phases of landline record communications, both domestic and connecting international landline services and facilities (except federally owned facilities) including leased line, teletypewriter exchange, wire photo and facsimile services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

X. *Telephone Committee*—The duties of this Committee include the study of all phases of landline telephone communications, both domestic and connecting international landline and submarine cable telephone services and facilities (except federally owned facilities) including leased line telephone services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

XI. *United States Government Facilities Committee*—The duties of this committee include the study of all phases of non-military



governmental communications facilities with a view to possible military use and the coordination of these facilities including wire, cable and radio facilities owned or leased for government operation, with communications facilities of the Army, Navy, and Coast Guard. With the requirements of national defense as a primary consideration, the committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

## PROGRAMS FROM ARMY POSTS

Stations or sponsors desiring to originate their programs from Army Posts, must obtain permission direct from the War Department in Washington.

Inquiries, together with a complete description of the program should be addressed to:

Lt. Col. Ward Mairis, Chief  
Public Relations Division  
General Staff  
War Department, Washington, D. C.

It is desirable also to send along a sample continuity of the program. The Department is disposed to permit radio programs, sponsored or unsponsored, to originate from Army posts before an audience of soldiers or trainees, regarding their entertainment features as factors in morale building. Commercial programs, however, must carry an announcement at the opening and close that the broadcast from the Army Post, in no way constitutes an endorsement by the Army or *any of its personnel* of the product advertised. Certain restrictions in commercial copy, prepared or ad libbed, will be enforced to further extend this policy.

NAB Headquarters will be very happy to render every aid possible in expediting requests for Army post origination permits. In addition, stations are requested to send into NAB a list of such programs, together with the number of times they are scheduled. This information is of great importance.

Ed Kirby, NAB Director of Public Relations, is expected to move over to the War Department to head up its radio division in the near future. He has been granted a leave of absence for the purpose at the request of the Department.

## BIRTHDAY DINNER ATTRACTS NATIONAL FIGURES

Keying off a series of dinners around the country in celebration of radio's twentieth anniversary, local Washington radio stations, the Radio Manufacturers Association and the NAB will co-sponsor a dinner to be held Tuesday evening, November 26 in the Willard Hotel here. The President, members of his Cabinet, members of Congress, the FCC and high government, Army and

Navy officials, as well as outstanding figures in all walks of public life will be invited. With the dinner in the nature of a birthday celebration, with speech making held to a minimum, outstanding radio talent, whose names are associated with the industry's growth will be on hand to entertain and reminisce. While other network programs may be scheduled, the Mutual Broadcasting System has already cleared 9:30 to 10:00 p. m., EST, for a special broadcast of the American Forum of the Air, to be broadcast direct from the banquet hall, presided over by its founder, Theodore Grannik, with nationally known figures taking part, reviewing the past twenty years and forecasting ahead into the next twenty years.

The 20-day celebration of Radio's 20th Birthday is well under way in all parts of the country. Our good friends in many markets have taken time to write of the beginning of their activities.

WHO, Des Moines, began, on Nov. 7, with a plan to tie-in all listeners. Woody Woods took to the microphone to address: "To all of the inspired geniuses whose creative efforts have been and are responsible for the fine programs that are produced in the studios of WHO, 50,000 watt voice of the middlewest. . . . Greetings and salutations!"

"What sins," he said, "have been committed in the name of broadcasting in two short decades. . . . It seems like a lifetime. It is a lifetime. . . . I remember when I knew two persons who had radio receiving stations. They built them themselves, and each of them filled a small room. I remember splitting a pair of headphones with a friend one night, and after watching him make innumerable adjustments, we strained our ears in the small hours of the morning to hear one act of the famous play, 'Lightnin', broadcast from Atlanta, Georgia (remember that old war cry 'Covers Dixie Like the Dew'?). Why, that must have been almost twenty years ago.

"I remember my first factory-built set. It was a weird-looking thing—a yard or more long, the cabinet made of sheet metal and welded into one piece—'Because,' the salesman said, 'it's perfect. You will never have to get into it to fix it.' Three so-called radio experts spent half a day erecting an aerial and hooking up storage battery and B battery and C battery and a trickle charger for the storage battery. Remember? Why, the battery connections on that darned thing looked like a telephone cable gone crazy. Then one day we decided to put the batteries in the basement on account the women folk thought they looked kind of messy sitting under the library table, so the three experts came out again and spent another half day splicing an extra piece on the cable, disconnecting the batteries, boring a hole through the floor, lugging the batteries downstairs and hooking her up again."

Then he recited the intervening bits of radio progress up to the present and concluded with:

"So now we are going to celebrate Radio's Twentieth Birthday, and you birds with the creative minds must have had a lot of experiences in and out of radio which would make good program material. You may never be Gold Star Mothers, but surely you can labor and bring forth an idea for glorifying and promoting this grand industry of which we are all a part.

"Let's help celebrate this twenty-day birthday party! Let's kind of freshen up the listener's memory on how far radio has traveled between two world wars. Let's see if we can't make them appreciate the blessings of this thing called American Radio. You guys are good. . . . You all know it—some of you admit it. Now, let's see if this little monologue of mine can start some of those mighty mental processes percolating.

"If you have an idea, or a plan, or a program—bring it to Harold Fair or myself. Maybe you are good!"

WRVA, Richmond, wrote C. T. Lucy, general manager," is joining wholeheartedly in the celebration of Radio's 20th Anniversary. Every station identification carries a slogan appropriate to the event.

"We have arranged for window displays in prominent stores, showing the difference in radio today and twenty years ago. Several half-hour dramatic shows are scheduled, depicting radio's twenty-year progress, and showing how radio has created employment in many allied fields. Other promotion is being discussed and arranged, but for the present we at least want you to know of our activity in radio's twentieth anniversary."

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The Yankee Network, according to Robert S. Playfair, director, station and sales promotion, is "taking a number of novel steps to celebrate Radio's 20th Birthday."

An unusual phase is the linking together of Radio's Birthday with the 500th anniversary of printing, to be celebrated the week of November 17-23.

The network is cooperating with the Oxford Press, a Boston organization.

"At a huge exhibit in the Statler Hotel, Boston, we will have three boards displaying progress of radio in the last twenty years. This will be part of the printing exhibit and will highlight the independence of radio and the press.

"Our Ruth Moss will interview Douglas C. McMurtrie on her program which will be broadcast over the Colonial Network.

"In addition, we are arranging a joint table souvenir in the form of a Johann Gutenberg memorial cut and copy to which will be attached book matches of the Yankee and Colonial Networks. We supply the matches, the Oxford Press supplies the printing; the souvenir is placed on tables of leading Boston hotels and eating places.

"Of other formative steps in which we are cooperating with the 500th Anniversary of Printing to the benefit of the 20th Anniversary of Radio, I will let you know more in the future."

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WSAZ, Huntington, W. Va., a member of the West Virginia Network, is also busy with the 20 days celebration. On Sunday morning, November 11, WSAZ ran a full page ad, in color, in The Herald-Advertiser, headed in hand lettered script, "Radio Turns 20."

The copy reads:

"Twenty candles will cast their happy glow atop radio's birthday cake during this month! From a mere gleam in its father's knowing eye, radio has stepped in with this ever-changing universe of ours to become, in a score of years, a significant medium of news and advertising and entertainment affecting almost all of the 132,000,000 people residing in these United States. Through this national emergency—through many score more years to come, rely on Radio! Count it among your most dependable and gracious friends."

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WHK-WCLE, Cleveland, advises that a drug chain, the Weinberger Drug Company, has placed Radio Birthday posters in street front windows in all stores. Each poster is surrounded by radio-advertised merchandise, particularly products carried by WHK-WCLE, said Robert Greenberg, promotion manager.

Kansas City, Mo., joint celebration, got off to its organized start in the celebration of Radio's 20th Birthday, with a Radio Rally, Hotel President, November 8.

John T. Shilling, general manager, WHB, represented the broadcasters; Fred B. Jenkins, president, Electric Association, and president of Jenkins Music Co., presided. Over a hundred radio dealers, salesmen, distributors and broadcasters attended. Lee Williams, committee chairman, explained the Birthday promotion and staged a demonstration of a 12-year-old set versus a 1941 model.

Red on white posters, 44x14 inches have been put up in store windows. All members of the radio trade in the Kansas City market are wearing lapel buttons with "20" in red on a white background. One and 2 column mats with the birthday cake and candles are being used in all newspaper advertising; and radio commercials are tied in.

All radio dealers have been urged to "dress up your store. Why not use American flags", asked Jerry Weston, secretary-manager, "as one thing this birthday celebration stresses in the progress under the American system of broadcasting. In most foreign countries, radio is government owned and operated—every set is taxed—programs are dull, monotonous, and full of propaganda."

For the best window display, illustrating 20 years of progress in radio, prizes of \$25, \$15 and \$10 will be paid.

In order to maintain interest of all men on the firing line straight through the Birthday celebration, a second Radio Rally will be held on November 22.

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O. H. Caldwell, editor, *Radio Today*, will present on the November cover of his magazine "Milestones Marking 20 Years of Radio Progress."

According to Dr. Caldwell, they are:

<i>Year</i>	<i>Milestones of Progress</i>
1920	Radio broadcasting begins.
1921	Six BC stations operating.
1922	First "Commercial" BC program.
1923	Superhets, Neutrodyne. First BC chain.
1924	First shortwave rebroadcast. Factory-built set.
1925	Socket-power units. Facsimile shown.
1926	Year of wave-jumping and air chaos.
1927	Federal Radio Commission clears air.
1928	Broadcast reallocation. AC-operated radios.
1929	Screen-grid tubes. Dynamic speakers.
1930	Midgets and table models introduced.
1931	Automatic volume controls. Auto radios.
1932	Shortwave receivers become popular.
1933	Tuning conveniences. Television iconoscope.
1934	High fidelity sets. FCC takes over radio.
1935	Metal tubes. Noise-reducing antennas.
1936	Business recovery. Record radio year.
1937	AFC. Push-button tuning. Combinations.
1938	Television. Wireless controls and players.
1939	Recorders. FM. Portables.
1940	"Camera" portables.

These "milestones" used in conjunction with Broadcasting Magazine's Year Book chronology, page 396, provide a concise picture of the events which brought



radio to its present high state of development and position of service.

In the Radio Birthday broadcast over WJZ-NBC Blue, at 7:30 p. m., Friday, November 15, Dr. Caldwell covered some of the milestones listed above.

He paid tribute to "Joseph Henry, another great pioneer American scientist who sent the first wireless signal between two antennas 400 feet apart on the Princeton College Campus—just 100 years ago."

On November 22 at the same time and over the same stations, Dr. Caldwell will discuss "From Crystal Set to Superhet"; on the week following, "Radio's Effects on Home Life".

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In tribute to Radio's Twentieth Anniversary, the Columbia Broadcasting System will broadcast tonight (Nov. 15). Norwin's Corwin brilliant verse-narrative, "Seems Radio's Here to Stay".

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Paul H. Connet, sales manager, KGW and KEX, Portland, has mailed a bundle of tear sheets from The Oregonian of various October and November dates. They showed the two column Listen Before You Vote advertisement. Copy illustrated with an elephant and donkey, read:

"LISTEN BEFORE  
"YOU VOTE!"

"Radio steps along with the American press in offering the American people the uncensored statements of political parties and candidates.

"Your Oregonian carries a front page box daily listing political broadcasts."

"TUNE IN, LISTEN, THEN VOTE  
"KGW-KEX  
"The Oregonian"

The transcription which the United States Civil Service Commission has prepared in celebration of Radio's 20th Birthday is expected to be mailed today to all stations in the United States.

The closing band selection may be faded out for inclusion of any announcement which the station may care to make.

Following are the remarks by Harry B. Mitchell, president of the Commission:

"The most important problem in the United States is national defense. Today, as the American radio industry celebrates its twentieth anniversary, the United States Civil Service Commission congratulates radio and the American public on the part radio is taking in the national defense program.

"In May 1940, the President of the United States and the Congress initiated the preparedness program in which we, as Americans, are now engaged. The United States Civil Service Commission was given the task of locating with the greatest possible speed thousands of skilled civilian workers. This program could not be carried on with the necessary speed by ordinary procedures. The Commission, therefore, turned to radio as one of the most important channels of public information in telling the public imme-

diately of the need for workers. They were needed in navy yards to build ships; they were needed in torpedo stations; they were needed to manufacture munitions and to perform other defense work under the War and Navy Departments. Although public attention has been focused on the men who will serve the Nation in the military and naval forces, it cannot be emphasized too strongly that the men who work in navy yards and army arsenals are equally important in the defense of the United States.

"In all national defense work, the emphasis is necessarily on speed. In the war-torn world in which we live today, there is little place for leisurely procedures. With 'bombs bursting' over a large part of the so-called civilized world, we who live in one of the last ramparts of democracy are girding ourselves for adequate preparedness. So far as our own Commission is concerned, we interpret this to mean that we must give speedy service to national defense agencies in need of civilian defense workers.

"In this recruiting program, the Commission has been impressed by four facts:

"First. By the spirit in which radio immediately met the national defense challenge. The Civil Service Commission has made no requests of the radio industry without receiving immediate, affirmative action. There have been no ifs or ands. Its reply to our request for cooperation was simply this: 'Radio is ready to act; it will do everything within its power for the defense of the United States.'

"Second. The Commission has been impressed by radio's *continued* spirit of cooperation. As the preparedness program gains momentum, the needs of the Navy Department and the War Department for civilian employees change from day to day. New establishments are being opened requiring the services of thousands of additional workmen. Other establishments are expanding. On such occasions, it is necessary to call the need for workmen to the attention of the American public. Radio is doing this job. As the weeks have rolled on since the emergency began, radio stations throughout the nation have informed the people where national defense workers are needed. In no other way would it be possible to meet defense needs with the necessary speed.

"Third. The Commission has been gratified at radio's ability to bring the defense needs to the attention of all of the American people. Hundreds of stations are daily sounding the summons for skilled workers. In Pennsylvania, there are 39 such stations. In Illinois there are 23, in Texas there are 37. In California there are 25. They are found in EVERY State.

"All of you have seen news photographs of the President of the United States speaking in the halls of Congress before a battery of microphones. Today, and every day, the national defense needs outlined by the President and by the Congress are being broadcast before a battery of more than 800 microphones scattered throughout the United States. These broadcasts are stating the need for civilian defense workers. The story is reaching into every home in the land.

"Fourth. The Commission is impressed by the results which the cooperation of radio has made possible. Not long ago, the War Department needed telephone construction men at the Panama Canal, the solar plexus of America's defense on the Western Hemisphere. The Commission explained the problem to radio, and within a week, the need was filled.

"Through radio's aid, we have told the American people of the need for toolmakers, inspectors of powder and explosives, inspectors of ship construction, aircraft technicians, and many other types of defense workers.

"Since the preparedness program began, the Civil Service Commission, with radio's cooperation, has obtained and placed on the job more than 150,000 workers in the War and Navy Departments. This does not include thousands of national defense employees who have been placed on other vital defense jobs in other establishments. There is no better example showing that democracy can and does work than this speeding up of defense operations through the loyal cooperation of thousands of Americans working toward the goal of national defense."

"As president of the United States Civil Service Commission, I congratulate the American radio industry on its twentieth anniversary and on the patriotic cooperation it is giving in making successful the national defense program of our great Republic.

"When the story of the present national emergency is written, radio will be able to say with pride and satisfaction that when it was called upon to help do the national defense job, it responded willingly, wholeheartedly, and effectively. In turn, the people of the United States may well feel grateful to the entire radio industry and to the National Association of Broadcasters for the assistance they rendered in helping make America safe."

# BMI

## FORT WORTH REGIONAL MEETING

Seventy stations from seven states were represented at a regional meeting Tuesday in Fort Worth, Tex., to discuss the establishment of a regional copyright clearance bureau. Harold Hough, WBAP, who presided, reported that the broadcasters present were enthusiastic about the idea and that none present would accept the contract which ASCAP proposed. Several stations joined BMI after Stuart Sprague had told what that organization was doing to lick the music monopoly.

## BMI FEATURE TUNES

November 18-25

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON

When people spend nickles to listen to a song, there is conclusive proof that they like the music. That sort of C.O.D. popularity cannot be faked. This week, records of three BMI numbers appear among the biggest money makers in the nation's coin phonographs. Bob Chester's record of *Practice Makes Perfect*, showing up on the list for the fourth week, is in fifth place. Tommy Tucker's record of *There I Go* and Frankie Master's account of the *Same Old Story* are also on the list. *Practice Makes Perfect* and Vaughn Monroe's record of *There I Go* are among the best sellers. In sheet music, both *Practice* and *There I Go* hold national ranking. On the most played lists there are seven BMI numbers: *There I Go*, *Practice Makes Perfect*, *I Give You My Word*, *So You're The One*, *Same Old Story*, *May I Never Love Again*, *I Hear A Rhapsody*. *Practice* stood at number four and *There I Go* at number seven on last week's Hit Parade.

For the past week stations have been flocking to the fold at the rate of one a day to bring the total tally up to 414. We welcome to the list of BMI subscribers, the following:

KFDY, Brookings, S. Dak.  
KOWH, Omaha, Nebr.  
KROD, El Paso, Texas.

WEW, St. Louis, Mo.  
WFOR, Hattiesburg, Miss.  
WHB, Kansas City, Mo.  
WMRN, Marion, Ohio.

Broadcast Music, Inc. has acquired the performing rights in music of the New Era Music Corporation, the publishing company controlled by Jimmie Lunceford. The contract guarantees that BMI now has available twenty-four Lunceford recordings of this music and provides for sixteen additional records to be made by Lunceford for BMI.

These new recordings were cut by the Lang-Worth Company on November 11 and the transcriptions are expected to be ready for release to BMI subscribers by December 1.

A few weeks ago Lunceford dropped his CBS broadcasts, saying that he could not get enough numbers typical of his style of playing to fill his programs under the restrictions imposed by the ASCAP-radio controversy. In announcing his new contract with BMI, Lunceford explained his position with regard to the controversy in the following statement:

"This contract ought to show what I think about BMI. The BMI way of dealing with writers is the best thing that has ever happened to American music. Some newspapers tried to make out that I was rooting for ASCAP. This is just not so. There is no publishing house in the country, except my own, which gives me one tune in a thousand that suits my style of playing. That is why I have my own house. My own music is going to BMI because BMI gives the fairest deal that I can get. No matter whether my band plays before a microphone for the next few months or not, my music will still be on the air through the records that I have made and the new ones that I'm going to make for BMI."

Harold Oxley, Lunceford's personal representative and the President of New Era, states that the difficulty which Lunceford encountered with both CBS and Mutual is now being eliminated. Under these circumstances it will be possible for Lunceford to broadcast complete programs with non-ASCAP music. While Lunceford is now on the road, so that he has no opportunity to broadcast at present, there is no longer any obstacle to his appearance before the microphone.

BMI has signed a contract by which it acquires the performing rights to the music of O. B. Clow of Tacoma, Washington. Under this contract, twenty-four recorded tunes become available to BMI subscribers and BMI acquires also the rights of publication. Mr. Clow is both composer and lyrist and has himself published some of his own music. He is an inventor, a restaurant operator and an apartment house owner who has produced about 4,000 compositions in addition to pursuing a highly successful business career.

Five new BMI records are announced for future release. For previous announcements of BMI records, see



NAB REPORT of October 18, page 4689, and October 11, page 4667.

#### COLUMBIA

*I Give You My Word* and  
*So You're The One*

Eddy Duchin Col. 35812  
Not before November 29

OKEH (Columbia)

*I Hear A Rhapsody*

Al Donahue Okeh 5888  
Not before November 29

*I Give You My Word*

Jack Leonard Okeh 5886  
Not before November 29

*High On A Windy Hill* and  
*It All Comes Back To Me Now*

Gene Krupa Okeh 5883  
Not before November 29

BLUEBIRD (Victor)

*I Hear A Rhapsody*

Charlie Barnett B-10934  
Not before November 29

### CHICAGO SCHOOL BROADCAST CONFERENCE OPENS DEC. 4

Many member stations are planning to send representatives to the Fourth Chicago School Broadcast Conference, December 4, 5, and 6, at the Congress Hotel. Both NAB and BMI will have exhibits. Carl Haverlin, BMI Stations Relations Director, will be present to explain to educators and broadcasters the latest aspect of the music problem as January 1 approaches. Ed. Kirby, NAB Director of Public Relations, will attend and preside at a dinner at which Dr. James R. Angell, Vice President and Educational Director of NBC, and Gilbert Murray, of the Canadian Broadcasting Corporation, will speak. This year's conference, largest in history, will attract an attendance of around 1,000. The educational directors of both CBS and NBC are planning special meetings for representatives of their affiliated stations. The program follows:

#### Wednesday:

- 10:00 A. M. General Session, J. Irving Lee, Chairman.  
"The Transition from Stage to Radio," Script by Erik Barnouw, Production by Wynn Wright.
- 1:00-4:00 P. M. Classroom Demonstration, Clifton Utley, Chairman.
- 7:00 P. M. Dinner. James R. Angell, Educational Counselor, NBC, and Gilbert Murray, CBC. Toastmaster, Ed. Kirby, NAB.
- 8:00 P. M. Report and Clinic on Evaluation. I. Keith and Staff.

#### Thursday:

- 9:00-10:30 A. M. Classroom Demonstration, Alice Keliher, Chairman.
- 10:30-12:00 Noon. Classroom Demonstration, Dudley Crafts Watson, Chairman, Chicago Art Institute.
- 1:00-2:30 P. M. Classroom Demonstration, Out-of-School Listening, Agnes Adams, Chairman.
- 2:30-4:30 P. M. Work Study Groups.
- 6:30 P. M. Advisory Council Dinner.
- 7:30 P. M. America's Town Meeting—Origination.

#### Friday:

- 9:00-11:00 A. M. Demonstration, Gebhart Wiebe, Chairman.  
Five types of music presentation with no children.
- 11:00-12:00 Noon. Classroom Demonstration, Donald Cawelti, Chairman.
- 1:00-2:30 P. M. Classroom Demonstration, Out-of-School project, Elizabeth Robertson, Chairman.
- 2:30-4:30 P. M. Work Study Groups. (Continued from preceding day.)

7:00 P. M. Banquet, Chairman C. A. Siepman.  
George Denny, Lyman Bryson, Raymond Gram Swing;  
"Methods by Which Radio Implements Democracy."  
Folk Songs—Alan Lomax.  
Award of Merit.  
Entertainment.

## Sales

### AND NOW—MUSHROOMS

Meat, doughnuts, canned peas—and now mushrooms are added to the long list of products seeking free radio time through various methods. Nancy Bobb, 225 West 39th Street, New York, asks stations to help her distribute a recipe booklet "Magic with Mushrooms." Miss Bobb makes it easy for stations to offer her booklet by also offering a special script for women's programs. The Bureau of Radio Advertising has written Miss Bobb pointing out the error of her ways, and inviting her client to buy time.

MacFadden Publications is an older and more experienced "free offerer," who make a combination offer of two weekly half-hour scripts on behalf of True Story and True Detective Mysteries magazines, plus the utmost cooperation of local MacFadden distributors in publicizing the shows. The NAB points out that stations are not in the habit of promoting magazine circulation free of charge, but in view of MacFadden's marked interest in the power and influence of radio advertising, invites them to consider a paid campaign.

### SAVINGS AND LOAN ASSOCIATIONS USE RADIO

The Bureau of Radio Advertising has released to all members reprints of a report on "Radio Advertising by Savings and Loan Associations."

The report, which first appeared in the October issue of the Federal Home Loan Bank Review, is the result of the FHLB's third annual "Hunt for Facts" survey, and shows that 240 member associations used radio in 1939, some more effectively than others. According to the detailed breakdown, the report states,

"... it is significant to discover that in the group of associations spending \$1,000 or more, the ratio of satisfied to dissatisfied users was nearly 3 to 1." In other words, radio paid for those who gave it a real try.

Additional copies of the factual analysis may be had on request to the NAB Bureau of Radio Advertising.

## Legal

### WHITEMAN APPEALS

Petition for writ of certiorari in the case of *Whiteman v. RCA Manufacturing Co.* (119 Fed. 2d. 86) was filed

with the Supreme Court of the United States by Mr. Whiteman on November 9. Review is sought of the decision of the Circuit Court of Appeals for the Second Circuit holding that phonograph records may be broadcast even though they contain a label forbidding their use except on phonographs in homes.

### APPLICATION FORMS

The subcommittee on application forms of NAB-FCC Conference Committee met Wednesday in Washington for consideration of the proposed recommendations of the FCC Rules Committee to the Commission. It is expected that a meeting of the full committee will be held early next week for the purpose of drafting final requests for revision of application forms 301 and 319.

### SPOT CONTRACTS

The subcommittee of the NAB-AAAA Conference Committee charged with redrafting the spot-broadcasting contract meets Friday in New York to continue its work.

### FCC ATTORNEY GOES IN ARMY

James D. Cullingham, principal attorney of the Federal Communications Commission, has been called by the Army as a Captain in the Reserve Corps. He will be attached to the office of the Judge Advocate General of the Army.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, November 18. They are subject to change.

#### Monday, November 18

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, 1140 kc., 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

#### Tuesday, November 19

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, 1310 kc., 100 KW night, 250 KW LS, unlimited time.

To be held in the following places:

Court Room of the U. S. District Court  
Post Office Building  
Tallahassee, Florida.  
Grand Jury Room 309  
Federal Building  
Tampa, Florida.  
Court Room No. 2  
5th Floor Post Office Building  
Jacksonville, Florida.

#### Friday, November 22

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 1 KW night, 1 KW LS, unlimited time (DA night).

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- LaGrange Broadcasting Co., LaGrange, Ga.—Granted construction permit for new broadcast station to operate on 1210 kc., with 250 watts power, unlimited time (B3-P-2763).
- Central Willamette Broadcasting Co., Albany, Ore.—Granted construction permit for new broadcast station to operate on 1210 kc., 250 watts, unlimited time (B5-P-2949).
- Delta Broadcasting Co., Escanaba, Mich.—Granted construction permit for new broadcast station to operate on 1500 kc., 250 watts power, unlimited time, exact transmitter site and antenna to be determined subject to Commission's approval (B2-P-2854).
- KOIL—Sidles Company (Assignor), Star Printing Co. (Assignee), Omaha, Nebr.—Granted authority to transfer control of Central States Broadcasting Company, licensee of station KOIL, to the Star Printing Company, consisting of one share of common stock; the Sidles Co. thus relinquishes control of the licensee corporation by the transfer of the one share of common stock to the Star Printing Co., now owner of 249 shares, for a consideration of \$125.00. Station KOIL is normally licensed to operate on 1260 kc., 1 KW night, 5 KW day, unlimited time (B4-TC-202).
- WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted request to relinquishment by Alma W. King of the control of Coastal Broadcasting Company, licensee of WMOG, to Arthur Lucas and William K. Jenkins, consisting of 75 shares (75%) of the common stock of licensee corporation for the sum of \$7,500. Station operates on 1500 kc., with 250 watts day, 100 watts night, unlimited time (B3-TC-234).
- KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted construction permit to install new transmitter and vertical radiator, and increase power from 1 KW to 5 KW, 830 kc., operating from local sunrise to sunset at Denver, Colo. (B4-P-2882).
- KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit (B5-P-2843) to make changes in directional antenna and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B5-MP-1073).
- WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted construction permit to install new equipment and vertical radiator, move transmitter and increase power from 50 watts to 250 watts, unlimited time, exact transmitter site and type of antenna to be determined with Commission's approval; 1310 kc. (B2-P-2459).
- KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted construction permit to increase power from 500 watts to 1 KW, 1330 kc.; install new transmitter; make changes in antenna and move transmitter to a new site locally, subject to Commission's approval of antenna site (B3-P-2230).
- KMO—Carl E. Haymond, Tacoma, Wash.—Granted construction permit to install new transmitter and increase power from 1 to 5 KW; 1330 kc., unlimited time (B5-P-2707).
- WAGF—John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co. (Assignor), Dothan Broadcasting Co. (Assignee), Dothan, Ala.—Granted consent to voluntary assignment of license and construction permit from John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co., to John T. Hubbard, Julian C. Smith, Fred C. Moseley and Horace Hall, d/b as Dothan Broadcasting Company, the new partner, Horace Hall, to pay the sum of \$12,500 to the three partners of the assignor partnership, as individuals, the sum of \$12,500 for his 25% interest in the assignee; station operates on 1370 kc., 250 watts power, daytime only (B3-APL-9).
- WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on 1420 kc., 250 watts day (B1-ML-1023).



## DESIGNATED FOR HEARING

KFOR—Sidles Co. (Assignor), Star Printing Co. (Assignee), Lincoln, Nebr.—Application for consent to transfer of control from Sidles Co. to Star Printing Co. of Cornbelt Broadcasting Co., licensee of station KFOR; **1210 kc.**, 100 watts night, 250 watts day, unlimited time (B4-TC-203).

KFAB—Sidles Co. (Assignor), Star Printing Co. (Assignee), Lincoln, Nebr.—Application for consent to transfer of control of KFAB Broadcasting Co. from Sidles Co. to Star Printing Co.; **770 kc.**, 10 KW, simultaneous day, shares with station WBBM night.

Fred Jones Broadcasting Co., Tulsa, Okla.—Application for construction permit for new station to operate on **690 kc.**, 50 KW, directional antenna for day and night use (B3-P-2957).

KOMA—KOMA, Inc., Oklahoma City, Okla.—Application for construction permit to increase power to 50 KW; install new transmitter and directional antenna for night use; move transmitter; and change frequency to **690 kc.** under terms of the North American Regional Broadcasting Agreement; unlimited time. Station now operates on **1480 kc.**, 5 KW power, unlimited time (B3-P-2703).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Application for construction permit to change frequency to **690 kc.**; increase power to 5 KW; install new transmitter and directional antenna for nighttime use; and move transmitter. Station now operates on **1010 kc.**, 1 KW power, specified hours (WNAD) (B4-P-2883).

KFEQ—KFEQ, Inc., St. Joseph, Mo.; KWK—Thomas Patrick, Inc., St. Louis, Mo.—Application of KFEQ, Inc., to install new transmitter with directional antenna, increase power to 5 KW, and extend hours of operation from limited to unlimited. Station now operates on **680 kc.**, 500 watts, 2½ KW daytime to local sunset at San Francisco; to be heard with application of Thomas Patrick, Inc., for construction permit to change frequency from **1350 kc.** to **680 kc.**, and increase power from 1 KW, 5 KW LS, to 50 KW (B4-P-2364).

Trent Broadcast Corp., Trenton, N. J.; WTMJ—WOAX, Inc., Trenton, N. J.—Application for new station to operate on **1230 kc.**, 1 KW power, unlimited time (B1-P-2861), to be heard with application of WOAX, Inc., for construction permit to change frequency from **1280 kc.** to **1230 kc.**; increase power from 500 watts to 1 KW; change hours of operation from shares WCAM and WCAP to unlimited time; install directional antenna for day and night use; and move transmitter (B1-P-2959).

WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.; WTNJ—WOAX, Inc., Trenton, N. J.—Applications for renewal of licenses of stations WCAM, Camden, N. J.; WCAP, Asbury Park, N. J.; and WTNJ, Trenton, N. J.; WCAM operates on **1280 kc.**, 500 watts, shares WCAP, WTNJ; WCAP operates on **1280 kc.**, 500 watts, shares WCAM, WTNJ; WTNJ operates on **1280 kc.**, 500 watts, shares WCAM, WCAP.

Herbert L. Wilson, Community Broadcasting Corp., New York, N. Y.—Application for construction permit for new station to operate on **1310 kc.**, 250 watts power, unlimited time (B1-P-2678), to be heard with: Community Broadcasting Co., Middletown, N. Y.—Application for construction permit for new station to operate on **1310 kc.**, 250 watts, unlimited time (B1-P-2594).

KFRO—Voice of Longview, Longview, Tex.—Application for modification of construction permit for new equipment and increase in power from 1 KW to 5 KW, and extend commencement date to 60 days after grant and completion date to 180 days thereafter; **1340 kc.**, DA night, unlimited (B3-MP-872).

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Application for modification of license to increase night power from 250 watts to 500 watts; 1 KW LS, unlimited time, on **1340 kc.** (B4-ML-998).

Central Carolina Broadcasting Corp., Burlington, N. C.—Application for construction permit for new station to operate on **1420 kc.**, with 100 watts power, unlimited time (B3-P-2556).

WMBG—Havens & Martin, Inc., Richmond, Va.—Application for modification of license to increase power from 1 KW, 5 KW local sunset to 5 KW day and night, using directional antenna; **1350 kc.** (B3-ML-1011).

Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Application for construction permit amended to request new station

to operate on **1370 kc.**, 100 watts, unlimited time (B3-P-2472).

R. B. Terry, D. A. Rawley, C. M. Waynick & H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—Application for construction permit for new station to operate on **1370 kc.**, 100 watts, unlimited time; to be heard in connection with application for Greensboro, listed above (B3-P-2491).

WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Application for modification of license to increase nighttime power from 500 watts to 1 KW; **1410 kc.**, 1 KW day (B2-ML-973).

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Application for construction permit to make changes in antenna, install new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day on **1410 kc.** (B2-P-2699).

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Application for modification of license to increase nighttime power from 500 watts to 1 KW; **1410 kc.**, 1 KW day. (B3-ML-971).

## MISCELLANEOUS

W9XA—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.**, using maximum power of 1000 watts, special emission (frequency modulation) in cooperation with the licensee of high frequency broadcast station W2XJI, for the period November 8, 1940, to not later than December 7, 1940, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interference station whose transmissions are received via skywave will interfere with program reception of the desired station in its own coverage area.

W1XSO—The Travelers Broadcast Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate high frequency station W1XSO on frequency **43.7 mc.** instead of **43.2 mc.** for the period November 10, 1940, to not later than December 9, 1940, in order to eliminate certain interference.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted special temporary authority to rebroadcast transmissions received from SS NORTH STAR, Call letters WTDU, frequency **2126 kc.** on November 8, 1940, in connection with regular Antarctic Expedition program.

WMAX—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate additional time November 8 and 9, 1940, to broadcast programs of Mercer University only, and to operate additional time November 10 to 14, 1940, inclusive, to broadcast programs of Georgia Baptist Convention only.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 5:30 p. m., PST, November 11, 1940, in order to broadcast special high school football game only.

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast communication between U. S. Marine Corp. plane and the airport control tower provided by Marine Corp., frequency **3785 kc.**, from 8 p. m. to 8:30 p. m. EST, November 10, 1940, in connection with dive bombing tests conducted in the area of North Island Airport, San Diego, Calif.

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to pickup and rebroadcast transmissions from training ship operating with Army equipment and under supervision of Army operation on frequency **4185 kc.**, 5 watts power, from 11:30 to 12 noon, PST, November 9, 1940, in connection with delivery of planes from Vultee Air Factory at Downey, Calif., to Moffett Field.

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Granted special temporary authority to rebroadcast transmissions received from Army airplane between 11 a. m. and 12 noon, EST, November 11, 1940, in connection with Armistice Day celebration.

WNYC—City of New York, Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to broadcast program sustaining audience in addition to the authority granted November 7, 1940, to operate from local sunset to 6:45 p. m., EST, for the period ending not later than November 30, 1940, in order to broadcast official information to Draft Boards only.

WNYC—City of New York, Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to operate from local sunset (November, 4:45 p. m., EST), to 6:45 p. m., EST, for the period ending not later than November 30, 1940, in order to broadcast official information to Selective Service Draft Boards only (Sundays excepted).

WAPI—Alabama Polytechnic Institute, Univ. of Ala., and Ala. College (Board of Control of Radio Station WAPI), Birmingham, Ala.—Granted petition in part continuing hearing now scheduled for November 18 to December 9, on application for renewal of license for station WAPI.

## APPLICATIONS FILED AT FCC

### 580 Kilocycles

WTAG—Worcester Telegram Publishng Co., Inc., Worcester, Mass.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna for day and night use.

### 610 Kilocycles

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—License to cover construction permit (B3-P-2461) for a new transmitter, installation of directional antenna, increase in power, requesting change in type of transmitter.

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2339) as modified for new equipment, installation of directional antenna for use day and night, and move transmitter.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 780 Kilocycles

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Voluntary assignment of license from Memphis Commercial Appeal Company to Memphis Publishing Company.

### 920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station on 920 kc., 5 KW, unlimited time, directional antenna for day and night use. Amended to make changes in directional antenna and change transmitter site.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—License to use old composite transmitter for auxiliary purposes only, using 500 watts power.

### 1200 Kilocycles

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to transfer control of corporation from James S. Maffeo and Lawrence R. Jackson to Carleton W. Morris, 463¼ shares of stock.

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Modification of construction permit (B2-P-2582) for a new station, requesting approval of vertical antenna and transmitter and studio sites and change type of transmitter.

WDSM—WDSM, Inc., Superior, Wis.—Authority to install automatic frequency control equipment.

### 1210 Kilocycles

KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Construction permit to change frequency from 1210 to 1390 kc., increase power from 250 watts to 1 KW, change hours from share KPPC to unlimited time, install new transmitter, and make changes in vertical antenna.

NEW—Mohawk Radio, Inc., Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time. Amended re stockholders and financial structure.

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new broadcast station on 1210 kc., 250 watts, unlimited time. Class IV station.

WGRM—P. K. Ewing, Greenwood, Miss.—Construction permit to install a new transmitter.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to make changes in automatic frequency control equipment.

### 1240 Kilocycles

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

### 1290 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—Construction permit to increase power from 250 watts to 1 KW, install a new transmitter, and make changes in directional antenna for day and night use.

### 1300 Kilocycles

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1310 Kilocycles

NEW—Parkersburg Sentinel Co., Parkersburg, W. Va.—Construction permit for a new broadcast station on 1310 kc. (Class IV station), 250 watts, unlimited time.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—License to cover construction permit (B2-P-2411) as modified for a new station.

### 1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified for approval of transmitter site at East Dubuque, Ill., and approval of directional antenna for night use.

### 1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Authority to determine operating power by direct measurement of antenna power.

KFRU—KFRU, Inc., Columbia, Mo.—License to cover construction permit (B4-P-2322) as modified for change of frequency, decrease in power, and change in hours of operation.

### 1380 Kilocycles

NEW—Wayne M. Nelson, Concord, N. C.—Construction permit for a new broadcast station on 1380 kc., 1 KW, daytime. Class III Station.

### 1400 Kilocycles

NEW—Richard Field Lewis, Jr., Winchester, Va.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited time. Class IV Station. (Requesting 1400 kc., under NARA.)



#### 1420 Kilocycles

- WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Modification of construction permit (B3-P-2646) for changes in equipment, increase in power and move of transmitter and studio, requesting move of studio from near Albany to Albany, Ga.
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Authority to determine operating power by direct measurement of antenna power.
- WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Authority to determine operating power by direct measurement of antenna power.

#### 1450 Kilocycles

- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, and make changes in directional antenna for night use. Class III-A Station.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Authority to determine operating power by direct measurement of antenna power.

#### 1490 Kilocycles

- NEW—Granite District Radio Broadcasting Co., Murray, Utah.—Construction permit for a new broadcast station on 930\* kc., 250 watts, unlimited time. \*960 kc. requested if Havana treaty effective. Amended: To request 1500 kc. (1490 kc. under N. A. R. A.). Contingent on KUTA being granted 570 kc., 1 KW).

#### 1500 Kilocycles

- WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to transfer control of corporation from Owensboro Publishing Co., Inc., to L. W. Hager, 77 shares, W. B. Hager, 77 shares, and George M. Fuqua, 37 shares.
- WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Modification of license to change power from 100 watts night, 250 watts day, to 250 watts day and night.

#### FM APPLICATIONS

- NEW—Federated Publications, Inc., Lansing, Mich.—Construction permit for a new high frequency broadcast station to be operated on 47100 kc.; coverage, 3,820 square miles; population, 278,162.
- NEW—Federated Publications, Inc., Battle Creek, Mich.—Construction permit for a new high frequency broadcast station to be operated on 48100 kc.; coverage, 4,100 square miles; population, 278,739.
- NEW—Federated Publications, Inc., Grand Rapids, Mich.—Construction permit for a new high frequency broadcast station to be operated on 46100 kc.; coverage, 5,300 square miles; population, 518,766.
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc.; coverage, 14,150 square miles; population, 14,954,832.
- NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 45500 kc.; coverage, 3,960 square miles; population, 11,010,372.

#### TELEVISION APPLICATION

- NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new television broadcast station to be operated on 50000-56000 kc., power 1000 watts visual, and 500 watts aural, emission A3 and A5, Class I Television broadcast station. Amended: re transmitter location and equipment.

#### MISCELLANEOUS

- W1XK—Westinghouse Electric & Manufacturing Co., Hull, Mass.—License to cover construction permit (B1-PHB-76) as modified, for a new high frequency broadcast station.
- WEKW—Travelers Broadcasting Service Corp., Mobile.—License to cover construction permit (B1-PRE-366), which authorized decrease in power to 15 watts and new equipment.
- NEW—Juan Piza, San Juan, P. R.—Construction permit for a new relay broadcast station to be operated on 158400 kc.,

20 watts, special emission for frequency modulation. Amended: To change frequency to 156750, 158400, 159300, 161100 kc.

- WELU—WDZ Broadcasting Co., Portable-Mobile.—License to reinstate station WELU; frequencies 30820, 33740, 35820, 37980 kc.; power 2 watts, emission A3.
- WABG—Memphis Commercial Appeal Co., Mobile.—Voluntary assignment of license from Memphis Commercial Appeal Company to Memphis Publishing Company.
- KIUN—Jack W. Hawkins & Barney H. Hubbs, Pecos, Tex.—Authority to determine operating power by direct measurement of antenna power. (1370 kc.)
- WBAZ—L. B. Wilson, Inc., Portable-Mobile.—License to cover construction permit (B2-PRE-367) for new relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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.

**Bowe & Hartman**—Alleging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against R. G. Bowe and W. W. Hartman, trading as Bowe & Hartman, 101 Summit St., Toledo.

In the sale of "Bowe's Tablets," the respondents are alleged to disseminate advertisements in commerce in which they represent, directly or by implication, that ulcers of the stomach, duodenum and intestines, gas on the stomach, sour stomach, indigestion, heartburn, constipation, nausea, pains around the heart, muscular pains, nervousness, melancholia, colds, headaches, dizziness, fatigue, lack of appetite, bad breath and insomnia are due to, or persist because of, hyperacidity or the presence of excess acid, and that their preparation is a cure or a remedy for hyperacidity and thereby constitutes a cure or remedy for the specific ailments and conditions mentioned.

The complaint alleges that, in truth, while gastric hyperacidity may be associated with the illnesses mentioned, it is not the cause of such conditions, nor do they persist solely because of hyperacidity. Although the respondents' product, according to the complaint, will assist in the temporary neutralization of gastric hyperacidity, it does not constitute a cure or remedy for any of the conditions enumerated.

The complaint further alleges that the preparation possesses no therapeutic value in the treatment of the conditions mentioned in excess of such temporary and palliative relief as it may afford in those instances where gastric hyperacidity is a concomitant factor.

According to the complaint, the respondents represent that they are manufacturing pharmacists and that their preparation is manufactured by them. The complaint alleges that they are not manufacturing pharmacists and obtain the preparation from other sources. (4373)

**Chocolate Products Company**, 415 West Scott St., Chicago, is charged in a complaint, with misrepresentation in the sale of a chocolate syrup designated "Stillicious Vitamix," alleged to contain Vitamins A, B, D, and G. The product was formerly known as "Stillicious Vitamin A, B, D."

The complaint alleges that the respondent sells its product in small containers to wholesale and retail dealers and in large quantities to dairies. The dairies, according to the complaint, use the product in making bottled chocolate drinks or beverages which, pursuant to agreement with the respondent, are sold to the public under the trade name "Stillicious."



In advertisements disseminated in various States, the respondent, according to the complaint, represents, directly or by implication, that the chocolate drinks or beverages made by the dairies with the respondent's product and sold by the dairies under the name "Stillicious," are made with milk. The complaint alleges that the milk content is not in any case whole milk but is skimmed milk or a mixture of whole milk and skimmed milk.

The complaint further alleges that the respondent disseminates advertisements representing, directly or by implication, and contrary to fact, that its product, by reason of the Vitamin A content, helps to build resistance to colds and infection. The complaint alleges that even in exceptional cases where persons suffer from a recognizable deficiency of Vitamin A, the quantity of that vitamin in the respondent's product is insufficient to overcome such deficiency or afford substantial assistance in building resistance to colds or infection. (4371)

**Crowell-Collier Publishing Company** and its subsidiary, P. F. Collier and Son Corporation, both of 250 Park Ave., New York City, and 24 officers and directors of the corporations, have been charged in a complaint with misleading sales methods and representations in the sale of books and encyclopedias with yearly supplements or revision services.

The respondent Crowell-Collier Publishing Company, according to the complaint, sells its publications to school teachers, college professors, business and professional men and to the general public, and, acting by and through its corporate subsidiaries and under the control and direction of the respondent officers, has employed, among other sales methods, the following:

(1) A prospective purchaser will be informed that as a result of a drawing conducted by the respondents, she has won a set of encyclopedias and other books, and the privilege of using for 10 years a research bureau maintained by the respondents; that in order to receive the books it is necessary for her to purchase from the respondents a yearly supplement to be supplied for 10 years at a given price which may be paid in monthly installments; that the sum asked for is the price of the yearly supplements, and that the books are given free.

(2) Agents and salesmen advise prospective customers that they are from the respondents' publicity department; that in exchange for letters commending the books, introductory encyclopedia sets are to be placed with a select few in different communities for advertising purposes; that prospects contacted have been selected to receive a set of encyclopedias; that, in order to get the books free, it is necessary for the customer to buy the yearly supplements or the annual revisions for a 10-year period; that the price of the supplements or revisions is far less than the price at which they will be sold later after the close of the advertising campaign, and that the price charged is to cover only the actual cost of the revision work to the respondents.

The complaint alleges that among other representations made in the sale of the respondents' publications are: that through a combination purchase the customer will receive \$184 worth of merchandise for \$59; that it is necessary for the respondents to move their merchandise from a warehouse located in one State to a warehouse located in another State, and that in order to save the expense of moving, the merchandise is offered at a greatly reduced price; that books offered are reclaimed books and are consequently being given at a lower price, and that special offers of reduced prices are being made to employees whose employers have placed advertisements with the respondents.

The complaint alleges that in fact none of the respondents' publications is ever given as the result of a drawing, or free, and as a gift or gratuity; that the purchase price of the so-called free goods is, in every instance, included in the price of the other merchandise sold to the customer; that in no case do the respondents sell at actual cost; that the sum of \$59, represented as a reduced price, is the regular price; and that other claims as made by the respondents are also deceptive and misleading.

Respondent officers and directors named in the complaint are:

J. P. Knapp, chairman, board of directors, Crowell-Collier Publishing Company; T. H. Beck, president, Crowell-Collier Publishing Company, and director, P. F. Collier and Son Corporation; A. E. Winger, executive vice president and treasurer and director of Crowell-Collier Publishing Company, and director, P. F. Collier and Son Corporation; J. A. Welch, vice president and director, Crowell-Collier Publishing Company; W. P. Larkin, vice president and director, Crowell-Collier Publishing Company, and president and director, P. F. Collier and Son Corporation; J. S. Brehm, vice president and director, Crowell-Collier Publishing Company; F. Braucher, vice president, Crowell-Collier Publishing Company;

G. B. Lane, vice president and director, Crowell-Collier Publishing Company; C. J. Bevan, vice president, Crowell-Collier Publishing Company; J. Ducey, assistant treasurer and auditor, Crowell-Collier Publishing Company; D. O'Sullivan, secretary, Crowell-Collier Publishing Company, and secretary, P. F. Collier and Son Corporation, and A. B. Pursell, assistant auditor, Crowell-Collier Publishing Company.

A. H. Lockett, Garden Hazen, H. G. Schackno, P. J. Dennerlein, T. L. Brantley and R. T. Messler, directors of Crowell-Collier Publishing Company; and R. G. Smith, C. E. Stouch, A. Untermeyer, W. L. Chenery, Mrs. G. Whiting, and J. C. Sterling, directors of Crowell-Collier Publishing Company and vice presidents of P. F. Collier and Son Corporation. (4372)

**Westville Refinery, Inc.**, Westville, Ind., a distributor of reclaimed oil, is charged with misrepresentation, in a complaint.

Through use of the word "Refinery" in its corporate name and in other ways, the respondent, according to the complaint, represents that it operates an oil refinery, when in truth, the complaint alleges, it does not own and operate such a refinery in the sense in which the term is understood in the petroleum industry and by the public, namely, to designate a place with the proper and usual equipment where virgin crude oil is refined and prepared for use. The respondent, according to the complaint, is engaged solely in reclaiming and processing used motor oil from crankcase drainings.

The complaint alleges further that the respondent represents that its product is Pennsylvania oil with a paraffin base; that the base is wholly Pennsylvania oil, and that it is made solely from paraffin base stock. According to the complaint, such representations appear in statements printed on labels attached to containers, and the respondent's use of the brand name "Para-Penn" in describing its motor oil constitutes within itself a representation that the oil is from the Pennsylvania oil field and has a paraffin base. (4370)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**American Products Company**, 711 North Taylor Ave., St. Louis, Mo., until recently engaged in selling a vending machine designated "Penny Snappy Vending Machine," and an alleged breath purifier designated "Penny Snappy Breath Flavors," has agreed to cease and desist from representing that it manufactures any product, unless and until it owns, controls, maintains or operates a factory wherein the product is manufactured; that the Penny Snappy Breath Flavor bar will kill or destroy liquor, onion, cheese, garlic or tobacco odors or any other odor, or that it will do more than temporarily mask any odor; that the bar is the only product of its kind on the market or is sold only through the Penny Snappy Vending Machine; that in selling the Penny Snappy Breath Flavor bar and the Penny Snappy Vending Machine one would have no competition, or that the respondents' facilities afford mass production, or that in buying from it one would be buying direct from the manufacturer. (02665)

**Mutual Fibre Box Company**—Henry S. Rosen and Sadie Rosen, trading as Mutual Fibre Box Co., 1400 Broadway, New York City, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of fiber board packing boxes.

Under their stipulation, the respondents agree to desist from marking or stamping such boxes with the purported certification of a box maker or manufacturer together with such use of their trade name "Mutual Fibre Box Co." as may tend to create the impression that they make or manufacture such boxes.

The respondent co-partners also agree to cease using on their stationery or printed matter, or in marking or stamping the boxes, or otherwise, in connection with the sale of such products, the word "manufacturers" or "makers," or other words of similar meaning, so as to imply that they actually own and operate or control a factory in which the boxes are made. (2981)

**Pow-A-Tan Medicine Company**, 825 Fourth Avenue, Huntington, W. Va., engaged in selling a drug preparation designated



"Powatan Herb Tonic," has agreed to cease and desist from representing that its preparation is a cure, remedy or competent treatment for all common ailments, rheumatism, neuritis, arthritis, indigestion, gas and bloating, piles, la grippe, colds, sick headache, heartburn, palpitation of the heart, weakness, tired out feeling and general run-down condition, pains in the neck, shoulders, side, back or hips, lumbago, and female complaints; that its preparation possesses any value in the treatment of the above symptoms or conditions in excess of such temporary relief as may be furnished by a laxative when such symptoms or conditions are due to or caused by constipation; that the beneficial effect of the preparation will prevent or make improbable such diseases and conditions as appendicitis, tuberculosis, catarrh, typhoid and other contagious and acute diseases; or that any price is the regular price for the product, unless it is the price at which the product is regularly and customarily sold. (02666)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**American Lead Pencil Company**—Six manufacturers of rubber typewriter erasers have been ordered to cease and desist from uniform price fixing agreements.

Respondents are American Lead Pencil Company, Hoboken, N. J.; Eagle Pencil Company, Inc., New York; Joseph Dixon Crucible Company, Jersey City, N. J.; Eberhard Faber Pencil Company, Inc., Brooklyn; Weldon Roberts Rubber Company, Newark, N. J., and A. W. Faber, Inc., Newark, N. J., who constitute substantially all of the manufacturers of rubber typewriter erasers.

Prior to November 10, 1935, according to Commission findings, the respondents, in an effort to suppress price competition, restrain interstate trade, eliminate competition between themselves and monopolize trade in rubber typewriter erasers, entered into an agreement and understanding, and from November 10, 1935, to April 10, 1938, carried out such agreement and understanding.

Pursuant to and for the purpose of carrying out their agreement, and in making public bids, the Commission findings continue, the respondents fixed and maintained the prices at which their product was sold, fixed and maintained uniform terms and conditions governing its sale, and submitted, directly and through their agents, uniform and identical bids on their products, when requests were made for such bids.

The Commission order directs the respondents to cease and desist from entering into, continuing, carrying out or attempting to continue to carry out, by any method or means, any contract, agreement or understanding, either written or verbal, the purpose or effect of which is to fix and maintain uniform prices at which rubber typewriter erasers are to be sold, or to fix the terms and conditions governing the sale of such products in commerce.

In answering the Commission complaint in this case, the respondents had admitted all material allegations of fact set forth in the complaint concerning their acts and practices in making public bids on rubber typewriter erasers for the period between November 10, 1935, and April 10, 1938, and waived all intervening procedure. (4170)

**Atco Soap Company**—See A. T. Cherry Company.

**Basie Foods, Inc.**, and Curtis Howe Springer, president of the corporation, Somerset, Pa., have been served with an order directing them to cease and desist from misrepresentations in the sale of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib."

The order directs the respondents to cease using the word "doctor" or any abbreviation thereof to designate or identify any person or product when the person so designated is not or has not been a physician or practitioner of medicine, duly licensed as such to practice medicine by a recognized governmental authority, and when the product so identified is not the product or prescription of, and approved or sponsored by, such a physician or practitioner of medicine.

Further representations which the respondents are ordered to

discontinue are that the majority of human aches and pains are due to congestion of the glands and organs of the body, or to constipation or over-acid conditions; that Dr. Springer's Antediluvian Tea and Dr. Springer's Re-Hib, or any products of substantially similar composition, may be beneficially or safely taken by all persons, and that any of the respondents' products are approved by any governmental agency.

The order directs the respondents to cease representing that Dr. Springer's Antediluvian Tea, or any product of substantially similar composition, has any beneficial, curative or remedial value for any malady or diseased condition or possesses any therapeutic value in the treatment of kidney trouble, diseased tendons, stiff and aching joints, swollen feet, heartburn, insomnia, nervousness, or in the treatment of any other condition except to the extent the symptoms thereof may be relieved by the administration of a mild laxative.

The order further prohibits the respondents from representing that Dr. Springer's Re-Hib, or any product of substantially similar composition, has any beneficial, curative or remedial value for, or possesses any therapeutic value in the treatment of, any condition or malady, except to the extent that such condition or malady is caused by hyper-acidity of the stomach which may be relieved by the administration of the product as a palliative or acid neutralizer, and except to the extent that the digestion of foods may be aided by the administration of the product as a digestant. (2844)

**R. F. Bemporad & Company, Inc.**—An order has been issued requiring R. F. Bemporad & Co., Inc., 102 Madison Ave., New York City, importer and distributor of rugs, to cease and desist from misrepresentations in the sale of its products.

The order directs the respondent company to cease and desist from using the word "Hong Kong," "Canton," "Kina" or other names indicative of Chinese origin, as descriptive of rugs which are not in fact made in China and which do not possess all the essential characteristics and structure of Chinese Oriental rugs; from using the word "Mahah," "Kirma," "Orienta," "Bagdad," or names indicative of the Orient, as descriptive of rugs which neither are made in the Orient nor possess all of the Oriental rug characteristics; from using the word "Reproduction," or any similar word which implies that the article to which it refers is a replica or duplicate of an original, as descriptive of rugs which are not in fact true counterparts of the type named, and from using the words "Old Cabin," "Boston," or other distinctively American names, as descriptive of rugs which are not in fact made in the United States.

Commission findings are that some of the respondent's rugs sold under Oriental and Chinese names are made in Italy and others in Belgium, of cotton, on power looms, and do not have all the characteristics of true Oriental rugs, although they so closely resemble Chinese Oriental or Oriental rugs, as the case may be, that many laymen are unable to distinguish them from the true Orientals.

Pointing out that hooked rugs are generally regarded as a distinctively American product, findings are that the respondent's hooked rugs, designated as "Boston" and "Old Cabin," were made in Europe. (4238)

**A. T. Cherry Company**—Albert T. Cherry, doing business as A. T. Cherry Company and as Atco Soap Company, 2200 Northwestern Ave., Dayton, Ohio, engaged in the sale and distribution of soap and soap powder, has been ordered to cease certain misrepresentations concerning his products.

The Commission finds that the respondent sells his products to house-to-house canvassers, who sell the products in so-called "Combination Deals." A typical "deal" consists of two cartons of soap and four boxes of powder, the wholesale cost of which is approximately 18¢. Although, according to findings, each carton contains the statement "Combination Deal 75¢" or some equivalent statement, the deals are not uniform as to content or price, but each canvasser determines for himself the kind and number of articles to go into each deal and the price at which it is to be sold.

In truth, the Commission finds, the price of 75¢ indicated on the cartons, or the other amount indicated thereon, does not represent the price at which the carton is generally and customarily offered for sale and sold at retail, the prices being wholly fictitious and greatly in excess of the actual retail selling price of the soap.

The respondent is ordered to cease and desist from using the expression "Combination Deal 75¢" or the price mark "75¢",

or any other expression or price marks indicating a price, on the container in which soap or soap products are sold, unless the quantity of soap or soap products enclosed in the container is regularly and customarily offered for sale and sold at 75¢, or the sum indicated; from representing as the customary or regular retail prices for soap or soap products prices which are in fact fictitious and in excess of the prices at which the products are regularly and customarily offered for sale and sold in the normal course of business; and from supplying to, or placing in the hands of, house-to-house canvassers or others purchasing for resale, any soap or soap products price marked or branded in violation of the preceding order. (3416)

**Heifler & Jackson**—An order has been issued striking out a portion of an order to cease and desist of April 15, entered against Rose Heifler and Fred Jackson, trading as Heifler and Jackson, 740 Bergen St., Brooklyn, distributors of a preparation advertised as a treatment for the scalp and hair and designated as "Morgan's Pomade."

The Commission order of last April directed the respondents to cease and desist from dissemination of advertisements containing certain representations of their product.

Upon request of the respondents, the Commission, in the public interest, has modified its order to cease and desist by striking from the last four lines the language "or which advertisements fail to reveal that the application of 'Morgan's Pomade' to tender, injured or broken skin may result in serious injury to the health of the user."

The Commission further directed that except as modified, the order to cease and desist is to remain in full force and effect. (3893)

**Ideal Candy Novelties Co., Inc.,** and Abraham and Rose Aronoff, are directed to cease and desist from selling and distributing candy or any other merchandise so packed and assembled that sales to the public may be made by means of a lottery; from supplying others with assortments of candy or other merchandise or any lottery devices which may be used to conduct gift enterprises or lottery schemes in the sale or distribution of such candy or other merchandise to the public; from supplying others, for sale to the public, with packages or assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with articles of merchandise or larger pieces of candy which may be given as prizes to purchasers procuring pieces of candy of a particular color, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4086)

**Manchester Silver Company,** 49 Pavilion Ave., Providence, R. I., and Frank S. Trumbull, Franz S. Tiderman and Edward B. Palmer, officers of the corporation, have been ordered to cease and desist from certain misrepresentations of prices in the sale of sterling silver flatware.

Commission findings are that for many years the respondents have circulated among retailers, wholesalers and jobbers a price list known as a "Pink List," purporting to show the usual and regular retail prices or values of the respondents' silver flatware; that sales have been made to such dealers at specified discounts from the Pink List, and that retailers, particularly large department stores, in conducting special sales of the respondents' products, have used the Pink List to show the so-called regular prices of those products as compared with the special sales prices.

About January 1, 1939, the findings continue, the respondents devised a plan for use by retailers to promote the sale of the respondents' products at special sales, pursuant to which they issued a "Blue List" which had the words "Wholesale List" printed

thereon. The prices shown in the Blue List for identical articles were substantially higher than the Pink List prices which had long been in use, and were wholly fictitious and greatly in excess of the regular prices, according to findings.

Findings are further that use of the Blue List fictitious prices enabled dealers to represent that purchasers at retail obtain as much as 50 per cent off the respondents' regular list price, whereas when the respondents' real price list (the Pink List) has been used, retailers conducting special sales have been unable to represent that purchasers obtain discounts off the list price in excess of 33 per cent.

The Commission's order directs the respondents to cease and desist from representing as the customary or regular retail prices for their products prices which are, in fact, fictitious and in excess of the regular prices; from using, or supplying to dealers and others for use, purported wholesale, retail or other price lists, when they contain fictitious prices which are in excess of the customary prices; from representing that the regular price of any article of silverware is in excess of the price at which it is customarily sold, and from using, or supplying to wholesalers, retailers and others for use, any price list which does not correctly set forth the true price at which the silverware is customarily offered for sale and sold. (4133)

**Modern Hat Works**—An order has been issued directing Jacob Schachnow, trading as Modern Hat Works, 313 Third St., Jersey City, N. J., to cease and desist from misrepresentations in the sale and distribution of hats.

The order directs the respondents to cease representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the representation that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (2047)

**Reliable Sales Service Company**—Joseph Saladoff, trading as Reliable Sales Service Company, is directed to cease and desist from selling or distributing sales promotion cards, or any other articles of merchandise, so designed and arranged that their use by retail merchants may constitute the operation of a game of chance; from supplying to, or placing in the hands of, others sales promotion cards or sales promotion plans or schemes, or any other merchandise, which may be used, without alteration or rearrangement, to conduct a lottery when distributed to the public; and from furnishing or supplying to dealers display posters or circulars or other advertising literature bearing legends or statements informing the public as to the manner in which sales promotion cards or other lottery devices may be distributed and used. (3535)

#### FTC CASE CLOSED

The Federal Trade Commission has closed a case against Dr. H. B. Norton Shoe Co., Inc., and Dr. H. B. Norton and Benjamin Weinstein, trading as The Foot Health Institute, 1619 Chestnut St., Philadelphia, without prejudice to its right to resume proceedings, should future facts so warrant. The respondents had been charged, in a Commission complaint, with violation of the Federal Trade Commission Act in connection with the sale of specially built shoes designed for ill-formed feet.





### THIS WEEK IN WASHINGTON

Telegram to IRNA members inquiring if the brief submitted by Paul F. Segal, IRNA counsel, "was authorized by you, was submitted to you for approval or whether brief reflects position your station" evoked vigorous response from Samuel R. Rosenbaum, IRNA Chairman, and Mark Ethridge, WHAS. (page 4797.)

Chairman Fly reported on the progress of the Defense Communications Board. (page 4798.)

John Shepard, president of the Yankee Network, became the first FM operator to affiliate his stations with NAB. (page 4798.)

The names of twelve nationally prominent Americans were announced this week as constituting the personnel of the George Foster Peabody Radio Awards Advisory Board. The Peabody awards will be made to stations and networks for outstanding public service broadcasting. (page 4800.)

Plans were rapidly being completed for the large dinner to celebrate radio's Twentieth Anniversary in the Grand Ball Room of Hotel Willard, next Tuesday (November 26) evening. (page 4798.)

### ACTION OF FCC COMMITTEE AROUSES INDUSTRY CONCERN

Considerable concern was evidenced in radio circles throughout the country growing out of the hearing before the FCC Monopoly Committee this week.

Following the submission by Paul Segal, counsel for IRNA, of his brief, the FCC Monopoly Committee ordered T. J. Slowie, Secretary of the FCC, to send the following telegram to all IRNA members:

"Please advise by telegram today whether brief filed in chain broadcasting investigation by attorney Independent Network Affiliates was authorized by you, was submitted to you for approval, or whether views expressed therein were submitted, and whether brief reflects position your station."

Immediately following the sending out of this telegram, Samuel R. Rosenbaum, chairman of IRNA, sent the following telegram to all network affiliates:

"At the San Francisco convention the IRNA officers and board were instructed to file a brief taking exception to the report of the Monopoly Committee and Paul Segal was retained to write the brief. Segal's brief for IRNA does not attempt to express any view on behalf of any individual affiliate, nor does it preclude an

expression of such views. It sets forth only an argument on behalf of IRNA as an organized group containing affiliates of every class and description, and therefore is limited to a spirited defense of the right of stations to contract freely for network affiliation within the present structure of American network broadcasting, and vigorously denies the Monopoly Committee's charge that present affiliation relationships interfere with our ability as affiliates to render satisfactory public service under our licenses.

"Before the brief was filed, advance proof was circulated to the IRNA board, and when it was filed, extra copies were ordered for distribution to every affiliate regardless of IRNA membership. These are being mailed today. A copy of this wire is being sent to the Secretary of the Commission in answer to his wire. We are informed his wire was intended principally to ascertain for Commission information the number of stations for whom IRNA is qualified to argue, and not to place your individual opinions or views on the record. Would appreciate for our files copy of any reply you send the Commission in this regard, and also your opinion of the brief after you have read it. Copy of the brief is being furnished to every known radio station lawyer in Washington."

Among other responses made to the FCC was the reply of Mark Ethridge of WHAS, Louisville, who sent the following communication to Chairman James Lawrence Fly of the FCC, sending a copy also to President Roosevelt:

"I have sent the following wire to Mr. Slowie, in response to his wire of yesterday:

"WHAS was represented at the San Francisco Convention, which instructed the officers and directors of IRNA to file a brief setting out the attitude of stations toward the Monopoly Committee's report. The brief was submitted to us for approval and we approve."

"I do want to protest to you, however, as Chairman of the Commission, what I consider to be intimidation. Whether the wire had that purpose, its wording and its preemptory nature will certainly have that effect. I do not know any reason why the stations affiliated with the networks should not make their position known to the full Commission, particularly when a report of a committee of the Commission charges, in effect, that the stations are not fulfilling their public duty.

"The full Commission, you told me, has not had the opportunity to study the question and has set oral arguments for the purpose of receiving further information and views. It seems to me that the Commission would welcome a statement of the position of affiliates, no matter whether it embraced that position or not.

"If the Commission was interested in knowing whom Mr. Segal represented, it could have required from him written authorization of signatures to the brief; or when he appeared to argue it, could have required him to make a showing of representation; or could have denied him the right to be heard if he could not make a showing. As a lawyer, I know you will recognize that as a fair and just and regular procedure.

"I do not believe the Commission as a whole would ever have authorized such a telegram as was sent out. I must say that it strikes me as a violent departure from any procedure of democratic government.

"I cannot refrain from adding a more personal word. As you may know, I was a New Dealer before anybody in the present

(Continued on page 4798)



THE NATIONAL ASSOCIATION OF BROADCASTERS

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WASHINGTON

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Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## ACTION OF FCC COMMITTEE AROUSES INDUSTRY CONCERN

(Continued from page 4797)

administration ever said he was, and all my adult life I have fought the same sort of evils you have. Moreover, I have done all I could in the radio industry to bring it to an acceptance of the necessity and desirability of regulation. But this sort of thing seems to me irresponsible regulation, and, worse than that, a form of tyranny which I do not like in any form."

## FLY TALKS ON DEFENSE BOARD

Defense Communications Board is making progress, James Lawrence Fly, chairman of the FCC and of the Board, said at a press conference early this week.

Mr. Fly told the newsmen that he is hopeful that the Board will get to the question of nominations for Advisory Committees "quite promptly." One of the first steps will be the list of companies and organizations from which to invite such nominations, he said. Then will come the routine work of getting out invitations.

Discussing other than the broadcasting communications, Mr. Fly said that this will not be a job of selection. Every responsible company, he stated, will be represented. He made it clear that any concern substantially interested which might be overlooked at first will be invited to participate. Cable representation will be simple, the chairman said, but other groups, such as labor and amateurs, will not be so easy to handle. Mr. Fly said he expects the committees to have efficient organizations, name their chairman and get "clicking along" on a substantial basis.

Answering a specific question, Mr. Fly said that he does not expect the monopoly oral argument set for December 2 and 3 to be either cancelled or postponed. There has been talk around the Commission that an effort is being made to do away with the oral argument, but the chairman said he knew of no such movement.

## FM'S IN NAB

John Shepard, 3rd, President of the Yankee Network, is the first FM operator to affiliate his stations in the National Association of Broadcasters. This week membership applications were received covering WIXOJ and a new station for which the call letters have not as yet been assigned.

At the San Francisco convention, the membership

amended the By-Laws of NAB so as to permit FM station membership. We earnestly hope that other FM licensees will follow the splendid lead set by Mr. Shepard and affiliate their stations in the National Association of Broadcasters. We shall be very glad to answer any inquiries regarding the basis of membership.

## BROADCASTERS OF ELEVENTH DISTRICT MEET

The Eleventh District broadcasters met at the Hotel Nicollet in Minneapolis, all day on Friday, November 15. When Director Earl Gammons called the meeting to order the following responded:

Ed Hayek, KATE, Albert Lea, Minnesota; Dalton LeMasurier, KDAL, Duluth and KFJM, Grand Forks, North Dakota; Earl Gammons and Carl Burkland, WCCO, Minneapolis; Wallace Stone and Dr. George W. Young, WDGY, Minneapolis; Burton Paulu, WLB, Minneapolis; Ed Shurick, WLOL, Minneapolis; Lee Whiting and Bob DeHaven, WTCN, Minneapolis; M. M. Marget, KVOX, Moorhead; Gregory Gentling, KROC, Rochester; Stanley Hubbard and Kenneth Hance, KSTP, St. Paul; Edward Hoffman, WMIN, St. Paul; Max White, KWNO, Winona.

P. J. Meyer, KFYR, Bismarck, North Dakota; Bert Wick, KDLR, Devils Lake; Earl Reineke, WDAY, Fargo; B. Harland Ohde, KRMC, Jamestown.

A. A. Fahy, KABR, Aberdeen, South Dakota; George E. Bruntlett, KOBH, Rapid City; Joseph Henkin, KSOO-KELO, Sioux Falls; Robert Tincher, WNAX, Yankton.

C. E. Arney, Jr., of the NAB staff, Assistant to President Miller, was introduced and outlined the various activities of the Association. Many questions were asked and a thorough discussion of NAB activities was had.

At the afternoon session, Carl Haverlin, Manager of Station Relations of Broadcast Music, Incorporated, gave a thorough outline of the status and plans of BMI. Many questions were asked and a thorough discussion of this subject was had. Many not now members of BMI signified their intention of joining.

The meeting recommended to the Board of Directors of NAB that the annual convention be held some time between the first and fifteenth of June, that being, in their judgment, the most appropriate and convenient time.

There being no further business, the meeting adjourned.

## TWENTIETH ANNIVERSARY DINNER IN WASHINGTON NEXT TUESDAY

All branches of the industry in the Washington area will be represented at the dinner celebrating the Twentieth Birthday of American Broadcasting. The dinner will be held in the Grand Ball Room of the Hotel Willard. A brilliant program of entertainment and special features has been arranged. Members of the Commission, officials high in Government circles, are expected to be on hand. Broadcasters who may be in Washington on this date may secure reservations direct from NAB headquarters.

## WAGES AND ENLISTED PERSONNEL

The Commissioner of Internal Revenue has ruled that payments made by an employer to his former employees



called for active service with the armed forces of the United States, or who voluntarily enlisted for service, which payments are designed to supplement amounts received by them from the Federal Government, do not constitute "wages" for Federal employment tax purposes. The Commissioner pointed out that this ruling is in consonance with the Bureau's ruling holding that amounts paid by employers during the present emergency to employees who are absent in the military or naval service, are allowable deductions from gross income of the payors for Federal income tax purposes. The Commissioner also pointed out that this ruling does not modify previous rulings holding that such payments constitute taxable income to the recipient for purposes of the Federal income tax laws.

## Engineering

### STANDARD FREQUENCY BROADCASTS

Standard frequency service of the Bureau of Standards over Station WWV, interrupted early this month when fire destroyed the building housing the station, has been resumed on a reduced basis, Dr. Lyman J. Briggs, Director of the Bureau, has announced.

A temporary transmitter has been installed in another building which broadcast the frequency five megacycles (5000 kilocycles) per second, every day (except Sunday) from 10 A. M. to midnight. This is continuous-wave only, with telegraphic code announcements of the call letters WWV every twenty minutes. The accuracy of the frequency is the same as in the past, namely, better than a part in ten million.

The broadcast is from a 1-kilowatt transmitter. Generally speaking, it is most useful for moderate distances in the daytime and long distances at night. More precisely, for reception in locations reasonably free from interference, it is receivable at all distances up to 1500 miles from Washington in the middle of the day. The distance range increases after about 4 P. M. (EST) until at night the broadcast is receivable throughout the United States; sometimes at night it may be difficult to receive it at distances between 50 and 500 miles while it is easy to receive it beyond 500 miles. In the spring the daytime distance range will decrease, dropping to about 500 miles in the summer.

The restricted service will continue for some months. As rapidly as possible the Bureau will establish a new station to provide more fully than in the past, standard frequencies receivable at all times throughout the country. These will include standard radio frequencies, standard seconds pulses, and the standard of musical pitch, 440 cycles per second, which will not be available during the period in which the temporary transmitter is used.

### \$8,000,000 TO SPEED TELEVISION DEVELOPMENT

Development of television to a workable unified system is being speeded by an aggregate of \$8,000,000 which has been budgeted for that purpose by some two score individuals and firms which, to date, have been authorized by the FCC to engage in such practical research and experimentation on a nation-wide basis.

Expenditure of more than \$3,000,000 is proposed by 10 television projects which have received Commission approval. Two of these grants are to the Hughes Productions Division of the Hughes Tool Co., which has \$2,000,000 available for stations in Los Angeles and San Francisco. The establishment of Howard R. Hughes proposes to experiment in program production development in cooperation with Hughes Productions of Hollywood; study studio lighting effects; seek improvement of television transmitters, cameras, and synchronizing generators; test transmission of various numbers of lines between 421 and 525; compare different types of synchronizing signals, and try FM (frequency modulation) for the sound accompanying the pictures. In both cities the Hughes concern will operate on Television Channel No. 2 (60,000-66,000 kilocycles) with 10 kilowatts aural and visual power.

At the same time the Commission authorized like experimental operation for five other Los Angeles applicants:

Columbia Broadcasting System, Inc., to operate on Channel No. 8 (162,000-168,000 kilocycles), 1000 watts aural and visual power; for the purpose of transmitting programs to ascertain public reaction and otherwise conducting a program of research in Los Angeles in conjunction with that of its New York television station.

Earle C. Anthony, Inc., to operate on Channel No. 6 (96,000-102,000 kilocycles), 1000 watts aural and visual power; to study the relative merits of horizontal and vertical polarization in the Los Angeles area, with particular study of the effect of ignition and diathermy interference, and transmission over salt water, to Catalina Island.

Leroy's Jewelers, to operate on Channel No. 10 (186,000-192,000), 1000 watts aural and visual power; "to further improve the quality of pictures transmitted by television from the standpoint of reception quality and to determine the system of television transmission which will produce the best results for widespread use from a visual and optical standpoint."

May Department Stores Co., to operate on Channel No. 12 (210,000-216,000 kilocycles), with 1 kilowatt aural and visual power, for general research and experimentation in the Los Angeles area.

Television Productions, Inc., a subsidiary of Paramount Pictures, to operate a television relay station on Channels Nos. 13 and 14 (234,000-240,000; 240,000-246,000 kilo-

cycles), 250 watts visual power, to supplement television broadcast station W6XYZ, also in Los Angeles, for which the applicant has a construction permit. The latter, using Channel No. 4 (78,000-84,000 kilocycles), proposes experimentation with the "DuMont standards."

In addition, the Commission granted stations to New York, Chicago, and Manhattan, Kans., as follows:

Metropolitan Television, Inc., New York, to operate on Channel No. 8 (162,000-168,000 kilocycles), 1 kilowatt aural and visual power; to develop program techniques for determining public tastes, including the use of two television theaters where daily programs will be projected for free public viewing. This applicant is associated with two department stores, Bloomingdale Bros. and Abraham & Straus.

Columbia Broadcasting System, Inc., Chicago, to operate on Channel No. 4 (78,000-84,000 kilocycles), 1 kilowatt aural and visual power; to participate in CBS television research by developing data on Chicago conditions that may assist in the ultimate determination of polarization and synchronization for a national television service.

Kansas State College of Agriculture and Applied Science, Manhattan, Kans., to use Channel No. 1 (50,000-56,000 kilocycles), 100 watts aural and visual power; to determine propagation characteristics, study horizontal and vertical polarization, and experiment with various synchronizing systems using various numbers of lines and frames.

These contemplated programs of research and experimentation are pursuant to Commission requirements looking to development of television to a point that will enable the industry to agree on a uniform transmission system of acceptable technical quality.

Cooperation of the industry is further reflected in the comprehensive survey of the television situation now being conducted by the National Television Systems Committee. Organized last July through the joint efforts of the Radio Manufacturers Association and the Commission, this committee represents the pooled engineering experience of the industry. Its various panels have been making a detailed study of many phases of television.

The Commission yesterday designated Monday, January 27, as the time to receive a formal over-all progress report from the full committee. Members of the Commission plan to visit the New York area on January 24 to see late television developments first-hand prior to this conference with the National Television Systems Committee.

An investment of \$5,000,000 is represented in previous television authorizations by the Commission. This list, which shows wide distribution of facilities, includes Balaban & Katz Corp., Chicago; Bamberger Broadcasting Service, Inc., New York; Columbia Broadcasting System, New York; Crosley Corporation, Cincinnati; Allen B. DuMont Laboratories, New York, Washington and

Passaic, N. J.; Don Lee Broadcasting System, Los Angeles, Hollywood and San Francisco; First National Television, Inc., Kansas City, Mo.; General Electric Co., Schenectady; General Television Corporation, Boston; National Broadcasting Co., New York, Philadelphia and Washington; RCA Manufacturing Co., Camden, N. J.; Philco Radio & Television Corporation, Philadelphia; Purdue University, West Lafayette, Ind.; Radio Pictures, Long Island City, N. Y.; State University of Iowa, Iowa City; WCAU Broadcasting Co., Philadelphia; Zenith Radio Corporation, Chicago, and The Journal Co., Milwaukee, Wis.

## 868 STATIONS

During the month of October, 1940, the Federal Communications Commission issued operating licenses to seven stations, and granted seven permits for the construction of new stations. One operating station and two CP stations were deleted. A comparative table by months follows:

	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1
Operating . . . . .	751	755	765	769	771	775	779	783	791	799	806	810	816
Construction . . . . .	58	57	49	48	51	48	47	53	56	58	57	54	52
	809	812	814	817	822	823	826	836	847	857	863	864	868

## PEABODY RADIO AWARDS

Twelve nationally prominent Americans constitute the personnel of the George Foster Peabody Radio Awards Advisory Board, President Harmon W. Caldwell of the University of Georgia and Dean John E. Drewry of the Henry W. Grady School of Journalism announced over the past week-end.

They are:

- Dr. S. V. Sanford, Chancellor, University System of Georgia.
- Bruce Barton, President, Batten, Barton, Durstine, and Osborn, Advertising, New York City.
- John H. Benson, President, American Association of Advertising Agencies, New York City.
- Virginius Dabney, Editor, Richmond (Va.) Times Dispatch.
- Norman H. Davis, Chairman, American Red Cross, formerly Acting Secretary of State, etc., Washington, D. C.
- Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer.
- Mark F. Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times.
- Waldemar Kaempffert, Science Editor, The New York Times.
- Alfred A. Knopf, Publisher, New York City.
- Dr. John W. Studebaker, United States Commissioner of Education, Washington, D. C.
- Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody and President of "Yaddo," Saratoga Springs, New York.
- Edward Weeks, Editor, The Atlantic Monthly, Boston, Massachusetts.

Designed to give educational recognition for public service by radio, and honoring a distinguished benefactor and life trustee of the University of Georgia, the George Foster Peabody Awards last May were established by the Board of Regents of the University System of Georgia. The Awards were set up with the approval and active cooperation of the National Association of Broadcasters.



These Awards are designed to provide the field of radio with the same stimulus and incentive to public service that the Pulitzer Awards give to newspapers and literature. They will be administered by the Henry W. Grady School of Journalism of the University of Georgia in Athens, in the same way that the Pulitzer awards are handled by the School of Journalism at Columbia University. There will be awards for small, medium, and large stations, and also for networks.

The Peabody Awards are an outgrowth of a series of conferences participated in by Dr. S. V. Sanford, Chancellor of the University System; Marion Smith, formerly chairman of the Board of Regents; Dr. Harmon W. Caldwell, president of the University; Mrs. Marjorie Peabody Waite, Saratoga Springs, N. Y., daughter of Peabody; John E. Drewry, dean of the Henry W. Grady School of Journalism; Lambdin Kay, director of public service for WSB, Atlanta; and Harry Hodgson, Athens, personal friend of the late Peabody.

Several years ago Mr. Kay was appointed to head a committee for the NAB to investigate possibilities of providing national educational recognition for public service in radio. His work resulted in the establishing of these awards.

The first awards will be made in 1941, probably at the annual Georgia Press Institute.

Neville Miller, president of the NAB, has commented on the Peabody awards as follows:

"American broadcasters are honored that under such distinguished and impartial auspices, annual awards will be bestowed for the most outstanding contributions rendered in the public interest which they are dedicated to serve.

"Without question, the George Foster Peabody Radio Awards to be selected by a group of outstanding Americans representing a cross section of the religious, cultural and economic life of the nation, will become a new and noteworthy standard by which the public service contributions of the broadcasters will be gauged and measured.

"We welcome this new and wholesome influence in broadcasting. Our thanks go out to those individuals and to the University of Georgia whose public spiritedness has combined to bring about this worthy means through which to further perpetuate the noble memory of a great American, George Foster Peabody."

## Bureau of Radio Advertising

### WHO HAS THE BOTTLES?

Howard L. Chernoff, WCHS, Charleston, W. Va., is seeking information on a series of cooperative announcements evidently sponsored by a group of dairymen and heard "on some station in the vicinity of Chillicothe, Ohio." The announcement requested that consumers return all milk bottles to their respective dairies, with the theme, "Bring Back, Bring Back, Oh Bring Back My Bottles to Me."

NAB will appreciate any information members can supply on this series.

## CASE HISTORIES NOW AVAILABLE

The NAB Bureau of Radio Advertising is fast building its file of case histories and success stories, in line with its announced purpose of providing members with a clearing-house of program ideas and sales ammunition. The case histories cover many types of local and national accounts now using radio. In addition to the regular Bureau trade studies listed below, considerable miscellaneous information on the following advertisers is immediately available to all members, on request to the Bureau:

Bread and Bakeries Clothing and Dry Goods Department Stores	Cigars, Cigarettes & Tobacco Christmas Promotions Financial (Banks & Insurance) Real Estate & Building
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Additional classifications will be ready soon, and there is no charge for single copies of these case histories. The "Results from Radio" studies, comprising complete, up-to-date success stories specifically designed for direct mail or sales purposes, may be had at 10¢ a copy, covering the following fields:

(Please order by number, stating exact quantity desired)

No. 1 Department Store " 2 Laundry " 3 Misc. (Retail) " 4 Furniture " 5 Misc. (Ice Cream & Confectionery)	No. 6 Garden & Field (Participating Program) " 7 Light & Power " 8 Automobiles " 9 Miscellaneous " 10 Drug Store (ready Dec. 1st)
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## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC on Wednesday adopted its final order in the matter of the applications of J. D. Falvey and L. & M. Broadcasting Company, both seeking permission to establish a new standard broadcast station at Ottumwa, Iowa.

The proposed findings as modified, which were made public September 11th, last, were adopted as the final findings of fact and conclusions of the Commission, granting the application of J. D. Falvey for construction permit to operate a station on 1210 kilocycles with power of 100 watts, unlimited time, subject to condition that applicant shall within two months after effective date of order, file with the Commission an application for modification of construction permit, specifying exact transmitter location and antenna system.

The application of L. & M. Broadcasting Company to use the same frequency with power of 250 watts day, 100 watts night, unlimited time, was denied.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are set before the Commission for the week beginning Monday, November 25. They are subject to change.

Tuesday, November 26

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), 890 kc., 1 KW night, 5 KW LS, unlimited.

Friday, November 29

*Informal Engineering Conference  
Room 6117, New Post Office Bldg.  
Chief Engineer E. K. Jett, Presiding*

In re: The adjustment of technical problems in connection with operation of high frequency electro-medical equipment and to facilitate establishing particular frequencies for the exclusive use of this apparatus.

### FUTURE HEARINGS

The Commission during the past week has announced the following future dates for broadcast hearings. They are subject to change.

December 9

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Voluntary assignment of license, operating on 1450 kc., 1 KW, unlimited—DA.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, 1140 kc., 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Kokomo Broadcasting Corp., Kokomo, Ind.—Granted construction permit for new broadcast station to operate on 1420 kc., 250 watts, unlimited time (Class IV). Exact site of transmitter and antenna system to be determined subject to Commission approval (B4-P-2842).

The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted construction permit for a new high frequency (FM) broadcast station to operate on frequency 45300 kc., with a coverage of 6,100 square miles, embracing 1,118,000 population (B1-PH-12).

General Electric Co., Schenectady, N. Y.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency to be specified to serve area of 6,600 square miles, with population of 967,700 (B1-PH-19).

WSBC—WSBC, Inc. (Assignor), Gene T. Dyer, Evelyn M. Dyer, John A. Dyer and Elizabeth M. Hinzman, d/b as Radio Station WSBC (Assignee), Chicago, Ill.—Granted voluntary assignment of license of WSBC, Inc., to Gene T. Dyer, Evelyn M. Dyer, John A. Dyer and Elizabeth M. Hinzman, d/b as Radio Station WSBC; normally licensed 1210 kc., 250 watts, specified hours (B4-AL-290).

WALB—The Herald Publishing Co., Inc., Albany, Ga.—Granted modification of construction permit for new station, au-

thorizing changes in equipment and studio site, change frequency from 1230 to 1530 kc., install directional antenna for night use, and increase in hours of operation from daytime to unlimited (B3-MP-1088).

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted construction permit to increase power from 100 watts to 250 watts, and make changes in equipment; 1210 kc., unlimited time (B3-P-2802).

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted construction permit to install new transmitter, make changes in antenna, change frequency from 1370 to 1350 kc., and increase power from 250 watts day and night to 1 KW LS, 500 watts night (B3-P-2933).

W2XI—General Electric Co., New Scotland, N. Y.—Granted modification of relay television broadcast station license to change the channel for television from 156000-162000 (Channel No. 8) to 162000-168000 kc. (Channel No. 8) (B1-MLVB-25).

WAIM—Wilton E. Hall, Anderson, S. C.—Granted construction permit to install new vertical radiator, new transmitter, and increase power from 100 to 250 watts; 1200 kc., unlimited time (B3-P-2935).

