

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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STATE OR MUNICIPAL TAXATION OF BROADCASTING

Section 1. All broadcasting is exclusively interstate commerce.

Federal regulation of radio communication, including broadcasting, under the Radio Act of 1927 as amended and the Communications Act of 1934, is based on the assumption that radio communication is a form of interstate commerce.

This assumption has been consistently maintained by the courts. In the early days of Federal regulation under the Act of 1927, efforts were made to attack the constitutionality of the law, on the ground either that radio communication was not commerce or that some forms of radio communication were not interstate. In no case, however, did the courts sustain either of these contentions, and the constitutionality of the Radio Act of 1927 and the Communications Act of 1934 has never been challenged in any court decision.

Furthermore, Federal regulation of radio communication, including broadcasting, is predicated on the assumption that all radio communication is interstate commerce. No form of radio transmission is permissible under the law except by virtue of a license issued by the Federal government. No one may claim the right to operate any sort of an unlicensed radio station, no matter how low its power or limited its range, on the ground that its operation does not constitute interstate commerce.

For this there are two reasons. The first is that, irrespective of the amount of power used, the range of the electrical impulses sent out from any sort of a radio transmitter is theoretically unlimited. Even though the signal may become largely inaudible within a few miles of the transmitter, the electrical impulses may, and in fact do, travel indefinitely far beyond the audible range, and thus, by passing over state lines, cause interference with radio commerce in other states. The second reason is that the operation of any type of radio transmitter may and often does create interference in the neighborhood of the transmitter with signals coming in from stations located in other states.

There is not, and the courts have never sought to make, any inherent difference between broadcasting and other forms of radio communication so far as their interstate character is concerned. The requirement of a Federal license applies equally to the broadcaster and the point-to-point station, the amateur operator and the airplane, the sender of radio telegraph code messages and the transmitter of radio telephony. Whatever the purpose of the transmission, and whether the power used is five watts or fifty thousand, Federal regulation is enforced, and its necessity has been perfectly apparent to the courts.

As applied to radio broadcasting, and above all to commercial broadcasting, in which it is necessary to use sufficient power to deliver a relatively clear audible signal, the minimum power output for which broadcasting stations are licensed is sufficient to send not only the electrical impulses but also the audible signals across state lines. Even the smallest broadcasting station regularly receives reports of reception from states other than the one in which it is located. Thus, so far as broadcasting is concerned, all transmission is interstate in character not only by reason of the range of the electrical impulses but also because of the range of the audible signals.

Furthermore, it is impossible to segregate as not constituting interstate commerce any of the various activities which combine to make up radio transmission. In the case of broadcasting, some confusion has been created by the general but wholly inaccurate use of the word "time," as applied to the operation of a particular station. Advertisers are commonly said to purchase "radio time," and "time" is allotted to programs of a non-commercial character. Of course, time is not the commodity actually purchased or allotted; it is simply a measure of one part of the value of that commodity. What the broadcaster actually sells or allots is the right to modulate, for a certain length of time, the electrical impulses which are being continuously sent out from the transmitter on a certain fixed

radio frequency. Every single one of these continuous electrical impulses transcends state lines, regardless of the specific use to which it may be put.

The equipment of the broadcasting station, its transmitter, its studios and microphones, its operating and program staff, its sales organization, all exist for the purpose of sending out and modulating this continuous stream of electrical impulses in interstate commerce. There can be no question, as with telephone or telegraph transmission or railroad transportation, of a certain volume of activity that can be definitely segregated as intrastate. Even though a radio advertiser may have not the slightest interest in sending his sales message beyond the limits of a single state or even a single city, he cannot in the slightest degree restrict or interfere with the continuous flow of electrical impulses in interstate commerce.

That, in exercising its regulatory power, the Federal government must exercise control over all radio stations, considering each one as part of a nationally integrated system, was brought out by the Court of Appeals of the District of Columbia in *Technical Radio Laboratory v. Federal Radio Commission*, 36 Fed. (2d) 111. The court said:

"It may be added that the authority of Congress to regulate radio communication as a species of interstate commerce necessarily implies the right of reasonable regulation to control in the public interest the number, location and activities of the broadcasting stations of the country as an integral system, and such control must necessarily at times involve the right of reasonable restriction and *pro tanto* prohibition."

That there can be no such thing as purely intrastate radio transmission, no matter what the intent of the person operating the transmitter may be, was stated by the Kentucky District Court in *Whitehurst v. Grimes*, 21 Fed. (2d) 787. In this case the court said:

"Radio communications are all interstate. This is so, though they may be intended only for intrastate transmission; an interstate transmission of such communications may be seriously affected by communications intended only for intrastate transmission."

