

Appeals Court Ruling Supports FCC's Booster Jurisdiction

FCC's jurisdiction over unlicensed tv boosters was affirmed by U. S. Court of Appeals in Washington Friday, but court remanded Bridgeport, Wash., case because Commission also is required to provide for service. That is gist of unanimous three-court ruling, including concurring opinion by one judge.

Case involved unlicensed booster operated in mountain region of Washington, relaying on-channel Spokane vhf signals. Commission began proceedings to issue cease and desist order, but examiner upheld right of booster to operate since no interference proved, and public interest was served. Commission reversed examiner, said unlicensed station must cease operating. Case was argued in appeals court last June.

Decision, written by Circuit Judge John A. Danaher, declared that while Communications Act gives FCC control, it also calls for issuance of appropriate licenses so "all the people" can receive service. Since Bridgeport proceedings, FCC has established translator service, permitting low power, unattended repeater service on uhf bands. There are now about 50 translators authorized and about same number still in application form.

A legal point involving FCC's right to issue or withhold issuance of a cease and desist order was clarified by Judge Danaher. He ruled that FCC may withhold issuance of cease and desist order even though it finds violation to have taken place.

Joining Judge Danaher were Circuit Judges George T. Washington and Walter M. Bastian. Judge Washington wrote concurring views.

Two Strike Actions Authorized By AFTRA Hollywood Members

HOLLYWOOD membership of American Federation of Radio & Television Artists has authorized strike action against Los Angeles area stations in event negotiations fail to produce satisfactory new contract to replace one which expired Tuesday.

Board also was authorized to take strike action against phonograph recording companies in case of breakdown in negotiations now being carried on in New York.

PHILBRICK WASN'T DELICATE

WHERE international power politics is concerned, it pays to be politic: Ziv Television Programs reported Friday that Rediffusion Hong Kong Ltd., operator of commercial tv station in Hong Kong, bought ten programs to start on outlet last Wednesday. Included in group was anti-communist series, *I Led Three Lives*. Station operators realized that start of programs coincided with May Day, which was to be celebrated on nearby Communist China mainland. Considering situation "delicate," station officials asked Ziv Tv to substitute "something innocuous." Ziv Tv complied—and station programmed *Meet Corliss Archer* teen-age series on May Day.

Aiken Scores FCC Proposal To Take Ch. 6 From Schenectady

FCC's pending move of ch. 6 from Schenectady, N. Y., to Syracuse, N. Y.—proposed by Commission last February as part of its deintermixture plans for Albany-Schenectady-Troy area—has aroused opposition of Sen. George D. Aiken (R-Vt.).

Speaking to Senate, Sen. Aiken charged removal of vhf channel (now occupied by General Electric's WRGB [TV] Schenectady) would withdraw tv service from more than 120,000 people living in Vermont, New York and Massachusetts. Sen. Aiken also bared correspondence with FCC Chairman George C. McConnaughey, in which FCC chairman explained deintermixture proceedings, and also held out hope that there will be many uhf outlets activated.

Move of ch. 6 has already been protested by General Electric Co. and Montgomery County, N. Y., board of supervisors. As part of Schenectady-Syracuse switch, ch. 6 will be allocated to New Haven, Conn. (as substitute for WNHC-TV's ch. 8), and ch. 8 will be assigned to Providence-Fall River-New Bedford area.

Malco Theatres Files Bid For Oklahoma City Ch. 19

MALCO THEATRES Inc., which earlier in the week applied for uhf channels in Kansas City and Davenport, Iowa (see page 80), Friday asked for ch. 19 Oklahoma City. Application proposed 22.85 kw, antenna 359 ft. above average terrain (atop the downtown Skirvin Tower Hotel). Construction costs estimated at \$135,647 with \$140,000 estimated for first year operation expense.

Ch. 19 Oklahoma City formerly held by KMPT (TV), which was on air for approximately one year but returned cp in 1955. Malco also has application pending for ch. 40 Columbus, Ohio.