WDEL—WDEL, Inc., Wilmington, Del.—Granted construction permit to install directional antenna for day and night use, install new transmitter and increase power from 250 watts night, 1 KW day, to 5 KW; unlimited time, 1120 kc., subject to antenna design approval (B1-P-2758).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of construction permit (B3-P-1939) for new transmitter, increase power from 500 watts night (DA), 1 KW day, to 1 KW night, 5 KW local sunset, using directional antenna at night; change directional antenna; move transmitter site from Chattanooga to Pineville, Tenn.; extend commencement date to 90 days after grant and completion date to 180 days thereafter (B3-MP-925).

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted construction permit to increase power from 1 KW to 5 KW, install new equipment and directional antenna for night use, subject to approval of antenna site; 1120 kc., unlimited time (B3-P-2766).

KSAL—KSAL, Inc., Salina, Kans.—Granted construction permit to increase night power from 500 watts to 1 KW; make changes in directional antenna; operates unlimited time on 1120 kc., 1 KW day (B4-P-2765).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted construction permit to increase power from 250 watts night, 1 KW local sunset, to 5 KW; install new transmitter; install directional antenna for day and night use, and move to new transmitter site; 1120 kc., unlimited time (B4-P-2608). (Stations WDEL, WAPO, WJBO, KSAL and WISN, in connection with Commission engineers, mutually worked out interference problems on the 1120 kc. frequency.)

Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Granted construction permit for new television station to operate on 60000-66000 kc. (Channel No. 2), A3, A5 emission, 10 KW aural and visual power (B5-PVB-62).

Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Granted construction permit for new television station to operate on 60000-66000 kc. (Channel No. 2), A3, A5 emission, 10 KW aural and visual power (B5-PVB-63).

Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted construction permit for new television station to operate on 162000-168000 kc. (Channel No. 8), 1000 watts aural and visual power (B5-PVB-75).

Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit for new television station to operate on 96000-102000 kc. (Channel No. 6), 1000 watts aural and visual power, A3, A5 emission (B5-PVB-26).

Leroy's Jewelers, Los Angeles, Calif.—Granted construction permit for new television station to operate on 186000-192000 kc. (Channel No. 10), 1000 watts aural and visual power, A3, A5 emission (B5-PVB-34).

May Department Stores Co., Los Angeles, Calif.—Granted construction permit for new television station to operate on 210000-216000 kc. (Channel No. 12), 1000 watts aural and visual power.

Television Productions, Inc., Los Angeles, Calif., area, Portable Relay.—Granted construction permit for new television relay broadcast station to be used in the Los Angeles area to operate on 234000-240000, 240000-246000 kc. (Channels Nos. 13 and 14), 250 watts visual power only, A5 emission (B5-PVB-73).



Metropolitan Television, Inc., New York City.—Granted construction permit for new television station to operate on **162000-168000 kc.** (Channel No. 8), 1 KW aural and visual power, A3 and A5 emission (B1-PVB-40).

W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of developmental broadcast station license to change frequencies to comply with Section 4.154(a) as amended (B1-MLEX-8).

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of developmental broadcast station license to change frequencies to comply with Section 4.154(a) as amended (B1-MLEX-9).

WRUW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—Granted construction permit to make changes in equipment and increase power of international broadcast station from 20 to 50 KW (B1-PIB-30).

Columbia Broadcasting System, Inc., Chicago, Ill.—Granted construction permit for new television station to operate on **78000-84000 kc.** (Channel No. 4), 1000 watts aural and visual power (B4-PVB-74).

Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Granted construction permit for new television station to operate on **50000-56000 kc.** (Channel No. 1), 100 watts aural and visual power, A3, A5 emission (B4-PVB-25).

### DESIGNATED FOR HEARING

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit requesting change in frequency from **1310 to 1500 kc.**; increase in power from 100 watts to 250 watts, change in time of operation from sharing with WHAT to unlimited; make changes in equipment and in antenna system (B2-P-2574).

### MISCELLANEOUS

WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install old RCA 1-D, transmitter as an auxiliary for emergency use only, with power of 1 KW, at site of present auxiliary transmitter, 35 So. 9th St. Philadelphia (**610 kc.**, 1 KW, emergency use only), (B2-P-2997).

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted modification of construction permit (B5-P-2610) which authorized new transmitter, new antenna, increase in power from 100 watts to 1 KW, change in frequency from **1370 to 1390 kc.**, and move of transmitter to site to be determined) for authority to install new transmitter, approval of antenna and transmitter site at U. S. Highway 410 and Sudbury Road, about 2 miles west of city limits of Walla Walla (B5-MP-1087).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted authority to make changes in automatic frequency control equipment (B3-P-158).

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—Granted license to cover construction permit (B2-P-2770) which authorized a new station to operate on **1120 kc.**, 250 watts, daytime only (B2-L-1254). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-521).

WJW—WJW, Inc., Akron, Ohio.—Granted authority to determine operating power by direct measurement of antenna power.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted authority to determine operating power by direct measurement of antenna power.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted authority to determine operating power by direct measurement of antenna power.

KGCU—Mandan Radio Association, Mandan, N. Dak.—Granted authority to determine operating power by direct measurement of antenna power.

WLOF—Hazlewood, Inc., Orlando, Fla.—Granted license to cover construction permit (B3-P-2394, which authorized a new station to operate on **1200 kc.**, 250 watts, unlimited time). (B3-L-1266). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-541).

WHOM—New Jersey Broadcasting Corp., Jersey City, N. Y.—Granted license to use old RCA 250-watt transmitter as an auxiliary, using 250 watts power, only for emergency purposes (B1-L-1261).

WSAJ—Grove City College, Grove City, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-556).

WMBR—Fla. Broadcasting Co., Jacksonville, Fla.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-545).

WBMG—Middle Georgia Broadcasting Co., Macon, Ga.—Granted license to cover construction permit (B3-P-2858, which authorized new station to operate on **1420 kc.**, 250 watts, unlimited time (B3-L-1258).

WHA—State of Wisc. University of Wisc., Madison, Wisc.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-538).

WHK—United Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-537).

WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-536).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-542).

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-522).

KFUO—Evangelical Luthern Synod of Mo., etc., Clayton, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-544).

WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B9-Z-599).

KIEV—Cannon System, Ltd., Glendale, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-540).

KYAN—The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Granted license to cover construction permit (B5-P-2331) for a new station to operate on **1370 kc.**, 250 watts, unlimited time (B5-L-1264). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-535).

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license to cover construction permit (B3-P-2572, which authorized increase in night power from 1 to 5 KW on **1390 kc.**, and installation of directional antenna for night use), (B3-L-1257). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-525).

WSUN—City of St. Petersburg, St. Petersburg, Fla.—Granted license to cover construction permit (B3-P-2681, which authorized increase in power from 1 KW night, 5 KW day to 5 KW, specified hours on **620 kc.**, and changes in directional antenna system for night use), (B3-L-1246). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-513).

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted license to cover construction permit (B4-P-1243), which authorized a new station to operate on **1420 kc.**, 100 watts, unlimited time (B4-L-1263). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-533).

WMBC—Mich. Broadcasting Co., Detroit, Mich.—Granted modification of license to change name to John L. Booth Broadcasting, Inc. (B2-ML-1035).

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted license to cover construction permit (B4-P-2370), which authorized a new station to operate on **1310 kc.**, 100 watts, unlimited time (B4-L-1256). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-523).

WWNY—The Brockway Company, Watertown, N. Y.—Granted modification of construction permit (B1-P-937, which authorized a new station to operate on **1270 kc.**, 500 watts daytime) for approval of antenna, installation of new transmitter, and approval of studio site at Woodruff Hotel, and transmitter site at Outer Holcomb St., Watertown, N. Y. (B1-MLP-1085).

WHAL—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Granted modification of construction permit (B2-P-936, which authorized a new station to operate on **950 kc.**, 500 watts, daytime), for approval of transmitter and studio sites, vertical antenna, and installation of new transmitter (B2-MP-941).



- WLOK—The Fort Industry Co., Lima, Ohio.—Granted license to cover construction permit (B2-P-2506, which authorized increase in power from 100 to 250 watts on 1210 kc., and installation of new transmitter), (B2-L-1260).
- KGBK—Helen Townsley, Portable-Mobile, area of Great Bend, Kans.—Granted license to cover construction permit for a new relay broadcast station to be used in connection with applicant's standard broadcast station KVGB; frequencies 1622, 2058, 2790 kc., 75 watts (B4-LRY-213).
- WEDK—The Travelers Broadcasting Service Corp., Portable-Mobile, area of Hartford, Conn.—Granted license to cover construction permit (B1-PRE-362) which authorized a new relay station to be used with applicant's standard broadcast station WTIC; frequencies 31220, 35620, 37020, 39260 kc., 0.2 watts (B1-LRE-326).
- WEJP—National Broadcasting Co., Inc., Portable-Mobile, area of Cleveland, Ohio.—Granted modification of relay broadcast station license authorizing operation with power of 50 watts on all frequencies (B2-MLRE-72).
- Caribbean Broadcasting Association, Inc., San Juan, P. R.—Continued hearing now scheduled for December 4 upon application of Caribbean Broadcasting Association, Inc., to such a date as may be fixed for the hearing upon application of Puerto Rico Advertising Co., Inc., such hearing to be held in San Juan, P. R.
- KOVO—Clifton A. Tolboe, tr/as Citizens Voice and Air Show (Assignor), and KOVO Broadcasting Co. (Assignee), Provo, Utah.—Granted petition for leave to amend application for voluntary assignment of license of station KOVO, but referred to the Commission that part of petition which requests reconsideration of application as amended.
- The Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Granted petition for order to take depositions in re application for assignment of license of WSAR from Doughty and Welch Electric Co., Inc., to The Fall River Broadcasting Co., Inc.
- KFXM—Lee Bros. Broadcasting Co., San Bernardino, Calif.—Withdraw petition to intervene in the hearing on applications of Broadcasting Corp. of America and Mollin Investment Company requesting new stations in Riverside.
- Pan American Broadcasting System, Inc., Hollywood, Fla.; Keys Broadcasting Co., Key West, Fla.; Atlantic Broadcasting Corp., Miami, Fla.; Central Broadcasting Corp., Sanford, Fla.; Seaboard Broadcasting Corp., Tampa, Fla.; Atlantic Broadcasting Corp., West Palm Beach, Fla.; Carl Sholtz, Fort Pierce, Fla.—Granted petition of applicants for extension of time within which to comply with Rule 1.382(b) (the filing of Appearance, one additional copy of the application and all papers as a part thereof).
- WHEB—H. J. Wilson (Transferor), Portsmouth, N. H.—Granted motion to dismiss without prejudice the application to transfer control of station WHEB, Portsmouth, N. H., from H. J. Wilson to R. G. LeTourneau.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted authority to withdraw appearance and motion for dismissal without prejudice, in application for construction permit to increase power from 250 watts daytime to 1 KW unlimited time, DA-night.
- WCAB—WCAU Broadcasting Co., Philadelphia, Pa.—Granted motion to dismiss without prejudice the application for modification of international broadcast station license to add frequency 11830 kc.
- World Peach Foundation, Abraham Binneweg, Jr., Oakland, Calif.—Denied petition to accept modified experimental program and to consider it as part of application for new experimental broadcast station.
- WGST—Georgia School of Technology, Atlanta, Ga.—Continued the hearing now scheduled for November 26, 1940, until February 10, 1941, in re application for renewal of license (main and auxiliary).
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (November 4:30 p. m., CST) to 5:30 p. m., CST, November 17, 1940, in order to broadcast concert by the Aurora Civic Orchestra only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 2 a. m. to 3 a. m., CST, November 25, 1940, in order to broadcast DX Club program.
- WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to operate from local sunset (November 5:15 p. m., EST), November 16, 1940, to the conclusion of football game, in order to broadcast game only.
- WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with station KOA from 6:45 p. m., EST, to the conclusion of the University of Florida football game on November 16, 1940, in order to broadcast said game only.
- W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate on frequency of 44.1 instead of 43.4 mc., in order to continue experiments in re-broadcasting high frequency broadcast station W2XMN emissions which are to be rebroadcast by W1XOJ, from November 20, 1940, to not later than December 19, 1940.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, November 24 and December 1, 1940, in order to broadcast the "Rosary Hour" only.
- WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Granted modification of construction permit which authorized new station, for approval of antenna, approval of transmitter site, and change type of transmitting equipment; 1370 kc., 250 watts, unlimited time (B2-MP-1079).
- George F. Meyer, Medford, Wis.—Granted petition requesting reconsideration of Commission action of May 28, 1940, designating for hearing the application for construction permit for a new station, and adopted an order granting the application for authority to operate on 1500 kc., 100 watts power, unlimited time (B4-P-2501).
- WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted request for 60-day further extension of temporary license for WWRL authorizing station to operate on time previously utilized by station WMBQ.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Continued oral argument now scheduled for December 12 until January 9, on application for renewal of license of WBAX.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted modification of license to increase power from 500 watts to 1 KW; 920 kc., daytime only (B1-ML-1034).

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2996) for reinstatement of construction permit (B1-P-2601) to install new transmitter, make changes in directional system, increase power and move transmitter.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.
- WOSU—Ohio State University, Columbus, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 580 Kilocycles

- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, and make changes in directional antenna for day and night use.

### 610 Kilocycles

- NEW—Inter-City Advertising Co., Charlotte, N. C.—Construction permit for a new station to be operated on 610 kc., 500 watts night, 1 KW day, directional antenna for night use, Class III-B, transmitter to be located at West side Sugar Creek Road, Charlotte, N. C. Amended: To give transmitter site as near Charlotte, N. C.

### 640 Kilocycles

- WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Authority to determine operating power by direct measurement of antenna power.

### 710 Kilocycles

- KIRO—Queen City Broadcasting Co., Seattle, Wash.—Modification of construction permit (B5-P-2437) for new transmitting equipment, installation of directional antenna for day and night use, and increase power from 1 KW to 10 KW, requesting extension of completion date from 12-16-40 to 6-16-41.



### 780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Penna.—License to cover construction permit (B2-P-2438) as modified, for new equipment, and increase in power.

### 900 Kilocycles

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Modification of construction permit (B1-P-2757) to install directional antenna for night use, increase power, and move transmitter, requesting installation of new transmitter and changes in directional antenna.

WJAX—City of Jacksonville, Jacksonville, Fla.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, make changes in equipment and install directional antenna for night use.

### 930 Kilocycles

WSBT—The South Bend Tribune, South Bend, Ind.—Modification of construction permit (B4-P-900) for changes in equipment, installation of directional antenna for day and night use, change of frequency and hours of operation, and move of transmitter, requesting further change of transmitter site from approximately 4 miles southeast of center of city, South Bend, Ind., to west side of Ironwood Road between Jackson Road and Kern Road, South Bend, Ind., and extend commencement and completion dates from 12-1-40 and 6-1-41 to 60 days after grant and 180 days thereafter respectively.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—License to cover construction permit (B3-P-2541) for move of transmitter.

### 940 Kilocycles

WAVE—WAVE, Incorporated, Louisville, Ky.—License to cover construction permit (B2-P-2531) for increase in power, new transmitter, directional antenna for day and night use, and move of transmitter.

WAVE—WAVE, Incorporated, Louisville, Ky.—Authority to determine operating power by direct measurement of antenna power.

### 950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Kans.—Construction permit to change frequency from 950 to 690 kc., power from 5 KW to 50 KW, install new transmitter, new directional antenna for night use, and move transmitter from 50th St. and Belinder Road, Kansas City, Kansas, to near Wolcott, Kansas. Requests facilities of KGGF, WNAD and KFEQ as proposed by North American Regional Agreement. Amended: To change studio site from Pickwick Hotel, 10th & McGee Sts., Kansas City, Mo., to site to be determined, Kansas City, Kans.

### 970 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction permit to install new transmitter and directional antenna for day and night use, increase power from 5 KW to 10 KW, and change hours of operation from unlimited time experimentally to unlimited time. Amended: To make changes in directional antenna for day and night use.

### 1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to change frequency from 1010 kc. to 740 kc., Class II station, under North American Regional Agreement; change power from 5 KW to 50 KW; install a new transmitter and make changes in directional antenna for day and night use.

### 1020 Kilocycles

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Modification of construction permit (B2-P-2904) for increase in power and equipment changes, requesting authority to make changes in type of tubes in last radio stage.

### 1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2886) for change of hours

of operation, power; move of transmitter and installation of directional antenna for day and night use, requesting installation of new transmitter, increase power from 1 KW, directional antenna day and night, to 1 KW night, 5 KW day, using directional antenna at night, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 60 days after grant and 180 days thereafter, respectively.

### 1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Authority to determine operating power by direct measurement of antenna power.

### 1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit to install a new transmitter.

### 1180 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change hours of operation from limited time to unlimited time, and power from 1 KW night, 5 KW day, to 1 KW to sunset KOB, 250 watts after sunset KOB, 5 KW day.

### 1200 Kilocycles

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Authority to determine operating power by direct measurement of antenna power.

KODL—Western Radio Corporation, The Dalles, Ore.—License to cover construction permit (B5-P-2838) as modified for a new station.

KODL—Western Radio Corporation, The Dalles, Ore.—Authority to determine operating power by direct measurement of antenna power.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—License to cover construction permit (B3-P-2775) as modified for a new station, and approval of studio site at 111 S. Pentz St., Dalton, Ga.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Authority to determine operating power by direct measurement of antenna power.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Authority to determine operating power by direct measurement of antenna power.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Authority to determine operating power by direct measurement of antenna power.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Construction permit to install new transmitter, directional antenna for night use; change frequency from 1210 to 1220 kc.; increase power from 250 watts to 1 KW; move transmitter from north end of 11th St., Charleston, S. C., to .6 mile east of Old Town Road, near Charleston, S. C.; Class III-B. Amended re directional antenna.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Construction permit to increase power from 100 watts to 250 watts, and make changes in transmitting equipment.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Modification of construction permit (B4-P-2329) for change of frequency, increase in power, installation of new transmitter and directional antenna for night use, requesting changes in directional antenna and change type of transmitter.

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Construction permit to install a new transmitter.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1260 Kilocycles

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Construction permit to change frequency from 1260 to 590 kc., and install directional antenna for day and night use; Class

III-B. Amended to make changes in directional antenna for day and night use.

#### 1290 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to install new transmitter, directional antenna for day and night use; increase power from 1 KW night, 5 KW day, to 50 KW; change frequency from 1290 to 740 kc; move transmitter from Deepwater, Tex., to west of State Highway No. 146, near Dayton, Tex. Amended to move transmitter from Deepwater, Tex., to Rural 5½ miles south of Dayton, near Dayton; Tex.

#### 1310 Kilocycles

KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to determine operating power by direct measurement of antenna power.  
NEW—Parkersburg Sentinel Co., Parkersburg, W. Va.—Construction permit for a new station to be operated on 1310 kc., 250 watts, unlimited time. Amended to change type of transmitting equipment.  
WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—License to cover construction permit (B2-P-2552) as modified for a new station.  
WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Authority to determine operating power by direct measurement of antenna power.  
WFHR—William F. Huffman, Wisconsin Rapids, Wis.—License to cover construction permit (B4-P-1902) as modified for a new station.  
WFHR—William F. Huffman, Wisconsin Rapids, Wis.—Authority to determine operating power by direct measurement of antenna power.

#### 1330 Kilocycles

KGB—Don Lee Broadcasting System, Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

#### 1360 Kilocycles

KLPM—John B. Cooley, Minot, N. Dak.—Authority to determine operating power by direct measurement of antenna power.  
WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—License to cover construction permit (B1-P-2654) to install directional antenna for night use, and increase power.  
WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power.  
WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Construction permit to make changes in equipment, and antenna changes.

#### 1370 Kilocycles

KENO—Geo. Penn Foster, Maxwell Kelch, Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—License to cover construction permit (B5-P-2355) as modified for a new station.  
KENO—Geo. Penn Foster, Maxwell Kelch, Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Authority to determine operating power by direct measurement of antenna power.  
WHTL—J. W. Woodruff, trading as Atlanta Broadcasting Co., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.  
WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Authority to determine operating power by direct measurement of antenna power.  
KRMC—Roberts MacNab Company (Arthur L. Roberts, R. B. MacNab, and A. J. Breitbach, General Manager), Jamestown, N. Dak.—Authority to determine operating power by direct measurement of antenna power.  
WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Modification of construction permit (B1-P-1701) to change type of transmitting equipment, and for approval of antenna system and transmitter site at Canal Street, South Hadley, Mass.  
WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit to install new transmitter.

#### 1390 Kilocycles

KRLC—H. E. Studebaker, Lewiston, Idaho.—Construction permit to make changes in equipment.

#### 1420 Kilocycles

WHMA—Harry M. Ayers, Anniston, Ala.—Authority to determine operating power by direct measurement of antenna power.  
NEW—Grenco, Inc., Greenwood, S. C.—Construction permit for a new station to be operated on 1420 kc., 250 watts, unlimited time. Class IV. Amended: To specify transmitter site as Greenville Road, Greenwood, S. C.  
NEW—Thomas J. Watson, Endicott, N. Y.—Construction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time, directional antenna for night use, transmitter to be located at 3½ miles east by northeast of Endicott, adjacent to I. B. M. Gun Club, Union Township, N. Y. Amended: To request installation of vertical antenna, and requesting 1420 kc., 250 watts, unlimited, specifying transmitter site as site to be determined, Endicott, N. Y.  
KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Modification of construction permit (B5-P-1339) for a new station, requesting move of transmitter from Plains Hotel, 16th and Central Sts., Cheyenne, Wyo., to 3rd St., between Van Lennan and Evans, Cheyenne, Wyo., and extend commencement and completion dates to 60 days after grant and 180 days thereafter, and changes in antenna system.

#### 1430 Kilocycles

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to install new transmitter, move transmitter north of Des Moines, Iowa, to southeast 22nd St., and Park Ave., Des Moines, Iowa, install new directional antenna for night use, and increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: To make changes in directional antenna for night use.

#### 1440 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Texas.—Construction permit to move transmitter from Main and Rusk Sts., Houston, Texas, to Deepwater, Texas (KTRH's site), and use KTRH's present transmitter, install directional antenna for night use, change frequency from 1440 to 1290 kc., and increase power from 1 KW to 5 KW, requesting facilities of KTRH, if and when KTRH goes to 50 KW power on new frequency.

#### 1480 Kilocycles

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), New York.—Construction permit to change frequency from 1500 to 1480 kc., increase power from 250 watts to 500 watts night, 1 KW day, hours of operation from specified hours to unlimited time, and install new transmitter. (Violation of Rule 1.367.)

#### 1500 Kilocycles

NEW—Natchez Broadcasting Co., Natchez, Miss.—Construction permit for a new station to be operated on 1500 kc., 250 watts, unlimited time. Class IV. Amended: to give transmitter site as Highway "61", Natchez, Miss.  
KDB—Santa Barbara Broadcasters, Inc., Santa Barbara, Calif.—Authority to determine operating power by direct measurement of antenna power.  
WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Construction permit to install new type transmitter.

#### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-PSB-13) as modified, for increase in power, new equipment, changes in antenna, and move of transmitter.  
WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

#### FM APPLICATIONS

NEW—WDRC, Inc., Hartford, Conn.—Construction permit for a new high frequency permit for a new high frequency broad-



cast station to be operated on **43100 kc.**; coverage, 13944 square miles; population, 1,337,805. Amended: Re antenna changes.

- NEW**—South Bend Tribune, South Bend, Ind.—Construction permit for new high frequency broadcast station to be operated on **47100 kc.**; coverage, 4330 square miles; population, 448,330.
- NEW**—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit for a new high frequency broadcast station to be operated on **46700 kc.**; coverage, 4600 square miles; population, 500,684.
- NEW**—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **46500 kc.**; coverage, 3050 square miles; population, 2,133,811. Amended: To change coverage from 3050 to 2130 square miles, and population from 2,133,811 to 2,196,632.
- NEW**—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.**; coverage, 16100 square miles; population, 6,431,310.

### MISCELLANEOUS

- WCAB**—WCAU Broadcasting Co., near Newtown Square, Pa.—Modification of license to add frequencies **9650** and **11830 kc.** to those already licensed, sharing time with Station **WCBX**.
- WFOR**—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. (Sec. 16(b) through 16(g), and new resolution.)
- KVIC**—Radio Enterprises, Inc., Victoria, Texas.—Authority to transfer control of corporation from Fred W. Bowen and Charles C. Shea to Morris Roberts, 250 shares. (Part I, Form 316, and Sec. 6(g) of Part II.)
- KLCN**—Fred C. Grimwood, Blytheville, Ark.—Construction permit to install a new transmitter and vertical antenna, increase power from 100 watts to 1 KW, and move transmitter. (Sec. 14, 18, and 19.)
- WEXL**—Royal Oak Broadcasting Co., Royal Oak, Michigan.—Authority to determine operating power by direct measurement of antenna power (Jurat).
- WHIZ**—WALR Broadcasting Corp., Zanesville, Ohio.—Authority to determine operating power by direct measurement of antenna power. (Only one copy signed, neither copy verified.)
- W3XPY**—Bell Telephone Laboratories, Inc., Whippany, N. J.—Modification of license to change frequency from **43200 kc.** to **43100, 43700, 44300 kc.**
- WFOR**—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. (**1370 kc.**)

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

**Jenks Physicians' Supplies**—A complaint has been issued against Mrs. Anne M. Jenks, of White Bear, Minn., who trades under the names of Jenks Physicians' Supplies and Dependon Products, charging misrepresentation in the sale of medicinal preparations.

The complaint alleges that in advertisements disseminated by the mails and by other means in commerce, the respondent has represented, directly and by implication, that her products "Dependon Vaginal Jelly" and "Dependon Vaginal Creme," provide

safe, competent and dependable means of preventing conception; that "Flexible Kone Diaphragms" and "Flexible Kone Pessaries" are devices to prevent conception which can be fitted and worn continuously without danger or injury; that "Dependon Intrauterine Paste" provides a safe method of terminating pregnancy at any stage without instrumentation and eliminates danger of infection and troublesome after effects, and that this preparation is a competent and effective treatment for certain diseases of women.

The complaint further alleges that the respondent's representations are exaggerated and misleading; that "Dependon Vaginal Jelly" and "Dependon Vaginal Creme" do not constitute competent preventives against conception; that while such products may possess antiseptic and germicidal properties, they do not provide a dependable or positive method of preventing pregnancy; that "Flexible Kone Diaphragms" and "Flexible Kone Pessaries" cannot be worn without danger or injury as their prolonged use would be injurious to the tissues and cause infection; that the use of "Dependon Intrauterine Paste" does not provide a safe method for termination of pregnancy, but instead carries considerable danger of infection and is very caustic and might destroy healthy tissue. (4378)

**Trudeau Candies, Inc.**—Alleging the use of lottery methods in the sale of candy, complaints have been issued against Trudeau Candies, Inc., 287 East Sixth St., St. Paul, and Robert V. and Edward G. Bierhaus, trading as E. Bierhaus & Sons, Second & Perry Sts., Vincennes, Ind.

The respondents, according to the complaints, sold to wholesalers, jobbers and retailers certain assortments of candy so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes, when sold to the consuming public. Push card or punch board devices were used, the complaints allege.

Charging that the respondents' practices have been of a sort which are contrary to established public policy of the Federal Government and in violation of the criminal laws and the Federal Trade Commission Act, the complaints grant each respondent 20 days for filing answer. (4376-4377)

**University Press**—J. Herbert Blackhurst, doing business under the name University Press, Des Moines, Iowa, is charged in a complaint with misrepresentation.

The complaint charges that the respondent has used the words "University Press" as the trade name under which he has conducted his business and has featured this trade name on printed matter, stationery and other advertising matter disseminated among prospective customers located in various States. By means of the use of the word "University" in his trade name, the complaint continues, the respondent represents that his business is owned, conducted or supervised by a university or other institution of learning. By means of the use of the word "Press", according to the complaint, the respondent represents that he owns, operates or controls a printing establishment wherein the printed matter he sells is printed.

In truth, the complaint alleges, the respondent's business is not so owned or controlled, and he does not own, operate or control a printing press or printing establishment. These facts and practices, the complaint avers, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce. (4375)

### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Ely & Walker Dry Goods Company**, 1520 Washington Ave., St. Louis, Mo., engaged in the sale and distribution of men's clothing, has been ordered to cease and desist from certain misrepresentations concerning its products.

In connection with the sale and distribution of men's robes made of rayon, the Commission finds, the respondent has advertised the robes in two magazines as "Camel Suede Robe," in which these words were featured in large display type while near the bottom of the page, in comparatively small type, appeared the following:



"Constructed of North American Brushed Rayon. It has that soft velvety touch that is immediately captivating. \* \* \*"

Also, the Commission finds, the respondent had permanently attached to the robes yellow labels reading "CAMEL SUEDE, Tailored by COURTLEIGH," and bearing illustrations of a camel with a background of palm trees and pyramids. Small black-cloth tabs or labels with the single word "Rayon" in white were attached, by means of sewing, to the above described yellow label.

Respondent also attached to the guard of the belt of the robes a paper string ticket bearing the words "Brushed Rayon" on one side and the words "To be dry cleaned" on the reverse side. The robes thus labeled, the Commission finds, were not composed in any part of the hair or wool of the camel, but were made wholly of rayon. By reason of the method of attaching, by sewing the small black-cloth tab or label to the yellow cloth label and of attaching to the guard of the belt of the robes with a string the label and ticket, means of misleading and deceiving purchasers were supplied to dealers and retailers of the robes, as the rayon label and paper string ticket were capable of being easily removed by cutting or tearing, leaving on the garment only the illustrative label "Camel Suede, Tailored by Courtleigh."

The respondent was ordered to cease and desist from representing that its garments are composed of fabrics or materials other than those of which such garments are actually composed; advertising garments composed in whole or in part of rayon without clearly disclosing the fact that such garments are composed of rayon, and, when such garments are composed in part of rayon and in part of other fibers or material, such fibers or material including the rayon shall be named in order of their predominance by weight, beginning with the largest single constituent; using the term "Camel Suede Robe," or the term "Camel Suede," alone or in connection with the picturization of a camel with a background of palm trees and pyramids, or any other term, word or scene indicating or implying that the material from which such garments are made contains the hair or wool of the camel, to designate, describe or refer to robes or other garments composed of rayon and which do not contain the hair or the wool of the camel; and from labeling and tagging garments in such a manner as to enable dealers and retailers easily and readily to remove part of the fiber or material identification matter, leaving matter which would inform or indicate to the purchasing public that such garments are composed of fibers or materials of which they are not in fact composed. (4216)

**Gold Star Novelty House**—Louis Farben, trading as Gold Star Novelty House, 1140 Broadway, New York, and Eastern Premium House, Inc., 487 Broadway, New York, has been ordered to cease and desist from using lottery methods in the sale of merchandise.

The Commission orders direct the respondents to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other devices, which may be used in selling or distributing merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or transporting to agents, distributors, or the public, such devices which may be used in the sale of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or selling or otherwise disposing of any merchandise by the use of such devices.

The orders further direct Gold Star Novelty House to cease using the term "no cost," and Eastern Premium House, Inc., the terms "free" or "without cost," or similar terms, to describe merchandise offered as compensation for distributing the respondents' merchandise, unless all terms and conditions of such offers are clearly stated in equal conspicuousness and in immediate connection, respectively, with the terms "no cost," "free," or "without cost," or other similar terms, and there is no deception as to price, quality or other features.

Gold Star Novelty House also is directed to desist from representing that its business is registered under United States laws. (3449-3504)

**Joseph Hagn Company**, 217 West Madison St., Chicago, engaged in the sale and distribution of jewelry, clocks and other articles of merchandise, has been ordered to cease and desist from certain unfair methods of competition.

Findings of the Commission are that the respondent sells and distributes various assortments of merchandise throughout the various States of the United States and in the District of Columbia and sells and furnishes various push and pull cards, punch boards and other devices for use in the distribution of such merchandise

to the purchasing public and places in the hands of dealers the means of conducting lotteries in the sale and distribution of the merchandise.

The respondent is ordered to cease and desist from selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public are to be made, or may be made by means of a game of chance, gift enterprise or lottery scheme; supplying to or placing in the hands of others assortments of any merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which said push and pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (3997)

**Junior League Lingerie, Inc.**, 152 Madison Ave., New York City, engaged in the sale and distribution of women's apparel, has been ordered to cease and desist from certain misrepresentations concerning its products.

Since the year 1901, the Commission finds, there have existed in various cities throughout the United States organizations of young women known as Junior Leagues. Such organizations are benevolent, non-profit organizations, devoted to charitable purposes and the improvement of social conditions in their respective communities. They sponsor various benevolent activities, including the financial assistance of hospitals and other charitable enterprises. In order to obtain funds with which to carry on their activities, the Junior Leagues frequently engage in various money-raising activities, such as the operation of gift shops, rummage sales and tea rooms. Also prominent among their activities is the conducting of fashion shows, many of which are conducted in cooperation with local merchants.

The Association of the Junior Leagues of America, Inc., having for its purpose the uniting of all Junior Leagues throughout the United States, Canada, and Mexico, was incorporated in 1921. As a part of its activities, the Association publishes a periodical known as the "Junior League Magazine", which is sold to the public. This magazine contains numerous articles and suggestions with respect to women's apparel and with respect to current fashions and styles in such apparel.

The Commission also finds that the name "Junior League" has for many years been associated in the minds of a substantial portion of the purchasing public with the aforesaid organizations to such an extent that use of the name to designate or describe articles of merchandise, particularly women's apparel, serves as a representation to the public that articles so designated are sponsored or approved by the Junior League.

In the course of the respondent's business, the Commission finds, the respondent has represented that its products are sponsored or approved by the Junior League, such representations being made by means of tags and labels attached to its products, by invoices, by letters, circulars and other advertising material distributed among prospective purchasers.

The Commission finds that these representations are misleading and deceptive. In truth and in fact, none of the respondent's products are sponsored or approved by the Junior League, and the respondent is not connected in any way with the organization and has no authority from the organization to use its name to designate the respondent's products.

The respondent, Junior League Lingerie, Inc., and its officers and representatives are ordered in connection with the offering for sale and distribution of women's apparel in commerce to cease and desist from use of the words "Junior League", or any other word or words of similar import or meaning, in respondent's corporate name, or otherwise representing that the respondent is connected in any way with the organization known as the Junior League, and from using the words "Junior League", or any other word or words of similar import or meaning, to designate, describe or refer to the respondent's products, or otherwise representing that the products are sponsored or approved by the organization known as the Junior League. (4124)

**Robert J. Thompson Company**, 1216 Walnut St., Philadelphia, engaged in the sale and distribution of suits, overcoats and other articles of merchandise, has been ordered to cease and desist from the use of lottery methods in the distribution of its products.

The Commission finds that the respondent has been selling and



distributing its merchandise to the purchasing public by means of a sales plan in which purchasers in the State of New Jersey were solicited to purchase by contract men's clothing thereafter to be manufactured by the respondent at its place of business in Philadelphia. Some of the purchasers so contacted did not pay the full contract price, and the sale of the merchandise involved a game of chance, or the sale of a chance to procure an article of merchandise at a price much less than the normal retail price.

The respondent was ordered to cease and desist from supplying or placing in the hands of others any merchandise, together with a sales plan or method involving the use of a game of chance, gift enterprise or lottery scheme by which the merchandise is to be, or may be, sold to the purchasing public, and from selling or otherwise disposing of any merchandise by the use of a game of chance, gift enterprise or lottery scheme. (4027)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Harry J. Baruch Operating Company**—Harry J. Baruch, trading as Harry J. Baruch Operating Company, and Owen Fields, Inc., and Curtis, Owen, Fuller Corporation, 916 Walnut St., Kansas City, Mo., has entered into a stipulation to cease and desist from certain representations in the sale of prepared advertising material consisting of cuts, mats, printed and other matter. Harry J. Baruch is manager and active directing head of the two corporations.

In their stipulations, the respondents agree to cease using samples or other sales promotional presentations which do not accurately and truthfully portray the mats and prepared advertising copy or other products offered for sale; to discontinue holding out, stating or representing, by assertion, inference or otherwise, that they have advertising mats of a type which they do not, in fact, possess or produce; and that they are prepared to fill orders for such; and to cease representing, or causing others to represent, their products in any way which tends to convey an erroneous belief that they will and do fill orders with the product for which such orders have been received, when in fact a different and inferior grade of product is substituted in the performance of their contracts. (2984)

**Peter Breidt Brewing Company**, Elizabeth, N. J., has entered into a stipulation in which it agrees to cease using the statement that its beer is brewed "from fine malt, choice hops, crystal pure water and time," or using any other similar representation tending to convey the belief that the product is composed of malt flavored with hops as the only fermentable substance content, when in fact it actually contains such a substance other than malt.

The stipulation provides that if the product contains hops-flavored malt in substantial quantity and also other fermentable substance, and the words "malt and hops" are used to refer to such hops-flavored malt, content, the respondent shall conspicuously disclose that the fermentable substance content of the product is not composed wholly of hops-flavored malt or that the beer contains a fermentable substance other than malt flavored with hops. (2987)

**House of Westmore, Inc.**, 730 Fifth Ave., New York, and Perc H. Westmore, Burbank, Calif., president of the corporation, in a stipulation entered into, agree to cease representing that cosmetics contain undesirable or unflattering colors, or colors which give a harsh or aged appearance; that any color has been filtered out of or removed from House of Westmore cosmetics; and that the selectivity of cosmetics in the reflection or transmission of color is a discovery or a secret. (02667)

**Interstate Ribbon Mills, Inc.**, 354 4th Ave., New York City, distributor of ribbons, has entered into a stipulation in which it agrees to desist from use of the word "Mills" as part of its corporate or trade name, and from use of the word "Mills" or "Manufacturers" or any word of similar meaning, in any way, the effect of which tends to convey the belief that the corporation manufac-

tures the merchandise it sells, or owns, operates, or controls the factory in which the merchandise is made. (2983)

**L. & H. Stern, Inc.**—In the case of L. & H. Stern, Inc., 56-64 Pearl St., Brooklyn, charged with use of lottery methods in the sale of merchandise, the respondent has entered into a stipulation as to the facts and an agreement to cease and desist from certain enumerated practices. (2985)

**Preventa Sales Company**—Carroll Metcalf, trading as Preventa Sales Company, Old Hickory, Tenn., has entered into a stipulation in which he agrees to cease representing that the use of a product he sells as a treatment for silk fabrics will (1) prevent runs, snags and breaks in, or the rotting or fading of, such fabrics; (2) make such fabrics proof against rain spotting or do more than increase the resistance thereof to spotting by rain; (3) improve the texture of such of the fabrics as have already been given treatments of this character; (4) improve the color fastness of all dyes, or (5) reduce the user's hosiery expense by one-half.

The respondent also stipulates that he will desist from marking or in any way representing or advertising his products with what purports to be their selling price, but which price is fictitious or in excess of the customary price. (2986)

**Ramstead Company, Inc.**, Milwaukee, has entered into a supplemental stipulation in which it agrees to cease and desist from representing that a medicinal preparation now designated "Ramstead Treatment" is a competent remedy or effective treatment for stomach ailments generally, or has any therapeutic value in treating such ailments in excess of affording temporary symptomatic relief in cases of gastric hyperacidity.

Other representations which the respondent agrees to discontinue are that the preparation enables one to eat all kinds and types of foods; will overcome or eliminate constipation; eliminates hunger pains or the pains of gastric ulcers; will cause a recovery to health, and is a substitute for surgical treatment of gastric ulcers.

The respondent's stipulation is supplemental to one approved in February, 1932, which is still in effect. The supplemental stipulation does not affect the terms of the original stipulation. (0235)

**Vesta Corset Company**—Frederick A. Purchas and Carl D. Hammond, trading as Vesta Corset Company, McGraw, N. Y., in the sale of garments, including girdles, combinations and corsets, agree to cease and desist from use in advertising matter of the word "reducing," or other words of similar meaning, as descriptive of the garments or the material of which they are made, so as to imply that the wearing of such articles will cause a reduction of local or body tissue or effectively remove fat and thus overcome or lessen a condition of fatness or weight. (2988)

## FTC CLOSES AND DISMISSES CASES

The Federal Trade Commission has closed its cases against Paulmac Textile Company, Inc., 32 West 38th St., and Belle Blouse Corporation, 132 West 36th St., both of New York, without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

Each corporation, now dissolved and not engaged in business, had been charged with violation of the Federal Trade Commission Act in the sale of its products. Paulmac Textile Company, Inc., had been a distributor of ribbons and braids, and Belle Blouse Corporation had sold blouses and other wearing apparel for women.

The Commission has also dismissed a complaint which had charged Alphonso M. Simon, Jr., and Phyllis Schuster, trading as Metropolitan Publishing Co., 110 Wooster Street, New York, with violation of the Federal Trade Commission Act in the sale of greeting cards. After hearings and argument, the Commission decided that the evidence was insufficient to support the allegations of the complaint.

The Commission has closed a case against American Seed Company, Inc., of Lancaster, Pa., and Harry H. Bard, its general manager, without prejudice to the Commission's right to resume proceedings, should future facts so warrant. The respondents had been charged with unfair competition in the sale of garden and flower seed.







## THE WEEK IN WASHINGTON

The FCC announced that the oral argument on the committee network inquiry report will begin Monday, December 2, at 10:30 a. m. Each party will be allowed a maximum of one hour of argument on the issues of facts and policy raised in the committee report. (p. 4812.)

Meanwhile IRNA activities of the week were featured by a wire from Fred Weber, general manager of MBS, to all Mutual stations and a letter by Samuel Rosenbaum, chairman, to all IRNA stations. (p. 4813.)

A crowd of 612 men and women gathered at Radio's Twentieth Birthday Party in the Willard Hotel, last Tuesday, with distinguished representatives of public and private life and heard Neville Miller read a letter from President Roosevelt praising radio and stating that "democracy cannot tolerate any attempts at domination or control by the Government at the free and open avenues of public information." Wendell L. Willkie's letter was also read in which he stated, "a free radio, along with a free press constitutes the cornerstone of a system of free men." (p. 4813.)

On a pre-birthday eve broadcast Chairman James Lawrence Fly reviewing radio's role in the last election gave credit to radio for "stimulating the largest vote in our country's history." (p. 4826.)

Meanwhile BMI went merrily on its way and announced the addition of nine member stations bringing the total now to 429 and also announced the acquisition of an additional 20,000 musical compositions and 2,000 recordings for the use of members in freeing themselves from the grasp of monopoly. (p. 4816.)

The Peabody Awards for public service broadcasting are now open to nomination which will close January 15. (p. 4817.)

The Supreme Court sustained the FCC in the KSFO-CBS case. (p. 4817.)

The Senate passed the Walter-Logan bill. (p. 4819.)

The Fourth Ohio State Broadcasting Engineering Conference will be held on the campus of Ohio State University at Columbus, February 10 through 21. (p. 4819.)

The Consumer Protection Division of the National Advisory Defense Commission announces the establishment of a market news broadcast service "as an aid in protecting living standards by helping guide consumer

food purchasing and as a measure to help raise the nutritional levels of the country." (p. 4821.)

The American Civil Liberties Union congratulated the industry on its twentieth anniversary and praised the NAB Code in a public statement. (p. 4823.)

Extensive participation in radio birthday activities throughout the country is reported on page 4823.

Neville Miller in this issue of the *REPORTS* announces the 1940-41 standing NAB committees. (p. 4825.)

## STATEMENT OF NEVILLE MILLER RE: FCC ORAL ARGUMENT ON NETWORK INQUIRY REPORT

Late yesterday, Neville Miller, president of the National Association of Broadcasters, made the following statement in connection with the *scheduled* oral argument on the network inquiry report before the Federal Communications Commission:

"The FCC has just issued a release regarding the oral argument to be held Monday and Tuesday of next week on its subcommittee's network inquiry report, and requests counsel to 'consider the advisability and effect of the promulgation by the Commission of . . . special regulations with respect to chain broadcasting,' several of which are in alternative form.

"The release states 'It is to be understood that the regulations have not received the approval of the Commission and are to be taken as suggestions by the Commission intended to focus the attention of counsel upon the issues raised in the report.'

"Although these suggestions at least show the trend of thinking of some of the Commissioners, nevertheless we are confident there exists in the Commission sufficient good judgment and restraint as to the exercise of powers, to the end that all the implications of any proposed rules will be fully realized and brought to light before final adoption.

"It is my firm conviction that the present Communications Act gives the Commission but limited power. In fact, the decision by the Supreme Court this past year in the *FCC vs. Sanders Brothers Radio Stations* case ruled . . . 'The Commission is given no supervisory control of the programs, of business management, or of policy' . . . of radio stations. And the President himself, in a recent letter on the occasion of the celebration of radio's twentieth birthday just last Tuesday stated 'Your government has no wish to interfere or hinder the continued development of the American System of Broadcasting,' further declaring, 'Radio was born and developed in the real American way and its future must continue on that basis.'

"Undoubtedly there exists differences of opinion within the radio industry, as exist in any competitive enterprise, but there are certain fundamentals upon which all agree. We believe the hearings will result constructively if they focus the attention of the industry and the public on the proper regulatory boundaries of the Commission.

"It would be most unfortunate if the high standard of radio entertainment and information now enjoyed by the American public was jeopardized by restrictions sought to be imposed without warrant of law or need."



1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*      C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## ORAL ARGUMENT ON NETWORK INQUIRY REPORT BEGINS MONDAY, 10:30 A. M.

The FCC announced yesterday that the oral argument on the committee network inquiry report, made public June 12 last, will begin at 10:30 a. m. on Monday, December 2, continuing through Tuesday, December 3.

Hearings will be held in Hearing Room A, Interstate Commerce Commission Building, Washington.

In a press conference held by Chairman Fly earlier in the week, inquiries led the Chairman to say that contrary to rumors, there is no disagreement within the Commission in connection with the monopoly report. He further stated that he had not gotten around to answering Mark Etheridge's letter which was sent to him last week relative to the filing of the IRNA brief. "Mark and I" he said "are not in any argument. I haven't gotten around to answering his letter and you can't have a controversy on one communication".

Meanwhile Fred Weber, General Manager of MBS, wired all Mutual affiliates stating his views on the IRNA brief, which was followed by a letter from Samuel Rosenbaum, Chairman to all IRNA members. The wire and the letter are published below.

The Commission announcement outlining the procedure for the Oral Arguments follows:

Each party will be allowed a maximum of one hour of argument on the issues of fact and policy raised in the committee report. The order of argument will be as follows:

National Broadcasting Company.  
Columbia Broadcasting System.  
Independent Radio Network Affiliates, Inc.  
Don Lee Broadcasting System.  
Mutual Broadcasting System.  
Roy L. Albertson (WBNY).  
Rock Island Broadcasting Company (WHBF).  
Voice of Longview (KFRO).  
World Broadcasting System, Inc.  
Association of Radio Transcription Producers of Hollywood, Inc.  
American Federation of Musicians.  
Independent Artists' Representatives.  
Associated Music Publishers, Inc.

In order to facilitate the oral argument, counsel are requested to consider the advisability and effect of the promulgation by the Commission of the following special regulations with respect to chain broadcasting. In several

instances these suggestions are in the alternative, and the Commission desires to hear argument on the advisability and effect of alternative suggestions. It is to be understood that the regulations have not received the approval of the Commission, and are to be taken as suggestions by the Commission intended to focus the attention of counsel upon the issues raised in the report. It should also be understood that counsel are not in any way limited to a discussion of these regulations but may address themselves to any of the issues of fact or policy raised by the report of the chain broadcasting committee.

1-A. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which provides for or has the effect of establishing an exclusive affiliation with the network organization.

OR

1-B. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which provides for or has the effect of establishing an exclusive affiliation with the network organization; *Provided*, that such restriction shall not apply to licensees of stations located in or rendering primary service to cities receiving adequate primary service from five or more full time stations.

2. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with any network organization which gives the network organization an option on the hours of operation of the licensee's station for the broadcasting of commercial programs (a) for more than 30% of the converted hours of operation in any city receiving adequate primary service from three full time stations with comparable facilities; (b) for more than 20% of the converted hours of operation in any city receiving adequate primary service from two full time stations with comparable facilities; (c) for more than 10% of the converted hours of operation in any city receiving adequate primary service from one full time station; (d) for a total number of converted hours exceeding by more than 25% the converted hours during which such licensee has broadcast commercial programs transmitted to the licensee by the network organization during the six months preceding the effective date of the contract.

3-A. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with any network organization, the terms of which exceed in duration the effective period of the license granted by this Commission. For the purposes of this section, an agreement shall be considered as exceeding in duration the effective period of the license if the agreement gives either party an option to extend the contract beyond the termination of the license; *Provided*, that this restriction shall not be construed as preventing a licensee from entering into a contract with a network organization a reasonable period of time, not to exceed 30 days, in advance of the expiration date of the existing contract.

OR

3-B. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which gives the network organization any rights with respect to the renewal or cancellation of such contractual arrangement not given to the licensee.

OR

3-C. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization for a period longer than two years.

4. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which controls, restrains, limits, or in any other way interferes with the establishment of the rates to be charged by the licensee for the sale of available broadcast time to advertisers or other clients.

5. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which has the effect of or will result in the broadcasting of the programs of one network company by two or more standard broadcast stations rendering adequate primary service to the same city.

6-A. After January 1, 1942, no licensee of a standard broadcast station shall, directly or indirectly, own or be owned by, or be



under common control with or have any interests in a chain or network organization; *Provided*, that the Commission will grant reasonable extensions of time in the event that the licensee is unable to meet the requirements of this restriction before its effective date.

OR

6-B. No person engaged in network broadcasting shall be licensed to operate more than two clear channel stations or more than three standard broadcast stations of all classes.

OR

6-C. No person engaged in network broadcasting shall be licensed to operate any standard broadcast station located in a city receiving adequate primary service from less than five full time standard broadcast stations.

7. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, which prevents the license from rejecting, for reasonable cause, any program offered by the network organization. The contracts between station licensees and network organizations shall expressly guarantee the right of program rejection by the licensee, and the judgment of such licensee shall be *prima facie* evidence of the reasonableness of rejection claims.

### *The Weber Wire and Rosenbaum Letter*

A telegram from Fred Weber, general manager of MBS, to all Mutual affiliates, and a letter from Samuel R. Rosenbaum, Chairman, to all members, featured IRNA developments in the past week.

Mr. Weber's wire follows:

"Assume you have received telegram sent by Rosenbaum to all network affiliates. We urge you read Segal brief carefully in light of your own best interests before placing yourself on record as endorsing it, either with FCC or IRNA. IRNA action at San Francisco was not unanimous and cannot be construed as blanket authorization to IRNA officers and attorney to file brief favoring NBC and CBS on all issues regardless of affiliates' best interests, not to mention intemperate language, and references to Commission's Monopoly Committee.

"In many important respects Segal's brief is contrary to or ignores testimony introduced at hearing by IRNA's own representatives, particularly its chairman, for example, with reference to Blue Network situation and his Network contract arrangements as developed in his second appearance before Committee. Wire from Commission Secretary obviously intended to secure more information than Rosenbaum states. Among other things it asks 'whether brief reflects position your station.'"

Mr. Rosenbaum's letter follows:

November 27, 1940.

To All Affiliates:

I have refrained from adding to the turmoil caused by the telegram sent by the Secretary of the Federal Communications Commission to affiliates, beyond sending out my telegram to all affiliates the next day. In my telegram I said:

"At the San Francisco Convention the IRNA officers and board were instructed to file a brief taking exception to the report of the Monopoly Committee and Paul Segal was retained to write the brief.

"Segal's brief for IRNA does not attempt to express any view on behalf of any individual affiliate, nor does it preclude an expression of such views. It sets forth only an argument on behalf of IRNA as an organized group containing affiliates of every class and description, and therefore is limited to a spirited defense of the right of stations to contract freely for network affiliation within the present structure of American network broadcasting, and vigorously denies the Monopoly Committee's charge that present affiliation relationships interfere with our ability as affiliates to render satisfactory public service under our licenses.

"Before the brief was filed, advance proof was circulated to the IRNA board, and when it was filed, extra copies were ordered for distribution to every affiliate regardless of IRNA membership. These are being mailed today."

It may be that some station owners do not believe the IRNA brief represents their views. It would be practically impossible to write a brief which would exactly express the views of all owners. There are some 400 network-affiliated stations in the country. Each has his individual problems locally, nationally, and

competitively. I think one would find that if statement, argument or brief had to be approved in full by every station, none would ever be filed or made.

It was the effort of the IRNA Board and attorney to dissociate themselves from individual problems and state an argument in defense of the service being rendered by affiliated stations through the very fact of their network affiliation. I think it may fairly be said that the report of the Monopoly Committee attacked the present system of network affiliation from top to bottom as impairing the ability of affiliates to render public service.

I have been informed that most of the objection which has been expressed to the IRNA brief has been stirred up by officers of Mutual, who feel that the Monopoly Report, if adopted by the Commission, will help Mutual competitively in its efforts to achieve full network status alongside National and Columbia. If this is so, I regard it as quite short-sighted. In my opinion the energy and drive reflected in the growth of Mutual will result eventually in increasing strength and status for Mutual, and it is a mistake for Mutual to bring upon the entire industry detailed Government regulation of network operation which would hamper Mutual stations as much as others, and go far beyond the temporary advantage that Mutual seeks to obtain. I think the brief, if fairly read, points out that the Mutual method of operation has many advantages and is entitled to a fair opportunity.

What the brief primarily contends is that IRNA is opposed to Government regulation of our business and contracts. We contend that regulation of our licenses does not involve regulation of our business and contracts. We contend that while network-affiliate relationships can be considerably corrected and improved, we are equally sure that Government intervention is the wrong way to accomplish it.

It is true that Segal's language is colorful and emphatic. However, it is respectful and does not depart from the tone which would be followed in oral argument by many able counsel who have appeared before the highest tribunals. It would be unfortunate if a style of expression were permitted to obscure the substantial merit of the argument, and we refuse to believe that the Commission will be influenced either way by personalities.

The brief is now in your hands and oral argument will be presented before the Commission in such manner as will be most likely to receive fair and proper consideration. In the meantime, we believe the developments reviewed in this letter testify anew to the importance of having an organization which can express the views of affiliates when important crises arise in the industry.

It is no solution for any affiliate to turn his back and say he has nothing to do with it. On the contrary, your own long-range best interest lies in being a member of IRNA and expressing your views and trying to convince others that you are right, so that in the end IRNA will be able fairly and properly to present the views which reflect the best thought of the industry. Otherwise you will get regulation and meet accomplished facts without even having tried to have a hand in shaping them.

Cordially yours,

SAMUEL R. ROSENBAUM  
*Chairman*

On Wednesday next (Dec. 4), IRNA will have a one-day meeting in New York. The morning sessions will be given over to meetings of network affiliated station sub-committees, culminating a full meeting for the luncheon period.

## RADIO'S TWENTIETH BIRTHDAY ELICITS PRESIDENTIAL PRAISE

612 Attend Washington Dinner  
Willkie Commends Industry, Too

Felicitated by letters from President Franklin D. Roosevelt and Wendell L. Willkie, representatives of the broadcasting industry Tuesday evening celebrated the twen-

tieth anniversary of American radio in a dinner in the Hotel Willard attended by distinguished men and women in all walks of public and private life.

In praising the industry, the President, in his letter to Neville Miller, president of the National Association of Broadcasters said, "The growth of broadcasting as we know it in America has been one of the most outstanding achievements of this generation. . . . I reaffirm to you my belief that democracy will not tolerate any attempts at domination or control by the Government at the free and open avenues of public information."

In his letter to Mr. Miller, Mr. Willkie declared, "As one who has just come through a national political campaign, I can bear testimony to the fairness and high sense of responsibility of those in control of our radio facilities. . . . A free radio, along with a free press, constitutes the cornerstone of a system of free men."

Among the 500 gathered at the dinner, were the following:

The Honorable Jesse Jones, Secretary of Commerce, U. S. Department of Commerce.  
The Honorable Sherman Minton, United States Senate.  
The Honorable H. H. Schwartz, United States Senate.  
The Honorable Elbert D. Thomas, United States Senate.  
The Honorable C. Wayland Brooks, United States Senate.  
General George C. Marshall, Chief of Staff, U. S. Army.  
Major General J. O. Mauborgne, Chief Signal Officer, U. S. Army.  
The Honorable Breckenridge Long, Assistant Secretary of State, U. S. Department of State.  
The Honorable Norman S. Case, Commissioner, Federal Communications Commission.  
The Honorable T. A. M. Craven, Commissioner, Federal Communications Commission.  
The Honorable James Lawrence Fly, Chairman, Federal Communications Commission.  
The Honorable George Henry Payne, Commissioner, Federal Communications Commission.  
The Honorable Paul A. Walker, Commissioner, Federal Communications Commission.  
The Honorable Harry B. Mitchell, Commissioner, U. S. Civil Service Commission.  
Mr. Thomas Burke, Chief, Division of International Communications, Department of State.  
The Reverend Samuel McCrea Cavert, General Secretary, Federal Council of Churches of Christ in America.  
Rabbi Edward Israel, President, Synagogue Council of America.  
The Reverend Maurice S. Sheehy, Catholic University.  
Mr. Walter W. Van Kirk, Secretary, Department of International Justice and Goodwill, Federal Council of Churches of Christ in America.  
Mr. John Benson, President, American Association of Advertising Agencies.  
Mr. Albert Warner, Chairman, Radio Correspondents Association.  
Mr. Joseph D. Jamieson, President, White House News Photographers Association.  
Mr. Ward Stringham, President, The Electric Institute of Washington.  
Mr. Paul B. West, President, Association of National Advertisers.

Among the station operators present were the following:

Mr. Richard Haywood Mason—WPTF, Raleigh, N. C.  
Mr. Ray R. Jordan—WDBJ, Roanoke, Va.  
Mr. and Mrs. Frank V. Becker—WTBO, Cumberland, Md.  
H. Kenneth Carpenter—WHK, Cleveland, Ohio.  
Mr. and Mrs. John Kennedy—Clarksburg, W. Va.  
Dr. Leon Levy—WCAU, Philadelphia, Pa.  
Mr. Edward Y. Flanigan—WSPD, Toledo, Ohio.  
George W. Smith—WWVA, Wheeling, W. Va.  
Mr. John Shepard III—Yankee Network, Boston, Mass.  
Mr. and Mrs. Leonard J. Kapner—WCAE, Pittsburgh, Pa.

Mr. and Mrs. Clair R. McCollough—Mason-Dixon Network, Lancaster, Pa.  
Mr. L. Waters Milbourne—WCAO, Baltimore, Md.  
Mr. John V. Lyons—WCAO, Baltimore, Md.  
Mr. Don Riley—WCAO, Baltimore, Md.  
Mr. Edward L. Anzman—WCAO, Baltimore, Md.  
Mr. Edward F. Voelcker—WCAO, Baltimore, Md.  
Mr. Arthur Church—KMBC, Kansas City, Mo.  
Mr. Lee B. Wailes—Westinghouse Stations.  
Mr. John Holman—KDKA, Pittsburgh, Pa.  
Mr. Samuel H. Cook—WFBL, Syracuse, N. Y.  
Miss Nancy Wilder, Syracuse, representing WSYR.  
Mr. Morris S. Novik—WNYC.

Those representing the networks were from CBS, MBS, NBC:

#### *From CBS*

Mr. Edward Klauber, Executive Vice President.  
Mr. Harry C. Butcher, Vice President.  
Mr. Mefford R. Runyon, Vice President.  
Mr. Joseph H. Ream, Secretary and General Attorney.  
Mr. Edwin K. Cohan, Director of General Engineering.  
Mr. A. B. Chamberlain, Chief Engineer.  
Mr. Louis Ruppe, Director of Publicity.  
Mr. Davidson Taylor, Asst. to Vice President in Charge of Broadcasts.

#### *From MBS*

Mr. Theodore C. Streibert, Vice President.  
Mr. William Dolph, WOL, Mutual.  
Mr. Fred Weber, General Manager.  
Miss Madelene Ensign, WOL, Mutual.

#### *From NBC*

Mr. Clay Morgan, Institutional Promotion.  
Mr. Frank Mullen, Executive Vice President.  
Mr. William S. Hedges, Vice President.  
Mr. John F. Royal, Vice President.  
Mr. Frank M. Russell, Vice President.  
Mr. Sidney N. Strotz, Vice President.  
Mr. A. L. Ashby, Vice President.  
Mr. Frank E. Mason, Vice President.  
Mr. A. A. Schechter, Director of News and Special Events.

#### **20-Year Veterans Light Cake**

The center of attraction during the dinner was a huge birthday cake which was brought into the room in the middle of the banquet, as the lights were lowered, led by a procession of waiters carrying illuminated desserts while the orchestra played Auld Lang Syne. Atop the cake were twenty unlighted candles. Addressing the audience of 612 people present, Neville Miller called for all those who had been in radio for twenty years to rise and come forward to light the candles. As they arose, a burst of applause welcomed these radio veterans who participated in the candlelight ceremony. Among those identified were the following:

Meade Brunet, RCA Washington official.  
S. D. Gregory, NBC manager of managed and programmed stations.  
A. L. Ashby, NBC vice-president and general counsel.  
Arthur B. Church, president of KMBC, Kansas City.  
E. M. Webster, FCC assistant chief engineer.  
Commissioner T. A. M. Craven, of the FCC.  
John W. Guider, Washington attorney.  
E. C. Page, Washington consulting engineer.  
A. B. Chamberlain, CBS chief engineer.  
Mrs. LeRoy Mark, owner of WOL, Washington.  
C. M. Jansky, Jr., Washington consulting engineer.  
Louis Windmuller, Washington representative of Fairchild Aviation Corp.  
E. K. Cohan, CBS technical director.



G. W. (Johnny) Johnstone, radio director, Democratic National Committee.  
H. G. Dorsey, U. S. Coast & Geodetic Survey.  
Ralph Perry, WPRR, Mayaguez, P. R.  
Major General J. O. Mauborgne, Chief Signal Officer, U. S. Army.  
George O. Sutton, Washington radio attorney and former engineer.

During the course of the evening a special broadcast was given wherein commentators of the Columbia Broadcasting System, Mutual Broadcasting System, and National Broadcasting Company, broadcast special greetings and gave those present a last-minute roundup of the news from scattered points throughout the globe. A. A. Schechter, Director of Special Events of N. B. C., directed the broadcast. Bringing the audience the words of Edward Morrow, CBS, John Steck, MBS, and Fred Bates, NBC.

John Charles Thomas, the distinguished tenor, headed the roster of radio performers who entertained, including:

J. C. Flippen, Master of Ceremonies.  
Ramona.  
Howard and Shelton.  
Bobby Mae.  
The Pitchmen.  
Music by Johnny Messner's Orchestra.

In connection with the Birthday Dinner, the American Forum of the Air, presided over by Theodore Grannik, originated a special program over the Mutual Broadcasting System on which the following reviewed the record of radio in the past twenty years and speculated as to its future during the next twenty:

Senator Elbert D. Thomas of Utah; Chairman James Lawrence Fly; Dr. Samuel McCrae Cavert, General Secretary of the Federal Council of the Churches of Christ; Rabbi Edward Israel, President, the Synagogue Council of America; Edward J. Heffron, Executive Secretary, National Council of Catholic Men; Paul Weston, President, Association of National Advertisers; Neville Miller, and Martin Codel, Publisher of *Broadcasting Magazine*.

### Letter from the President Felicitating Radio on Its Twentieth Birthday The White House

November 25, 1940.

My dear Mr. Miller:

On the occasion of the twentieth birthday of broadcasting, I wish to extend through you my congratulations and best wishes to the industry. The growth of broadcasting as we know it in America has been one of the outstanding achievements of this generation. Since the days of twenty years ago when attic experimenters tinkered with crystal sets and the reception of a distant signal was a mere novelty, the modern receiver has become a necessity in the American household.

With this fine record of technical achievement, the radio industry also has rendered excellent public service. It has brought information and entertainment of quality to the millions of American homes which otherwise could not have enjoyed such benefits. In fact, it might be said that radio has erased the old boundaries of time and space. As millions of American families gather each day about their receivers, we become neighbors in a new and true sense.

Today the need is greater than ever that broadcasting should perform its function as a medium of public information. Factual and accurate news made available to all of our people is a basic essential of democracy. Radio has done its job well in this field. Elsewhere radio and

the press are instruments of the state, used by dictators without regard for truth or justice. I reaffirm to you my belief that democracy will not tolerate any attempts at domination or control by government at the free and open avenues of public information. The best assurance that this will continue to be so is the proper discharge of the public responsibilities by those who operate these media.

The nations of this hemisphere are engaged in a co-operative undertaking to keep war and aggression from our shores. It is my hope that radio will increase and continue its efforts to create a broader understanding among the people of this hemisphere. The exchange of programs among the broadcasting stations of the Americas and the origination of special broadcasts from and to our neighbors serve to strengthen the common purpose which unites us at home.

Again, I felicitate the radio industry on its twentieth birthday. You have reached an amazing maturity for one so young. Your government has no wish to interfere or hinder the continued development of the American system of broadcasting. Radio was born and developed in the real American way and its future must continue on that basis.

Sincerely,  
Franklin D. Roosevelt.

### Letter from Wendell L. Willkie Felicitating Radio

November 25, 1940.

Dear Mr. Miller:

Through you, I would like to congratulate American Radio Broadcasting on its Twentieth Birthday, and all those men and women who have achieved such a splendid and outstanding performance in bringing this medium of communication and entertainment to its present level of perfection.

Those closely associated with radio broadcasting in this country can take pride in this achievement, as well as in the fact that they have kept the ether waves clear for free expressions of all shades of thought. As one who has just come through a national political campaign as a major participant, I can bear testimony to the fairness and high sense of responsibility of those in control of our radio facilities. May it ever be so. A free radio, along with a free press, constitutes the cornerstone of a system of free men.

With very best wishes for the future of American Radio, I am,

Sincerely yours,  
Wendell L. Willkie.

### CLUB WOMEN SUPPORT FREE RADIO

Mrs. Lucy R. Milligan, President of the National Council of Women of the United States, and Chairman on the Radio Council on Children's Programs, wired the support of the organized club women of the country, the continuation of free radio in the United States. Her wire follows:

On behalf of the National Council of Women of the United States, I want to congratulate the radio industry on this important occasion. Coincidentally with its rise to one of our major industries has come an awareness on the part of women of the vast debt they owe radio. The higher level of our national culture is due largely to the contribution radio has made to the American people through its many educational broadcasts of every description. We want to take educational broadcasts of every description. We want to take this occasion, too, to express our gratitude to the NAB for its adoption of the Code which insures to all Americans the dissemination of the truth, without prejudice, and in a spirit of fair play. We believe that a free radio is the very essence of true democracy and pledge our continued support to the end that free radio shall continue in the United States.

Lucy R. Milligan, *President*,  
National Council of Women of the United States.

**BMI FEATURE TUNES**

**December 2-9**

1. **THERE I GO**
2. **I GIVE YOU MY WORD**
3. **SO YOU'RE THE ONE**
4. **MAY I NEVER LOVE AGAIN**
5. **YOU WALK BY**
6. **I HEAR A RHAPSODY**
7. **GYPSY MOON**

*PORTRAIT OF A PROTECTOR* IS THE NAME OF A MOST EFFECTIVE BOOKLET PRESENTING THE CASE OF BROADCASTING IN THE PRESENT MUSIC CONTROVERSY. IT HAS BEEN GIVEN A GENERAL CIRCULATION. MANY STATIONS HAVE REQUESTED AN ADDITIONAL SUPPLY FOR USE IN THEIR OWN AREA. NAB IS PREPARED TO FILL ANY REASONABLE REQUEST FOR ADDITIONAL COPIES. FOR ADDITIONAL COPIES OF *PORTRAIT OF A PROTECTOR* PLEASE WRITE NAB, 1626 K STREET, N. W., WASHINGTON, D. C.

Ten BMI numbers show up on the various lists of music most played on the air this week. *There I Go* heads the lists followed by *So You're The One*, *I Give You My Word*, *Practice Makes Perfect*, *Same Old Story*, *You Walk By*, *I Hear A Rhapsody*, *May I Never Love Again*, *We Could Make Such Beautiful Music*, and *Let's Dream This One Out*. It is interesting to note also two numbers of the Southern Music Company which have appeared well up on the lists both last week and this, *Frenesi* and *Tonight (Perfidia)*. These two numbers will be covered by the BMI license beginning the first of the year. That makes an even dozen of the leaders on the air which are or will be in the BMI catalogue.

What the public thinks of BMI music is clearly shown when people walk up to coin machines and drop nickels into the slot to hear it or walk into stores to buy copies of the records or sheet music. Bob Chester's recording of *Practice Makes Perfect* stood fourth last week, this week third, in the list of biggest money makers on the coin machines, with *There I Go* as recorded by Tommy Tucker and also as recorded by Will Bradley on the "coming up" list. *There I Go* and *Practice Makes Perfect* are on the national list of best sellers and *I Give You My Word* also appears on the regional list for the east.

Last week *There I Go* was number four and *Practice Makes Perfect* number five on the Hit Parade.

ASCAP was quoted in *VARIETY* for November 20th to the effect that "Broadcast Music has about reached its maximum subscribers, namely, 420". The ASCAP management will certainly be glad to learn that they underestimated the strength of BMI's appeal to radio stations. With the new subscribers listed below, the BMI membership reaches 429. We warmly welcome the following:

KFKA—Greeley, Colorado  
 KSOO—Sioux Falls, South Dakota  
 KTSW—Emporia, Kansas  
 KUTA—Salt Lake City, Utah  
 WIND—Gary, Indiana  
 WKBB—Dubuque, Iowa  
 WKNE—Keene, New Hampshire  
 WLAW—Lawrence, Massachusetts  
 WLOG—Logan, West Virginia  
 WMFF—Plattsburg, New York  
 WRDW—Augusta, Georgia  
 WTRY—Troy, New York  
 KFDM—Beaumont, Texas  
 KAST—Astoria, Oregon

\* \* \*

Conclusion of its first deal with a performing rights society, The Society of Authors, Composers and Editors of Music, Mexico City, has been announced by Broadcast Music, Inc. Under the terms of the contract which was signed by Alfonso Esparza Oteo on behalf of the Mexican Society, BMI receives from the composers on January 1, 1941, broadcasting rights and television rights to more than 20,000 musical compositions, including 2,000 records. Performance rights in these compositions are available through ASCAP up to the close of 1940 through the Southern Music Company.

More than 150 of the song writers of Mexico are included in the grant. The compositions cover those which have achieved popularity through performance by leading band leaders and vocalists, and a large repertoire of serious music. Carlos Chavez, the conductor, is a member of the Society, as are Lorenzo Barcelata, Alfonso Esparza Oteo, Tata Nacho, Jose Guizar, Manuel M. Ponce, Agustin Lara, Miguel Lerda de Tejada and others.

In addition to *Frenesi* and *Perfidia*, the list of compositions contains songs by Barcelata and Cortazar in Mexican motion pictures, *Vereda Tropical*, the music of which was featured in the second edition of *Hellazpoppin'*, and such well known songs as *Mi Viejo Amor* by Esparza Oteo, *Guadalajara* by Pepe Guizar, *Morena* by Moral, *Flores Negras* by Karlo.

With the cooperation of the members of the music committee of the Pan-American Union, BMI is planning a series of good will programs to popularize Latin-American music in the United States. Mexican, Cuban and South American music will also be performed over short wave broadcasts.

\* \* \*

In pursuit of the policy of creating a catalogue to meet all music needs of radio stations, BMI has for some time



had in preparation a hymnal. It is expected that the volume will be ready for distribution to BMI member stations some time after December 20th and certainly before the first of the year. As a special consultant in preparation of this collection, BMI has had the services of Richard Maxwell, who has for a number of years conducted the program known as *Songs of Comfort and Cheer* over the CBS network. Mr. Maxwell has collaborated with M. E. Tompkins, BMI's General Manager, and Dana Merriman of the Editorial Staff.

The volume will contain between four hundred and five hundred numbers. The greater part of these will be the standard hymns that have stood the test of time and well known gospel songs of all religious denominations. There are to be included also, patriotic hymns and some of the best known negro spirituals. A most important characteristic of the collection is the fact that it includes music representative of every religious faith which has any considerable following in this country. The book will be published in such form as to be suitable for use in congregational or community singing.

## Nominations Now Open For Peabody Radio Awards

A University of Georgia bulletin describing in detail the George Foster Peabody Radio Awards for distinguished and meritorious public service will be mailed soon to every station in the country, according to Dean John E. Drewry of the Henry W. Grady School of Journalism, through whose office the entries and awards will be handled.

Since January 15 is the closing date for this year's entries, Dean Drewry suggests that station managers might well begin immediately getting their entries ready. The procedure, as set forth in the Peabody plan, as adopted by the Regents of the University System of Georgia, follows:

"Nominations of candidates for these awards shall be made in writing to the Dean of the Henry W. Grady School of Journalism, The University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration of one of these awards. Program subjects, program outlines, program transcripts, recordings, letters, and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.

"Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940.

"The closing date for entries will be January 15."

*There are to be separate awards for small, medium-sized, and large stations, and for chain broadcasts.*

Awards will be made at a date and place to be an-

nounced later, upon the recommendations of the Advisory Board, membership of which consists of:

Dr. S. V. Sanford, Chancellor, University System of Georgia.  
Bruce Barton, President, Batten, Barton, Durstine, and Osborne, Advertising, New York City.

John H. Benson, President, American Association of Advertising Agencies, New York City.

Virginius Dabney, Editor, Richmond (Va.) Times Dispatch.  
Norman H. Davis, Chairman, American Red Cross, Washington, D. C.

Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer.  
Mark F. Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times.

Waldemar Kaempffert, Science Editor, The New York Times.  
Alfred A. Knopf, Publisher, New York City.

Miss Grace Moore, Metropolitan Opera, New York City.  
Dr. John W. Studebaker, United States Commissioner of Education and Chairman, Federal Radio Education Committee, Washington, D. C.

Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody and President of "Yaddo," Saratoga Springs, New York.

Edward Weeks, Editor, The Atlantic Monthly, Boston, Massachusetts.

## Legislative

### SUPREME COURT SUSTAINS FCC IN KSFO-CBS CASE

In *FCC v. Columbia Broadcasting System* and *FCC v. The Associated Broadcasters, Inc.*, the Supreme Court on Monday held that appeal from an order of the Commission denying consent to an assignment of a radio station license does not lie to the Court of Appeals of the District of Columbia. Speaking through Mr. Justice Frankfurter, the Court ruled that an order denying consent to an application for a transfer is not an order "refusing an application . . . for a radio station license" within the meaning of Section 402 (a) and (b) of the Communications Act. Jurisdiction to review such an order rests exclusively with the appropriate district court, specially constituted, with direct appeal to the Supreme Court.

We print the opinion in full:

OCTOBER TERM, 1940

Nos. 39-40

39 FEDERAL COMMUNICATIONS COMMISSION, *Petitioner*,  
vs.  
COLUMBIA BROADCASTING SYSTEM OF CALIFORNIA, INC.  
40 FEDERAL COMMUNICATIONS COMMISSION, *Petitioner*,  
vs.  
THE ASSOCIATED BROADCASTERS, INC.  
(November 25, 1940)

On Writs of Certiorari to the Court of Appeals for the District of Columbia

Mr. Justice FRANKFURTER delivered the opinion of the Court.

We brought these two cases here, 310 U. S. 617, because they raise questions of importance touching the distribution of judicial authority under the Communications Act

of 1934. (Act of June 19, 1934, 48 Stat. 1064, as amended by the Act of June 5, 1936, 49 Stat. 1475, and by the Act of May 20, 1937, 50 Stat. 189, 47 U. S. C. §151 *et seq.*)

Insofar as action of the Federal Communications Commission is subject to judicial review, the Act bifurcates access to the lower federal courts according to the nature of the subject matter before the Commission. Barring the exceptions immediately to be noted, §402(a) assimilates "suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act" to the scheme of the Act of October 22, 1913 (38 Stat. 219), pertaining to judicial review of orders of the Interstate Commerce Commission. Therefore as to the general class of orders dealt with by §402(a) jurisdiction rests exclusively in the appropriate district court, specially constituted, with direct appeal to this Court. Excepted from this scheme of jurisdiction is "any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, or suspending a radio operator's license." These five types of orders, thus placed beyond the jurisdiction of the district courts, are then affirmatively dealt with by §402(b). As to them, that provision gives an appeal "from decisions of the Commission to the Court of Appeals of the District of Columbia," with ultimate resort to this Court only upon writ of certiorari.

Our problem, then, is to apply this scheme of jurisdiction to the situation before us. Acting under §310(b) of the Communications Act, the Commission refused consent to an assignment to the Columbia Broadcasting System of California of a radio station license held by the Associated Broadcasters. Columbia and Associated thereupon sought in the Court of Appeals for the District review of the Commission's denial of consent. The Commission moved to dismiss the appeals for want of jurisdiction. The court below, with one justice dissenting, denied the motions and entertained jurisdiction. 108 F. (2d) 737.

The crux of the controversy is whether an order of the Commission, in the exercise of its authority under §310(b), denying consent to an assignment of a radio station license is an order "refusing an application . . . for a radio station license," within the meaning of §§402(a) and (b). If it is, the court below was seized of jurisdiction. If it is not, that court was without it. In the language quoted in the margin, Congress has made the choice and it is for us to ascertain it.

Primarily, our task is to read what Congress has written. As a matter of common speech, the excepted types of orders which alone can come before the Court of Appeals for the District of Columbia do not include an order refusing the consent required by §310(b). Re-

fusing "an application . . . for a radio station license" is hardly an apt way to characterize refusal to assent to the transfer of such a license from an existing holder. Nor is there anything to indicate that the peculiar idiom of the industry or of administrative practice has modified the meaning that ordinary speech assigns to the language. Instead of assimilating the requirements for transfers to applications for new licenses or renewals, the Act as a whole sharply differentiates between them. Different considerations of policy may govern the granting or withholding of licenses from those which pertain to assent to transfers. And Congress saw fit to fashion different provisions for them. Compare §§307, 308, 309, and 319 with §310(b). There are also differences in the formulated administrative practice for disposing of applications for station licenses and requests for consents to transfer. Nor do some similarities in treatment make irrelevant the differences.

A sensible reading of the jurisdictional provisions in the context of the substantive provisions to which they relate gives no warrant for denying significance to the classifications made by Congress between those orders for which review can only come before the local district courts, and those five types of orders, explicitly characterized, which alone can come before the Court of Appeals for the District. And an order denying consent to an application for a transfer is one of those five, for it is not an application for "a radio station license" in any fair intendment of that category.

What thus appears clear from a reading of the Communications Act itself is not modified by the collateral materials which have been pressed upon us. That both sides invoke the same extrinsic aids, one to fortify and the other to nullify the conclusion we have reached, in itself proves what dubious light they shed. What was said in Committee Reports and some remarks by the proponent of the measure in the Senate are sufficiently ambiguous, insofar as this narrow issue is concerned to invite mutually destructive dialectic but not strong enough either to strengthen or weaken the force of what Congress has enacted. See Sen. Rep. No. 781, 73d Cong., 2d Sess., pp. 9-10; House Rep. No. 1918, 73d Cong., 2d Sess., pp. 49-50; 78 Cong. Rec. 8825-26. This leaves for consideration only the bearing of an earlier decision by the Court of Appeals for the District on this very question, arising under the predecessor of the Communications Act, the Radio Act of 1927, 44 Stat. 1162, as amended, 46 Stat. 844. In that Act §16 covered, for present purposes, the provisions of §402(b) of the Communications Act. *Inter alia*, it provided for appeals to the court below by "any applicant for a station license." Construing that provision, the court below in *Pote v. Federal Radio Commission*, 67 F. (2d) 509, held that it was without jurisdiction over an appeal by a transferee to



whom consent to a transfer had been denied. The present §402 was adopted after this decision and another decision by the same court within this field of jurisdiction (*Goss v. Federal Radio Commission*, 67 F. (2d) 507) had been presumably brought to the attention of Congress. Hearings on S. 2910, 73d Cong. 2d Sess., pp. 44-45. On the one hand it is insisted that, in the light of these circumstances, the construction in the *Pote* decision was impliedly enacted by Congress, while respondents urge that differences in the provisions regarding the Commission's power over consent to transfers destroy the significance of the *Pote* case. But these changes in §310(b), which stiffened the control of the Commission over transfers, are wholly unrelated to the technical question of jurisdiction with which we are now concerned. We are not, however, willing to rest decision on any doctrine concerning the implied enactment of a judicial construction upon reenactment of a statute. The persuasion that lies behind that doctrine is merely one factor in the total effort to give fair meaning to language. And so, at the lowest, the *Pote* case certainly does not detract from, but if anything reinforces, the construction required by a clear-eyed reading of the statute.

*Reversed.*

TELFORD TAYLOR, General Counsel, Federal Communications Commission (FRANCIS BIDDLE, Solicitor General, EDWIN E. HUDDLESON, JR., JOSEPH L. RAUH, JR., Assistant General Counsel, Federal Communications Commission, BENEDICT P. COTTONE, and HARRY M. PLOTKIN with him on the brief) for petitioner; DUKE M. PATRICK for respondent in No. 39; no appearance for respondent in No. 40.

## SENATE PASSES WALTER-LOGAN BILL

The Senate on Tuesday passed the Walter-Logan Bill to provide judicial review of administrative decisions and make uniform administrative procedure in most of the government agencies; the vote was 27 to 25. The House Judiciary Committee on Wednesday voted unanimously to approve the Senate amendments, which were those reported out of the Senate Judiciary Committee. The House is expected to consider the amendments next Monday and passage seems assured; the House passed the measure by a vote of about 3 to 1 last spring. The best opinion is that the President will veto the bill if passed, that the House will pass it over his veto, but that the Senate will not override the veto. In that event the bill will die with this session of Congress.

The NAB Legislative Committee at its meeting last May voted to take no action relative to the Walter-Logan Bill.

Motions of AFM and NAPA to file briefs as amicus curiae in *Whiteman v. RCA Mfg. Co.* were denied by the

Supreme Court of the United States on Monday, November 25.

## Engineering

### ENGINEERING CONFERENCE FEB. 10-21

One of the outstanding engineering events each year is the Ohio State Broadcast Engineering Conference held on the campus of Ohio State University at Columbus. W. L. Everitt, Director of the Conference has announced the dates of February 10 through 21, 1941, for the Fourth Conference.

The last Conference was attended by 248 engineers from 35 states showing a healthy increase over the previous year. The Conference sessions are conducted under regular classroom conditions in which one and one-half hours of each period are devoted to a formal presentation and one-half hour to an informal discussion. The subjects of the Conference bridge the gap between academic and practical application of new developments and are a definite aid to engineers in keeping up with their profession.

NAB cooperated in this year's Conference and will cooperate in the Fourth next February.

A capable group of men has been assembled to conduct the various sessions.

One of the outstanding talks will be given in an address by E. K. Jett, Chief Engineer of the FCC, on the timely subject of "Communication in National Defense". Some of the matters in connection with this subject are secret, however, those that Mr. Jett can talk on will be interesting.

One of the most popular sessions last year was the "General Discussion and Question Box," conducted by A. D. Ring, Assistant Chief Engineer of the FCC in charge of broadcasting. Mr. Ring discusses broadcast engineering regulation problems in an interesting manner and new problems that have arisen since last year, such as the North American Agreement Reallocation, promise to make this a high-light session again.

Harvey Fletcher of Bell Telephone Laboratories will present a paper entitled "Hearing determines the fundamental requirements of high fidelity". There has been a great deal of discussion recently about "high fidelity" in connection with claims made for frequency modulation and therefore Mr. Fletcher's paper is timely.

The commercialization of Frequency Modulation on January 1 will continue the interest on this subject. Seven sessions on the various phases of FM are on the agenda and Major Armstrong will conduct the opening period.

Late this summer the National Television Standards Committee was formed for the purpose of evolving standards agreeable to the whole industry. W. R. G. Baker, Director of Engineering for the Radio Manufac-

turers Association is Chairman of the Committee. It is anticipated that the Committee's work will be completed by February and Dr. Baker has agreed to discuss the standardization at the Fourth Conference.

Another prominent television matter at this time is color television, brought to the attention of the industry by Peter Goldmark of The Columbia Broadcasting System. Dr. Goldmark will present a paper on the color television system evolved by him for CBS.

New to the Conference this year will be laboratory periods during which the members will have an opportunity to make actual broadcast station measurements with the latest type of test equipment. RCA and General Radio have already promised to participate in this project by furnishing equipment and instructors. Others have signified their intention to do so.

Many other subjects of current interest will be covered at the Conference and the full program and list of speakers will be ready for distribution the last of December.

Dr. Everitt, Director of the Conference, is widely known as the author of "Communication Engineering" a book used in some 60 schools and he is a ranking communications engineering educator. He recognized some four years ago the need for something to aid engineers in keeping up with an art developing at a difficult pace. He therefore inaugurated the Broadcast Engineering Conferences and the enthusiasm on the part of those who have attended attests to the capable manner in which he has met the problem.

## BROADCAST MEASUREMENTS

FCC experts in October measured 694 broadcast stations leaving 166 stations not measured.

Of these 639 stations showed a maximum deviation within 0-10 cycles; 47 stations a maximum deviation within 11-25 cycles; 7 stations a maximum deviation within 26-50 cycles; and 1 station a maximum deviation over 20 cycles.

## NOTICE TO MANUFACTURERS OF HIGH FREQUENCY EQUIPMENT

An informal engineering conference will be held at the offices of the Federal Communications Commission on Monday, December 9, at 10:30 a. m. (in Room 7416), to discuss transmitting equipment for high frequency broadcast stations. Two subjects will be discussed, namely: (1) Maximum power rating and operating power range of standard high frequency (FM) transmitters. (2) Performance characteristics of audio amplifying equipment when obtained separately and as a complete unit.

The Commission has been informed that it would facilitate the manufacture of standard high frequency (FM) broadcast transmitting equipment if maximum power ratings could be standardized. Also, the operating power

range of the transmitters of different maximum power ratings should be standardized for the equipment made by different manufacturers. As the Commission regulates only the external performance characteristics, it ordinarily would not be particularly concerned with power rating except in so far as it must be considered in obtaining the necessary performance. It has been agreed, however, to discuss these matters with the several manufacturers so as to standardize the power ratings in order to expedite manufacture at this time when most of the engineering facilities of the manufacturers are devoted to defense engineering.

The following power ratings are offered as a basis of discussion:

<i>Maximum Power Rating</i>	<i>Operating Power Range</i>	
250 watts	50 to	250 watts
1,250 "	250 "	1,250 "
5,000 "	1,250 "	5,000 "
25,000 "	5,000 "	25,000 "
100,000 "	25,000 "	100,000 "

High frequency broadcast stations are *not* rated on the basis of power output. They *are* rated on the basis of service area. The service area is established from economic data and certain technical considerations. Since all stations serving the same city must have substantially the same service area and as the antenna height and antenna gain vary in all cases, the operating power will, in most cases, be odd values (such as 1190 watts, 19.2 kw, etc.). While stations are not to be rated on the basis of operating power, consideration should also be given the determination of the operating power for the authorized coverage.

Even though standard maximum ratings as given above are adopted, it may be desirable to make provision for immediate steps by reducing the number of tubes or using tubes of different power ratings in the last radio stage when the operating power is considerably below the maximum power rating. This is suggested for economy only.

It has come to the attention of the Commission that the performance characteristics of the speech input equipment is dependent upon the input and output circuits employed. Unless each unit is designed for the impedance characteristics of the load, the performance (frequency and amplitude) may be different from the published data. The claims for overall performance of high frequency broadcast equipment are, in many cases, based upon the performance of individual units which may not, in some cases when not matched, give performance meeting the requirements, unless all units are equalized as a whole. It is desired to discuss these problems with the view of standardizing a method of specifying characteristics and load conditions. High frequency broadcast stations are required to submit proof of audio performance during tests as a complete station before a license will be issued by the Commission.



## National Defense

### URGENT

The next mailing of Man Power announcements going to stations will contain a special announcement concerning Procurement Inspectors, badly needed in the aircraft industry.

If time is available it will be appreciated if station managers will do something EXTRA over the air to secure these men.

At the present moment, the Civil Service people are not getting the required number of applications for these jobs. A large number of men are required. They will be assigned to work in private aircraft plants.

Previous aircraft experience is not required in all instances. For example, a man who knows how to inspect steel will know how to inspect steel in the aircraft plants. Likewise, a man who knows instruments, in a broad sense, will be able to qualify to inspect instruments used by airplanes.

Let's see what RADIO can do to comb this nation for Procurement Inspectors—Quick!

### NATIONAL DEFENSE CONSUMER BROADCASTS

A program for strengthening the Nation's human defenses by making food market information available to household buyers through market news broadcasts in the local community is outlined in a bulletin, entitled "Local Market News Broadcasts for Consumers," issued by Miss Harriet Elliott, Commissioner in charge of the Consumer Protection Division of the National Defense Advisory Commission. The bulletin is being distributed to State and Local Defense Councils and to civic and service organizations to assist them in community defense efforts. The use of market news broadcasts is urged as an aid in protecting living standards by helping guide consumer food purchasing, and as a measure to help raise the nutritional levels of the country.

"Radio stations can cooperate with local organizations in the promotion and protection of human welfare in the communities they serve," said Commissioner Elliott. "Particularly needed are broadcasts concerning foods which protect health, food-preparation methods which conserve vital nutritive values, and information on the availability of essential foods. Such services should be provided by government agencies concerned with food products and their distribution."

Commissioner Elliott has been assured of the cooperation of the radio industry in this program by Mr. Neville Miller, president of the National Association of Broadcasters. In a recent letter to Miss Elliott, Mr. Miller

said: "Please be assured of the desire of the National Association of Broadcasters to cooperate with your office in every way possible in the furtherance of your program to safeguard our American way of life in the broadcasting of constructive consumer information, in directing attention to the ever needed efforts to eliminate malnutrition, and with the Advisory Commission's farseeing effort to strengthen our human defenses, as well as military. I feel confident that radio stations throughout the country will find a constructive opportunity to be of further public service in carrying on this important work."

Miss Elliott's recommendation on market news broadcasts is one step in a nationwide program to safeguard civilian needs and raise nutrition levels for defense. Other measures recommended by Miss Elliott include extension of school lunch programs, low-cost methods of distributing milk and essential fruits and vegetables to needy families, diet clinics to which families can bring their food-buying and nutrition problems, wider use of the Food Stamp Plan, and more extensive utilization of the diet and health services of governmental and private organizations.

### PROGRESS REPORTED IN FORMS REVISE

Meeting in Washington on Monday last to act on the FCC Rules Committee's recommendations in respect of requests for revision of application forms 301 and 319, the NAB-FCC Conference Committee and the FM Broadcasters Committee on Application Forms concluded their work by drafting a letter to the Rules Committee and instructing a sub-committee to confer with the Rules Committee on certain questions. The Committees stated that their efforts have been directed only to simplification and clarification of the forms and not to consideration of substantive matters in the Commission's Rules on which the questions are based. The members present expressed their appreciation of the cooperation of members of the Commission staff in tackling a tedious and intricate task.

Present at the meeting were: W. C. Alcorn, WBNX; H. W. Batchelder, WFBR; P. J. Hennessey, Jr., P. J. Loucks, C. M. Jansky, Jr., Kenneth E. Raine, Judge Frank Roberson, Reed T. Rollo, and Russell P. Place and Lynne Smeby of the NAB staff.

Mr. Alcorn, Vice-Chairman, appointed Messrs. Rollo, Loucks, Bennett and Place to confer on non-engineering questions, and Messrs. Jansky and Smeby to confer on engineering questions.

On Wednesday, November 27, the sub-committee met at the FCC with Messrs. Rauh, Bauer, Bartlett and Sutton of the Commission staff. Agreement was reached on virtually all non-engineering questions under discussion. Assurance was given that the Rules Committee would give every consideration to the NAB-FM Committees' requests concerning the few questions not settled.

## RESEARCH COMMITTEE REPORTS ON UNIT MEASUREMENT

The NAB Research Committee met in New York Monday, November 25. Chairman William J. Scripps presided at the meeting with the following in attendance: H. M. Beville, Jr.; Arthur B. Church; Frank N. Stanton; Lee B. Wailes; James W. Woodruff, Jr., and Robert E. Dunville, representing James D. Shouse. Paul F. Peter, NAB director of research, attended as an ex officio member of the Committee.

The Committee heard a report by Mr. Peter on progress of the Advertising Volume Unit Measurement Service. The Committee reviewed the tabulation of 206 reporting stations for the month of September. The Committee also reviewed the progress of the work involved in publication of an urban radio survey on radio ownership and listening habits.

At the invitation of the Committee, Mr. C. E. Hooper, President, Dr. Matthew N. Chappell and Mr. Hugh Boyd of the C. E. Hooper, Inc., research organization presented their findings on the causes of inconsistencies between coincidental and unaided recall ratings on radio programs. The Research Committee is studying the operation of various program measurement methods as a preliminary step to the preparation of a manual for station use on the subject. The Committee has set its next meeting date tentatively for January 10, 1941.

### NAB-AAAA CONFERENCE COMMITTEE MEETS, N. Y., DEC. 4

The NAB-AAAA Conference Committee will hold a meeting at the Ritz Tower, New York, at 10 a. m. Wednesday, December 4. The sub-committee on consideration of the AAAA standard order blank will meet the day previous at 10 a. m. in the office of Edward M. Petry & Co. The report of the full committee will be made to the NAB Executive Committee at its meeting at the Roosevelt Hotel Thursday, December 5, at 8:30 a. m. It has been found impossible to schedule a meeting with the 4 A's committee for this week because of the conflict with their Regional Meeting in Chicago; however, an early meeting will be arranged.

### LEGISLATIVE COMMITTEE MEETING

There will be a meeting of the Legislative Committee at the Ritz-Tower Hotel, New York City, at 4:30 p. m. Wednesday, December 4. The makeup of the new Legislative Committee is quoted elsewhere in this issue of the Report.

### INSURANCE COMMITTEE BEGINS TABU- LATION—YOUR QUESTIONNAIRE NEEDED

The Insurance Committee, under the direction of Chairman Roger Clipp, has begun tabulation of the data

contained in approximately 160 Insurance Questionnaires returned so far. The multiplicity of risks involved in operating a broadcasting station make it desirable to have as many of the questionnaires returned as possible, therefore, members are urged to fill in the questionnaire and return it as soon as possible.

### "FOOTPRINTS OF THE TROJAN HORSE" TO BE OFFERED RADIO LISTENERS

Members will recall the ovation at the San Francisco NAB Convention, bestowed upon Dr. Frank Kingdon, Executive Director of Citizenship Educational Service, following his address "Broadcasters Defend America."

Continuing its Americanization work, his organization, supported by labor, business, fraternal, and religious organizations, this fall published an expose of so-called Fifth Column activities at work in this country, under the title, "Footprints of the Trojan Horse." This booklet was unanimously endorsed by the press, clergy and men and women, in all parties and walks of life, resulting in a demand for its mass distribution.

Arrangements for this mass distribution have just been completed, and in cooperation with the NAB Public Relations Department on December 2, radio stations will receive information direct from the Citizenship Educational Service. The revised edition may be secured at the price of ten cents per copy. Stations are being asked to give occasional announcements to this effect. Letters enclosing a coin may be addressed direct to the Citizenship Educational Service, 122 East 42nd Street, New York City. For the information of members we print here a list of the organizations sponsoring this Americanization work:

American Federation of Labor  
American Friends Service Committee  
American Jewish Committee  
Benevolent and Protective Order of Elks  
Boys' Clubs of America  
Boy Scouts of America  
Camp Fire Girls  
Catholic Charities  
Catholic Youth Organization  
Daughters of the American Revolution  
Federal Council of Churches of Christ in America  
General Federation of Women's Clubs  
International Society Christian Endeavor  
Jewish Welfare Board  
Knights of Columbus  
National Conference of Christians and Jews  
National Association for the Advancement of Colored People  
Roosevelt Memorial Association  
Workers' Educational Bureau of America  
Young Men's Christian Association  
Young Women's Christian Association

### "MR. B. E. CARROLL"

Station WFPG has notified Headquarters it is entering criminal action against one B. E. Carroll, for check forgery. Mr. Carroll may be offering other stations services similar to those offered WFBG, namely the conduct-



ing of "Buy Now" campaigns. His description follows: weight 200 pounds, ruddy complexion, around 45 years of age. He has a scar across his forehead.

## CIVIL LIBERTIES UNION PRAISES RADIO ON BIRTHDAY

On the occasion of the celebration of the twentieth anniversary of the beginning of radio broadcasting, the Radio Committee of the American Civil Liberties Union forwarded a message of congratulation to Mr. Neville Miller of the National Association of Broadcasters. Speaking as the Washington representative of the Committee, Mr. H. Thomas Austern, Washington, D. C., said:

"We can quite unreservedly commend the broadcasting industry for the efforts it is making to put radio in a position where it fairly reflects all the currents of public opinion. As representatives of the general public, we are in a position to speak without bias and solely in the interest of according to all listeners throughout the country the maximum service that radio is capable of rendering in the full and free discussion of public issues by representatives of all groups without distinction.

"We are in entire agreement with the underlying principle of the radio code which forbids the sale of time for the discussion of public controversial issues. This has to a high degree effectively put an end to the ability of monied interests to get their case before the public to the exclusion of opponents too poor to buy time. While from a practical standpoint the problem is difficult and the effect has not been all that could be desired, it looks as if satisfactory solutions can be achieved for these problems which yet remain to be solved.

"The exception in the code for the sale of time for political speeches apparently works with entire satisfaction and we believe it is an exception which probably should be made.

"We deem the existing statutory power of the President to take over the operation of all radio stations in time of national emergency or war as potentially dangerous—so dangerous, indeed, that we have advocated Congressional action to deprive the President of this power. There seems to be no argument for such a blanket control of radio in time of emergency that would not apply equally to the press. The radio code apparently ensures a degree of self-regulation sufficient to make unnecessary the exercise of any such sweeping and drastic power by the Federal Government. In these circumstances we think that legislative action to limit the existing statutory grant of power is warranted.

"The possibility of liability of radio stations for slander or libel remains, we believe, a deterrent to free speech on the air in that it forces the use of pre-examined scripts for all speeches except discussion in an open forum. While the deterrent action has to some extent been minimized, we believe that legislation would be desirable to free stations of such liability except on the part of their own agents.

"We are likewise in full agreement with the code provision which bars from the air programs which contain attacks upon any race or religion. While here again the precept as practiced necessitates delicate judgments, and deserves continual scrutiny, we believe that freedom of speech does not require affording license to attack the race or faith of others over the air."

## OTHER RADIO BIRTHDAY ACTIVITIES

WHEC, Rochester, is hereby and herewith presented a mythical loving cup in recognition of the most thorough and complete exploitation of Radio's 20th Birthday that has been reported.

Ross Woodbridge, WHEC publicity director, has supplied the details. He sent the clippings; the car and bus card and the chain key ring. Here is the plan which WHEC put into practice:

### 1—STREET CAR CARDS

Three hundred street cars and busses in Rochester carry this promotional material. All WHEC programs receive plugs—one program to a card; several cards for each program. In addition, sponsors were given cards for window use and general display.

### 2—SOUVENIRS

Ten thousand (10,000) key-holder souvenirs like the one enclosed are being distributed to visitors to our studios. Main distribution will occur during our "Open House" week beginning November 25. No comment is necessary concerning the make-up and design of the souvenirs. I might say, however, they are numbered and a record kept of the name of each souvenir recipient. The perfectly obvious reason is that should the key-holder become lost, WHEC can be of quick and easy help in getting keys returned to rightful owner.

### 3—BIRTHDAY CAKE

The picture of Clarence Wheeler, vice president of WHEC, and Gunnar Wiig, general manager, gives a fair idea of the cake which greets our visitors in our main reception room. With a bottom layer 36 inches in diameter, the cake itself is 20 inches high, topped by an inscribed loving cup. With a decorated surface of over 19 square feet, the cake has a ring of twenty electric lights around the top outside edge.

### 4—NEWSPAPER HIGHLIGHT COLUMNS

Enclosed also are tear sheets showing our Highlight Columns which appeared in both Rochester newspapers on November 9 and November 16. Same column for November 23, will also deal exclusively with this 20th anniversary celebration. WHEC has this Highlight Column on the radio pages of the newspapers every day and in addition to the full columns already mentioned, we are using top heading every other day calling attention to the special birthday party broadcasts we are presenting.

## OTHER WHEC RADIO BIRTHDAY PARTY PLANS

### 5—BIRTHDAY PARTY REGISTRATION BOOK TRANSCRIPTION OF VOICES

Visitors of WHEC studios register in book. Every fiftieth guest has a recording of his or her voice made and is presented with the disc. Some discs to be used on special broadcasts.

### 6—CONDUCTED TOURS OF STATION

Explanation of most interesting phases of radio to visitors.

### 7—DEMONSTRATION OF SOUND EFFECTS

Tied in with tours of studios.

### 8—SPONSORS' NIGHT

On Monday night, November 18, approximately 100 local WHEC sponsors were entertained at the station. General idea being a good friendly get-together. Buffet supper served. A few very short talks.

### 9—WHEC GENERAL DISPLAY

Because of its size, the WHEC general display of pictures of many program stars, has heretofore been used as publicity in large stores, halls and windows outside of the station. However, for this birthday party, special room has been made and all visitors have a chance to see pictures of CBS and local WHEC program headliners.

### 10—FLOWERS

Studios, reception room, etc., appropriately decorated.

## SPECIAL WHEC PROGRAMS FOR ANNIVERSARY CELEBRATION

Beginning November 11, all WHEC local sustaining and many commercial programs have paid tribute to Radio's Twentieth Birthday and have called attention

to the many advantages of the American system of broadcasting.

#### 11—EVERY STAFF ORCHESTRA PROGRAM

With BMI tunes getting the spotlight musically, these programs for the entire twenty days have been devoted to the birthday idea. Many guest soloists have been and will be presented, some of them regular stars on former WHEC series.

#### 12—GUEST SPEAKERS

Religious groups one night (Protestant, Catholic and Jewish faiths represented by speakers who paid tribute to free radio and the many benefits religious bodies have been given through the American system). The hundred-plus voiced Rochester Community Choir sang. Political Parties. Guest speakers included the Republican and Democratic Monroe County Chairmen. Educational Institutions. Guest speaker, Paul Reed, Director of Radio and Visual Education of the Rochester Public Schools.

#### 13—SPONSORS' PROGRAM

Tribute from local sponsors.

#### 14—RADIO BIRTHDAY PARTY ON CHILDREN'S WEEKLY AMATEUR SHOW

Sponsor releasing gas-filled balloons with rewards for those who return them.

#### 15—RADIO THROUGH THE YEARS

Maurice Clarke, WHEC's chief engineer, tracing radio's general technical growth with dramatized episodes.

#### 16—POLICE AND RADIO

Program devoted to use of radio by police. Police officials present and taking part.

#### 17—MUSICAL CLOCK DOUGHNUT AND COFFEE PARTY

Jack Barry, WHEC's Musical Clock maestro, presenting program from Hotel Seneca ball room. Free coffee and doughnuts for all who attend. Dunkers club formed.

#### 18—STUDIO CONCERTS

Organ, harp and two piano concerts (not broadcast but presented for enjoyment of visitors).

#### 19—WOMAN'S CORNER PROGRAM

Charlotte Edwards is devoting her five-a-week programs to the cause. For example, one broadcast used original script for an early WHEC serial story (over ten years old) for which most of the original cast members returned from out of town to participate.

Another day, WHEC's first woman commentator presented one of her original scripts. Other programs included interviews with WHEC staff members who told of life at WHEC in the old days and made comparisons with radio as we have it today.

#### 20—RECORDINGS THROUGH THE YEARS

Program devoted to progress made in the field of recording and electrical transcriptions. Comparisons made with actual broadcast of earliest and latest recordings and transcriptions. Tribute paid to science and research.

#### 21—RADIO IN SPORTS

Gunna Wiig and Lowell MacMillan, head of WHEC's sports department, cover the role radio has played in sports coverage. Local sports personalities present as guests. Incidentally, Gunnar Wiig was one of the very first play-by-play baseball men in the country and was the first to describe an out-of-town game by use of wire.

In San Antonio radio distributors and leading dealers were lined by Charlie Balthrope, commercial manager, KTSA, for an extended period of 20th Birthday promotion which is to end November 30. Special programs and ten daily spots are contributed by KTSA. The radio

trade responded by sponsoring additional special shows. Window cards were used profusely.

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William L. Wallace, promotion manager, has Radio's 20th Birthday under his charge at KFBB, Great Falls, Mont. Because of special conditions the event will be extended beyond November 30.

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Ray Jordan, general manager, WDBJ, one of the guests at the Washington, D. C., Radio Birthday Party, reported between courses that the promotion was being well received in Roanoke.

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Details haven't been received yet, but Aberdeen, South Dakota, is having a Radio Birthday Party. Toward the middle of the month, R. Thompson Mabie, production manager, wrote:

"Regarding your bulletin of November 6, may we add our voice of approval, as the Voice of Mutual for South Dakota, to the idea of celebrating Radio's 20th Birthday.

"At the present time we have very definite plans under way. We are making every effort to include outstanding local personalities plus local entertainment talent available in Aberdeen. You may be sure that the plans will do justice to the basic idea which NAB has in mind."

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"Radio's Effects on Home Life" is the subject of the final Radio's 20th Birthday broadcast over WJZ and NBC-Blue. It was handled by Dr. O. H. Caldwell, editor, *Radio Today*.

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Ten days ago, the boys in NBC's Central Division cooked up a special Radio Birthday broadcast over WENR. Three radio veterans, each with nineteen years of service recalled the early days of radio while the youngest announcer "stooged." The three were Jules Herbeveaux, Maurice Wetzel and Gene Rouse, all of NBC.

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Radio's 20th Birthday was fittingly observed in Baltimore by WCAO. In addition to broadcasting, paid newspaper space was used. One 300-line ad in the Baltimore *Sun* of November 21 read:

MARYLAND'S OLDEST  
BROADCASTING STATION  
WCAO

"The Voice of Baltimore"

Licensed by the Federal Radio Commission May 8, 1922

is proud of the fact that it is less than two years younger than RADIO BROADCASTING itself, and that a continued record of conscientious service to the listening public has resulted in the most successful year in the station's history.

Many thanks to you, our friends, on this, the occasion of Radio's 20th Anniversary.



## 1940-41 Standing Committees Completed

With a few exceptions noted in the following list, the committee appointments for 1940-41 have been completed. In making up the personnel of these committees, every effort, consistent with qualification for the particular service involved, has been made to secure as wide a station representation and geographic distribution as is possible.

A general analysis of the committee situation shows that the 144 committee members and Directors are distributed among 103 stations. Some of the committees and the Board provide for network representation and 16 different network officials appear as members on one or another of the 13 standing committees.

In addition to these standing committees there arises from time to time during the year, the occasion for special committees to deal with some particular problem. In making up these committees attempt will be made to call to the service of the industry, men in other stations affiliated with the Association.

Following is the completed list of standing committees:

### ACCOUNTING COMMITTEE

*Chairman*—H. K. Carpenter, WCLE, Cleveland, Ohio; S. R. Dean, CBS, New York, N. Y.; E. J. Gluck, WSOC, Charlotte, North Carolina; Harry F. McKeon, NBC, New York, N. Y.; Glenn Snyder, WLS, Chicago, Illinois; Harold Wheelahan, WSMB, New Orleans, Louisiana.

### AAAA CONFERENCE COMMITTEE

*Chairman*—Harry C. Wilder, WSYR, Syracuse, New York; Roy L. Harlow, WAAB, Boston, Massachusetts; Richard H. Mason, WPTF, Raleigh, North Carolina; Edward Petry, Edward Petry & Co., Inc., New York, N. Y.; Frank A. Seitz, WFAS, White Plains, New York; Dale Taylor, WENY, Elmira, New York; Lee B. Wailes, KYW, Philadelphia, Pennsylvania.

### CODE COMMITTEE

*Chairman*—Edgar L. Bill, WMBD, Peoria, Illinois; Earl J. Glade, KSL, Salt Lake City, Utah; Gilson Gray, CBS, New York, N. Y.; Hugh A. L. Half, WOAI, San Antonio, Texas; Henry P. Johnston, WSGN, Birmingham, Alabama; J. O. Maland, WHO, Des Moines, Iowa; Frank Mullen, NBC, New York, N. Y.; Calvin J. Smith, KFAC, Los Angeles, California; Theodore C. Streibert, MBS, New York, N. Y.

*Secretary*—Ed. Kirby, NAB, Washington, D. C.

### ENGINEERING COMMITTEE

- District 1*—F. M. Doolittle, WDRC, Hartford, Conn.
- District 2*—Maurice Clark, WHEC, Rochester, N. Y.
- District 3*—J. C. Leitch, WCAU, Philadelphia, Pa.
- District 4*—(not yet appointed by District Director)
- District 5*—James R. Donovan, WTOG, Savannah, Ga.
- District 6*—J. H. DeWitt, WSM, Nashville, Tenn.
- District 7*—(not yet appointed by District Director)
- District 8*—Walter Hoffman, WWJ, Detroit, Mich.
- District 9*—Carl Meyers, WGN, Chicago, Ill.
- District 10*—Paul Loyet, WHO, Des Moines, Iowa
- District 11*—Julius Hetland, WDAY, Fargo, N. D.
- District 12*—K. W. Pyle, KFBI, Wichita, Kans.
- District 13*—William G. Edgerton, KTSA, San Antonio, Tex.
- District 14*—(not yet appointed by District Director)

*District 15*—R. V. Howard, KSFO, San Francisco, Calif.

*District 16*—Jay Tapp, KGER, Long Beach, Calif.

*District 17*—(not yet appointed by District Director)

### FCC CONFERENCE COMMITTEE

*Chairman*—Eugene C. Pulliam, WIRE, Indianapolis, Ind.; *Vice Chairman*—W. C. Alcorn, WBNX, New York, N. Y.; H. W. Batchelder, WFBR, Baltimore, Md.; P. J. Hennessy, NBC, Washington, D. C.; Harold Lafount, WCOP, New York, N. Y.; Kenneth Raine, CBS, New York, N. Y.; Reed Rollo, MBS, Washington, D. C.

### INSURANCE COMMITTEE

*Chairman*—Roger W. Clipp, WFIL, Philadelphia, Pa.; S. R. Dean, CBS, New York, N. Y.; William I. Moore, WBNX, New York, N. Y.; J. R. Poppele, MBS, New York, N. Y.; Charles A. Wall, NBC, New York, N. Y.

### LABOR COMMITTEE

- District 1*—J. J. Boyle, WJAR, Providence, R. I.
- District 2*—I. R. Lounsbury, WGR, Buffalo, N. Y.
- District 3*—Samuel R. Rosenbaum, WFIL, Philadelphia, Pa.
- District 4*—(not yet appointed by District Director)
- District 5*—Fred Borton, WQAM, Miami, Fla.
- District 6*—H. W. Slavick, WMC, Memphis, Tenn.
- District 7*—(not yet appointed by District Director)
- District 8*—Leo J. Fitzpatrick, WJR, Detroit, Mich.
- District 9*—W. E. Hutchinson, WAAF, Chicago, Ill.
- District 10*—Lloyd C. Thomas, KGFV, Kearney, Nebr.
- District 11*—Clarence T. Hagman, WTCN, Minneapolis, Minn.
- District 12*—William B. Way, KVOO, Tulsa, Okla.
- District 13*—Kern Tips, KPRC, Houston, Tex.
- District 14*—(not yet appointed by District Director)
- District 15*—Ralph R. Brunton, KJBS, San Francisco, Calif.
- District 16*—Lewis Allen Weiss, KHJ, Los Angeles, Calif.
- District 17*—(not yet appointed by District Director)

### LEGISLATIVE COMMITTEE

*Chairman*—John A. Kennedy, WBLK, Clarksburg, W. Va.; Campbell Arnoux, WTAR, Norfolk, Va.; Walter J. Brown, WSPAWORD, Spartanburg, S. C.; Harry C. Butcher, WJSV, Washington, D. C.; Edwin W. Craig, WSM, Nashville, Tenn.; William B. Dolph, WOL, Washington, D. C.; John Elmer, WCBM, Baltimore, Md.; Mark Ethridge, WHAS, Louisville, Ky.; Frank M. Russell, WRC, Washington, D. C.; Theodore C. Streibert, WOR, New York, N. Y.

### NAB COMMITTEE OF COOPERATION BETWEEN PRESS, RADIO AND BAR

*Chairman*—Neville Miller, NAB, Washington, D. C.; Harry C. Butcher, WJSV, Washington, D. C.; Louis G. Caldwell, Washington, D. C.; Philip G. Loucks, Washington, D. C.; Frank M. Russell, WRC, Washington, D. C.

### RESEARCH COMMITTEE

*Chairman*—W. J. Scripps, WWJ, Detroit, Mich.; Hugh M. Beville, Jr., NBC, New York, N. Y.; Arthur B. Church, KMBC, Kansas City, Mo.; James D. Shouse, WLW, Cincinnati, Ohio; Dr. Frank N. Stanton, CBS, New York, N. Y.; Theodore C. Streibert, MBS, New York, N. Y.; Lee B. Wailes, KYW, Philadelphia, Penna.; J. W. Woodruff, Jr., WRBL, Columbus, Ga.

*Ex-Officio*—Neville Miller, NAB, Washington, D. C.; Paul F. Peter, NAB, Washington, D. C.

### SALES MANAGERS DIVISION

- District 1*—William Malo, WDRC, Hartford, Conn.
- District 2*—Charles Phillips, WFBL, Syracuse, N. Y.
- District 3*—Griffith Thompson, KYW, Philadelphia, Pa.
- District 4*—(not yet appointed by District Director)
- District 5*—Norman MacKay, WQAM, Miami, Fla.
- District 6*—Vernon Anderson, WJBO, Baton Rouge, La.
- District 7*—D. A. Brown, WHIO, Dayton, Ohio
- District 8*—W. W. Behrman, WBOW, Terre Haute, Ind.
- District 9*—(not yet appointed by District Director)
- District 10*—Karl Koerper, KMBC, Kansas City, Mo.
- District 11*—Barney Lavin, WDAY, Fargo, N. D.

*District 12*—Ellis Atteberry, KCKN, Kansas City, Kans.  
*District 13*—Jack Keasler, KGNC, Amarillo, Tex.  
*District 14*—W. E. Wagstaff, KDYL, Salt Lake City, Utah  
*District 15*—Wilt Gunzendorfer, KSRO, Santa Rosa, Calif.  
*District 16*—Harry W. Witt, KNX, Los Angeles, Calif.  
*District 17*—Arthur Bright, KFPY, Spokane, Wash.

#### SALES MANAGERS STEERING COMMITTEE

*Chairman*—E. Y. Flannigan, WSPD, Toledo, Ohio; Ellis Atteberry, KCKN, Kansas City, Kans.; Charles Caley, WMBD, Peoria, Ill.; Eugene Carr, WGAR, Cleveland, Ohio; Willard Egolf, KVOO, Tulsa, Okla.; Craig Lawrence, KRNT, Des Moines, Iowa.

#### WAGE AND HOUR COMMITTEE

*Chairman*—Joseph L. Miller, NAB, Washington, D. C.; William Dolph, WOL, Washington, D. C.; C. T. Lucy, WRVA, Richmond, Va.; Clair R. McCollough, WGAL, Lancaster, Penna.; (one additional member to be appointed).

The following letter was sent to all committee members by President Miller this week:

"The complete list of the personnel of Committees for the year 1940-41 will be published shortly. The NAB is proud of the talent contained within its membership and we believe we have secured the services of members who will render a real service to the industry during the coming year.

"In selecting these Committees, we have tried to have as many stations represented as possible; to secure proper geographical representation; to hold over a few former members to help guide the new members; and to bring in as much new blood as possible.

"To all those who served on the Committees last year, I want to express my sincere appreciation for the time which you so liberally gave to the work of the NAB. I believe you accomplished much and pass on to the personnel of the new committees a firm foundation upon which they can build this year. We hope that you found the work both pleasant and interesting and that you will be willing to serve again at some future date in another NAB activity.

"To those who have agreed to continue to serve for another year, we wish to thank you for your past services and to express our appreciation for your willingness to continue serving the industry.

"To the new members, we extend a most cordial welcome and express the belief that you will find the work very interesting and at the end of the year have the satisfaction of knowing that you have rendered a real service, not only to the NAB, but to the entire radio industry."

#### FLY PRAISES RADIO'S ELECTION ROLE IN NBC TALK

Stating that "Radio has indeed a cornerstone of the democratic system" and praising radio for stimulating the largest vote in the history of the country, Chairman James Lawrence Fly delivered an address over the NBC network last Monday night, on the eve of the birthday celebration held here the following evening. Mr. Fly was introduced by Neville Miller, NAB President who cited the growing cooperation between government and the industry "in this and in all other radio matters". The text of Mr. Fly's address titled "Radio and What It Did In The Last Election" follows:

It is a particular pleasure to me to talk with you tonight because I feel that before we allow the details of the recent political campaigns to fade from memory, radio's part in it should be appraised. Radio is not given to boastful conduct in its own behalf. But you and I have observed its operations from hour to hour during these months. Now that the campaigns have closed, I want to suggest that we flash to this great industry the signal "well done."

Last August 3, on the occasion of the celebration of Radio Day at the San Francisco World's Fair, I said: "Those in the broadcasting industry know that so far as public issues are concerned you want an opportunity to learn all the facts. They realize that other sources are open to those who want, or will tolerate, partisan presentation of information, with all of its unbalance, and with the insinuation of prejudice into factual reporting. They are well aware of their great opportunity to establish radio as the completely reliable, impartial medium." Tonight I venture to report to you that so far as the recent campaign is concerned, in my opinion radio has accomplished much toward carving that niche for itself.

In past years we have been wont to assume that democracy and its great principles are eternal. Now we know that for a basic philosophy to be preserved as a vital force it must be implemented by a practical system. Democracy rests upon the capacity of a people to govern themselves. That capacity for self government in turn depends upon the existence of an intelligent well-informed electorate. It is therefore vital in a democracy that there be at least one great source of information; a source of facts fairly presented; fair comment on those facts; and intelligent two-sided debates on great controversial issues. In this regard, the American system of radio broadcasting has become a cornerstone of our democratic institutions.

As radio has gained this important ground other media of information have hardly held their own. This contrast we have all noted with disappointment. We all know that for self-government to thrive, our basic instruments for the dissemination of information must be vigilantly guarded and fostered. No special financial or political interest should control their policies. Their primary function must be service to the public. If in purporting to bring facts to the people, truth is distorted for selfish ends, that is not democracy—it is something else. We should be grateful that radio has not chosen such a path for itself.

The right of the people to have radio used for the communication of information and exchange of ideas, fairly and objectively presented, has been recognized by the broadcasting industry not only in theory but in practice. I can tell you that by far the greater part of the industry is becoming scrupulous in its attempts to carry that idea forward. It is true that differences of opinion may arise as to just how far that approach should be taken. Should commentators be permitted to peddle their sponsors' views under the guise of news commentary? Should news reporters be permitted to inject their own or their sponsor's views into ostensible factual reporting? But those are at present subsidiary matters. The important thing is that the basic principle of objectivity has been accepted and placed into practice. Today the adoption of an editorial policy by a licensee of a broadcast station is virtually unknown.

Let me make it clear that what I am talking about is not mere idealism; the facts I have in mind represent the actual functioning of a great practical machine. Through the practical application of idealism in the administration of this country's broadcasting system we now can see important, practical, concrete results. Radio has, indeed, become a cornerstone of the democratic system. In the past few months we have seen its achievements grow in reporting news daily and from hour to hour, in carrying frequent debates on controversial issues and more especially, in its conduct of the political campaigns.

Whatever any one of us may have thought of the various individuals competing for public office, whatever our agreement or disagreement with what any one of them may have said or stood for, none of us, I think, can say that his candidates were not afforded ample and repeated opportunity to explain their views to the electorate. And, most significant, the opportunities were equal for all.

Of course, radio has certain advantages in reaching the people. It has warmth; it has intimacy, it can be present everywhere at the same time. By radio the candidate's personality is projected to your fireside. You are able to judge for yourself his sincerity and the depth of his feeling. In this last campaign in which radio was used more intensively than ever, all of these advantages of radio stood out clearly. They were abetted by the policy of equality adopted by the broadcasters.

This policy of impartial use of radio facilities consists of more than well-sounding phrases; it has produced direct tangible results. As all candidates and parties are permitted equal opportunity to present their different views, issues become important. The convictions of the electorate become firm; a convinced electorate goes to the polls. Moreover, I, for one, take the view that to radio must be given much credit for its part in stimulating the largest vote in our country's history. That is the democratic system at its best.



In pleasant contrast to the acrimony and bitterness which prevailed among newspaper commentators and editorial writers, radio commentators on national networks and local stations generally preferred dispassionate, analytical discussions. It was to be expected that those individuals who spoke under the auspices of a political party would deliver partisan discussions, most of which were reasoned arguments on one side or the other of particular campaign issues. Occasionally a party-sponsored commentator would indulge in name-calling and prejudice-stirring tactics, inconsistent with the good taste displayed by other partisan radio speakers. But the radio-listening audience is an acute audience. It seeks arguments and facts and not name-calling. In one of the outstanding instances of bad taste, when a speaker attempted to incite religious antagonisms, an aroused public demanded and received an apology from the speaker.

The issues with which a large and nationally scattered audience can be reached by radio has made it possible for political parties to break through sectional differences which have heretofore existed. A speech delivered in Boston embraced a discussion of farm problems. A commentator in New York discussed power problems in the States of Tennessee and Washington. The necessity of making public addresses in different sections of the country, each devoted to sectional and regional problems, became unnecessary. No candidate may successfully assume attitudes which vary from section to section. As the various sections of the country through radio become more aware of the relationship of their regional interests to the problems of the nation as a whole, extreme sectionalism should begin quickly to fade from the national scene. Such mutual understanding would be a real stride toward true national unity.

Perhaps the outstanding, unique service which the radio industry performed to climax its service to the electorate was its complete and timely broadcast of election returns. Before some voting units in the western States had been closed, the radio had announced the partially complete election returns of some eastern States. You heard instantly that the Cleveland Plain Dealer had conceded Ohio. You kept your own score and discovered trends for yourself. You were aided by competent vote analysts who kept the radio-listening public informed of their views on the trends, minute by minute. Before midnight—a few short hours after most polls closed—station after station throughout the country carried the news of the election outcome.

Now the campaigns are over. Radio has done its job in the elective process. It must continue its day to day role of assisting self-government to function effectively. In these days the road of self-government is not an easy one. And, as the country prepares to face any threatening danger, we can expect that radio will continue to do its part to help us do ours.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has adopted its final order granting the application of the Worcester Broadcasting Corporation to establish a new station in **San Diego, California**, to operate on the frequency **1420 kilocycles**, with power of 250 watts, unlimited time, upon condition that applicant shall within a period of 30 days furnish the Commission satisfactory proof of authority to issue its capital stock, and within two months shall file application for modification of construction permit specifying the exact transmitter location and antenna system.

The proposed findings which were made public September 5th last, were adopted as the final Findings of Fact and Conclusions of the Commission in this case.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing and oral argument are scheduled before the Commission for the week beginning Monday, December 2. They are subject to change.

Monday and Tuesday, December 2 and 3

Oral Argument Before the Commission

In the Matter of the Investigation of Chain Broadcasting.—Limited to issues of fact and policy raised by the report of the Chain Broadcasting Committee.

Friday, December 6

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer (Transferors), and Florida West Coast Broadcasting Co., Inc. (Transferee), Lakeland, Fla.—Transfer of control of station WLAK; operating on **1310 kc.**, 250 watts, unlimited.

### FUTURE HEARINGS

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

January 6

WCSC—The Liberty Life Insurance Co. (Transferor), and John M. Rivers (Transferee), Charleston, S. C.—Transfer of control of South Carolina Broadcasting Co., Inc.; **1360 kc.**, 500 watts night, 1 KW day, unlimited.

January 8

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.**, 250 watts night, 250 watts day, unlimited.

January 9

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

January 10

KRMC—Roberts McNab Company (Assignor) (Arthur L. Roberts, R. B. MacNab, and A. J. Breitbach, Gen'l Mgr.), and Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. Dak.—Voluntary assignment of license, **1370 kc.**, 250 watts night, 250 watts day, unlimited time.

February 10

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.**, 1 KW night, 5 KW LS, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Tropical Broadcasting Co., DeLand, Fla.—Granted construction permit for a new station to operate on **1310 kc.**, 250 watts power, unlimited time (B3-P-2991).

Community Broadcasting, Inc., Wheeling, W. Va.—Granted construction permit for a new station to operate on **1370 kc.**, with 100 watts, unlimited time (B2-P-2967).

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted construction permit to increase night power from 1 to 5 KW and make changes in directional antenna; **600 kc.**, 5 KW day (B4-P-2825).

WAIR—C. G. Hill, George D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted modification of license to change frequency from **1250 to 1310 kc.**, and increase hours of operation from daytime to unlimited; 250 watts power (B3-ML-981).

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted construction permit to change frequency from **1310 to 600 kc.**, increase power from 250 watts to 1 KW, install new equipment and directional antenna for night use (B3-P-2814).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted construction permit to change frequency from **1500 to 600 kc.**, increase power from 250 watts to 500 watts night, 1 KW LS, and install new transmitter (B3-P-2725).

WREC—WREC Broadcasting Service, Memphis, Tenn.—Granted construction permit to make changes in directional antenna and increase night power from 1 to 5 KW; **600 kc.**, 5 KW day, unlimited time.

WCLS—Robert W. Thomas, Administrator of the Estate of L. W. Wood, Deceased (Transferor), Walter Ashe (Transferee), Joliet, Ill.—Granted authority to transfer control of corporation (WCLS, Inc.), licensee of station WCLS, from Robert W. Thomas, Administrator of Estate of L. W. Wood, deceased, to Walter Ashe; station operates on **1310 kc.**, 100 watts, specified hours (B4-TC-249).

KGFV—Kenneth Dryden, Edith McKean, Dora Brown (Transferor), Lloyd C. Thomas (Transferee), Kearney, Nebr.—Granted consent to transfer control of Central Nebraska Broadcasting Corp. (280 shares of common stock 51.1%, for a total consideration of \$6,500) from Kenneth Dryden, Edith McKean and Dora Brown, to Lloyd C. Thomas; **1310 kc.**, 250 watts, unlimited time (B4-TC-237).

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted construction permit to install directional antenna for night use, and increase time of operation from daytime to unlimited, using 500 watts power on **1120 kc.**, subject to certain engineering considerations (B1-P-2710).

WCAU Broadcasting Company, Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on **46700 kc.**; 9,300 square miles; population, 3,846,651; hours of operation, 6 hours night, 6 hours day (B2-PH-43).

WMPS—Memphis Press-Scimitar Co. (Transferor), Memphis Commercial Appeal Co. (Transferee), Memphis, Tenn.—Granted authority to transfer control of the Memphis Broadcasting Company, licensee of station WMPS, from Memphis Press-Scimitar Co. to Memphis Commercial Appeal Co., representing 200 shares of common stock and 100% of the voting stock ownership in the Memphis Broadcasting Co.; station operates on **1430 kc.**, 500 watts night, 1 KW day, unlimited time (B2-TC-228).

WMC—Memphis Commercial Appeal Co. (Assignor), Memphis Publishing Co. (Assignee), Memphis, Tenn.—Granted consent to voluntary assignment of license for broadcast station WMC and relay stations WABG and WEIX, from the Memphis Commercial Appeal Co. to Memphis Publishing Company; station WMC operates on **780 kc.**, 1 KW night, 5 KW day, unlimited time, DA night (B3-AL-294).

#### DESIGNATED FOR HEARING

Symons Broadcasting Co., Ellensburg, Wash.; J. C. Kaynor, Ellensburg, Wash.; Mosby's Incorporated, Anaconda, Mont.—Application of Symons Broadcasting Co. for construction permit for new broadcast station to operate on **1110 kc.**, 1 KW night and day, unlimited time, exact transmitter site to be determined at Ellensburg, Wash.; application of J. C. Kaynor for construction permit for new broadcast station to operate on **1310 kc.**, 250 watts, unlimited time, exact transmitter site to be determined at Ellensburg, Wash., and antenna system; application of Mosby's Incorporated for construction permit for new broadcast station to operate on **1110 kc.**, 500 watts night, 1 KW day, exact transmitter site

to be determined at Anaconda, Mont., unlimited time; above three applications to be heard at same time.

Park Cities Broadcasting Corp., Dallas, Tex.; KRBC—Reporter Broadcasting Co., Abilene, Tex.—Application for construction permit for new broadcast station to operate on **940 kc.**, 500 watts, unlimited time; to be heard with application of Reporter Broadcasting Co., Abilene, Tex., for construction permit to change frequency from **1420 kc.** to **940 kc.**, increase power from 250 watts to 1 KW, move transmitter, install new transmitter and directional antenna for day and night use.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Application for construction permit to change frequency from **950 kc.** to **690 kc.**, increase power from 5 KW to 50 KW day and night, install new directional antenna for night use, move transmitter, and move main studio to Kansas City, Kans., under terms of the North American Regional Broadcasting Agreement (requests facilities of KGGF, KFEQ and WNAD as tentatively assigned under the North American Regional Broadcasting Agreement) (B4-P-2984).

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Application for construction permit to install new transmitter, new antenna; change frequency from **1210 kc.** to **600 kc.**; increase power from 100 watts, unlimited time, to 500 watts, 1 KW LS; and move transmitter site to approximately 3 miles northwest of city (B5-P-2877).

WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Application for consent to assignment of license of station WOOD from King-Trendle Broadcasting Corp. to WOOD Broadcasting Corp. Station operates on **1270 kc.**, 500 watts, sharing time with WASH. (B2-AL-285).

#### RENEWAL OF LICENSES

The following relay broadcast station licenses were renewed for the period December 1, 1940, to December 1, 1941:

WEIT, WEIU, New Orleans, La.; WEOF, Nashville, Tenn.

Licenses for the following relay broadcast stations were further extended upon a temporary basis only for the period ending January 1, 1941, pending determination upon applications for renewal:

KIJG, Brownsville, Texas, and KEMA, Shenandoah, Iowa.

WRCA—National Broadcasting Co., Inc., New York City.—Special experimental authorization to operate an additional 35 KW power amplifier, using **9670 kc.**, was further extended upon a temporary basis only, to January 1, 1941, pending determination upon application for extension of special experimental authorization.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Special experimental authorization to operate a 1-KW transmitter on the frequency **6080 kc.**, using A0 and A1 emission for identification only, sharing with international station WLWO, was further extended upon a temporary basis only, for the period ending January 1, 1941, pending determination upon application for extension of special experimental authorization.

WJHP—The Metropolis Co., Jacksonville, Fla.—Present license for standard broadcast station WJHP was extended for the period ending March 29, 1941, pending further consideration of renewal application.

Licenses for the following relay broadcast stations were extended upon a temporary basis only, for the period ending January 1, 1941, pending receipt and determination upon application for renewal:

KAOU, Tucson, Ariz.; WEGQ, Boston; WEGS, Muncie, Ind.; WEGV, WENW, Champaign, Ill.; WEGX, WEGW, Charleston, W. Va.; WEGZ, New Haven; WAUJ, WALN, WALM, Louisville, Ky.; WEIC, Schenectady; KEIA, Honolulu; KDAS, Fresno, Cal.; KEIM, Phoenix, Ariz.; KEIN, Walla Walla, Wash.; KEIP, Siloam Springs, Ark.; KEGN, San Francisco; WEIX, Memphis, Tenn.; WEKA, Lansing, Mich.; KAOH, Kansas City, Mo.; KFAS, Fairbanks, Alaska; WEKB, E. St. Louis, Ill.; KEIU, area of Missoula, Mont.; WEOM, Aurora, Ill.; KEJM, Sioux City, Iowa; KEJN, Tacoma, Wash.; KEJO, St. Louis, Mo.; WEHY, Bristol, Tenn.; WEOH, Richmond, Va.; WEOC, Charleston, S. C.; KEGZ, Spokane, Wash.; WEKW, Hartford, Conn.; KEHR, Kalispell, Mont.; WEHB, WEHD, WEHF, Cleveland, Ohio; WELK, Springfield, Ill.; WEOE, Fargo, N. Dak.; WELN, Hartford, Conn.; WELS, Tuscola, Ill.; WENJ, Akron, Ohio; WENK, Erie, Pa.; KEHO, Salt Lake City; WEOB, Boston, Mass.



## MISCELLANEOUS

- WABI—Community Broadcasting Service, Bangor, Maine.—Granted motion to accept amendment to application for construction permit, so as to request frequency 970 instead of 560 kc., and power from 1 KW to 5 KW; unlimited time, using directional antenna at night.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Denied special temporary authority to operate from 4:30 p. m. to 5 p. m. EST, November 24, 1940, in order to broadcast program entitled "Big Town."
- WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily for the period December 19, 1940, to not later than January 4, 1941, in order to observe the Christmas vacation period at the University.
- WJHT—United Air Lines Transport Corp., c/o Aeronautical Radio, Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft station transmitter, aboard plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station on the frequency 2790 kc., to relay broadcast "Flight of Santa Claus into Chicago" program from 8 a. m. to noon CST, on November 22, 1940, to Station WLS.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted request for special temporary authority only insofar as it requests authority to operate from 7 to 8 p. m. EST, November 15, 1940, in order to broadcast National Defense program as described in letter dated November 13, 1940.
- Robert Nielson, Detroit, Mich.—Granted special temporary authority to transmit program consisting of a Christian Science lecture from 8 p. m. to 9 p. m. EST, December 2, 1940, from Third Church of Christ Scientists of Detroit to Radio Station CKLW, Windsor, Canada, for broadcast by that station.
- WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Granted modification of construction permit (B1-P-809), which authorized a new station, for installation of new antenna, change in location of transmitter, approval of studio site, and extension of commencement date to 30 days after grant and completion date to 180 days thereafter; 1210 kc., 250 watts, unlimited time (B1-MP-1080).
- WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted license to cover construction permit (B2-P-2411, which authorized a new station) to operate on 1310 kc., 100 watts, unlimited time (B2-L-1274). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-562).
- KPHO—M. C. Reese, Phoenix, Ariz.—Granted license to cover construction (B5-P-2182, which authorized a new station) to operate on 1200 kc., 250 watts, unlimited time (B5-L-1269). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-553).
- WGNV—WGNV Broadcasting Co., Inc., Newburg, N. Y.—Granted license to cover construction permit (B1-P-2968, which authorized installation of new transmitter); 1220 kc., 250 watts, daytime (B1-L-1267).
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to make changes in automatic frequency control equipment (B3-P-162).
- WDSN—WDSN, Inc., Superior, Wisc.—Granted authority to install automatic frequency control equipment (B4-F-161).
- KIUN—Jack W. Hawkins & Barney N. Hubbs, Pecos, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-564).
- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-495).
- WNYC—City of New York Municipal Broadcasting System, New York City.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-471).
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-562).
- WEMV—The WGAR Broadcasting Co., Portable-Mobile, area of Cleveland.—Granted modification of relay broadcast station license to change frequencies from 132260, 134080, 135480, 135760 to 156075, 157575, 159975, 161925 kc. (B2-MLRE-73).
- W2XBB—Bamberger Broadcasting Service, Inc., New York City.—Granted modification of construction permit (B1-PVB-42, which authorized a new television station) for approval of transmitter site and antenna, and approval of aural transmitter (B1-MPVB-28).
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover construction permit (B4-P-2321) as modified, authorizing change of frequency from 630 to 1250 kc., increase in power from 500 watts night, 1 KW LS, to 1 KW night, 5 KW LS, change in hours of operation from simultaneous day, sharing KFRU night, to unlimited, installation of new transmitter and directional antenna for night use and move of transmitter (B4-L-1268).
- KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted license to cover construction permit (B4-P-2323), which authorized installation of new transmitter, changes in directional antenna for day and night use, change in frequency from 1250 to 630 kc., increase in power from 1 to 5 KW, and move of transmitter (B4-L-1270). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-534).
- WAKR—Summit Radio Corp., Akron, Ohio.—Granted license to cover construction permit (B2-PSB-14, which authorized a new station) to operate on 1530 kc., 1 KW, unlimited time, using directional antenna at night (B2-L-1259). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-528).
- WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Granted modification of construction permit (B3-P-2646) for move of studio from Gillionville Road, near Albany, to 125½ North Jackson St., Albany (B3-MP-1097). Also granted license covering changes in equipment and antenna system, increase in power to 250 watts, and move of transmitter; 1420 kc. (B3-L-1249). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-534).
- United Air Lines Transport Corp., c/o Aeronautical Radio Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter, aboard plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station on the frequency 2790 kc., to relay broadcast material to the public address system Palmer House from 9 a. m. to 3 p. m. CST, November 27, 1940, in connection with lecture "Twentieth Anniversary United Air Lines."
- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from sign-off (Nov. 4 p. m., CST) to 4:30 p. m., CST, November 23 and 30, 1940, in order to broadcast football game only.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent November 28, 1940, in order to observe Thanksgiving Day.
- WEJA—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WEJA as a contact means for communicating with developmental station W10XR in the conduct of field tests of frequency modulated emission for a period not to exceed 30 days, subject to the condition that no interference results to the regular service of any relay broadcast station operating on the same frequency.
- WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7 p. m. to 10:30 p. m., EST, November 26, 1940, in order to broadcast rally staged by the New York Committee for Federal Union only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 8 p. m. to 9 p. m., CST, November 25, December 2, 9, 16, and 23, 1940, in order to broadcast an amateur show from the Paramount Theater only.
- WPIT—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted extension of special temporary authority to operate the equipment of international broadcast station WPIT authorized in construction permit (B1-PIB-23) with a power of 35 KW, using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit, for the period November 28, 1940, to not later than December 27, 1940.
- WKEU—Radio Station WKEU, Griffin, Ga.—Denied special temporary authority to operate from local sunset (Nov. and Dec. 4:30 p. m., CST) to 5:30 p. m., CST, on November 17, 24, December 1, 8, and 15, 1940, in order to broadcast Old Fashioned Revival Hour program only.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:15 p. m. to 10 p. m., CST, November 21, 1940, in order to broadcast the Annual Eminent Farmer & Homemaker Banquet only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of a Northern California Christian Church Conference program November 22, and from 7:45 p. m., PST, to the conclusion of said program November 23, 1940, in order to broadcast said program only.

WOI—Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., December 4, and from 7:15 p. m. to 9:15 p. m., CST, December 7, 31, 1940, in order to broadcast basketball games only.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago; Link Transmitter Type No. 50-UTX with 100 watts power for visual, and Link Transmitter Type No. 25-UBX, 25 watts power, to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests as set forth in letter dated November 7, 1940, for a period not to exceed 30 days, in accordance with construction permit (No. B4-PVB-50).

The Yankee Network, Inc., Boston, Mass.—Denied special temporary authority to operate already installed transmitter, Mt. Washington, N. H., with power of 1 KW, on a regular commercial basis for a period not to exceed 30 days, pending completion of station and licensing of construction permit.

KGIR—KGIR, Inc., Butte, Mont.—Dismissed petition for rehearing directed against the action of the Commission of September 4 granting the application for modification of construction permit of KDTH, Dubuque, Iowa.

Lou Poller, Jessup, Pa.—Denied petition to intervene in the hearing on the application for license to cover construction permit of Union Broadcasting Co. (WARM) for a new station at Scranton, Pa.

WLAK—J. P. Marchant, D. J. Carey, and McIvin Meyer (Transferees), and Florida West Coast Broadcasting Co., Inc. (Transferee), Lakeland, Fla.—Granted motion as to withdrawal without prejudice of application for transfer of control of station WLAK, and hearing set for December 6, 1940, cancelled.

WAPI—Alabama Polytechnic Institute, University of Alabama (Etc.), Birmingham, Ala.—Referred to the Commission petition for continuance of proceedings on application for renewal of license during pendency of litigation concerning transfer application.

WAPI—Alabama Polytechnic Institute, and intervenor, Voice of Alabama, Inc., Birmingham, Ala.—Granted in part motions of applicants that notice of hearing in re application for renewal of license, dated August 23 and supplemented on October 10, be clarified and made more definite and implemented by the following issues: (1) to determine the sources of funds for construction, maintenance and operation of the station since August 1, 1932, and for proposed construction, maintenance and operation; (2) to determine whether applicant is financially qualified to operate the station.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.; WSSJ—San Juan, P. R., Puerto Rico Advertising Co., Inc., Arecibo, P. R.—Denied petition requesting the Commission to reconsider its order designating for hearing the applications for renewal of license for WPRA, construction permits for WSSJ and for new station at Arecibo, and to submit to the petitioner a questionnaire for the purpose of eliciting additional facts necessary to a determination of said matters without formal hearing.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Designated for hearing application for construction permit to change frequency from 1210 to 900 kc., increase power from 250 watts to 1 KW, install new transmitter and directional antenna for night use (B2-P-2752).

WJLS—Joe L. Smith, Jr., Beckley, W. Va.; WTAD—Illinois Broadcasting Co., Quincy, Ill.—The Commission (Commissioner Case dissenting), adopted decision and order denying petition for rehearing filed by WJLS directed to the order of the Commission of September 4 granting the application of WSAZ, Inc., Huntington, W. Va., for change in frequency from 1190 to 900 kc., and change in hours of operation from limited to unlimited, with power of 1

KW, using directional antenna at night; designated the application of Joe L. Smith, Jr., for construction permit (B2-P-2752) for hearing; granted petition for reconsideration filed by WTAD, Quincy, Ill., and modified the Commission's decision of Sept. 4, granting the WSAZ application for construction permit so as to make said grant conditional upon applicant obtaining from the Commission specific approval of directional antenna which will enable WSAZ to serve the Huntington, W. Va., area, and at the same time not cause limitation from station WSAZ to Station WTAD greater than 2.8 mv/m.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KFYR—Meyer Broadcasting Co., Bismarck, North Dakota—Construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: Re directional antenna changes.

### 590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii—License to cover construction permit (B-P-2220) as modified, for change of frequency, increase in power, installation of new transmitter and vertical antenna and move of transmitter and studio.

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii—Authority to determine operating power by direct measurement of antenna power.

### 600 Kilocycles

WCAO—Monumental Radio Co., Baltimore, Md.—Construction permit to change power from 500 watts night, 1 KW day to 5 KW day and night, install new transmitter, install directional antenna for day and night use, and move transmitter from 811 W. Lanvale St., Baltimore, Md., to east side of Park Heights Ave., 1.2 miles N. W. from city boundaries near Baltimore, Md.

### 630 Kilocycles

KGFX—Ida A. McNeil, Administratrix of Estate of Dana McNeil, deceased, Pierre, S. D.—Authority to determine operating power by direct measurement of antenna power.

### 640 Kilocycles

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-P-2319) for changes in antenna system, requesting extension of commencement and completion dates from 6-16-40 and 12-16-40 to 1-1-41 and 7-1-41 respectively.

### 880 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Modification of construction permit (B2-P-2451) for new transmitter, installation of directional antenna for day and night use, increase in power, change of frequency, and move of transmitter, requesting change of type of transmitting equipment.

### 900 Kilocycles

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Modification of construction permit (B1-P-2624) for a new station, requesting approval of antenna system, changes in equipment, and approval of studio site at 115 Ellison St., Paterson, N. J., and transmitter site at Broad and Hepburn Sts., Clifton, N. J.

KSEI—Radio Service Corporation, Pocatello, Idaho—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas—Authority to determine operating power by direct measurement of antenna power.



### 1180 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Construction permit to install new transmitter and directional antenna for day and night use, change frequency from 1180 kc. to 1000 kc., under North American Regional Agreement, increase power from 1 KW to 50 KW, and change hours of operation from limited time to unlimited time.

### 1200 Kilocycles

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Construction permit for a new station to be operated on 1200 kc., 250 watts, unlimited time. Class IV, and to operate three amplifier stations at sites to be determined, Auburn, Whitinsville, and Marlboro, Mass., using 100 watts power. Amended: to give definite sites for amplifiers at Auburn, Marlboro, and Whitinsville, Mass.

WABI—Community Broadcasting Service, Bangor, Me.—Construction permit to install new transmitter, directional antenna for night use, change frequency from 1200 kc. to 560 kc., increase power from 100 watts night, 250 watts day to 1 KW. Amended: to change requested frequency from 560 kc. to 970 kc., under North American Regional Agreement, power from 1 KW to 5 KW, using directional antenna after sunset at WCFL, Chicago, Ill., change type of transmitting equipment and make changes in directional antenna for use after sunset at WCFL, Chicago, Ill.

### 1210 Kilocycles

KOVO—Clifton A. Tolboe, trading as Citizens Voice & Air Show, Provo, Utah—Voluntary assignment of license from Clifton A. Tolboe, trading as Citizens Voice and Air Show to KOVO Broadcasting Co. Amended: Re agreement of sale and to add exhibit 14, wherein it is stated that no new stock will be sold and/or issued.

### 1270 Kilocycles

KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction permit to install directional antenna for day and night use, increase power from 1 KW night, 5 KW day to 5 KW day and night.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, and install directional antenna for night use.

### 1300 Kilocycles

WBBR—Watchtower Bible & Tract Society, Inc., Brooklyn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1310 Kilocycles

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Construction permit to change frequency from 1310 kc. to 1290 kc., 1320 kc. under North American Regional Agreement), increase power from 250 watts to 1 KW night, 5 KW day using directional antenna night, make changes in equipment, install directional antenna for night use, and move transmitter from 1891 N. Oakland Ave., Decatur, Ill., to 1 6/10 miles SE of Decatur on N. side of Route U. S. 36, SE of Decatur, Ill.

NEW—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Construction permit for a new station to be operated on 1310 kc., 250 watts, unlimited time, Class IV.

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Voluntary assignment of license from J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brannen, d/b as J. K. Patrick & Co. to J. K. Patrick, Earl B. Braswell, Tate Wright & C. A. Rowland, d/b as J. K. Patrick & Co.

KRBA—Red Lands Broadcasting Association, (Ben T. Wilson, President), Lufkin, Texas—Authority to make changes in automatic frequency control equipment.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Modification of construction permit (B1-P-2543) as modified, for new transmitter and antenna, increase in power and move of transmitter, requesting extension of completion date from 12-17-40 to 1-17-41.

### 1350 Kilocycles

KTSM—Tri State Broadcasting Co., Inc., El Paso, Texas—Modification of license to increase power from 500 watts to 1 KW.

### 1370 Kilocycles

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to change frequency from 1370 kc. to 1020 kc. (1060 kc. under North American Regional Agreement), increase power from 250 watts to 10 KW, install a new transmitter, install directional antenna for day and night use, and move transmitter from Vines & Massachusetts Sts., Jacksonville, Fla., to Garden St. and Imerson Road, Jacksonville, Fla.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Authority to transfer control of corporation from C. J. Malmsten, S. S. Sidner, A. C. Sidner, H. A. Gunderson, E. J. Lee to John F. Palmquist and Paul Boyer, co-partners, d/b as Fremont Broadcasting Co., 139 shares common stock.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Authority to transfer control of corporation from Clark Standiford to C. J. Malmsten, Arthur Baldwin, A. C. Sidner, S. S. Sidner and Earl J. Lee, 69 shares stock. Amended: to omit name of Earl J. Lee.

### 1420 Kilocycles

NEW—Arthur Lucas & Wm. K. Jenkins, d/b as Chattahoochee Broadcasting Co., Columbus, Ga.—Construction permit for a new station to be operated on 1420 kc., 250 watts, unlimited time, Class IV.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new station to be operated on 1420 kc., 250 watts, unlimited time, Class IV. Amended: transmitter location and antenna (same address).

### 1450 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from 1450 kc. to 1020 kc. (1060 kc. under North American Regional Agreement), change power from 1 KW to 50 KW, move transmitter (site not given) and install new antenna (specifications not stated). Amended: to install a new transmitter, install directional antenna for night use and give transmitter site as 2.5 miles East of Curtis, La.

### 1500 Kilocycles

NEW—Oscar C. Hirsch, Cairo, Ill.—Construction permit for a new station to be operated on 1500 kc., 250 watts, unlimited time, Class IV.

### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., Long Island City, N. Y.—Construction permit to move old composite transmitter from 3104 Northern Blvd., Long Island City, N. Y., to south of Grand Ave., near 50th St., Maspeth, Long Island City, N. Y. (site of main transmitter), to be used as an auxiliary transmitter with power of 1 KW, for emergency purposes only.

## FM APPLICATION

NEW—Wodaam Corporation, New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 45300 kc., coverage 8500 square miles, population 11,417,000.

## TELEVISION APPLICATION

NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new television broadcast station to be operated on 50000-56000 kc., 1000 watts visual and 500 watts aural, emission A5 and A3, Class I. Amended: re aural transmitter.

## MISCELLANEOUS

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to change frequencies from 9670,

21630 kc. to 9670, 17780, 21630 kc., sharing time with WPIT on 17780 kc., change equipment and operate on additional 35 KW amplifier in parallel with the regular 35 KW power amplifier to feed a separate directive antenna, making an effective operating power of 70 KW, using 9670 kc.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to change frequencies from 6100, 17780 kc. to 6100, 11890, 15150 kc. and change in equipment.

WCBX—Columbia Broadcasting System, Inc., Near Wayne, N. J.—Modification of construction permit (B1-PIB-27) which authorized move of transmitter to Brentwood, N. Y., increase of power to 50 KW and new transmitter, requesting approval of directional antenna system and change time of operation from sharing time on 15270 kc. with Stations WLWO and WCAB to sharing time on 15270 kc. with Station WCAB. Amended: Re antenna.

KEJM—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile—Construction permit to decrease power from 2.7 watts to 1.2 watts and change equipment.

WEIX—Memphis Commercial Appeal Co., Portable-Mobile—License to cover construction permit (B3-PRE-352) for increase in power and installation of new equipment. Amended: re type of transmitter.

WAFK—A. Frank Katzentine, Portable-Mobile—License to cover construction permit (B3-PRY-207) as modified, for a new relay broadcast station. Amended: re frequency monitor.

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Modification of construction permit (B1-PIB-26) which authorized a new station, requesting approval of directional antenna system, add 9650 kc. and operate unlimited time on 21520 kc., share time on 9650 kc. with station WCBX. Amended: Re antenna.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Modification of construction permit (B4-PVB-50) which authorized a new television station, for approval of antenna system and transmitter location at 190 North State St., Chicago, Ill.

The complaint further alleges, however, that the respondents' sale was not the manufacturer's advertising sale; that the price charged was the regular and customary price; that the pens sold were neither "Genuine Packard Fountain Pens," not guaranteed, and were not expensive pens but were pens which regularly sold for about 65 cents, and that there was no limit to the number that could be purchased by customers. (4380)

**Candyland Company**—See Pioneer Specialty Company.

**Erie Laboratories, Inc.**—A complaint has been issued alleging misrepresentation in the sale of medicinal preparations, against Erie Laboratories, Inc., also trading as Mack Pharmacal Company; Allied Pharmacal Company, also trading as Erie Laboratories, Inc., and Melvin Rose, David F. Berland, and Rose Kotenberg, individually and as officers and directors of Allied Pharmacal Company, all of 2108 Payne Ave., Cleveland.

The complaint alleges that the respondents disseminate advertisements through the mails and by other means in commerce in which advertisements they represent directly and by implication that their preparation designated as "Mrs. Bee Femo Caps," "Femo Caps" and "Bee Caps," constitute a safe, competent and effective treatment for delayed menstruation.

According to the complaint, the products sold by the respondents are not competent or effective treatments for delayed menstruation and are not safe or harmless in that they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint further charges that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparations under such conditions may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in case of pregnancy, may cause uterine infection and blood poisoning. (4382)

**Husco Manufacturing Company**—Ivan D. Hussey, 85 Broad St., S. W., Atlanta, Ga., trading as Husco Manufacturing Company, The Hussey Manufacturing and Distributing Company, The Hussey Distributing Company, Hussey Company, Hussey Manufacturing Company, and Terry Products Company, engaged in the sale and distribution of hosiery, knives, fountain pens and other articles of merchandise, is charged in the complaint with selling to wholesale dealers, jobbers and retail dealers assortments of merchandise so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold and distributed to ultimate consumers.

The respondent also is charged, in soliciting the sale of and selling his merchandise, with representing, through use of the word "Manufacturing" in his trade names Husco Manufacturing Company, The Hussey Manufacturing and Distributing Company, and Hussey Manufacturing Company, and by other means, that he owns or operates a factory where his products are manufactured, and that he is the manufacturer of all the products sold by him. While the respondent manufactures one of the products sold under the trade name Terry Products Company, the complaint continues, all of the remaining products are not manufactured in a plant owned or controlled by the respondent but are purchased from other parties. (4386)

**Pioneer Specialty Company**—Harry A. Greenberg, trading as Pioneer Specialty Company and The Candyland Company, 38 Crosby Ave., Brooklyn, has been served with a complaint alleging the sale to wholesalers, jobbers and retailers of candy and other merchandise so packed and assembled as to involve the operation of lottery schemes when sold and distributed to the consuming public.

Use of the respondent's sales methods, the complaint charges, is a practice contrary to an established public policy of the Federal Government and in violation of criminal laws, and is an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act.

The complaint further alleges that through use of the word "Factory" on letterheads and by other means, the respondent, who purchases all of his products from other parties, has misrepresented that he owns or operates a factory where his products are made. (4381)

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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.

**Harry Berman, Inc.**—Alleging misleading representations in the sale of fountain pens, a complaint has been issued against Harry Berman, Inc., 1337 G St., N. W., Washington, D. C., operator of a luggage shop, and Morris Goldring, itinerant peddler, who, according to the complaint, rented floor space last September from the respondent Harry Berman, Inc., for conducting a sale of fountain pens.

An agreement between the respondents Goldring and Harry Berman, Inc., according to the complaint, provided that the corporation was to share in the proceeds of the sale in return for the use of the floor space and the name of the store in the advertising matter.

The respondents are alleged to have advertised, among other things, that they were conducting the manufacturers' advertising sale of "Genuine Packard Fountain Pens"; that no customer could purchase more than four pens; that the price of the pens after the sale would be \$3.50; that every pen was guaranteed and that the barrels were unbreakable; that never before had a pen like theirs been offered for 69 cents; that such pens were equal in value to nationally known pens selling for \$5 and \$7.50 each; that the sale price merely helped to pay for local advertising and other incidental expenses, and that the pens could be purchased at the stated sale price only on certain specified days.



**Plomb Tool Company**, 2209 Santa Fe Ave., Los Angeles, engaged in the sale and distribution of tools and other articles of merchandise, is charged in a complaint with the use of lottery methods.

The complaint charges that the respondent sells and has sold its merchandise to wholesale dealers, jobbers and retail dealers along with a sales plan or method by which the merchandise is to be resold to the purchasing public, the plan involving use of a game of chance or lottery scheme.

The sales plan or method is described as the "Tool Club," each club having a fixed number of members, usually 100. Each member of a club, the complaint alleges, pays a fixed amount each week for a period not to exceed a given number of weeks. Every week a drawing is held and the member whose name or number is drawn receives from the retail dealer his choice of \$25 worth of the respondent's tools, and such winner or member then is dropped from the club. At the end of the fixed period, all remaining members receive \$25 worth of tools, but such members, according to the complaint, have paid the full contract price therefor. Also, it is alleged, at the end of the fixed period, a drawing is held for a grand prize, to which all members of the club are eligible. Thus, the complaint alleges, the amount which an ultimate purchaser pays for the tools and the identity of the member receiving the final award, are determined wholly by lot or chance.

The complaint alleges that the respondent thus supplies to and places in the hands of others the means of conducting a lottery in the sale of its merchandise. Use of these methods, according to the complaint, is a practice of the sort which is contrary to established public policy of the Federal Government; is in violation of criminal laws, and constitutes unfair methods of competition and unfair and deceptive practices in violation of the Federal Trade Commission Act. (4384)

**W. Hillyer Ragsdale, Inc.**, 307 North Walnut St., East Orange, N. J., has been served with a complaint alleging misleading representation in the sale of a course of instruction intended to teach students the business of manufacturing candy in the home, and in the sale of certain supplies required in the manufacture of candy.

In advertising matter circulated in various States, the respondent, according to the complaint, represents or implies that large profits may be earned regularly by men and women engaged in making candy at home, either in full or spare time; that students without previous experience may earn a good, steady income quickly; that the equipment and supplies furnished with the course are sufficient to enable the purchaser to manufacture substantial amounts of candy without the necessity of obtaining additional supplies and utensils; that with the supplies furnished candy may be manufactured of an estimated retail value of approximately \$42, for which amount of candy only a few additional materials will have to be purchased.

However, the complaint alleges, no large profits can be made and no steady incomes obtained by manufacturing candy in the home under the circumstances and conditions represented by the respondent and, generally speaking, the manufacture of candy in quantities sufficient to establish a retail business and sell such candy at the profits indicated by the respondent, requires technical training and experience. (4283)

**Schuler Chocolates, Inc.**, doing business as Schuler Candy Company, Winona, Minn., is charged with selling to wholesale dealers, jobbers and retail dealers certain assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when sold and distributed to ultimate consumers. (4385)

**United Factories, Inc.**, 13th and McGee Streets, Kansas City, Mo., engaged in the sale and distribution of oil burners for installation and use in stoves and furnaces, is charged in a complaint with misrepresentation.

In advertisements in magazines and newspapers and by other means, the complaint charges, the respondent has represented that it has invented a new-type oil burner; that the burner furnishes more heat at a smaller cost than other burners on the market; that the burner burns cheap oil in a new way, and performs perfectly, without pre-generating the oil and without clogging up, and that the burner furnishes a quick heat at the turn of

a valve. Through use of the word "guaranteed," the complaint continues, the respondent represents that if the performance of its burners is not as indicated through representations made by the respondent, defective parts will be replaced, or purchase money refunded without cost and unconditionally. These representations, the complaint continues, are exaggerated and misleading and in truth the respondent's burner is not a new type invention; does not furnish more heat at a smaller cost than other burners on the market; does not burn cheap oil in a new way, nor does it perform perfectly and without clogging up, and is not automatic, but must be relighted each time it is used.

The complaint also alleges that the burner is not unconditionally "guaranteed," as the respondent requires purchasers to conduct experimental tests over a definite period of time after it has received notice from such purchasers that the burner is not operating in a satisfactory manner, and the respondent places a time limit within which the burner must be returned to it before any refund will be made. The period of time used to make the required tests before refunding the purchase price and the time consumed in exchange of correspondence between the purchasers and the respondent are usually so great, the complaint continues, that the period of time fixed by the respondent within which the burner must be returned to secure a refund has expired and the purchaser is not entitled to a refund under the terms and conditions of the respondent's so-called "guarantee." (4379)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Avery Salt Company**—An order has been issued modifying a cease and desist order entered in October 1939, against Avery Salt Company, Scranton, Pa. The order was modified so as to conform to a decree of the United States Circuit Court of Appeals, Fourth Circuit, Richmond, Va., entered by agreement between the parties, directing certain modifications and affirming the order as modified.

Paragraph One of the order issued in October, 1939, directed the respondent to cease using any words signifying smoke, or implying use of smoke, to describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described has been directly subjected to the action and effect of the smoke from burning wood during the course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

To that paragraph the modified order adds the proviso "That nothing in this order shall prohibit the respondent from using the terms 'condensed smoke' or 'liquid smoke' in enumerating or stating the ingredients of such salt when there has been added thereto a refined concentrate resulting from the destructive distillation of wood, and where the application of such product is in sufficient quantity to impart to such salt the flavor of smoke." (2248)

**W. R. Case & Sons Cutlery Company**, Bradford, Pa., has been ordered to cease and desist from certain representations in the sale of knives.

Commission findings are that The Boy Scouts of America has maintained a policy of planning many articles of equipment for its members, and has supervised the manufacture and distribution of such articles through licensing and otherwise authorizing those with whom it would enter into arrangements for such manufacture and distribution.

The Commission finds that the respondent formerly sold a knife marked or labeled "Case Scout," although this knife had not been manufactured or distributed under supervision of The Boy Scouts of America, nor had it been approved or endorsed by that organization. The respondent's knife, according to findings, has not been designated "Case Scout" since about January 1, 1940.

The Commission order requires the respondent to cease and desist from using the words "Case Scout" or "Scout" or any other words of similar meaning, to designate, describe, or refer to its knives, or otherwise representing that such knives are sponsored, endorsed or approved by The Boy Scouts of America, or that such knives form a part of the equipment of that organization's members. (4119)



**Drucquer & Sons**—John Drucquer, trading as Drucquer & Sons, Berkeley, Calif., engaged in selling and distributing blended tobaccos and other tobacco products, has been ordered to cease and desist from certain misrepresentations of his products.

The Commission finds that the respondent has caused statements and representations relative to the source and origin of his products and the place of manufacture or blending of his tobaccos to be printed on labels placed on the wrappers or covering of packages in which his products are shipped, and has otherwise published and circulated such statements and representations among purchasers in the various States.

Among such representations are:

“Tobacco manufacturers \* \* \* manufactured by Drucquer & Sons of London, England.”  
“Drucquer & Sons, late of the Strand and Regent Street, London, England.”

In this manner, the Commission finds, the respondent has represented that his products are manufactured or blended in London, England, and imported into the United States, whereas these representations are false, misleading and deceptive, as the tobaccos and tobacco products sold by him are manufactured or blended by him in his place of business in Berkeley, Calif.

The respondent is ordered to cease and desist from using the statement “Drucquer & Sons of London, England” or any other statement indicating that the respondent owns or operates a place of business in London, England, and from representing, through use of the statement “Manufactured by Drucquer & Sons of London, England,” or any other statement indicating English origin, that tobaccos and tobacco products made, manufactured or blended in the United States are imported from England. (4125)

**Home Diathermy Company, Inc.**, New York, N. Y., is directed by the Commission to cease disseminating advertisements through the mails, or by other means in commerce, which represent, directly or through inference, that the respondent’s “Home Diathermy” device may be easily and safely used in the home; that its use constitutes a cure or remedy for arthritis, neuritis, bursitis, sciatica, neuralgia, lumbago, hay fever, asthma, high or low blood pressure, or rheumatism; or that the device has any therapeutic value in treating such diseases and conditions or in treating any other ailment, unless the advertisement is specifically limited to those cases where acute inflammation, infection, pus formations, arteriosclerosis or conditions in which there is a tendency to hemorrhage, are not present.

The order also prohibits the dissemination of advertisements which fail to reveal that the unsupervised use of the respondent’s device by persons not skilled in the diagnosis, analysis and methods of treatment of disease, may result in serious and irreparable injury to health. (3653)

**Primfit Textile Company**, 128-130 West Fourth St., Cincinnati, has been ordered to cease and desist from the use of misleading representations in the sale of hosiery.

The Commission order directs the respondent to cease representing, directly or indirectly, that its hosiery designated as “Jerks.” or the same or similar hosiery designated by any other name, is the original garterless sock, and that the respondent manufactures the hosiery it sells unless it actually owns and operates or directly controls a manufacturing plant wherein such hosiery is made.

Commission findings are that the respondent’s hosiery advertised as “The original garterless sock” is not the original garterless sock and that the respondent is not a manufacturer, although it does have a contract with a factory or mill under which certain machines are utilized by such factory exclusively for manufacturing the respondent’s “Jerks” hose. The respondent is a jobber and distributor, according to findings.

Commission findings are further that the respondent did not make the representations as prohibited in the Commission order, from April, 1940, to September 11, 1940, the date of a stipulation concerning the facts which was accepted by the Commission. (4199)

**Thyrole Products Company**—I. Ralph Weinstock, trading as Thyrole Products Company, Philadelphia, Pa., is ordered to cease disseminating advertisements representing, directly or through inference, that “O. B. C. Reducing Capsules,” otherwise known as “O. B. C. Capsules,” are a cure or remedy or competent or

effective treatment for obesity and are safe. The order also prohibits the dissemination of advertisements failing to reveal that use of the preparation may cause permanent injury to the heart, thyroid gland and other vital organs.

According to Commission findings, use of the preparation will not accomplish the results as advertised, and the drugs strychnine alkaloid, extract belladonna, aloin, phenolphthalein and thyroid are present in the preparation in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements or under customary or usual conditions.

Upon petition of the Commission, the respondent recently was restrained by the United States District Court for the Eastern District of Pennsylvania from disseminating certain advertisements relative to his preparation, pending final disposition of the Commission’s case. (4160)

**Wauwatosa Fuel & Supply Company**—Eleven Wisconsin building supplies dealers and companies, whose total business averaged approximately \$5,000,000 annually and who had approximately 90 to 100 per cent of the building supplies business in Milwaukee County, have been ordered to cease and desist from certain unfair methods of competition including a combination for the maintenance of uniform and minimum prices, and the use of boycott and coercion to prevent competing dealers from attaining building supplies.

The respondents are Wauwatosa Fuel & Supply Company, Tews Lime & Cement Company, W. H. Pipkorn Company, Berthelet Fuel & Supply Company, Henry Cook Company, The Froemming Corporation, Schneider Fuel & Supply Company, Heider & Bott Company, Otto Ladwig & Sons, Inc., J. Druecker Sons’ Company, and Walter J. Manhardt, trading as Capitol Building Supply Company, all of Milwaukee, and their officers and representatives. The order is dismissed as to one respondent, Phil J. Bliffert, who had been engaged in Milwaukee as a so-called building supply dealers’ consultant and adviser, and who died last year.

The Commission finds that the respondents have engaged in buying and selling building supplies, including cement, laths, plaster, clay products, pipe, sand and gravel. In 1936, the Commission finds, there was a meeting in Milwaukee of some 18 building supplies dealers, who later entered into individual contracts with the late Phil J. Bliffert. During the life of the contracts, the findings continue, building materials were sold by the respondents to various governmental, State, county and city purchasing agencies and the general trade, excepting certain supplies which were specifically exempted. Approximately 25 dealers in the Milwaukee area originally entered into the contracts with Bliffert, several of whom subsequently withdrew.

The Commission finds that the evidence is uncontradicted that the purpose of the contract was to fix prices, discounts and conditions of sale of building supplies in Milwaukee County, including sales of such supplies made under city, county and State bids. According to findings, each respondent dealer under contract with the respondent Bliffert filed his prices on various items of building material with Bliffert, who later mailed prices back to each respondent dealer, together with discounts and conditions of sale, and each respondent dealer agreed to adhere to the prices, discounts and terms mailed by Bliffert. The respondent Bliffert, the findings continue, claimed to be the adviser of the various dealers and received as compensation one-half of one per cent of each dealer’s monthly gross sales of numerous items of building supplies.

As a result of the contract and agreement entered into between the respondent Bliffert and the respondent dealers, the Commission finds, prices, discounts and conditions of sale of building material in Milwaukee County, Wisconsin, from 1936 to a recent date, have been generally uniform and bids of the respondent dealers submitted to procurement officers of the Federal Government, and to purchasing agents for the city of Milwaukee, were generally uniform.

The Commission orders that the respondent dealers cease and desist from doing and performing, by understanding, agreement or combination between themselves or with others, the following acts and things: establishing and maintaining uniform and minimum prices at which the respondent dealers should sell building supplies, and uniform terms and conditions attaching to the sale by the respondent dealers of building supplies; interfering with competitors of the respondent dealers in the competitors’ efforts to purchase and obtain building supplies; preventing such competitors from purchasing or obtaining building supplies, and boycotting and threatening to boycott manufacturers and sellers



of building supplies who sell or ship building supplies to competitors of the respondent dealers.

The order also directs the respondents to cease and desist, through combination, agreement or understanding, from causing, inducing and procuring, by promises, threats, coercion, intimidation, and otherwise, manufacturers and sellers of building supplies: (1) not to sell or ship building supplies to competitors of the respondent dealers or directly to consumers of building supplies; (2) to boycott competitors of the respondent dealers and consumers of building supplies, and (3) to confine to the respondent dealers such manufacturers' and sellers' sales and shipments of building supplies intended for use, consumption, or resale in Milwaukee County and other Wisconsin counties. (3631)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Howard E. Bagnall**, Martin City, Mo., engaged in selling rat and mice killers designated "Calico Seed" and "Calico Bait," has agreed to cease and desist from representing that either of his products is guaranteed for complete satisfactory pest control or to destroy or exterminate all rats or mice in 4 or 5 days, or at all, or that he guarantees any results claimed by the use thereof, unless the nature and extent of such guarantee are clearly and adequately disclosed in immediate connection or conjunction with such guarantee and with equal prominence and emphasis; or that either of his products will kill all rats or all mice in 4 or 5 days or any other specified period of time, or at all; or that the product designated Calico Bait will kill any rodents other than rats and house mice. (02669)

**Lane Bryant, Inc.**, and Newman Cloak & Suit Company, 16 West 40th St., New York, engaged in the operation of a chain of retail apparel shops, have entered into a stipulation in which they agree to cease and desist from the use in advertisements or advertising matter employed by them, of the words "reduce" or "reducing" or any words of similar meaning as descriptive of garments or the fabric of which they are made, so as to imply that the wearing of such garments will cause a reduction of local or bodily tissue or will effectively remove fat and thus overcome or lessen a condition of fatness or weight. (2996)

**Darmela Laboratory**—Joseph H. Miller, trading as Darmela Laboratory, and Darmela Lab., 1446 North Western Avenue, Chicago, engaged in selling medicinal preparations designated "Darmela Salve," and "Darmela Liquid" has stipulated to cease and desist from representing that either of the products is a competent treatment or an effective remedy for open or running wounds or sores (skin ulcers), unless it is explained in direct connection therewith that they will be of no benefit for the condition when due to varicose veins, tuberculosis or syphilis; that either of the products is a competent treatment or an effective remedy for shingles, unless limited to the temporary relief of the pain and itching associated therewith; that Darmela Liquid is a competent treatment or an effective remedy for stiffness, numbness, paralytic stress, toothache, rheumatism, backache, chills, and other ailments, unless limited to the temporary relief of the pain, discomfort and soreness associated therewith, or that it is a competent treatment or an effective remedy for colds or coughs.

Joseph H. Miller further agrees to cease and desist from using the terms or words "Laboratory" or "Lab" as a part of his trade name, or from otherwise representing or implying that he owns, controls, maintains or operates a laboratory. (02688)

**Gooch Feed Mill Company**, Lincoln, Nebr., engaged in selling chicken feeds designated as "Gooch's Best Starting Feed," "Gooch's Best Laying Mash," and "Gooch's Best Growing Mash," agrees to cease representing that favorable results in egg production or chick raising depend solely on using Gooch's chicken feeds; that a low feeding cost or a balanced egg making ration is insured by using Gooch's Best Laying Mash; that Gooch's Best Laying Mash will enable hens to lay more eggs, or have better body weight or condition, or be more vigorous or resistant to disease than any

other product; that its chicken feeds insure egg production; or that the use of Gooch's Best Starting Feed insures healthy chicks or insures a given weight within a specified period of time. (02670)

**Hinton Pharmaceutical Company**, London, Ky., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from certain representations in connection with the sale of "Danzola," a hair preparation.

Among the representations which the respondent agrees to discontinue are that experts have learned the secrets of dandruff, or, by statement or inference, that the product "Danzola" is the result of such alleged knowledge, or that because thereof dandruff is "now unnecessary"; that "Danzola" or any similar product is a competent treatment or effective remedy for dandruff, or that its use may be relied upon to accomplish more than a temporary removal of loose dandruff scales or a physical hiding thereof; that "Danzola" is a "fine tonic" for dandruff or for "other scalp ailments," or instantly relieves itching scalp, or has any remedial or tonic effect in scalp conditions, and that the results from the use of "Danzola" are guaranteed. (2992)

**Lit Brothers**, 8th and Market Sts., Philadelphia, in the sale of girdles and corsets, agrees to cease using the word "reducing" or any word of similar meaning as descriptive of its garments so as to imply that the wearing of such articles will cause a reduction of local or body tissue or effectively remove fat and thus overcome or lessen a condition of fatness or weight. (2993)

**MacGregor Instrument Company**, Needham, Mass., engaged in the business of selling and distributing medical instruments, has stipulated to cease and desist from use in connection with the advertisement, sale or distribution of its medical instruments in commerce, of the words "MacGregor Made" or of any other words of similar import as descriptive of those of its instruments not made by the corporation, and from use of the words either alone or in connection with a domestic address or in any other way the effect of which tends to convey the belief that the instruments are made in their entirety by the corporation, or that all of the parts of which the instruments are composed are made in the U. S. A.