Application for ch. 3 Lafayette, Ind., also filed Friday by consulting engineers Dawkins Espy and Thomas B. Friedman. They asked for 0.94 kw, antenna 131 ft. above average terrain and estimated construction costs at \$72,486 with \$105,000 for first year operation. Mr. Espy owns 25% of KAIR Tucson, Ariz., and Mr. Friedman has served as chief engineer for several radio and tv stations. Both partners live in California.

Burke Dowling Adams Gets S-P

APPOINTMENT of Burke Dowling Adams, Atlanta, New York and Montclair, N. J., as agency for Studebaker-Packard made official Friday by Harold E. Churchill, president of Studebaker-Packard Corp. Agency will handle budget, reportedly near \$5 million, for S-P line and for Mercedes-Benz automobiles to be distributed in U.S. by S-P in agreement with Curtiss-Wright (story page 56).

Mankato-Brainerd Shift Asked

KNUJ New Ulm, Minn., Friday asked FCC to shift ch. 12 from Mankato, Minn., to Brainerd, Minn. Petitioner pointed out that there are no applications pending for channel in Mankato and that it will apply for ch. 12 if shifted to Brainerd.

• BUSINESS BRIEFLY

Late-breaking items about broadcast business; for earlier news, see ADVERTISERS & AGENCIES, page 31.

WAXING WESTWARD • Continental Industries (Gripkote wax), Brazil, Ind., currently in Miami, Tampa, Orlando and Dallas, making plans for west coast invasion this fall using eight-week radio-tv saturation spot campaign in unspecified number of markets. Product Services Inc., N. Y., is agency.

SUNTAN LOTION DRIVE • Revlon Products and Shulton Inc. lining up suntan lotion campaigns with Revlon's Sunbath set for seven-week campaign in 30 markets starting last week in May and Shulton's Bronz-Tan going into 20 markets with four-week campaign May 24. Shulton also has bought strip of two-week availabilities in those markets for October and December which will probably be used for Old Spice line. Revlon campaign being placed by Dowd, Redfield & Johnstone and Shulton's through Wesley Assoc., both N. Y.

CLEAN SWEEP • American Tobacco Co. (Pall Mall cigarettes), N. Y., after eight years of sponsoring *The Big Story* on NBC-TV (Fri., 9:30-10 p.m.), will drop it and is looking for another show. Advertiser will stay on NBC-TV Friday nights moving up to 9-9:30 slot, while relinquishing other time to Campbell Soup Co. Pall Mall also will drop alternate-week sponsorship of *Navy Log* on ABC-TV (Wed., 8:30-9 p.m.) and is looking for another time segment and show. Sullivan, Stauffer, Colwell & Bayles, N. Y., is agency.

READY TO BUY 'KANE' • P. Lorillard Co., N. Y., on verge of signing large regional transaction with Ziv Television Programs to sponsor *New Adventures of Martin Kane* in more than 50 markets to promote its new package design for Old Gold cigarettes. Company additionally is planning radio-tv spot campaign for Old Gold. Agency is Lennen & Newell, N. Y.

LOVABLE CAMPAIGN • With Lovable Brassiere Co. ready to spend over \$400,000, its agency, Dowd, Redfield & Johnstone, New York, scouting for participations in local women's tv programs in New York, Boston, Chicago, Miami, St. Louis, Washington, San Francisco and Los Angeles.

CANINE CAMPAIGN • Also keen on women's programming is Corn Products Refining Co.'s Kasco dog food which today (Monday) launches seven-week daytime radio-tv spot campaign on 75 stations in 65 markets. Agency is Donahue & Coe, N. Y.

PROGRAM, PLEASE • Bulova Watch Co., New York, which drops *Jackie Gleason Show* on CBS-TV at end of this season, is still in market for another program on any network. If it fails to get program and time period it wants, advertiser may turn to spectaculars in addition to time signals in spot radio and television. McCann-Erickson, N. Y., is agency.

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