If, according to the stipulation, the instruments are composed in part of parts made domestically by the corporation, and the words "MacGregor Made" or other words of similar import are used to indicate this fact, the words shall be so qualified as to indicate clearly and unequivocally that the instruments are not composed wholly of parts made by the corporation or in the United States of America, and so as to indicate also in clearly discernible manner the part or parts of the instruments which are not domestically made by the corporation. (2997)

**Mikolite Company**, Gloyd Building, Kansas City, Mo., engaged in selling a mineral soil conditioner designated "Mikolite Mineral Soil Conditioner," or "Mikolite," agrees to discontinue representing that Mikolite provides a continuous supply of air and water to plant roots, or that it makes plant roots breathe; that it destroys anaerobic bacteria or that fungus or plant diseases cannot live in Mikolite; that plants grown in Mikolite are sturdier or more resistant to plant pests than those raised in gravel, cinders or pumice; or that Mikolite provides the factors essential to a vigorous healthy plant growth, except to the extent that it may provide a means of conditioning the soil so that air and water are made available to plant roots. (02671)

**D. R. Parsons**, Huntington, W. Va., engaged in the sale and distribution of a medicinal preparation designated "Psori-Oil," has stipulated to cease and desist from statements or representations which convey the belief that "Psori-Oil" or any other medicinal preparation composed of substantially similar ingredients, is a competent remedy or a "real" or effective treatment for, or will "cure" or "rid" one of psoriasis, scaly skin diseases or any other skin or scalp affliction. The respondent also agrees to desist from use of the trade name "Dr. D. R. Parsons" or of any statements or representations which imply that he is a physician or doctor of medicine or that he is engaged in the practice of medicine; or any use of the word "Doctor" or the term "Dr." in his advertising

matter, unless, whenever so used, it clearly appears that he is a doctor of dentistry and not of medicine; from representing that "Psori-Oil" has been recommended or endorsed by "many physicians," or otherwise implying that the preparation has received the recommendation or endorsement of any number of physicians in excess of the number actually recommending or endorsing it, and from statements which imply that any testimonial letters not recently received were "just received," or disseminating or publishing testimonials without indicating the dates when they were written, or which contain any claims, assertions or implications contrary to the terms and spirit of the respondent's agreement. (2995)

**Progressive Publishing Company**—Charles B. Higgins, trading as Progressive Publishing Company, 1524 Chestnut Street, Philadelphia, engaged in the sale of sets of subscription books entitled "The New Outline of Knowledge," has entered into a stipulation in which he agrees to cease and desist from representing that the publications are a complete library of human knowledge, or that each subject dealt with therein is covered by the world's foremost writers, so as to assure the reader thereof of the world's culture; that as a special introductory offer, a selected number of persons or only the outstanding citizens in a given community would be sold, for advertising purposes, sets of the books at a price much lower than that which is later to be charged therefor, or after the lapse of the advertising period, or that the price of the sets of books would be advanced later.

Charles B. Higgins also agreed to cease and desist from use on his stationery, printed or advertising matter of the word "Publishing" as part of his trade name, or from the use of the word "Publishing" in any way, so as to imply that the business conducted by him is that of a publisher or printer, or that he actually owns and operates or directly and absolutely controls the plant or factory in which the publications offered for sale and sold by him are published and printed. (2990)

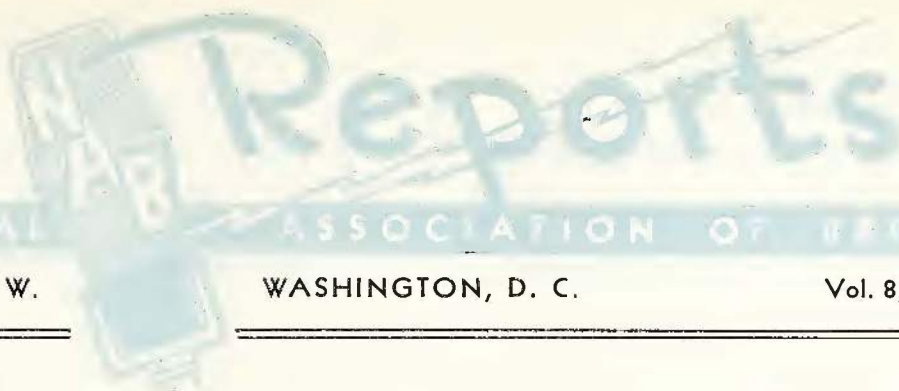
**Rubinoff Cosmetic Company, Inc.**, 1720 Euclid Ave., Cleveland, has stipulated with the Commission that it will cease certain representations in connection with the sale of a general line of cosmetics designated "Mme. Rubinoff's Cosmetics." The respondent agrees, among other things, to cease representing any cosmetic preparation as a "tissue cream," a "tissue builder," a "food for the skin," a "rejuvenating cream," or a "nourishing cream or oil," or otherwise representing that any of its preparations externally applied affects the texture or cell structure of the skin, or imparts renewed vitality, or provides sustenance

therefor. The respondent corporation also stipulates that it will cease using the term "Vitamin F" in connection with the name of any cosmetic product or as descriptive of linoleic or linolenic acids and will cease representing that an external application of chemicals or ingredients will restore a healthy and youthful skin. The respondent also agrees to desist from various representations concerning, respectively, its "Neck Cream," "Wrinkle Remover," "Acne Cream," "Russian Herb Pack" and other products and to discontinue representing by statement or inference that it owns, operates or controls a laboratory or plant in which its preparations are compounded or manufactured. (2994)

**Rubsam & Horrmann Brewing Company**, Stapleton, Staten Island, New York, engaged in the brewing and sale of beer, has entered into a stipulation in which it agrees, in connection with the advertisement and sale of its beer product designated "R & H Premium Beer," to cease and desist from use of the statement "Brewed from special premium malt and hops" or of any other statement or representation of similar implication, as descriptive of its product, the effect of which tends to convey the belief that its product is composed of malt flavored with hops as the only fermentable substance content thereof, when in fact, it actually contains such a substance other than malt. The stipulation provides that if the product contains hops-flavored malt, in substantial quantity, and also other fermentable substance, and the words "malt and hops" are used to refer to such hops-flavored malt content, then in that case, it shall be conspicuously and unequivocally disclosed that the fermentable substance content of the product is not composed wholly of hops-flavored malt, or that the product contains a fermentable substance other than malt flavored with hops. (2991)

**A. B. Shubert Fur Company**, 25 West Hubbard Street, Chicago, engaged in the purchase and subsequent sale of raw pelts or furs, has entered into a stipulation in which it agrees to cease and desist from quoting or otherwise holding forth any fictitious or exorbitant price which trappers or fur dealers may expect to receive for their furs; quoting prices which it has not paid in the usual course of business, or prices which might be applicable to furs of grade and quality not produced or which are exceptions in the section circularized, and from representing, directly or inferentially, that it pays a higher price for furs than do any other fur buyers, or that trappers or dealers in furs can or will realize a greater return by selling their furs to it than would be obtainable by selling such furs through brokers or to any other fur buyers. (2989)





### THE WEEK IN WASHINGTON

*Variety* handed one of its palms this week to the National Association of Broadcasters for its "fair play" work during the past year. (p. 4837.)

The first report on unit measurement of broadcast advertising appears with this week's NAB REPORTS. (p. 4857.)

The FCC heard oral arguments on the network inquiry report Monday and Tuesday. (p. 4839.)

Senator Gurney (R.-S. D.) assailed the REPORTS in a Senate speech. (p. 4843.)

Drug store advertising is the subject of the newest "Results From Radio" study being mailed to all members. (p. 4843.)

Make this a "Radio Christmas" says the broadcasting industry. (p. 4843.)

The AAAA Conference Committee adopted a standard order form and contract at a meeting in New York this week. The Committee's proposal will be placed before the NAB Executive Committee. (p. 4845.)

FCC held a conference on the problem of interference caused by operation of high frequency electrical medical equipment. (p. 4845.)

The Defense Communications Board appointed an Industry Advisory Committee. (p. 4846.)

### NAB GETS VARIETY AWARD

*Variety* gave the National Association of Broadcasters a special award this week for its "fair play" work during the past year.

"... Citation is made of the fair play work of the National Association of Broadcasters," said the trade paper in handing out its annual palms.

"Through its code and by its persistent holding aloft of the torch of tolerance the NAB has done much to clear the American air of bigotry. Neville Miller as president and Edward Kirby as director of public relations have led this campaign which required much tact and courage."

Last week's Hit Parade showed three BMI numbers among the ten top tunes of the country—*There I Go*,

### BMI FEATURE TUNES

December 9-16

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON
8. AN OLD-FASHIONED CHRISTMAS

*Practice Makes Perfect*, and a newcomer, *So You're the One*.

On the list of songs most played on the air, there are eight other BMI numbers: *Same Old Story*, *I Give You My Word*, *You Walk By*, *We Could Make Such Beautiful Music*, *Let's Dream This One Out*, *Accident'ly On Purpose*, *I Can't Remember to Forget*, and *I Hear a Rhapsody*, in addition to two numbers of the Southern Music Company which will be covered by the BMI license at the beginning of next month, *Frenesi* and *Tonight (Perfidia)*.

BMI has become America's greatest producer of hit songs no matter how you figure it.

There is no list of "most-played" tunes in *Variety* this week. It is dropped "until the music situation is settled one way or the other, as between ASCAP and BMI," on the ground that "under existing conditions the news value to the trade seems to be lost." In the usual place for the "most played" list there appears instead a list of the ten Best Sellers on Coin Machines, the tunes earning the most nickels for the past week in the automatic phonographs. Under the title of "Tunes Gaining Favor" are listed the next eight tunes in order of their money-making ability on the phonographs.

*BMI has more tunes and more records on the list than any other publisher.*

(Continued on page 4838)

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

### BMI FEATURE TUNES

(Continued from page 4837)

Among the first ten, BMI's *Practice Makes Perfect* stands at number three with Bob Chester's recording, and *There I Go* is number ten with recordings by Tommy Tucker, Will Bradley and Woody Herman. Among the "Tunes Gaining Favor," *I Give You My Word* is number five with recordings by Al Kavelin, Eddy Duchin, and Jack Leonard. That gives BMI a total of three songs and seven records. The nearest competitor is represented by two songs and five records.

The success of BMI music in the automatic phonographs demonstrates the mutual advantage of the support which BMI has won from the phonograph operators.

The 1909 Copyright Law specifically exempts coin-operated phonographs from payment of a performance fee (unless admission is charged) and ASCAP has been seeking the repeal of this provision with the announced intention of imposing a fee of \$60 a year for these machines. The copyright bill before the present Congress would subject the phonographs to the ASCAP tax.

When the operators learned what BMI is doing to end the monopolistic control of music, thousands of them wrote to BMI indicating their support. They have welcomed records of BMI music for use in their machines in order to give BMI every chance to build up a healthy competition.

But records in a machine do no good unless customers drop in nickels to hear those records. The fact that BMI music is earning more money for the phonograph operators than the music of any other publisher means that their support of BMI is profitable to them from every point of view while at the same time it opens to BMI one of the most important ways of popularizing the BMI music.

We welcome to the list of BMI subscribers the following stations:

KORN—Fremont, Nebr.	KWFC—Hot Springs, Ark.
WAGA—Atlanta, Ga.	WAYX—Waycross, Ga.
WORD—Spartanburg, S. C.	WTOL—Toledo, Ohio
WCOV—Montgomery, Ala.	

### IMPORTANT NOTICE

It has come to our attention that several stations are under the impression that the catalogues of Associated Music Publishers, Inc. (AMP), are now or will later become available to them as a by-product of BMI membership. This assumption is erroneous. AMP is an independent performance rights organization. It has been cooperating with us not only in spirit but also in practice, as evidenced by its policy of making licenses available to member stations at 25 per cent less than the current schedule of fees calls for. (See our general letter of September 6, 1940.) A majority of our members have AMP licensing agreements. Authorization to perform AMP copyrights can be obtained only through direct arrangement with AMP.

BMI subscribers are receiving a new Christmas song which is just off the presses. *An Old-Fashioned Christmas* is a seasonal number in popular style with a strong sentimental appeal and should be of great value to the stations in the next few weeks.

"When you hung up your Christmas stocking you wondered if you'd been good,  
 When you spent An Old-Fashioned Christmas back home."

Betty Best, who wrote both words and music, has tried to recapture in this song what Christmas once meant to nearly everyone and still means to a majority of Americans under the age of eight. "I really believed in Santa Claus," she says. "I hung my stocking up every Christmas until I was eighteen because my sister still believed in Santa Claus, and besides my father liked to fill our stockings."

BMI subscribers will be interested in the story of the way in which *Frenesi* became a nation-wide hit inasmuch as it will be one of the numbers covered by the BMI license beginning January 1, 1941. It was "discovered" by Artie Shaw last spring when the jazz maestro was recuperating from a serious illness in Acapulco, Mexico. Shaw, looking around for distinctive native music, was impressed by the melody of *Frenesi*, and brought it back with him to California when he recorded the number for Victor. As Shaw's record of *Frenesi* grew more and more popular in nickelodeons throughout the country, Xavier Cugat began featuring the tune in an authentic Mexican arrangement, and Jack Mason, who scores many of the Tin Pan Alley hits, made a dance arrangement of it. The number was written by Dominguez, who also composed another popular selection, *Perfidia*, which will likewise be licensed by BMI.

ASCAP, apparently deciding that its publicity lacked color, has invested in some paper with a bright red and



blue border on which to print publicity releases. Down the left margin and across the bottom of the page are red-white-and-blue sketches of the covers of twenty-two songs controlled by ASCAP, and over the bottom row is the legend:

### BLACKLISTED AND BOYCOTTED!

Defying public opinion, the Broadcasting Barons who control CBS, NBC and MBS have jointly decreed that these songs and thousands of other American favorites are to be barred from the air starting New Year's Day.

The colors are very patriotic and the notice at the bottom makes the "Broadcasting Barons" sound very sinister.

The twenty-two songs chosen by ASCAP as its most attractive window-dressing have all been very popular numbers. The composers and authors of these songs deserved generous payment for the performance of their music, and of course, ASCAP has been collecting sizeable fees for the use of the songs.

With astonishing honesty and frankness, ASCAP shows the names of the writers on each song so that they may be readily checked against the list of ASCAP members who share in the fees that ASCAP collects.

Such a check reveals that six of these writers who have contributed the most-prized songs in the ASCAP catalogue are not members of ASCAP. They, of course, have received none of the fees collected by ASCAP. It is ASCAP's theory that outsiders get adequate payment merely from the prestige of seeing their work on an ASCAP list. ASCAP sees no reason why a writer who is not an ASCAP member should be paid—not, at least, so long as he can have the pleasure of finding his name in the ASCAP catalogue and the comfort of knowing that ASCAP members are getting paid for the use of the music he wrote. Surely, as Omar Khayam said, "That were paradise enow."

ASCAP is really generous, even toward non-ASCAP writers—even toward BMI writers. Conspicuous among the names of the writers of these most valuable ASCAP songs is that of Robert Sour, co-author of *Body and Soul*. Having lived in a rather itchy non-ASCAP bliss for some years in the knowledge that ASCAP members were getting adequately paid for the work that he did, Mr. Sour is now a lyric-writer for BMI, author of *Practice Makes Perfect* and others of BMI's top hits—and getting paid for his own work.

## FCC Network Investigation: Final Argument

Oral argument on the network inquiry report was opened before the entire Federal Communications Commission Monday, December 2.

Chief counsel for the Commission, Telford Taylor briefly outlined the history of the network inquiry and stated that public notice No. 45189 entitled "Procedure For Oral Argument On Network Inquiry Report" (See NAB REPORTS, November 29) was in the form of questions to be discussed at the hearing and that this notice did not necessarily constitute the views of the Commission. Mr. Taylor stated that the Law Department of the FCC was of the opinion that the Commission has the power to deal with programs and contracts. He said that it was recognized that chain broadcasting is necessary and that there should be competition in networks.

Mr. Joseph Rauh, Commission attorney, followed Mr. Taylor in giving testimony. He discussed the legality of the Commission regulating the contractual relationship between networks and affiliates and to deal with programs and transcriptions. It was Mr. Rauh's opinion that the Commission has the right to deal with contractual relationship insofar as it deals with a stations ability to operate in public interest. He continued that the Commission has no power to set rates.

The first company to present argument was The National Broadcasting Company, represented by Phil Hennessey. He made one preliminary assumption—that the American System of Broadcasting was not at issue. Mr. Hennessey pointed out what he called inaccuracies in the report. In reply to the question by Chairman Fly, he said that there are two possibilities for organizing an additional network within the present allocation structure. The first way would require a capital of about \$25,000,000 and a period of about 15 years. The second would call for Commission action to take all clear channels and make them regional with several 5 KW stations on each channel and placing these stations in various cities and turning them over to the operator of the network. Mr. Fly then ask Mr. Hennessey if NBC advocates this. He replied that quite the contrary; the present allocation structure represents the best balance between small stations and national coverage.

Mr. Hennessey stated that in 1937 NBC affiliates rejected 1,850 station hours of network programs in order to broadcast local programs of unusual interest and that the individual stations were allowed to cancel network programs under such conditions. In reply to Chairman Fly's question as to what regulation of network operation was advisable, Mr. Hennessey replied that none was necessary and that service under the American System is so superior to anything else in the world that we should be careful not to upset it. Mr. Hennessey gave the opinion that the Commission lacks authority to promulgate any of the proposed rules and that the function of the FCC is to license certain electrical facilities and to see that these facilities are operated in the public

interest. He said that it was the business of the broadcaster as to how he should carry this out and that if the broadcaster did not operate in the public interest, then the Commission had the power to cancel the license. As a closing remark, Mr. Hennessey said that if the proposed rules are adopted the American System of Broadcasting would be destroyed.

The Columbia Broadcasting System was the second to be called to give argument and was represented by John J. Burns. Mr. Burns asked permission for all interested parties to file briefs on the FCC Law Department interpretation of the Commission's scope of authority and Chairman Fly gave the parties to the oral argument one week in which to file such briefs. Mr. Burns discussed the jurisdiction of the Commission and gave the opinion that the Commission does not have the authority to regulate contracts or programs. Mr. Burns pointed out that RCA pioneered in radio and that NBC came first as a network. He continued that CBS was organized after NBC and that it was built through its ingenuity and enterprise and that there is no monopoly as attested by competition between NBC and CBS. He continued by pointing out what he said were several errors in the report and he recommended that, because of these and other errors, the report should be rejected. Mr. Burns stated that as a major over-all comment on the report, he was struck with the absence of any mention of the important contribution networks have made to broadcasting. Mr. Burns said that if the report is adopted, we would have a revolution in broadcasting, and then he asked why CBS should build up a station if any time broker could have the station. He said that optional time and exclusive contracts were necessary to the proper operation of the networks.

Mr. Burns gave the opinion that none of the proposed regulations were within the power of the Commission to promulgate. He said that if an advertiser could not be sure of outlets, he would turn to other media than radio for his advertising. He continued by stating that the ownership of a certain number of stations in certain cities was vital to good operation of a network.

IRNA was the next party to the oral argument represented by Paul Segal. Mr. Segal said that IRNA was not in favor of regulations which would make networks less effective as a whole, in order that one network might be given a temporary gain. He continued that they opposed the text of the report in its entirety.

Mr. Samuel Rosenbaum continued the argument for IRNA. He said that he did not subscribe to the views expressed that network contracts take away the station control of programs. He pointed out that it was normal good business to place the sale of national business on a station in the hands of an exclusive agent, and that no one thought anything about that. Mr. Rosenbaum ex-

pressed a view that giving a network exclusive contracts for certain periods on the station, would not any more take away a station's control of programs than it would if an exclusive salesman were given the right to sell the national business of the station on an exclusive business. Mr. Rosenbaum said that the very existence of networks has immeasurably increased the service broadcasting has rendered the American public.

Chairman Fly opened the Tuesday session by asking the various parties to give attention in their briefs to competition and how best the public could get the most out of the industry in terms of healthy competition. He said that the wave lengths were limited and therefore there could not be utterly free competition for public attention and that there was naturally only a restricted form of competition possible. He continued that it was dubious whether or not there could be four networks and it probably would be difficult to have more.

Mr. Fly requested the parties to the oral argument to give consideration to the answer of the question as to what is the best form of chain competition we can have under the conditions. He stated that the Commission wanted the best answer possible and therefore would accept additional material. He set the date of December 16 for filing the briefs.

The Mutual Broadcasting System presented its oral argument through Louis Caldwell. Mr. Caldwell outlined the method of financing Mutual and how it is operated on a Mutual plan. He said that at the time of the hearing Mutual was owned by WOR and WGN, however, there were now seven stockholders and these are WOR, WGN, Don Lee, Colonial Network, United Broadcasting Corp., CKLW and WKRC. Mr. Caldwell, in outlining the advantages of the Mutual System said that the profits from network operation were shared by the stations and that this money could then be used to improve the individual stations and the programs. He continued that almost all of Mutual's sustaining programs come from the member stations, thereby giving an incentive to improve programs locally. He also said that stations had a voice in the operation of the network. Mr. Caldwell gave the opinion that it was not possible to start another network in face of the existing obstacles, except on the Mutual basis. Mr. Caldwell said that he believed business would be more difficult to obtain without contract time. However, he said that Mutual had existed without this arrangement. He pointed out that even though there were errors in the record, they were insignificant. He continued that we needed regulation of chain broadcasting in order to secure the best possible competition in view of limited facilities. Mr. Caldwell, in commenting on the opinion of Mr. Rauh, concerning the scope of authority of the Commission, said that he could not see any difference between regulating facilities



and taking competition into account, in view of public interest, convenience and necessity. He continued that it was a violation of the Anti-Trust Laws for a network to make a purchaser take stations he doesn't want in order to get certain cities. In response to a question put to him by Commissioner Craven, he answered that he did not think that the Commission had the power to determine if there were a violation of the Anti-Trust Law. However, in view of the charge that stations must operate in the public interest, convenience, and necessity, a violation of the Anti-Trust Law would be the concern of the FCC, he said. Mr. Caldwell then discussed "Suggested Special Regulation Applicable to Standard Broadcast Stations Engaged in Chain Broadcasting" proposed by Mutual. Mr. Caldwell said he believed it unsound to have 2 networks under the same roof, and he said that a network could own stations in New York, Washington, Chicago, San Francisco and Los Angeles because these cities were important program centers.

Next to give oral argument was the Association of Radio Transcription Producers of Hollywood, Inc., represented by Mr. Ben S. Fisher. He said that there was no difference between chain and transcription and that both are the same talent and therefore he asked that the Commission allow the elimination of the electrical transcription announcement immediately preceding the program.

The Independent Artists Representatives argument was given by Martin Gang. Mr. Gang directed his argument to the networks using their influence to set up artist bureaus of their own and thereby controlling artists, announcers, actors, etc. He suggested that this phase of network broadcasting be regulated and gave the opinion that the Commission has the right to so regulate.

The next party to make an appearance was the Associated Music Publishers, Inc., represented by Wardell Catchings. He said that they were in hardy accord with the report and that the Committee might well have gone further. He urged the Commission to proceed immediately with regulation of chain broadcasting. He urged that no radio station should be permitted to give blanket time to networks and that if time is sold by a station for transcriptions, that the networks should not be allowed to take the time away from them.

In rebuttal, Mr. Hennessey reiterated his opinion that the Commission had the right only to consider whether a station was operated in the public interest, convenience, and necessity and to consider the character of the licensee. He reiterated his disagreement with Mr. Rauh's interpretation of the scope of the Commission.

Also in rebuttal Mr. Burns stated that the power of the Commission was very carefully limited in the statute.

Mr. Rosenbaum, in rebuttal, said that within the industry there was ingenuity enough to work out any

difficulties which might arise without need of further government regulation. He continued that IRNA neither approved or disapproved of exclusive contracts and he said that this matter should be left to individual cases. The oral argument was concluded by Chairman Fly.

The Mutual Broadcasting System suggested special regulations for standard broadcast stations engaged in chain broadcasting, as follows:

## I. DEFINITIONS

Sec. 1. For the purposes of these regulations

(a) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more standard broadcast stations transmitted to them by wire or radio.

(b) "Network organization" means any person (whether an individual, partnership, association, joint-stock company, trust, or corporation) regularly engaged in the business of producing, supplying or otherwise making available programs for chain broadcasting and of selling time over standard broadcast stations for the broadcasting of such programs.

(c) "National network organization" means any network organization regularly producing, supplying or otherwise making available programs for chain broadcasting for two or more standard broadcast stations when such stations include stations located in two or more metropolitan districts (as defined by the United States Census Bureau), any two of which have each a population in excess of 1,000,000 and are separated by a distance exceeding 700 miles.

(d) "Regional network organization" means any other network organization.

(e) "Substantial interest" means, with reference to a corporation, the ownership, direct or indirect, of 20 percent or more of the voting stock, and with reference to a partnership or other form of organization, a voice in the control thereof equivalent to 20 percent or more.

(f) "Station" means a standard broadcast station as defined in Sec. 3.1 of the Commission's Rules Governing Standard Broadcast Stations.

(g) "Station licensee" or "licensee of a station" means the licensee of a standard broadcast station.

(h) "Full time station" means (1) any "unlimited time" station as defined in Sec. 3.23(a) of the Commission's Rules Governing Standard Broadcast Stations, and (2) any combination of two or more "sharing time" or "specified hours" stations, as defined in Sec. 3.23(d) and (e) of said Rules, having total hours of operation equivalent to one "unlimited time" station, provided such stations are located in the same city and have substantially the same service areas.

(i) For the purpose of defining "comparable facilities" stations are divided into the following groups:

(1) Group A, consisting of full-time stations falling within Classes I, II or III as defined in Sec. 3.22 of the Commission's Rules Governing Standard Broadcast Stations;

(2) Group B, consisting of full-time stations falling within Class IV as defined in said Sec. 3.22;

(3) Group C, consisting of stations not having full time, of whatever class, provided they have substantially equivalent coverage and hours of operation.

It is recognized that, due to factors such as size of community to be served, variations in power, desirability of frequency, extent of interference-free coverage, conductivity and radiation pattern, there may be instances where, equitably to accomplish the purpose of these Regulations, exceptions may have to be made to the foregoing grouping. In smaller cities, for example, it may be found that a Class IV station has sufficient coverage to be placed in Group A.

(j) Any city shall be deemed to have two or more stations with "comparable facilities" if such city has

(1) Two or more Group A stations,

(2) No Group A stations and two or more Group B stations, or

(3) No Group A or Group B stations, and two or more Group C stations.

(k) No city shall be deemed to have two or more stations with "comparable facilities" but on the contrary shall, for the purpose of these Regulations, be considered as having only one station,

(1) If such city has only one Group A station, notwithstanding the fact such city may have two or more Group B or Group C stations;

(2) If such city has no Group A station and only one Group B station, notwithstanding the fact such city may have two or more Group C stations;

(3) If such city has no Group A or Group B stations and has one station not having full time which, by reason of its coverage or hours of operation, has facilities clearly superior to those of other stations not having full time located in the same city.

(l) "City" means any metropolitan district as defined by the United States Bureau of Census and any separate city, town or other community not forming part of a metropolitan district.

(m) A station shall be deemed to be located in a city if it is located within the boundaries of such city or if it is located in the immediate vicinity thereof and is capable of rendering, and is primarily intended to render, service within the boundaries of said city.

(n) "Contract" shall include any agreement, understanding or other arrangement of a contractual character, express or implied, written or oral, between two or more parties.

(o) "Exclusivity clause" means any provision in a contract between a network organization and a station licensee whereby the station licensee undertakes or is bound not to broadcast programs supplied by any other network organization.

(p) "Time-option clause" means any provision in a contract between a network organization and a station licensee whereby the station licensee undertakes or is bound to make time available over his station for the broadcasting of programs supplied or to be supplied by such network organization, whether with or without advance notice by such network organization and whether with reference to specified hours or other periods of the day or with reference to a specified total of hours per unit of time or with reference to a proportion of the station's hours of operation.

## II.

### LICENSING OF STANDARD BROADCAST STATIONS TO NETWORK ORGANIZATIONS

Sec. 3. Effective \_\_\_\_\_, no national network organization and no person controlling, controlled by, under common control with, having a substantial interest in, or in whom a substantial interest is held by, a national network organization shall be licensed

(a) to operate more than one station in any one city;

(b) to operate a station in any city in which less than four Group A stations are located;

(c) to operate more than \_\_\_\_\_ Class I stations as defined in Sec. 3.22 of the Commission's Rules Governing Standard Broadcast Stations;

(d) to operate a total of more than \_\_\_\_\_ stations of all classes.

Sec. 4. Upon petition and a proper showing in support thereof that, notwithstanding the exercise of due diligence, compliance with the requirements of Section 3 is impossible before the effective date, the Commission will grant a reasonable extension of the effective date in particular cases.

## III.

### CONTRACTS BETWEEN NATIONAL NETWORK ORGANIZATIONS AND STATION LICENSEES

#### A. Provisions Directed Against the Operation of Two or More National Networks by One Network Organization.

Sec. 5. No national network organization licensed to operate a station located in a given city shall enter into any contract with the licensee of any other station located in that city containing an exclusivity clause or a time-option clause. No licensee of a station located in a given city shall knowingly enter into any contract containing any such clause with a national network organization licensed to operate a station in that city.

Sec. 6. No national network organization licensed to operate a station, wheresoever located, shall simultaneously have or maintain in force contracts containing exclusivity or time-option clauses with more than one station licensee in any other city. No station licensee shall knowingly have or maintain in force any contract containing any such clause with any national network organization if and when, as a result thereof, such national network organization will simultaneously have or maintain in force contracts containing any such clause with more than one station licensee in that city.

Sec. 7. Where the station licensed to the national network organization, or the station licensed to the station licensee with whom the national network organization has a contract containing an exclusivity or time-option clause, does not have full-time hours of operation, the national network organization may enter into a contract containing an exclusivity clause or a time-option clause, or both, with another licensee of a station located in that city not having full-time hours of operation, to the end and to the extent necessary to afford the national network organization the equivalent of one full-time outlet for its chain broadcasting programs in that city.

#### B. Provisions Restricting the Use of Exclusivity and Time-Option Features.

Sec. 8. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract containing an exclusivity clause with the licensee of any station located in a city having less than four stations with comparable facilities. No licensee of any station located in any such city shall enter into any contract containing an exclusivity clause with any national network organization.

Sec. 9. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract containing a time-option clause with the licensee of any station located in a city having less than four stations with comparable facilities and no licensee of any station located in any such city shall enter into any contract containing a time-option clause with any national network organization, except under and in accordance with the following restrictions:

(a) In cities having three stations with comparable facilities such contracts may be entered into provided that not to exceed \_\_\_\_\_ percent of any sub-period (as hereinafter defined) of a station's hours of operation is subjected to the time-option clause in favor of any one national network organization.

(b) In cities having two stations with comparable facilities such contracts may be entered into provided that not to exceed \_\_\_\_\_ percent of any sub-period (as hereinafter defined) of a station's hours of operation is subjected to the time-option clause in favor of any one national network organization.

(c) In cities having only one station such a contractual arrangement may be entered into provided that not to exceed \_\_\_\_\_ percent of any sub-period (as hereinafter defined) of the station's hours of operation is subjected to the time-option clause in favor of any one national network organization. In any city which has more than one station but which, by reason of the definition contained in Section 1(k) is deemed to have only one station, the Commission may on its own motion or on petition supported by proper showing enter an order prescribing the maximum hours that may be subjected to time option for such stations in such manner as best to accomplish the purposes of these regulations.

(d) In no case may such a contractual arrangement be entered into unless it also provides that, in the event less than 80 percent of the maximum of hours subjected to the time-option are not used by the national network organization during any six months period the maximum for the next six months period shall not exceed a percentage more than one-fourth greater than the percentage thus actually used.

(e) No time-option clause shall be included in any contract unless it specifies accurately and clearly the precise periods of the day in terms of clock time which are subject to the clause.

(f) The hours of operation of each station are, for the purpose of the foregoing provisions of this section, divided into sub-periods defined as follows:

(1) The early morning sub-period, from \_\_\_\_\_ a. m. to \_\_\_\_\_ a. m.

(2) The morning sub-period, from \_\_\_\_\_ a. m. to noon.

(3) The afternoon sub-period, from noon to \_\_\_\_\_ p. m.

(4) The evening sub-period, from \_\_\_\_\_ p. m. to \_\_\_\_\_ p. m.

(5) The late evening sub-period, from \_\_\_\_\_ p. m. to \_\_\_\_\_ a. m.



Sec. 10. No contract containing an exclusivity or a time-option clause between a national network organization and a station licensee shall be for a period exceeding — years. A contract which gives either party a right by option or otherwise to extend the period beyond — years shall be considered to be in violation of this section.

### C. Miscellaneous Provisions

Sec. 11. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract with the licensee of any station, and no station licensee shall enter into a contract with any national network organization which fixes or attempts to fix the rates to be charged by the station licensee for the sale of broadcast time not used for the broadcasting of such national network organization's programs, *provided*, however, that such contract may provide that the rates to be charged by the national network organization for the sale of time over such station for the broadcasting of such national network organization's programs may be modified from time to time so as to be uniform in amount with the rates charged by the station licensee for the sale of time to the same or similar classes of advertisers or other clients.

Sec. 12. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract with any station licensee, and no station licensee shall enter into a contract with any national network organization which interferes with the exercise by the station licensee of his full responsibility and the performance of his duties and obligations under the Communications Act of 1934, as amended, the Commission's Regulations, and the terms of his license, including his duties and obligations with respect to the acceptance or rejection of programs.

## IV.

### CONTRACTS BETWEEN REGIONAL NETWORK ORGANIZATIONS AND STATION LICENSEES

(It is believed that regional network organizations present a somewhat different and certainly a much less pressing set of problems, and that the Commission might well consider either adopting separate and less restrictive regulations with respect to them or postponing the matter for future consideration. Generally, it appears, there are few instances where regional networks are in competition with each other. They differ widely in size, character, make-up and purpose. The amount of time they are likely to place under option is usually far less than in the case of national networks, and frequently is merely supplemental to the use of national network programs. They are composed, in large measure, of the smaller stations, including many local and part-time stations. So far as is shown by the evidence at the hearing, it is believed no serious evils have developed in regional network operation. In any event, for lack of adequate information regarding their problems and of any direct interest in such issues as may be raised regarding them, we make no suggestions under this heading.)

### SENATOR GURNEY ASSAILS FCC

Senator Gurney (R-SD) said in the Senate that "if the Commission adopts these (network) rules and thus strangles the service of broadcasting to the American people, it surely will have gone loco."

The full text of the Senator's remarks can be found on page 21185 of the *Congressional Record* dated November 29.

## Sales

### NRDGA ASSOCIATE MEMBERSHIP

NAB members who have been invited to join the National Retail Dry Goods Association as associate members

are asked to notify NAB headquarters of their decision, or to give their opinion of the value of such membership. Through its Bureau of Radio Advertising, NAB is cooperating with the NRDGA in promoting a closer relationship between radio stations and department stores, similar to that which exists between the stores and many newspapers throughout the country.

### Local Radio Discussed

Samuel J. Henry, Jr., of the NAB Bureau of Advertising, will address the Rochester Advertising Club, Monday, December 9, on the subject of "Local Radio Advertising". The invitation was extended through Lemoine C. Wheeler, commercial manager, WHEC, Rochester, who is a member of the Ad Club's educational committee.

### Retail Drug Study Now Ready

"Results from Radio", Vol. 1, No. 10, which is on the subject of drug store advertising, is going out to all NAB members from the Bureau of Radio Advertising. The latest trade study in the Bureau's series of outstanding case histories deals with "Radio Parade", a unique program based on radio and radio personalities, which has been successfully sponsored for the past six months by several retail drug companies in the Pacific Northwest.

The No. 10 study reports many instances of specific sales results obtained by the Bartell Drug Company over KIRO and KOMO, Seattle, and by the Joyner Drug Company, over KFPY, Spokane.

## Promotion

### RADIO CHRISTMAS

"50,000,000 Radio Sets by Christmas" is the title of a four-page folder which NAB mailed today to all station executives.

The theme is that 50 million radio sets in the hands of the public would insure a sufficient supply of active receivers for months to come even if set production should be disturbed by national defense priorities.

Surest means of attaining the objective, it was pointed out, is the active station promotion of the "Give a Radio Set for Christmas" idea. It was predicted that with aggressive support the goal would be surpassed, possibly by a million sets.

WGAR, Cleveland, is well along on its second annual Christmas promotion to provide radio sets for welfare institutions and needy families. It is a cooperative plan with the public donating old sets, the Cleveland chapter, Radio Servicemen of America, making repairs, Goodwill

Industries collecting old sets, and the Cleveland Welfare Federation later distributing them.

This type of operation is identical with last year's at WGAR. Because it has withstood a severe testing, it can safely be recommended.

Here's a statement from Carl George covering details:

"I think you will be interested to know that WGAR is beginning to collect used radio sets for distribution to welfare institutions and needy families at Christmas time.

"Last year, you may recall, we were able to distribute about 125 sets in two weeks time. This year, by starting early, we want to boost that way up to several hundred.

"Again this year we have the cooperation of the Radio Servicemen of America who are volunteering their services in repairing these sets. Goodwill Industries of Cleveland is collecting for us and providing storage and repair facilities. The renovated radios will be distributed through the Cleveland Welfare Federation. We are also securing the cooperation of parts manufacturers and distributors who will furnish free the parts needed to put sets in good condition.

"Our full staff orchestra is being used on three programs each week to solicit donations from persons who have that extra or old receiver. We ask them to phone their name and address to the station and within a few days a Goodwill Industries truck stops to pick it up.

"On Christmas Eve we hope to make many hundreds of people a bit happier when we deliver to them their 'brand new' radio.

***"Last, but not least, our suggestion to the listener is that now is the time to buy a new 1941 radio and let the Welfare Federation have his used one."***

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In Memphis, Henry W. Slavick, general manager of WMC, and Fred Carder are also busy with plans to secure reconditioned radio sets for institutional presentation.

Howard McIntyre, secretary, Mid-South Amateur Radio Association, prevailed upon his members to repair the sets donated by listeners. McGregor's, the RCA distributor, is furnishing needed repair parts.

A part of the repair work is being done by association members in quarters at the Memphis Light, Gas & Water Division. Other members have volunteered to repair a given number of sets at home.

## TWENTIETH BIRTHDAY

Emerson S. White, program director, KDYL, Salt Lake City, launched Radio's 20th Anniversary celebration on Monday, November 11, with a special thirty minute show from the station's Radio Playhouse. Radio's progress during the 1920-40 period was dramatized. Music by "By" Woodbury and his orchestra. Other birthday material was scheduled through November 30.

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In celebrating its increase in power to 250 watts and its new transmitter on November 24, Wallace S. Wiggins, program director, KVOE, Santa Ana, tied in a salute to Radio's 20th Birthday. The thirty minute show was fed to the entire Don Lee Network. The station also carried several network birthday broadcasts. KVOE is known as "The Voice of the Orange Empire".

KGFW staged what is believed to be the largest birthday party ever held in Kearney, Neb. It took place Thursday, November 28, to commemorate the station's ninth anniversary and radio's twentieth.

More than 1,800 people attended the festivities. Program Manager Paul Roscoe supervised complete details of party and the two hour broadcast. Invitations were extended over the air and in both daily papers.

A mammoth birthday cake, appropriately decorated, and donated by the Royal Bakery of Kearney, was cut into four hundred pieces. Gallons of ice cream were presented by the Kearney Creamery Company.

From two to four o'clock a series of prominent speakers appeared over the KGFW microphone relating the history of the station as well as highlights of various broadcasts throughout its nine years' existence.

Prominent speakers were: Kenneth Dryden, local attorney; Art Johnson, president of the chamber of commerce; Wallace Thornton, secretary of the chamber of Commerce; Superintendent Harry Burke of the public schools; Dr. H. L. Cushing, Kearney State Teachers' College; Bob Johnson, president of the Cosmopolitan Club; Ivan Mattson, Mayor; Reverend William Sessions, representing the ministerial alliance; E. Anson Thomas, commercial manager, KGFW, and Lloyd C. Thomas, general manager.

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WROK, Rockford, completed a solid week of festivities in honor of Radio's 20th Birthday on Tuesday night, December 3, with a coast-to-coast broadcast over Mutual Broadcasting System at 8:15 p. m. EST. The celebration also marked WROK's first anniversary as an MBS affiliate.

Guest of honor was Fulton Lewis, Jr., whose earlier seven o'clock daily chore went on the air from WROK's studios.

Special broadcasts during the week included:

1—Programs from control room and transmitter, with an engineer speaking on "Behind the Scenes in Radio Broadcasting" and explaining how programs are put on the air.

2—A talk by John Dixon, WROK program director, on BMI.

3—A thirty minute show from the Rainbo Room of Hotel Faust, during which Charlie Agnew and his orchestra played BMI tunes exclusively.

4—A special short wave broadcast, hooking up WROK's own mobile unit with city and county police stations as a demonstration of how radio can completely cover Rockford and the county in case of emergency.

5—News broadcasts included stories of the celebration and called attention to interesting facts concerning the American system of broadcasting.

During the week local radio dealers and distributors were on the air with spot announcements and special programs. These called attention to the progress that has been made in the manufacture of radio receivers. Each participating dealer displayed current models in WROK's



reception room. Spot announcements invited the public to inspect the new WROK studios and the 1941 receivers as well. Attendance exceeded the most optimistic expectations.

"Radio dealers," said Bill Traum, promotion director, "were very receptive to this promotion and we hope to carry on something similar each year."

The 8:15 broadcast to MBS was part of the Birthday banquet, attended by prominent civic and business leaders. At this affair Fulton Lewis received a plaque "in appreciation of his truthful and timely analyses of the nation's news."

### MAN POWER

The aircraft industry continues to hold the spotlight for national defense Man Power requirements of the Civil Service Commission.

This does not mean, however, that other defense agencies require fewer skilled workers. Needs are as urgent as ever.

Facts of the situation call for a slight change in pace and only two spot announcements will be mailed tomorrow, December 7. Please make sure that they are rotated at least once during your daily schedule.

Securing skilled workers for National Defense is radio's own "show". The industry can be proud of its achievements.

Three Chicago stations which have been locating Man Power, since last July, are WGES, WSBC, WCBF. They were reported yesterday by Arnold B. Hartley.

Six hundred fifty-four (654) stations, up to press time, have made known their cooperation.

### AAAA CONFERENCE COMMITTEE MEETS

The AAAA Conference Committee met in New York, December 4, with Chairman Harry C. Wilder, WSYR, presiding. Those attending the meeting were: Roy L. Harlow, WAAB, Dick Mason, WPTF, Edward W. Petry, Edward Petry Company, Dale Taylor, WENY, Lee Wailes, Westinghouse, Emanuel Dannett, MBS, Paul F. Peter, NAB and Russell P. Place, NAB.

The committee heard a report of the Standard Order Blank and Contract Sub-committee presented by its Chairman, Roy Harlow. The full committee adopted a form and contract for submission to the Executive Committee of the NAB Board.

Mr. Mason made a report for the Invoice Sub-committee and the committee adopted a form which will be submitted to the NAB Accounting Committee.

The next meeting of the Committee has been set for December 20 and will be followed by a joint meeting with the AAAA Committee in the afternoon of that day.

## Engineering

### MEDICAL EQUIPMENT CONFERENCE

The informal Engineering Conference on the problem of interference to radio communications caused by the operation of high frequency electro-medical equipment, was held by the FCC Friday, November 29. Lieutenant E. K. Jett, Chief Engineer of the Commission, presided with A. D. Ring, Dr. L. T. Wheeler and T. L. Bartlett also on the bench.

Mr. Jett opened the hearing by stating that there was no need to build up a case for diathermy or radio communication and that the Conference should go into the technical considerations. The items on the agenda under (10) were taken up in order.

Several doctors and diathermy research men testified as to the best frequencies to use. Most of them selected a frequency between 7 and 14 MC with one to three additional frequencies in harmonic order.

The opinion was general that the frequency of diathermy applications is not important physiologically but technically some bands are better than others for electro-magnetic of electrostatic applicators.

In regard to frequency stability, the equipment manufacturers thought that maintaining within .5 per cent would be good. Mr. Jett pointed out that this tolerance is much greater than allowed in good engineering practice for radio stations and that too many communication channels would be used up if this tolerance were allowed.

The consensus was that 400 watts was the highest power required for good diathermy work.

Mr. Jett had hoped that data might have come out of the Conference, making it possible to write standards of good engineering practice for electro-medical equipment and also possible to set aside certain frequencies for their use. Not enough data was presented on certain phases, such as the allowable frequency tolerance and the cost of frequency control.

Mr. Jett suggested that the best way to reduce the remaining problems was to appoint a Representative Committee. After general agreement to this suggestion, Mr. Jett outlined the various groups which should be represented on the Committee and said that the appointments would be made shortly.

Following was the agenda for the Conference:

The purpose of this informal conference, as stated in the notice of October 31, 1940, is to consider the feasibility of establishing Standards of Good Engineering Practice concerning the technical operation of high frequency electro-medical equipment in order to eliminate the widespread interference with radio communications resulting from the present manner of operation.

Article VI of the Inter-American Agreement—Santiago, Chile, 1940, reads as follows:

"The American countries shall adopt measures to suppress or alleviate, as much as possible, interference caused by apparatus

or equipment which may generate, or radiate radio frequency currents capable of interfering with, or adversely affecting, the reception of radio transmissions. (See Annex, No. 1.)"

From Annex, No. 1, referred to above, the following paragraphs, Nos. 9, 10 and 11, are quoted which will constitute the agenda for the meeting, to be considered in the order given:

9. "All diathermy machines designed for the same service can operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. Operation on a specific frequency with a very close frequency tolerance is practicable, with little added cost. It is understood that the present design of diathermy equipment has to a great extent gravitated to frequencies above approximately 12 megacycles, hence it is recommended that the subscribing countries consider requiring all diathermy machines to use not more than two frequencies in harmonic relation above 12 megacycles which will not interfere with existing radio assignments. The harmonic relationship between the two frequencies provides a further guarantee against interference to radio communication.
10. "Standards of good engineering practice are believed to be practicable at the present time and consideration of the adoption by the governments of such standards at the earliest practicable date is recommended. The standards should include the following subjects:
  - a) Frequencies to be used.
  - b) Automatic frequency control.
  - c) Frequency stability.
  - d) Type of emission.
  - e) Maximum power output.
  - f) Harmonic radiation to be effectively suppressed.
  - g) Internal circuits to be effectively shielded.
  - h) Radiation from power supply connection to be eliminated.
11. "Where diathermy apparatus does not comply with the standards which may be adopted by the subscribing countries they should consider the desirability of requiring such apparatus to be operated in a properly shielded room."

### WJRD FOOTBALL REMOTE

J. E. Reynolds, Commercial Manager of WJRD, Tuscaloosa, Ala., believes his station made history November 21 when it broadcast by remote from St. Louis the game between Tuscaloosa and University High Schools. He believes this was the longest single remote for a high school football broadcast in history.

### LABOR NOTES

Extra copies of "The Wage and Hour Act," recent publication of the NAB Labor Relations Department, are available at the NAB. One copy was mailed to each member.

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The Labor Department reports that the cost of living in the larger cities dropped 0.2 per cent from September 15 to October 15, 1940.

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The three Birmingham, Ala., stations negotiated new contracts last week with the International Brotherhood of Electrical Workers (A. F. of L.), covering engineers.

## FEDERAL COMMUNICATIONS COMMISSION

### NEW INDUSTRY ADVISORY COMMITTEE APPOINTED BY FCC BOARD

Executives of seven leading communication companies have been invited by the Defense Communications Board to constitute the latter's Industry Advisory Committee in connection with coordinating and preparing plans for the role of communications in the preparedness program. The officials to whom such invitations have been sent are:

Walter S. Gifford, president of the American Telephone and Telegraph Co.  
Jack Kaufman, executive vice-president of Globe Wireless, Ltd.  
Sosthenes Behn, president of the International Telephone and Telegraph Corp.  
E. F. Chinlund, president of Postal Telegraph, Inc.  
Joseph Pierson, president of Press Wireless, Inc.  
David Sarnoff, president of the Radio Corporation of America  
W. E. Beakes, president of the Tropical Radio Telegraph Co.  
R. B. White, president of the Western Union Telegraph Co.

The duties of the Industry Advisory Committee include the submission of expert advice to the Board on all problems of general concern to the communications companies incident to the proper carrying out of the Board's national defense mission. With the requirements of national defense as a primary consideration, the Industry Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Industry Advisory Committee will report directly to the Board but will have liaison for the purpose of advice and consultation with a Coordinating Committee and a Labor Advisory Committee.

In addition to their own particular advisory committees—Domestic Broadcasting and International Broadcasting—the broadcasters may also be represented on the Industry Advisory Committee under the following supplemental provision:

"Whenever a problem involving domestic or international broadcasting shall arise, the Chairman of the Industry Advisory Committee shall notify the Chairman of the Domestic Broadcasting Committee or International Broadcasting Committee, as the case may be, and such Domestic or International Broadcasting Committee shall designate a delegate to act as a member of the Industry Advisory Committee on that problem."

At the same time the Board sped organization of its Labor Advisory Committee by inviting the following organizations to each recommend a member of this committee to represent their respective affiliated communications groups:

American Federation of Labor  
Congress of Industrial Organizations  
National Federation of Telephone Workers

Each of these committee members has the privilege of selecting such advisors as he may deem necessary. The



Labor Advisory Committee will advise the Board on communications labor matters incident to the national defense, in liaison with the Industry Advisory and Coordinating committees.

Also, the Board invited the National Association of Broadcasters to nominate a representative to the International Broadcasting Committee, and Western Radio Telegraph Company, Bartlesville, Oklahoma, to appoint a representative to the Radiocommunications Committee.

The above invitations are in addition to those announced November 25. Besides the committees mentioned, there are other committees representative of Amateur Radio, Aviation Radio, Interdepartment Radio, Telegraph, Telephone, State and Municipal Facilities, and Government Facilities. All appointments to these advisory committees are pursuant to nomination or other recommendation by industries and groups concerned, on invitation from the Board. The initial task of the committees is to organize and select respective chairmen and secretaries.

James Lawrence Fly, chairman of the Board, explains that committee listing is not to be interpreted as exclusive, and that any responsible company or group which may consider itself overlooked can obtain representation upon adequate showing that it is concerned with the Board's planning for emergency coordination of radio, wire, and cable facilities.

### FCC WORK SCHEDULE

FCC has announced that the work, business and functions of the Commission for the month of December have been assigned as follows:

Commissioner Walker: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standards broadcast authorizations.

Commissioner Craven: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further 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; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

### NEW PUBLIC NOTICE NUMBERING

Since the recent revision of the Federal Communications Commission's mailing list, it appears that Public Notices of actions taken by the Commission on broadcast, telephone and telegraph

matters, now numbered consecutively, should be segregated into two separate series.

Therefore, as a convenience to keeping such record, starting December 2 Public Notices of actions taken on broadcast matters will be designated as follows: ACTIONS OF THE COMMISSION, Report No. 1—(Broadcast). The same system will apply to Public Notices of actions on telephone and telegraph matters, i. e., ACTIONS OF THE COMMISSION, Report No. 1—(Telephone and Telegraph).

The last report which will appear under the old system of numbering is No. 1210.

### RULES WAIVED FOR OPERATORS

As a particular convenience to licensees drafted or otherwise called into military service, the Federal Communications Commission today suspended until January 1, 1942, that part of its rules and regulations requiring proof of satisfactory service in connection with renewal of commercial and amateur radio operators (Section 13.28 governing commercial operators, and Sections 12.26 and 12.66 affecting amateurs). This blanket exemption pertains to nearly 100,000 operators of both classes.

General waiver of these provisions was considered at a conference of Commission officials with representatives of interested labor organizations, including the International Brotherhood of Electrical Workers, Commercial Telegraphers Union of North America, American Communications Association, Maritime Committee of the CIO, National Federation of Telephone Workers, Federation of Long Lines Telephone Workers, and the Association of Technical Employees of NBC.

The controlling factor in the formulation of this broad and simple procedure was the mutual desire to relieve those called into service of routine details. The Commission is aware of the importance of maintaining the present high standards of proficiency of licensed operators, and also of guarding against a shortage of such skilled workers. It will, accordingly, continue to give these problems careful attention, and should experience indicate the need for change the Commission will act accordingly.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, December 9. They are subject to change.

#### Monday, December 9

WSAR—Doughty & Welch Electric Co., Inc. (Assignor; Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Voluntary assignment of license, operating on 1450 kc., 1 KW, unlimited-DA.

#### Wednesday, December 11

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., 1080 kc., 50 KW, unlimited time (DA for night use). Present assignment: 1080 kc., 50 KW, unlimited time.

- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., 1080 kc., 50 KW, unlimited time (DA for night use). Present assignment: 770 kc., 10 KW, simultaneous D. S.—WBBM-N. S.A. Synchronized with WBBM-N-Exp.
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, 770 kc., 50 KW, unlimited time. Present assignment: 770 kc., 50 KW, simultaneous D. S.—KFAB-N. S.A. Synchronized with KFAB-N-Exp.
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., 770 kc., 1 KW, daytime. Present assignment: 1060 kc., 1 KW. Limited to WBAL & WTIC.
- WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, 1080 kc., 5 KW, limited to WBT & KFAB. Present assignment: 1080 kc., 5 KW, limited to WBT—Share WCBD.

Thursday, December 12

- WWL—Loyola University, New Orleans, La.—Renewal of license, 850 kc., 50 KW night, 50 KW LS, specified hours.

#### FUTURE HEARINGS

The Commission during the past week has announced the following future broadcast hearings. They are subject to change.

January 13

Joint Hearing

- NEW—Peducuh Broadcasting Co., Inc., Clarksville, Tenn.—C. P., 1370 kc., 250 watts night, 250 watts day, unlimited time.
- NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., 1370 kc., 250 watts night, 250 watts day, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- Williard Carver & Byrne Ross, Lawton, Okla.—Granted construction permit for a new station to operate on 1120 kc., with 250 watts, daytime only (B3-P-2664).
- Blanfox Radio Co., Inc., Harlan, Ky.—Granted construction permit for a new station to operate on 1420 kc., with 250 watts, unlimited time, subject to approval of site at Harlan, Ky. (B2-P-2885).
- WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted construction permit to install directional antenna for night use, in cooperation with other stations on 1260 kc. (B3-P-2944).
- KRLH—Clarence Scharbauer, Midland, Texas.—Granted construction permit in part for increase in power from 100 to 250 watts operating on present frequency; 1420 kc. (B3-P-2981).
- KSRO—Ernest L. Finley, Santa Rosa, Cal.—Granted construction permit to install new transmitter, change frequency from 1310 to 1320 kc., increase power from 250 watts to 1 KW, and install directional antenna for day and night use (B5-P-2916).
- WFEA—New Hampshire Broadcasting Co., Manchester, N. Y.—Granted construction permit to install new transmitter, increase power from 500 watts night, 1 KW day, to 5 KW, using directional antenna day and night (B1-P-2730).
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted construction permit to increase night power from 1 to 5 KW, on 1440 kc., and install directional antenna for night use (B3-MP-833).
- WNAX—WNAX Broadcasting Co., Yankton, So. Dak.—Granted construction permit to increase nighttime power from 1 to 5 KW, and install directional antenna; 570 kc., 5 KW day (B4-P-2579).
- KGEZ—Donald C. Treloar, Kalispell, Mont.—Granted construction permit to change frequency from 1310 to 1430 kc.,

- increase power from 100 watts to 1 KW, install new transmitter and directional antenna to protect Canadian station CJGX, or alternative choice to increase power from 100 to 250 watts on present frequency; 1310 kc. (B5-P-2573).
- KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted petition to reconsider and grant without a hearing the application of KUTA for construction permit to change frequency from 1500 to 570 kc., and increase power from 250 watts to 1 KW, unlimited time, using directional antenna (B5-P-2342).
- WTRY—Troy Broadcasting Co., Troy, N. Y.—Granted construction permit to install directional antenna for day and night operation, and increase time of operation from daytime to unlimited; 950 kc., 1 KW (B1-P-2910).

### DESIGNATED FOR HEARING

- J. Leslie Doss, Bessemer, Ala.—Application for construction permit to erect a new station to operate on 1370 kc., 250 watts, unlimited time (B3-P-2642).
- WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit to increase power from 500 watts to 5 KW on 1440 kc., install new transmitter and directional antenna for day and night use; to be heard with WCBA's application listed below (B2-P-2637).
- WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit to increase power from 500 watts to 5 KW on 1440 kc., install new transmitter and directional antenna for day and night use; to be heard with WSAN's application listed above (B2-P-2636).
- WCNC—Albermarle Broadcasting Co. (Assignee), Aubrey G. McCabe & Trim W. Aydlett, d/b as Albermarle Broadcasting Co. (Assignors), Elizabeth City, N. C.—Application for consent to voluntary assignment of license of WCNC from present partnership of Aubrey C. McCabe and Trim W. Aydlette, d/b as Albermarle B/c Co. to Albermarle B/c Co.; 1370 kc., 250 watts, unlimited time (B3-AL-265).

### MISCELLANEOUS

- W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted license to cover construction permit (B2-PHB-117), which authorized a new high frequency broadcast station; frequency 43200 kc., 1 KW, special emission for frequency modulation with a maximum band width of not over 200 kilocycles. The license is granted upon an experimental basis only, conditionally (B2-LHB-67).
- W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-58, which authorized a new television station) for approval of antenna, and approval of transmitter site at Wardman Park Hotel, Washington, D. C. (B1-MPVB-26).
- WJEK—Hagerstown Broadcasting Co., Portable-Mobile (area of Hagerstown, Md.).—Granted license to cover construction permit (B1-PRY-220) which authorized a new relay broadcast station to be used in connection with standard broadcast station WJEJ; frequencies 1622, 2058, 2150, 2790 kc., 100 watts (B1-LRY-212).
- WBAZ—L. B. Wilson, Inc., Portable-Mobile (area of Cincinnati, Ohio).—Granted license to cover construction permit (B2-PRE-367), which authorized a new relay broadcast station to be used with applicant's standard broadcast station WCKY; frequencies 31220, 35620, 37020, 39260 kc., 2 watts (B2-LRE-334).
- KYW—Westinghouse E and M Co., Philadelphia, Pa.—Granted modification of construction permit (B2-P-2904, which authorized changes in transmitting equipment and increase in power from 10 to 50 KW), for authority to make changes in type of tubes in last radio stage (B2-MP-1099).
- WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted license to cover construction permit (B3-P-2541) authorizing move of transmitter (B3-L-1275).
- WEAF—National Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-P-2339), which authorized installation of directional antenna for day and night use, new transmitting equipment and move of transmitter to new site (B1-L-1272). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-560).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted license to cover construction permit (B2-L-1280, which au-



- thorized new equipment and increase in power from 250 watts to 1 KW, on **780 kc.**) (B2-L-1280).
- WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-588).
- KGCX—E. E. Krebsback, Wolf Point, Mont.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-567).
- KRMC—Roberts MacNab Co., Jamestown, N. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-581).
- WHAZ—Rensselaer Polytechnic Inst., Troy, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-565).
- KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-591).
- KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-566).
- KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-585).
- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-551).
- WLBL—State of Wisconsin Department of Agriculture, Stevens Point, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-548).
- WATL—Atlanta Broadcasting Co., Atlanta, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-587).
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted construction permit to install a new transmitter (B2-P-3013).
- WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted modification of construction permit (B3-P-2483, which authorized a new station to operate on **1370 kc.**, 250 watts, unlimited time), for approval of antenna, authority to install new transmitter, and approval of studio and transmitter site at Volunteer State Life Bldg., Chattanooga (B3-MP-1068).
- WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted modification of construction permit (B2-P-2251, which authorized a new station to operate on **1500 kc.**, 100 watts night, 250 watts LS, unlimited time), for approval of antenna, transmitter and studio sites, and installation of new type transmitter (B2-MP-1092).
- WJOD—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with Radio Station WFAM from 7:30 p. m. CST to the conclusion of basketball games on November 29, December 6, 13, 20, and 27, 1940, in order to broadcast said games only, and from 5:30 p. m. to 8 p. m. CST December 24, 1940, in order to broadcast Christmas program only.
- W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (B2-PVB-47) authorizing a new television station, for approval of transmitter site and antenna, and change in type of aural transmitter; location, 117 S. 17th St., Philadelphia (B2-MPVB-24).
- WGRM—P. K. Weing, Greenwood, Miss.—Granted construction permit to install a new transmitter (B3-P-3009).
- WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted construction permit to install a new type transmitter (B2-P-3018).
- WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-592).
- KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-589).
- WHMA—Harry M. Ayers, Anniston, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-584).
- KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-594).
- KLPM—John B. Cooley, Minot, N. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-580).
- WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted license to cover construction permit (B2-P-2552, which au-
- thorized a new station to operate on **1310 kc.**, 250 watts, S.H.) (B2-L-1284). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-583).
- WAVE—WAVE, Inc., Louisville, Ky.—Granted license to cover construction permit (B2-P-2631, which authorized increase in power from 1 to 5 KW, **940 kc.**, installation of new transmitter and directional antenna for day and night use, and move of transmitter (B2-L-1279). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-567).
- KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted license to cover construction permit (B3-P-2461, authorizing installation of new transmitter, directional antenna, and increase from 250 watts night, 1 KW day, to 1 KW night, 5 KW day)—change type of transmitter from RCA 5-D to RCA 5-DX. (B3-L-1273). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-561).
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to operate simultaneously with KFAB from 6 a. m. CST, to local sunrise (November 7:15 and December 7:45 a. m. CST) for a period not to exceed 30 days, pending action on formal application for such authority (B4-S-543).
- KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted special temporary authority to operate except simultaneously with WBBM from 6 a. m. CST, to local sunrise (November 7:15 and December 7:45 a. m. CST) for a period not to exceed 30 days, pending action on formal application for such authority (B4-S-681).
- KSAM—Sam Houston Broadcasting Asso., Huntsville, Tex.—Granted special temporary authority to remain silent for the period December 1, 1940, to January 1, 1941, pending Commission action on revocation order (B3-S-981).
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International station WLWO with power input to the final stage of 100 KW for the period December 2 to 31, in order to obtain data requested in connection with application (B2-MLIB-40).
- WNYC—City of New York, Municipal B/c System, New York City.—Granted special temporary authority to operate from 5:30 to 6:45 p. m. EST (Sundays excepted), during month of December, in order to broadcast official information to draft boards and registrants and programs sustaining audience therefor (B1-S-241).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 5:45 to 6 p. m. EST, December 1, 8, 15, 22 and 29, in order to broadcast the Rosary Hour only (B1-S-886).
- W9XCR—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to change tubes in final stage of present transmitter to two Eimac Type 2000 T's to permit 5 KW power operation, in order to render more interference-free service for the period ending no later than January 1.
- W2XWG—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate with A-4 emission in addition to special emission for FM as now authorized, to enable engineers to conduct experiments as set forth in letter of November 20th, for the period ending no later than January 1, 1941.
- KAWM—A. W. Mills, Gallup, New Mexico.—Denied request of A. W. Barnes for special temporary authority to remain silent for the period November 28 to December 27, in order to make repairs due to fire, without prejudice to filing by the licensee of a request for this authorization (B5-S-922).
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m., December 3, 4, 5, 10, 11, 12, 17, 18, 19; from 2 to 3:15 p. m. December 2, 16; from 2 to 3:30 p. m., December 9; from 4 to 5 p. m. CST, December 8, in order to permit WNAD to broadcast educational programs; to operate from 7:15 to 9:15 p. m., December 24, 26, 31, and from 8:15 to 9:15 p. m. CST, December 25, in order to permit WNAD to observe Christmas vacation (provided WNAD remains silent) (B4-S-710).
- WNAD—University of Oklahoma, Norman, Okla.—To operate from 2 to 3 p. m. December 3, 4, 5, 10, 11, 12, 17, 18, 19; from 2 to 3:15 p. m., December 2, 16; from 2 to 3:30 p. m., December 9; from 4 to 5 p. m., CST, December 8, in order

to broadcast educational programs (provided KGGF remains silent); to remain silent from 7:15 to 9:15 p. m., December 24, 26, 31, and from 8:15 to 9:15 p. m. CST, December 25, in order to observe Christmas vacation (B3-S-464).

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted modification of construction permit (B5-P-1339, which authorized a new station) for move of transmitter, locally, and extension of commencement and completion dates to 60 days and 180 days after grant respectively; and changes in antenna system (B5-MP-1103).

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to transmit Sunday concerts of N. Y. Philharmonic Orchestra to Mexican Station XEQ and other stations located in the Republic of Mexico, in addition to the authority contained in license, for the period December 1 to 30, pending the filing and action on formal application for such authority.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 7:30 to 11 p. m. CST, November 29, in order to broadcast football games only (B3-S-721).

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 5:15 to 6:15 p. m. CST, December 1, in order to broadcast Elks Memorial Services only (B4-S-924).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Modification of construction permit (B4-P-1990) for increase in power and make changes in directional antenna, and install a new transmitter.

### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2992) to make changes in directional antenna system.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Modification of construction permit (B3-P-2476) for new transmitter, increase in power, installation of directional antenna for day and night use, and move of transmitter, to change type of requested transmitting equipment and extend commencement and completion dates from 7-7-40 and 1-7-41 to 30 days after grant and 180 days thereafter, respectively.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from 610 ke. to 640 ke., increase power from 500 watts to 1 KW, change hours of operation from daytime to limited time to local sunset, California; move transmitter from Pleasant Valley Rd., Village of Seven Hills, Ohio, to Clinton Rd., Cleveland, Ohio. Class II, requesting facilities of WHKC. Amended to make changes in directional antenna for day and night use.

### 630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW, and make changes in directional antenna. Amended: changes in directional antenna for day and night use.

### 950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Kans.—Construction permit to change frequency from 950 ke. to 690 ke., power from 5 KW to 50 KW; install new transmitter, new directional antenna for night use; and move transmitter from 50th St. and Belinder Rd., Kansas City, Kans., to near Wolcott, Kans.; requests facilities of KGGF, WNAD and KFEQ as proposed by North American Regional Broadcasting Agreement; and move studio from Pickwick Hotel, 10th and McGee Sts., Kansas City, Mo., to site to be determined, Kansas City, Kans. Amended to make changes in directional antenna for night use.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified

for increase in power and installation of directional antenna for night use, requesting extension of completion date from 12-5-40 to 1-5-41.

### 980 Kilocycles

KDKA-WAHA-WEMC-WEMO-WEMS—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Voluntary assignment of license from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

### 990 Kilocycles

WBZA-WEMA—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Voluntary assignment of license from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

WBZ-WEMB-WEMQ-WHER—Voluntary assignment of license and construction permit from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

### 1020 Kilocycles

KYW-WEMN—Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Voluntary assignment of license and construction permit (B2-P-2904) from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

### 1060 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Modification of construction permit (B1-P-2200) for new transmitter, directional antenna for night use, change in hours of operation, increase power and move transmitter, requesting change in type of requested transmitting equipment and make changes in directional antenna for night use, and extend commencement and completion dates from 11-10-40 and 5-10-41 to 30 days after grant and 180 days thereafter.

### 1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new station to be operated on 1040 ke., 1080 ke. when North American Regional Broadcasting Agreement becomes effective, 1 KW night, 5 KW day, unlimited time, directional antenna day and night. Amended: To make changes in directional antenna.

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to make changes in automatic frequency control.

### 1200 Kilocycles

WITH—The Maryland Broadcasting Co., Baltimore, Md.—Modification of construction permit (B1-P-2792) to change type of requested transmitting equipment, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Authority to install new automatic frequency control equipment.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—License to cover construction permit (B3-P-2688) for changes in equipment and increase in power.

NEW—Colonial Broadcasting Corp., Norfolk, Va.—Construction permit for a new station to be operated on 1200 ke., 250 watts, unlimited time, Class IV.

### 1220 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—License to cover construction permit (B5-P-2668) for changes in equipment and increase in power, using directional antenna day and night.

### 1230 Kilocycles

KGGM—New Mexico Broadcasting Co., Inc., Albuquerque, New Mex.—Construction permit to install new transmitter, move transmitter, change frequency from 1230 ke. to 590 ke., increase power from 1 KW to 5 KW, and install directional antenna for night use. Amended: Re directional antenna system.

WOL—American Broadcasting Co., Washington, D. C.—Construction permit to move formerly licensed W. E. 301-B transmitter from 1111 H St., N. W., Washington, D. C., to Ager



Road, near Chillum, Md., for use as an auxiliary transmitter, using 100 watts power.

#### 1240 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B-P-2385) for installation of new transmitter and antenna, change frequency, increase power, and move transmitter, requesting approval of transmitter site at San Juan District, San Juan, P. R. (present licensed site), antenna changes and change in type of transmitter.

#### 1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Modification of construction permit (B2-P-2628) for changes in antenna, changes in transmitting equipment, increase power, and move of transmitter, requesting change in type of transmitter, and move of transmitter from Rural, southeast of city, near Dayton, Ohio, to Hempstead Rd., about  $\frac{1}{8}$  mile from McConnell Rd., near Dayton, Ohio, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 10 days after grant and 90 days thereafter, respectively.

#### 1290 Kilocycles

KLCN—Fred C. Grimwood, Blytheville, Ark.—Construction permit to install a new transmitter and vertical antenna, increase power from 100 watts to 1 KW, and move transmitter from Railroad and Walnut Sts., Blytheville, Ark., to site to be determined, Arkansas. Amended to give transmitter site as Highway No. 61, Blytheville, Ark.

#### 1360 Kilocycles

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to change hours of operation from daytime to unlimited time, using 500 watts night, 1 KW day; requests facilities of WTJS.

#### 1370 Kilocycles

WKPT—C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Voluntary assignment of license from C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co. to Kingsport Broadcasting Co., Inc.

#### 1380 Kilocycles

NEW—Nashville Radio Corp., Nashville, Tenn.—Construction permit for a new station to be operated on 1380 kc., 1 KW, unlimited time, directional antenna day and night, Class III-B.

WING—WSMK, Inc., Dayton, Ohio.—Modification of license to change name of licensee from WSMK, Inc., to Great Trails Broadcasting Corporation.

#### 1420 Kilocycles

NEW—Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended to change type of transmitter.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Authority to transfer control of corporation from W. B. Greenwald to O. L. Taylor 50% capital stock, William Wyse 49.9% capital stock, and Wesley E. Brown .1% capital stock.

NEW—Harbenito Broadcasting Co., Harlingen, Tex.—Construction permit for a new station to be operated on 1420 kc., 250 watts, unlimited time. Amended re corporate structure.

KWBG—Harbenito Broadcasting Co., Harlingen, Tex.—Modification of construction permit (B4-P-2521) as modified for changes in equipment, increase in power, changes in antenna and move of transmitter, requesting extension of completion date from 12-20-40 to 6-21-41.

WELL—Federated Publications, Inc., Battle Creek, Mich.—License to cover construction permit (B2-P-2669) for new transmitter, changes in antenna, and increase in power.

#### 1430 Kilocycles

WHP—WHP, Inc., Harrisburg, Pa.—Authority to install automatic frequency control apparatus.

#### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

#### 1500 Kilocycles

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—Construction permit to change frequency from 1500 kc. to 800 kc., under North American Regional Broadcasting Agreement, change hours of operation from unlimited time to daytime, change power from 250 watts to 1 KW, make changes in vertical antenna and install a new transmitter.

#### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Construction permit to increase power from 1 KW to 5 KW, using directional antenna day and night, install new transmitter, and make changes in directional antenna.

### FM APPLICATIONS

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc., coverage 14150 square miles, population 14,954,832. Amended: to change type of transmitter.

NEW—Mercer Broadcasting Co., Ewing Township, N. J.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc., coverage 3700 square miles, population 910,000.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc., coverage 9585 square miles, population 4,474,940.

NEW—New Jersey Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 47900 kc., coverage 8900 square miles, population 10,400,000.

NEW—Cherry & Webb Broadcasting Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on 47500 kc., coverage 6207 square miles, population 4,230,838.

NEW—Westinghouse Radio Stations, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on 46,500 kc., coverage 6652 square miles, population 3,389,751.

NEW—Westinghouse Radio Stations, Inc., Springfield, Mass.—Construction permit for a new high frequency broadcast station to be operated on 48,100 kc., coverage 2022 square miles, population 499,098.

NEW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 45,500 kc., coverage 11492 square miles, population 4,787,535.

NEW—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on 47500 kc., coverage 14700 square miles, population 3,881,463.

NEW—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc., coverage 6150 square miles, population, 420,168.

### MISCELLANEOUS

WPIT—Westinghouse Electric & Manufacturing Co., Saxonburg, Pa.—Assignment of license and construction permit to Westinghouse Radio Stations, Inc.

W1XSN—Westinghouse Electric & Manufacturing Co., East Springfield, Mass.—Consent to assignment of license to Westinghouse Radio Stations, Inc.

W1XK—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Consent to assignment of license to Westinghouse Radio Stations, Inc.

NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new developmental broadcast station to be operated on 46500 kc., 1500 watts, special emission for frequency modulation.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

**Gulf Refining Company**, Pittsburgh, Pa., supplying gasoline to approximately 225 retailers in the Detroit area, according to complaint, has sold gasoline to The Firestone Tire & Rubber Company and The B. F. Goodrich Company, each of which owns or operates one or more retail gasoline stations at prices ranging from 1 to 2 cents a gallon lower than the prices charged by it to other Detroit retailers for gasoline of the same grade and quality.

Under normal merchandising conditions, the complaint alleges, the respondent's price to the Firestone and Goodrich companies for its "Good Gulf" gasoline, its largest selling brand, has been 1½ cents or more per gallon below its price therefor to other retailers.

The complaint alleges that the effect of the respondent's price discrimination has been and may be to injure, destroy and prevent competition with the Firestone and Goodrich companies and with customers of the Goodrich company, in the resale of gasoline. (4390)

**Inter-State Cigarette Merchandisers Association**, Newark, N. J., and five member associations composed of persons or companies operating automatic cigarette vending machines in various States and their officers, directors and members, have been served with a complaint alleging that they have engaged in agreements, combinations and conspiracies in restraint of competition.

The five member associations are: The Cigarette Merchandisers Association, Inc., New York; Cigarette Merchandisers Association of New Jersey, Inc., Newark, whose members operate in New Jersey, New York and Pennsylvania; The Automatic Cigarette Vendors Association of Eastern Pennsylvania, Philadelphia; The Cigarette Machine Operators of Connecticut, Inc., Waterbury, Conn.; and Cigarette Merchandisers Association of New England, Boston.

Respondent officers and directors of the Inter-State Cigarette Merchandisers Association are: John Sharenow, Newark, N. J., president; William King, Philadelphia, vice president; Edward Beresth, Waterbury, Conn., treasurer; Robert K. Hawthorne, New York, secretary; James V. Cherry, Newark, N. J., recorder; and Anthony J. Masone, Waterbury, Conn., Alfred Sharenow, Boston, and Edward J. Dingley, Philadelphia, directors. Each respondent officer and director is a representative of one of the member associations.

Respondent officers and directors of The Cigarette Merchandisers Association, Inc., are: Robert K. Hawthorne, Alexander Frazer, Albert S. Denver, Samuel Yolen, Tom Cola, Matthew Forbes, Michael Lascari, Jackson Bloom, Louis D. Schwartz, Martin M. Berger, Bernard Rosen and Harold Roth.

Respondent officers and directors of Cigarette Merchandisers Association of New Jersey, Inc., are: Charles W. Stange, Max Jacobowitz, Henry D. Hartmann, John Grout, James V. Cherry, Michael Lascari, John Charenow, Samuel M. Malkin, Harry Zink and Herman Arlein.

Respondent officers and directors of The Automatic Cigarette Vendors Association of Eastern Pennsylvania are: Walter I. Davidson, Patrick J. Bonoma, LeRoy A. Schackleton, William L. King, W. Harry Steele, Jr., Harry D'Alessandro, Ralph J. Burnard and Joseph Silberman.

Respondent officers and directors of The Cigarette Machine Operators of Connecticut, Inc., are: Anthony R. Nastri, Robert Zimmerman, Anthony J. Masone, M. E. Norris, John J. Fitzgerald, Samuel Aliener, Nathan Dubowry, Lena Bonnelli and Charles Sparrow.

Respondent officers and directors of Cigarette Merchandisers Association of New England are: Samuel M. Goldstein, Louis Berman, William B. Burns, Walter R. Guild, Albert M. Coulter, Frank Fendel, Oscar Gerson, Julian Karger, Cleo C. Kingsley, Charles E. Knight, Alfred I. Sharenow, Jacob Shelman, Harry Spierer and William Spiller.

The complaint names as respondents the various member companies which the officers and directors represent and points out the respondents named as officers, directors and members of the respondent organizations do not constitute the entire list but are typical and representative thereof.

According to the complaint, the members of the respondent organizations purchase automatic cigarette vending machines from manufacturers, producers and distributors in various States and, by agreement with proprietors, install them in retail establishments selling cigarettes, such as restaurants, taverns, grills, bar-rooms, and gasoline stations, the respondent operators constituting a large and important part of the operators of automatic cigarette vending machines in the United States.

Pursuant to understandings, agreements, combinations and conspiracies, the complaint alleges, the respondents have established the respondent operators of automatic cigarette vending machines as a preferred class for the purpose of confining and requiring the sale and distribution of automatic cigarette vending machines by manufacturers, producers and sellers thereof to such respondent operators exclusively. According to the complaint, the respondents have, pursuant to their combinations and agreements, interfered in their competitors' efforts to purchase and obtain such machines; and have prevented competitors from purchasing or obtaining machines.

The complaint further alleges that, pursuant to their agreements and understandings, the respondents have required, induced or compelled, by promises, threats, coercion, intimidation and otherwise, manufacturers, producers and sellers of automatic cigarette vending machines: (1) not to sell or ship such machines to competitors or directly to consumers of such machines; (2) to boycott competitors; and (3) to confine to the respondent operators the manufacturers', producers' and sellers' sales and shipments of machines intended for use, consumption or resale in the various States where the respondent operators are in business.

The complaint further alleges that, pursuant to their agreements and understandings, the respondents have engaged in the following practices: (1) boycotting and threatening to boycott manufacturers, producers and sellers who sell or ship machines either to competitors of the respondent operators or directly to consumers of the machines; (2) requiring all members of the respondent organizations and associations to carry out, and to agree and pledge themselves to support and carry out, the respondents' program; and (3) using other methods and means designed to suppress and prevent competition and restrict the sale of automatic cigarette vending machines. (4388)

**Ru-Ex Company**, St. Paul, Minn., engaged in the sale and distribution of a medicinal preparation designated "Ru-Ex," is charged, in a complaint with misrepresentation.

The complaint charges that the respondent has disseminated false advertisements concerning its product by advertisements in newspapers and otherwise. Through these representations, the complaint alleges, the respondent has represented that the preparation is entirely safe and harmless, and may be used without danger of ill effects upon the health of users. In truth, the complaint continues, these representations are false and misleading, as the preparation contains the drug potassium iodide in a quantity sufficient to cause, in some instances, injury, to health if the preparation is used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The advertisements disseminated by the respondent, the complaint charges, contain neither a statement to the effect that the preparation should not be used by persons having tuberculosis or goiter, nor a cautionary statement to the effect that the preparation should be used only as directed on the label thereof. Consequently, the complaint continues, such advertisements constitute false advertisements in that they fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in injury to the health of users. (4387)

**Shell Oil Company, Incorporated**, St. Louis, Mo., according to complaint, has sold gasoline to Henry Starkey Hickey, trading as



"Grand River Oil & Gas Company Detroit, at prices substantially lower than those charged by the respondent to its other Detroit retailer purchasers for gasoline of the same grade and quality. The complaint alleges that Hickey, trading under the name "Stark Hickey, Inc.," and Stark Hickey, Inc., a corporation controlled by Hickey, own and operate retail gasoline stations in Detroit. According to the complaint, the prices at which the respondent oil company has sold its gasoline to Hickey have ranged from 1 to 1¾ cents a gallon lower than the prices charged by it to other Detroit retailers for the same type of gasoline.

Under normal merchandising conditions, the complaint alleges, the respondent's price to Hickey for its "Super Shell" gasoline, its largest selling brand, has been 1½ cents below its price charged therefor to other retailers.

The complaint alleges that the respondent's price discrimination has had and may have the effect of injuring, destroying and preventing competition with Henry Starkey Hickey and Stark Hickey, Inc., in the resale of gasoline. (4392)

**Standard Oil Company**, Chicago, Ill., supplying gasoline to approximately 450 retailers in the Detroit area, according to complaint, has sold gasoline to four dealers, Citrin-Kolb Oil Company, Stikeman Oil Company, Inc., Wayne Oil Company, and Ned's Auto Supply Company, each of which owns or operates one or more retail gasoline stations, at prices ranging from ½ cent to 1¾ cents a gallon lower than the prices charged by it to other Detroit retailers for gasoline of the same grade and quality.

Under normal merchandising conditions, the complaint alleges, the respondent's price to the four dealers for its "Red Crown" gasoline, its largest selling brand, has been 1½ cents below its price therefor to other dealers.

The complaint alleges that the effect of the respondent's discrimination in price has been and may be to injure, destroy and prevent competition with each of the four dealers in the resale of gasoline. (4389)

**Texas Company**, New York, N. Y., supplying gasoline to more than 80 retailers in the Detroit area, according to complaint, has sold gasoline to The Firestone Tire & Rubber Company, The B. F. Goodrich Company, and certain other customers, each of which owns or operates one or more retail gasoline stations, at prices ranging from ½ cent to 2 cents a gallon lower than the prices charged by it to other Detroit retailers for gasoline of the same grade and quality.

Under normal merchandising conditions, the complaint alleges, the respondent's price to the Firestone and Goodrich companies for its "Fire Chief" gasoline, its largest selling brand, has been 1½ cents or more per gallon below its price therefor to most of its other retailer customers.

The complaint alleges that the effect of the respondent's price discrimination has been and may be to injure, destroy and prevent competition with the Firestone and Goodrich companies and other customers receiving the benefit of such discrimination, and with customers of The B. F. Goodrich Company, in the resale of gasoline. (4391)

### STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Frank & Seder of Philadelphia, Inc.**, 11th and Market Sts., Philadelphia, in connection with its advertising of girdles, agrees to cease and desist from use of the word "reducing" or of other words of similar meaning so as to convey the belief that the wearing of such devices will cause a reduction of local or bodily tissue or effectively remove fat, and thus overcome or lessen a condition of fatness or weight. (2999)

**Charles B. McFerrin**, 13 Carolina Court, Orlando, Fla., engaged in selling a health course designated "The Pilot Health Course", and publishing and selling a magazine designated "The Spot Light Magazine", has entered into a stipulation in which it agrees to cease and desist from representing, directly or by implication, that "The Spot Light Magazine" contains information of any value whatsoever for gall bladder trouble, liver trouble,

rheumatism, anemia, and other ailments, or that it contains information of any value whatsoever for any disease or affliction, and that "The Pilot Health Course" is of any value whatsoever for sinus trouble, bronchitis, asthma, and some 25 other ailments; that such course is of any value whatsoever for any disease or affliction, or that the course enables one to have health, prosperity or happiness. (02672)

**Nulife Garments Corporation**, 912-920 Broadway, New York, engaged in the sale and distribution of a so-called "health" belt and a shoulder brace under the trade name "Munter's Nulife," has agreed to cease and desist from use in its advertisements and advertising matter, or in advertising matter supplied by it to others, of any words or statements the effect of which tends to convey the belief that the wearing of the respondent's devices will correct congenital or acquired postural deformities of the wearer; improve physical activity, increase vitality or store up physical energy throughout the entire body; make every wearer stand and grow erect or supply all the physical improvements for the body until it is corrected; straighten round shoulders instantly and permanently; compel deep breathing or stimulate respiration or correct the breathing capabilities of all persons; give instant benefits to all wearers, regardless of weight, size, age or condition; air condition the wearer's body or stabilize or regulate the control of body temperature regardless of conditions or the weather, or make children stand, sit and grow up healthy and naturally strong or so improve the wearer's posture in all cases as to make him "look and feel like a West Pointer." (2998)

### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Becker Cloak Company, Inc.**, 247 West 37th St., New York City, engaged in the manufacture, sale and distribution of women's textile fabric coats and other garments, has been ordered to cease and desist from misrepresentation of the garments.

Commission findings are that the respondent, in connection with the sale of its products to dealers and the public, designated textile fabric women's coats and other garments by the name "Duro-Persian;" that some of the tags and labels attached to the garments bore pictorial designs of sheep or lambs and the words "Duro-Persian," and that the respondent also advertised its textile fabric garments by means of trade journals having interstate circulation and other media in which the garments are designated as "Duro-Persian." The advertising literature, according to findings, also described such garments by use of the words "Imported Persian" and other similar phraseology, and included pictorial designs of sheep or lambs.

The respondent further employed, in connection with the advertising and sale of the garments, the findings continue, large pictorial representations which further served to emphasize the resemblance of the textile fabric garments to Persian lamb fur. The garments, made from textile fabric, were so constructed as to have the appearance of silky, tightly curled and highly priced fur of the young of the Karakul breed of sheep.

The respondent is ordered to cease and desist from using the word "Persian" or any term containing the word "Persian" to designate, describe or in any way refer to textile fabric garments which simulate Persian lamb peltries in appearance; representing or implying in any manner that textile fabric garments are made from the peltries of Persian lambs, the young of the Karakul breed of sheep; or representing that such garments are made from wool taken from such lambs, when they are not made from such wool; representing in any manner that the garments are imported from Persia, or any other foreign country, or are made from imported materials, when they are not, in fact, so imported or made from imported materials, and from using any pictorial design of a sheep or lamb, or of any other wool-bearing animal, in connection with any description of, or reference to, textile fabric garments which are not made from the wool of the animal so depicted. (4295)

**Kuhn Remedy Company**, 1855 North Milwaukee Ave., Chicago, selling and distributing a medicinal preparation formerly described



as "Kuhn's Rheumatic Fever Remedy," now known as "Kuhn's Remedy," has been ordered to cease and desist from making misrepresentations of the product.

The Commission finds that by advertisements in newspapers and periodicals, by radio continuities, and otherwise, the respondent has directly or by implication represented that its preparation is a cure or remedy for rheumatism, rheumatic fever and similar ailments, and that the preparation possesses substantial therapeutic value in the treatment of such ailments and conditions, and that it is entirely safe and harmless.

The Commission finds that these representations are exaggerated and misleading and that the preparation is not a cure or remedy for rheumatism, the other ailments advertised, or for muscular or joint aches or pains, generally; that it does not possess any therapeutic value in the treatment thereof in excess of affording, in some cases, temporary symptomatic relief from aches and pains, and that the preparation contains the drug potassium iodide in quantities sufficient to cause, in some instances, injury to health if taken under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is ordered to cease and desist from disseminating or causing to be disseminated any advertisements representing, directly or through inference, that the preparation is a cure or remedy for rheumatism, rheumatic fever, gout, neuralgia, lumbago, muscular or joint aches or pains generally; that it possesses therapeutic value in treating rheumatism, rheumatic fever, gout, neuralgia or lumbago, in excess of affording temporary symptomatic relief from the aches and pains associated with such disorders; that the preparation is in all cases safe or harmless; or which advertisements fail to reveal that the preparation should not be used by those having tuberculosis or goiter (provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or goiter), and from using the word "Remedy," or any other word of similar import or meaning, as part of the respondent's corporate or trade name, or to designate, describe or in any way refer to such preparation as a remedy in connection with offering it for sale or selling or distributing it in commerce. (4264)

**Merrick National Company**—An order has been issued directing Montague L. and Edna H. Merrick, trading as Merrick National Company and as Chocolate Confections Company, 617 Washington Ave., North, Minneapolis, to cease and desist from the use of lottery plans in connection with the sale of candy or other merchandise to consumers.

The respondents are ordered to cease and desist from selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme; and from supplying to or placing in the hands of others, assortments of any merchandise, together with push or pull cards, punch boards or other devices, or separately, which devices are to be used, or may be used, in selling or distributing such merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

The order further directs that the respondent cease supplying to, or placing in the hands of others, (1) packages or assortments containing pieces of candy of uniform size and shape having centers of different colors, together with larger pieces of candy, or other merchandise, or separately; and (2) assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with other articles, or separately; which larger pieces of candy or other articles of merchandise, respectively, are to be or may be given as prizes to purchasers procuring, respectively, pieces of candy having centers of a particular color, or pieces of candy of a particular color. (4097)

**Penick & Ford, Ltd., Inc.**, New York, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed. This product is used in the manufacture of candy.

Commission findings are that the respondent sold such syrup at higher delivered prices per 100 pounds to purchasers located in certain cities other than Chicago than it had sold such syrup

to Chicago purchasers. The prices at which the syrup was sold to purchasers in cities other than Chicago were not uniformly higher than the prices at which it was concurrently sold by the respondent to Chicago purchasers, according to findings, but such higher prices varied with the geographical location of the purchasers; for example, they varied from \$2.24 in Chicago to \$3.12 in San Antonio, Tex., as of June 23, 1939, while at the same time Denver purchasers paid \$2.90, St. Louis customers paid \$2.42, and Springfield, Mo., purchasers \$2.64.

According to findings, the respondent, by selling its syrup at the different prices as found (the differences between which prices have not been justified by the respondent and which differences make more than due allowance for differences in the cost of delivery), has discriminated in price between such purchasers who have paid the various different prices for its syrup.

Such syrup, according to findings, is one of the major raw materials used in the production of many kinds of candy, accounting for as much as 90 per cent or more of the weight of some varieties and for a substantial part of the total manufacturing cost. The respondent's discriminations in price, according to findings, increase the costs of the disfavored purchasers over the costs of the favored purchasers directly as the amount of the discrimination between them and as the syrup content of the candy increases. By reason of such higher costs, the findings continue, the profits of the disfavored purchasers would be substantially lower than would be the case if it were not for the discriminations.

The Commission order directs that the respondent cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality, either directly or indirectly in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such products to some purchasers at a different price than to other purchasers where the effect may be to violate the Robinson-Patman Act. (3802)

**Wholesale Liquor Distributors Assn. of N. California**—An order has been issued directing that 16 companies engaged in distilling, importing or wholesaling liquors; the Wholesale Liquor Distributors' Association of Northern California, Inc., and the Liquor Trades' Stabilization Bureau, Inc., both of San Francisco, and their officers and directors, cease and desist from making agreements and understandings which result in restraint of competition through maintenance of a price-fixing policy, and discrimination against certain classes of dealers, in the "northern California territory" comprising northern California and western Nevada.

The respondent distillers, importers and wholesalers are: Gooderham & Worts, Limited, Detroit; Brown-Forman Distillers Corporation, Louisville, Ky.; The Fleischmann Distilling Corporation, and National Distillers' Products Corporation, both of New York; Schenley Distilleries, Inc., San Francisco; Frankfort Distilleries, Incorporated, Louisville, Ky.; Hiram Walker, Incorporated, Detroit; Seagram-Distillers Corporation, Somerset Importers, Ltd., and Browne Vintners Co. Inc., all of New York; Rathjen Bros., Inc., San Francisco; McKesson & Robbins, Inc., New York; Parrott & Co., Haas Brothers, Tonkin Distributing Co., and Coffin-Redington Co., all of San Francisco.

Respondent officers and directors of the Wholesale Liquor Distributors' Association of Northern California, Inc., are: Joseph M. Tonkin, San Francisco, president; J. F. Ferrari, Bakersfield, Calif., vice president; Max Sobel, San Francisco, secretary-treasurer; Sante Quattrin, San Francisco, executive secretary, and A. M. Berberian, Fresno, Calif., Charles Bigley, San Jose, Calif., H. L. Hanson and J. J. Bottaro, both of Sacramento, Thomas Lenahan, R. F. Jose and C. L. Saucr, all of San Francisco, Floyd Trombetta, Santa Rosa, Calif., Andrew Rosaia, Eureka, Calif., and John Pingree, Oakland, Calif., directors.

Commission findings are that the respondents entered into agreements and understandings to fix specified standard and uniform prices, discounts and markups at which liquor should be sold at both wholesale and retail in their territory, and that the respondents (excepting Somerset Importers, Ltd., and Seagram-Distillers Corporation), acting collectively and through the respondent association and bureau, combined and conspired with one another to hinder and prevent "irregular" distributors (co-operative buying organizations, small jobbers and wholesale liquor dealers) from obtaining alcoholic beverages from any source.



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# SEPTEMBER 1940 BROADCAST ADVERTISING UNIT REPORT

On the following pages, there is presented an analysis of September business reported by 206 broadcasting stations and the national networks. The analysis presented here is complete for national networks including the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the Red and Blue networks of the National Broadcasting Company. Regional Network, National Non-network (Spot) and Local business figures are not complete for the entire industry; the figures represent these classes of business of only the 206 stations reporting.

On the last page of this analysis, there appears a complete roster of the 206 stations reporting September business. Also included in the list are 10 additional stations whose reports were received too late for inclusion in this tabulation.

## WHAT DOES IT SHOW?

All stations having national network affiliation carried 1,938,928 program units of commercial business in the month of September. The 206 stations carried 1,119,920 program units exclusive of their national network volume. In addition, the 206 stations carried 267,638 announcement units.

Each program unit equals one minute of program time. Each announcement unit equals one minute unless the announcement is a minute and one-half or longer. In this case the announcement is counted to the nearest full minute. The business carried by that portion of the industry covered in this analysis is 3,326,486 units.

In this analysis of broadcast advertising two main classifications of advertising are used—"Retail" advertising and "General" advertising. In "Retail", all of the advertising placed by businesses which sell direct to consumers are analyzed according to types of business.

In the "Retail" analysis, retail businesses are classified according to their principal retail line. No attempt is made to classify according to specific product advertised. As for example, the item of "Radio Store" advertising is not complete for all radio set retail advertising because additional advertising of radio sets is included in "Department Store", "Drug Store", "Electric and Gas Appliances", "Furniture and Home Furnishings", "Automotive"—"Garage and Service Stations", etc. classifications.

The "General" classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale rather than direct to the consumer as do retailers. Also included in "General" are such service businesses as "Financial", "Insurance", "Medical", "Professional and Service" and "Transportation". They cannot properly be considered retail.

In the "General" analysis, individual products or services are classified. The entire radio advertising of a given manufacturer is analyzed according to the units devoted to each individual item. For example, a manufacturer may place soap advertising and toothpaste advertising. The soap advertised would be segregated by that which is "Laundry Soap" and classified under "Groceries" and that which is "Toilet Soap" would be classified under "Toilet Requisites". The toothpaste advertising would classify under "Toilet Requisites" as "Dentifrices".

In the table at the bottom of the page, there is presented a tabulation of the business reported by national networks and 206 stations for the month of September. The business of the 206 reporting stations, other than the national network business

carried, is classified according to the "Source of Business". The sources are "Regional Network", "National Non-network" and "Local" accounts. Under "Local" are included the advertising of businesses located within the trade area of each station and whose activity is confined to the trade area. Under "National Non-network" (National Spot) is included the advertising of those businesses which have distribution of products or services beyond the trade area of individual stations.

## HOW TO USE IT

Call in your Sales Manager. Go over with him the analysis presented herewith and your own list of accounts.

Your first quest is to determine what "Retail" and "General" classifications of business you are missing. If such businesses are placing radio advertising elsewhere, they should be on your station as well. In order to facilitate this operation of seeking out your missing business consult Table III. You can then determine whether such business is actually placed on stations like yours—same power, same Commission classification, etc. By use of Table IV, you can pin down the kind of advertising placed in cities of your own size.

Working from these two tables, the next question is where do you get this business? Table II gives that clue. It is either from "Regional Networks", "National Non-network" (National Spot) or "Local". With this information your investigation will have gotten you well along the road for gearing your approach for securing that missing business.

The next step, having located missing business, is to prepare your presentation. The information contained in Tables II, III and IV will be most valuable in preparing it. They embody the experience of other stations in selling time to such businesses as those you will contact. This approach effectively gets around the ready question of prospects "How much broadcast advertising is placed by businesses like mine?"

In your search for missing business you will undoubtedly encounter some classifications in which you have a few accounts but not your proportionate share as gauged by the tables. The sales procedure is the same, in such cases, by the experience of your own accounts.

Don't overlook the competitive advertiser angle. In such cases as department store business, your sales presentations should include comment on the advertising placed by retailers of boots and shoes, clothing, furniture and home furnishing, jewelry, etc. To show the use of radio advertising the competitors of the individual departments of department stores will be persuasive.

## FUTURE REPORTS

When a sufficient number of stations are reporting monthly tabulations will be projected to show industry totals. After the reports have been operated long enough to establish experience, comparisons with other media will be published.

The reference file by advertiser is being established and will be available for service to cooperating stations after the first of the year.

For the month of September 206 stations reported in time for their data to be included in these tabulations. Reports from substantially more stations will be necessary to make the unit measurement of broadcast advertising of maximum value. The importance of this material to the industry is so great that every station can benefit by cooperating and submitting monthly reports. By all means see to it that your station is included.

TABLE I  
BROADCAST ADVERTISING—206 STATIONS AND ALL NATIONAL NETWORKS

Source of Business	Retail		General		Total		Total
	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	
National Network.....	2,730	.....	1,936,198	.....	1,938,928	.....	1,938,928
Regional Network.....	7,245	987	87,682	4,738	94,927	5,725	100,652
National Non-network.....	24,734	5,818	275,933	47,654	300,667	53,472	354,139
Local.....	456,620	160,977	267,706	47,464	724,326	208,441	932,767
TOTAL other than National Network..	488,599	167,782	631,321	99,856	1,119,920	267,638	1,387,558
TOTAL.....	491,329	167,782	2,567,519	99,856	3,058,848	267,638	3,326,486

**TABLE II**  
**BROADCAST ADVERTISING—206 STATIONS AND ALL NATIONAL NETWORKS**  
**BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS**  
**RETAIL ADVERTISING UNITS**  
**September 1940**

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements.....	---	---	400	39	125	78	22,060	10,560	22,585	10,677	22,585	10,677
Theaters.....	---	---	---	23	---	29	9,220	4,964	9,220	5,016	9,220	5,016
Miscellaneous.....	---	---	400	16	125	49	12,810	5,596	13,365	5,661	13,365	5,661
Automotive.....	---	---	1,160	181	2,970	865	59,571	24,154	63,701	25,200	63,701	25,200
Garages and Service Stations.....	---	---	---	---	195	22	3,730	3,282	3,925	3,304	3,925	3,304
Parts and Accessories.....	---	---	725	36	---	25	9,240	3,734	9,965	3,795	9,965	3,795
Passenger Cars.....	---	---	60	145	2,475	793	38,057	14,083	40,592	15,021	40,592	15,021
Tires and Tubes.....	---	---	---	---	---	---	5,419	2,214	5,419	2,214	5,419	2,214
Trucks.....	---	---	---	---	---	---	500	42	500	42	500	42
Tractors.....	---	---	375	---	300	---	1,485	303	1,755	303	1,755	303
Miscellaneous.....	---	---	---	---	---	25	1,170	496	1,545	521	1,545	521
Bakeries.....	---	---	120	---	315	---	10,237	4,024	10,672	4,024	10,672	4,024
Book Stores.....	---	---	---	---	5	---	365	101	370	101	370	101
Boots and Shoes.....	---	---	200	6	1,110	42	6,291	4,274	7,631	4,322	8,381	4,322
Men's.....	---	---	---	---	---	---	45	54	45	54	45	54
Men's and Women's.....	---	---	---	---	---	---	180	127	180	127	180	127
Women's.....	---	---	---	---	---	---	130	133	130	133	130	133
Miscellaneous.....	---	---	200	6	1,140	42	5,936	3,960	7,276	4,008	8,026	4,008
Building Supplies and Contractors.....	---	---	75	51	---	89	13,152	5,575	13,227	5,715	13,227	5,715
Clothing Stores.....	---	---	180	121	5,350	321	50,908	22,338	56,438	22,780	56,438	22,780
Men's.....	---	---	---	---	5,010	189	19,311	7,672	24,321	7,861	24,321	7,861
Men's and Women's.....	---	---	---	---	---	12	1,785	711	1,785	723	1,785	723
Women's.....	---	---	180	25	---	70	18,741	8,526	18,921	8,621	18,921	8,621
Credit Clothing.....	---	---	---	---	---	50	1,710	1,845	1,710	1,895	1,710	1,895
Miscellaneous.....	---	---	---	96	340	---	9,361	3,884	9,701	3,680	9,701	3,680
Dairies.....	---	---	---	---	184	31	6,636	1,902	6,820	1,933	6,820	1,933
Department and Dry Goods Stores.....	---	---	1,185	25	2,615	406	60,500	13,625	64,300	14,056	64,300	14,056
Drug Stores.....	---	---	150	---	---	117	12,489	2,976	12,639	3,093	12,639	3,093
Educational.....	---	---	---	45	1,125	102	8,194	2,112	9,319	2,259	11,299	2,259
Electric and Gas Appliances and Supply.....	---	---	30	17	210	39	7,830	3,966	8,070	4,022	8,070	4,022
Furniture and Home Furnishings.....	---	---	210	---	720	37	61,065	13,940	61,995	13,977	61,995	13,977
Grocers and Food Stores.....	---	---	2,585	307	6,130	153	16,798	4,976	25,523	5,436	25,523	5,436
Chain.....	---	---	1,800	207	3,085	153	1,806	1,177	6,791	537	6,791	537
Miscellaneous.....	---	---	795	100	3,045	---	14,892	4,799	18,732	4,899	18,732	4,899
Heating and Plumbing.....	---	---	---	12	290	---	3,000	3,271	3,290	3,283	3,290	3,283
Hotels and Restaurants.....	---	---	135	48	375	102	14,679	6,087	15,189	6,237	15,189	6,237
Jewelers.....	---	---	---	27	60	---	11,690	13,010	11,750	13,037	11,750	13,037
Merchandized Chains.....	---	---	---	---	315	66	1,675	924	1,990	990	1,990	990
Miscellaneous.....	---	---	605	77	1,950	3,284	72,740	17,520	75,295	20,881	75,295	20,881
Agriculture.....	---	---	195	31	75	37	5,536	1,679	5,806	1,747	5,806	1,747
Auctions.....	---	---	---	10	---	---	107	117	---	117	---	117
Beverages.....	---	---	---	---	---	---	50	214	---	214	---	214
Cleaners-Dyers-Laundries.....	---	---	---	---	20	---	13,229	6,646	13,249	6,646	13,249	6,646
Farm and Orchards (Produce).....	---	---	---	---	---	---	815	531	815	531	815	531
Florists-Nurseries.....	---	---	---	---	945	16	835	769	1,780	785	1,780	785
General Stores.....	---	---	60	---	---	20	1,925	367	1,985	387	1,985	387
Confectionery (Ice Cream, etc.).....	---	---	---	---	---	14	1,735	663	1,735	677	1,735	677
Shoe Repairing.....	---	---	---	---	---	---	179	483	179	483	179	483
Specialty Shops.....	---	---	80	---	---	19	2,921	2,157	3,001	2,176	3,001	2,176
Undertakers.....	---	---	---	2	75	---	3,270	456	3,345	458	3,345	458
Miscellaneous.....	---	---	270	34	835	3,178	42,245	3,448	43,350	6,660	43,350	6,660





**TABLE II—Continued  
GENERAL ADVERTISING UNITS**

**September 1940**

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
<b>Agriculture</b>												
Cattle Foods	1,005	117	4,543	277	4,966	646	10,514	1,040	10,514	1,040	10,514	1,040
Seeds	420	43	2,883	92	2,105	62	5,378	197	5,378	197	5,378	197
Farm Machinery	210	40	960	38	531	8	1,701	86	1,701	86	1,701	86
Nurseries	375	---	405	---	30	47	810	47	810	47	810	47
Live Stock	---	13	35	12	---	25	290	25	290	25	290	25
Miscellaneous	---	21	---	135	2,300	478	2,300	634	2,300	634	2,300	634
<b>Alcoholic Beverages</b>												
Beers	2,215	230	8,669	1,953	29,686	4,467	40,370	6,650	40,370	6,650	40,370	6,650
Wines	1,735	230	7,739	1,776	29,566	3,756	39,040	5,762	39,040	5,762	39,040	5,762
Miscellaneous	480	---	930	177	120	699	1,530	876	1,530	876	1,530	876
	---	---	---	---	---	12	---	---	---	---	---	12
	---	---	---	70	---	16	---	86	---	---	---	86
<b>Amusements</b>												
<b>Automotive</b>												
Aviation	14,664	393	56,351	5,243	10,167	1,845	81,412	7,481	81,412	7,481	193,837	7,481
Gas and Oil	14,204	264	46,883	889	8,781	957	69,928	2,110	69,928	2,110	135,613	2,110
Parts and Accessories	---	---	525	37	280	184	805	221	805	221	805	221
Passenger Cars	150	129	4,615	4,255	480	251	5,245	4,635	4,635	4,635	4,635	4,635
Tires and Tubes	250	---	3,913	24	475	---	4,638	338	4,638	338	12,738	338
Trucks	---	---	645	---	---	25	---	25	---	25	---	25
Tractors	---	---	---	---	151	96	645	18	645	18	645	18
Miscellaneous	---	---	---	13	---	---	151	109	151	109	151	109
	---	---	---	---	---	---	---	---	---	---	---	---
<b>Building Materials</b>	4,980	---	240	726	1,750	581	2,410	1,331	2,410	1,331	7,090	1,331
	44,925	---	5,245	2,685	615	339	8,380	3,119	8,380	3,119	53,305	3,119
<b>Confections</b>												
<b>Educational</b>												
<b>Financial</b>												
Banks and Trust Companies	4,835	333	1,615	390	21,493	5,375	23,273	6,598	23,273	6,598	28,108	6,598
Real Estate and Home Financing	525	126	---	---	9,965	1,948	9,965	2,074	9,965	2,074	10,505	2,074
Stock and Bond Houses	---	60	---	---	3,802	614	3,862	614	3,862	614	3,862	614
Miscellaneous	4,310	---	400	---	250	324	650	324	650	324	650	324
	---	90	1,215	390	7,476	2,989	8,781	3,586	8,781	3,586	13,091	3,586
<b>Groceries</b>												
Baking Products	788,967	1,695	119,573	11,474	65,634	15,392	220,457	28,561	220,457	28,561	1,009,424	28,561
Beverages:	20,775	370	5,630	1,879	13,585	4,352	22,115	6,601	22,115	6,601	42,890	6,601
Coffee and Tea	42,825	33	10,170	422	3,295	508	15,570	963	15,570	963	58,395	963
Soft Drinks	15,600	236	4,875	1,205	20,907	6,152	27,952	7,593	27,952	7,593	43,552	7,593
Miscellaneous	97,305	15	45	48	30	37	90	85	90	85	90	85
Cereals and Breakfast Foods	---	46	33,434	532	1,065	164	39,219	742	39,219	742	136,524	742
Condiments	---	15	180	94	375	48	570	142	570	142	570	142
Dairy Products	19,815	23	1,275	234	4,326	793	6,321	1,030	6,321	1,030	26,136	1,030
Meats-Fish-Poultry	13,770	73	7,663	485	4,475	663	13,188	1,221	13,188	1,221	26,958	1,221
Laundry Soaps and Cleansers	284,955	101	33,014	1,778	1,516	521	45,370	2,400	45,370	2,400	315,325	2,400
Flour	58,005	98	5,477	177	5,980	609	16,487	884	16,487	884	74,492	884
Sugar	---	120	---	97	---	26	195	243	195	243	195	243
Disinfectants and Exterminators	---	---	805	129	60	40	865	169	865	169	865	169
Miscellaneous	250,917	595	16,985	4,394	9,420	1,479	32,515	6,408	32,515	6,408	283,432	6,408
	---	---	75	33	---	---	75	33	---	---	75	33
<b>Hotels and Resorts</b>												
<b>Housing Equipment and Supplies</b>												
Air Conditioning	22,800	227	5,400	1,379	2,310	576	9,396	2,182	9,396	2,182	32,196	2,182
Automatic Heating	---	---	---	47	---	90	---	47	---	47	---	47
Automatic Refrigeration	---	91	---	30	401	59	492	89	492	89	492	89
Fixtures	22,170	---	---	---	195	---	195	---	195	---	22,365	---
Fuel	630	495	735	280	430	45	1,660	351	1,660	351	2,290	351
Furniture and Furnishings	---	180	3,315	186	195	161	3,690	347	3,690	347	3,690	347
Heaters and Stoves	---	764	1,330	767	944	221	3,038	1,167	3,038	1,167	3,038	1,167
Miscellaneous	---	156	20	69	145	---	321	91	321	91	321	91
	---	---	---	4	165	48	165	52	165	52	165	52
<b>Industrial</b>												
<b>Insurance</b>												
Jewelry and Silverware	16,065	1,020	3,290	72	3,261	942	7,571	1,035	7,571	1,035	23,636	1,035
	3,900	---	---	3	---	200	---	203	---	203	3,900	203
<b>Medical</b>												
Miscellaneous	178,020	9,210	24,283	9,865	2,021	1,416	35,514	11,763	35,514	11,763	213,531	11,763
	35,835	2,040	4,760	762	8,015	1,076	14,815	1,886	14,815	1,886	50,650	1,886





TABLE III

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK)  
BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION

RETAIL ADVERTISING UNITS

September 1940

Type of Sponsoring Business	Clear Channel Stations			Regional Stations			Local Stations			Totals
	Pgm. Ann.	Part-Time Pgm. Ann.	Unlimited Pgm. Ann.	Limited & Day Pgm. Ann.	Part-Time Pgm. Ann.	Unlimited Pgm. Ann.	Day Pgm. Ann.	Part-Time Pgm. Ann.	Pgm. Ann.	
Total Commercial Operating Stations.....	23	3	77	18	5	75	0	5	206	
Type of Sponsoring Business										
Amusements.....	120	313	6,811	3,974	1,315	1,510	166	14,074	4,581	22,585
Theaters.....	148	148	2,170	1,841	325	568	8	6,725	2,434	9,220
Miscellaneous.....	120	165	4,641	2,133	990	942	158	7,349	2,147	13,365
Automotive.....	877	322	25,184	9,220	2,730	2,924	317	33,885	12,011	63,701
Aviation.....	---	---	---	---	---	---	---	---	---	---
Garages & Service Stations.....	---	---	2,195	812	115	153	33	1,615	2,253	3,925
Parts & Accessories.....	210	12	4,912	1,428	600	262	114	4,243	1,723	9,965
Passenger Cars.....	427	307	12,996	6,016	1,655	2,137	170	24,489	6,360	40,592
Tires & Tubes.....	240	---	2,881	639	360	263	---	1,938	1,246	5,419
Trucks.....	---	---	---	12	---	---	---	500	30	500
Tractors.....	---	---	855	142	---	---	---	900	161	1,755
Miscellaneous.....	3	---	1,345	171	---	109	---	200	238	1,545
Bakeries.....	195	160	5,647	1,695	885	645	36	3,870	1,308	10,672
Book Stores.....	---	---	165	36	30	13	---	175	52	370
Books and Shoes.....	810	19	3,348	1,908	375	321	163	3,068	1,777	7,631
Men's.....	---	---	15	25	---	---	---	---	11	45
Men's & Women's.....	---	---	60	28	---	---	28	120	71	180
Women's.....	---	---	---	89	---	---	---	---	44	133
Miscellaneous.....	810	19	3,273	1,706	375	321	135	2,818	1,651	7,276
Bldg. Supplies and Contractors.....	125	61	4,699	2,493	320	371	42	7,963	2,743	13,227
Clothing Stores.....	3,065	564	22,379	9,224	2,167	2,367	434	27,184	9,931	56,438
Men's.....	1,820	246	11,596	2,998	720	715	116	9,600	3,630	24,321
Men's & Women's.....	15	---	1,350	567	---	---	---	420	156	1,785
Women's.....	610	218	6,371	3,546	970	803	316	10,655	3,691	18,921
Credit Clothing.....	---	---	170	734	---	41	---	1,540	1,120	1,710
Miscellaneous.....	500	100	2,892	1,379	500	808	120	4,969	1,334	7,701
Dairies.....	33	1	1,985	474	740	69	80	2,502	1,309	6,820
Department and Dry Goods Stores.....	4,115	568	22,663	5,579	9,127	1,157	241	26,315	6,342	64,300
Drug Stores.....	30	45	4,505	1,051	1,530	270	3	6,094	1,568	12,639
Educational.....	175	102	2,755	568	1,875	185	30	4,199	796	9,319
Electric and Gas Appliances and Supply.....	240	3	3,420	1,222	915	273	265	3,510	2,076	8,070
Furniture and Home Furnishings.....	2,345	508	23,450	5,293	9,015	1,846	105	174	26,345	61,993
Grocers and Food Stores.....	3,525	90	10,922	2,453	3,690	386	86	7,386	2,343	25,523
Chain.....	1,650	---	3,036	269	25	36	21	2,080	207	6,791
Miscellaneous.....	1,875	90	7,886	2,184	3,665	350	65	5,306	2,136	18,732
Heating and Plumbing.....	35	54	1,807	1,468	170	417	55	1,458	1,233	3,290
Hotels and Restaurants.....	675	46	4,358	1,768	285	883	211	9,061	2,953	15,189
Jewelers.....	---	---	6,325	4,199	300	1,051	97	5,050	7,053	11,750
Merchandized Chains.....	420	7	900	414	315	74	---	355	295	1,990
Miscellaneous.....	1,260	546	26,829	5,712	7,831	1,678	330	33,705	10,715	75,295
Agriculture.....	380	234	3,155	672	136	371	---	2,125	470	5,805
Auctions.....	---	---	---	70	---	4	---	---	43	117
Beverages.....	15	41	50	77	---	35	---	---	22	50
Cleaners-Dyers-Laundries.....	5	---	5,479	2,120	2,070	486	245	5,400	2,888	13,249
Farm & Orchards (Produce).....	---	---	675	131	---	59	5	135	286	801
Florists-Nurseries.....	30	65	845	307	40	80	12	415	212	1,180
General Stores.....	21	---	1,290	138	90	29	4	605	184	1,985
Confectionery (Ice Cream, etc.).....	2	---	680	135	35	111	4	1,020	425	1,735
Shoe Repairing.....	---	---	137	193	---	2	---	42	286	179
Specialty Shops.....	65	19	961	681	705	187	10	1,000	906	3,001
Undertakers.....	---	---	2,310	130	---	5	3	1,035	320	3,345
Miscellaneous.....	755	104	11,247	1,058	4,755	309	47	21,808	4,673	43,359



Musical Instruments.....	540	42	---	2,210	565	975	125	---	---	2,610	442	---	---	120	20	6,475	1,194
Office Equipment.....	---	---	---	75	104	---	12	---	---	285	124	---	---	---	---	360	240
Radio.....	105	107	---	1,198	636	2,735	135	---	76	990	589	---	---	30	158	5,058	1,701
Real Estate.....	---	15	---	1,190	618	255	85	---	70	1,495	208	---	---	195	4	3,135	1,000
Sporting Goods.....	230	---	---	410	117	---	---	---	---	58	39	---	---	---	---	698	156
Stationers.....	---	13	---	300	129	---	8	---	---	430	155	---	---	---	---	730	305
Toilet Goods and Beauty Shops.....	25	---	---	451	219	45	74	---	4	608	772	---	---	210	94	1,339	1,163
Totals.....	18,885	4,149	1,065	60	183,686	61,079	47,648	16,879	2,015	2,880	222,425	76,920	---	12,875	5,815	488,599	167,782

TABLE III—Continued  
GENERAL ADVERTISING UNITS  
September 1940

Type of Sponsoring Business	Clear Channel Stations				Regional Stations				Local Stations				Totals	
	45		240		67		31		10		25			Pgm. Ann.
	Unlimited Pgm. Ann.	Part-Time Pgm. Ann.	Unlimited Pgm. Ann.	Part-Time Pgm. Ann.	Unlimited Pgm. Ann.	Part-Time Pgm. Ann.	Unlimited Pgm. Ann.	Part-Time Pgm. Ann.	Day Pgm. Ann.	Part-Time Pgm. Ann.				
Total Commercial Operating Stations.....	23	77	18	5	0	5	0	5	0	5	5	206		
Total Stations Reporting.....	45	240	67	31	10	25	361	75	10	25	361	787		
Agriculture.....	2,550	89	2,831	114	2,975	188	44	2,158	605	375	26	10,514		
Cattle Foods.....	1,160	43	1,385	54	1,385	46	29	1,448	25	375	26	5,378		
Seeds.....	780	8	726	13	726	40	10	1,195	25	375	26	1,701		
Farm Machinery.....	375	5	435	285	435	10	10	435	37	375	26	810		
Nurseries.....	5	13	285	47	1,590	80	15	515	25	375	26	290		
Live Stock.....	195	25	195	47	1,590	80	15	515	25	375	26	35		
Miscellaneous.....	3,085	150	12,810	2,864	4,765	1,092	1,820	17,715	2,498	375	26	40,370		
Alcoholic Beverages.....	2,965	180	11,640	2,651	4,765	572	1,820	17,475	2,343	375	26	39,040		
Beers.....	120	120	1,170	201	4,765	572	1,820	17,475	2,343	375	26	5,762		
Wines.....	---	---	---	---	---	---	---	---	---	---	---	---		
Liquors.....	---	---	---	---	---	---	---	---	---	---	---	---		
Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---		
Amusements.....	26	26	---	55	---	---	---	---	---	---	---	---		
Automotive.....	16,335	1,581	32,901	3,567	2,630	252	520	29,026	1,471	332	332	81,412		
Aviation.....	12,090	181	27,697	755	2,285	68	270	27,586	898	82	82	69,928		
Gas & Oil.....	2,585	6	1,575	2,554	75	152	250	810	424	---	---	805		
Parts & Accessories.....	1,569	16	2,563	41	15	15	---	515	16	---	---	5,245		
Passenger Cars.....	---	---	---	---	---	---	---	---	---	---	---	---		
Tires & Tubes.....	---	---	---	---	---	---	---	---	---	---	---	---		
Trucks.....	---	---	---	---	---	---	---	---	---	---	---	---		
Tractors.....	---	---	---	---	---	---	---	---	---	---	---	---		
Miscellaneous.....	780	109	805	737	375	109	---	---	---	150	---	1,331		
Building Materials.....	2,730	988	2,755	1,102	---	165	---	---	---	---	---	2,110		
Confektions.....	---	---	---	---	---	---	---	---	---	---	---	8,359		
Educational.....	---	---	---	7	750	---	---	---	---	---	---	750		
Financial.....	1,765	391	10,958	3,107	1,155	479	5	9,075	2,525	135	56	23,273		
Banks & Trust Companies.....	640	150	3,980	1,016	300	273	5	4,920	605	135	30	9,980		
Real Estate & Home Financing.....	355	11	1,787	301	320	20	---	1,400	260	---	---	3,862		
Stock & Bond Houses.....	220	60	2,500	26	---	---	---	---	---	---	---	614		
Miscellaneous.....	550	170	4,941	1,764	585	186	---	2,755	1,422	---	---	4,770		
Groceries.....	49,639	4,169	99,163	12,483	11,815	1,785	5,060	53,165	8,857	1,060	805	220,457		
Baking Products.....	3,220	249	9,725	3,792	420	239	315	8,435	2,139	---	---	22,115		
Beverages.....	3,370	245	9,390	552	2,005	---	---	---	127	---	---	15,570		
Coffee & Tea.....	425	324	8,575	2,356	1,755	817	375	16,692	3,236	130	615	27,952		
Soft Drinks.....	---	---	---	85	---	---	---	60	---	---	---	90		
Miscellaneous.....	13,250	184	16,655	398	1,320	45	2,055	5,930	115	---	---	39,219		
Cereals & Breakfast Foods.....	15	2	495	81	---	---	---	60	51	---	8	570		
Condiments.....	735	210	3,491	398	1,545	82	355	1,965	442	---	---	6,321		
Dairy Products.....	2,935	104	6,715	378	1,545	82	355	1,638	637	---	---	13,188		
Meats-Fish-Poultry.....	13,430	721	17,895	1,166	2,595	191	1,830	9,455	295	150	---	45,370		
Laundry Soaps & Cleansers.....	3,350	177	10,017	363	630	50	---	2,130	269	---	---	16,487		
Flour.....	---	---	195	171	---	---	---	---	73	---	---	195		
Sugar.....	---	11	445	38	56	---	---	420	64	---	---	865		
Disinfectants & Exterminators.....	8,900	1,942	15,535	2,705	1,545	305	69	5,575	1,409	780	---	32,515		
Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	6,498		
Hotels & Resorts.....	---	---	75	8	---	---	---	---	---	---	---	75		
Housing Equipment & Supplies.....	3,930	243	3,060	1,139	685	99	---	1,721	692	---	---	9,396		
Air Conditioning.....	---	---	---	---	---	---	---	---	---	---	---	90		
Automatic Heating.....	---	---	---	26	---	---	---	---	21	---	---	47		
Automatic Refrigeration.....	91	4	236	30	165	---	---	---	54	---	---	492		
Fixtures.....	---	---	---	---	---	---	---	195	---	---	---	195		
Fuel.....	580	18	675	313	375	---	---	30	20	---	---	1,660		
Furniture & Furnishings.....	1,720	10	1,665	213	---	---	---	305	124	---	---	3,680		
Heaters & Stoves.....	1,519	187	484	520	---	99	---	1,035	361	---	---	3,038		
Miscellaneous.....	20	24	---	37	145	---	---	156	22	---	---	321		
Industrial.....	60	---	---	39	---	13	---	105	---	---	---	165		
Insurance.....	845	19	3,651	351	1,130	112	150	725	469	870	80	7,571		
Jewelry & Silverware.....	---	---	---	200	3	---	---	---	---	---	---	203		
Medical.....	10,298	1,129	12,280	5,403	1,195	1,239	315	11,066	3,834	---	---	35,514		
Miscellaneous.....	3,970	293	4,430	869	1,380	228	630	4,015	285	390	26	11,815		





TABLE IV

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK)  
 BY TYPE OF SPONSORING BUSINESS AND BY STATION METROPOLITAN DISTRICT OR CITY POPULATION  
 RETAIL ADVERTISING UNITS  
 September 1940

Type of Sponsoring Business	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 250,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.		
Total Commercial Operating Stations	52	60	44	93	106	104	58	13	160	110	160	23	104	32	160	110	160	23	787	
Total Stations Reporting	10	24	15	38	31	32	13	13	23	19	23	13	32	32	23	19	23	13	206	
Type of Sponsoring Business																				
Amusements	135	360	504	1,180	3,262	1,539	684	550	1,365	2,179	1,830	1,830	5,900	1,871	2,179	1,830	1,628	22,585	10,677	
Theaters	90	2,011	485	600	1,410	751	140	742	1,065	1,214	590	1,240	3,020	820	1,065	590	626	9,220	5,016	
Miscellaneous	135	570	120	580	1,852	788	544	328	300	965	1,240	1,002	2,880	1,051	300	1,240	1,002	13,365	5,661	
Automotive	450	226	1,733	7,825	11,227	3,516	2,212	1,119	10,062	3,605	4,764	4,073	11,528	4,979	10,062	4,764	4,073	63,701	25,200	
Garages and Service Stations	29	480	77	235	1,220	258	650	163	990	990	825	1,381	5,925	571	990	825	1,381	3,304	3,304	
Parts and Accessories	118	135	95	1,240	838	414	585	838	1,222	4,150	510	395	4,150	926	1,985	510	395	9,965	3,795	
Passenger Cars	450	58	1,320	4,595	9,072	2,410	537	750	5,932	1,959	2,184	1,856	4,327	2,905	5,932	2,184	1,856	40,592	15,021	
Tires and Tubes			300	1,505	435	434	15	82	375	179	315	91	2,061	523	375	315	91	5,419	2,214	
Trucks				10			2						125		30	375		500	42	
Tractors				3	300								120	28	780	72	200	1,755	303	
Miscellaneous	21	29		250	159	720	425						150	26		555	150	1,545	521	
Bakeries	75	60	945	480	2,925	894	170	170	3,767	855	630	422	3,767	855	1,280	630	422	10,672	4,024	
Book Stores					30	19	17	17		7					275	30		370	101	
Books and Shoes	465	209	1,125	1,880	785	1,478	803	310	1,695	4,883	2,433	313	510	880	960	809	243	7,631	4,322	
Men's	30	18			25	4	7	7		15					15			45	54	
Men's and Women's	28				44		3	3		60					60			180	127	
Women's							72	8							130			44	133	
Miscellaneous	435	163	1,125	1,880	716	1,418	727	310	1,443	877	243	269	450	877	755	243	269	7,276	4,008	
Building Supplies and Contractors					1,405	1,187	734	546	3,105	1,341	895	650	3,105	1,341	2,295	1,004	895	650	13,227	5,715
Clothing Stores	1,995	601	20,145	1,107	7,138	4,487	1,695	1,748	4,803	4,062	2,258	1,706	4,803	4,062	3,691	2,329	2,258	1,706	56,438	22,780
Men's	725	36	7,690	291	4,550	3,605	45	856	2,363	1,833	529	442	2,363	1,833	914	654	442	24,821	7,861	
Men's and Women's			1,170		197	15	30	89		4		118			390	84		118	1,785	723
Women's	540	212	9,295	374	2,002	1,472	710	446	1,580	1,076	585	842	1,580	1,076	1,676	1,174	585	842	18,921	8,621
Credit Clothing				29	660	221	270	182	45	610					76				1,710	1,895
Miscellaneous	730	353	1,990	413	705	316	1,170	851	1,796	388	640	175	815	539	711	341	1,144	304	9,701	3,680
Dairies				9	345	10	814	16	157	2,520	600	203	2,520	313	685	195	600	203	6,820	1,933
Department and Dry Goods Stores	750	19	19,844	1,787	3,050	1,538	7,520	2,409	8,795	2,363	1,245	894	10,612	2,154	7,145	1,896	5,339	1,066	64,300	14,056
Drug Stores	480	69	2,325	87	2,100	13	2,190	277	710	440	1,185	11	400	799	939	576	2,310	821	12,639	3,093
Educational	1,440	17	4,389	335	200	129	1,680	929	550	187	200	121	75	226	735	133	50	182	9,319	2,259
Electric and Gas Appliances and Supply	105	43	690	286	75	239	840	829	1,775	635	35	57	2,340	969	1,305	412	905	552	8,070	4,022
Furniture and Home Furnishings	765	126	12,275	1,102	4,510	1,028	14,665	3,141	9,751	3,234	985	775	6,356	2,478	6,825	976	5,860	1,117	61,995	13,977
Grocers and Food Stores	3,000	98	2,910	265	2,085	177	5,310	753	2,995	726	150	52	3,561	1,451	2,461	907	3,051	1,007	25,523	5,436
Chain		4	1,020		1,380	85	1,140	9	505	50	105	13	540	250	1,981	52	120	74	6,791	537
Independent																				
Miscellaneous	3,000	94	1,890	265	705	92	4,170	744	2,490	676	45	39	3,021	1,201	480	855	2,931	933	18,732	4,899
Heating and Plumbing	39	165	148	450	570	1,148	848	27	478	965	784	385	965	784	385	172	30	97	3,290	3,293
Hotels and Restaurants	2,100	246	7,432	569	168	1,260	1,169	991	18	156	2,254	1,365	2,254	1,365	450	597	910	946	15,189	6,237
Jewelers	75	140	2,230	1,463	345	750	3,435	2,516	2,015	375	530	1,475	1,475	2,812	1,120	1,394	140	1,417	11,750	13,037
Merchandized Chains		7	15	69		12	420	407	1,200	238		38	225	101	130	54		61	1,990	990
Miscellaneous	765	231	21,729	485	3,425	1,255	14,990	4,590	7,437	2,383	3,583	784	7,564	3,668	6,287	5,057	9,515	2,428	75,295	20,881
Agriculture				50	5	1	985	51	1,805	231	80	172	1,040	310	185	227	1,706	706	5,806	1,747
Auctions								4		62		3		15		25				117
Beverages				52	110		50	110		1				36				15	50	214
Cleaners-Dyers-Laundries	140	17	490	41	885	552	5,180	2,161	1,865	784	1,125	235	2,224	1,516	845	780	635	437	13,249	6,646
Farm and Orchards (Produce)				5	15	130	60	112	180	93	5	168	5	168	42	435	26	26	815	531
Florists-Nurseries	450	13	240	44	60	25	135	156	30	72	200	91	255	178	380	149	30	79	1,780	785
General Stores		4	240		52		25	96	135	119	800	4	630	8	60	25	530	79	1,985	387
Confectionery (Ice Cream, etc.)		4	35		2	255		67	495	66			780	63	170	54		125	1,735	677
Shoe Repairing		2			75			114	62	75		44		89	42	56		27	174	483
Specialty Shops	60	20	515	118	525	115	605	559	265	420	55	67	247	579	325	76	459	222	3,001	2,176
Undertakers		3	75		360		615		840	55	75	2	615	151	105	105	540	112	3,345	438
Miscellaneous	255	28	20,129	163	1,205	55	7,285	1,160	1,760	405	1,713	161	1,768	555	4,055	3,610	5,180	523	43,350	6,660



Musical Instruments.....	120	33	1,065	50	150	29	575	355	940	125	150	67	1,825	188	480	231	570	116	6,475	1,191	
Office Equipment.....								30		40				50	360	103		17	360	240	
Radio.....	150	73	51	122		91	2,585	333	927	363	105	105		310	457	51	39	166	5,058	1,701	
Real Estate.....		92	1,822	98	15	61	105	231	80	125	125	52		255	149	480	112	253	80	3,135	1,000
Sporting Goods.....			180	4	80	8	320	38	90	39		13	28	11		7		33	698	156	
Stationers.....			60	13		26	135	40	300	31		18		51	235	26		100	730	305	
Toilet Goods and Beauty Shops.....		44	458	27	355	54	265	181		179		24	20	207	216	238	25	209	1,339	1,163	
Totals.....	12,870	2,757	124,696	11,186	26,343	10,229	80,353	32,163	68,831	27,501	13,834	8,653	70,398	32,231	51,065	23,619	40,208	19,413	483,399	167,782	

TABLE IV—Continued

GENERAL ADVERTISING UNITS

September 1940

Type of Sponsoring Business	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	
Total Commercial Operating Stations.....	52	60	44	93	58	104	160	110	787										
Total Stations Reporting.....	10	24	16	38	13	32	23	19	206										
Type of Sponsoring Business																			
Agriculture.....																			
Cattle Foods.....																			
Seeds.....																			
Farm Machinery.....																			
Nurseries.....																			
Live Stock.....																			
Miscellaneous.....																			
Alcoholic Beverages.....	1,155	6,670	328	4,423	1,394	8,335	1,471	675	182	5,491	2,515	449	7,819	485	40,370	6,650			
Beers.....	285	6,610	292	4,425	1,269	7,990	1,360	675	182	5,371	2,515	449	7,699	481	39,040	5,762			
Wines.....	870	60	36		125	345	111			120			120	4	1,550	876			
Miscellaneous.....																			
Amusements.....	3		23		6		21												
Automotive.....	3,010	15,645	1,267	15,514	1,603	11,168	1,350	5,345	574	10,072	7,370	603	2,826	311	81,412	7,481			
Aviation.....																			
Gas and Oil.....	2,740	13,004	70	13,099	422	8,145	706	4,315	101	9,312	7,265	437	2,451	68	60,928	2,110			
Parts and Accessories.....	150		6		6	90	17		29	133	30		375		805	221			
Passenger Cars.....	150	2,280	1,132	855	898	300	591	765	419	300	105	127	117	117	5,245	4,635			
Tires and Tubes.....		210	16	1,560	250	2,258	14	265							4,638	338			
Trucks.....																			
Tractors.....																			
Miscellaneous.....		151	43		27	375	18			270					645	18			
							4								26	151	109		
Building Materials.....	5	210	68		86	955	174			195	243	360	156	432	2,110	1,331			
Confektions.....	250	1,605	385	3,020	468	1,335	488	1,125	346	150	423				157	8,350	3,119		
Educational.....						750													
Financial.....	730	2,555	1,241	5,491	1,563	3,447	978	839	684	3,476	889	2,525	505	2,060	23,273	6,598			
Banks and Trust Companies.....	420	1,020	366	2,256	438	2,592	488	557	258	1,080	177	1,040	142	910	9,980	2,074			
Real Estate and Home Financing.....			19	1,080	184	150	60	192	52	555	117			73	3,862	614			
Stock and Bond Houses.....																			
Miscellaneous.....	310	2,210	618	1,975	881	705	404	90	374	1,591	595	1,485	290	960	8,781	3,586			
Groceries.....	6,055	35,482	3,093	34,494	4,433	39,189	5,094	17,610	2,071	31,027	4,386	15,611	1,960	17,136	3,350	220,437	28,561		
Baking Products.....	1,090	2,160	225	1,545	71	3,450	112	1,470	322	1,730	87	125	106	2,140		15,570	963		
Coffee and Tea.....	365	2,262	770	5,855	1,058	3,595	1,453	1,325	355	5,790	1,288	5,445	511	1,970	645	27,952	7,593		
Miscellaneous.....			8	37	37	80	40			15						90	85		
Cereals and Breakfast Foods.....	2,535	7,855	98	6,440	61	6,529	132	1,995	81	4,595	130		5	3,945	67	39,219	742		
Condiments.....	15		3							315						570	142		
Dairy Products.....	195	1,150	223	505	58	735	58	120	12	1,245	247	961	43	390	78	6,321	1,050		
Meats-Fish-Poultry.....	500	3,845	102	3,075	126	1,160	139	1,010	133	695	76	500	86	645	157	13,188	1,221		
Laundry Soaps and Cleaners.....	810	7,400	276	4,909	438	9,440	342	3,270	276	7,610	447	3,435	98	2,181	157	45,370	2,400		
Flour.....		1,745	42	3,825	189	2,885	91	1,065	22	2,122	240	2,180	100	2,350	161	10,487	884		
Sugar.....				195	21		120			75	26		27		49	195	243		
Disinfectants and Exterminators.....				30	23	60	23	345	50			30			32	865	169		
Miscellaneous.....	320	6,875	1,091	3,635	928	5,325	1,185	4,215	504	4,235	778	1,260	392	1,805	316	32,515	6,448		
Hotels and Resorts.....			75		8														
Housing Equipment and Supplies.....	350	2,615	112	1,245	589	1,165	377	1,330	149	705	461	156	47	630	175	9,396	2,182		
Air Conditioning.....																			
Automatic Heating.....																			
Automatic Refrigeration.....																			
Fixtures.....		147	4		18	180									165	30	492	89	
Fuel.....	14	405		485	30	325	108	30	64	195						195			
Furniture and Furnishings.....	300	985	17	810	62	90	85	255	80	30	64	31	435	36	1,090	351			
Heaters and Stoves.....		1,058	83	407	425	176	1,045	35	480					30	3,690	347			
Miscellaneous.....		20	25		12	145	8		34			156			109	3,038	1,147		
Industrial.....																			
Insurance.....	420	410	21	485	146	1,650	85	90	40	2,206	270	1,355	143	550	227	7,571	1,035		
Jewelry and Silverware.....																			
Medical.....	365	4,941	892	5,065	2,430	4,865	1,694	3,580	1,018	7,185	2,016	4,260	1,106	1,305	1,246	35,514	11,844		
Miscellaneous.....	380	5,090	300	3,005	434	810	243	285	59	1,050	210	815	90	995	244	14,815	1,805		





**STATIONS COOPERATING**  
in the  
**BROADCAST ADVERTISING UNIT VOLUME REPORT**

**DISTRICT 1**

CONNECTICUT  
WICC—Bridgeport  
WDRG—Hartford  
WTHT— " "  
WELI—New Haven  
MAINE  
WCOU—Lewiston  
WCSH—Portland  
MASSACHUSETTS  
WAAB—Boston  
WBZ— " "  
WNAC— " "  
WLAW—Lawrence  
WLLH—Lowell  
WBZA—Springfield  
WORC—Worcester  
NEW HAMPSHIRE  
RHODE ISLAND  
WEAN—Providence  
VERMONT  
WNBX—Springfield

**DISTRICT 2**

NEW YORK  
WABY—Albany  
WOKO— " "  
WVFW—Brooklyn  
WENY—Elmira  
WHCU—Ithaca  
WJTN—Jamestown  
WABC—New York City  
WINS— " "  
WQXR— " "  
WHDL—Olean  
WHAM—Rochester  
WHEC— " "  
WTRY—Troy  
WFAS—White Plains  
WWRL—Woodside

**DISTRICT 3**

DELAWARE  
NEW JERSEY  
WSNJ—Bridgeton  
WCAM—Camden  
WOR—Newark  
PENNSYLVANIA  
WHJB—Greensburg  
WHP—Harrisburg  
WJAC—Johnstown  
KYW—Philadelphia  
WCAU— " "  
KDKA—Pittsburgh  
KQV— " "  
WCAE— " "  
WARM—Scranton  
WKOK—Sunbury  
WBAX—Wilkes-Barre  
WRAK—Williamsport

**DISTRICT 4**

DISTRICT OF COLUMBIA  
WJSV—Washington  
WMAL— " "  
WOL— " "  
WRC— " "  
MARYLAND  
WCBM—Baltimore  
WFBR— " "  
WTBO—Cumberland  
WBOC—Salisbury

NORTH CAROLINA  
WBT—Charlotte  
WBIG—Greensboro  
WGTC—Greenville  
WPTF—Raleigh  
WSTP—Salisbury  
WSJS—Winston-Salem  
SOUTH CAROLINA  
WIS—Columbia  
WFBC—Greenville  
VIRGINIA  
WCHV—Charlottesville  
WBTM—Danville  
WGH—Newport News  
WTAR—Norfolk  
WPID—Petersburg  
WRNL—Richmond  
WEST VIRGINIA  
WJLS—Beckley  
WBLK—Clarksburg  
WMMN—Fairmont  
WSAZ—Huntington  
WPAR—Parkersburg  
WWVA—Wheeling

**DISTRICT 5**

ALABAMA  
FLORIDA  
WDBO—Orlando  
GEORGIA  
WAGA—Atlanta  
WSB— " "  
WRBL—Columbus  
WMGA—Moultrie  
WSAV—Savannah  
WTOC— " "  
PUERTO RICO  
WKAQ—San Juan

**DISTRICT 6**

ARKANSAS  
KFPW—Fort Smith  
KARK—Little Rock  
KUAO—Siloam Springs  
LOUISIANA  
KTBS—Shreveport  
KWKH— " "  
MISSISSIPPI  
TENNESSEE  
WOPI—Bristol  
WAPO—Chattanooga  
WLAC—Nashville

**DISTRICT 7**

KENTUCKY  
WCMI—Ashland  
WLBK—Bowling Green  
WAVE—Louisville  
WHAS— " "  
OHIO  
WJW—Akron  
WCKY—Cincinnati  
WLW— " "  
WSAI— " "  
WCLE—Cleveland  
WGAR— " "  
WHK— " "  
WTAM— " "  
WBNS—Columbus  
WCOL— " "  
WHIO—Dayton  
WLOK—Lima  
WSPD—Toledo  
WFMJ—Youngstown

**DISTRICT 8**

INDIANA  
WFBM—Indianapolis  
WIBC— " "  
WFAM—South Bend  
WSBT— " "  
MICHIGAN  
WJR—Detroit  
WWJ— " "  
WKZO—Kalamazoo  
WKBZ—Muskegon

**DISTRICT 9**

ILLINOIS  
WENR—Chicago  
WMAQ— " "  
WTMV—East St. Louis  
WJPF—Herrin  
WCLS—Joliet  
WMBD—Peoria  
WTAD—Quincy  
WHBF—Rock Island  
WDZ—Tuscola  
WISCONSIN  
WTAQ—Green Bay  
WCLO—Janesville  
WIBA—Madison  
WTMJ—Milwaukee  
WRJN—Racine  
WHBL—Sheboygan  
WSAU—Wausau

**DISTRICT 10**

IOWA  
KRNT—Des Moines  
KSO— " "  
WHO— " "  
WKBB—Dubuque  
MISSOURI  
KFRU—Columbia  
KMBC—Kansas City  
WDAF— " "  
KMOX—St. Louis  
NEBRASKA  
KMMJ—Grand Island  
KGFV—Kearney  
KFAB—Lincoln  
KFOR— " "  
KOIL—Omaha  
WOW— " "

**DISTRICT 11**

MINNESOTA  
WCCO—Minneapolis  
WTCN— " "  
KSTP—St. Paul  
NORTH DAKOTA  
WDAY—Fargo  
SOUTH DAKOTA  
KABR—Aberdeen  
WNAX—Yankton

**DISTRICT 12**

KANSAS  
KCKN—Kansas  
KSAL—Salina  
KFBI—Wichita  
OKLAHOMA  
KVSO—Ardmore  
KTOK—Oklahoma City



DISTRICT 13

TEXAS

KFDA—Amarillo  
KGNC—"  
KRIS—Corpus Christi  
KAND—Corsicana  
WFAA—Dallas  
KGKO—Fort Worth  
WBAP—"  
KPRC—Houston  
KPDN—Pampa  
KPAC—Port Arthur  
KONO—San Antonio  
KRGV—Weslaco

DISTRICT 14

COLORADO

KFEL—Denver  
KIUP—Durango

IDAHO

KRLC—Lewiston

MONTANA

KFBB—Great Falls  
KGVO—Missoula

UTAH

KDYL—Salt Lake City  
KSL—"

WYOMING

DISTRICT 15

CALIFORNIA

KHSL—Chico  
KARM—Fresno  
KYOS—Merced  
KROW—Oakland  
KFBK—Sacramento  
KROY—"  
KJBS—San Francisco  
KYA—"  
KQW—San Jose  
KWG—Stockton

HAWAII

KGMB—Honolulu

NEVADA

KOH—Reno

DISTRICT 16

ARIZONA

KOY—Phoenix  
KTUC—Tucson

NEW MEXICO

CALIFORNIA

KFOX—Long Beach  
KECA—Los Angeles  
KFI—"  
KGFJ—"

KNX—Los Angeles  
KVEC—San Luis Obispo  
KVOE—Santa Ana  
KTMS—Santa Barbara

DISTRICT 17

ALASKA

OREGON

KAST—Astoria  
KBND—Bend  
KALE—Portland  
KEX—"  
KGW—"  
KOIN—"  
KWJJ—"  
KRNR—Roseburg  
KSLM—Salem

WASHINGTON

KVOS—Bellingham  
KIRO—Seattle  
KJR—"  
KOMO—"  
KFPY—Spokane  
KGA—"  
KHQ—"  
KVI—Tacoma  
KUJ—Walla Walla  
KPQ—Wenatchee







### THE WEEK IN WASHINGTON

The NAB Board of Directors met last week and unanimously expressed satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute of all radio programs, including those which do not use any music whatsoever. (P. 4873.)

A series of important District meetings have been scheduled throughout the country. (P. 4874.)

The FCC through James Lawrence Fly, told E. F. Hummert of New York City that it had taken "no position" in the existing controversy between the ASCAP and the broadcasting industry. (P. 4874.)

The Supreme Court last Monday agreed to review the Nebraska Court decision, holding unconstitutional that state's statute relative to the so-called music copyright policy. (P. 4874.)

BMI acquisition of the E. B. Marks Music Corporation, the Southern Music Publishing Company, Inc., United Publishing Company, and the Argentine Performing Rights Society received nationwide prominence in the newspapers as a united broadcasting industry continues its successful fight to free itself from the yoke of ASCAP. Meanwhile more and more stations are sending in their memberships to BMI. (P. 4875.)

The roster of NAB membership as reported in the NAB Board of Directors' meeting last week was swelled by an additional ten stations, bringing the total of NAB membership to 498. (P. 4876.)

The answer to the inquiries of many stations relative to the request for press releases and a copy of the information being furnished the NAB research department for the monthly compilation of a business index, is discussed on page 4876.

50 million radio sets by Christmas is the slogan being brought into reality by the cooperation of radio stations throughout the country, as stations continue with their cooperation in building National Defense. (P. 4878.)

At the same time, the U. S. Office of Education an-

nounced that 64 American engineering colleges were establishing 250 short, intensive training courses, including courses in radio engineering, designed to meet the shortage of engineers threatened by the demands for National Defense duty. (P. 4880.)

An informal engineering conference for the department of transmitting equipment for higher frequency broadcast stations, was held this week at the FCC. (P. 4883.)

Both the Army and Navy Reserves will consider deferment in calling to active duty reserve officers who are key employees in industries related to National Defense. (P. 4884.)

Samuel J. Henry, Jr., of the NAB Radio of Advertisers, addressed the Rochester Advertising Club on December 9. (P. 4884.)

A list of the Army Camps at which will be trained those summoned under the Draft is published on page 4885.

The FCC this week announced 199 domestic radio stations now schedule broadcasts in one or more foreign languages. (P. 4885.)

Note on NRDGA request for promotion subscriptions further considered. (P. 4886.)

## BMI

### DIRECTORS' STATEMENT

The Board of Directors at its meeting Friday, December 6, unanimously expressed satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute on all radio programs including those which do not use any music whatsoever.

The Board drew attention to the fact that this fight was begun only after the broadcasters had struggled vainly for years to induce the American Society of Composers, Authors and Publishers to cease taxing such non-musical programs and also to consent to some form of payment which would enable broadcasters to use

*(Continued on page 4874)*

Neville Miller, *President*      C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## DIRECTORS' STATEMENT

(Continued from page 4873)

music not controlled by the monopoly without paying a double tax by so doing.

## DISTRICT MEETINGS

A series of District meetings which will bring together a numerical majority of the broadcasters is now in progress.

On Monday, December 9, Director Clifford Chafey called the Third District broadcasters together at the Benjamin Franklin Hotel in Philadelphia. President Neville Miller, Joseph L. Miller, Labor Relations Director of NAB, and Carl Haverlin, Stations Relations Manager of BMI, were present.

Discussion of music problems occupied the District 3 broadcasters most of the day. Joseph Miller gave a brief talk about Wage and Hour Act problems. Those present were:

Neville Miller, NAB; Carl Haverlin, BMI; A. W. Dannenbaum, Sr., and A. W. Dannenbaum, Jr., WDAS; Murray Arnold and Edwin A. Davies, WIP; Raymond A. Saul, WRAW; Clifford M. Chafey, WEEU; George D. Coleman and R. E. McDonald, WGBI; Hal Seville, WBAX; C. G. Moss, WKBO; J. R. Gulick, WORK; Walter O. Miller and Clair McCollough, WGAL; Benedict Gimbel, Jr., WIP; Jim Allen, WFIL; Paul C. Rodenhauer, WGAL; George E. Joy, WRAC; J. C. Burwell, WMBS; James P. Begley, KYW; John Holman, KDKA; J. C. Tully, WJAC; Leonard Kapner and R. Clifton Daniel, WCAE; Paul J. Breedy, and Robert G. Magee, WEEU; Arthur W. Chafey, WRAW; Milton Laughlin, WHAT; Roy Thompson, WFBG; Roger W. Clipp, WFIL; Mike Lahr, WKOK; James M. Hughes, WJAS; H. K. Brennan, KQV; Ed Kroen, WKPA; Louis Baltimore, WBRE; Pete Wasser, WJAS; Isaac Levy, Leon Levy and Stanley Broza, WCAU; Douglas Hibbs, WTEL; Victor Diehm, WAZL; Henry N. Locker, WTEL; Pat Stanton, WDAS; E. C. Anderson, WEST; A. W. Graham, WKST; Sam Townsend, WKST; Arthur Simon, WPEN; Gorman Walsh, WDEL.

On Tuesday, the 10th, Neville Miller and Carl Haverlin went to Orlando, Florida, to join the Fifth District broadcasters, called into session by Director Walter Tison. A full report of this meeting will be carried in next week's REPORTS.

At Worcester, Massachusetts, on Thursday, the 12th, Director Paul Morency has called the First District broadcasters—embracing all of New England—into session. The next meeting, in point of time, will be that

of the Fourth District, to be held at the Willard Hotel in Washington, D. C., on Friday the 13th. (Director John Kennedy isn't superstitious.) This District, which is the largest in point of numbers in the Association, is expected to produce a rousing meeting in the National Capital.

Directors John Fetzer of the Eighth District, embracing Michigan and Indiana, and J. H. Ryan, Director of the Seventh District, embracing Ohio and Kentucky, will collaborate in holding a meeting at the Fort Shelby Hotel, Detroit, on Thursday, December 19. Again, President Miller and Carl Haverlin will be on hand. To wind up this whirlwind series of conferences, Director Clarence Wheeler has asked the Second District broadcasters to meet at the Onondaga Hotel in Syracuse on Friday, December 20, at 10 a. m.

Thus, before Christmas, meetings will have been held in which broadcasters in 22 states, Puerto Rico and the District of Columbia will participate. Within the areas embraced in these District meetings there are 405 broadcasting stations and all stations, regardless of membership in NAB or BMI have been invited to sit in and consider the industry's problems.

At the Board meeting, the Directors from several of the other Districts stated their intention to hold meetings after the first of the year and schedules for these meetings are now being worked out. Announcements will be made later.

## FCC STAYS OUT

FCC will not mediate the ASCAP situation, Chairman James Lawrence Fly of the Commission told E. F. Hummert of New York City this week in the following communication:

"This will acknowledge receipt of your letter of November 27, 1940, with enclosures, addressed to the Commission, Commissioner T. A. M. Craven, and myself, referring to the present controversy between the American Society of Composers, Authors and Publishers and the radiobroadcast industry. It is noted that you suggest that the Commission attempt to mediate this controversy.

"The existing controversy between ASCAP and the radiobroadcast industry has not been presented to the Commission by any of the interested parties, and consequently no position has been taken in that regard. It is accordingly suggested that any proposal for mediation should be made to the parties in interest.

"The information in your letter is appreciated by the Commission, and you may be assured that it has been given thoughtful consideration."

## NEBRASKA CASE

The U. S. Supreme Court last Monday agreed to review the decision of the Nebraska district court holding unconstitutional the Nebraska statute purporting to regulate so-called music copyright pools. A summary of the district court's decision was carried in NAB REPORTS, January 5, 1940 (p. 3935).



## BMI FEATURE TUNES

December 16-23

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON
8. AN OLD-FASHIONED CHRISTMAS

Of the ten biggest money makers in the coin machines as listed in *Variety* this week, three are BMI songs, *Practice Makes Perfect*, *There I Go*, and *I Give You My Word*, and *Billboard's* "Record Buying Guide" puts *There I Go* at the head of the list. *There I Go* and *Practice Makes Perfect* both stand higher this week than last on the national list of sheet music best sellers, and *So You're the One* appears for the first time on the regional lists for the east and for the west coast. *Frenesi*, of the Southern Music Publishing Co., Inc., which will be covered by the BMI license next month, appeared last week on the Hit Parade, and Artie Shaw's record of it shows up this week for the first time on the national list of best selling phonograph records. *Frenesi* and six BMI numbers make up seven of the top eight on two lists of leaders on the air. *Frenesi* and five BMI numbers account for six of the first eight on the third list. BMI's newest hit, *So You're the One*, heads all lists on the air.

BMI's acquisition of the performing rights in the catalogue of the E. B. Marks Music Corporation, the additional music of Southern Music Publishing Co., Inc., United Publishing Company and the Argentine Performing Rights Society, which BMI has now acquired through a new contract with the American Performing Rights Society, Inc., have received nationwide prominence in the newspapers. As of January 1, 1941, the BMI license will give BMI members their choice of more than 200,000 compositions. The BMI license carries the radio performing rights to the following catalogues:

Alpha Music  
American Performing Rights Society, Inc.  
Peer International Corporation (music from Southern Music Publishing Co., Inc. and United Publishing Company)  
Sociedad Argentina de Autores, Compositores de Musica de Buenos Aires, Argentina  
Sindicato de Autores, Compositores y Editores de Musica de Mexico  
Institucion Nacional de Autores, Compositores y Editores de Cuba  
D. Appleton-Century Company  
Coast to Coast Music Corporation  
M. M. Cole Publishing Company

Colonial Music Publishing Company, Inc.  
O. B. Clow  
Donald H. Gabor (Csardas Phono Company)  
Hinds, Hayden & Eldredge  
Edward B. Marks Music Corporation  
New Era Music Corporation  
G. Ricordi & Company—Milan  
E. C. Schirmer Music Company

The new BMI hymnal containing 492 selections is expected to be ready for distribution on December 21st. In addition, BMI has secured non-exclusive broadcasting rights in the American Catholic Hymnal, published by P. J. Kenedy & Sons, in the *Union Hymnal—Songs and Prayers for Jewish Worship*, published by the Central Conference of American Rabbis, and in the *Hymns of the Spirit*, published by the Beacon Press, a hymnal of the Universalist and Unitarian churches. Negotiations are pending for similar arrangements as to the hymnals of other denominations.

Following the recent meetings in Philadelphia, Pennsylvania, and Orlando, Florida, new subscriptions and pledges to Broadcast Music, Inc., brings the total number of stations backing BMI to 527.

At both meetings Neville Miller, President of NAB and also of BMI, was present. The enthusiasm and strong unity of spirit and purpose shown at the meetings paid tribute to his inspiring leadership. BMI's position and the record of BMI achievement were set forth by Carl Haverlin, BMI's Director of Station Relations. Much attention was given to ways and means of avoiding copyright infringements after the first of the year and clear, specific directions on this matter were presented.

The Philadelphia meeting represented the third district and the Orlando meeting represented the Florida Broadcasters Association and a few stations in Georgia. The results of the former meeting were that all stations in Pennsylvania except two are now with BMI. After the Florida meeting every station in the state was written into the BMI column with one exception and that station was not represented at the meeting.

We welcome to the BMI list the following (including the stations signed or pledged at these meetings):

KFBC—Cheyenne, Wyo.	WLAV—Grand Rapids, Mich.
KTRI—Sioux City, Iowa	WDWS—Champaign, Ill.
KEUB—Price, Utah	WTAD—Quincy, Ill.
KINY—Juneau, Alaska	WIBA—Madison, Wis.
KVGB—Great Bend, Kans.	WEMP—Milwaukee, Wis.
WDOD—Chattanooga, Tenn.	KGBX—Springfield, Mo.
WGBI—Scranton, Pa.	KYSM—Mankato, Minn.
WNBZ—Saranac Lake, N. Y.	KOBH—Rapid City, S. D.
WCBT—Roanoke Rapids, N. C.	KOAM—Pittsburg, Kans.
WLSL—Roanoke, Va.	KHBG—Okmulgee, Okla.
WAIR—Winston-Salem, N. C.	KOME—Tulsa, Okla.
WEED—Rocky Mount, N. C.	KGFI—Brownsville, Tex.
WKEU—Griffin, Ga.	KOCA—Kilgore, Tex.
WBAX—Wilkes-Barre, Pa.	KPAB—Laredo, Tex.
KLCN—Blytheville, Ark.	KRLH—Midland, Tex.
WMBO—Auburn, N. Y.	KMAC—San Antonio, Tex.
WPAB—Ponce, Puerto Rico	KTEM—Temple, Tex.
WAPO—Chattanooga, Tenn.	KID—Idaho Falls, Ida.
WDMJ—Marquette, Mich.	KWAL—Wallace, Ida.

KGEZ—Kalispell, Mont.  
 KGU—Honolulu, Hawaii  
 KTOH—Lihue, Hawaii  
 KLAH—Carlsbad, N. M.  
 WHEB—Portsmouth, N. H.  
 WFBG—Altoona, Pa.  
 WHP—Harrisburg, Pa.  
 WTEL—Philadelphia, Pa.  
 WMBS—Uniontown, Pa.  
 WMFR—High Point, N. C.  
 WRAL—Raleigh, N. C.  
 WMFD—Wilmington, N. C.  
 WGTM—Wilson, N. C.  
 WCOS—Columbia, S. C.  
 WMRC—Greenville, S. C.  
 WALA—Mobile, Ala.  
 WFTL—Fort Lauderdale, Fla.  
 WJAX—Jacksonville, Fla.  
 WLAK—Lakeland, Fla.  
 WKAT—Miami Beach, Fla.  
 WTMC—Ocala, Fla.

WLOF—Orlando, Fla.  
 WDBO—Orlando, Fla.  
 WDLP—Panama City, Fla.  
 WCOA—Pensacola, Fla.  
 WFOY—St. Augustine, Fla.  
 WSUN—St. Petersburg, Fla.  
 WTSP—St. Petersburg, Fla.  
 WSPB—Sarasota, Fla.  
 WTAL—Tallahassee, Fla.  
 WFLA—Tampa, Fla.  
 WKGA—Tampa, Fla.  
 KXO—El Centro, Calif.  
 KGBU—Ketchikan, Alaska  
 KOL—Seattle, Wash.  
 WEBC—Duluth, Minn.  
 WHLB—Virginia, Minn.  
 WEAU—Eau Claire, Wis.  
 KDAL—Duluth, Minn.  
 KRMC—Jamestown, N. D.  
 WARM—Scranton, Pa.  
 KWBG—Hutchinson, Kans.  
 WJHL—Johnson City, Tenn.

Twelve new BMI records are announced for immediate release:

**COLUMBIA**

<i>I Can't Remember to Forget</i>	Kay Kyser	Col. 35847
<i>To Be Continued</i>	Kay Kyser	Col. 35847
<i>I Hear a Rhapsody</i>	Michael Loring	Col. 35825
<i>My Heart's on Ice</i> (Hellzapoppin')	The Charioteers	Col. 35851

**OKEH (Columbia)**

<i>Because of You</i>	Tommy Tucker	Okeh 5899
<i>High on a Windy Hill</i>	Gene Krupa	Okeh 5883
<i>It All Comes Back to Me Now</i>	Gene Krupa	Okeh 5883

**VICTOR**

<i>So You're the One</i>	Hal Kemp	Victor 27222
<i>Walkin' by the River</i>	Hal Kemp	Victor 27222
<i>There I Go</i>	Kenny Baker	Victor 27207
<i>You Walk By</i>	Wayne King	Victor 27206

**BLUEBIRD (Victor)**

<i>Let's Dream This One Out</i>	Tony Pastor	B-10938
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**NAB BOARD MEETING**

The Board of Directors held a two-day session in New York last Thursday and Friday, the 5th and 6th. It was a fully attended meeting.

After lengthy discussion of the music controversy in which the entire subject was reviewed, the following statement was issued:

"The Board of Directors of the National Association of Broadcasters at its meeting yesterday (Friday, Dec. 6) unanimously expressed satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute on all radio programs including those which do not use any music whatsoever. The Board drew attention to the fact that this fight was begun only after the broadcasters had struggled vainly for years to induce the American Society of Composers, Authors and Publishers to cease taxing such non-musical programs and also to consent to some form of payment which would enable broadcasters to use music not controlled by the monopoly without paying a double tax by so doing."

The Board voted the 1941 convention to the mid-west, with preferences expressed for St. Louis, Chicago, and French Lick, Indiana. The final decision with reference to convention place rests upon the making of proper arrangements with respect to accommodations and dates.

Another matter which received the Board's attention was that of Associate Membership. A sub-committee consisting of Messrs. Gillin, Gammons, and O'Fallon, recommended a plan which was approved by the Board, the details of which will shortly be announced.

The Board further approved the applications for membership of the following stations which brought the membership of the Association to the total of 498:

KHSL—Chico, Calif.	WGAC—Augusta, Ga.
KVCV—Redding, Calif.	WGAN—Portland, Me.
KWIL—Albany, Ore.	WMRN—Marion, Ohio
KYAN—Cheyenne, Wyo.	WWDC—Washington, D. C.
WDEF—Chattanooga, Tenn.	W1XOJ (FM)—Paxton, Mass.
WFCI—Pawtucket, R. I.	Call letters not yet assigned (FM)—Mt. Washington, N. H.

Since the Board meeting the application of KHBG, Okmulgee, Oklahoma, has come in. We now have 499 members and from the pledges which we have received from various sources, we know we are going over the 500 mark before the close of 1940.

A letter from the Federal Communications Commission requesting the designation of an NAB representative upon the Defense Communications Board was read. The Board authorized President Neville Miller to serve as NAB's representative on both the International and Domestic sections of the Defense Communications Board.

The report of the Association's financial operations for 1940 and the budget for 1941 were submitted and approved. These showed that in the current year the Association had operated well within the appropriations made and the budget for 1941 is on approximately the same basis as that of 1940.

**PIB REQUEST FOR UNIT REPORTS**

Under date of November 29, 1940, Publishers' Information Bureau addressed radio stations with a request for press releases and a copy of the monthly business report to NAB which is being used by the Research Department for compilation of the monthly unit reports. Many requests on the subject have been received from member stations. A letter from PIB is as follows:

**"IMPORTANT REQUEST"**

"Will you please put us on your mailing list to receive promptly your Press Releases starting with December 1st.

"We are making an important study for a client and we need the Press Releases promptly.

"It also would be of great advantage to us in making a complete picture, if you could send us a carbon copy of the reports you send to the National Association of Broadcasters.

"Thank you for your cooperation.

*Sincerely yours,*

s/ A. R. EDGERLY,

*President."*

Publishers' Information Bureau, Inc., is an organization engaged in the business of procuring and publishing dollar volume figures on advertising placed in magazines and radio. The current monthly reports of PIB include



detailed advertising expenditures to national networks. A quarterly report is published on spot radio broadcasting and, for the first six months of 1940, included the spot business of 134 stations.

The NAB undertaking, called the Unit Measurement of Broadcast Advertising, was approved by the 1940 San Francisco Convention to accomplish two things: 1. to provide for the industry a complete advertising analysis, including national network, regional network, national spot and local advertising, and—2. to eliminate dollar volume estimates in favor of time unit measurements.

It is not clear as to what practical use PIB can make of press releases from stations. The object of their letter, therefore, seems to center in the request of a carbon copy of the reports to NAB.

## FM

### FM APPLICATION FORM REVISED

The FCC this week announced the adoption of a revised form of application for construction permits for new high frequency (FM) broadcast stations, simplifying and clarifying the information requirements.

The new form (FCC No. 319), which is expected to be available within a few days, was adopted following a series of conferences with representatives of the industry. At the invitation of the Commission, a committee was formed to represent the National Association of Broadcasters, the National Independent Broadcasters, and a specially constituted FM Broadcasters Committee on Application Forms, as well as the Commission.

The result was not only simplification of the form so as to stimulate the development of FM broadcasting, but a better mutual understanding of the problems of the industry and the Commission in presenting and determining facts on which decision must be based. It was recognized that developments in this new commercial broadcast field may at some future time indicate the advisability of future changes in the form. The way was left open for meeting subsequent needs through like exchange of views.

Following completion of the committee's work and adoption of the revised form by the Commission, the following statement was made on behalf of the industry group:

"We think the form has been greatly simplified and clarified from the point of view of the applicant. It should be understood, of course, that in all our discussions we were not dealing with any fundamental questions as to the extent of the powers of the Commission. Our committee was well pleased with the results of the conferences."

The usefulness of joint discussion and cooperation was again demonstrated at the recent conferences. In this instance it was possible to so far meet the views of the

industry that the changes made were received with expressions of satisfaction by the participants. At the same time no requirement essential to furnishing information needed by the Commission in its licensing work was sacrificed.

It is anticipated that at an early date the revisions made in form 319, other than of engineering questions, will correspondingly be made in forms 301 and 304 wherever applicable.

The NAB Committee is made up of: Eugene C. Pulliam, WIRE, Chairman; W. C. Alcorn, WBNX, Vice-Chairman; H. W. Batchelder, WFBR; Harold A. Lafount, WCOP; Kenneth E. Raine, CBS; Reed T. Rollo, MBS; Philip J. Hennesey, Jr., NBC; and Paul F. Peter and Russell P. Place of the NAB staff.

### ADDITIONAL FM SERVICE AUTHORIZED

The states of Connecticut and Rhode Island, about half of Massachusetts, a section of southeastern New York State, part of Tennessee, and the Pittsburgh, Chicago and New York metropolitan districts are scheduled to receive regular FM (frequency modulation) broadcast programs from seven additional stations authorized by the FCC. The prospective service areas of these new stations aggregate nearly 50,000 square miles embracing more than 20,500,000 potential listeners.

The slice of New England referred to, plus southeastern New York including nearly all of Long Island, constitutes the 6,100 square miles of territory with 1,118,000 population to be served by WDBC, Inc., of Hartford, Conn., through the medium of a transmitter located on the west peak of Meriden Mountain, near Meriden, that state. It will operate on 46,500 kilocycles.

Twelve million people are in the 8,500 square miles of the potential metropolitan service area of Metropolitan Television, Inc., and Bamberger Broadcasting Service, Inc., both of which received grants to broadcast from New York, the former on 47,500 kilocycles and Bamberger on 47,100 kilocycles. Metropolitan's transmitter will be atop the Hotel Pierre. Bamberger will have its station at 444 Madison Avenue.

Four and one-half million persons are in the 10,800 square miles of the Chicago area scheduled for service under grants to the National Broadcasting Co. and WGN, Inc. National Broadcasting Co., operating from the Civic Opera House, will use 46,300 kilocycles (or another adequate frequency). WGN will have a transmitter on a 485-foot downtown office building, using 45,900 kilocycles (or another adequate frequency).

About 2,100,000 persons will be in the 8,400-square-mile service radius of the Walker-Downing Radio Corp., which will operate from 341 Rising Main Street, Pittsburgh. This applicant will specify a frequency adequate for such coverage.

An area of 16,000 square miles, with 819,000 population, is to be served by the National Life & Accident Insurance Co. of Nashville, from a transmitter near Franklin, Tenn. This applicant will use 44,700 kilocycles.

These grants are in addition to those announced last month as assuring regular FM programs for Detroit, Los Angeles, Schenectady, Evansville (Ind.), Binghamton (N. Y.), Mt. Washington (N. H.), Baton Rouge, Columbus (Ohio), Salt Lake City, Milwaukee, Chicago and New York.

Applications by the Yankee Network and the Worcester *Telegram* Publishing Company to serve an identical widespread area from practically the same site near Worcester, Mass., on the frequencies 44,300 and 43,100 kilocycles respectively, were designated for joint hearing.

### DISTINCTIVE CALLS FOR FM

To provide distinctive calls for FM (frequency modulation) broadcast stations, the FCC has adopted a new system of call letters with interposed numbers for this now commercially recognized broadcast service.

Under international agreement, to which the United States is a party, the first letter (in some cases the first two letters) of a call signal indicates the nationality of a station. The United States is assigned the use of three letters—N, K, and W. Hence the present domestic assignment of combinations beginning with these letters. Call letters beginning with N are reserved for the exclusive use of the Navy and Coast Guard. Call letters beginning with K are assigned to broadcast stations located west of the Mississippi River and in the territories. Call letters beginning with W are assigned to stations east of the Mississippi River. Any existing call letters not in accordance with this procedure is due to the fact that the station was licensed before the allocation plan was adopted.

Consequently, the first call letter of an FM station must be K or W, depending on its geographical location.

A second letter for an FM station will be assigned in alphabetical order (with exception of E, which will be reserved for non-commercial educational stations using frequency modulation) to each station on a given frequency as licensed, thus providing 25 stations in each area for a given frequency. If more than 25 stations are assigned on a given frequency, an additional letter will be necessary.

However, between the initial letter and supplemental letter (or letters) two numbers will be utilized. These numbers will indicate the frequency assignment. This is possible because all FM stations are in the 42,000-50,000 kilocycle band, and because all FM frequencies are assigned on the odd hundreds in kilocycles. Thus, the first figure and the last two figures of the frequency assignment can be dropped.

In addition, and where possible, the city or area will be indicated by the second letter or a combination of second and third letters. Letter combinations of this mnemonic character have been assigned to each of the metropolitan trading centers. Thus, stations in Boston will terminate with the letter B, while stations in New York City will terminate with NY. Similarly, stations in the District of Columbia will be identified with the suffix DC.

In brief, here is how the system works: W41B would indicate an FM station in the eastern section of the country (Boston) operating on the frequency of 44,100 kilocycles. By the same token, K43SF would apply to an FM station in the western part of the United States (San Francisco) on the 44,300 kilocycle frequency.

The letter E in the alphabetical arrangement will identify non-commercial educational broadcast stations employing FM on the new high frequency broadcast band. Five channels (42,000 to 43,000 kilocycles) are available to these educational stations.

There is no international regulation to bar the use of this FM identifying system. In fact, a like principle is followed by Chile in assigning calls to standard broadcast stations in that country. The arrangement provides ample source of calls for future FM stations. It is about the only source of new call combinations which can be adapted, inasmuch as other types of calls are assigned by treaty to stations and services other than broadcast. It has the additional advantage of permitting identification of the frequency actually used, and for that reason should be popular with listeners as well as broadcasters.

Further, it will not disturb the approximately 15,000 remaining four-letter call combinations which are being assigned to the older services at the rate of between 40 and 50 a week. Even if this average does not increase, such a reservoir will not last more than six years. It should also be noted that under international treaty, ship stations have priority in the assignments of radio call letters from the four-letter group.

## 50 MILLION SETS BY CHRISTMAS

All four Washington, D. C., stations are cooperating in "50,000,000 Radio Sets by Christmas." Announcements over WRC, WAL, WMAL, and WJSV, are scheduled several times daily straight through to Christmas.

Mailing of "50,000,000 Radio Sets by Christmas" was arranged for delivery on approximately the same date in all sections of the country. Reactions from a goodly



number of station managers have been received. First to arrive by air mail was Kay Pyle's, general manager, KFBI, Wichita, Kan:

"We are in receipt of your folder dated December 6, on '50,000,000 Radio Sets by Christmas,' and wish to assure you that KFBI will gladly cooperate."

There is every reason to believe that at the conclusion of this industry-wide effort to increase circulation facilities that the total number of sets in use will be at least 50 million.

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Substantial assistance to the broadcasting industry's promotion for "50,000,000 Radio Sets by Christmas" has been given by *Movie-Radio Guide*. The December 7-13 issue carried four pages of reproductions of current model radio receivers. Caption on first of the four pages was: "A Radio Is Your Best Christmas Gift". Copy which followed read:

"If you want to give a Christmas gift which will be remembered for each moment of happiness it brings to the recipient, make it a radio set. If you want to give something practical, a gift which can be used and enjoyed every day of the year, make it a radio. If you want to give something permanent, make it a sturdy 1941 radio. On these pages *Movie-Radio Guide* displays a gift selection of radio sets which are guaranteed to meet all of the above requirements. There's one for every person on your list!

**"FOR YOUR FAMILY . . .**

"Beautiful consoles and combinations—instruments which will make your living-room a real gathering-place for members of the family, young and old—are available in cabinets which will harmonize with your room, whatever may be its decorative scheme,  
**"FOR YOUR FRIEND . . .**

"For your mother, father, daughter, son, or just for a good friend, there are the intimate, new personal radios, on this page, which may be carried about as easily as a miniature camera—or the equally useful portables. There are fine, new table models, and the smaller, economical radio-phones, too.

**"FOR YOURSELF . . .**

"Yes, treat yourself this Christmas to one of the personal radios, or to any other model which may suit your need. Examine the radio sets pictured on these pages and solve each of your gift problems with a marvelous 1941 radio!"

## 20TH BIRTHDAY

The grapevine brings news that KVOO's powerful transmitter, Tulsa, was put to work during Radio's 20th Birthday, with telling effect. The series of programs were custom built and broadcast under the personal direction of Program Director Edward C. Coontz.

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KROW, Oakland, saluted Radio's 20th Birthday on November 30 with a 75-minute cavalcade written by Lee McLendon, Elizabeth Pennell and Don Logan. Keith Kerby and John K. Chapel were narrators and music was under the direction of Eddie House.

Tying up with the promotion developed by NAB, the KROW program traced the development of broadcasting and stressed the necessity of a free radio as being as important as freedom of the press, freedom of speech and freedom of religion. The theme of the program was thoroughly that of democracy.

Short talks were made by Tom Tyrell, radio editor of the San Francisco-Oakland Shopping News, Irving Terrell of the Oakland Chamber of Commerce, and Philip G. Lasky, KROW's general manager.

Though network salutes were released, this was the only local production in the San Francisco area, according to KROW.

## NATIONAL DEFENSE

How individuals may help in the present emergency is being forcefully told through the medium of radio by the Legislative Advisory Committee on National Defense and Employment of the State of California.

The Committee operates under authority granted by the State Legislature and its Radio Chairman is Richard F. Connor, Los Angeles.

According to Mr. Connor the first broadcast over the Pacific Coast Mutual-Don Lee Broadcasting System took place Friday, November 29, 3:30 to 4:00 p. m.

Next Sunday the Committee will broadcast its program over Mutual Broadcasting System, coast to coast, at 3:00 p. m., EST.

An analysis of the opening script indicates that the Californians have evolved a forceful technique for attracting and holding an audience and for getting across a particular national defense idea.

After the opening fanfare there is a four voice opening announcement:

"Men wanted . . . men wanted . . . men wanted.

"Skilled men needed for defense.

"Men wanted for the Army, Navy and Marine Corps.

"Uncle Sam needs men to study and train under the vocational educational program of, 'Skills for Defense.'

"Men wanted . . . men wanted . . . men wanted."

Then after "stout hearted men" the announcer said:

"Good afternoon . . . from coast to coast the Legislative Advisory Committee on Defense and Employment of the State of California, presents a broadcast to the nation, with the hope that young men everywhere will heed the appeal to join and take advantage of the educational facilities now being offered them to prepare as skilled trades-men. Today's program features the remarks of nationally famous educators, naval and military authorities and civic leaders . . . and brings you the music and melody of the two-hundred fifty voice Los Angeles civic chorus under the direction of J. Arthur Lewis and the Los Angeles Police Department Band under the baton of Captain Harry Signor."

Following John C. Austin, civic leader and member of the Legislative Advisory Committee on Defense and Employment, explained that the group came into being to marshal the resources of the state back of national defense.

Next speaker was Commander R. Bolton, who, in one hundred and fifty words, sold naval enlistment.

Dr. Robert A. Millikan, using the same amount of copy, stressed the development of our human resources—"trained brains and skilled hands." He said that the country must have a total defense program and "war today is won in the first instance in the laboratory, in the work shop, on the drafting board and in the factory.

The states as such will make their largest contribution to the national defense by keeping their educational machinery running at its maximum efficiency in providing an adequately trained personnel for the foregoing occupations."

The part of labor was handled by R. A. McMullen, president of the Los Angeles Building and Construction Trades Council. He asserted that the American Federation of Labor favored a well regulated apprenticeship program. He began his remarks with "our nation is engaged in a great national defense program the purpose of which is to assure continuance of our democratic way of life and if it becomes necessary to defend our freedom with force, we will be prepared to do an adequate job."

Colonel John Pirie, United States Army and former commander of March Field, Riverside, Calif., said:

"From time immemorial, whenever other factors were equal, success in battle has been had by the forces able to utilize the latest developments in arms and equipment . . . the present emergency will demand an ever increasing number of workmen with a high degree of intelligence and training, and will require the closest cooperation among military, naval, industrial and school authorities throughout the nation. . . ."

Former State Superintendent of Schools, Vierling Kersey, and now superintendent of the schools in the City of Los Angeles, said:

"Educational leadership recognizes that there can be no adequate national preparedness except as education meets its full responsibility. This responsibility in times of stress is twofold. Education must train men and women for the essential and the normal jobs which produce commodities and perform services that make defense strong. And even greater responsibility for education to meet is that which has to do with the strengthening of national morale. . . ."

### MAN POWER

"Station KUSD of the University of South Dakota, Vermillion, has for some time been using Man Power Announcements," writes Ed LaGrave, Jr., student director.

Counting KUSD, at least 655 stations are cooperating in recruiting skilled workers, on behalf of the United States Civil Service Commission, for jobs in National Defense.

Aircraft needs remain urgent.

### TOP THIS ONE

George Patterson, program director, WAVE, Louisville, today offers the record of his station as claimant of longest remote pick-up honors in the broadcast of a high school football game.

Challenge was issued last week by J. E. Reynolds, commercial manager, WJRD, Tuscaloosa, Ala., after the station, on November 21, had broadcast, by remote from St. Louis, the football game between the Tuscaloosa and University high schools.

Mr. Patterson bases his claim to the DX championship on the broadcast, December 31, 1938, of the National Championship football game between New Britain, Connecticut, and duPont Manual of Louisville. The game was played in Baton Rouge, La. By leased lines, rail-

road or as the crow flies, Mr. Patterson believes that it is further from Louisville to Baton Rouge than it is from Tuscaloosa to St. Louis.

## ENGINEERING COLLEGES ANNOUNCE DEFENSE TRAINING COURSES

### *Includes Radio*

Sixty-four American engineering colleges in 35 States, the District of Columbia, and Puerto Rico are today announcing 250 short, intensive training courses, including radio engineering, designed to meet the shortage of engineers for service as designers, inspectors, and supervisors with the industries and Government agencies engaged in the National Defense program.

The all-clear signal for these announcements, which will be followed by others as additional needs and courses are developed, was given when John W. Studebaker, U. S. Commissioner of Education, reported formal approval of the proposals submitted by these institutions to Federal Security Administrator Paul V. McNutt.

### *25,000 To Enroll*

Prospective students must satisfy the engineering school giving the instruction that they have the requisite technical training and experience to understand the subject and that they are employable in defense work. Applicants will be considered by the schools individually. Those accepted will have their tuition costs paid by the Federal Government. Congress recently appropriated \$9,000,000, to be administered by the U. S. Office of Education, for this purpose.

Since the Engineering Defense Training program is intended both to prepare new workers for defense occupations and to fit those already so employed in engineering positions for greater responsibilities, many of the courses will be given after working hours and at locations in or near industrial areas. In many cases key men in defense industries will serve as instructors.

A list of the institutions whose plans are already approved and the courses which each will give is appended. Prospective students who wish further information are urged to communicate directly with the school giving the desired course, since it has the final responsibility for admission. Prompt action is urged. Instruction will begin as soon as the necessary number of students enroll.

## ENGINEERING DEFENSE TRAINING PROGRAM

### *Courses Approved to December 11, 1940*

#### Alabama

University of Alabama  
University

Correlation Course for Ordnance Inspectors  
Industrial Safety and Safety Administration  
Mechanics and Strength of Materials  
Mechanisms and Elementary Machine Design



University of Alabama (Continued)	Tool and Die Design Industrial Organization and Management; Time and Motion Study Physical Metallurgy and Metallurgy of Iron and Steel Industrial Practice, Steel Industry Industrial Practice, Electric Power Industry Industrial Practice, Cast Iron Pipe and Fittings Industry	Purdue University (Continued)	Applications of Electronics Materials Testing and Inspection (2 courses) Explosives Inspection
	<b>Arkansas</b>	Rose Polytechnic Institute Terre Haute	Materials Inspection and Testing Engineering Drawing and Machine Design
University of Arkansas Fayetteville	Engineering Drawing	University of Notre Dame South Bend	Chemical Analysis of Metallurgical Materials Physical Metallurgy Tool and Die Design
	<b>Colorado</b>		<b>Iowa</b>
Colorado State College of Agricultural and Mechanical Arts Fort Collins	Machine Design Engineering Drawing Materials Inspection and Testing	Iowa State College Ames	Tool Engineering Materials Inspection and Testing
University of Colorado Boulder	Engineering Drawing and Machine Design (4 courses) Technology of Heavy Chemicals Industry Advanced Electronic Instruments		<b>Kansas</b>
University of Denver Denver	Testing of Chemicals and Other Defense Materials	Kansas State College Manhattan	Engineering Drawing Tool Engineering Explosives
	<b>Connecticut</b>	University of Kansas Lawrence	Aeronautical Engineering Engineering Drawing Machine Design Materials Inspection and Testing Production Engineering and Supervision
Yale University New Haven	Applied Mechanical Design Engineering Drawing Inspection of Materials Metallurgy Production Control Welding Supervision		<b>Kentucky</b>
	<b>District of Columbia</b>	University of Louisville Louisville	Aerial Photographic Mapping Ferrous Physical Metallurgy Non-Ferrous Physical Metallurgy Strength of Materials Elementary Unified Mathematics
George Washington University Washington	Surface and Aerial Navigation Concrete Inspection and Testing Construction Materials, Properties, Tests and Specifications Map Making and Interpretation Structural Steel Design Ship Construction Radio Communication		<b>Louisiana</b>
Howard University Washington	Engineering Drawing	Louisiana Polytechnic Institute Ruston	Engineering Drawing
	<b>Illinois</b>	Southwestern Louisiana Institute Lafayette	Engineering Drawing
Bradley Polytechnic Institute Peoria	Engineering Drawing		<b>Maryland</b>
Illinois Institute of Technology Chicago	Design of Tools and Testing Equipment Tool and Fixture Design Machine Design Testing Methods Inspection Methods Welding Engineering Structural Designing and Drafting Design of Bombproof Shelters Time and Motion Study Industrial Management Metallurgy Drafting and Elementary Design Strength of Materials and Steel Design Testing and Inspection of Concrete Diesel Engines Production Planning Routing	Johns Hopkins University Baltimore	Plastics Mechanical Design for Radio Engineers Radio Engineering Materials Inspection and Testing
	<b>Indiana</b>	University of Maryland College Park	Aircraft Inspection Aircraft Tool Engineering Aeronautical Drafting and Design
Purdue University Lafayette	Aeronautical Engineering Tool Design (2 courses) Production Engineering (2 courses) Production Supervision (2 courses) Engineering Drafting Materials Inspection Machine Design Metallurgy		<b>Massachusetts</b>
		Harvard University Cambridge	Engineering Drawing
		Massachusetts Institute of Technology Cambridge	Ordnance Inspection Dynamic Analysis of Servomechanisms Textile Testing Exterior Ballistics Applied Mathematics Engineering Fundamentals Aeronautical Engineering Aircraft Engines Application of Metallography Instrumentation and Vibration Measurement Vibrations and Their Applications
		Northeastern University Boston	Machine Design Materials Inspection and Testing Production Engineering and Supervision
		Tufts College Medford	Chemistry in National Defense Concrete Inspection and Construction Machine Design Radio Engineering Theory and Practice of Welding

**Michigan**

- Michigan College of Mining and Technology  
Houghton  
Machine Design  
Materials Inspection and Testing  
Engineering Drawing
- University of Detroit  
Detroit  
Materials Inspection and Testing  
Drawing, Descriptive Geometry, and Shop Mathematics  
Aeronautical Engineering  
Production Supervision  
Production Engineering
- University of Michigan  
Ann Arbor  
Production Engineering and Supervision  
Machine Design  
Materials Inspection and Testing  
Tool Engineering

**Minnesota**

- University of Minnesota  
Minneapolis  
Optical Engineering

**Mississippi**

- Mississippi State College  
State College  
Engineering Drawing  
Tool Engineering  
Materials Inspection and Testing

**Nevada**

- University of Nevada  
Reno  
Civil Engineering Drawing

**New Hampshire**

- University of New Hampshire  
Durham  
Engineering Drawing

**New Jersey**

- Newark College of Engineering  
Newark  
Machine Design  
Engineering Drawing  
Materials Inspection and Testing
- Rutgers University  
New Brunswick  
Machine Design
- Stevens Institute of Technology  
Hoboken  
Introduction to Engineering  
Elements of Engineering Drawing

**New Mexico**

- New Mexico College of Agricultural and Mechanical Arts  
State College  
Engineering Drawing  
Materials Inspection and Testing  
Machine Design

**New York**

- Cornell University  
Ithaca  
Mechanics and Elementary Aircraft Design
- New York University  
New York City  
Marine Engineering  
Aerial Bombardment Protection  
Time and Operation Study  
Gaging and Inspection Methods  
Production Control
- Union College  
Schenectady  
Chemistry of Metals  
Design of Highly Stressed Structures and Apparatus  
Drafting and Drafting Room Practice  
Electron Tubes and Their Applications  
Elementary Electrical Theory and Practice  
Elementary Mechanics and Strength of Materials  
Engineering Materials & Manufacturing Methods  
Engineering Problems and Their Mathematical Solution  
Industrial Applications of Optics  
Industrial Chemistry  
Internal Combustion Engines  
Principles and Practice of Radio Communication  
Production and Cost Control  
Tool Design

**North Carolina**

- Agricultural and Technical College of North Carolina  
Greensboro  
Materials Inspection and Testing
- Duke University  
Durham  
Machine Design  
Communication Engineering
- North Carolina State College  
Raleigh  
Diesel Engineering  
Production Engineering  
Machine Design  
Experimental Electronics  
Materials Inspection and Testing  
Aircraft Inspection  
Chemical Testing and Inspection

**North Dakota**

- University of North Dakota  
University  
Engineering Drawing  
Materials Inspection and Testing

**Oklahoma**

- Oklahoma Agricultural and Mechanical College  
Stillwater  
Tool Engineering  
Production Engineering  
Machine Design  
Materials Inspection and Testing  
Engineering Drawing
- University of Oklahoma  
Norman  
Engineering Drawing (2 courses)

**Ohio**

- Case School of Applied Science  
Cleveland  
Industrial Instrumentation  
Explosives  
Electrical Maintenance and Control  
Internal Combustion Engine Testing  
Elements of Motion Economy  
Fundamentals of Machine Design  
Machine Detailing  
Inspector and Metallurgical Technician Training
- University of Cincinnati  
Cincinnati  
Materials Inspection and Testing  
Production Supervisor

**Pennsylvania**

- Bucknell University  
Lewisburg  
Engineering Drawing  
Materials Inspection and Testing
- Carnegie Institute of Technology  
Pittsburgh  
Engineering Drafting (2 courses)  
Production Engineering  
Elements of Metallurgical Engineering  
Testing and Inspection  
Machine Design  
Production Supervision
- Drexel Institute of Technology  
Philadelphia  
Production and Tool Engineering  
Machine Design  
Chemical Plant Operation  
Electrical Circuit Theory, Machines and Instruments
- Grove City College  
Grove City  
Engineering Drawing
- Pennsylvania State College  
State College  
Fuel Technology  
Pyrometry  
Physical Testing of Materials (2 courses)  
Elementary Engineering Drafting  
Elementary Machine Design  
Elementary Tool Design  
Electronics and Electron Tubes  
Operation Inspection  
Petroleum Refinery Control  
Physical Metallurgy  
Pre-Foremanship Training in Production Supervision  
Production Engineering (2 courses)  
Test Calculations and Instrumentation  
Time and Motion Study  
Diesel Engineering



### Tennessee

Vanderbilt University  
Nashville  
Engineering Drawing  
Machine Design  
Materials Inspection and Testing

### Texas

Southern Methodist  
University  
Dallas  
Engineering Drawing  
Production Supervision

Texas College of Arts  
and Industries  
El Paso  
Engineering Drawing

University of Texas  
Austin  
Engineering Drawing  
Soil Mechanics Laboratory Technique  
Structural Drafting  
Materials Inspection and Testing (2  
courses)

### Utah

University of Utah  
Sale Lake City  
General Metallurgy  
Materials Inspection and Testing  
Mechanical Drawing and Descriptive  
Geometry  
Machine Design

### Vermont

Norwich University  
Northfield  
Engineering Drawing

### Virginia

University of Virginia  
Charlottesville  
Engineering Drawing

### Washington

State College of Wash-  
ington  
Pullman  
Engineering Drawing

### West Virginia

West Virginia University  
Morgantown  
Process Engineering (Chemical)  
Testing and Inspection  
Production Supervisors  
Drafting and Designing  
Metallurgy

### Wisconsin

Marquette University  
Milwaukee  
Materials Inspection and Testing  
Production Engineering

### Wyoming

University of Wyoming  
Laramie  
Engineering Drawing

### Puerto Rico

University of Puerto Rico  
Mayaguez  
Communication Engineering

The Conference was conducted by Andrew D. Ring, Chief Engineer of the broadcast division. William C. Boese, Commission Engineer and William H. Bauer assisted Mr. Ring in conducting the Conference. Also present at the Conference table were the following:

Mr. C. M. Srebroff, Radio Engineering Laboratories; Mr. Frank A. Gunther, Radio Engineering Laboratories; Mr. C. A. Priest, General Electric Company; Mr. John B. Coleman, RCA Manufacturing Company; Mr. Raymond F. Guy, National Broadcasting Company; Mr. J. E. Young, RCA Manufacturing Company; Mr. R. N. Harmon, Westinghouse Electric & Manufacturing Company; Major Edwin H. Armstrong, Columbia University; Mr. J. F. Morrison, Bell Telephone Laboratories and Mr. M. A. MacNari, Bell Telephone Laboratories.

During his introductory remarks, Mr. Ring outlined the purposes of the Conference as contained in FCC public notice of November 23 entitled, "Notice To Manufacturers Of High Frequency Broadcast Equipment." (See November 29 NAB REPORTS.)

Mr. Ring asked the various representatives what they thought the proper steps in maximum transmitter power rating should be and what the operating power range for each transmitter should be.

John Morrison, of the Bell Telephone Laboratories, suggested that the successive steps in power be about three to one. He suggested that the maximum power ratings be .3, 1, 3, 10, 30 and 100 KW. Mr. Morrison discussed a plan for licensing FM stations using standard steps of power. He pointed out that the 50 microvolt contour distance varies a small amount over a power range of three to one. As a procedure for using standard steps of power, Mr. Morrison said that the power needed in an antenna with a gain of one could be calculated and then the next lowest standard transmitter power could be selected and the efficiency of the antenna then raised up to the required amount. He also suggested approval of a station using a good antenna and a standard power transmitter provided the transmitter power was within 25% of the required value.

C. A. Priest of the General Electric Company suggested power increments of not less than three to one. He suggested maximum power ratings of .25, 1, 3, 12 and 50 KW with the power variable on the smallest transmitter from 50 to 250 watts and provision for power reduction on the other transmitters down to the next lowest step. Mr. Priest said that most of the available tubes for UHF would allow these steps.

Mr. John B. Coleman of the RCA Manufacturing Company, favored the power steps outlined by Mr. Morrison with the exception of the first step where he suggested 250 watts.

Mr. C. M. Srebroff of Radio Engineering Laboratories, said that they approved the steps outlined by General Electric Company.

Mr. R. N. Harmon of the Westinghouse Electric & Manufacturing Co., said that they were willing to go along with the consensus of opinion so far as the low power steps were concerned and that he was not prepared to make a statement on the high-powered steps.

Mr. Ring led a discussion of the various proposals and finally the following maximum power ratings and operating power ranges were agreed on.

250 watts variable from 100 watts; 1,000 watts variable from 250 watts; 3,000 watts variable from 1,000 watts; 10,000 watts variable from 3,000 watts; and 50,000 watts variable from 12,500 watts.

It was recognized that there may be a need in the future for an intermediate power in the neighborhood of 25,000 watts and for a higher power of 100 KW.

It was agreed by the representatives of the companies present,

## Engineering

### FCC HOLDS CONFERENCE ON HIGH FREQUENCY EQUIPMENT

An informal Engineering Conference was held at the FCC on Monday, December 9, for the purpose of discussing transmitting equipment for high frequency broadcast stations.

Two principal subjects were discussed and these were:

- 1—Maximum power rating and operating power range of standard high frequency (FM) transmitters  
and
- 2—Performance characteristics of audio amplifying equipment when obtained separately and as a complete unit.

that they would adhere to the manufacture of transmitters of the powers outlined above, and further that a company desiring to produce another model would give 6 months notice to all of the other companies.

Mr. Ring indicated that the Commission would not allow the installation of a transmitter in excess of four times the operating power.

The Conference took up the discussion of power loss on transmission lines at ultra high frequencies and the power gain of various antennas. Mr. Ring said it would be desirable to have a set of values which could be used in calculating UHF broadcast coverage. Due to lack of detailed information on these two subjects, Mr. Ring requested that the Director of Engineering of NAB coordinate the collecting of available data. Eight men were asked to serve on a Committee to further this work and these were:

H. P. Thomas, General Electric Company; J. F. Morrison, Bell Telephone Laboratories; R. N. Harmon, Westinghouse Electric & Manufacturing Company; Frank A. Gunther, Radio Engineering Laboratories; William B. Lodge, Columbia Broadcasting System; R. D. Duncan, RCA Manufacturing Company; Paul deMars, Yankee Network; and Andrew Alford, Mackay Radio and Telegraph Company.

Mr. Ring said that it was up to the Engineering Department of the FCC to see that specific audio-response requirements are met. The group then discussed the difficulties involved in obtaining the over-all requirements of the Commission. It was brought out that there may be some difficulty in obtaining the required response, even though the characteristics of the components did indicate that the response could be obtained. It was the consensus of the group that it would be more difficult to obtain the required performance if the audio-amplifying equipment components were obtained separately than if obtained as a factory wired unit.

The problem of transmitting up to 15,000 cycles over telephone lines was considered next. There was also discussion concerning frequencies suited for the use of relaying programs from the studio to the transmitter.

Mr. Ring said that the subject material of the Conference would most likely be covered in an FCC release in the immediate future.

Approximately 50 interested parties attended the Conference and at times some of those not at the Conference table joined in the discussion.

## Labor

### RESERVE OFFICERS

Both the Army and Navy Reserves will consider deferment in calling to active duty reserve officers who are key employees in industries related to national defense.

In the case of a naval reserve officer called up:

He should ask for deferment in a letter addressed to the Chief of the Bureau of Navigation, U. S. Navy Department, Washington, D. C. The letter should state his importance to the operation of the station. It should be accompanied by a letter from the station manager stating the importance of the officer to the operation of the station. These letters should be submitted to the officer's commanding officer.

The Army outlined its procedure as follows:

## OFFICE OF THE ASSISTANT SECRETARY OF WAR

Washington, D. C.

Transfer of Members of Officers' Reserve Corps Who Are Key Employees in Industry

(October 7, 1940)

The primary value of the reserve military organization—and the justification of the effort and expense involved in training and military education lies in its immediate availability in an emergency.

Only one valid reason will excuse a member of a reserve military organization from the obligation stated—his greater service to the nation in his civilian status.

The conception of modern warfare recognizes the vital role of the civilian effort. The requirement for availability of civilian employees, essential to industry in the national defense program, is comparable to that for armed forces. A civilian employee, however, who holds an important position in an industry related to national defense, and who is at the same time enrolled in a military organization, occupies a dual position incompatible with availability in an emergency. The inconsistency of this dual status can only be corrected by timely decision as to which status better serves the national interest.

*Reserve Officers, who are key men in industries related to national defense and whose retention is absolutely necessary, may be transferred to the War Department Reserve Pool upon the request of the head of the concern. It must be clearly shown that the officer cannot be replaced and that his absence on active duty would seriously jeopardize production.* The War Department reserves the right in all such cases to approve or disapprove the request or to return the officer to eligible status at any time that he is considered necessary in the military service. While in this Pool, the officer is not eligible for promotion, assignment, or active duty.

A separate request for transfer to the War Department Reserve Pool must be submitted for each officer. *It must be signed by the head of the firm and submitted to the Assistant Secretary of War, Washington, D. C., in duplicate.* The following information must be supplied in each case:

a. *Name of reserve officer:* (e.g., John H. Smith, not J. H. Smith).

b. *Rank and Military Organization:*

c. *Home address:*

d. *Date of birth:*

e. *Marital status and number of dependents:*

f. *Present position:*

g. *Length of time in present position:*

*Total time with firm:*

h. *Statement in justification of classification of reserve officer as key employee:* (Include information as to availability of replacement, or time required to train replacement if not available).

i. *In what respect the operations of the firm are related to national defense:*

Each change in the occupational status of a reserve officer classified as a key employee and transferred to the War Department Reserve Pool will be reported by his firm at the time and the report will include sufficient information upon which to permit reclassification of the officer or a continuation of his key employee status.

Reconsideration of adverse action in an individual case may be requested at any time. The request should follow the form hereinbefore outlined, and should contain such additional information as the firm desires to submit.

It should be noted that the above procedure refers *exclusively* to key employees who are commissioned in the Officers' Reserve Corps of the United States Army, and *not* to National Guard Officers, members of the Enlisted Reserve Corps, or key employees who are not members of the military establishment.

## Miscellaneous

### ROCHESTER AD CLUB DISCUSSES RADIO

Pointing out that America is one of the few countries where business men have access to the power and influence



of radio as an advertising medium, Samuel J. Henry, Jr., of the NAB Bureau of Radio Advertising addressed the Rochester Ad Club December 9 on the subject of "Local Radio Advertising." More than 75 sales and advertising executives heard the discussion, and later asked questions of the radio officials present. From WHEC were Clarence Wheeler, vice-president, Gunnar Wiig, general manager, and L. C. Wheeler, commercial manager. WHAM was represented by William Fay, manager, and Jack Kennedy, commercial manager.

Mr. Henry cited some typical experience stories, as gathered by the NAB Bureau, to illustrate local radio's flexibility and all-round effectiveness in employing many types of programs to sell many different products and services. "Consult with the station experts," he concluded, in offering a 7 point plan of approach to the most profitable use of the broadcast medium.

### IRNA COMMITTEE MEETS

The regular quarterly meeting of the IRNA network negotiating committees took place Wednesday, December 4, at Hotel Waldorf Astoria, New York. Present were Samuel R. Rosenbaum WFIL, Mark Ethridge WHAS, Edwin W. Craig WSM, Paul W. Morency WTIC, Don S. Elias WWNC, I. R. Lounsberry WGR, George W. Norton, Jr., WAVE, Martin B. Campbell WFAA.

Ethridge and Rosenbaum reported fully on the brief and arguments presented on behalf of IRNA before the FCC this week, in which IRNA took exception to the recommendations in the so-called Monopoly report and the proposed new regulations projected by the FCC for limitations on contracts between affiliates and networks.

The IRNA committees unanimously approved and endorsed the IRNA brief and the arguments presented before the Commission by Messrs. Segal and Rosenbaum.

The committee meetings are continuing this week for the completion of discussions with the networks regarding network practices.

### ADDITIONAL ADVISERS

The Defense Communications Board today announced that Carl D. Brorein, president of the United States Independent Telephone Association, has been appointed to the board's Industry Advisory Committee, and that the American Municipal Association, 1313 East 60th Street, Chicago, has been invited to designate a representative to serve on the State and Municipal Facilities Committee.

### ARMY TRAINING CAMPS

Beauregard, Camp, Alexandria, La., Maj. Gen. Campbell B. Hodges.

Benning, Fort, Fort Benning, Ga., Maj. Gen. Charles L. Scott.

Bliss, Fort, Fort Bliss, Texas, Maj. Gen. Robert C. Richardson, Jr.

Bragg, Fort, Fort Bragg, N. C., Maj. Gen. Jacob L. Devers.

Dix, Fort, Fort Dix, N. J., Col. John W. Downer, F. A. Hamilton, Fort, Brooklyn, N. Y., Col. Eley P. Denson, 18th Inf. Harrison, Fort Benjamin, Fort Benjamin Harrison, Ind., Maj. Gen. Joseph M. Cummins.

Houston, Fort Sam, Fort Sam Houston, Texas, Maj. Gen. James L. Collins.

Jackson, Fort, Columbia, S. C., Maj. Gen. Philip B. Peyton.

Knox, Fort, Fort Knox, Ky., Lt. Col. J. J. Bethurum Williams, Armored Force (F. A.).

Lewis, Fort, Fort Lewis, Wash., Maj. Gen. Charles F. Thompson.

McClelland, Fort, Anniston, Ala., Maj. Gen. William N. Haskell (N. G. Officer).

McKinley, Fort William, Rizal, Luzon, P. I.

Ord, Fort, Fort Ord, Calif., Maj. Gen. Joseph W. Stilwell.

Schofield Barracks, Schofield Barracks, T. H., Maj. Gen. William H. Wilson.

Shelby, Camp, Hattiesburg, Miss., Lt. Col. John N. Robinson.

Sill, Fort, Fort Sill, Okla., Brig. Gen. Donald C. Cubbison.

Snelling, Fort, Fort Snelling, Minn., command temporarily vacant.

## FEDERAL COMMUNICATIONS COMMISSION

### FOREIGN LANGUAGE BROADCASTS

A total of 199 domestic radio stations now schedule broadcasts in one or more foreign languages, and 57 additional stations, while not now broadcasting in any foreign language, have done so in the past six months. This is revealed in an analysis of responses by broadcast stations to a recent questionnaire of the FCC.

Thirty-one foreign languages are represented on 1,721 current weekly programs, representing nearly 1,330 hours of foreign language programs a week. Approximately three-fourths of this broadcast time is in the Italian, Polish, Spanish, Jewish and German languages, the proportions decreasing in the order listed.

The smaller stations appear to predominate in the foreign language field, 108 of the 199 stations having power not in excess of 250 watts. However, a substantial number of the stations which devote a considerable amount of time to foreign language programs have greater power. There are 43 stations which broadcast 10 or more hours a week in one or more foreign languages.

A preponderance of the stations using foreign languages are located in areas with considerable foreign-born populations, and assert that broadcasts in native tongues are popular with their listeners and their advertisers.

### BROADCAST RULES AMENDED

Section 3.22(c) of the Rules Governing Standard Broadcast Stations were amended by FCC by adoption of the following amendment:

"The Commission today amended Section 3.22(c) of the Rules Governing Standard Broadcast Stations by adding the following footnote: '1a. The term "metropolitan district" as used in this subsection is not limited in accordance with the definition given by the Bureau of the Census but includes any principal center of population in any area.'"

## TIME EXTENSION ON MONOPOLY BRIEFS

The FCC has granted the petition of the National Broadcasting Co. for extension of time to December 24, within which to file supplementary brief in Docket No. 5060 in re investigation of chain broadcasting. The extension to December 24 will apply to all parties.

### 876 STATIONS

The Federal Communications Commission issued operating licenses to ten stations, and granted nine permits for the construction of new stations during the month of November, 1940. One station was deleted. A comparative table by months follows:

	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1
Operating .....	755	765	769	771	775	779	783	791	799	806	810	816	825
Construction .....	57	49	48	51	48	47	53	56	58	57	54	52	51
	812	814	817	822	823	826	836	847	857	863	864	868	876

### PAYNE BROADCASTS

George Henry Payne, member of the FCC, spoke last Sunday afternoon on the Universal Bible Sunday, under the auspices of the American Bible Society and the Federal Council of Churches over the red network of the National Broadcasting Company.

Addresses were made on this occasion in previous years by Bishop James E. Freeman, Senator James J. Davis, Professor William Lyon Phelps, and others.

### PROPOSED FINDING

Eight hundred and thirty kilocycle frequency can be used for broadcast purposes at night in Boston simultaneously with its employment in Denver, the FCC held in proposing to amend its rules to permit more efficient use of this frequency.

In proposed findings of fact and conclusions, the Commission proposes to grant the application of Matheson Radio Co., Inc., for a permit to increase the power of its station WHDH, at Boston, from 1 to 5 kilowatts for unlimited time operation on the 830 frequency, using directional antenna at night. According to the proposed findings, this will not cause interference to the primary service of any station, and any interference which such operation may reasonably be expected to cause National Broadcasting Company's station KOA at Denver, will be limited to interference with intermittent reception upon receivers located in the eastern part of the United States.

"The granting of a permit therefor and operation of station WHDH as proposed by applicant," declares the proposed findings, "will enable it to deliver service of primary signal quality to an area having a population of 3,093,000, or to 621,000 more people than are now included within the primary service area of the station.

The hours of operation of applicant station will be extended two and one-half hours during summer months, and a maximum of five and one-half hours during winter months. This will provide a new primary service to 94.9 per cent of the Boston metropolitan area, including a population of 2,185,000. In addition to the aforementioned improvements and extension of service to residents in the Boston area, there will be an improvement of service which applicant station now endeavors to render over the fishing banks situated off the New England coast."

Accordingly, the Commission proposes to amend Section 3.25(a) of its rules which now limits the use of the frequency 830 kilocycles by one full-time station.

The proposed findings were concurred in by Commissioners Thompson, Walker, and Payne, with Commissioners Case and Craven voting in the negative, and Chairman Fly not participating. Commissioners Case and Craven issued a statement setting forth the findings which they believe should have been proposed.

### NRDGA SALES PROMOTION

On page 4843 of the REPORTS (issue of December 6) stations who have received from NRDGA Promotion Department an invitation to become Associate Members were asked to advise NAB headquarters of their decision in this matter. We now ask that before any action is taken upon this request NAB headquarters be consulted with regard to possible developments in this matter which may affect the decision you might otherwise make.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled before the Commission for the week beginning Monday, December 16. It is subject to change.

Monday, December 16

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., 630 kc., 1 KW night, 1 KW day, unlimited, DA night and day.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

January 15

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, 1080 kc., 5 KW, limited to WBT and KFAB. Present assignment: 1080 kc., 5 KW, limited to WBT, share WCBF.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, 1140 kc., 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.



January 17

WWL—Loyola University, New Orleans, La.—Renewal of license, 850 kc., 50 KW night, 50 KW LS, specified hours.

January 22

WMBD—WMBD Broadcasting Co., Assignor, Peoria, Ill.—Voluntary assignment of license of WMBD and portable-mobile stations WAIN, WEKH, WPEO and WEKI to Peoria Broadcasting Co. (a Delaware corporation), Assignee. Operating on: WMBD—1440 kc., 1 KW night, 5 KW day, unlimited; WAIN—1622, 2058, 2150, 2790 kc., emission A-3, 25 watts night, 25 watts day, Sec. 4.24; WEKH—1622, 2058, 2150, 2790 kc., emission A-3, 50 watts night, 50 watts day, Sec. 4.24; WPEO—33380, 35020, 37620, 39820 kc., emission A-3, 1 watt night, 1 watt day, Sec. 4.24; WEKI—33380, 35020, 37620, 39820 kc., emission A-3, 10 watts night, 10 watts day, Sec. 4.24.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### FM APPLICATIONS GRANTED

- WDRC, Inc., Hartford, Conn.—Granted construction permit for new FM station to operate on frequency 46500 kc., 6,100 square miles, population 1,118,000 (B1-PH-35).
- Metropolitan Television, Inc., New York City.—Granted construction permit for new FM station to operate on frequency 47500 kc., 8,500 square miles, population 12,000,000 (B1-PH-52).
- Bamberger Broadcasting Service, Inc., New York City.—Granted construction permit for new FM station to operate on frequency 47100 kc., 8,500 square miles, population 12,000,000 (B1-PH-46).
- WGN, Inc., Chicago, Ill.—Granted construction permit for new FM station to operate on frequency 45900 kc., 10,800 square miles, population 4,500,000 (B4-PH-7).
- National Broadcasting Co., Inc., Chicago, Ill.—Granted construction permit for new FM station to operate on frequency 46300 kc., 10,800 square miles, population 4,500,000 (B4-PH-31).
- Walker-Downing Radio Corp., Pittsburgh, Pa.—Granted construction permit for new FM station to operate on frequency to be requested, 8,400 square miles, population 2,100,000 (B2-PH-24).
- The National Life & Accident Insurance Co., Nashville, Tenn.—Granted construction permit for new FM station to operate on frequency 44700 (or other) kc., 16,000 square miles, population 819,000 (B3-PH-44).

### APPLICATIONS GRANTED

- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted modification of license to change time of operation from sharing with WBRB and WGBB to sharing with WGBB and simultaneously with WBRB; 1210 kc., 250 watts (B1-ML-1030).
- W2XOY—General Electric Co., New Scotland, N. Y.—Granted modification of (FM) license to increase power from 1000 to 2500 watts (B1-MLHB-27).
- WCAB—WCAU Broadcasting Co., Newtown Square, Pa.—Granted application for modification of international broadcast station license to add frequencies 9650 and 11830 kc., on a time-sharing basis with WCBX (B2-MLIB-43).
- WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special temporary experimental authority for period of 90 days to add frequencies 11890 and 15150 kc. and delete 17780 kc., in order to improve program service to Central and South America during evening hours, subject to condition no interference (B1-MLIB-44).
- WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of international broadcast station license to add frequency 17780 kc., sharing with WPIT, make changes in equipment, and operate with an effective

operating power of 70 KW on 9670 kc., using separate power amplifier and directive antenna (B1-MLIB-45).

- WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted extension of special experimental authorization to operate an additional 35 KW power amplifier to feed a separate directive antenna, for the period ending May 1, 1941, to enable applicant to simultaneously on the same frequency provide a program service to Central and South America, using frequency 9670 kc. (B1-SAIB-3).
- W8XAL—The Crosley Corp., Mason, Ohio.—Granted extension of special experimental authority for the period ending Nov. 1, 1941, to operate a 1-KW transmitter on 6080 kc., A0 and A1 emission for identification only, sharing time with WLWO, to provide signals to the National Bureau of Standards in Washington for continuous ionosphere studies made by that Bureau (B2-SAIB-2).
- W3XPY—Bell Telephone Labs., Inc., Whippany, N. J.—Granted modification of developmental broadcast station license to change frequencies to 43100, 43700 and 44300 kc., for the purpose of testing and developing equipment manufactured by applicant for (FM) broadcast stations. The Commission's Order No. 69 was amended to cover this change (B1-MLEX-10).

### DESIGNATED FOR HEARING

- The Yankee Network, Inc., Paxton, Mass.—Construction permit for new FM station to operate on 44300 kc., 19,230 square miles, 6,600,000 population (B1-PH-51).
- Worcester Telegram Pub. Co., Worcester, Mass.—Construction permit for new FM station to operate on 43100 kc., 20,437 square miles, 6,600,000 population; 10 hours day, 6 hours night (B1-PH-29).

### RENEWAL OF RELAY STATION LICENSES

The following relay broadcast stations were granted renewal of licenses for the period ending December 1, 1941:

WEGS, Muncie, Ind.; WEGW, Charleston, W. Va.; WALM, WALN, WAUJ, Louisville, Ky.; KDAS, Fresno, Cal.; WEGX, Charleston, W. Va.; KAOH, Kansas City, Mo.; KEJM, Sioux City, Iowa; KEJO, St. Louis, Mo.; WEOH, Richmond, Va.; KEGZ, Spokane, Wash.; WEOE, Fargo, N. Dak.; WELN, Hartford, Conn.; WEHY, Bristol, Tenn.

### MISCELLANEOUS

- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS, with power of 1 KW, from 7:25 to 9:25 p. m., Dec. 6 and 20; from 7:55 to 9:55 p. m., Dec. 23; from 7:45 to 9:45 p. m., CST, Dec. 31, in order to broadcast basketball games only.
- WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, Dec. 6, 7, 11, 17, 20 and 21, in order to broadcast Purdue University basketball games only.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (Dec. 4:15 p. m., EST) to 4:45 p. m., EST, Dec. 8, 15, 22 and 29, in order to broadcast program on behalf of the Massachusetts Federation of Music Clubs only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 to 6 p. m., EST, Dec. 8, 15, and 22, in order to broadcast the "Rosary Hour" only.
- WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate from local sunset (Dec. 5 p. m. and Jan. 5:15 p. m., EST) to 6 p. m., EST, Dec. 8, 15, 22 and 29, and Jan. 5, in order to broadcast Father Justyn's Rosary Hour only.
- WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7 to 9 p. m., Dec. 8, in order to broadcast incidental sustaining music, and from 9 p. m., Dec. 8, to 2 a. m., EST, Dec. 9, in order to broadcast testimonial dinner to be given for Bill Robinson by Negro Actors Guild from Mecca Temple only.
- KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied special temporary authority to operate from 10:45 p. m. to 11:15 p. m., LST, for a period

- not to exceed 30 days (not to commence before Dec. 2), in order to broadcast news for benefit of the U. S. fleet and government employees in the station service area.
- W2XMN—Edwin H. Armstrong, New York City.—Granted special temporary authority to retransmit the transmissions of experimental high frequency broadcast station W1XPW for a period not to exceed 30 days in order to conduct experiments.
- WAPI—Alabama Polytechnic Inst., University of Alabama, Birmingham, Ala.—Continued hearing on application for renewal of license now scheduled for Dec. 3 to Jan. 15, 1941.
- KWKH—International Broadcasting Corp., Shreveport, La.; WOV—Greater New York Broadcasting Corp., New York City.—Granted petitions filed by KWKH and WOV for rehearing directed against the action of the Commission August 14, 1940, granting the application of Dr. George W. Young (WDGY) for construction permit to change frequency from **1180 to 1100 kc.**, and increase power from 1 KW night, 5 KW day, to 10 KW day, 5 KW night, unlimited time, using directional antenna.
- W1XTG—Worcester Telegram Publishing Co., Worcester, Mass.—Granted extension of license of experimental high frequency station W1XTG for a period of 60 days from January 1, 1941, upon condition that no interference is caused to any high frequency broadcast station, and that it is subject to cancellation by the Commission at any time without advance notice or hearing if the need arises.
- Metropolitan Television, Inc., New York City.—Approved a minute entry in re grant of construction permit for experimental television station of November 15, to show aural and visual power as 250 watts instead of 1 KW.
- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB—KFAB Broadcasting Co., Lincoln, Nebr.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG—Norfolk Daily News, Norfolk, Nebr.—Denied joint petition filed by WBT, KFAB, WBBM and WJAG to reconsider action in designating for hearing and to grant without a hearing the applications of these stations now pending in hearing docket for change in facilities.
- Keys Broadcasting Co., Key West, Fla.—Denied as in default the application for construction permit for new station to operate on **1310 kc.**, 250 watts, unlimited time (B3-P-2773).
- Central Broadcasting Corp., Miami, Fla.—Denied as in case of default the application for a new station at Sanford, Fla., to operate on **1370 kc.**, 250 watts, unlimited time (B3-P-2800).
- Carl Sholtz, Miami, Fla.—Denied as in case of default application for a new station at Fort Pierce, Fla., to operate on **1420 kc.**, 250 watts, unlimited time (B3-P-2748).
- Atlantic Broadcasting Corp., Miami, Fla.—Denied as in default application for new station at West Palm Beach, Fla., to operate on **780 kc.**, 500 watts night, 1 KW day, unlimited time (B3-P-2853).
- WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-571).
- KSEI—Radio Service Corp., Pocatello, Idaho.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-600).
- WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-595).
- KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-598).
- WOSU—Ohio State Univ., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-590).
- WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-592).
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of construction permit (B1-P-2319), which authorized changes in antenna system) for extension of commencement date to January 1, 1941, and completion date to July 1, 1941 (B1-MP-1107).
- WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Granted license to cover construction permit (B3-P-2775, which authorized a new station on **1200 kc.**, 250 watts, unlimited time), and approval of studio site at 111 So. Pentz St., Dalton, Ga. (B3-L-1226); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-596).
- KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted license to cover construction permit (B-P-2220), which authorized change of frequency from **1320 to 590 kc.**, increase in power from 1 to 5 KW, installation of new transmitter and vertical antenna and move of transmitter and studio; also granted authority to determine operating power by direct measurement of antenna input (B-Z-601).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted license to cover construction permit (B4-P-2322), which authorized change of frequency from **630 to 1370 kc.**, decrease in power from 500 watts night, 1 KW day, to 250 watts, and change in time from S-WGBF to unlimited (B4-L-1275); also granted authority to determine operating power by direct measurement of antenna input (B4-Z-572).
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted construction permit to make changes in equipment (B3-P-3000).
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted license to use old composite transmitter for auxiliary purposes only, using 500 watts power (B1-L-1271).
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-P-2996), which authorized reinstatement of construction permit (B1-P-2601) for new equipment, antenna changes, increase in power from 1 KW, to 1 KW night, 5 KW day on **570 kc.**, and move of transmitter to Belleville Turnpike, Kearny, N. J. (B1-L-1278); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-574).
- WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted license to cover construction permit (B1-P-2654), which authorized installation of directional antenna for night use and increase in power from 1 KW night, 5 KW day, to 5 KW day and night, on **1360 kc.**, using directional antenna (B1-L-1295). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-586).
- KODL—Western Radio Corp., The Dalles, Ore.—Granted license to cover construction permit (B5-P-2838), which authorized a new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time (B5-L-1283). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-579).
- W1XK—Westinghouse E and M Co., Boston, Mass.—Granted license to cover construction permit (B1-PH-B-76), for new high frequency broadcast station; frequency **42,600 kc.**, 1000 watts, special emission for frequency modulation (B1-LHB-68).
- WEKW—The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.).—Granted license to cover construction permit (B1-PRE-366), which authorized decrease in power of relay broadcast station from 25 to 15 watts, and installation of new equipment (B1-LRE-336).
- WELU—WDZ Broadcasting Co., Portable-Mobile (area of Tuscola, Ill.).—Granted license to reinstate relay station WELU, to be used with broadcast station WDZ; frequencies **30820, 33740, 35820, 37980 kc.**, 2 watts (B4-LRE-335).
- WENJ—WJW, Inc., Portable-Mobile, area of Akron, Ohio.—Granted license to cover construction permit (B2-PRE-351), which authorized installation of a new transmitter in relay broadcast station (B2-LRE-330).
- WFHR—William F. Huffman, Wisconsin Rapids, Wis.—Granted license to cover construction permit (B4-P-1902) for a new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time (B4-L-1282). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-578).
- WLAC—J. T. Ward, d/b as WLAC Broadcasting Service, Nashville, Tenn.—Granted motion to accept amendment to application for construction permit to comply with Commission station assignments (Mimeo. Nos. 43242 and 43252) to request a Class I-B station (Docket No. 4137), (B3-P-1250).
- WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted petition to intervene and to enlarge issues in re hearing on application of William H. Amesbury, Minneapolis, Minn., for construction permit for new station to operate on **630 kc.**, 1 KW, unlimited, directional antenna night and day (Docket No. 5920), (B4-P-2746).



- WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted motion for continuance of hearing now set for December 11, 1940, on application for modification of license to use hours of operation being used by WCBD when WCBD is assigned a different frequency, until after such time as the Commission may act on application of WCBD (Docket 5865), (B4-ML-926).
- WMBD—WMBD Broadcasting Co. (assignor), Peoria, Ill., Peoria Broadcasting Co. (assignee).—Granted petition for continuance of 30 days of hearing now set for December 18, 1940, on application for voluntary assignment of license of WMBD, WAIN, WEKH, WPEO and WEKI (Docket 5911), (B4-AL-282).
- WWL—Loyola University, New Orleans, La.—Granted petition for postponement of hearing date (hearing now set for December 12, 1940), on application for renewal of license, until further action on pending petition for reconsideration and grant without hearing (Docket 5819), (B3-R-447).
- KFXM—Lee Brothers Broadcasting Co., San Bernardino, Cal.—Granted construction permit to install a new transmitter (B5-P-3017).
- WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install a new transmitter (B2-P-3001).
- WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted modification of construction permit (B1-P-2643, which authorized installation of new transmitter and antenna, increase in power and move of transmitter) for extension of completion date to January 14, 1941 (B1-MP-1108).
- WFDF—Flint Broadcasting Co., Flint, Mich.—Granted modification of construction permit (B2-P-2451, which authorized installation of new transmitter, directional antenna, increase in power, change in frequency and move of transmitter) for change in type of transmitting equipment (B2-MP-1106).
- KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of construction permit (B5-P-2437, which authorized new transmitter, installation of directional antenna, increase in power from 1 to 10 KW and move of transmitter), for extension of completion date from December 16, 1940, to June 16, 1941 (B5-MP-1102).
- WKBB—Sanders Bros. Radio Station, Dubuque, Iowa.—Denied petition for rehearing directed against the action of the Commission, September 4, 1940, granting the application of Telegraph Herald (KDTH) for modification of construction permit to increase power from 500 watts to 1 KW, hours of operation from daytime only to unlimited time, using a directional antenna at night.
- KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted special temporary authority to operate from 2 a. m. to 3 a. m. CST, on December 14, 1940, in order to broadcast a DX program only.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to remain silent on Christmas Day, December 25, 1940, in order to permit station employees to observe the holiday.
- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted special temporary authority to remain silent on Christmas Day, December 25, 1940, in order to permit station employees to observe the holiday.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 8 p. m. to 10 p. m. EST, December 9, 1940, in order to broadcast a political rally only.
- WPIT—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted special temporary authority to operate the equipment of International Broadcast station WPIT, authorized in a construction permit (File No. B1-PIB-23) with a power of 50 KW, using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for a period not to exceed 30 days.
- W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN for the period December 7, 1940, to not later than January 5, 1941.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9 p. m., EST, December 7, 1940, to conclusion of program in order to broadcast special program on National Preparedness and Defense only.
- W2XWV—Allen B. duMont Laboratories, Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on the frequencies: 60000-86000 kc., at 515 Madison Avenue, New York City, for the period December 10, 1940, to not later than January 8, 1941, in order to conduct field tests.
- W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate high frequency broadcast station W1XSO on frequency 43.7 mc. instead of 43.2 mc., for the period December 10, 1940, to not later than December 31, 1940, in order to eliminate certain interference.
- W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast programs received from high frequency broadcast stations W1XER, W1XPW and W2XMN, for a period not to exceed 30 days.
- W1XER—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast programs received from high frequency broadcast stations W1XOJ, W1XPW and W2XMN, for a period not to exceed 30 days.
- The Evening News Association, Detroit, Mich.—Denied special temporary authority to operate the 3-KW transmitter at 645-7 Griswold St., Detroit, Mich., on 44500 kc., for a period not to exceed 30 days pending filing and action on formal application for such authority.
- Thomas J. Watson and The Hampden-Hampshire Corp.—Dismissed joint petition requesting Commission to dismiss the application of Citizens Broadcasting Corp. for a new station in Schenectady, N. Y. This application was denied by the Commission December 30, 1938, and no petition for rehearing or appeal from the decision has been filed.
- W10XF-W10XR—National Broadcasting Co., Inc., Portable-Mobile.—The Commission adopted orders removing developmental broadcast stations from the terms of Order No. 69, inasmuch as the operating assignments of the two stations now conform to Commission regulations.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate from 6:30 p. m., EST, to conclusion of Rose Bowl football game January 1, 1941, in order to broadcast said football game only.
- WAGF—John T. Hubbard, Julian C. Smith, and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 4:45 p. m. to 7 p. m., CST, for the period December 7, 1940, to not later than December 24, 1940, in order to broadcast Charity Drive programs only.
- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7 p. m., December 16, 1940, to 1 a. m., EST, December 17, 1940, in order to broadcast the Hearst Diamond Belt Boxing Finals from Madison Square Garden, and incidental sustaining music.
- WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m., CST, December 20, 1940, and January 10, 1941, in order to broadcast basketball games only.
- WOI—Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, December 21, 1940, in order to broadcast basketball game only. Also granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, January 6, 18, and 25, 1941, in order to broadcast basketball games only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 4:15 p. m. to 4:30 p. m., EST, December 8, 15, 22, and 29, 1940, in order to broadcast religious program from the Greek Cathedral sponsored by the New England Hellenic Association only.
- WIBL—Carolina Advertising Corp., Columbia, S. C.—Granted special temporary authority to operate equipment described in telegram received November 26, 1940, on frequency 2058 kc., between 8 p. m. and 9 p. m., EST, December 18, 1940, in order to relay broadcast house-to-house interview program of Santa Claus nature to Radio Station WCOS.
- Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up and transmit for broadcast by Station CKLW program originating at the Detroit Stock Yards, from 12 to 12:30 p. m., EST, December 12, 1940, for the benefit of the 4-H Clubs.

WAAB-WEAN-WICC-WNAC—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to pick up and rebroadcast certain programs received from high frequency broadcast station W1XOJ for a period not to exceed thirty days (B1-S-189, 161, 137, 192, respectively).

W9XA—Everett L. Dillard, tr/as Commercial Radio Equip. Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of 26300 kc., using maximum power of 1000 watts, special emission (FM) in cooperation with the licensee of high frequency broadcast station W2XJI, for the period December 9, 1940, to not later than January 1, 1941, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on 26300 kc., employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted special temporary authority to operate from 2 a. m. to 3 a. m., CST, December 14, 1940, in order to broadcast a DX program only.

KOWH—World Publishing Co., Omaha, Nebr.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., CST) to the conclusion of the Rose Bowl football game on January 1, 1941, in order to broadcast said game only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted request for special temporary authority in so far as it requests authority to operate additional time as follows: December 11, 1940, from 7:45 p. m. to conclusion of basketball game between Modesto Junior College and Stockton Junior College, to broadcast said game only; December 13 and 14, 1940, from 7:30 to 9 p. m., to broadcast a Hobby Show only; December 15, 1940, from 8 p. m. to conclusion of event, to broadcast the town's annual presentation of the "Messiah" only; and January 9, 10 and 11, 1940, to broadcast the State basketball tournament at Modesto Junior College only, from 7 p. m. to conclusion of games each night; denied said request in so far as it requests the following: December 15, 1940, from 7:30 to 8 p. m., for the purpose of building an audience, and December 17, 21 and 23, 1940, from 7 p. m. to conclusion of event for special Christmas programs.

WHA—State of Wisconsin, University of Wisconsin, Madison, Wis.—Granted special temporary authority to remain silent on December 25, 1940, in order to observe Christmas holiday.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to remain silent on December 25, 1940, and January 1, 1941, in order to observe the holidays.

Robert Nielson, Detroit, Mich.—Granted special temporary authority to transmit Christian Science Lecture from 8 p. m. to 9 p. m., EST, Feb. 4, 1941, from the Third Church of Christian Science at Detroit, Mich., to Radio Station CKLW.

#### APPLICATIONS FILED AT FCC

##### 550 Kilocycles

WDEV—Lloyd E. Squier & William G. Ricker, d/b as Radio Station WDEV, Waterbury, Vt.—Authority to determine operating power by direct measurement of antenna power.

##### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Transfer of control of corporation from Donald J. Flamm to Edward J. Noble, 100 shares common stock.

##### 680 Kilocycles

NEW—David Rosenblum, trading as Butler Broadcasting Co., Butler, Pa.—Construction permit for a new station to be operated on 680 kc., 250 watts, daytime, Class II.

WLAW—David Rosenblum, trading as Butler Broadcasting Co., Butler, Pa.—Authority to determine operating power by direct measurement of antenna power.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—License to cover construction permit (B1-P-2712) for new transmitter and directional antenna for night use, increase power and change hours of operation.

##### 770 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Special experimental authorization to operate simultaneously with WBBM from 6 a. m., CST, until local sunrise at Chicago, Ill., during those months when sunrise at Chicago is later than 6 a. m. for period to 3-1-41.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Special experimental authorization to operate simultaneously with KFAB from 6 a. m., Central Standard Time, until local sunrise at Chicago, Ill., during those months when sunrise at Chicago is later than 6 a. m., for period to 3-1-41.

##### 790 Kilocycles

WGY—General Electric Co., Schenectady, N. Y.—Authority to determine operating power by direct measurement of antenna power.

##### 1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter, change frequency from 1040 to 1340 kc., increase power from 250 watts to 1 KW, hours of operation from daytime to unlimited time, install directional antenna for day and night use. Amended: To change type of requested transmitting equipment.

##### 1180 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit to change frequency from 1180 kc. to 940 kc., under North American Regional Broadcasting Agreement, increase power from 1 KW night, 5 KW day to 5 KW day and night, change hours of operation from limited time to unlimited time, install directional antenna for day and night use and move transmitter from Napier Ave., Macon, Ga., to Forsyth Road, Macon, Ga.

##### 1210 Kilocycles

WGAC—The Twin States Broadcasting Co., Augusta, Ga.—License to cover construction permit (B3-P-2891) as modified for a new station.

WGAC—The Twin States Broadcasting Co., Augusta, Ga.—Authority to determine operating power by direct measurement of antenna power.

WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Modification of construction permit (B1-P-809) as modified for a new station, to change type of transmitter, and extend commencement and completion dates.

##### 1220 Kilocycles

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Authority to determine operating power by direct measurement of antenna power.

##### 1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Modification of construction permit (B3-P-2497), which authorized installation of new transmitter and directional antenna, increase in power, further requesting move of transmitter from approximately 8 miles N.E. of Fort Worth, Birdville, Texas, to ½ mile N.W. of Birdville, Texas, extend commencement and completion dates from 11-17-40 and 5-17-41 to date of grant and 120 days thereafter.

##### 1300 Kilocycles

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Construction permit to change frequency from 1300 kc. to 630 kc., power from 1 KW to 1 KW night, 5 KW day, install new transmitter make changes in directional antenna for day and night use and move transmitter from Myrtle Ave., and Emerald St., St. Paul, Minn., to ½ mile N.W. of Bloomfield, Minn. Amended: To give transmitter site as North Side of West 66th St., west of Lyndale Ave., South, Richfield, Minn.

##### 1330 Kilocycles

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Modification of construction permit (B3-P-2230) for in-



crease in power, move of transmitter, installation of new transmitter, requesting authority to install new transmitter, approval of antenna and transmitter site at Ocean Drive, Corpus Christi, Texas (present site and antenna).

#### 1350 Kilocycles

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Authority to determine operating power by direct measurement of antenna power.

#### 1370 Kilocycles

NEW—Paul E. Horton, Mrs. Fred Horton, Noble W. Young, R. D. Kerr, Mrs. Luzelle Kerr and J. L. Collins, d/b as Hunt Broadcasting Association, Greenville, Tex.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended to make changes in proposed equipment, change frequency from 1200 to 1370 kc., increase power from 100 watts to 250 watts, change location of transmitter, and change applicant from an association to a partnership, changes antenna system.

WIBM—WIBM, Inc., Jackson, Mich.—Authority to determine operating power by direct measurement of antenna power.

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Construction permit to change frequency from 1370 kc. to 630 kc., Class III-A station; increase power from 250 watts to 5 KW; install a new transmitter; install directional antenna for day and night use; and move transmitter from northwest corner Syndicate St. and St. Anthony Ave., Lot 10, Block 4, Midway Industrial Division, St. Paul, Minn., to Penn Avenue South, Bloomington, Minn.

#### 1420 Kilocycles

WMVA—William C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Modification of construction permit (B2-P-2226) as modified for a new station, to move transmitter and studio from Hotel Henry, Church St., Martinsville, Va., to Thomas Jefferson Hotel, Church St., Martinsville, Va., and make changes in equipment; extend commencement and completion dates 30 and 90 days, respectively.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new station to be operated on 1420 kc., 250 watts, unlimited time, Class IV. Amended re antenna, and change location of transmitter from Johnson City, N. Y., to Binghamton, N. Y.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—License to cover construction permit (B5-P-1339) as modified for a new station.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Authority to determine operating power by direct measurement of antenna power.

#### 1450 Kilocycles

NEW—West Allis Broadcasting Co., West Allis, Wis.—Construction permit for a new station to be operated on 1450 kc., 250 watts, daytime.

#### 1500 Kilocycles

KNOW—Frontier Broadcasting Co., Inc., Austin, Tex.—Construction permit to install new transmitter, directional antenna for night use; change frequency from 1500 to 740 kc. under North American Regional Broadcasting Agreement; increase power from 250 watts to 10 KW; and move transmitter from East 5th and Tillery Sts., Austin, Tex., to 3 miles east of Pflugerville, Tex.

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—License to cover construction permit (B2-P-3018) to install new transmitter.

#### 1550 Kilocycles

NEW—Orange Broadcasting Corp., Orange, Tex.—Construction permit for a new station to be operated on 1550 kc., 1 KW, unlimited time, Class III.

### FM APPLICATIONS

NEW—KOIN, Inc., Portland, Ore.—Construction permit for a new high frequency broadcast station to be operated on 44500 kc.; coverage, 8,175 square miles; population, 608,611.

NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on 43100 kc.; coverage, 9,900 square miles; population, 1,640,000. Amended to change frequency from 43100 to 44700 kc., coverage from 9,900 to 12,480 square miles, population from 1,640,000 to 1,748,733, and change type of transmitter.

NEW—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3) for a new high frequency broadcast station, requesting approval of transmitter and antenna, change coverage from 8.500 to 8.200 square miles, and population from 13,950,852 to 12,074,192.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit for a new high frequency broadcast station to be operated on 43300 kc.; coverage, 3,025 square miles; population, 116,119. Amended to change requested frequency from 43300 to 44700 kc.

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc.; coverage, 16,100 square miles; population, 6,431,310. Amended to change type of transmitter.

NEW—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on 43900 kc.; coverage, 11,488 square miles; population, 3,473,432.

### MISCELLANEOUS

W1XER—The Yankee Network, Inc., Sargents Purchase, N. H.—Construction permit to change frequency from 42340 kc. to 43900 kc., increase power from 500 watts to 1000 watts, emission from A3 to Special for frequency modulation, and change transmitter.

W1XER—The Yankee Network, Inc., Sargents Purchase, N. H.—License to cover above construction permit.

WAUY—Evansville on the Air, Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-369) for a new relay broadcast station. Amended: Sections 5(f) and 7(a) re frequency monitor.

NEW—Paducah Broadcasting Co., Inc., Mobile, area of Hopkinsville, Ky.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 15 watts, A-3 emission.

NEW—Bremer Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 47100 kc.; coverage, 8,500 square miles; population, 11,325,000.

WBKY—University of Kentucky, Beattyville, Ky.—Reinstatement of construction permit (B2-PED-12) with change in frequency from 41900 kc. to 42900 kc.

KGEI—General Electric Co., San Francisco, Calif.—Construction permit to move transmitter from Treasure Island, San Francisco, Calif., to near Belmont, Calif.

WCZR—Zenith Radio Corporation, Portable-Mobile (area of Chicago, Ill.).—License to cover construction permit (B4-PRE-358) for a new relay station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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.

**Cinchona Products Institute, Inc.**, a corporation chartered, organized and existing under the laws of the State of New York, with its principal office located at 10 Rockefeller Plaza, New York City, is charged in a complaint with misrepresentation.

The respondent is a wholly-owned subsidiary and American agent and representative of the Cinchona Institute of Amsterdam, Holland, a foreign corporation engaged in the sale and distribution in the United States and elsewhere of the drug quinine.

As the agent of the Holland concern, the complaint continues, the respondent has for more than two years disseminated advertisements with respect to its principal's product, recommended by the respondent and the Holland concern, for use in the treatment of malaria. In these advertisements in newspapers, periodicals and other media, the respondent is alleged to have represented that "Quinine is the only cheap, safe and certain remedy," and "\* \* \* the only dependable treatment for malaria is quinine \* \* \*."

The complaint alleges that these representations are false and misleading, and that, while quinine possesses therapeutic value in the treatment of malaria, it is not effective in all cases and is not in all cases safe for use, as it may cause in some cases toxic conditions manifested by skin rashes, ringing in the ears, and dizziness. According to the complaint, the use of quinine by women in the latter stages of pregnancy may precipitate miscarriage. Quinine is not, the complaint continues, the only treatment for malaria which is inexpensive and dependable, there being other drugs and medicinal preparations which constitute dependable treatments for malaria and which are inexpensive.

The respondent further represents, the complaint continues, through use of the word "Institute" in its corporate name and by other representations, that it is a non-profit organization whose purpose is the promotion of learning and research. In truth, the complaint alleges, the respondent is a commercial enterprise whose sole purpose is the promotion of the sale of its principal's product. (4398)

**Clayton Candy Company**—Alleging the use of lottery methods in the sale of candy a complaint has been issued against C. T. Clayton, trading as Clayton Candy Co., Phenix City, Ala.

According to the complaint, the respondent, in selling his merchandise to wholesalers, jobbers and retail dealers, furnishes certain assortments of candy so packed and assembled as to involve the operation of lottery schemes when sold and distributed to ultimate consumers.

The respondent is alleged to furnish various push cards for use in the sale and distribution of his candy by means of games of chance or gift enterprises.

Charging that use of the respondent's sales plan is a practice of a sort which is contrary to established public policy of the Federal Government and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4395)

**William Demuth & Company, Inc.**—See S. M. Frank & Company, Inc.

**Empire State Candy Company**—Alleging the use of lottery methods in the sale of merchandise, complaints have been issued against B. M. Bennett, trading as Empire State Candy Co., Athens, Ga., and The Briarwood Corporation, 2810 Superior Avenue, Cleveland.

According to the complaint, the respondent Bennett, in the sale of candy, and The Briarwood Corporation, in the sale of smoking pipes, furnish dealers with assortments of their products so arranged as to involve the operation of lottery schemes when such merchandise is sold or distributed to ultimate consumers. (4400-4401)

**Euclid Rubber & Manufacturing Company**—Frank G. Huntington, Joseph Posterhofer, Herman Posterhofer and Louis Walton, doing business under the name Euclid Rubber & Manufacturing Company, 19730 Tyrome Ave., Cleveland, manufacturers and distributors of electrical devices, are charged in a complaint issued by the Commission with misrepresentation of their products and with disparagement of their competitors.

In advertisements in trade catalogues, circulars and other ways, the complaint charges, the respondents have represented that their products have been approved by certain laboratories. Among the statements so circulated are: "For the past 10 years we have specialized in the manufacture of these products, have our own molding equipment and machine shop facilities for their complete

fabrication" and "Our products have been approved by the Underwriters Laboratories, Electrical Testing Laboratories, and the Hydro-Electric Commission of Ontario." The respondents also place on certain of their products, the complaint continues, letters and designs indicating that such products have been tested by Underwriters Laboratories or Electrical Testing Laboratories.

The respondents have also represented, the complaint alleges, that a competitor of the respondents is a small, insignificant concern not worthy of mention as a competitor; that the use of a name by this concern indicating that it is a manufacturer is false and misleading; that the concern has circulated falsehoods concerning the respondents' business and that it has no machinery of any kind for the manufacture of the products sold by it.

The complaint charges that the foregoing representations are misleading and deceptive, as the respondents' products have not been submitted to, or inspected, tested or approved by, the laboratories named, and the representations concerning its competitor are false and misleading and falsely defame and disparage that company and its products. (4394)

**Francke Company**—Eugene John Francke, trading as Francke Company and as E. J. Francke Company, Merriam, Kans., distributor of medicinal preparations for chickens and turkeys designated "Francke's Turkey and Chicken Tablets," "Francke's Turkey and Chicken Powder," and "Francke's 'SS' Worm Tablets," is charged in a complaint with misrepresentation of his products.

The complaint charges that in periodicals, circulars and other advertising literature, the respondent has represented that his turkey and chicken tablets and powder constitute competent and effective treatments for blackhead in turkeys and coccidiosis in chickens, and that the preparations will prevent such conditions, and also represents that Francke's 'SS' Worm Tablets constitutes a competent and effective treatment for worms in chickens and turkeys.

The complaint alleges that the representations are false and misleading in that the preparations do not constitute competent or effective treatments for such ailments in turkeys and chickens. (4396)

**S. M. Frank & Company, Inc.**—Alleging the use of lottery methods in the sale of smoking pipes and other articles, a complaint has been issued against S. M. Frank & Co., Inc., and its subsidiary, Wm. Demuth & Co., Inc., both of 133 Fifth Ave., New York.

According to the complaint, the respondents, in selling their merchandise to wholesalers, jobbers and retail dealers, furnish various devices and plans of merchandise which involve the operation of lottery schemes when used to sell or distribute such merchandise to ultimate consumers.

Charging that use of the respondents' sales plan is a practice of a sort which is contrary to established public policy of the Federal Government and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4393)

**H. H. Hayssen Company**—Charles W. Hayssen, trading as H. H. Hayssen Company, Mobile, Ala., engaged in the sale and distribution of certain preparations containing drugs, described by him as "Dr. Hayssen's Eureka Goitre Balsam," "Dr. Hayssen's Eureka Goitre Ointment," and "Hayssen's Supreme Rheumatism Tablets," is charged in a complaint with misrepresentation.

The complaint charges that in advertisements in newspapers, periodicals and in other advertising literature, the respondent has represented that the goitre balsam and ointment constitute competent and effective treatments for simple goitre, tonsillitis, tumors and other ailments, and that the rheumatism tablets constitute a cure or remedy or effective treatment for rheumatism, diabetes, obesity and other ailments. The respondent further represents, the complaint continues, that all of his preparations are safe for use.

The complaint charges that the preparations do not constitute cures or remedies for the ailments enumerated, nor are they in all cases safe for use, as they contain the drug potassium iodide in a quantity sufficient to cause, in some instances, serious injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint charges that the respondents' advertisements are false in that they fail to reveal that use of his preparations by



persons having any form of goitre other than simple, colloid goitre, or having tuberculosis, may result in serious injury to health. (44Q2)

**Herolin Company, Inc.**—A complaint has been issued against Herolin Company, Inc., and Bert H. Rubin, its president, 201 Mitchell St., S. W., Atlanta, alleging misleading representations in the sale of various cosmetics and medicinal preparations, "Mystic Charms," toilet articles and related items.

In advertisements disseminated through the mails and by other means in commerce, the respondents, according to the complaint, made misleading representations concerning "Original Herolin Beautifier Hair Dressing," "Herolin Tetter Salve," "Herolin Blood Tonic," "Herolin Moonbeam Tonic," and other cosmetic and medicinal preparations.

According to the complaint, the respondents advertised "Lucky Charm Mystic Curios," "Lucky Charm Mon Jon Incense," "Magnetic Lodestone in Love Oil," and other items, as having mystic and supernatural powers to drive off evil spirits and bring luck and success.

The complaint alleges that the respondents' cosmetic or medicinal preparations do not generally accomplish the results claimed, although some of the latter may give temporary relief.

The complaint further alleges that the respondents disseminated false advertisements because they failed to reveal therein that use of "Herolin Blood Tonic" under conditions prescribed in the advertisements, or under customary or usual conditions, may cause sub-acute or chronic mercury poisoning and that the preparation should not be used by those having tuberculosis or goitre. The respondent also failed to reveal, according to the complaint, that "Herolin Healing Oil" used under prescribed or customary conditions may cause severe dermatitis and that the preparation is highly inflammable.

The complaint further alleges that "Herolin Blood Tonic" would be definitely harmful because of containing bichloride of mercury and potassium iodide.

The respondents are also charged with misleading use of the words "Manufacturer," "Creators of Guaranteed Beauty Aids" and "Manufacturing Chemists." (4399)

**Quality Products Company**—See Spors Company.

**Spors Company**—Frank Spors, trading as Spors Company and as Quality Products Company, Le Center, Minn., engaged in the sale and distribution of a medicinal preparation designated "Corn-Go," intended for use in the treatment of corns, calluses and bunions, is charged in a complaint with misrepresentation of his product.

The complaint charges that the respondent has disseminated advertisements by the United States mails, and in circulars, leaflets, catalogues and pamphlets in the various States, representing that Corn-Go "Safely and cleanly removes soft and hard corns, calluses and bunions." These representations are false and misleading, the complaint alleges, as the respondent's preparation is wholly incapable of removing bunions. While the preparation will effect the temporary removal of corns and calluses, the complaint continues, it will not prevent the recurrence of such conditions and has no effect upon the underlying causes of corns and calluses. (4397)

**Victoria Chemical Company**, 887 Broad St., Newark, N. J., and four New Jersey and New York corporations and nine individual officers are charged in a complaint with misrepresentation of a drug preparation designated "Anti-Drink" distributed by them.

The other respondents are Schwarz Druggists, Inc., located with the Victoria Chemical Company at 887 Broad St., Newark; Schwarz Drug Company, Bloomfield, N. J.; Schwarz Drug Stores, Inc., 457 Clinton Ave., Newark; Hiram Schwarz, Inc., White Plains, N. Y.; and Sarah Schwarz, Esther Schwarz, Joel J. Schwarz, Samuel Schwarz, Ira I. Schwarz, Sylvan Schwarz, Hiram Schwarz, Oscar Katz and Jacob Eisen, all officers or executives of the chemical and drug companies.

The complaint charges that all of the respondents have acted in conjunction and cooperation with each other in carrying out the acts and practices set forth in the complaint.

The complaint charges that the respondents have been engaged in the business of compounding, selling and distributing the prep-

aration designated "Anti-Drink" and recommended by the respondents for use as a treatment and cure for alcoholism and the liquor habit. The complaint declares that the respondents have disseminated false advertisements of their product by the United States mails and other means in commerce. Through use of these statements and representations, the respondents, according to the complaint, have represented, directly or by implication, that Anti-Drink is a cure or remedy and a competent and effective treatment for alcoholism and the liquor habit; that by its use the desire for alcoholic stimulants is eradicated, and that the preparation is safe for use.

The complaint charges that these representations are false and misleading, as the preparation is not a cure or remedy or a competent or effective treatment for the liquor habit, and that it is not safe for use as it contains the drug tartar emetic in a quantity sufficient to cause serious injury to health if the preparation is used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint further alleges that the respondents' advertisements constitute false advertisements in that they fail to reveal that use of the preparation under these conditions may result in serious injury to the stomach, intestinal tract, heart and nervous system. (4403)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Benson & Dall, Inc.**—See F. A. Stuart Company.

**Burgess Seed & Plant Company**, trading as V. & M. Products Company, Galesburg, Mich., distributor of a rat-killing preparation, has entered into a stipulation in which it agrees to cease certain representations in the sale of its product.

The respondent company agrees to desist from representing that its product "Black Cat" will kill gophers, or mice of a species or class other than house mice; and that it kills rats and mice quickly. (02675)

**Smith Brothers Drug Company**, 524 Prescott St., Greensboro, N. C., engaged in selling two drug preparations designated "Digesto-Pep" and "Coldlax," has entered into a stipulation in which it agrees to cease representing, directly or by implication, that "Digesto-Pep" is a competent treatment or remedy for stomach disorders, or will do anything more than give temporary relief to stomach discomforts associated with gastric hyperacidity; that "Digesto-Pep" will enable a person to eat whatever may be desired without discomfort; and that "Coldlax" will attack a cold at the cause or at the seat of a cold, or will do anything more than give temporary relief from the symptoms of a cold. (02673)

**F. A. Stuart Company**, 117 South Jefferson St., Marshall, Mich., engaged in selling an antacid medicinal preparation designated "Stuart's Tablets," and Benson & Dall, Inc., 327 South La Salle St., Chicago, engaged in the business of conducting an advertising agency which disseminated advertisements for the preparation of F. A. Stuart Company, have agreed to cease and desist from disseminating or causing to be disseminated any advertisements which represent, directly or by implication, that the tablets are a remedy for any dysfunction of the stomach; that they are more efficacious as an antacid than other preparations with like ingredients in similar proportions for the same or similar purposes, or have any action upon the stomach other than to relieve, temporarily, gastric acidity; that the tablets prevent the occurrence of any dysfunction of the stomach, or check or prevent the formation of acid in the stomach; that the effervescent types of stomach antacids lose their alkalizing properties before taking, or that any premium which is offered in connection with the sale of the respondents' products is finished with gold, when such premium has no gold finish. (02674-02677)

**V. & M. Products Company**—See Burgess Seed & Plant Company.



## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Atlas Health Appliance Company**—Jacob L. Goldman, alias J. L. Coleman, trading as Atlas Health Appliance Company, 2430 West Sixth St., Los Angeles, engaged in the sale and distribution of a device or apparatus designated "Atlas Short Wave Diathermy," has been ordered to cease and desist from certain misrepresentations.

In the United States District Court for the Southern District of California, Judge Hollzer, on petition of the Federal Trade Commission, recently issued an order restraining the respondent from further dissemination of certain advertisements of the device pending issuance and final disposition of a complaint by the Commission under its regular procedure.

The respondent is ordered to cease and desist, in connection with the offering for sale, sale or distribution of his device, or any other device of substantially similar construction, from disseminating or causing to be disseminated any advertisement in commerce which represents, directly or through inference, that the respondent is trained or experienced in physical therapy or in the technique of diagnosing or treating pathological conditions; that the respondent's device, when used by the unskilled lay public, constitutes a scientific, safe, harmless or effective means or method for the treatment of sinusitis, neuralgia and numerous other ailments, or that the device aids in killing bacteria, or which advertisements fail to reveal that the unsupervised use of the device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health. (4291)

**Bauer & Black**—See Kendall Company.

**House of Royalsun**—An order has been issued requiring Samuel R. Israel and Al Goldstein, trading as House of Royalsun, 25 Essex St., New York, to cease and desist from misleading representations in the sale and distribution of textile fabrics and knitting yarns.

Commission findings are that the respondents misleadingly represented the constituent fiber or material of which its various products were made. Such misrepresentation, the findings continue, appeared on labels which bore brand names such as "New Pigment Crepe," "Cashmere Sport Yarn," "Zephyr Tweed," "Oriental Tweed," "Lustre Wool," "Rainbow Tweed," "Tropical Tweed," "Scotch Tweed," and "Royalsun Yarns." (3849)

**Howard E. Jones & Company**—H. Stanley Jones, H. Edwin Jones and Maurice C. Berkeley, trading under the names Howard E. Jones & Co., King Foods Company, Baltimore Sales Service Company, Baltimore Macaroni Company, and Ocono Company, 206 South Broadway St., Baltimore, are in the business of acting as brokers in the sale of food products, particularly canned fruits and vegetables, carrying on such business principally under the name of Howard E. Jones & Co. They also engage in buying and selling such food products for their own account, principally under the name King Foods Company, but also under the firm names of Howard E. Jones & Co., Baltimore Sales Service Company, Baltimore Macaroni Company and Ocono Company.

The Commission's findings in a cease and desist order are that the respondents have received from numerous sellers brokerage fees, or allowances or discounts in lieu thereof, on many of the purchases made for their own account.

The order directs that they cease and desist from making purchases of commodities for their own account at a price or on a basis which reflects a deduction or a reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, of any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers.

The order also directs that the respondents cease accepting from

sellers in any manner, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance and discount in lieu thereof, upon purchases of commodities made for the respondents' own account. (4215)

**Kendall Company**, with headquarters in Boston, and operating a manufacturing division in Chicago under the trade name Bauer and Black, has been ordered to cease and desist from certain representations concerning its products, sold under the brand name "Blue Jay" and consisting of "Blue Jay Corn Plaster," "Blue Jay Bunion and Callus Plasters," and "Blue Jay Liquid Corn Remover."

The Commission finds that the respondent's products do not constitute a cure for corns, calluses and bunions, since such growths will return after temporary removal unless the pressure and irritation which caused them in the first instance is eliminated. The respondent refers to the cone-like apex of corns as a "root" and represents that its products will remove corns, "roots and all." The findings declare that, in fact, this part of the corn is not a "root" in the ordinary meaning of the term and is actually the part of the corn which is formed last. Furthermore, treatment with the respondent's products cannot always be relied upon to remove entirely the cone-like portions of corns which project into the dermis.

The respondent is ordered to cease and desist from representing that corns have a root or roots; that the respondent's products will prevent the formation or recurrence of corns or calluses; that any of the respondent's products constitute a new treatment for corns, calluses or bunions; and that the respondent's products will instantly stop the pain caused by corns or calluses. (3320)

**Lo-Well Company**—James R. Kaye, trading as The Lo-Well Pencil Company and The Lo-Well Company, 40 West 24th St., New York City, and engaged in the sale of pencils, carbon paper and other merchandise, in the course of which the respondent gives premiums to his customers as an inducement for their purchasing his products, has been ordered to cease and desist from misrepresentations.

The respondent is ordered to cease and desist from representing, in connection with the sale and distribution of pencils, carbon paper, and various types of premiums, that the pencils are of first quality, unless such pencils are in fact of a kind and quality usually sold at retail as and known as 5¢ pencils; that a line of pencils is "better," unless such pencils are of a higher quality than those which have theretofore been sold by the respondent; that the pencils will outwear ordinary pencils, unless such pencils possess wearing qualities greater than those of pencils usually sold at retail as 5¢ pencils; that the pencils are being sold at reduced prices, unless in fact such pencils are being offered for sale at a price lower than the prices at which they are usually and customarily sold by the respondent; and that the quality, grade or material of the respondent's products or of the various premiums offered are superior to or different from the actual quality, grade or material of such products or premiums. (4318)

**Scholl Manufacturing Company, Inc.**, 211 West Shiller St., Chicago, engaged in the manufacture and distribution of devices known as "Dr. Scholl's Zino-Pads" and "Dr. Scholl's Kurotex Foot Plasters," designed for the treatment of corns, bunions and other foot ailments, has been ordered to cease and desist from certain misrepresentations of the products.

The respondent is ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents, directly or through inference, that the use of "Dr. Scholl's Zino-Pads" stops pain instantly or in one minute; that corns or calluses can be lifted out after the application of "Dr. Scholl's Zino-Pads" without the use of surgery or other aids; that the use of "Dr. Scholl's Zino-Pads" is a cure or remedy for corns, calluses or bunions; that "Dr. Scholl's Zino-Pads" have healing properties; or that the use of "Kurotex Foot Plasters" instantly relieves the pain caused by corns, sore toes, calluses, bunions or tender spots on the feet caused by new or tight shoes, or gives any degree of relief from such condition in excess of that which follows from the protection from outside pressure and friction, or gives any relief from such conditions except during the time that the "Kurotex Foot Plasters" are worn. (4241)



**Thomas Roberts & Company**—An order to cease and desist from violation of the brokerage provision of the Robinson-Patman Act has been issued against Walter W. Thrasher, Willoughby J. Rothrock, Linton A. Thrasher and Wainwright Churchill, trading as Thomas Roberts & Co., 135 South Second St., Philadelphia, who purchase canned fruits and vegetables for their own account and resell them to jobbers, wholesalers, retail chain stores and other purchasers.

Commission findings are that in connection with such purchases for their own account, the respondents have received and accepted from sellers substantial brokerage fees and commissions or allowances and discounts in lieu thereof, and that usually the receipt and acceptance of the allowances and discounts in lieu of brokerage has been accomplished by the respondents by purchasing commodities at prices lower than those at which such goods were being sold to other purchasers—lower by an amount which reflected all or a portion of the brokerage which was currently being paid by sellers of such commodities to their respective brokers for effecting sales to other purchasers.

In connection with the sale of such commodities, the findings continue, the respondents have granted and allowed substantial brokerage fees and commissions or allowances and discounts in lieu thereof to the purchasers.

The order directs that the respondents cease and desist from making purchases of commodities for their own account at a price or on a basis which reflects a deduction or reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers. The order also directs the respondents to cease accepting from sellers in any manner any commission, brokerage or other compensation or allowance and discount in lieu thereof on purchases of commodities made for their own account.

The order further directs that the respondents cease granting or making any allowances or discounts in lieu of brokerage to any purchaser by selling commodities to any such purchaser at a price reflecting a reduction from the prices at which sales of the commodities are currently being effected by the respondents to other customers, such reduction being an amount representing, in whole or in part, brokerage currently being paid by the respondents to local brokers for brokerage services rendered to the respondents in effecting sales of such commodities to other purchasers.

The order also directs that the respondents cease granting or allowing, in any manner, directly or indirectly, any commission, brokerage or other compensation or allowance or discount in lieu thereof to any purchaser in such transactions. (4282)

**Albert W. Sisk & Sons**—Six concerns who act as field brokers in the sale and purchase of canned fruits and vegetables and who also purchase commodities for their own account for resale, have been ordered to cease and desist from violations of the brokerage provision of the Robinson-Patman Act.

The respondents are A. Fletcher Sisk, Theodore E. Fletcher and Harold E. Stark, trading as Albert W. Sisk & Son, Preston, Md.; Charles F. Unruh and Robert A. Harris, Jr., trading as C. F. Unruh Brokerage Company, Kinsale, Va.; Cecil G. Reaburn, trading as C. G. Reaburn and Company, Roanoke, Va.; H. Weldon Ruff, trading as H. M. Ruff & Son, York, Pa.; American Brokerage Company, Inc., Roanoke, Va., and William E. Silver, trading as William Silver & Company, Aberdeen, Md.

The respondents, according to findings, have been engaged in the business of field brokers, acting as the agents of sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores and other purchasers.

Commission findings are that the respondents have effected sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondents; that for their services to the sellers the respondents have received from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where such sales are effected through the aid and assistance of local brokers a portion of this brokerage fee is paid by the respondents to such local brokers for such sales assistance. Further findings are that where the respondents have effected sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the

respondents, such allowance and discount usually being the equivalent of the brokerage paid by the respondents to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the findings, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondents.

The Commission finds that in connection with the respondents' purchase of canned products for their own account for resale to jobbers, wholesalers, retail chain stores and other purchasers, they have received and accepted from the sellers and have granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The orders direct that the respondents cease granting or making any allowances or discounts in lieu of brokerage to any purchaser by selling commodities to any such purchaser at a price reflecting a reduction from the prices at which sales of the commodities are currently being effected by the respondents to other customers, such reduction being an amount representing, in whole or in part, brokerage currently being paid by the respondents to corresponding or local brokers for brokerage services or sales assistance rendered to the respondents in effecting sales of such commodities to other purchasers.

The orders also direct that the respondents cease granting or allowing, in any manner, directly or indirectly, any commission, brokerage or other compensation or allowance or discount in lieu thereof to any purchaser in such transactions.

The orders further direct that the respondents cease and desist from making purchases of commodities for their own account at a price or on a basis which reflects a deduction or reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers.

The orders also direct the respondents to cease accepting from sellers in any manner any commission, brokerage or other compensation or allowance and discount in lieu thereof on purchases of commodities made for their own account.

In connection with the proceeding against William E. Silver, trading as William Silver & Co, the Commission dismissed the complaint as to Francis S. Silver, named in the complaint as a respondent, who, it appears, prior to issuance of the complaint, dissociated himself from the business. (4275, 4283, 4284, 4292, 4298, and 4340)

**Vulcan Lamp Works, Inc.**, 125 Jersey St., Harrison, N. J., manufacturer and distributor of flashlight bulbs and other incandescent electric light bulbs, has been ordered to cease and desist from misrepresentation of its product.

The Commission finds that the respondent is also engaged in the business of importing glass bulbs from Japan and assembling such bulbs, along with other parts, into flashlight lamps. When received by the respondent, the findings continue, the imported bulbs have imprinted on the neck thereof the words "Made in Japan" or "Japan." In assembling the finished flashlight bulbs, the findings continue, the respondent places such glass bulbs into bases which are purchased by the respondent from manufacturers in the United States and which bear thereon the legend "Made in U. S. A." As a result of such process, the words "Made in Japan" or "Japan" are entirely concealed and there remains visible only the legend "Made in U. S. A." Such finished lamps are then sold by the respondent to retail dealers without any marking thereon to indicate that the bulbs of such lamps, which constitute the basic part thereof, are of Japanese or foreign origin rather than domestic origin.

The respondent is ordered to cease and desist from representing in any manner that flashlight or other incandescent lamps are made or manufactured in the United States, when in fact such lamps or the basic parts thereof are manufactured in countries other than the United States; from representing, through failure to disclose that the basic parts of flashlight lamps or other incandescent electric lamps are manufactured in countries other than the United States, that such flashlight lamps or other incandescent electric lamps are wholly of American manufacture; and from using the words "Made in U. S. A." or "American Made for American Trade," or any other words of similar meaning, to designate, describe or refer to any flashlight bulbs or other incandescent electric light bulbs the basic parts of which are manufactured in any country other than the United States. (3987)







**THE WEEK IN WASHINGTON**

The Supreme Court this week upheld the right of broadcasters to use phonograph records they had purchased in the open market. The court's decision is effective everywhere but in Pennsylvania. (P. 4897.)

Twenty-one of the 34 most popular tunes of the day will be available to broadcasters after the expiration of their ASCAP licenses. BMI now has 555 members. Neville Miller calls victory "assured." (P. 4898.)

Numerous stations have cooperated in the NAB's "Fifty million radio sets by Christmas" drive. (P. 4900.)

Time "chiseling" falls off, the Bureau of Radio Advertising reports. (P. 4900.)

The FCC will authorize sixty day extensions of experimental FM licenses expiring January 1. (P. 4901.)

**Supreme Court Upholds Record Broadcast Decision**

Last summer the broadcasters hailed as the most important radio decision of the year the decision of the Circuit Court of Appeals for the Second Circuit, which reversed the Trial Court and held that broadcasters were free to use phonograph records they had purchased in the open market. (NAB REPORTS, p. 4465.) The United States Supreme Court on Monday, December 16th, finally disposed of the controversy by denying the petitions for writs of certiorari filed by Paul Whiteman and RCA Manufacturing Co., Inc.

The Circuit Court of Appeals decision can now be fairly said to represent the law of the forty-eight states, except Pennsylvania, where a different rule prevails by reason of the State Supreme Court's decision in *Waring v. WDAS*. The decisions of the Circuit Court of Appeals for the Second Circuit are generally followed throughout the country.

The Circuit Court of Appeals decided that if the record manufacturer and the recording artist had common law rights, they were lost by the sale of the records in the ordinary channels of trade.

It further decided that the restrictive notice on the

records—"Not Licensed for Broadcast"—did not prevent the loss of the alleged common law rights upon the public sale of the records and was not binding upon the purchaser. The Court went on to say that the broadcasting by Station WNEW of phonograph records did not amount to unfair competition.

A further angle considered by the Court was that the station did not interfere with the terms of the record manufacturer's contract with its distributor, which provided that the records were to be sold only for home use. Notice of the distributor's agreement was stamped on the record envelopes.

The decision is of vital importance to almost all broadcasters and particularly independent stations having no network affiliations.

The RCA Manufacturing Company, it will be recalled, following its successful decision in the Trial Court, initiated a licensing system whereby the stations would have paid substantial royalties to the manufacturer. When WNEW appealed the case, RCA Manufacturing Company suspended its licensing activities pending the determination of the appeal. The National Association of Performing Artists, which financed the litigation for Paul Whiteman, was expected to initiate a licensing system had it been successful.

The expense of the defense of the suit by the station was underwritten by NAB, which retained as counsel, Crawford & Sprague, represented by Stuart Sprague, and White & Case, represented by Colonel Joseph M. Hartfield.

**BMI FEATURE TUNES**  
**December 23-30**

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON
8. AN OLD-FASHIONED CHRISTMAS
9. HIGH ON A WINDY HILL



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

### BMI DEVELOPMENTS

Of the thirty-four numbers listed by the New York *Enquirer* as song leaders on the air for last week, nineteen were BMI numbers and two were published by the Southern Music Company and will be included in the music licensed by BMI next month.

*There I Go* reached the number one spot on the Hit Parade last week as the acknowledged top hit of the country. Also on the Parade were BMI's *I Give You My Word* and *So You're the One* and Southern's *Frenesi*. *There I Go* is mounting toward the leaders among the national sheet music best sellers, standing at number four on the *Variety* list and at number seven in *Billboard*. *I Give You My Word* and *So You're the One* also appear on the best seller lists, while *There I Go* and *I Give You My Word* show up among the biggest money makers on the coin machines. It is interesting to note that Southern's *Frenesi* has recently joined all of these lists also.

The M. M. Cole Publishing Company sends us word that they have theme songs on three leading radio programs: Gene Autry's Melody Ranch on Sundays; the Tom Mix program, daily; and Pappy Cheshire program from Missouri, daily.

The continued rush of radio stations to enlist in the support of BMI gives conclusive proof both of the solidarity of the entire broadcasting industry of the United States in its determination to adjust the matter of radio music on a new and equitable basis and also of the success which BMI has already achieved in meeting the musical needs of broadcasters. ASCAP's shop-worn thesis that BMI was a project only of the major networks and their affiliates is conclusively answered by the fact that a large majority of all independent stations in the country are now aligned with BMI. During the time since ASCAP's Paine announced 420 as the probable limit of the BMI membership, additional stations have joined the BMI ranks at such a rate that it has been at times difficult to keep the newspapers up to date. As of December 18th the BMI stations, pledged and subscribed, number 555. We welcome the following newcomers to the list:

- WDEF—Chattanooga, Tenn.
- KELD—Eldorado, Ark.
- WIBM—Jackson, Mich.
- WKAQ—San Juan, Porto Rico
- WJRD—Tuscaloosa, Ala.
- WSVA—Harrisonburg, Va.
- KRLD—Dallas, Texas
- WJBY—Gadsden, Ala.

- WHBB—Selma, Ala.
- WRDO—Augusta, Maine
- WCHV—Charlottesville, Va.
- KGKY—Scottsbluff, Nebr.
- WBML—Macon, Ga.
- KGNF—North Platte, Nebr.
- KWIL—Albany, Ore.
- KFPW—Fort Smith, Ark.
- KSCJ—Sioux City, Iowa

Writers of some of the leading BMI hits entertained the advertisers at luncheon on December 18th. M. E. Tompkins, BMI's vice president and general manager, introducing the performers, said, "To me and to the rest of us who are at work up there in our shop the most thrilling, exciting part of the job is the chance to find these talented youngsters, to help them develop, and to watch them achieve such success with the public."

Milton Rettenberg, well-known pianist who is chief of BMI's Editorial Board, played a medley of BMI best-sellers. Joan Whitney sang three of her own songs, "Got a Letter from my Kid Today," "So You're the One," and "High on a Windy Hill." She was accompanied at the piano by Alex Kramer, who collaborated with her in writing the songs. Ernest Gold, composer of "Practice Makes Perfect," played his own instrumental number, "The Shining Hour," and accompanied by Don McCray when the latter sang "You're a Mystery to Me," a new number by Gold for which McCray wrote the words.

Mr. Rettenberg and Robert Sour, head of the lyrics division of the Editorial Board, illustrated the work of revision done on one song before publication. Rettenberg told the audience that "in 99% of the cases" where the BMI staff does such work it is done as a part of the editorial service and no BMI staff member is "cut in" on the royalties or given credit in the by-lines.

Others introduced to the audience were Hy Zaret, author of "There I go," and Norman Weiser, associate editor of *Radio Daily*, whose song "Here's My Heart," is published by BMI.

The cash prize awarded to the holder of the lucky number drawn at the end of the luncheon went to BMI's Ernest Gold.

The National Council of State Liquor Dealers' Association, which last spring at its National Convention appointed a committee to explore ways and means of combating the practices of ASCAP which its members felt to be arbitrary and oppressive, held its mid-year meeting at Philadelphia on November 19. The meeting unanimously adopted the following resolution:

WHEREAS, under the United States copyright laws, the American Society of Composers, Authors and Publishers, commonly called "ASCAP," is permitted to and in fact does levy arbitrary and unreasonable "fees" upon the users of copyrighted musical works, proprietors of entertainment places, restaurants, inns, cafes, hotels, theatres, radio stations, and other establishments wherein are operated amusements and entertainments involving the use of copyrighted musical works, and

WHEREAS, there is at present no statutory limit to the "fees" which may be charged by the American Society of Composers,



Authors and Publishers for the use of copyrighted musical works, and

WHEREAS, the affiliated associations of this Council are in accord with the premise that the author of a copyrighted musical work should receive proper and adequate compensation, and

WHEREAS, it is the belief of this Council that the fairest method of insuring such proper and adequate compensation to the author would be the establishment of an equitable system of fees to be paid in compensation for the use of copyrighted musical works, and

WHEREAS, an organization known as Broadcast Music, Inc., has endeavored to establish such an equitable system between the authors and users of copyrighted musical works,

THEREFORE BE IT RESOLVED by the Board of Directors of the National Council of State Liquor Dealers' Associations, assembled this 19th day of November, 1940, at Philadelphia, that this Council petition the manufacturers and distributors of phonograph machines by means of which recorded music is played in taverns to cooperate to the fullest extent with Broadcast Music, Inc., and install wherever possible BMI records, and

BE IT FURTHER RESOLVED that this Council urge the tavern operators of the country to request the installation of BMI records in phonograph machines on their premises.

What does the general listening public think about BMI? Here are extracts from twelve-page letter from Detroit: "Popular music has been my hobby since 1934. I watch new songs shoot up and pass others. It's fun and is just like a race. Last August I was listening as usual and then out of nowhere came two grand tunes, *Practice Makes Perfect* and *The Same Old Story*. That same month I was at Wurlitzer Music House in Detroit and found (they) were published by Broadcast Music, Inc. That was a new firm to me. I left the store praising Broadcast Music, Inc., as turning out miracle songs all at once over night. Then this fall I've been reading all about BMI and its purpose. I'm 100 per cent for you. BMI can handle the music situation."

## District Meetings

### DISTRICT 1

District One broadcasters met Thursday, December 12, in Worcester, Massachusetts, to review the whole music situation. Neville Miller and Carl Haverlin, BMI Station Relations Director, explained how ASCAP was "on the run" and, in some detail, how the average station could operate successfully without ASCAP music after December 31. Their talks were received enthusiastically. Paul W. Morency, WTIC, District President, presided.

Among those present:

Sterling V. Couch and Walter Haase, WDRC; R. W. Davis and Ralph Kanna, WNBC; C. Glover DeLaney and L. H. Martineau, WTHT; Thomas C. McCray, Paul W. Morency and Grace Sapsuzian, WTIC; Edwin J. Morey and Gerald J. Morey, WNLC; James T. Milne, Jimmy Morgan and Charles H. Wright, WELI; Jack Henry, WBRV; James Parker and Harold Thomas, WATR; Philip G. Daniels and Creighton E. Gatchell, WGAN; Albert W. Smith, WCSH; John McNamara, WBZ-A; Del Castillo, WEEI; R. L. Harlow, Yankee Network; Warren M. Greenwood and James L. Spates, WHAI; Haskell Bloomberg and Robert Danahue, WLLH; Albert M. Hiorne and Irving Vermilya, WNBH;

Quincy A. Brackett, William W. Harvey and Wayne H. Latham, WSGR; A. W. Marlin and Paul Pelletier, WMAS; William T. Cavanagh, E. E. Hill, George H. Jaspert and Katherine Norsten, WTAG; Earle Clement and Sherwin Greenlaw, WLNH; Carl Haverlin, B.M.I.; Cy Langlois, Lang-Worth Feature Programs, Inc.; Bill Gartland, NBC Thesaurus; T. F. Allen, WFCI; John J. Boyle, WFAR; H. William Koster, WPRO; Neville Miller, NAB.

### DISTRICT 4

How a broadcasting station should prepare to operate without an ASCAP license after December 31 was the theme that ran through the entire meeting of District Four in Washington, D. C., on Friday, December 13. John A. Kennedy, District President, was in the chair. Neville Miller and Carl Haverlin, BMI Station Relations Director, spoke at length, and Mr. Haverlin answered dozens of questions raised by the broadcasters attending.

Among those present:

Harry C. Butcher, CBS; Wilfred H. Wood, WMBG; A. D. Willard, Jr., WJSV; Frank Blair, WOL; George H. Roeder, WCBM; John Elmer, WCBM; Madeline Ensign, WOL; Joseph L. Miller, NAB; G. Richard Shafto, WIS; K. H. Berkeley, WMAL; George W. Smith, WWVA; Vaughn M. Bradshaw, WTAR; Edward E. Bishop, WGH; Bevo Whitmire, WFBC; Joseph Imbroglio, WFBR; Fred Johnstone, WSLs; E. D. Naff, WRVA; C. T. Lucy, WRVA; W. P. Heffernan, WBTM; Edwin M. Spence, WWDC; Lewis M. Milbourne, WCAO; Lloyd Dennis, WJSV; Joseph B. Matthews, WGKV; G. C. Blackwell, WBLK; E. J. Gluck, WSOC; Dan Crosland, WMRC; Paul J. Miller, WWVA; Kathryn Riddich, WJLS; Ruth Cohn Tepping, WJSV; F. M. Russell, WRC; Alden Aarve, WCHV; Mike Layman, WSAZ; A. Rauch, WPAR; Bob Van Camp, WSTP; Wilbur M. Havens, WMBG; Gill Murray, WRAL; Fred Fletcher, WRAL; R. J. Stratton, WBNC; Irvin G. Abeloff, WRVA; Jack Weldon, WDBJ; J. Robert Beadles, WRVA; H. W. Batchelder, WRBR; Bert Hanauer, WFBR; Flem Evans, WCHS; Robert B. Bingham, WWNC; Don S. Elias, WWNC; Andrew W. Bennett, NAB; Charles G. Hicks, Jr., WSOC; Dyke Cullum, WWDC; James L. Howe, WBTM; Howard Wolfe, WMMN; John W. Shultz, WSTP; Charles Klaton, WAIR; Willis Conover, WTBO; Frank V. Becker, WTBO; G. Mallory Freeman, WRNL; E. S. Whitlock, WRNL; Howard L. Chernoff, WCHS; Fred Shawn, NBC; J. F. Skinnell, WMBG; Robert E. Mitchell, WMBG; Jack Hooper, WMBG; E. D. Johnston, attorney; George L. Filling, WCAO; W. A. Wynne, WEED; Ray P. Jordan, WDBJ; Eric F. Lund, WLVA; John D. Langlois, Lang-Worth; "Cy" Langlois, Lang-Worth; Carl Haverlin, BMI; Graham B. Poyner, WPTF; John A. Kennedy, WPAR, WCHS, WBLK; Sterling Wright, WSPA-WORD; A. E. Joscelyn, WBT.

### DISTRICT 5

The Florida Association of Broadcasters were host to the Fifth NAB District at Orlando on Tuesday, December 10, for a meeting called by W. Walter Tison, District Director. Special guests were President Neville Miller of NAB, Washington, and Carl Haverlin of BMI, New York.

Florida Association explained to the assembled group status of Florida anti-monopoly suit now before the supreme court. Director Tison presided and presented NAB story. Neville Miller gave BMI story and Carl Haverlin gave BMI working arrangement and explained library.

I. T. Cohen, of Atlanta office, represented ASCAP and was afforded opportunity to speak to the group.

President Frank King, of the Florida Association, introduced each station head from participating groups during the session. Those attending the meeting were:

Walter Tison, WFLA; Ralph Rogers, WDBO; Fred Mizer, WQAM; J. M. Pedrick, WDBO; Hal Davis, WTMC; John C. McCloy, WKAT; Louis J. Link, WSUN; James W. Young, WJHP; Henry G. Wells, WJHP; Victor J. Andrew, Chicago; Jerry A. Wigley, WSUN; Jack Maxey, WTSP; J. Leonard Reinsch, WSB; Don Ioset, WAGA; W. Wright Esch, WMFJ; C. O. Langlois, Langworth; Mr. and Mrs. Gilbert Freeman, WTAL; Millie Williams, WTAL; James E. Wetherell, Andrew Engineers; Westar E. Britt, WCOV; E. Caldwell Stewart, WSFA; W. E. Bennis, Jr., WFTM; F. W. Borton, WQAM; Bob Brown, INS; K. G. Marshall, WBRC; Paul M. Jones, WFLA; Truman Green, Tampa Tribune & WFLA; S. P. Willis, WJNO; Geo. A. Hazlewood, WLOF, Orlando; Henry Bryan, WFTL, Ft. Lauderdale; R. M. Tigert, WFTL, Ft. Lauderdale; John Van Cronkhite, WLOF, Orlando; H. P. Danforth, WDBO; Fred P. Pfahler, WTOC; Weldon Herrin, WTOC; Robt. R. Feagin, WBML, Macon, Ga.; Chas. W. Pittman, WBML, Macon, Ga.; John Fulton, WGST, Atlanta, Ga.; Bert Arnold, WLAK, Lakeland; Arch Robb, WIOD, Miami; Jack Hopkins, WJAX; Harry E. Cummings, Station Repr.; L. S. Mitchell, WDAE; Ken Skelton, WDAE; Neville Miller, NAB; Frank King, WMBR; Glenn Marshall, WMBR; Charlie Stone, WMBR; I. T. Cohenm, A.S.C.A.P.; Geo. C. Johnston, WDBO; Joe Sears, WLOF, Orlando.

## DISTRICTS 7 AND 8

Districts Seven and Eight held a joint meeting Thursday, December 19, in Detroit. More than 100 broadcasters, representing 50 stations, attended. C. E. Arney, Jr., assistant to the President, represented the NAB, while Carl Haverlin, BMI Station Relations Director, outlined the accomplishments to date of that organization.

## DISTRICT 9

The broadcasters of Illinois and Wisconsin held a meeting at the Stevens Hotel in Chicago, Wednesday, December 18. This is the area covered by the Ninth NAB District, and Director William H. West of WTMV, East St. Louis, called the meeting to order with seventy in attendance. Twenty-six Illinois and 10 Wisconsin stations were represented by one or more persons.

Carl Haverlin, Stations Relations Manager of BMI, and C. E. Arney, Jr., of the NAB staff, were present.

A full discussion of the music situation was had and as a result of the session, six stations previously unsigned with BMI either executed the agreements or indicated their intention to do so.

At the conclusion of the meeting a motion was unanimously passed in which complete confidence in BMI was expressed.

A further resolution requested BMI to assist the broadcasters of Illinois and Wisconsin in setting up a central copyright clearance bureau, and Director West was called upon to appoint a committee to negotiate with respect to this matter with BMI.

Those present agreed that the meeting was the most successful and enthusiastic held in Ninth District history.

## 50 MILLION SETS BY CHRISTMAS

WLS, the Prairie Farmer Station, Chicago, Ill., is participating aggressively with the "50,000,000 Radio Sets by Christmas" idea. On December 10, Harold A. Safford, program director, wrote:

"Glad to have your folder on '50,000,000 Radio Sets by Christmas' and you may be sure that we will give this campaign every possible support on WLS. In fact we have started using the announcements already."

WTMA, Charleston, S. C., is well started on a program of "spreading radios throughout our listening area," according to W. D. Workman, Jr., station manager.

A \$14.95 Zenith is awarded every day on the "Wiz-Quiz," locally produced show. The contest is based on answers submitted in writing to three questions daily.

Because the program has been so successful, Mr. Workman expects that "Wiz-Quiz" will run far beyond its original expiration date, December 21.

## MAN POWER

A special Man Power announcement was mailed stations in nine states on December 17 at the request of the United States Civil Service Commission.

It sought inspectors for mechanical engineering materials. Jobs are open in Chicago and Milwaukee and their need was declared "most urgent" by the Commission.

Station executives in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin received the "SOS."

## FREE OFFERS "OFF"

Maybe it's an early manifestation of the Christmas spirit, but the NAB Bureau of Radio Advertising notes with gratification that the business of time-chiseling has been notably "off" during the past few weeks. Only one actual "free offer" has been reported by members, while several others have sought to place "cost-per-inquiry" advertising on stations.

In keeping with the custom established last year, this will be the last actual listing of free offers until 1941, in deference to the spirit of the holiday season.

### Free Offers

The Cook's Digest, New York City.

### Cost-Per-Inquiry

De Soto Chemical Company, Arcadia, Fla.  
Casper Pinsker, 150 Nassau St., New York City (Caxton House, Inc.).  
Thos. B. Sammons, Jr., Weslaco, Texas (Flavor-Tex Fruit).



Jacques F. Goulde, 2131 John R. Street, Detroit, Mich. (Waltham Pens and Pencils).

The Bureau of Radio Advertising has sent the usual letter of explanation to the above concerns, inviting them to buy time on the regular basis and thus maintain the continued goodwill and cooperation of the broadcasting industry, at the same time obtain a full measure of radio's ability to sell their wares.

### COST OF LIVING

The Labor Department reports that the cost of living in large cities dropped 0.1 per cent from October 15 to November 15.

### FEDERAL LEGISLATION

H. R. 10720 (Voorhis, D., Calif.) ADVERTISING—To provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control uneconomic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes. Referred to the Committee on Ways and Means.

## FEDERAL COMMUNICATIONS COMMISSION

### AID FOR FM

To assist FM during its transition from experimental to a commercially recognized broadcast service, the FCC on Thursday announced that it will authorize, on appropriate request, a 60-day extension of experimental licenses which are due to expire January 1.

Under previous arrangement, all frequency modulation experimental station licenses were to automatically expire on that date. It is indicated, however, that more time is needed in which to switch over from the experimental to the regular program phase in this high frequency service.

At the same time, the Commission indicated that it will deny request of permittees for temporary authority to broadcast commercially unless it is shown that the permittee has complied substantially with the terms of his permit. Special temporary authority will, however, be granted for bona fide technical experimental work in connection with construction of FM stations.

Up to the present time the Commission has granted a total of 25 commercial FM licenses, and there are 33 experimental FM licenses outstanding.

### BROADCAST ENGINEERING STANDARDS NOW AVAILABLE IN PRINTED FORM

For the first time, the FCC's "Standards of Good Engineering Practice Concerning Standard Broadcast Stations"

are available in printed form. The Commission is unable to make free distribution to other than broadcast licensees, but copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 30 cents each.

The standards interpret and elaborate on the Rules and Regulations, which form the basis of good engineering practice as applied to broadcasting on the 550 to 1600 kilocycle band. First made effective on August 1, 1939, these principles have been revised to July 20, 1940, in the printed edition.

Such compilation is published for the convenience of those interested in standard broadcast station operation. Familiarity with the standards is essential in the construction and operation of standard broadcast stations, to meet the requirements of technical operation in the public interest along lines not specifically enunciated in the regulations.

These standards represent the consensus of opinion of the broadcast industry as expressed in conferences with radio engineers and manufacturers, augmented by extensive field surveys conducted by the Commission's field technicians.

It is not expected that material deviation will be made from fundamental principles, since the standards are sufficiently flexible to accommodate new developments and other progress.

### GENERAL MEETING CALLED

Following a recent meeting, the Defense Communications Board announced that a general meeting of the Board with its various committees will be held on Monday, January 6, at 10:30 a. m., in Hearing Room A, Interstate Commerce Commission Building, to discuss general policies and procedure.

Individual meetings of the various committees will be held in the afternoon for the purpose of electing committee chairmen and secretaries, and also to consider tentative agenda of work.

None of these sessions will be open to the public, admission being limited to members and their accredited representatives.

The Board also announced that the following companies have been added to the membership of Committee II (Aviation Radio Committee) to represent wire telegraph interests:

American Telephone and Telegraph Co.  
Postal Telegraph, Inc.  
Western Union Telegraph Co.

### FCC BROADCAST MEASUREMENTS

During the month of November FCC experts measured 707 broadcast stations leaving 162 not measured.

Of those measured 650 showed a maximum deviation

within 0-10 cycles; 52 a maximum deviation within 11-25 cycles; 4 a maximum deviation within 26-50 cycles. No stations showed a maximum deviation over 20 cycles, while one station showed a maximum deviation of over 50 cycles.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are set before the Commission for the week beginning Monday, December 23, because of the holiday.

### FUTURE HEARINGS

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

#### January 17

WVL—Loyola University, New Orleans, La.—Renewal of license, 850 kc., 50 KW night, 50 KW LS, specified hours.  
NEW—William H. Amesbury, Minneapolis, Minn.—C. P., 630 kc., 1 KW night, 1 KW day, unlimited, DA night and day.

#### January 27

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., 1340 kc., 1 KW night, 1 KW day, unlimited, DA day and night.  
WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., 1340 kc., 1 KW night, 1 KW day, unlimited, DA day and night.

#### January 29

WCAM—City of Camden, Camden, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WTNJ and WCAP.  
WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WTNJ and WCAM.  
WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WCAM and WCAP.  
WTNJ—WOAX, Inc., Trenton, N. J.—C. P., 1230 kc., 1 KW night, 1 KW day, unlimited, DA day and night.  
NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., 1230 kc., 1 KW night, 1 KW LS, unlimited time, DA day and night.

#### February 3

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—C. P., 1420 kc., 250 watts night, 250 watts day, unlimited.  
NEW—Atlantic Broadcasting Corp., Miami, Fla.—C. P., 1280 kc., 500 watts night, 1 KW day, unlimited.  
NEW—Seaboard Broadcasting Corp., Tampa, Fla.—C. P., 1530 kc., 1 KW night, 1 KW day, unlimited.  
NEW—Robert V. Lee, Bradenton, Fla.—C. P., 1500 kc., 250 watts night, 250 watts day, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### NEW STATIONS GRANTED

Albert Joseph Meyer, Powell, Wyo.—Granted construction permit for new station to operate on 1200 kc., with 250 watts

night and day, unlimited time; exact transmitter site to be determined subject to Commission's approval (B5-P-2593).  
C. T. Sherer Co., Inc., Worcester, Mass.—Granted construction permit for new station to be located in Worcester, Mass., to operate on 1200 kc., 250 watts, unlimited time, with three 100-watt amplifier stations to be located near Auburn, Whitinsville, and Marlborough, Mass. (B1-P-2963).  
R. G. LeTourneau, Toccoa, Ga.—Granted construction permit for new station to operate on 1420 kc., 250 watts, unlimited time (B3-P-2767).  
Oscar C. Hirsch, Cairo, Ill.—Granted construction permit for new station to operate on 1500 kc., 250 watts, unlimited time, transmitter location and antenna system to be determined subject to Commission's approval (B4-P-3022).

### RELAY LICENSES RENEWED

Renewal of licenses for the following relay broadcast stations were granted for the period ending Dec. 1, 1941:

KEJN, Tacoma, Wash.; KEHR, Kalispell, Mont.; and WELK, Springfield, Ill.

The following licenses for relay broadcast stations were further extended upon a temporary basis only, pending receipt and determination upon application for renewal for the period ending Feb. 1, 1941:

WEGV, Champaign, Ill.; WENW, Champaign, Ill.; WEIX, Memphis, Tenn.; KIJG, Brownsville, Tex.; KEMA, Shenandoah, Iowa.

Licenses for the following stations were extended upon a temporary basis for the period ending Feb. 1, 1941, pending determination upon applications for renewal, with the following condition: That the frequency 2022 kc. be deleted and 2074 kc. be substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels:

WAHJ, WBG, Champaign, Ill.; WABG, Memphis, Tenn.

### POWER, FREQUENCY, ETC., CHANGES GRANTED

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted modification of license to increase time of operation from daytime to unlimited, using 100 watts power, day and night; frequency 1200 kc. (B2-ML-1024).  
WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted construction permit to increase power from 5 KW to 50 KW, move transmitter location, install new transmitter, install directional antenna for day and night use; 1480 kc. (B1-P-2902).  
KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted construction permit to increase power from 1 KW night, 2½ KW LS, to 1 KW night, 5 KW day; install new transmitter; 1410 kc., unlimited time (B3-P-2969).  
WELI—City Broadcasting Corp., New Haven, Conn.—Granted construction permit to increase night power from 250 watts to 500 watts and day power from 500 watts LS to 1 KW, and make changes in directional antenna for nighttime operation; 930 kc. (B1-ML-868).  
WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of construction permit for approval of directional antenna for day and night use and approval of transmitter site at Roosevelt Road, Baton Rouge, La., 1.6 miles from the center of the city; 1120 kc., 5 KW day using directional antenna, 5 KW night, unlimited time (B3-MP-1122).

### ASSIGNMENT OF LICENSE GRANTED

WNBK—Howitt-Wood Radio Co., Inc. (Assignor), Binghamton, N. Y., Wylie B. Jones Advertising Agency (Assignee).—Granted consent to voluntary assignment of license from Howitt-Wood Radio Co., Inc., to Wylie B. Jones Advertising Agency; 1500 kc., 250 watts, unlimited time (B1-AL-289).

### DESIGNATED FOR HEARING

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Construction permit to change frequency from 1450 kc. to 590 kc.; increase power from 1 KW day, 500 watts night, to 1 KW night, 5 KW LS; move transmitter location; install new



- equipment and directional antenna for night use (B3-P-2938).
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction permit to install new transmitter, change antenna system, change frequency from 1500 kc. to 1450 kc., and increase power from 250 watts, unlimited, to 500 watts night, 1 KW LS (contingent on WAGA changing to 590 kc.) (B3-P-2966). The above two applications will be heard together.
- Worcester Broadcasting, Inc., Worcester, Mass.—Construction permit for new station to operate on 1200 kc., 250 watts night and day, unlimited time, with two 100-watt amplifier stations to be located in Marlborough, Mass., and Whitinsville, Mass. (B1-P-2929).
- Butler Broadcasting Corp., Hamilton, Ohio.—Application for construction permit for new station to operate on 1420 kc., with 250 watts power, unlimited time; exact transmitter site and antenna system to be determined subject to Commission's approval (B2-P-2937).
- Old Colony Broadcasting Co., Inc., Brockton, Mass.—Application for construction permit for new station to operate on 1160 kc., with 500 watts power, daytime only (B1-P-2448).

### MISCELLANEOUS

- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted modification of construction permit (B1-P-2200, which authorized installation of new transmitter, directional antenna for night use, change in hours of operation, increase in power and move of transmitter) for change in type of transmitting equipment, changes in directional antenna for night use and extension of commencement and completion dates to 30 and 180 days after grant, respectively.
- WELL—Federated Publications, Inc., Battle Creek, Mich.—Granted license to cover construction permit (B2-P-2689 which authorized installation of new transmitter), changes in antenna system and increase in power to 250 watts (B2-L-1289).
- WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-PSB-13), which authorized new equipment, antenna, increase in power from 1 to 5 KW, and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna power (B1-L-1277 and B1-Z-573).
- WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-2992) which authorized changes in directional antenna system; also granted authority to determine operating power by direct measurement of antenna power (B2-L-1288 and B2-Z-604).
- WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted license to cover construction permit (B3-P-2688), which authorized changes in equipment and increase in power to 250 watts on 1200 kc. (B3-L-1290).
- KRJN—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile, Area of Sioux City, Iowa.—Granted construction permit to decrease power in relay broadcast station to 1.2 watts, and change equipment (B4-PRE-375).
- Juan Piza, San Juan, P. R.—Granted construction permit for new relay broadcast station; frequencies 156750, 158400, 159300, 161100 kc., 20 watts; to operate as relay broadcast station to transmit programs of WNEL to transmitter of said station only in event regular wire line circuit is not available (B-PRE-374).
- WAFK—A. Frank Katzentine, Portable-Mobile, area of Miami Beach, Fla.—Granted license to cover construction permit (B3-PRY-207), which authorized a new relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., 40 watts; to be used with applicants broadcast station WKAT (B3-LRY-209).
- WOL—American Broadcasting Co., Washington, D. C.—Granted construction permit to move formerly licensed transmitter from 1111 H St. N. W., to Ager Road, near Chillum, Md., for use as an auxiliary transmitter using 100 watts power.
- KRLC—H. R. Studebaker, Lewiston, Idaho.—Granted construction permit to make changes in equipment.
- WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted modification of construction permit (B2-P-2582) which authorized a new station, for approval of transmitter and studio sites, vertical antenna and change in type of transmitting equipment.
- WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Granted modification of construction permit (B1-P-1701, which authorized a new station) to change type of transmitting equipment and approving antenna and transmitter site at Canal St., So. Hadley, Mass.
- WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted modification of construction permit (B3-P-2476) to change type of requested transmitting equipment and extend commencement and completion dates to 30 and 180 days after grant, respectively.
- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted modification of construction permit (B4-P-1990 which authorized increase in night power and changes in directional antenna for day and night use) to install a new transmitter.
- WITH—The Maryland Broadcasting Co., Baltimore, Md.—Granted modification of construction permit (B1-P-2792, which authorized a new station) to change type of requested transmitting equipment and extend commencement date from December 29 to 30 days after grant and completion date to 180 days thereafter.
- WSBT—The South Bend Tribune, South Bend, Ind.—Granted modification of construction permit (B4-P-900 which authorized changes in equipment, installation of directional antenna, change frequency, hours of operation and move of transmitter) for move of transmitter to west side of Ironwood Road, between Jackson Road and Kern Road, and extend commencement and completion dates to 60 and 180 days after grant, respectively.
- W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from State-Lake Bldg., Chicago; 100 watts for visual 25 watts for aural; in order to conduct tests, for period December 20 to January 18, in accordance with construction permit.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted request for waiver of Sec. 3.71 and special temporary authority to operate from 8 a. m. to 2:30 p. m. and 5 to 6:45 p. m., CST, December 25th, conditionally.
- WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate from 5:15 p. m. EST, to the conclusion of East-West football game on January 1, in order to broadcast said game only.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 4:45 to 5 p. m., EST, December 15, in order to broadcast speech by Dr. Boynton Merrill, Chairman of Congressional Christian Committee for Assistance to War Victims only.
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8 to 10 p. m., EST, on December 11, in order to broadcast special ASCAP Musical Festival only.
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., CST) to 6:15 p. m., CST, January 1, in order to broadcast East-West All Star football game only.
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from 8 p. m., EST, to conclusion of East-West football game on January 1, in order to broadcast said game only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., from 1 to 3 p. m., and from 8 to 12 p. m., EST, on December 25, and January 1, in order to broadcast programs of a holiday character (provided WOSU remains silent).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 11:30 p. m., EST, until conclusion of Christmas Mass December 24, in order to broadcast said program only.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted authority to determine operating power by direct measurement of antenna input.
- KGFX—Ida A. McNeil, Administratrix of Estate of Dana McNeil, Deceased, Pierre, S. Dak.—Granted authority to determine operating power by direct measurement of antenna input.
- WBBR—Watchtower Bible and Tract Society, Inc., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted authority to determine operating power by direct measurement of antenna input.
- KRBA—Redlands Broadcasting Assn., Lufkin, Texas.—Granted authority to make changes in automatic frequency control equipment, upon condition that said authorization shall



- not be construed as a finding by the Commission upon revocation proceedings pending and awaiting final decision.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted authority to install new automatic frequency control equipment.
- W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate on frequency 44.1 instead of 43.4 mc., in order to continue experiments in re-broadcasting high frequency broadcast station W2XMN emissions, which are to be rebroadcast by W1XOJ, for period December 20 to January 1.
- WAPI—Ala. Polytechnic Institute, etc., Birmingham, Ala.—Granted authority to determine operating power by direct measurement of antenna input, upon condition that said grant is not to be construed as finding upon application for renewal of license pending in hearing docket.
- William H. Amesbury, Minneapolis, Minn.—Granted motion to continue hearing now scheduled for December 16, until January 17, 1941, in re application for new station to operate on 630 kc., 1 KW, unlimited time, DA night and day.
- Central Carolina Broadcasting Corp., Burlington, N. C.—Granted petition to accept amendment to application for a new station so as to request frequency 890 instead of 1420 kc., and 250 watts daytime only, instead of 100 watts, unlimited.
- KFOR—The Sidels Co. (Transferor), Star Printing Co. (Transferee), Lincoln, Neb.—Granted petition of transferor and transferee to dismiss applications for transfer of control of stations KFOR and KFAB, without prejudice.
- KFAB—The Sidels Co. (Transferor), Star Printing Co. (Transferee), Lincoln, Neb.—Granted petition of transferor and transferee to dismiss applications for transfer of control of stations KFOR and KFAB, without prejudice.
- KRVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with KRKO from 2 to 4 p. m., PST, on December 15, 22, 29 and January 5, 1941, in order to broadcast basketball games only.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to remain silent on December 25th, and on January 1, in order to observe the holidays; to remain silent from 7:30 to 8:30 a. m. and from 2:30 to 3:30 p. m., CST, on December 20, 21, 23, 24, 26, 27, 28, 30 and 31; January 2, 3, 4 and 6, in order to observe vacation and to operate from 10:45 to 11:30 a. m., CST, on said dates instead, in order to broadcast holiday programs only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., EST, December 23, 24, 25, 26, 27, 30, 31, 1940, and January 1, 2, and 3, 1941, in order to broadcast sustaining musical programs as described in letter of December 6 (provided WSVS remains silent).
- WCAT—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to remain silent for the period December 21, 1940, to January 5, 1941, in order to observe Christmas vacation.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate additional time on December 16th, in order to broadcast speech by Paul Armstrong, Ill. State Director of Selective Service only.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted consent to transfer control of Knickerbocker Broadcasting Co., Inc., licensee of station WMCA, from Donald J. Flamm to Edward J. Noble for the sum of \$850,000. Station operates on 570 kc., 1 KW, unlimited time (B1-TC-252).
- The Thumb Broadcasting Co., Brown City, Mich.—Designated for hearing application for new station to operate on 600 kc., 250 watts, daytime only (B2-P-1886).
- World Peace Foundation, Abraham Binneweg, Jr., Oakland, Cal.—Denied petition for rehearing in re application for a new developmental broadcast station which was denied by the Commission November 20, 1940.
- WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Dismissed the protest and request for reconsideration directed against the action of the Commission November 13, 1940, granting the application of La Grange Broadcasting Company for a new station in La Grange, Ga., to operate on frequency 1210 kc., 250 watts, unlimited time.
- WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Retired to the closed files the application for modification of CP granted October 10, 1939, authorizing changes in equipment and increase in power (B3-MF-856).
- In the Matter of Investigation of Chain Broadcasting—Granted extension of time to January 2, 1941, to all parties for filing supplemental briefs in re the matter of Investigation of Chain Broadcasting (Docket 5060).
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with KTHS on 1060 kc., from 11:45 p. m., Dec. 24, to 2 a. m., EST, Dec. 25, in order to broadcast Midnight Mass from St. Ignatius Church in Baltimore.
- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from midnight to 1:30 a. m., EST, Dec. 25, in order to broadcast Catholic Church program only.
- WINS—Hearst Radio, Inc., New York City.—Granted modified special temporary authority to operate from 7 p. m., Dec. 16, to 11 a. m., EST, Dec. 17, in order to broadcast the Hearst Diamond Belt Boxing Finals from Madison Square Garden and music, program to be sponsored and proceeds turned over to New York City Milk Fund.
- WJOB—G. E. Richardson and Fred L. Adair (a partnership), Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 4:15 to 6 p. m., CST, Dec. 28, in order to broadcast basketball game tournament only.
- WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, on Dec. 30, in order to broadcast basketball game only (provided WKBN remains silent).
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted request for waiver of the requirements of Sec. 3.71 and granted special temporary authority to operate from 9 a. m. to 2 p. m., Dec. 25.
- WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Metropolitan Opera programs on Saturdays, to be received from international broadcast stations WNBI and WRCA over station WNEL, for a period not to exceed 30 days.
- WMOR—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 8 p. m. to 11 p. m., December 13, 20, 27, 1940, January 3, 4, and 10, 1941, in order to broadcast basketball games only; to operate from 4:30 p. m. to 5:30 p. m., December 22, 1940, in order to broadcast religious cantata; from 8 p. m. to 12 p. m., December 24, 1940, in order to broadcast basketball game and religious music in evening; from 4:30 p. m., December 31, 1940, to 1 a. m., CST, January 1, 1941, in order to broadcast New Year's Day celebration in Aurora only.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to conclusion of basketball games on Dec. 20, 28 and Jan. 3, 4, 7, 8, 10 and 11, in order to broadcast games only.
- KOAC—Oregon State Agric. College, Corvallis, Ore.—Granted special temporary authority to remain silent on Dec. 25 in order to observe the holiday.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 1:30 to 4:30 p. m., MST, on Dec. 25, in order to broadcast Christmas programs only.
- The following actions were taken by (Walker, Commissioner) on December 16:
- KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate with power of 250 watts from local sunset (Dec. 4:45 p. m., CST), Dec. 31, to 12:30 a. m., CST, Jan. 1, in order to broadcast special New Year's services only.
- WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, on Jan. 2, 6, 11, 13 and 28, in order to broadcast Purdue University basketball games only.
- WEW—The St. Louis University, St. Louis, Mo.—Granted special temporary authority to operate from midnight, Dec. 24, to 1:30 a. m., CST, Dec. 25, in order to broadcast midnight Mass only.
- W1XER—Yankee Network, Inc., Boston, Mass.—Granted construction permit to change frequency from 42340 to 43900 kc., increase power from 500 watts to 1 KW, emission from A3 to special for FM, and change type of transmitter (BH-B1-234); also granted license to cover same (LH-BL-69).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10 p. m. to 10:30 p. m.,



EST, on December 14, 1940, in order to broadcast the Westover Fields opening Christmas Ball and incidental matters to said ball only.

KFUD—Evangelical Lutheran Synod of Mo., Etc., Clayton, Mo.—Granted special temporary authority to operate from 3 to 4 a. m., CST, on December 14, in addition to the authority granted to operate from 2 to 3 a. m., Dec. 14, in order to broadcast a DX program only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, on Dec. 14, in order to broadcast the Westover Fields opening Christmas Ball and incidental matters to said ball only.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2980) to move old Composite transmitter to site of new main transmitter, emergency use only, with power of 1 KW, directional antenna day and night.

### 580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—License to cover construction permit (B2-P-2739) for increase in power and installation of directional antenna.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-2475) as modified, for new transmitter, directional antenna for day and night use, increase in power and move of transmitter, requesting extension of completion date from 1-27-41 to 3-27-41.

### 780 Kilocycles

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Construction permit to make changes in directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended to change name of applicant to Memphis Publishing Company.

### 830 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Construction permit to install directional antenna for night, change hours of operation from daytime to unlimited time, using power of 1 KW day and night.

### 920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2901) to install directional antenna for night use; change hours of operation from daytime to unlimited time, using power of 1 KW day and night; move transmitter, further requesting authority to install new transmitter, increase power from 1 KW to 1 KW night, 5 KW day, and move transmitter location from Saxon Mills, S. C., to near Lowe, S. C., and extend commencement and completion dates to 30 days after grant and 180 days thereafter, respectively.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Modification of construction permit (B5-P-2577) for new transmitter, directional antenna for day and night use, increase in power, requesting move of transmitter from 5580 West 20th Ave., near Denver, Colorado, to 5350 West 20th Ave., near Denver, Colo.

### 1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Construction permit to install directional antenna for night use; change in frequency from 1050 to 780 kc. (790 kc. under North American Regional Broadcasting Agreement), and hours of operation from limited to unlimited time. Amended to move transmitter.

### 1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of construction permit (B3-P-2766) for in-

crease in power, new equipment and directional antenna for night use, requesting approval of transmitter site at Roosevelt Road, Baton Rouge, La., and approval of directional antenna for day and night use.

### 1170 Kilocycles

NEW—Capital City Broadcasting Co., Inc., Topeka, Kansas.—Construction permit for a new station to be operated on 1170 kc., 5 KW, daytime, Class II station. Transmitter site, Tecumseh, Kansas.

### 1180 Kilocycles

KOB—Albuquerque Broadcasting Company, Albuquerque, N. Mex.—Modification of construction permit (B5-P-2783) as modified, for changes in equipment, increase in power, requesting extension of completion date from 1-7-41 to 3-8-41.

### 1200 Kilocycles

WESX—North Shore Broadcasting Co., Salem, Mass.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—License to cover construction permit (B2-P-2871) as modified, for a new station.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WSIX—WSIX, Incorporated, Nashville, Tenn.—Construction permit to install new transmitter, directional antenna, for night use, change in frequency from 1210 to 950 kc. (980 kc. under NARA), increase power from 250 watts to 1 KW, 5 KW day, and move transmitter from N. E. corner Boscubel & Third Sts., Nashville, to Buena Vista Park and Moorman Arm Road, Nashville, Tenn.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, Louisiana.—Construction permit to change frequency from 1210 to 580 kc. (Class II-B), increase power from 250 watts to 1 KW, install a new transmitter, install directional antenna for night use, and move transmitter from upper 4th St., Alexandria, La., to Alexandria, La.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Modification of construction permit (B3-P-2893) for new antenna, move of studio and transmitter, increase power, further requesting authority to install new transmitter, and extend commencement and completion dates.

### 1300 Kilocycles

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modification of construction permit (B3-P-1849) for installation of directional antenna, for night use, increase power, requesting further changes in directional antenna system, and extension of commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

### 1310 Kilocycles

KUSF—New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico.—Construction permit to install new transmitter, new vertical antenna, move transmitter and studio from 759 Cerrillos Road, Santa Fe, New Mexico, to South Cerrillos Road, Santa Fe, New Mexico, change frequency from 1310 to 1230 kc., and increase power from 100 watts to 1 KW. Contingent on granting KGGM application B5-P-2918. Amended: re transmitter site, Santa Fe, New Mexico.

WMFF—Plattsburg Broadcasting Corporation, Plattsburg, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—License to cover construction permit (B1-P-2543) as modified; for new transmitter and antenna, increase in power and move of transmitter.

### 1330 Kilocycles

WSAI—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) as modified, for increase in power, installation of directional antenna, move

transmitter to new site, requesting extension of completion date from 1-15-41 to 7-15-41.

#### 1370 Kilocycles

KOKO—The Southwest Broadcasting Co., La Junta, Colo.—Authority to determine operating power by direct measurement of antenna power.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—License to cover construction permit (B2-P-3013) for new transmitter.

#### 1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to change frequency from 1390 kc. to 1010 kc., under North American Regional Broadcasting Agreement; change power from 5 KW to 50 KW; install new transmitter; move transmitter; and make changes in directional antenna for night use.

#### 1420 Kilocycles

WMAS—WMAS, Inc., Springfield, Mass.—Construction permit to change frequency from 1420 to 880 kc. (910 kc. under North American Regional Broadcasting Agreement); install a new transmitter; install directional antenna for day and night use; and move transmitter from West Street, Springfield, Mass., to Riverdale St., opposite Morgan Road, West Springfield, Mass.; increase power from 250 watts to 1 KW night, 5 KW day.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) as modified for increase in power, change in frequency, installation of new transmitter and directional antenna for night use, and move of transmitter, requesting authority to make changes in directional antenna system for night use, make changes in equipment, and extend commencement and completion dates.

#### 1440 Kilocycles

KXYZ—Harris County Broadcasting Co., Houston, Tex.—Authority to determine operating power by direct measurement of antenna power.

#### 1450 Kilocycles

WHOM—New Jersey Broadcasting Corporation, Jersey City, N. J.—Construction permit to install new transmitter and directional antenna for day and night use; increase in power from 500 watts night, 1 KW day, to 10 KW day and night; change frequency from 1450 to 1560 kc. (under North American Regional Broadcasting Agreement); and move transmitter from foot of Washington St., Jersey City, N. J., to New Town Creek, Long Island City, N. Y.

#### 1470 Kilocycles

WLAC—J. T. Ward, tr. as WLAC Broadcasting Service, Nashville, Tenn.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 5 KW to 50 KW, and move transmitter from near Nashville, Tenn., to near Jordonville, Tenn. Amended: To move transmitter to Nashville, Tenn., changes in directional antenna system and transmitting equipment.

#### 1490 Kilocycles

NEW—Broadcasters, Inc., San Jose, Calif.—Construction permit for a new station on 1500 kc. (1490 kc. under North American Regional Broadcasting Agreement), 250 watts, unlimited time.

#### 1500 Kilocycles

NEW—Natchez Broadcasting Co., Natchez, Miss.—Construction permit for a new station to be operated on 1500 kc., 250 watts, unlimited time, Class IV. Amended to give transmitter site as Highway "61", Natchez, Miss.

WWSW—Walker & Downing Radio Corporation, Pittsburgh, Pa.—Construction permit to install new transmitter, directional antenna, day and night use; change frequency from 1500 to 940 kc.; increase power from 250 watts to 1 KW, 5 KW day; move transmitter from 341 Rising Main St., Pitts-

burgh, Pa., to approximately 1½ miles north of McKees Rocks Boro, Stowe Township, Pennsylvania.

#### FM APPLICATIONS

NEW—WHFC, Inc., Cicero, Ill.—Construction permit for a new high frequency broadcast station to be operated on 47500 kc., coverage, 2885 square miles, population 3,835,000. Amended: To change frequency from 47500 to 46700 kc., coverage from 2885 to 11,100 square miles, population from 3,835,000 to 4,868,500, and change type of transmitter and antenna.

NEW—WFIL Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 45300 kc., coverage of 10,900 square miles, population 4,760,200.

NEW—Rockford Broadcasters, Inc., Rockford, Ill.—Construction permit for a new high frequency broadcast station to be operated on 45100 kc., coverage 6000 square miles, population 394,500. Amended: re antenna changes.

#### TELEVISION APPLICATION

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile, Area of New York, N. Y.—Modification of construction permit (B1-PVB-46), which authorized a new television broadcast station, requesting extension of completion date from 1-7-41 to 7-7-41.

#### MISCELLANEOUS

WDBJ—Times-World Corporation, Roanoke, Va.—Modification of construction permit (B2-P-2522) for installation of directional antenna for night use, increase power to 5 KW, for approval of transmitter location at present licensed site and approval of directional antenna as specified under construction permit.

NEW—Columbia Broadcasting System, Inc., area of Los Angeles, Calif., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 33380, 35020, 37620, 39820 kc., 100 watts power, A-3 emission.

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

**Alma's Home Made Candies**—Use of lottery methods in the sale of candy is alleged in a complaint issued against Mrs. Alma Loughran and Lee R. Loughran, trading as Alma's Home Made Candies, 2737 West Madison St., Chicago.

The respondents, according to the complaint, sell to wholesalers, jobbers and retail dealers certain assortments of candy so packed or assembled as to involve the use of a game of chance, gift enterprise or lottery scheme, when sold to the consuming public. Push card devices are used, the complaint alleges.

Charging that the respondents' practices have been of a sort which are contrary to Federal Government public policy and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4409)

**Hartig Drug Company**, trading as H. K. Pharmaceutical Laboratories, 756 Main St., Dubuque, Iowa, engaged in the sale and distribution of medicinal preparations, including treatments designated "Menstruaid Nos. 1, 2, 3, 4 and 5" is charged in a complaint with misrepresentation.



In advertisements disseminated through United States mails and other media in the various States, the complaint charges, the respondent has represented that the preparations constitute a competent and effective remedy for delayed menstruation; are harmless, and constitute a scientific remedy which is fully guaranteed.

The complaint alleges that the respondent's preparations and practices do not justify the claims made and that the products are not safe or harmless, as they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements, or under such conditions as are customary or usual.

The complaint also charges that the advertisements disseminated by the respondent constitute false advertisements for the further reason that they fail to reveal that the use of the preparations under the conditions prescribed in the advertisements, or under such conditions as are customary or usual, may cause gastrointestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in case of pregnancy, may cause uterine infection and blood poisoning. (4406)

**Health Ray Manufacturing Company, Inc.**, Deep River, Conn., in the sale of its "Twin-Arc Health Ray Sun Lamp," is alleged to disseminate advertisements in newspapers, periodicals and other advertising literature, in which it represents, directly or by implication, that its device is a sun lamp emitting ultra-violet rays of the same wave lengths and intensity as natural midsummer sunlight and giving benefits to the skin and individual health equivalent to or exceeding those given by such sunlight; that the device is suitable and safe for unsupervised use in the home in treating diseases; that such use for home treatment helps build strong bones and teeth; that it tones up the system, acts as a tonic, builds up bodily resistance, increases gland activity and serves as a cure, remedy or competent treatment for athlete's foot, acne, pimples and other skin ailments. (4408)

**Samuel H. Moss, Inc.**, 36 East 23rd St., New York, processor, manufacturer and distributor of rubber stamps, is charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that among the general practices pursued by the respondent in discriminating in price is the sale to some customers of rubber stamps 3 inches or less in length of  $\frac{3}{8}$  of an inch or less in height at 4¢ a line, plus 4¢ for each additional line or any fraction thereof, while other customers purchasing the same type of rubber stamp of like grade and quality, are charged varying prices of 5¢, 7¢, 8¢, 15¢, 20¢ or 30¢ a line of the same dimensions, plus, in each instance, an additional sum for each additional line or any fraction thereof.

Among the respondent's general practices, the complaint continues, is the sale at approximately the same time of rubber stamps of like grade and quality at varying prices of 4¢, 5¢ and 15¢ a line, 2 inches or less in length and  $\frac{3}{8}$  of an inch or less in height plus, in each instance, an additional sum for each additional line or any fraction thereof.

The complaint alleges that the effect of the respondent's price discriminations has been and may be substantially to lessen competition and to injure, destroy and prevent competition between the respondent and its competitors in the sale and distribution of rubber stamps in commerce, and has been and may be to tend to create a monopoly in the respondent in the rubber stamp business. (4405)

**Rockdale Monument Company**—James J. Collins, Charles J. Hepp and Catherine Hepp, trading as Rockdale Monument Company, Joliet, Ill., engaged in the manufacture and sale of imitation granite monuments and markers, are charged, in a complaint with misrepresentation of their products.

In advertisements, in magazines, circulars and other advertising matter, the complaint charges, the respondents have represented that "You buy from us at wholesale prices.", "We are the only company offering an easy payment plan on the purchase of monuments or markers by mail at the low prices as shown in our catalog.", "A lasting memorial that will endure through the years." and "Flint-like hardness. Made of the finest grades of granite aggregates."

The complaint alleges that these representations are false and misleading, as the prices at which the respondents offer their products for sale are not wholesale prices nor special or reduced

prices; that the respondents are not the only dealers offering monuments or markers for sale at low prices on the installment or partial payment plan; that the products are not of natural granite but are cast stone or artificial stone, being a mixture of cement and granite chips molded into the desired forms and ground and polished to resemble natural granite; and that the products are not of a permanent nature but deteriorate much more rapidly than natural granite. (4404)

**Royal River Packing Corp.**—Five corporations operating sardine canning plants in Maine have been served with complaints alleging violation of the brokerage provision of the Robinson-Patman Act.

Respondents are: Royal River Packing Corporation, Yarmouth, Me.; Belfast Packing Company, Belfast; North Lubec Manufacturing & Canning Company, North Lubec; Union Sardine Company, Lubec; and Booth Fisheries Corporation, Chicago, operating a sardine business through its subsidiary, Booth Fisheries Sardine Company, which has its principal office at Eastport and its canning plant at Lubec, Me.

The complaints allege that the respondents have granted and allowed substantial brokerage fees and commissions and allowances and discounts in lieu thereof to certain of their customers.

In some instances, according to the complaints, the respondents effect sales of their sardines through brokers whom they employ as selling agents. In other instances, the complaints continue, sardines are sold by the respondents directly to purchasers, among which class of purchasers are some of the respondents' brokers, who, on occasions, purchase sardines for their own account for resale. When sales of sardines are effected through brokers, the complaints allege, the respondents pay to such brokers a brokerage fee or commission usually amounting to five per cent of the price at which the respondents invoice such sardines to the purchasers.

Among the methods employed by the respondents in granting and allowing the brokerage fees or allowances, the complaints allege, is the granting of an allowance or discount in lieu of brokerage to some of their customers the sales to whom are effected directly by the respondents. This allowance or discount is alleged to be granted by selling sardines to such customers at a price which reflects a reduction from the prices at which the respondents currently sell sardines to other customers. The amount of the reduction, according to the complaints, represents brokerage currently being paid by the respondents to their brokers for effecting sales of sardines to other purchasers.

A further method employed, according to the complaints, is the granting of an allowance or discount in lieu of brokerage by the respondents to other of their customers the sales to whom are effected through brokers to whom the respondents do not pay the full brokerage customarily paid to their brokers for effecting sales of sardines. This allowance or discount, according to the complaints, is granted by selling sardines to such customers at prices reflecting a reduction from the prices at which the respondents currently sell sardines to other customers. It is alleged that the reduction reflects brokerage in an amount representing and approximately equalling the difference between the full brokerage customarily paid by the respondents to their brokers for effecting such sales and the amount of brokerage actually paid by the respondents to their brokers for effecting such sales. (4410-4414 incl.)

**Ultra-Violet Products, Inc.**, Los Angeles, Calif., in the sale of its "Life Lite," a quartz lamp device of the so-called "cold" type, whereby a mercury arc is burned in quartz, is alleged to disseminate advertisements through the mails and in newspapers and periodicals in which it represents, directly or by implication, that its device is a sun lamp giving benefits to the skin and to individual health comparable to that produced by natural sunlight, and that it is safe for unsupervised use in the home for self-treatment.

Further representations of the respondent, according to the complaint, are that use of the device provides a cure, remedy or competent and adequate treatment for, and will relieve, chronic infections and bacterial skin diseases, as well as those of fungus origin; and that it will provide such cure and relief for athlete's foot impetigo, eczema and similar ailments, and for asthma, hay fever, bronchitis and similar ailments.

The complaint alleges that the respondent represents that use of its device stimulates skin tissues, builds resistance to disease, produces a chemical reaction that keeps the blood stream



in balance, aids in overcoming red or white corpuscle deficiency, stimulates the endocrine glands, soothes the nerves, acts as an antacid, improves metabolism, and relieves pain. (4407)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Carbola Chemical Company, Inc.**, Natural Bridge, N. Y., stipulates that it will cease representing, directly or by implication, that its preparation "CCC Rat Killer" attracts both rats and mice because it is sweetly flavored; that it attracts, will be eaten by, or kill mice of kinds other than house mice; that it kills entire families of rats or mice or is 100 per cent effective, and that the preparation is absolutely safe for use about the house, farm, public markets, grain houses, meat markets, etc., or in any place where small children, pets, poultry or other animals might eat it. (02681)

**DeGroodt & Associates, Inc.**, trading under the name "Mrs. Sothern Home Made Sweets," 426 Greenwich St., New York, has entered into a stipulation in which it agrees to cease making certain representations in the sale of candy.

The respondent corporation stipulates that it will cease using the words "Home Made" as part of its trade name or in any way as descriptive of its factory-made products, the effect of which tends to convey the impression that its products are made at home and thus differ from factory-made products.

Among other representations which the respondent corporation agrees to discontinue is use of the statement "The only candy which is delivered fresh from the kitchen to your place of business," so as to imply that the respondent's products are actually made in its own kitchen or that it owns, operates or controls the plant or factory in which such products are made or is the only concern which delivers products from kitchen to consumer (3003)

**Dundes & Frank, Inc.**, 64 West 48th St., New York, according to its stipulation, disseminated advertisements of "Silver Pine Hair Tonic" on behalf of the distributor, Henry Charambura, trading as Silver Pine Manufacturing Company, 45 Astor Place, New York. The respondent advertising agency agrees that, in disseminating advertising for Silver Pine Hair Tonic, it will cease representing in the advertisements, directly or by implication, that this preparation retards or stops falling hair or stops the loss of hair; that it develops healthy scalps or keeps scalps healthy, and that Silver Pine Hair Tonic eliminates or destroys dandruff. (02682)

**Gellman Manufacturing Company**, Rock Island, Ill., in the sale of "Beauty Builder and Beauty Fount" vapor-electric bath cabinets, agrees to cease representing, directly or by implication, that these products have a direct value in the permanent reduction of excess weight; that the devices, by means of vapor heat, infra-red or ultra-violet rays, help eliminate excess fat; that the use of the cabinets will rid the body of harmful toxins or "cure," "banish," or "erase" fatigue, or that they will benefit nervous or underweight persons. (02680)

**Louis Pierce Hartley**, 302 North Main St., Janesville, Wis., engaged in business under the trade name "Natural Color Photo Service" and selling photo supplies and colored or tinted snapshots made from films sent in by customers, stipulates that, in connection with the advertisement or sale of snapshots, he will cease using the words "Natural Color" as part of his trade name and will discontinue using the words "Natural Color" or "Natural Color Prints", or words of similar import, the effect of which tends to convey the impression that the snapshots are the result of natural color photography. The stipulation points out that the respondent's snapshots are hand-tinted or hand-colored and are not the result of natural color photography. (3002)

**Lineo Products Corporation**, 2155 West Eightieth St., Chicago, stipulates that it will cease advertising, directly or by implication,

that its product "Linco" will remove all stains or discolorations, or any stains or discolorations other than those which are capable of oxidation; that the respondent's preparation kills all germs, positively disinfects, and is a positive sterilizer; and that all bacteria and infectious germs are removed by the product.

**F. Lucas**, 174 West 65th St., New York, in the sale of "Flu-Mous-Ded," agrees to cease representing, directly or by implication, that the product is sure death to mice; that mice destroyed by it will leave no decomposition odors; that it is the most effective rodenticide, and that it is used everywhere by pest control operators, warehousemen, and feed men, and in food packing plants or places used for similar purposes. (02678)

**Neff & Fry Company**, Camden, Ohio, builder of concrete burial vaults or so-called "Surface-Sepulchers" for the entombment of the dead, agree to cease using any representation the effect of which tends to convey the impression that its vaults either will last unimpaired throughout eternity or will afford permanent or absolute protection to, or lasting preservation of, bodies encased therein; to discontinue representing that, at the time of its interment, each vault is waterproof or will continue to be or to remain impervious to water, dampness or moisture, and to cease representing that the initial appearance of the cast stone lid or top or a vault will endure or forever remain unmarred, as by checking, chipping or cracking. (3000)

**Neo-Products Company of America**—Charles J. Ahsbabs, trading as Neo-Products Company of America, 72 Leonard St., New York, engaged in selling a medicinal preparation designated "Activanad", has entered into a stipulation in which he agrees to cease and desist from certain representations concerning the product.

The respondent stipulates that he will cease representing, directly or by implication, that the preparation is praised or recommended by eminent physicians or psychiatrists that it strengthens the body or is beneficial for persons afflicted with fear, anxiety, irritability, worry or fatigue; that it benefits failing physical processes, and prevents chronic disorders, or, otherwise, that the preparation has any therapeutic value in the prevention of any ailment or disease.

Under his stipulation, the respondent further agrees to cease representing, directly or by implication, that use of his preparation prevents fatigue; builds up the body; promotes formation of new blood or is of any therapeutic value in the treatment thereof; strengthens the muscles; promotes sleep; increases capacity for mental concentration; provides new reserves of power, new funds of energy, better poise or self-confidence; provides energy for the body and strengthens the nerves; is an effective aphrodisiac; produces a striking or prompt effect; or is beneficial following childbirth or physical collapse. (02676)

**D. Schwartz Hat Works**—David Schwartz, trading as D. Schwartz Hat Works, 534½ South Spring St., Los Angeles, manufacturer of so-called specialty and novelty hat items, agrees to desist from representing in any manner that products made in whole or in part from second-hand, old, worn or used materials, are new or composed of new materials. The respondent also stipulates that he will cease representing that products made in whole or in part of second-hand, old, worn or used materials, are new or are composed of new materials, by failure to properly disclose, as by stamping on the sweatbands or bodies of the hats, in conspicuous terms which cannot be removed without mutilating the stamped part, a statement that such products are composed of or contain second-hand, old, worn or used materials. (3001)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders;

**Bell & Company, Inc.**, Orangeburg, N. Y., has been ordered to cease and desist from misrepresentations in the sale of its medicinal preparation advertised as "Bell-Ans".



Commission findings are that in extensive advertisement of its product in newspapers and streetcar and subway advertisements, the respondent represented that Bell-Ans is a cure or remedy for indigestion; that it will correct other digestive disturbances due to acid conditions and afford permanent relief from various symptoms of digestive disorders, when in fact it has no therapeutic value in treating these ailments in excess of furnishing temporary relief when the disorder is due to gastric hyperacidity.

The Commission order directs that the respondent cease representing, directly or indirectly, that its preparation is a cure or remedy for indigestion or that it has any therapeutic value in treating this ailment in excess of furnishing temporary relief when the condition is due to gastric hyperacidity; that the preparation is a cure or remedy for symptoms of digestive disorders, such as flatulence, vertigo, dizziness and other symptoms, or that it is a competent treatment for such conditions in excess of furnishing temporary relief when they are symptomatic of gastric hyperacidity; and that the preparation will correct sour stomach or digestive disturbances due to acid condition or has any value in treating these disorders in excess of furnishing temporary relief when they are due to gastric hyperacidity. (2859)

**Cup & Container Institute, Inc.**—An order has been issued requiring the Cup and Container Institute, Inc., 420 Lexington Ave., New York, 8 of its officers and directors and 12 corporations controlling more than 60 per cent of the national output and sale of products of the paper drinking cup and paper food container industry, to cease and desist from a combination and conspiracy to restrain trade through the fixing and maintaining of uniform or minimum prices.

The respondents include Granville P. Rogers, president and executive director of the institute; Dale H. Eckerman, vice president and director; K. L. Stoler, secretary and director, and Henry Nias, director, all of New York; Robert J. Kieckhefer, Milwaukee; William S. Bacon, Kensington, Conn.; E. W. Skinner, Fulton, N. Y., and R. L. Allison, Springfield, Mass., directors; Dixie-Vortex Company, Chicago and Easton, Pa.; Lily-Tulip Cup Corporation, New York and its subsidiary, Crystal Paper Service Corporation, Los Angeles; Herz Cup Company, a division of Herz Manufacturing Corporation, New York; American Lace Paper Company and Milwaukee Lace Paper Company, both of Milwaukee; Eagle Cup Corporation, Brooklyn; The American Paper Goods Company, Kensington, Conn.; Logan Drinking Cup Company, a division of the United States Envelope Company, Springfield and Worcester, Mass.; Sutherland Paper Company, Kalamazoo, Mich., and Sealright Company, Inc., a division of the Oswego Falls Corporation, Fulton, N. Y., all members of the respondent institute, and Cupples-Hesse Envelope and Lithographing Company, St. Louis. The last-named company, while not a member, was found to have cooperated with the institute and to have participated in some of the activities related in the findings.

Commission findings are that beginning in 1933, the corporate respondents, and certain other manufacturers cooperating with them and the institute, through the respondent institute, have carried out agreements and understandings for prevention of price competition by fixing and maintaining in many instances uniform prices for some of the industry's products. (4034)

**Electrolysis Associates, Inc.**, and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York, have been ordered to cease and desist from misrepresentations in the sale of "Beautiderm Midget", a device recommended for use in the electrolytic removal of hair.

Commission findings are that in newspapers, circulars, and other advertising matter the respondents represented their device as being an effective, efficient, safe and scientific apparatus for electrolytic removal of excess hair by individual self-application in the home. They were also found to have advertised that removal of such hair is permanent, and that use of the device is painless and harmless, and will have no ill effects.

The respondents' device, according to findings, will not accomplish the results claimed, and is not safe, painless, and harmless when used by the unskilled lay public.

Findings are further that the respondents have disseminated false advertisements in that such advertisements failed to reveal that use of their device by the unskilled under conditions prescribed in the advertisements or under customary and usual conditions may result in serious or irreparable injury to health, such as local infections, erysipelas, skin burns, scarring and permanent disfigurement.

The Commission order directs that the respondents cease disseminating advertisements which represent, directly or through inference, that their device or apparatus is an effective, efficient and scientific apparatus for the electrolytic removal of superfluous hair by individual self-application in the home; that its use is painless, safe and harmless and will have no ill effects upon the body when used by the unskilled lay public; that the removal of such hair is permanent; or which advertisements fail to reveal that use of the device or apparatus by untrained persons may result in permanent disfigurement, or cause infections or other irreparable injury to health.

Upon petition of the Commission, the U. S. District Court for the Southern District of New York had issued an order restraining the respondents from further dissemination of certain advertisements of their product pending issuance and final disposition of the Commission's complaint.

The Commission, in September, issued findings as to the facts and a cease and desist order against the respondents concerning misrepresentation of their device, but later vacated the findings, and the order and a stipulation as to the facts entered into by the respondents, because of having reason to believe that the respondents did not fully understand the character of the stipulation executed by them. The case was then remanded to the Commission's trial calendar. (4144)

**Miller Drug Company**—Julius Miller and Jessie Miller, trading as Miller Drug Company, 1160 North Clinton Ave., Rochester, N. Y., engaged in the sale and distribution of a medicinal preparation designated as "Belite", "Reducers" and "Miller's Reducing Prescription", have been ordered to cease and desist from false advertisements with reference to their products.

The Commission finds that, in advertisements circulated by the United States mails and other methods in commerce, the respondents represented that their medicinal preparation is a cure or remedy for obesity, constituting a safe, competent and effective treatment for obesity and the reduction of bodily weight. The Commission finds these representations to be false and misleading and that the preparation contains desiccated thyroid extract in quantities sufficient to cause serious and irreparable injury to the health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

Commission findings are further that the respondents' advertisements constituted false advertisements in that they failed to reveal that use of their preparation under these conditions may result in serious and irreparable injury through accelerating the rate of metabolism, thereby burning the body tissues in excess of that which is normal, and causing permanent injury to vital organs.

The respondents are ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents, directly or through inference, that the preparation is a cure or remedy for obesity or constitutes a safe, competent or effective treatment for obesity or the reduction of body weight; or which advertisement fails to reveal that use of the preparation may result in permanent injury to the heart, thyroid gland and other vital organs.

On petition of the Federal Trade Commission, the United States District Court for the Western District of New York recently issued an order restraining Julius Miller, trading as Miller Drug Company, from further dissemination of certain advertisements of the preparation, pending final disposition of the Commission's complaint against the respondents under its regular procedure. (4363)

**Morehouse Manufacturing Company**, trading as The Shaving Powder Company, Savannah, Ga., engaged in the manufacture and sale of a preparation for use in removing hair designated "Magic Shaving Powder", has been ordered to cease and desist from misrepresentation of the product.

The Commission finds that in advertisements in newspapers having a general circulation, the respondent has represented among other things, that "At last science has found a way to remove a beard without shaving", and readers were advised to "shave without a razor" and "merely apply Magic Shaving Powder as directed, then wipe off leaving a clear, smooth skin." These representations, the Commission finds, are deceptive and exaggerated in that the powder is a depilatory which accomplishes results by dissolving hair rather than by cutting as in shaving. Commission findings are further that the preparation does not comprise a new method and is not harmless in all cases. Two of the active ingredients of the powder, the findings continue, are barium sulphide and calcium hydroxide which, when the



respondent's product is used under customary and usual conditions, may be harmful to the skin and its underlying structures in people who have tender skin, and its use may also result in injury to the eyes of careless users.

According to findings, the respondent has discontinued all newspaper, periodical and direct letter advertising.

The Commission order directs the respondent to cease and desist from disseminating advertisements in commerce which represent, directly or through inference, that Magic Shaving Powder is a new method for removing hair or that the method prescribed for the use of Magic Shaving Powder constitutes shaving, or which advertisements fail to contain cautionary statements to the effect that Magic Shaving Powder should not be used by those having a tender skin and should not be allowed to get into the eyes of users thereof. (3721)

**Charles H. Phillips Chemical Company**, New York, has been served with an order directing it to cease and desist from misrepresentations in the sale of "Phillips' Milk of Magnesia Cleansing Cream" and "Phillips' Milk of Magnesia Texture Cream."

In advertising these preparations in newspapers, periodicals, advertising matter, and by radio broadcasts and other means in commerce, the respondent corporation, according to Commission findings, represented, directly or by implication, that there is a disease or abnormal pathological condition known as "acid skin" and that this condition and skin ailments which it causes can be cured or overcome by use of the respondent's preparations; that use of the preparations neutralizes external excess fatty acid accumulations in the same way that milk of magnesia neutralizes excess acid in the stomach; that use of the texture cream improves skin texture and frees the skin from oiliness, and that the cleansing cream penetrates the pores and thoroughly cleans the skin.

Commission findings are that there is no disease or abnormal pathological condition properly described as "acid skin"; that the respondent's products, in excess of affording certain temporary relief and aiding in the removal of dirt, foreign matter, or skin excretions, will not generally accomplish the results claimed; that the healthy and normal skin and its exudations are slightly acid, and that, although such acid may be neutralized by external applications of either or both of the respondent's preparations, such neutralization is not accomplished in the same way as milk of magnesia neutralizes excess acid in the stomach, and such neutralization is not necessary to the maintenance of a healthy skin condition.

The Commission order directs that the respondent cease disseminating advertisements which represent, directly or through inference, that there is a disease or condition properly described as "acid skin," which may be cured by use of the respondent's preparations or which causes skin blemishes, blackheads, enlarged pores, oily shine or dry, scaly roughness; that use of the respondent's preparations will cure or overcome skin blemishes; that use of either or both preparations have value in treating roughness of the skin in excess of temporarily relieving roughness when due solely to dryness; that either or both will remove blackheads or have value in such removal in excess of aid through removing accumulated dirt, foreign matter or skin excretions lodged in the exterior openings of the pores or present on the skin surface; will reduce enlarged pore openings or are of value in the treatment thereof in excess of aiding in their reduction when caused solely by accumulated dirt, foreign matter or skin excretions lodged in exterior openings of the pores; and will overcome or are of value in treating oily shine or oiliness of the face, in excess of temporarily removing accumulated oil from the skin surface.

The order also directs the respondent to cease representing that use of either or both preparations neutralizes excess fatty acid or other acid accumulations on the skin in the same way that milk of magnesia neutralizes acid in the stomach, or that the neutralization of a normal fatty acid or other acid accumulation on the skin is necessary to the maintenance of a healthy skin condition; that the preparations or either of them change or affect the texture of the skin, and that the use of the respondent's cleansing cream or of any other product of substantially similar ingredients penetrates the pores of the skin or thoroughly cleans the skin, except as it acts upon dirt or other matter which may be present on the skin surface or in the exterior openings of the pores. (3959)

**Sorbol Company**—Charles Keller, doing business as Sorbol Company and as Keller Company, Mechanicsburg, Ohio, engaged

in the sale and distribution of two medicinal preparations known as "Sorbol-Quadruple" and as "Buckets," has been ordered to cease and desist from certain misrepresentations of the products and false advertising concerning them.

The Commission finds that by advertisements in newspapers, periodicals and other media the respondent has represented that the preparation "Buckets" eliminates excess acid and waste from the body and thereby constitutes a cure or remedy for frequent and scanty flow of urine, rheumatic pains, backache and leg pains, which it claims are due to excess acid and waste, and that "Sorbol-Quadruple" constitutes a cure or remedy for simple goiter, and possesses substantial therapeutic value in the treatment of such condition, and that the preparation is entirely safe and harmless.

The Commission finds that the respondent's representations are false and misleading; that the conditions enumerated by the respondent generally are not due to excess acid or waste, and that the preparation "Buckets" is of no substantial value in eliminating excess acid or waste, and possesses no therapeutic value in excess of that of a mild diuretic. The Commission finds further that "Sorbol-Quadruple" is not a cure or remedy for goiter and is not in all cases safe or harmless, as it contains the drug potassium iodide in a quantity sufficient to cause, in some instances, injury to health if taken under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is ordered, in connection with the sale or distribution of the preparations, to cease and desist from disseminating any advertisements in commerce which represent, directly or through inference, that the conditions known as frequent and scanty flow of urine, rheumatic pains, backache or leg pains are usually or generally due to the presence in the body of excess acid or waste; that the preparation "Buckets" is of any substantial value in eliminating excess acid or waste from the body, or constitutes a cure or remedy for frequent or scanty flow of urine, rheumatic pains, backache or leg pains, or possesses any substantial therapeutic value in the treatment of such conditions, or any therapeutic value in excess of that of a mild diuretic; that the preparation "Sorbol-Quadruple" constitutes a cure or remedy for goiter of any kind, or that it possesses any substantial therapeutic value in the treatment of such condition; or which advertisement with respect to the preparation "Sorbol-Quadruple" fails to reveal that the preparation should not be used by those having tuberculosis or any form of goiter other than simple goiter (provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or any form of goiter other than simple goiter). (4368)

**Union Starch & Refining Co.** and its sales subsidiary, Union Sales Corporation, Columbus, Ind., with a corn refining plant at Granite City, Ill., have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed. This syrup, one of the principal products derived in the refining of corn, is used as a major raw material in the manufacture of candy.

Between June 19, 1936, and July 23, 1937, according to Commission findings, the respondents sold such syrup at higher delivered prices per 100 pounds to purchasers located in certain cities other than Chicago, Danville, North Chicago, Dixon, and Zion, Ill., and Milwaukee, Wis., than they had sold it in containers of like size and type to purchasers located in these cities; and between July 23, 1937 and the present time, the respondents have sold syrup to purchasers located outside of Chicago at higher prices per 100 pounds than they have sold such syrup in containers of like size and type to Chicago purchasers. These higher prices were not uniformly higher, according to findings, but varied with the geographical location of the purchasers paying the prices; for example, they varied from \$2.09 in Chicago to \$2.89 in Fort Worth, Tex., as of August 1, 1939, while at the same time Chattanooga purchasers paid \$2.51 and St. Louis customers \$2.27.

According to findings, the respondents, by selling their syrup at the different prices as found (the differences between which prices have not been justified by the respondents), have discriminated in prices between such purchasers who have paid the different prices.

Commission findings are that the respondents' policy has been to sell and deliver their syrup in several sizes and types of containers at prices per hundredweight which increase over the tank car price per hundredweight according to the size and type of container.



As a result of the respondents' discriminations, the findings continue, unfavored purchasers paying the higher prices for the syrup are under a competitive disadvantage. Not only is the quantity of such syrup used significant, but the price paid therefor by such purchasers is a substantial part of the cost of the raw materials used in particular candies having a relatively high syrup content, as well as of the total cost of manufacturing an extensive line of candies having a wide range of syrup contents. The costs of the unfavored of such purchasers, according to findings, increase over the costs of the favored purchasers directly as the amount of the discrimination between them increases, and as the syrup content of the candy increases.

The Commission order directs that the respondents cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed, of like grade and quality, either directly or indirectly in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such product to some purchasers at different prices

than to other purchasers where the effect may be to violate the Robinson-Patman Act. (3804)

#### FTC CASES CLOSED

The Federal Trade Commission has closed its case against Leon Hood, trading as St. Joseph School of Flying, St. Joseph, Mo., without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged with misrepresentation in the sale of a correspondence course in aviation.

The Commission was informed that the respondent had discontinued and abandoned the sale of home study courses in aviation, and had left the country, his present whereabouts being unknown.

The Commission has issued an order dismissing a complaint which had charged the General Baking Company, 420 Lexington Ave., New York, with violation of the Robinson-Patman Act in the sale of bread. The Commission entered its order because it appeared that the allegations of the complaint had not been sustained by the evidence.







### THE WEEK IN WASHINGTON

A three-judge Federal District Court in Takoma, Washington, last Tuesday, refused ASCAP's plea for an injunction against operation of the 1937 Washington State copyright law. Lacking clean hands, the court said, the society has no standing in equity. (p. 4913.)

On Christmas Eve, 605 of the country's 825 broadcasting stations were BMI members. (p. 4914.)

The NAB this week established a branch office in New York to deal with the public relations phase of the music situation. (p. 4916.)

Full reports of the District 2, 7, 8, and 9 meetings are included in this issue. (p. 4916.)

The NAB and AAAA Conference Committee will meet again January 6 to consider contract forms and standard invoice forms. (p. 4918.)

The Institute of Radio Engineers will hold its annual conference January 9, in New York. (p. 4923.)

The FCC nabbed the operator of an unlicensed radio set at the Charles Town (West Virginia) racetrack, who was helping to give the bookies a beating by sending out tips during the running of horse races. (p. 4924.)

### ASCAP Loses Washington Case; Supreme Court to Hear Two Others

ASCAP was denied the right to sue in equity by a specially constituted three-judge Federal District Court at Tacoma, Washington, last Tuesday. The decision refused ASCAP's plea for an injunction against operation of the 1937 Washington State copyright law on the grounds that ASCAP's price-fixing powers constitute "a contract or combination in illegal restraint of trade." Lacking clean hands, the court said, the society had no standing in equity.

The 1937 statute requires owners of music copyrights to list their works and place a "per piece" price on public performance for profit. The decision declared: "The plaintiff (ASCAP) contends the Washington State statute is unconstitutional. . . . Before passing on that question it is necessary to determine whether or not plaintiff may invoke the aid of a court of equity. If a party has been

engaged in an illegal business and has been cheated, equity cannot help him. . . . In other words, before the plaintiff may invoke the aid of a court of equity he must come into court with clean hands. If the society exists in violation of the Sherman Anti-trust Act, it and the members composing it are not entitled to a decree for its benefit. . . .

"There can be little question that the society has the power to fix prices for the right to publicly perform compositions for profit. Likewise, it has restricted substantially all competition in the sale of such rights, because it has all such rights. Since the interstate commerce feature is conceded to be present, the society clearly violates that act in question, unless the right to publicly perform for profit is not embraced within the act."

E. C. Mills, ASCAP legislative chairman, stated that the society would appeal the decision to the Supreme Court. That court last Monday noted probable jurisdiction in the Florida ASCAP case and assigned it for argument immediately following the Nebraska ASCAP case.

Neville Miller, commenting on the Washington decision, said it was "illegal practices of this sort on the part of the ASCAP management to which radio stations have repeatedly called public attention."

### BMI FEATURE TUNES

December 30-January 6

1. ACCIDENT'LY ON PURPOSE
2. HIGH ON A WINDY HILL
3. I GIVE YOU MY WORD
4. I HEAR A RHAPSODY
5. I CAN'T REMEMBER TO FORGET
6. IT ALL COMES BACK TO ME NOW
7. MAY I NEVER LOVE AGAIN
8. SO YOU'RE THE ONE
9. THERE I GO
10. YOU WALK BY

As we go to press this week before *Variety* and *Billboard* come out, we have not the usual news to give you about the position of BMI music on the regular best seller

(Continued on page 4914)



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, President

C. E. Arney, Jr., Assistant to President

Edward M. Kirby, Director of Public Relations; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Lynne C. Smeby, Director of Engineering

BMI

(Continued from page 4913)

sheets. One of the New York Sunday papers, listing the best sellers in New York City stores, shows Will Bradley's record of *There I Go* and Artie Shaw's record of *Frenesi* among the top six.

Julius P. Witmark, Jr., BMI's Sales Manager, reports that *There I go* has sold about 95,000 copies of sheet music and over 8,000 orchestrations. Last week, BMI total sales of sheet music ran over 32,000, a remarkably high figure for this season of the year. The orchestrations sold were over 3,600.

The rate at which the radio stations have been rushing to BMI is a phenomenon without precedent in the history of the broadcasting industry. Every broadcaster is fully aware of the significance of this movement. It means, among other things, the assurance of victory—the attainment of the ends for which the whole industry is fighting. The number of commercial stations, pledged or subscribed, on the morning of December 24, stands at 605. We welcome to BMI the following:

- |                            |                            |
|----------------------------|----------------------------|
| KARM—Fresno, California    | WCLS—Joliet, Illinois      |
| KVOE—Santa Ana, California | WBIR—Knoxville, Tennessee  |
| WSOY—Decatur, Illinois     | WCOA—Pensacola, Florida    |
| KOTN—Pine Bluff, Arkansas  | WEBR—Buffalo, New York     |
| WMOB—Mobile, Alabama       | KGFF—Shawnee, Oklahoma     |
| WTJS—Jackson, Tennessee    | WLBC—Muncie, Indiana       |
| WGKV—Charleston, West Va.  | WDEF—Chattanooga, Tenn.    |
| KMO—Tacoma, Washington     | WJBY—Gadsden, Alabama      |
| WDAK—West Point, Georgia   | WCBI—Columbus, Mississippi |
| KXRO—Aberdeen, Washington  | KTHS—Hot Springs, Arkansas |
| WSLB—Ogdensburg, New York  | KELD—El Dorado, Arkansas   |
| WOLF—Syracuse, New York    | WHBB—Selma, Alabama        |

Word has come to BMI that some stations have not received the memorandum which was sent, dated December 14th, dealing with methods of avoiding copyright infringement. This memorandum contains information of great importance to all BMI subscribers. Any who have not yet received it are requested to notify the New York office so that copies may be sent to them.

As a New Year's greeting to BMI subscribers, M. E. Tompkins, BMI's Vice President and General Manager, makes the following statement:

BMI now controls all the music it needs. The combined production schedules of BMI and the other publishing houses which license their music through BMI bring to our stations about four new numbers every day. In addition, there is a great rich storehouse of more than 200,000 titles which include much of the world's best music of every type and every classification. Our job is now to make a more exhaustive study of this material, choosing the best and most useful, making it available in modern arrangements where that is desirable. Full use of music which BMI brings you in these catalogues will enable you to build more interesting programs than radio has ever offered before. BMI subscribers start 1941 with the assurance that they are serving the music-loving public in the most useful and rewarding way at the same time that they are giving to an overwhelming majority of American writers opportunity that they have never had before.

The new BMI Hymnal breaks tradition in two respects. It gathers the most familiar sacred songs of the Catholic, Jewish and Protestant faiths into a single volume; and it is offered for public use without restriction.

Under the copyright notice on the back of the title page appears the following:

We invite the public performance by Broadcasters, in Churches and Synagogues, privately and in public, of the material contained in this HYMNAL without restriction or compensation, in the hope that this may encourage the widest use of these religious works.

BROADCAST MUSIC, INC.

The American Society of Composers, Authors and Publishers (ASCAP) has been issuing publicity directing attention to certain sacred music which it controls and which it will withdraw from radio when the radio license expires on December 31, 1940. The notice quoted makes it certain that no future disagreement will prevent the use of the songs in the BMI Hymnal.

M. E. Tompkins, BMI Vice President and General Manager, said, "It seems to us that music which serves the purpose of worship ought to be dealt with in such a way that no commercial controversy can hamper or restrict its use. We are acting on that principle with respect to our own publications."

The book begins with the famous new hymn by Thomas Patton Mock, "Hail, Prince of Peace," which was adopted for League of Nations services, and includes 491 other numbers. In addition to hymns and Gospel songs for general use, there are divisions devoted to seasonal and patriotic hymns, spirituals, Roman Catholic hymns and Jewish hymns.

TO THE PUBLIC

Samuel R. Rosenbaum, WFIL, chairman of IRNA, wrote the following article on the ASCAP dispute for the *Philadelphia Record*:

Suppose there were still an old-fashioned shoemaker in your neighborhood. Suppose you went to him to buy a pair of shoes. Suppose he said, "You can't buy shoes from me any more, madam. I have signed up for 10 years with the Emporium Department Store down town and you can only buy my shoes from them."

You would think to yourself, "By golly, this shoemaker is not so old-fashioned after all! He is right up to date on modern high-pressure business methods."



Suppose on your way back from the seashore in your Ford you pass a peach orchard and stop off to buy a basket of peaches. Suppose the farmer says to you, "You can't buy these peaches from me. I'm signed up for 10 years with the Emporium Department Store. You will have to go down there."

### Lot of Territory

You would think to yourself, "This Emporium Department Store certainly covers a lot of territory. I must go down there and look around."

So the next day, you go in to the Emporium Department Store and you find they sell everything you need for your family, and you think to yourself, "This is not such a bad idea. I can come down here and do all my shopping in one place and save a lot of traveling and running around." So at first you are quite pleased about it, and you look around and you see some stockings you like. You go up to the counter and you say, "How much are these stockings? I would like to buy some."

Much to your astonishment the clerk says, "We have no price on these stockings. You can't buy these stockings unless you agree that you will buy everything else here that you use for your family, and that means food, clothing, furniture and everything else we sell."

### What's Your Income?

So you then ask, "Yes, but what will they cost?" And to that question the clerk looks at you hard and says, "How much do you make a year?"

You stand up straight and look him in the eye and say, "How much do I make a year? What has that got to do with you? All I want to know is the price of this pair of stockings." So the clerk explains, "This is how we do business around here. First you have to tell us how much you make a year. Then we will decide what percentage of your earnings you must pay us to be one of our customers."

"With lots of people we make it 5 per cent, but for some it is more, and for others it is less. We fix the price and that makes it easier for our customers. You can't buy any one article from us. We won't sell you any one article. You have to buy all your requirements from us and that's why we have to know your annual income."

### That's What Happens

In every-day language that is a parable of what happens when a broadcaster wishes to play copyrighted popular music.

The composers and their publishers have organized a collective bargaining agency or union which is called ASCAP for short. ASCAP means the American Society of Composers, Authors and Publishers.

That union was started a number of years ago by Victor Herbert. It was a good idea to protect composers who were not being properly paid for their works when they were played in restaurants and theaters.

It is still a good idea for that reason because composers should be properly paid when their works are played in public by radio stations or anybody else.

Collective bargaining is a distinct advantage for any group of individuals, but we have seen instances where it can be used for improper purposes.

### Exorbitant Demands

For instance, some unions have got under the control of ruthless individuals who make illegal and exorbitant demands on certain employers who feel it is safer to pay large sums for protection than to try to stand up against them. We have been reading how the Department of Justice in Washington has been going after cases like that.

Now the only question is whether ASCAP has been using its perfect right to act as a collective bargaining agency for composers in a manner which is fair and proper.

The strength of ASCAP today lies in the fact that it has been so successful for the last 10 or 15 years that nearly all the established composers of popular hit-tunes have joined the union. That they have a perfect right to do. The result is that ASCAP is practically a monopoly of popular tunes, and it is almost impossible to buy any elsewhere unless you get new ones written by composers who have not yet joined the union.

Nobody would have any right to complain if all the composers told you that you can only deal with them through their union. That is their right.

### Must Buy 'Em All

However, the first rule ASCAP presents to the prospective customer whether it is a radio station, a theater, a dance hall, a restaurant or anybody else is this: You can't buy the right to perform any one tune; you can't buy the right to perform the music of any one composer; you can't buy the right to perform the tunes from any one production; you can't buy the right to perform tunes of any one class or group. You must buy the rights for all the tunes composed by all the composers in the union or you can't buy any.

Furthermore, no price is set on any tune or any composer or any group of tunes, compositions or composers. There is no price on anything that ASCAP has to sell.

On the contrary, each customer must disclose to ASCAP the total amount of business done by that customer from all sources, and then ASCAP will tell the customer how much of an annual lump-sum payment the customer must pay ASCAP for what it calls a license or privilege to use any or all of the ASCAP copyrights.

### Sale to Advertisers

In the case of a radio station, for instance, the station's revenue comes entirely from the sale of its time on the air to advertisers. Many advertisers do not wish to use any music at all. They prefer, because they think the public prefers, only programs of news, dramatic performances, speeches, talks, descriptions of sporting events, quiz programs or other programs in which no music is used whatever. Nevertheless, ASCAP says: "Even if you use our music only once a day your whole program from start to finish depends on our music to make it attractive. Therefore, you must pay us 5 per cent of your revenue from all sources, and if you do, you can play any music you like." It is this tax or tribute which the radio stations declare is unfair, excessive and improper.

The radio stations gladly recognize that no copyright music should be performed unless the composer is paid for it. All the radio stations ask is the right to pay for what they use.

### Should Fix Prices

All radio asks is that the composer, either himself, or if he wishes, through ASCAP or his union or any other agent he selects, shall fix a price on his music. Then the radio station or the advertiser can decide what music it wishes to play and pay for it accordingly. It can decide whether it wishes to pay a high price for some music or a lower price for others, or to dispense with music entirely on any program if it wishes, or it can pick and choose freely between the music of various composers, whether they are members of ASCAP or not, entirely according to the taste and wishes of the listening public and the advertiser, and free of any restraint, compulsion or monopoly.

In that manner, each composer will receive his fair share, and each radio station or other user of music will pay for what it

uses, all in accordance with the well-known law of supply and demand, and the natural operation of economic forces and free competition.

### All or None

Unfortunately, ASCAP operates now on the basis that we must pay for all or none, and we must pay whatever they set as a proportion of income from all sources. That is a form of compulsion and interference which no American business man relishes. It is for that reason that broadcasters are standing together to oppose it.

The business of broadcasting has attained its maturity and has decided that the only remedy for the powerful monopoly of ASCAP is to encourage the creation of new compositions by composers who have not yet assigned their works to ASCAP.

That has proved to be less difficult than it looked, because it now develops that ASCAP began to suffer from the same abuse of power within itself that every monopoly breeds. ASCAP got into the control of a self-perpetuating inside group who are making it increasingly difficult for new talent to break in. It has a rule that no composer can become a member of its union until he has had five "hit tunes" published. As the publishers themselves are members of ASCAP, that means in effect that a composer can only get in if they are willing to have him.

### The Lion's Share

In addition, the money collected by ASCAP is not distributed among the composers according to the number of times their music is played. On the contrary, newcomer composers are always given a mere pittance and the old, established insiders get the lion's share. That unfairness of distribution, and the excessive amounts spent by ASCAP for organization costs and operating overhead are, strictly speaking, something for the composers and not for the customers to deal with.

But that may account for the success the broadcasters have already had in attracting new composers to replace the tight monopoly previously exercised by ASCAP.

As part of the lump-sum business-tax, all-or-none, take-it-or-leave-it, arbitrary license-fee policy of ASCAP, all licenses granted by ASCAP to radio stations will expire December 31, 1940.

### Subject to Penalty

If any radio station plays any tune for which ASCAP controls the copyright after that date, the station will be subject to a law suit for infringement, and a possible penalty of \$250 for each performance of the tune. To avoid that, the association of broadcasters began over a year ago to discuss with ASCAP a satisfactory method of continuing to pay for the use of ASCAP copyrights after January 1, 1941. The only reply made by ASCAP, after considerable delay, was that it would continue to levy tribute from the total revenue of broadcasting from all sources, fixing various percentages on broadcasters without the broadcasters having any voice on how those percentages are arrived at. The net result would be that ASCAP would collect approximately double the \$4,500,000 which it has been collecting from the broadcasting industry this year.

It was that shocking and arbitrary abuse of its monopoly power by ASCAP that forced the broadcasters to try to create another source of supply.

### Whose Fault?

If ASCAP, which controls the copyrights, allows the existing licenses to terminate on December 31, 1940, it will be ASCAP and not the broadcasters who are depriving the public of much of the music it wants to hear. It is not the wish of the broadcasters to stop playing the established favorites in the popular field. On

the contrary, it is only common sense that the broadcasters and the advertisers would prefer to continue to use established favorites for attracting listeners and customers, rather than to try to gamble on building up new tunes, new composers and new lyrics when nobody can tell what the public reaction will be. Nevertheless, the broadcasters have no alternative. They cannot permit their own business, their independence and their future to be completely dominated and controlled by a union of composers which is operating on principles so contrary to fair and healthy American competition.

In recent months ASCAP has been making a determined effort to win public sympathy by taking into membership a scattering of so-called "serious composers." That does not mask the truth that fundamentally ASCAP is the union of the composers of popular ballads and hit tunes whose background is commercially referred to as Tin Pan Alley.

### Opportunity Helped

American culture will not in any sense be retarded if a fresh crop of such composers is given an opportunity to demonstrate that such music springs from the hillsides, the farms, the villages and the small towns of America just as spontaneously as it has been cultivated on the pavements of New York.

So let's not be confused over what is purely a business dispute between the business agents of the composers' union and the radio stations, who feel they are the agents for the listening public. ASCAP is not the composers. ASCAP is a business organization. When ASCAP says "music" it means "money." When ASCAP says "opportunity" it means "monopoly." When ASCAP says "copyright" it means "license," and that means tax, tribute and domination.

### Seek Fair Deal

The radio industry wants to play the music America loves and is willing to pay for it. It wants no licenses or permits to stay in business from ASCAP. It is willing to pay for what it uses.

The radio industry does not ask the public to take sides. All it asks is a fair opportunity to work out a fair business deal for a product it wishes to buy.

## NAB NEW YORK OFFICE

The demands of the music situation, coupled with other problems affecting the industry, has resulted in the establishment of a branch office of NAB in New York City. For the time being the office will deal principally with the public relations phases of the music situation and will be under the direct supervision of President Neville Miller. A very close liaison between that office and the main headquarters at Washington, D. C., will be maintained.

## District Meetings

### DISTRICTS 7-8

With the meeting of the Second District broadcasters at Syracuse on Friday, the 20th, a whirlwind series of regional meetings was concluded. In previous NAB Reports, meetings up to that held in the Ninth District on Wednesday, December 18, were reported.



On Thursday, the 19th, a banner meeting, from the standpoint of attendance, was held in Detroit, at the Fort Shelby Hotel. This was a combined meeting of the Seventh and Eighth Districts and brought together the broadcasters of Indiana, Michigan, Ohio and Kentucky. District Director John Fetzer, WKZO, of the Eighth, presided at the morning session to give way in the afternoon session to J. Harold Ryan, WSPD, District Director of the Seventh District.

Carl Haverlin and the representatives of the transcription companies present, occupied the greater part of the day in a discussion of the music situation. C. E. Arney, Jr., outlined the activities of NAB. It was an enthusiastic and inspiring meeting which went on record as unanimously commending BMI and pledging unswerving support to the effort to relieve broadcasters from the grip of the ASCAP monopoly.

The following were present:

M. C. Watters, WCPO; S. Bernard Berk, WAKR; H. L. Hageman and Bob Wilson, WADC; H. A. Giesel, Jack D. Parker, and L. H. DeRemer, WBCM; Charles G. Reeder and R. Daly, WING; Ronald B. Woodyard, WING-WIZE; Bill O'Neil, WJW; Angus D. Pfaff, WHLS; W. J. Scripps, WWJ; Leo Fitzpatrick, WJR; V. S. Pribble, WTAM; Walberg L. Brown and Carl George, WGAR; Bill Griffiths, WJW; John F. Patt, WGAR; R. W. Richmond, WHK-WCLE; Art Croghan, WJBK; James F. Hopkins, WJBK; Clarence Leich, WGBF-WEOA; W. W. Behrman, WBOW; Clifford Shaw, WAVE; Edward Barret, Joe Eaton and Robert L. Kennett, WHAS; Dan Jayne and Alden H. Haight, WELL; C. A. McGlaughlin, WIBC; Arch. Shaw, WTOL; W. L. Coulson, WHAS; Russell Gohring, WSPD; Howard Loeb, WDFD; Grant F. Ashbacher, WKBZ; Harry Sutton, Jr., WXYZ; P. M. Thomas, WJR; Hy Steed and Leonard A. Versluis, WLAV; R. A. Borel, WBNS; Robert P. Ritter, WJIM; Bob Innes, WJIM; Jack Price, WBNS; Lowell Riley, WBNS; Ralph E. Waldo, WADC; Madelane Johnston, WCOL.

Carl M. Everson, WHKC; J. M. LeGate, WHIO; D. A. Brown, WHIO; Ralph Elvin, WLOK; Felix Hinkle, WHBC; B. M. Matteson, WLW; Raymond J. Meurer, WXYZ-WOOD-WASH; John W. O'Harrow, WKZO; J. H. Ryan, WSPD; Ed Bronson, WCOL; Kenneth B. Johnston, WCOL; Neal A. Smith, WCOL; Stanton P. Kettler, WHIZ; O. E. Fields, WMAN; Morris T. Hicks, WINN; David Silverman, WJR; L. M. Kennett, WHBU; R. B. Rowley, WICA; James Sirmons, WFMJ; Franklin D. Schurz, WSBT-WFAM; Robert J. Drain, WSBT-WFAM; H. M. Bitner, Jr., WFBM; Lester W. Lindow, WFBM; I. D. Wallington, WMAN; S. E. Sheill, WSAM; Howard D. Longworth, WOWO-WGL; J. B. Conley, WOWO; S. A. Cisler, WGRC; F. P. Wallace, WWJ; H. Earl Moore, WXYZ; Owen F. Uridge, WJR; John E. Fetzer, WKZO; Carl Haverlin, BMI; C. O. Langlois, Lang-Worth; C. P. MacGregor; Bill Gartland, NBC; Alex Sherwood, Standard Radio; George Patterson, WAVE; Robert K. Rutland, WSPD.

## DISTRICT 2

At Syracuse on Friday, another enthusiastic meeting was held in which 23 New York State stations were represented by 53 broadcasters. District Director Clarence Wheeler, WHEC, presided, and again Carl Haverlin aided by the transcription company representatives present covered the music situation and answered the many questions put to them. This meeting also went on record as enthusiastically satisfied with the results which BMI has accomplished and commended it for its work. NAB activities were outlined by Mr. Arney.

The following were present:

C. F. Phillips, WFBL; Wm. J. Moore, WBNX; E. S. Reynolds, CBS; Harold J. Frank, WSLB; Rudy Hont, WSLB; Kolin Hager, WGY; F. L. Keesee, WMBO; Wm. O. Dapping, WMBO; Dorothy Bolin, WMBO; George Pfleeger, WMBO; Will Hudson, WSYR; Victor Miller, WSYR; Lansing Lindquist, WSYR; Ruth Hardki, WSYR; Ruth Chilton, WSYR; Fred Jeske, WSYR; Nick Carter, WTRY; Tony Thayer, WTRY; T. L. Brown, WHDL; Harry Springer, WENY; LeMoine Wheeler, WHEC; Harold M. Wagner, WENY; Elliott Stewart, WIBX; Walter Griswold, WIBX; Harold E. Smith, WOKO; Cecil D. Mastin, WNBF; Elizabeth Mastin, WNBF; Robert Soule, WFBL; Gunnar O. Wiig, WHEC; Frank Seibold, WHAM; Charles Siverson, WHAM; Bill Fay, WHAM; E. K. Johnson, WIBX; W. H. Carpenter, WNBZ; Harry L. Goldman, WOKO; Johnny Lee, WABY; S. Woodworth, WFBL; Joseph N. Brandy, WSLB; Clarence Wheeler, WHEC; Ken Sparnon, WHEC; E. H. Twamley, WBEN; Fred R. Ripley, WSYR; Wm. A. Ripley, WTRY; S. D. Gregory, WEAJ; Sherman Marshall, WOLF; Thelma Mae Neil Curren, WFBL; Geo. M. Perkins, WFBL; I. R. Lounsbury, WKBW-WGR; H. C. Rice, WKBW; R. Strigl, WKBW; C. E. Arney, Jr., NAB; Carl Haverlin, BMI; Alex Sherwood, Standard Radio; C. P. MacGregor; H. Woodman, WJZ; Victor F. Campbell, WGY; Wm. Gartland, NBC Thesarus.

## DISTRICT 9

While the report of the meeting of the Ninth District meeting at Chicago was contained in last week's REPORTS, the names of those in attendance were omitted. Following is the list:

Robert Carlton, Mary Louise Brown, and Martin R. O'Brien, WMRO; K. W. Rier, WDWS; Bradley R. Eidman, Kennedye Nelson, and W. E. Hutchinson, WAAF; Joe Rudolph, WCBF; John A. Dyer, WGES-WSBC-WCBF; Myrtle E. Stahl, Edwin F. Brady, WGN; Al Hollender and J. L. Allabough, Jr., WJJD; Ben Kanter, WJJD-WIND; Harold A. Safford and Philip B. Kalar, WLS; Joseph A. McDonald and William Ray, WMAQ-WENR; Russell T. Hitt, WMBI; Marie E. Clifford, David Volkow, Carl H. Swanson, and John Ravenel, WHFC; Francis A. Higgins, WDAN; Merrill Lindsay, WSOY; William West, WTMV; R. M. Holt, Jack Sharp, WCLS; Edgar L. Bill and Gene Trace, WMBD; W. Emery Lancaster and Jack Sexton, WTAD; John J. Dixon and Walter Koessler, WROK; Forest W. Cooke, Les Johnson, and Ivan Streed, WHBF; L. G. Pepperl and Jack Heintz, WCBS; Ray A. Johnson, WTAX; Clair B. Hull, H. L. Johnston, and Frank Jennings, WJZ; Joe Wright, WILL.

Hayden R. Evans, WTAQ-WHBY; Sam DeSigne, WTAQ; Mrs. James F. Kyler, E. H. Borkenhagen, WCLO; Ed Cunniff, WKBH; K. F. Schmitt, WIBA; C. J. Lanphier, WEMP; Elmer J. Krebs, WISN; H. J. Newcomb, H. Mann, Jr., and Harvey R. Le Poidevin, WRJN; H. Born, WHBL; George T. Frechette, WFHR; Brooks Connally, WIND; Rayn Altan, WJJD; John F. Carey, WIND; Bob Ather, WIND; E. S. Mittendorf, WIND; H. P. Sherman, WJJD; C. O. Langlois, Lang-Worth; Jules Herbuveaux, NBC; Frank E. Chizzini, NBC; M. M. Blink, Standard Radio; Carl Haverlin, BMI; C. P. MacGregor; Alex Sherwood, Standard Radio.

This series of District meetings brought together the broadcasters, whether members or non-members, in 24 states, the District of Columbia and Puerto Rico. In every instance the responses of the broadcasters to the disclosures as to what has been accomplished in meeting the music situation were extremely gratifying. Never before has the radio industry presented so united a front as that now prevailing. After the first of the year, consideration will be given to the holding of meetings in those Districts not already covered. Announcements will be carried in future issues of the REPORTS.

# Sales

## NAB-AAAA MEETINGS

Meeting in New York last Friday, the committees of the NAB and AAAA considered revision of the order form for spot broadcasting and adoption of a standard invoice form. The NAB committee will meet again at 2 p. m., January 6, and the following day will hold another meeting with the AAAA committee. The suggested new indemnity clause has been cleared with counsel for the AAAA, and it is expected that shortly after the next meeting the NAB will be in a position to advise members of the complete new contract form as recommended by the Executive Committee.

Present at the meeting were: H. C. Wilder, WSYR, Chairman; R. L. Harlow, Yankee Network; R. H. Mason, WPTF; Edward Petry, Edward Petry & Co., Inc.; Dale Taylor, WENY; Lee B. Wailes, Westinghouse Stations; and Paul F. Peter and Russell P. Place of the NAB staff. For the AAAA—C. E. Midgley, Jr., Batton, Barton, Durstine & Osborn, Inc., Chairman; C. T. Ayres, Ruthrauff & Ryan, Inc.; John Hymes, Lord & Thomas; Carlos Franco, Young and Rubicam, Inc.; William Maillefort, Compton Advertising, Inc.; Miss Linnea Nelson, J. Walter Thompson Company, W. A. Fricke, AAAA; and F. R. Gamble, AAAA.

## 1940 TRADE STUDIES REVIEWED

A year-end analysis of the ten trade studies released by the Bureau of Radio Advertising in the "Results from Radio" series shows a wide variety of local shows producing outstanding sales results for their respective sponsors.

Eight distinct program types are included in the ten studies. They are:

Amateur Show	Community & Civic Events
Drama	Radio, etc.
Gardening Advice	Quiz Show
Musical Clock	Shopper Personality
News and Commentary	Sports
Straight	Baseball
	Basketball

Further emphasizing the versatility and flexibility of local radio advertising is the fact that 13 different types of advertiser are represented in the studies. Included are:

Automobile Dealer	Furniture
Cameras	Ice Cream
Clothing (Men & Women)	Jeweler & Optician
Department Stores	Laundry
Drug Stores (Chain & Independent)	Light & Power
Flour	Paint & Glass
	Plant Nursery & Seeds

Every type and size of station is also represented, from the local 250 watt outlet in the town of 5,000 population

to clear channel stations in the great metropolitan areas. A total of 15 stations contributed to the 1940 series; they were located in ten different states in every section of the country.

The Bureau wishes to thank the member stations and their cooperating advertisers who have made the "Results from Radio" series possible, and also all those who have contributed to the work of the Bureau in other ways too numerous to mention. It is a foregone conclusion that this generous spirit of cooperation will assure the Bureau's success in 1941, and serve to widen the scope and intensify the effectiveness of its efforts on behalf of all members.

## RESULTS FROM RADIO

How business can get results from radio was forcibly explained by Samuel J. Henry, Jr., director of the NAB Bureau of Radio Advertising, in a talk December 9 before the Rochester (N. Y.) Ad Club.

Because broadcasters throughout the country can make good use of the material in Mr. Henry's talk, the complete text is given here.

In accepting your kind invitation to come here, I was prompted by a very real desire to tell you what the Bureau of Radio Advertising has discovered about local radio as it is being applied in other cities throughout the country. I think there's a real story there—a story which has never been fully told—a story of how hundreds—yes, thousands of local and regional concerns similar to those which many of you represent, are using radio with telling effect.

The thought occurred to me as I was coming up on the train last night. Where, except in America, could such a meeting as this be held—where business men get together and discuss how and when to use radio in their sales and advertising work? Today, in almost every other country, there is no question of how or when. Radio elsewhere is closely controlled and jealously guarded by government itself. How different from the American system of radio! Here, this great mass medium is yours to command—to do with as you will, with the single proviso that what you do shall be in the public interest.

And just what is it that you command?

Radio today means many things to many people. Radio today may truly be called the universal medium—reaching rich and poor, young and old. Everyone listens to radio, to an extent which may surprise you. Forty-five million radio sets, serving 110,000,000 people in 28,000,000 American homes, tuned in an average of over five hours each day. Think of it! A daily total of 125,000,000 hours of radio set operation. Over 400,000,000 individual hours of radio listening. As *Fortune* magazine and other accurate polls of public opinion have often proved, listening to the radio is now America's No. 1 activity, next to sleeping and working. Radio represents the most important *diversion* and the most *popular* activity of the American public. For instance, in answer to the question, "Which would you rather give up—going to the movies or listening to the radio?" 79% of people, according to the *Fortune* survey, would give up the movies.

What, in turn, do these facts mean to our American system of free, competitive enterprise? What is the significance to business men of such astronomical figures as *four hundred million daily listening* hours? Translated into terms of advertising, they mean almost two hundred million dollars last year alone. In



twenty years, radio has replaced the long-established magazines as No. 2 medium in dollar volume of advertising, and in many fields it is giving newspapers a real run for the No. 1 position.

You may wonder at the reasons for this phenomenal rise of radio. The answer lies in three words—*Radio Reaches People*. It reaches more people, more quickly, more intimately than any other means. It reaches them through the most fundamental appeal known to man—through the human voice. Listening to somebody or something, and acting upon what we hear, is almost instinctive to all of us. From the very beginning of life, the sound of the human voice stimulates our growth and development. From the very beginning, our minds take in most readily (and remember most vividly) that which is taught and transmitted by the human voice.

"Listen to this," we say to our friends. "Repeat after me," says the school teacher. "Clean your teeth, brush your hair," say millions of mother to millions of children. "Take a letter," you say to your secretary. Yes, the human voice transmits more ideas, launches more plans, gets more action than any other force or power known to mankind.

There, in a sentence, is the story of radio.

To me, the psychology of radio is an ever-engrossing subject. But right now, I believe, you want to hear some tangibles. Here are two.

Since 1930 American industry has invested the sum of \$1,000,000,000 in radio advertising. In the past six years, the investment of American business men in radio has grown 126%. That is the best proof of radio's ability to sell goods.

Radio rings the cash register because it reaches people—and influences them to buy. That influence, also, stems from the persuasive power of the human voice. American advertisers now use that fundamental force to sell thousands of products to millions of people. Radio has sold shaving cream and fur coats. It has sold cigarettes and soap, ice cream and automobiles. Radio has sold office furniture, and abrasives for industry. Yes—radio has even sold tombstones. It has produced direct and immediate results for dozens of different products and services, for every type and size of advertiser, and it has created goodwill and public acceptance that can never be measured in terms of direct sales.

We are concerned here, today, with *local* radio advertising. Contrary to popular impression—an impression held even by many experienced advertising men, local broadcasting is no longer radio's stepchild. Local radio volume in 1939 amounted to \$40,000,000 in time alone. In the past five years, local concerns have invested over \$150,000,000 in radio; they have used 650 stations in 350 markets, and they have employed every imaginable type of program, for every conceivable kind of product and service.

*Most important*, these local concerns are getting results that compare favorably with those from *any other* advertising medium.

As a matter of fact, in many respects, I venture the statement that local radio (particularly when used in the daytime) offers today's *best* advertising buy. The local daytime radio advertiser reaches a concentrated, attentive audience of housewives—home purchasing agents who buy 75 to 85 per cent of all advertised goods.

The experience stories I am about to quote offer further proof of the value of local radio advertising. Let's review briefly some outstanding examples. First, there is the automobile dealer, an important figure in every community. The automotive industry has long set us an example in the skillful use of modern advertising and selling tools. I happen to have worked very closely, a few years ago, with what was then (and I believe still holds the distinction of being) the most extensive radio campaign ever placed. It ran on 400 stations, involving an annual expenditure of \$2,000,000, and was largely instrumental in placing this par-

ticular car's sales far ahead of the nearest competitor. But what are the dealers themselves doing in radio? I think those early automobile broadcasts were helpful in demonstrating to dealers how radio could work for them, too, and they have used it regularly ever since. A good example is the Arthur Fields Company, a Chevrolet dealer in Portland, Oregon. Employing an interesting variation of the familiar quiz program, Fields recently credited radio with increasing their sales 183% in two years. That compares with an increase of some 50-60% in automobile sales nationally, and it also compares favorably, I think, with the job which radio is doing for *any* national manufacturer.

There is quite a spread from a thousand-dollar automobile, to a 10¢ loaf of bread, but the nature of the baking business lends itself admirably to local radio. Many local brands compete successfully with the largest companies, because bread, to be delivered fresh and at best quality every day, must be baked in the market where it is to be sold. A typical example of that is the Rainbow Bread Company in Roanoke, Virginia. Devoting 80% of their advertising appropriation to radio, Rainbow Bread became the best seller in Roanoke inside of two years. Success like that can be traced directly to a proper attitude toward radio—not merely playing with it as a child would with a new toy, but setting up a sufficient budget, having a definite plan, and getting results that more than justify the time and effort expended.

An important class of local advertiser who is just beginning to realize the potentialities of radio is real estate. Together with the allied trades of building and building supplies, real estate has experienced a recent boom of considerable proportions. Washington, D. C., for obvious reasons, is probably the best real estate town in the United States today. Since World War I, the Nation's Capital has enjoyed an uninterrupted boom in building and housing. Both office and residential space are at a premium—definitely a seller's market. But the sellers have not let themselves be lulled into a false sense of security or inertia. They advertise, consistently and extensively, in newspapers and on the air. Just recently a Washington station in a tie-in with *Life Magazine*, reported the sale of \$400,000 worth of low-cost homes, constructed under the FHA Insured Mortgage program. Only last month Congress authorized the Federal Housing Administration to expand by another billion dollars its operations in this field. That means new opportunities for local advertisers of everything from paint to pillowcases. Long before the advent of FHA, at least one real estate group saw the potentialities of radio. Ten years ago a station in Houston, Texas, argued that the average home-building or home-owning prospect was a radio listener who would react spontaneously on Sunday to real estate advertising on the air. On Sunday, both man and wife, constituting the family unit who would have to see, approve and buy this particular commodity, were at home, and had laid aside their weekly business and social interests.

Several real estate developers, approached with the idea, began sponsorship of a series of broadcasts each Sunday morning. Within a month, a total of six and one-half continuous hours of real estate topics were being broadcast. Practically every sub-division, including city lots and suburban tracts, placed on the market in Houston in the last ten years, has used the Sunday Real Estate Hour. With radio as the principal advertising medium, thousands of lots and homes have been sold.

The selling appeal was simplicity itself. Music of a broad enough interest to appeal to all the family, in lower as well as middle and upper-income groups—then the description of the home or property, with the address and an invitation to "drive out and see it this afternoon."

Another type of product which lends itself to localized promotion is ice cream. Last summer, the Bureau of Radio Advertising released the No. 5 study in its series of success stories, under the

title "Results From Radio." It told how a small ice cream retailer in the sixth largest city in North Dakota (with a population of 6,000 souls), outsold all competitors in the State, *using radio as his only advertising medium*. Basketball broadcasts did the trick—increasing the sponsor's sales 100 per cent in two years.

But what was the *real* answer behind this phenomenal record?

It is found in the fact that radio's effectiveness goes *beyond* the normal sales potential, and actually creates *new* customers and increased consumption of a good product. It is well to remember that, when you are looking for ways to expand markets and increase profits, *without* increasing the cost of doing business. (And who *isn't* looking for that—these days?)

Department stores, also faced with the problem of rising costs, are turning to radio advertising for the solution. The greater coverage which radio affords—leading to new charge accounts, mail and phone orders—these are some of the reasons why. There is the case of the Rike-Kumler store in Dayton, Ohio, employing a daily shopping program in which a female personality, representing the store's personal shopper, takes the listener on an imaginary trip through the various departments, dramatizing the merchandise and the store itself. Rike-Kumler found that radio not only brings in new customers (many of whom are unreachable through any other medium) but gets immediate and direct results—and *keeps on selling*. Radio sold candy and books, kitchenware and lingerie, fur coats and sterling silver. The unique *personal* approach of radio advertising was instrumental in achieving good will and promoting store services. Rike-Kumler also learned that it pays to put your radio program in charge of a responsible store official, to work closely with buyers and with the station experts in planning and executing the entire campaign.

That spirit of cooperation is very important, I think. It emphasizes the remarks of Mr. Willard Campbell, of the G. Fox Store in Hartford, Connecticut (another extremely successful radio advertiser). At the 1940 convention of the National Retail Dry Goods Association, Mr. Campbell advised the assembled retailers:

"Consult with your friends at the radio station. It is *their job* to make radio produce for you, but if they are going to advise you properly, they must know something of your problem. Let your hair down and tell the station man something about your business, so that he in turn can help you sell it."

A question I have often been asked is, "What sort of programs are really producing results for department stores throughout the country?" There are many, of course, and they vary greatly, but the experts of station WOR in New York, in a survey of fifteen cities, found that the most successful programs, might be roughly classified in four groups.

1. Shopping programs (as mentioned before),
2. So-called musical clock programs, broadcast in the early morning, and presenting bright music, a happy-voiced master of ceremonies, and a general wake-up-and-smile atmosphere,
3. Amateur programs, where beaming mothers may hear their offspring perform, and
4. Straight news broadcasts.

Another point the WOR survey brought out was that most successful programs were on the air *daily*. The Burt store in Cleveland, in fact, sponsors ten hours a week daily and Sunday, 52 weeks a year. Doing business on the sixth floor of an office building, Burt reports, "Our traffic is twice as great as it was when we were down on a street-level location."

Can radio sell furniture? Can it compete with pictorial salesmanship and the printed word? Can people be sold "eye appeal" goods through appeal to the ear—many department stores have asked that question. In Schenectady, there is at least one resounding answer in the affirmative. You may have heard about it. Ten years ago, Breslaw Brothers operated three stores, one in Glen

Falls, one in Saratoga Springs, and one in Schenectady. They began "experimenting," as they called it, with radio advertising. They used many types of programs, merchandising them all in accordance with a well-organized, all-inclusive plan. By constant reiteration (they were never off the air in ten years), a radio personality was developed, known as The "Breslaw Furniture Man", whose selling messages were friendly and informal. As Mr. Jay Breslaw expressed it, "Commercials on our programs have always been breezy, fast-moving, and written with a note of friendliness, expressing a guarantee of complete satisfaction."

"Today with nine large stores in nine different cities, our business is *still* growing. Year after year, broadcast advertising becomes more and more important in the sales work it does for our organization."

The success of Breslaw Brothers is only one of many demonstrating how radio can paint "ear pictures" as vivid as any for the eye.

Perhaps you are surprised to know about this visual appeal of radio. Radio's ability to sell many products usually believed limited to printed media, has been a source of constant amazement even to radio men themselves. I recall one incident from the early days of radio which dramatizes the point. This was in the days when the "jug band" was in its zenith. A quartette of syncopated jug blowers came on the air along about what the Southerners would call "supper time." Everybody listened and rattled the forks in tempo. Everybody talked about it next day at work and around the house. In this audience was a local manufacturer. He made tombstones. It was the spring of the year when everyone was changing their oil and planning Memorial Day drives. That fit him perfectly. He rushed to the station, sought out the manager and said: "I want to buy this jug band of yours. Everybody listens. And I want to tell them about putting up a tombstone at the cemetery before they go out Memorial Day. Why, I'll have *everybody's* ear."

The station commercial manager thought a second and said, "Well, I don't doubt that everybody will be listening to the jug band, but I don't think anybody will pay any attention to your swell message on tombstones. The two just don't go together. You can't get people all jazzed up, rattling the knives and forks, full of life, and expect them to listen to your message as you drag up a tombstone at the supper table."

The tombstone man retired, unhappy, of course, that his great idea did not pan out but thankful, nonetheless, that his enthusiasm had been saved a sorry investment.

The station man thought: It *was* spring. Memorial Day *was* approaching. It *was* the season, if ever there was one, in which to sell a memorial granite. Could radio sell tombstones? He studied the make-up of his listening audience, as all good radio men do: their moods, their listening habits and their tastes. Then he called back our friend the tombstone manufacturer. He gave him an "audition."

"Listen to this," he said. The program "came on." It was the beginning of a series of "Our American Presidents—Their Dramatic Lives." Every school child, in one way or another, had a reason to listen. In fact, the station man *suggested* a tie-up with school children and with the mothers interested in inculcating proper principles of Americanism. The tombstone man listened and this is what he heard: a dramatization of the life of Thomas Jefferson. Finally, the dramatic script ended with the *death* of Jefferson, and with the words, "On his tomb at Monticello are writ these words . . ." The radio man had led the mind of the listener to behold the summing up of a great man's life as carved on the tomb-inscription. Without sacrifice to mood or moment, he drew the picture and prepared the listeners' minds for the acceptance of the advertising message. Result? Radio sold tombstones.



There's another interesting program experiment going on out in the Pacific Northwest. This one has to do with retail druggists and their use of radio. Drug advertising, as you know, constitutes a good percentage of network programs. A Seattle advertising man argued that listeners must be interested in the private lives, the goings and comings of the radio stars and performers heard on these programs. And he was right, at least right enough to sell the idea to several drug chains in the state of Washington! Radio Parade, as the name implies, is a program about radio, its background and behind the scenes activities, with special emphasis on the programs and personalities sponsored by the manufacturers whose products are sold through the local sponsor's stores. It's a new idea for radio, but obviously an easy and effective tie-up. Selling messages are not limited to national brands. Many private brands have been built up by radio, and the very considerable profits to be realized from such private brand promotion has been a major argument in encouraging retail druggists to go on the air. A cartoon I once saw in *Advertising Age* illustrates the point. A somewhat skeptical housewife is standing at the counter of a drug-store. The clerk holds a bottle in his hand, and with acute appreciation of the selling problem he is faced with, says, "Is it good? Why, this product started on a small local program and now it's on the big network—with an 87-piece symphony orchestra, two sopranos and a baritone."

Now, I don't say that if *you* have a brand to push, you should rush out and buy a coast-to-coast hookup and a symphony orchestra, but many of you are no doubt familiar with the history of *two* such products. Ten years ago, the names of Alka Seltzer and Lady Esther were almost unheard of. Using radio as their major medium, Alka Seltzer and Lady Esther have come from nowhere to a dominant position in their field, and they *still* use radio at every opportunity.

In your neighboring city of Buffalo, the Buffalo General Laundries use radio for two purposes—to break the trail for its routemen, and to drive home its message of economy and service to Buffalo housewives. As a result, the company declared its first dividend in five years, while doubling the sale of "specials." As the advertising manager of Buffalo General explained it:

"Our employees take pride in hearing the name of the company they work for mentioned over the air. It is *proof positive* that we are doing our part to make it easier for them to sell laundry service, and thus increase their earnings. The salesmen, knowing they were being backed up, put on extra pressure of their own, but we honestly think radio broke the trail for them."

A local advertiser must of necessity think of radio in terms of direct and immediate returns. He can't pay for his program with prestige and he can't do it with fan mail. That is why I have stressed, in the foregoing accounts, the actual results which have been obtained—in the advertisers' own words.

Nevertheless, there *is* an important story in radio's ability to build goodwill and public confidence. Take banks and other financial institutions. Public prestige is their lifeblood, and in recent years, many of them have suffered from a lack of it. How are such concerns using radio? A recent survey by the Federal Home Loan Bank reveals that some 250 of their members seem to prefer news programs. They employ many variations, of course—commentators, quiz programs, and public forums. An interesting example of the latter is sponsored out in Los Angeles by an investment counselor who has been on the air for four years. Each week, he invites prominent citizens to discuss questions of national and local interest. The program delivers the goods in two ways: it attracts a selected audience of prospects for the company's services; it engenders civic pride and community spirit, which in turn lend a certain prestige to the sponsor. This particular program has one of the highest audience ratings in the Los Angeles area. (The

public forum broadcast, incidentally, is a true demonstration of democracy at work, similar to the town meeting of old. I wonder how many of you gentlemen have thought of radio in those terms.

It's been perhaps a long and somewhat awkward step from auto dealers to bakers, then on through department stores and druggists to banks and laundries, but local radio has successfully bridged the gap. Are these the *only* successful local radio users? Are they isolated exceptions by which I hope to prove a general theory? The best answer is the \$40,000,000 annually spent in local radio advertising. That sum is broad enough to embrace more than a few banks and bakers, department stores and druggists. That \$40,000,000 represents a lot of other products, successfully promoted by many other types of programs.

Did these programs cost a lot of money? Did they require large production staffs, expensive talent, "name" bands, the most popular evening hours? No, none of these was a factor. Not a single company among those I have mentioned attempted to compete as to time or talent with network advertisers. If you recall the basic psychology of radio, you realize it wasn't necessary to compete. The only gauge was the job to be done—and the size and character of the audience to be reached.

Well then, just what *do* most successful local radio programs have in common? What general qualities did they all share? How can we be sure of results from *our* radio advertising? Is there anyway to express a safe, sane guide to its use? I think there is, and it might be summed up in the following seven points:

1. A constructive attitude toward radio before beginning the campaign. (Find out just why and how it works for others.)
2. A sufficient budget to do the job required.
3. Close cooperation with the station experts in choosing your program, and planning and executing your campaign.
4. Utmost attention paid to the commercials. (Remember you are writing *for the ear*—and I'll confess it isn't always an easy thing to do.)
5. Complete merchandising for your program, with every effort made to coordinate radio with other advertising.
6. Consistent, regular use (on a daily basis if possible).
7. Staying on the air *long enough* to get the *cumulative* value, which radio, of all media, offers.

Looking back at the experience of others as we have today, I cannot emphasize too strongly the importance of consistency, of sticking everlastingly at it. After all, it makes common sense in any form of advertising, but it's *especially* true in radio, and *the rewards are in accordance*. Recently, I saw some figures on radio's effect on factory production. Radio's influence began to show very definitely on product output, within six to twelve weeks after the start of radio advertising. That is the reason why the networks, and many stations, too, insist on no less than thirteen week contracts.

Radio sells goods—of that, there can be no doubt. But just how do you measure radio's effectiveness? Although the complete answer would take more time than we have left, you may be sure there is a very definite answer. Radio's ability to sell goods has been measured more accurately and more thoroughly than any other medium of advertising. Radio, in fact, has set the pace for modern advertising research. It has originated and developed many of the scientific methods now in use, and your local station will be more than glad, not only to tell you about them, but to work closely with you in setting up, and following through, on whatever sort of test you choose to make.

Productive, profitable radio advertising, after all is of as much concern to the *broadcaster* as it is to you. It's the radio man's *business* to build better programs, larger audiences and increased sales for his advertisers. For that reason, he is interested in every phase of your radio campaign. On behalf of the National Association of Broadcasters, and every one of its 500 member stations,

I invite you to take advantage of the broadcaster's experience, specialized knowledge, and sincere desire to serve you.

## Promotion

### DENVER

In Denver, Gene O'Fallon gave "50,000,000 Radio Sets by Christmas" campaign a big lift over KFEL. Even before his letter to the trade in Denver was in the mail he was broadcasting a spot campaign. His letter to all radio dealers and distributors read:

"As a member station of the National Association of Broadcasters, KFEL is participating in the drive for 50 million active radio sets in operation by Christmas, 1940.

"We are joining with many other NAB member stations by actively promoting with frequent announcements on KFEL, the idea of giving a radio set for Christmas.

"With this promotion by radio stations, it is quite possible that this goal of 50 million sets may be exceeded, if radio dealers, department stores and automobile dealers handling radios and distributors will redouble their sales efforts from now until Christmas—increased advertising efforts will pay dividends too."

### GREENSBORO, N. C.

Heroic figures depicting "The Three Wise Men" were erected in WBIG's radio part on the outskirts of Greensboro, N. C., this Christmas. They were floodlighted at night and caused a traffic congestion as thousands of motorists drove out to view them.

The Wise Men, camels, the shepherd and his flock, were all there.

Twelve huge painted boards were used to tie Santa Claus up with the station during the holidays. A head of old Saint Nick appeared in gigantic proportions as if he was speaking over a microphone labelled XMAS. The board carried a single line of copy at the bottom, "WBIG and CBS for Christmas Cheer."

### MEMPHIS

The Memphis *Commercial Appeal*, rotogravure section, December 15, contained a full page of photographs illustrating the campaign for radio sets for the unfortunate conducted by WMC, the Mid-South Amateur Radio Association and McGregor's, Inc., RCA distributors.

### SAN ANTONIO, TEX.

In order to keep abreast with the program desires of listeners, KTSA, San Antonio, maintains a Listeners Radio Committee, and, according to Charlie Balthrope, assistant manager, it really works. The station maintains a constant level of four hundred active names on the committee. One hundred committee members reside in the city and county in which KTSA is located; three hundred are scattered over the remainder of the station's primary

area, some in other cities and some in small towns and rural communities.

Only one question is asked at a time. A committee member is dropped who does not answer within four days.

Occupations represented by the committee membership are all the way from pipeline laborer to retired General, U. S. Army. The average age of the committee members from San Antonio is 43.5 years and 41.6 from the other parts of the primary area. Women make up 85 per cent of the committee, men 15 per cent. Two queries are sent out each month.

From the continuous research KTSA has discovered that the audience likes news and commentary programs first, variety programs second and serials third.

The audience "doesn't like the classical music in large doses and very little 'swing.' Preference is for standard music and novelty, old or familiar favorites."

The committee does not like announcers who oversell.

One interesting discovery has a bearing on 10:30 p. m. and later programming. Not having been able to sell this time consistently because advertisers were not willing to believe that there was a worthwhile audience after 10:30, the committee was queried. It was asked whether it would listen to a program of "good" music at that hour. Sixty point eight per cent reported they would listen frequently; 30.7 per cent that they would listen occasionally, and 8.5 per cent that they would never listen.

With this information in hand, the program department has scheduled the "Evening Concert," and "now we have something concrete to offer to potential clients."

### SAN BERNARDINO, CALIF.

Leading citizens of San Bernardino were active in November helping KFXM celebrate Radio's 20th Birthday. Clippings and photographs of one of the display windows have been received from George A. Burns, sales promotion manager of the station. Advertisement in the San Bernardino *Daily Sun* of November 28 was headed:

"IT'S RADIO'S  
20th BIRTHDAY

and

KFXM's 11th"

It was signed by Presidents of the following organizations: Chamber of Commerce; Argonaut Club; Woman's Club; Rotary Club; Kiwanis Club; Lions Club; Exchange Club; 20-30 Club; Speakers Club, and by the Commander of the American Legion.

During the celebration the station ran a long schedule of station breaks and arranged for numerous talks by prominent individuals.



## MAN POWER

Once each week, sometimes more frequently, man power requirements for national defense—Civil Service jobs are consolidated in Washington. Such information is the basis of the man power announcements sent regularly to stations.

Emphasis continues to be placed on hard-to-get personnel. The special needs last week were for Engineers, Procurement Inspectors of aircraft materials and Physicists. Weekly changes will continue to specify the "hot" jobs which need to be filled quickly to insure maximum production of defense materials and equipment.

## IRE Convention

Technical developments of radio during the past year will be the subjects of the lectures to be delivered at the Sixteenth Annual Convention of the Institute of Radio Engineers, opening Thursday, January 9, for 3 days, at the Hotel Pennsylvania in New York City.

Coincidental with the announcements of the dates for the Annual Convention, the Institute announced its new convention policy. This will be to hold the Annual Convention each year during January in New York City and to hold a summer convention elsewhere in June. There also will be a Pacific Coast Convention held each year. Under the new policy, the Institute will sponsor only one exhibition of radio equipment components, testing and measuring devices and manufacturing aids each year. This will be held at the Annual Convention in New York City.

The Institute medal of honor for 1941 will be presented at the convention to Alford Norton Goldsmith for his contribution to radio research, engineering, commercial developments and his leadership in standardization.

The award of the medal will also recognize the work he has done in connection with the establishment and up-building of the Institute of Radio Engineers.

Seven Institute members will be transferred to the grade of Fellow, and receive diplomas attested thereto. These are Marcus A. Acheson, Edmond N. Deloraine, Austin V. Eastman, Oscar B. Hanson, Ira J. Kaar, Arthur S. McDonald and Ralph K. Porter.

Dr. Gano Dunn, President of the J. G. White Corporation and a member of the National Defense Commission, will speak at the banquet Friday evening on the subject of the relations of engineers and their employers and on the National Defense Program.

Inspection trips have been planned to the following: Columbia Broadcasting System studios, International Telephone and Telegraph Corporation operating room, New York City Police Radio operating room, WOR Fre-

quency-Modulated Transmitter and Western Union Facsimile Varioplex operations.

A demonstration of direct color television pick-up will be given by Dr. Peter Goldmark, engineer in charge of television for the Columbia Broadcasting System.

An interesting program of inspection trips and entertainment has been scheduled for the women accompanying the members of the Convention.

Following is a complete schedule of the technical sessions:

Thursday, January 9

9:00 A. M.

Registration

10:30 A. M.-12:30 P. M.

Address by L. C. F. Horle, retiring president, and introduction of F. E. Terman, president for 1941. Technical session, President Terman presiding.

1. "Recent Developments in the RCA Electron Microscope," by J. Hiller and A. W. Vance, RCA Manufacturing Company, Inc., Camden, N. J.
2. "The Handling of Telegrams in Facsimile," by R. J. Wise and I. S. Coggeshall, Western Union Telegraph Company, New York, N. Y.
3. "Measurements of the Delay and Direction of Arrival of Echoes from Nearby Short-Wave Transmitters," by K. G. Jansky and C. F. Edwards, Bell Telephone Laboratories, Inc., New York, N. Y.
4. "An Evaluation of Radio-Noise-Meter Performance in Terms of Listening Experience," by C. M. Burrill, RCA Manufacturing Company, Inc., Camden, N. J.

2:30 P. M.-4:30 P. M.

Technical Session, H. A. Wheeler presiding.

5. "Spurious Responses in Superheterodyne Receivers," by E. Kohler and C. Hammond, Ken-Rad Tube and Lamp Corporation, Owensboro, Ky.
6. "Intermediate-Frequency Values for Frequency-Modulated-Wave Receivers," by D. E. Foster and G. Mountjoy, Radio Corporation of America, License Division Laboratory, New York, N. Y.
7. "Signal-Noise Relations in High-Transconductance Tubes," by J. R. Nelson, Raytheon Production Corporation, Newton, Mass.
- 7½. "Improvements in B-Battery Portability," by H. F. French, National Carbon Company, Inc., Cleveland, Ohio.
8. "Magnetic Recording and Some of Its Applications in the Broadcast Field," by S. J. Begun, The Brush Development Company, Cleveland, Ohio.

Friday, January 10

10:00 A. M.

Registration

10:30 A. M.-12:30 P. M.

Technical Session, O. B. Hanson presiding.

9. "New 1-Kilowatt Television Picture Transmitter," by J. Ferguson, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.
10. "Versatile Multi-Channel Television Control Equipment," by D. E. Norgaard and J. L. Jones, General Electric Company, Schenectady, N. Y.
11. "New Designs of Television Control-Room Equipment," by J. Schantz and W. Ludwick, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.
12. "A Coaxial Filter for Vestigial-Sideband Transmission in Television," by H. Salinger, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.
13. "Three New Ultra-High-Frequency Triodes," by K. C. DeWalt, General Electric Company, Schenectady, N. Y.
14. "A recently Developed Circuit for the Generation of Power at U-H Frequencies," by A. L. Nelson, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.

2:30 P. M.-4:30 P. M.

Technical Session, F. R. Lack presiding.

15. "Radio-Frequency-Operated High-Voltage Supplies for Cathode-Ray Tubes," by O. H. Schade, RCA Manufacturing Company, Inc., Harrison, N. J.
16. "After-Acceleration and Deflection," by J. R. Pierce, Bell Telephone Laboratories, Inc., New York, N. Y.
17. "Analysis of Voltage-Controlled Electron Multipliers," by B. J. Thompson, RCA Manufacturing Company, Inc., Harrison, N. J.
18. "Behavior of Electron Multipliers as a Function of Frequency," by L. Malter, RCA Manufacturing Company, Inc., Harrison, N. J.
19. "The Orbital-Beam Secondary-Electron Multiplier for Ultra-High-Frequency Amplification," by H. M. Wagner and W. R. Ferris, RCA Manufacturing Company, Inc., Harrison, N. J.

Saturday, January 11

10:00 A. M.

Registration

10:30 A. M.-1:00 P. M.

Technical Session, President Terman presiding.

20. "Some Factors Affecting Television Transmission," by M. E. Strieby and C. L. Weis, Bell Telephone Laboratories, Inc., New York, N. Y.
21. "Brightness Distortion in Television," by D. G. Fink, McGraw-Hill Publishing Company, New York, N. Y.
22. "A Phase-Curve Tracer for Television," by B. D. Loughlin, Hazeltine Service Corporation, Little Neck, N. Y.
23. "Special Oscilloscope Tests for Television Waveforms," by A. V. Loughren and W. F. Bailey, Hazeltine Service Corporation, Little Neck, N. Y.

2:30 P. M.-4:30 P. M.

Technical Session, C. M. Jansky, Jr., presiding.

24. "Program-Operated Level-Governing Amplifier," by W. L. Black and N. C. Norman, Bell Telephone Laboratories, Inc., New York, N. Y.
25. "Drift Analysis of the Crosby Frequency-Modulated Transmitter Circuit," by E. S. Winlund, RCA Manufacturing Company, Inc., Camden, N. J.
26. "Frequency-Modulated Emergency Equipment," by G. M. Brown, General Electric Company, Schenectady, N. Y.
27. "Commercial 50-Kilowatt F-M Broadcast Transmitting Station," by H. P. Thomas and R. H. Williamson, General Electric Company, Schenectady, N. Y.

Further details concerning the Convention may be obtained by addressing Harold P. Westman, Secretary, Institute of Radio Engineers, 330 W. 42nd Street, New York City.

## NEW YORK TAX PROPOSAL

New York City stations were advised on December 10 that the Tax Department of the City of New York has under consideration assessing as real estate, for the fiscal year 1941-42, the operating equipment of radio, television and facsimile companies located within the City of New York. The proposed assessment would be made under alleged authority of the New York state real estate law. Because of industry-wide implications, Neville Miller has appointed a NAB committee to meet the problem.

The committee, made up of John V. L. Hogan, WQXR; Emanuel Dannett, WOR; Henry Ladner, NBC; Joseph Ream, CBS; and Harry C. Wilder, WSYR, will meet in New York on Friday, December 27, at 10:30 a. m. NAB counsel, Russell P. Place, will attend.

# FEDERAL COMMUNICATIONS COMMISSION

## RACETRACK RADIO

A month's search by the FCC for unlicensed radio equipment which broadcast "sure tips" to favored bettors while horse races were still being run was climaxed December 20 by the arrest of two men and the seizure of illegal apparatus at the Charles Town, W. Va., racetrack.

In early December Commission field men discovered that two portable transmitters were surreptitiously being put to such use. One transmitter concealed under the coat was employed by one of the men in the grandstand to communicate progress of the race to an accomplice in a rented tourist cabin near the track. The latter utilized the second set to flash the expected result to conspirators listening in at outside receiving stations. Under this system, some persons were able to make advantageous bets just before the results of the race were generally known.

The method of operation, as determined by Commission inspectors listening in, was this:

At the start of the race a person could be heard whistling on a certain radio frequency, followed by the words "Oh Johnny" repeated several times, and then a few bars from such songs as "Beer Barrel Polka" or "Maryland, My Maryland" would be sung. As the race neared the finish the voice would suddenly cut in with a number, repeated until the race was completed. Immediately after this number was spoken, a stronger signal on another frequency was observed to repeat the same number perhaps 10 or 15 times, followed by such commonplace expressions as "testing" or "testing for modulation", and finally the words, "that is all". On checking the race results it was obvious that the number in question referred to the number of the winning horse.

By the use of highly specialized equipment and technique, the party in the grandstand operating the transmitter concealed on his person was finally located. This transmitter was adjusted to an ultra-high frequency and the microphone extended down into the sleeve of the overcoat worn by the operator. To speak into the microphone, he merely raised his hand to the back of his neck and appeared to be conversing with his look-out companion, or shouting for his favorite horse to win. To allay suspicion, he carried a program and consulted it between races.

The grandstand tip-off man had a clear view of the tourist camp in which the high-powered transmitter was located, and received acknowledgments of the reception of his transmission by light signals flashed by the operator at the tourist cabin. On one occasion, the operator in



the grandstand remarked on the air that a clothesline obstructed his view of the light. This announcement enabled the inspectors to verify the exact cabin in the group where the presence of the high-powered radio transmitter had been previously located by a radio direction finder, even though the antenna was concealed. This transmitter was built into a trunk and when the lid was closed gave no semblance of a radio apparatus.

Arrests were made in cooperation with the West Virginia State Police and United States District Commissioner at Martinsburg, after evidence had been presented by members of the Commission's field operations section personnel—Charles Ellert, Supervisor of the Central Atlantic Monitoring Area; Assistant Monitoring Officer Earl M. Johnson, and Radio Operator Kenneth B. Menear.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are to be held before the Commission during the week beginning Monday, December 30, due to the holidays.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

#### January 30

##### Joint Hearing

- NEW—Paducah Broadcasting Co., Inc., Clarksville, Tenn.—C. P., 1370 kc., 250 watts, unlimited time.  
 NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., 1370 kc., 250 watts, unlimited time.

#### February 5

- WCSC—The Liberty Life Insurance Co. (Transferor), and John M. Rivers (Transferee), Charleston, S. C.—Transfer of control of South Carolina Broadcasting Co., Inc., 1360 kc., 500 watts night, 1 KW day, unlimited time.

#### February 6

- WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Voluntary assignment of license; 1270 kc., 500 watts, unlimited time, S-WASH.

#### February 12

- NEW—Herbert L. Wilson, Middletown, N. Y.—C. P., 1310 kc., 250 watts, unlimited time.  
 NEW—Community Broadcasting Corp., Middletown, N. Y.—C. P., 1310 kc., 250 watts, unlimited time.

#### February 14

- WJLS—Joe L. Smith, Jr., Beckley, W. Va.—C. P., 900 kc., 1 KW, unlimited time, DA-night. Present assignment: 1210 kc., 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no regular meeting of the Commission this week because of the holiday.

### MISCELLANEOUS

- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted authority to make changes in automatic frequency control apparatus.  
 WHP—WHP, Inc., Harrisburg, Pa.—Granted authority to install automatic frequency control apparatus.  
 WQXR—Interstate Broadcasting Co., Inc., New York City—Granted construction permit to move old Composite transmitter to site of new main transmitter, to be used as auxiliary transmitter, with power of 1 KW, for emergency purposes only.  
 WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243) authorizing increase in power and installation of directional antenna for night use, for extension of completion date to January 5, 1941.  
 WSLs—Roanoke Broadcasting Corp., Roanoke, Va.—Granted license to cover construction permit (B2-P-3018) which authorized installation of a new transmitter.  
 WGAC—The Twin State Broadcasting Co., Augusta, Ga.—Granted license to cover construction permit (B3-P-2891), authorizing a new station to operate on 1210 kc., 250 watts, unlimited time (B3-L-1292). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-607).  
 WTAQ—WHBY, Inc., Green Bay, Wis.—Granted license to cover construction permit (B4-P-2232), which authorized installation of new transmitter, changes in directional antenna system, and increase in power from 1 KW night, 5 KW day, to 5 KW day and night on 1330 kc. (B4-L-1242). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-499).  
 WING—WSMK, Inc., Dayton, Ohio.—Granted modification of license to change name of licensee from WSMK, Inc., to Great Trails Broadcasting Corp. (B2-ML-1040).  
 WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Granted modification of construction permit (B1-P-809), which authorized a new station to operate on 1210 kc., 250 watts, unlimited time, for authority to install new type transmitter and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B1-MP-1120).  
 WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted license to cover construction permit (B1-P-2712), which authorized installation of a new transmitter, directional antenna for night use, and increase in power to 5 KW, unlimited time, on 680 kc. (B1-L-1295-A). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-610).

The following stations were granted authority to determine operating power by direct measurement of antenna input:

WGNY, Newburg, N. Y.; WDEV, Waterbury, Vt.; WJCB, Hammond, Ind.; KRBC, Abilene, Texas; WAGA, Atlanta, Ga.; KGHL, San Angelo, Texas; WGY, Schenectady, N. Y.; WFOY, St. Augustine, Fla.; KIDO, Boise, Idaho; KBST, Big Springs, Texas.

WCSC—The Liberty Life Ins. Co., Transferor, and John M. Rivers, Transferee, Charleston, S. C.—Granted joint petition of transferor and transferee for continuance of hearing now scheduled for January 6, for a period of 30 days, in re application to transfer control of WCSC to John M. Rivers.

Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Granted petition for leave to amend application for new station so as to request frequency 1250 instead of 1370 kc., and 250 watts, daytime, instead of 100 watts, unlimited.

WGNY—WGNY Broadcasting Co., Inc., Newburg, N. Y.—Granted petition for permission to file applicant's appearance late in re application for construction permit to operate on 1370 kc., 250 watts, unlimited time.

- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.; WCAM—City of Camden, N. J.—Denied petitions to intervene in the hearing on applications for renewal of licenses of stations WCAM, WCAP and WTNJ, and the Commission on its own motion, consolidated these hearings.
- Paducah Broadcasting Co., Inc., Clarksville, Tenn.—Granted motion for continuance of hearing now scheduled for January 13 to January 30, in re application of Paducah Broadcasting Co., Inc., and Wm. D. Hudson & Violet Hutton Hudson for construction permits to operate on **1370 kc.**, 250 watts, unlimited time.
- KFI (Etc.), KOA—Clear Channel Group and National Broadcasting Co., Inc., Denver, Colo.—Referred to the Commission the petition to intervene in re application of WHDH, Matheson Radio Co., Inc., for construction permit to operate unlimited time on **830 kc.** with 5 KW, DA-night time for filing exceptions and request for oral argument extended to January 15. (Exception as to ruling on extension noted by counsel for WHDH insofar as applies to extension.)
- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.
- KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.
- WBBM—Columbia Broadcasting System, Inc., Chicago.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.
- WJAG—The Norfolk Daily News, Norfolk, Neb.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.
- WMBI—The Moody Bible Inst. of Chicago, Chicago, Ill.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted special temporary authority to rebroadcast U. S. Coast Guard Cutter Spencer transmissions from 8 to 8:45 p. m., EST, on December 22.
- WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted special temporary authority to operate from local sunset (January 5:45 p. m. EST) to conclusion of Rose Bowl football game on January 1, in order to broadcast said game only.
- WSUI—State Univ. of Iowa, Iowa City, Iowa.—Granted special temporary authority to operate with power of 5000 watts from 7:30 p. m. or commencement of basketball games to 9 p. m. or conclusion of games on January 3, 6, 11, 13, 20 and February 1, in order to broadcast Univ. of Iowa basketball games to greater listening area.
- WTAW—Agri. and Mech. College of Texas, College Station, Tex.—Granted special temporary authority to remain silent for the period December 22 to no later than December 29, because of difficulty in maintaining normal operating schedule due to holiday exigencies prolonged by influenza scare.
- WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Denied request for special temporary authority to operate simultaneously with WSAJ from 5 to 5:30 p. m. EST, December 22 and 29, in order to broadcast Mutual Broadcasting System program entitled "Wheeling Steel Makers".
- KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted modification of construction permit which authorized increase in power, move of transmitter and installation of new transmitter, for approval of antenna and approval of transmitter site at Ocean Drive, Corpus Christi (present licensed site and present antenna system), and installation of new transmitter (B3-MP-1121).
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 4:30 p. m. MST, on December 25, in order to broadcast Xmas programs as described in telegram received December 19.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (January 4:15 p. m. EST) to 4:45 p. m. EST, January 5, 19 and 26, in order to broadcast programs sponsored by the Massachusetts Federation of Music Clubs and from 4:15 to 6 p. m. EST, January 12, in order to broadcast proceedings of a testimonial banquet to be given Henry Tosczyloveski, Captain of Boston College football team only.
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 11:15 p. m., December 24 to 2 a. m. CST, December 25, in order to broadcast Christmas Eve services of St. Patricks Church of Eau Claire only.
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate with 100 watts from local sunset (December 4:45 p. m. EST) to 8 p. m., EST, December 22, 23, and from local sunset to midnight EST, December 24, in order to broadcast special Christmas programs only.
- WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from local sunset (December 4:15 p. m. EST) to 12:30 midnight EST, on December 24 and 31, in order to broadcast holiday programs only, upon condition that said programs be sustaining only.
- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS, with power of 1000 watts, from 7:25 p. m. to 9:25 p. m., January 2, 6, 11, 13, and from 7:55 to 9:55 p. m. CST, January 18, in order to broadcast basketball games described in letter of December 16 only.
- WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 4:45 to 5:45 p. m. CST, on January 5, 12, 19 and 26, in order to broadcast Old Fashion Revival Hour program only.
- KRLM—Royal Miller, Sacramento, Calif.—Granted special temporary authority to operate relay broadcast station KRLM on frequencies **1622, 2058, 2150, 2790 kc.**, 50 watts, crystal and frequency monitor to be installed, in order to relay broadcast dance music from the Sugar Bowl in the Sierra Nevada Mountains to radio station KROY from 7 to 7:30 p. m., PST, on December 20, 27, 1940, and January 3, 10, and 17, 1941.
- WAOG—New York State Conservation, Albany, N. Y.—Granted special temporary authority to operate portable radiophone forestry station WRAI on frequencies **31620, 35260, 37340 and 39620 kc.**, for the period December 28, 1940, to not later than January 27, 1941, as a relay broadcast station to relay programs from the Olympic Bobsled Run to standard broadcast station WNBZ.
- WNYC—City of New York, New York, N. Y.—Granted special temporary authority to operate from 6 p. m. to 6:45 p. m. EST (Sundays excepted) during the month of January, 1941, in order to broadcast official information to draft boards and registrants and programs sustaining audience therefor.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

- WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Authority to determine operating power by direct method.
- WGAN—Portland Broadcasting System, Inc., Portland, Maine.—License to cover construction permit (B1-P-2912) for new transmitter, changes in directional antenna for night use, change of frequency, increase in power and change hours of operation and use directional antenna day and night.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to transfer 50% of interest in corporation from Strawbridge and Clothier to Lit Bros., 7,100 shares common stock.

### 590 Kilocycles

- WKZO, Inc., Kalamazoo, Mich.—Construction permit to install a new directional antenna for night use.

### 610 Kilocycles

- WHKC—United Broadcasting Co., Columbus, Ohio.—Construction permit to use directional antenna day and night, change frequency from **640 to 610 kc.**, power and time from 500 watts limited to 1 KW unlimited, request Class III-B station, move transmitter to 13.5 miles to Columbus, Ohio. Request facilities WCLE. Amended: request that this application be contingent on grant of WCLE's application B2-P-2834 and that directional antenna be used at night only.
- WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction permit to install directional antenna for day and night use;



install new transmitter; change frequency and power from **610 kc.**, 500 watts, to **640 kc.**, 1 KW, time from daytime to limited time to local sunset, California; move transmitter; Class II station. Requests facilities WHKC. Amended to request **600 kc.**, unlimited time, equipment changes, changes in directional antenna for day and night use, omit request for WHKC's facilities, and request to move and for a new transmitter.

#### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to increase power from 30 KW to 50 KW and make changes in transmitting equipment for emergency purposes only.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-3058) for increase in power, and changes in auxiliary transmitter.

#### 710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to move studio from 131 Market St., Newark, N. J., to 1440 Broadway, New York, N. Y.

#### 890 Kilocycles

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to request **890 kc.**, 250 watts, daytime, and changes in equipment.

#### 920 Kilocycles

WWJ—The Evening News Assn., Detroit, Mich.—Modification of construction permit (B2-P-2880) for changes in equipment, increase in power, installation of directional antenna for night use, requesting approval of directional antenna.

#### 1010 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 10 KW; **990 kc.** under N. A. Agreement. Amended to install 10-KW equipment.

#### 1200 Kilocycles

KFXJ—R. G. Howell and Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Authority to determine operating power by direct method.

#### 1210 Kilocycles

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit to change frequency from **1210 kc.** to **580 kc.** (Class II-B); increase power from 250 watts to 1 KW; install a new transmitter; install directional antenna for night use; and move transmitter.

#### 1310 Kilocycles

WINX—Lawrence J. Heller, Washington, D. C.—License to cover construction permit (B1-P-2546) as modified for a new station (Main transmitter).

WINX—Lawrence J. Heller, Washington, D. C.—Authority to determine operating power by direct method (Main transmitter).

WCMI—Ashland Broadcasting Co., Ashland, Ky.—License to cover construction permit (B2-P-2742) as modified, for new antenna and move of transmitter.

KVIC—Radio Enterprises, Inc., Victoria, Texas—Authority to transfer control of corporation from Fred W. Bowen, Charles C. Shea, to Morris Roberts, 250 shares stock. Amended: to omit name of Charles C. Shea as one of transferors.

WINX—Lawrence J. Heller, Washington, D. C.—Authority to determine operating power by direct method (Amplifier).

#### 1320 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa—Modification of construction permit (B4-P-2726) for move of transmitter installation of directional antenna for night use, install new transmitter and increase in power, requesting changes in equipment.

#### 1330 Kilocycles

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa—Modification of construction permit (B4-P-2290) as modified for installation of directional antenna for night use and increase in power, requesting extension of completion date from 1-28-41 to 3-28-41.

#### 1340 Kilocycles

NEW—Ruben E. Aronheim, Fitchburg, Mass.—Construction permit for a new broadcast station to be operated on **1310 kc.**, 250 watts, unlimited time, Class IV station.

#### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install a new transmitter, increasing power from 500 watts, 1 KW Sunday to 5 KW, change hours from Share WSBT to unlimited time, install directional antenna for day and night use and move transmitter.

#### 1370 Kilocycles

KIUP—San Juan Broadcasting Co., Durango, Colo.—Authority to determine operating power by direct method.

#### 1410 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1410** to **860\* kc.**, increase power from 1 KW night,  $2\frac{1}{2}$  KW day, to 50 KW, move transmitter from Amarillo, Tex., to near Willton, Tex.

\*(Under NARBA.)

#### 1440 Kilocycles

KDFN—Donald Lewis Hathway, Casper, Wyoming—License to cover construction permit (B5-P-2849) for increase in power and changes in equipment.

#### 1500 Kilocycles

NEW—Lake City Broadcasters, Inc., Lake City, Fla.—Construction permit for a new broadcast station to be operated on **1500 kc.** (Class IV station), 250 watts, unlimited time.

KGKY—L. L. Hilliard, Ruth K. Hilliard and R. M. Stewart, d/b as Hilliard Co., Scottsbluff, Nebr.—Authority to determine operating power by direct method.

### FM APPLICATIONS

NEW—John Lord Booth, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **44100 kc.**; coverage: 4,400 square miles; population: 2,514,753. Amended to request **44100 kc.**; coverage: 6732 square miles; population: 2,901,908 and change type of transmitter and antenna changes.

NEW—Head of The Lakes Broadcasting Co., Superior, Wis.—Construction permit for a new high frequency broadcast station to be operated on **44500 kc.**; coverage: 2,754 square miles; population: 168,193.

### TELEVISION APPLICATION

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-30) as modified for a new television broadcast station, requesting extension of completion date from 12-13-40 to 2-13-41.

### MISCELLANEOUS

NEW—Capital City Broadcasting Co., Inc., Topeka, Kans.—Construction permit for a new broadcast station to be operated on **1170 kc.** (Class II station), 5 KW, daytime.

WEIX—Memphis Publishing Co., Portable-Mobile.—Construction permit to increase power from 5 watts to 22 watts and install new transmitter (already constructed under B3-PRE-352).

WEIX—Memphis Publishing Co., Portable-Mobile.—License to cover above construction permit.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

**Bengor Products Company**—Louis Gordon and Ben Gordon, trading as Bengor Products Company, 878 Broadway, New York, wholesale dealers engaged in the sale and distribution of miscellaneous merchandise, including cosmetics, perfumes, soap and other articles are charged in a complaint with misrepresentation.

In the course of their business, the complaint alleges, the respondents distribute catalogs and circulars by United States mails and other means in commerce, in which it is represented that various of their products have a retail price greatly in excess of the actual selling price at which such merchandise ordinarily and customarily is sold to consumers. The respondents' dental creams, represented as "60¢ size," actually are sold to the retail trade at 65 cents per dozen, and their "Powder and Perfume Combination," represented as retailing at 25 cents, is sold to retailers at 65 cents per dozen packages, according to the complaint.

Also typical of the acts and practices of the respondents, the complaint continues, are representations that certain items of merchandise are given free on various quantity purchases. The complaint declares that the respondents do not give any specified items of merchandise free, as the price of the so-called "free" items is included in the price of other articles of merchandise.

The complaint also charges that the respondents use such designations as "Dr. Sachs" and "Dr. Dade's" in the trade or brand name of their various products, by which they represent that the formula of the products has been prepared from a formula of a member of the medical or dental professions or that the products are made under the supervision and direction of a medical or dental practitioner. These products, the complaint alleges, are not so made.

The respondents also are charged with using the statement "Parfums. Jockey Club de Paris" to represent products wholly manufactured within the United States as being manufactured in France and imported into the United States.

Sale by the respondents of punch boards or lottery devices to dealers for their use in connection with the sale of merchandise, also is charged in the complaint. (4420)

**Charmete Cosmetic Laboratory**—Milton Boyle, Jr., and H. Sibner, operating under the firm names of Charmete Cosmetic Laboratory, Charmete Laboratory, and Charmete Laboratories, 730 Fifth Ave., New York, engaged in selling a drug product designated "Rx28," have agreed to cease representing that "Rx28" is a remedy for acne, pimples, blackheads and other skin blemishes, or that relief of any kind is assured or sure. Milton Boyle, Jr., and H. Sibner further agree to cease and desist from the use of the word "Laboratory" or "Laboratories" in their trade names, or from otherwise representing that they own, operate or control a laboratory. (02685)

**Entromul Company**—Thomas J. McBride, trading as The Entromul Company, 1655 Riverside Drive, Los Angeles, engaged in selling a medicinal preparation designated "Entromul," alleged to be of value in the treatment of various stomach and intestinal disturbances, in a supplemental stipulation has agreed to discontinue representing that an overdosage of his preparation can have no harmful effects; that use of the preparation will have a beneficial influence on an excess acid condition of the bowels or colon; will help maintain the alkaline-acid balance of the body; that it will eliminate putrefactive germs found in the intestines, or that the preparation has any significant value in the treatment of simple mucous colitis; is capable of providing a protective

dressing to the mucous membrane lining of the stomach, or that it is a corrective or is a lasting relieving agent. The stipulation is supplemental to one accepted by the Commission in February, 1937, the terms of which are still in effect. (01665)

**Field Herbs**—G. W. Bodine, trading as Field Herbs, 10353 South Peoria St., Chicago, has agreed to cease representing that his product "Herbs" is of any value whatsoever in the treatment of coughs, colds, asthma, nervousness, diabetes or heart trouble, or that it is a competent treatment or effective remedy for affections of the kidneys, bladder or intestines. (02686)

**Hy-Phen Corporation**—A complaint has been issued charging Hy-Phen Corporation, Matoaka, W. Va., successor to Bradley's Laboratory, Inc., with misrepresentation in the sale of "Hy-Phen," a medicinal product.

In newspaper, radio and other types of advertising matter circulated in commerce, the respondent, according to the complaint, represented that its preparation will prevent, and is a cure or remedy for colds; that it is a competent and effective treatment for toothache, earache, neuralgia, twitching nerves, after extraction pains, aching muscles, rheumatic pains, and women's periodic pains, and will relieve the pain attendant on such conditions more quickly and longer than any other preparation. The respondent further represented, according to the complaint, that its product is safe for use.

The complaint charges that the use of the preparation will not accomplish the results claimed; that its therapeutic properties are limited to that of an analgesic only affording temporary relief from painful symptoms, and having no curative action on underlying factors that cause pain; that its ingredients are similar to those found in many like preparations; that its effectiveness in treating the conditions enumerated is limited to furnishing temporary relief to the symptoms of pain in some instances, and that it would have no therapeutic value in treating such conditions as migraine headaches, infectious diseases, headaches due to infection, pains due to abscessed teeth, or pains resulting from pressure on nerves.

Because of the existence of acetophenetidin, caffeine and hyoscyamus in the respondent's preparation, its administration is not entirely free from danger, the complaint alleges. (4418)

**Merchandise Sales Syndicate**—Use of lottery methods in the sale of smoking pipes, jewelry, fountain pens and other merchandise, is alleged in a complaint issued against Ewen Cameron, trading as Merchandise Sales Syndicate, 2738 North Sheffield Ave., Chicago.

The respondent, according to the complaint, sells to dealers certain assortments of merchandise so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme, when the merchandise is sold to the consuming public. Pull-card devices are used, the complaint alleges.

Charging that the respondent's practices have been of a sort which are contrary to Federal Government public policy and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4417)

**Ozon Chemical Company, Inc.**, also trading as Duncan Chemical Co., 607 Del Monte Way, St. Louis, engaged in selling and distributing a medicinal preparation designated as "Duncan's Ozon," is charged, in a complaint with misrepresentation.

The complaint charges that in advertisements in newspapers and by other means in commerce, the respondent has represented that the preparation constitutes a cure or remedy and a competent and effective treatment for colds, coughs, sore throat, athlete's feet and poison ivy; is an effective preventive of colds, coughs, and sore throat, and that the preparation is recommended by physicians generally and is in general use in hospitals.

The complaint charges that the respondent further represents that it manufactures or compounds the preparation.

The complaint alleges that the preparation is composed principally of pine oil and is of no substantial therapeutic value in either the treatment or the prevention of any of the ailments or conditions mentioned; that it is not recommended by physicians generally, nor is it in general use in hospitals, and that the respondent does not manufacture or compound the preparation, but obtains it from other sources. (4421)



**Peggie Moran Company, Inc.**, and Irene Johnston, Inc., engaged in the sale and distribution of a soap product allegedly possessing reducing properties, are charged in a complaint with misrepresentation of the product.

Peggie Moran Company, Inc., 1729 $\frac{3}{4}$  North Wilcox Ave., Hollywood Calif., is engaged in the sale and distribution of a soap product sold under the trade name "Peggie Moran Savon," formerly sold under the name "Peggie Moran Deluxus". Irene Johnston, Inc., operates a permanent wave and beauty salon at 811 West 7th St., Los Angeles, and sells the Peggie Moran product.

In advertisements in newspapers, the complaint continues, representations have been made such as:

#### WANT TO REDUCE?

No diet! No exercise! Use Peggy Moran soapy lather on fatty spots a few minutes daily at home. Easy! Quick! Sane! The results will amaze you. Ask us about Peggy Moran Deluxus at \$2 per bar. Mail orders invited.

IRENE JOHNSTON

5th Floor

811 W. 7th St.

In advertising literature and other representations, the complaint continues, the respondents have represented that the preparation is in fact a reducing soap and that its application to the fatty portions of the body will cut down the measurements thereof and will cause one to reduce at those portions of the body where applied; will cause one to become slender; that it will "wash away" pounds and cause superfluous flesh to disappear without resort to a diet or exercise, and that it will give one a new figure. These representations, the complaint charges, are misleading and deceptive, as the product will not accomplish the aforesaid results and does not contain or possess any reducing properties or ingredients. (4415)

**Joseph Warner Furniture Corporation**, 42 East 33rd St., New York, engaged in the distribution of household furniture, and operating so-called dealer or trade showrooms at that location under the name "Salem House", is charged in a complaint with misrepresentation of its products.

The complaint charges that in various forms of advertising in commerce and by personal statements of its representatives, the respondent has represented itself to be a wholesaler of furniture and that it is in fact selling furniture at wholesale prices. As part of its plan, the complaint alleges, the respondent has circulated circular letters and so-called "Admittance Permit" cards containing the following statements and claims:

"We are furniture distributors representing over 100 different factories. We stock every possible furniture need in a very wide price range to suit the requirements of thousands of dealers and interior decorators, and their referred clientele. A substantial money saving, quality for quality, is assured you."

#### "ADMITTANCE PERMIT

To the Trade Showrooms of the

JOSEPH WARNER FURNITURE CORP."

To persons and business concerns which, for a commission, the complaint alleges, would refer customers to the respondent, the respondent furnished circulars to be shown to prospective customers, which read in part as follows: "Salem House—Authorized Member."

The complaint charges that the respondent contacted various persons and smaller business concerns and made agreements to pay them commissions on sales to customers contacted by or sent to the respondent by such persons and concerns. Its salesmen and representatives at its place of business, the complaint continues, hesitated or refused to show furniture to prospective purchasers unless they gave their dealer's name or presented a so-called admittance card from some person or concern with whom the respondent had made an agreement for the payment of commissions on sales to such customers. The respondent's salesmen and representatives are alleged to have stated to retail customers who came to its place of business that the prices quoted to them were in fact wholesale prices, when in fact they were discounts and reductions from exaggerated prices marked on its furniture, and were substantially higher than the wholesale prices.

These acts, practices and methods, the complaint charges, are part of and constitute a plan or scheme to mislead and deceive purchasers into the belief that they are buying at wholesale prices. (4416)

**Core Lee Wiley**, Adol, Ga., engaged in the sale and distribution of a medicinal preparation designated at "SNL (Suffer No Longer)," is charged in a complaint with misrepresentation of the product.

The complaint charges that through the United States mails and by various other means in commerce, the respondent has represented that her medicinal preparation is a cure or remedy for various diseases and disorders of the female organs, and constitutes a competent and effective treatment for such conditions.

The complaint alleges that these representations are false and misleading; that the preparation is not a cure or remedy for such disorders and diseases and has no therapeutic value in their treatment. The complaint charges that the preparation is made up of an indiscriminate combination of drugs, which, in the proportions used and the methods of use, has no basis in medical science. (4419)

#### STIPULATIONS

No stipulations were issued by the Commission during the week.

#### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Arlington Sales Company**—Samuel H. Koolish, trading as Arlington Sales Company, 210 West Eighth St., Kansas City, Mo., has been ordered to cease and desist from using lottery methods in the sale of radios, flashlights, clocks and other merchandise.

The Commission order directs the respondent to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other devices, which may be used in selling or distributing merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or transporting to agents, distributors, or the public, such devices so prepared or printed that they may be used in the sale of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; or selling or otherwise disposing of any merchandise by the use of such devices. (4180)

**Chilton Greetings Company**—Herman Chilton, trading as Chilton Greetings Company, 147 Essex St., Boston, has represented in advertisements in newspapers and magazines: "21 lovely Christmas Folders of irresistible beauty, appeal and charm. Fastest seller out at \$1 retail—you make 100% profit! Also 9 other Box Assortment leaders to boost earnings. Free Sample Offer!"

Upon request for the free samples mentioned in the advertisements, the Commission finds, the respondent sends a folder containing such samples, and in addition thereto, sends a box of greeting cards accompanied by an invoice upon which is imprinted the following statement:

"This sample Blue Ribbon Christmas Folder Assortment is sent to you 'on approval' so you may get started taking orders at once.

Special Free Sample Offer.

This memorandum bill will be cancelled if you return it to us with your first order for 12 or more Blue Ribbon Christmas Assortments within 15 days from the time this bill is received. This sample box will then be yours free. \* \* \*" (4313)

**Crazy Water Company**, Mineral Wells, Texas, and four of its executives, have been ordered to cease and desist from misrepresentations concerning their products, recommended as a treatment for certain ailments and sold under the trade designations "Crazy Mineral Water," "Crazy Water Crystals" and "Crazy Fiz."

The four executives named respondents are: Carr P. Collins, H. H. Collins, M. W. Woodall and J. A. Pondrom, individually



and as chairman of the board, president, secretary and treasurer, respectively, of the Crazy Water Company.

The Commission finds that in advertisements in newspapers, circulars, radio broadcasts, and other media in commerce, the respondents have represented that the mineral waters and derivatives thereof, which they sell, will cure or are beneficial in the treatment of many diseases of the alimentary tract, the urinary tract, kidneys and gall duct, and kindred diseases and ailments; that constipation and "faulty elimination" are the causes of, and associated with, numerous ailments, afflictions, and conditions enumerated by them, and that the respondents' products possess beneficial, therapeutic properties with respect to curing and effectively treating constipation and "faulty elimination" and therefore the ailments enumerated.

The Commission finds that the products possess no therapeutic value in excess of those of a cathartic or laxative, plus a tendency to temporarily neutralize excess gastric acidity, and serve no other purpose than to assist in the temporary evacuation of the intestinal tract and to tend to temporarily neutralize excess gastric acidity.

The respondents are ordered to cease and desist from representing that their products are a cure or remedy for certain diseases, or symptoms of diseases, of the alimentary tract, and certain conditions involving the urinary tract, kidneys and gall duct, or constitute an effective treatment therefor in excess of the extent to which the product, by temporarily relieving constipation and gastric acidity, may be beneficial in treating such disorders when constipation and gastric acidity are contributing factors; and that such diseases or symptoms are necessarily caused by, or associated with, or that the respondents' products are a competent treatment for, constipation, faulty elimination, or excess gastric acidity.

The Commission order also directs the respondents to cease representing that such products possess any therapeutic properties beyond those of a cathartic or laxative and as an antacid with a tendency to temporarily neutralize excess gastric acidity; or are a cure, remedy, for, or possess any beneficial therapeutic properties in the treatment of, urticaria, cirrhosis of the liver, chronic metritis, parametric exudations; diabetes mellitus, gravel and calculous concretion in the bladder and gall duct; fevers, toxic conditions, typhoid, influenza, anaphylaxis, nephritis, pyelitis, catarrhal jaundice, cholecystitis, Bright's disease, kidney trouble, obesity, irregularities of the liver, gall duct and bladder, rheumatism, arthritis, neuritis, high blood pressure, acidosis, lumbago, gout, poisonous system, affected vision, colds, scarlet fever, aching joints, and numbness of limbs, and that these ailments and conditions are caused by, or generally associated with, excess gastric acidity or constipation. (4314)

**R. H. Laird Company**—Rose Helen Kingstone, trading as The R. H. Laird Company and as Rose Laird, 785 Fifth Ave., New York, engaged in selling cosmetic preparations designated "Rose Laird's Greaseless Lubricant, Protective Face Lotion, Overnight Cream, and Liquid Facial Soap", agrees to cease representing that the products, alone or in combination, will correct blemishes or other skin ills, conditions or problems, or will enable one to acquire or keep a clear skin, or will enable persons to free themselves from a problem skin; that by use of the products, alone or in combination, one will not have bumpy skin, excess oil, eruptions, coarse pores or blackheads, or that such conditions will be cleared by the separate or combined use of the products. (02683)

**Nix Cosmetics Company**—P. Edwards, operating under the trade name of The Nix Cosmetics Company, 1668 Monroe Ave., Memphis, Tenn., engaged in selling a cosmetic preparation designated "Nix Deodorant Cream", has agreed to cease representing that the application of the product stops the flow of perspiration or stops perspiration odor for days; that Nix affects perspiration or perspiration odors in a new way, or in a way different from that of other preparations, or that Nix neutralizes or has any other substantial effect upon perspiration acids. P. Edwards further agrees to cease and desist from representing, by the use of a misleading headline, or otherwise, that any girls are "wanted", or from otherwise representing, importing or implying that he has any employment to offer. (02688)

**Phillips Card Company**—Walter P. Phillips, trading as Phillips Card Company, 50 Hunt St., Newton, Mass., according to Commis-

sion findings, has represented, in advertisements in newspapers, magazines, and circular literature:

"Take advantage of our liberal, below cost sample offer to secure your samples at special money-saving prices."

Upon request for the "free samples" mentioned in other advertisements, the findings continue, the respondent sends a folder, containing 10 Christmas cards of various designs so marked with matter printed thereon as to be used for display samples. In addition, however, he sends a "Supercraft" assortment of 21 Christmas cards, unmarked and suitable for use, together with an invoice upon which is imprinted, among other things:

#### "WE WILL CANCEL THIS INVOICE

if you order 12 or more Boxes of our Supercraft—21 Card Assortment within 15 days after you receive the Sample Assortment. After 15 days, since the Sample Box is sent on approval, your remittance must be sent to us or the box returned." (4311)

**A. Sartorius and Company, Inc.**, trading as Plat-Num Perl Laboratories, 80 Fifth Ave., New York, engaged in the sale and distribution of manicure products, has been ordered to cease and desist from certain misrepresentations of its products.

The Commission finds that the respondent has made false and misleading representations in commerce with respect to its nail polish remover. Typical of these representations is the descriptive statement "Plat-Num Olive Oil Compound Nail Polish Remover for drv brittle nails".

The Commission finds that the quantity of olive oil contained in the product is negligible; that the product cannot truthfully be represented as an olive oil product, and that the olive oil content is so small as to be incapable of relieving or improving to any appreciable extent the condition of dry, brittle nails.

The respondent also has represented, the findings continue, that "Plat-Num Nail Protector \* \* \* encourages growth \* \* \* strengthens nails", while in truth the use of the product does not stimulate or encourage the growth of the nails or serve to strengthen them.

The respondent is ordered to cease and desist from disseminating any advertisement in commerce which represents that the preparation "Plat-Num Olive Oil Compound Nail Polish Remover" will relieve or improve the condition of dry, brittle nails or that the preparation "Plat-Num Nail Protector" stimulates the growth of the nails or strengthens the nails. The respondent is further ordered to discontinue using the words "Olive Oil" or any other words of similar meaning to designate, describe or refer to the respondent's cosmetic preparation now designated "Plat-Num Olive Oil Compound Nail Polish Remover" or otherwise representing that the preparation contains any substantial amount of olive oil. (3966)

**Thomas Management Corporation**, the Paul A. Thomas Trust, and 6 individuals, all of Chicago, distributors of cosmetics and medicinal preparations for the treatment of the hair and scalp, through their retail stores located in various cities from coast to coast, are charged, in a complaint with misrepresentation.

Other respondents named in the complaint are Paul A. Thomas, Sr., Catherine M. Thomas, and Norbert J. Thomas, officers of the corporation and trustees of the trust; Paul A. Thomas, Jr., officer of the corporation; and Ruth and Madeline Thomas, individuals.

All of the stock of the corporation, the complaint charges, is owned by Paul A. Thomas Trust. The respondent corporation or different individual respondents, either individually or as partnerships, operate stores under the name "The Thomas" in New York, Chicago, San Francisco, and some 25 other cities in various parts of the country.

The complaint charges that the respondents sell their preparations for external use through: (1) extensive advertising to the effect that they can diagnose and cure scalp trouble, stop falling hair, and regrow hair, inducing persons to come to their places of business where the various preparations are administered and sold; and (2) sale of their "Home Treatment Kits" assortments containing the same cosmetic preparations which are administered by the purchasers themselves.

In advertisements in newspapers and periodicals, by radio continuities, and advertising literature distributed in commerce, the complaint charges, representations are made such as:



"World's Leading Hair and Scalp Specialists—  
Forty-Five Offices"

—  
"WHY BE BALD?"

"SEE THOMAS TODAY"

"Modern science has made it unnecessary for any man to fear baldness. It is known that baldness results from one or more of 14 local scalp disorders. Thomas experts recognize each of these 14 conditions and adapt the reliable, proved Thomas treatment to overcome the ones which are specifically causing your loss of hair. \* \* \*

"Within a remarkably short time after you start Thomas treatment your dandruff disappears, hairfall stops, and new hair starts to grow on the thin and bald spots."

The complaint alleges that the respondents thus represent, directly and by implication, that the preparations constitute a cure or remedy for dandruff, and an effective treatment for all forms of dandruff and itching scalp; that they have therapeutic properties effective in destroying the germ causing dandruff; that their use will stop abnormal loss of hair, cause new hair to grow, promote normal growth of hair on thin or bald spots, revive hair growth, and prevent, cure and effectively treat baldness.

The complaint charges that the respondents' products do not

constitute a cure or remedy for dandruff or an effective treatment for dandruff or itching scalp in excess of furnishing temporary relief from symptoms of itching and the temporary removing of dandruff scales; that the preparations, while having some therapeutic and germicidal qualities, will not destroy the germ which allegedly causes dandruff; that the preparations have no therapeutic properties effective in causing new hair to grow; that their use will not stop the abnormal loss of hair or promote normal hair growth, and that the preparations have no therapeutic value in treating baldness.

The respondents are alleged further to represent that the internal use of their preparations "Trichovita" and "Trichotone" are effective in stimulating hair growth, when such are not the facts. (4422)

#### FTC CASE CLOSED

The Federal Trade Commission has closed its case against Roy Thompson trading as T. A. Reynolds & Co. and as Thomas Rey Company, and against Roy Thomson and Glenn Brown, trading as Jean Lowe Cosmetic Company, Olney, Ill., without prejudice to its right to resume proceedings, should future facts so warrant.

The respondents had been charged with unfair representations in the sale of toilet preparations, cosmetics and flavoring extracts.

According to information received by the Commission, the respondent Thomson is serving a sentence of four years on a charge of using the mails to defraud, and the respondent Brown is deceased.