The fact that radio transmission is not and cannot be confined by state lines was stated by the Supreme Court of the United States in *Federal Radio Commission v. Nelson Bros. Bond & Mortgage Co. (Station WIBO)*, 289 U. S. 266. In this case the Court said:

"No question is presented as to the power of the Congress, in its regulation of interstate commerce, to regulate radio communications. No state lines divide the radio waves, and national regulation is not only appropriate but essential to the efficient use of radio facilities."

The fact that radio communication is carried on without any material connection across state lines, as in the case of telephone and telegraph lines or railroad tracks, does not in any way alter its character as interstate commerce. This was pointed out by the Court of Appeals of the District of Columbia in *Trinity Methodist Church, South v. Federal Radio Commission*, 62 Fed. (2d) 850. The Court said:

"We have already held that radio communication, in the sense contemplated by the Act, constituted interstate commerce. And we do not understand it is contended that where, as in the case before us, there is no physical substance between the transmitting and the receiving apparatus, the broadcasting of programs across state lines is not interstate commerce, and, if this be true, it is equally true that the power of Congress to regulate interstate commerce, complete in itself, may be exercised to its utmost extent, and acknowledges no limitation other than such as prescribed in the constitution."

A similar statement was made by the Circuit Court of Appeals, 9th Circuit, in *Duncan v. United States*, 48 Fed. (2d) 128. In this case the Court held:

"It is conceded by the appellant, as it must be, that the conveyance of ideas across the boundaries of the state of origin to other states in the United States is interstate commerce, and is analogous to the transmission of such ideas by telephone or telegraph."

The specific point that all radio communication, without exception, is interstate commerce, was clearly brought out in the decision of the District Court for the Eastern District of South Carolina in *WBT, Inc., v. Poulnot*, 46 Fed. (2d) 671. In this case, involving a tax on radio receiving sets, the Court held:

"There can be no doubt that communications by radio constitute interstate commerce. It has been so held by numerous courts, and the decisions of the Supreme Court of the United States defining interstate commerce necessarily lead to that conclusion. * * * The plaintiff contends that all radio communication is necessarily interstate, and in the present state of the art, this appears to be correct."

The fact that Federal regulation of radio communication as interstate commerce must necessarily embrace every phase of radio operation was emphasized by the District Court for the Northern Division of Illinois, Eastern District, in *United States v. American Bond and Mortgage Co. et al.*, 31 Fed. (2d) 448. The Court in this case said:

"Radio waves travel for great distances into other states and foreign countries. * * * It is apparent from the description of radio broadcasting which has been given heretofore that, if its benefits are to be enjoyed at all, it must be subjected to national regulation. * * * It does not seem to be open to question that radio transmission and reception among the states are interstate commerce. * * * The authority of Congress extends to every instrumentality or agency by which commerce is carried on, and the full control of Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. The execution of Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter."

Pointing out that there had been absolutely no opinion of any Federal court in opposition to the view that radio communication in all its forms is wholly and exclusively interstate commerce, the Circuit Court of Appeals, 7th Circuit, in *American Bond and Mortgage Co. et al., v. United States*, 52 Fed. (2d) 318, held:

"For it has been held by the various courts, that have passed upon the question, that the regulation of broadcasting stations is within the expressly delegated power of Congress to regulate interstate commerce. In the absence of a single authority holding to the contrary and in view of the reason set forth as the basis of the above decision, we, too, reach the same conclusion."

So definitely have the courts held that every phase of radio communication is interstate commerce that the Supreme Court of the State of Washington in *Van Dusen v. Department of Labor and Industries*, 158 Wash. 414, held that a workman who was engaged in repair work at a broadcasting station did not come under the State Compensation Act, and consequently his widow could not recover under that Act for his accidental death. The Court held:

"It is admitted that Station KGA, during the hours that it was broadcasting, was carrying on a business interstate in character. * * * In the present case, Mr. Van Dusen, at the time of his death, was assisting in the removal of a telephone exchange, which had previously been used as an integral part of the radio station which was engaged in interstate commerce."

An analysis of these opinions by various courts shows clearly that there is legally held to be no such thing as intrastate radio transmission. No matter what the purpose or intent of the broadcaster may be, every act relating to the setting in motion of electrical impulses by means of radio frequencies or waves is an act performed as an integral part of interstate commerce.

It is only because of such a conception of radio transmission that the Federal government has the right to require not only that all

transmitters be licensed, but that transmitter operators likewise hold licenses from the Federal government. It is because of such a conception that the Federal government exercises the right to say where transmitters shall or shall not be located, and to make regulations regarding radio equipment. This right extends not only to transmitters but to all related equipment, and the Communications Act of 1934 specifically includes "all instrumentalities, facilities, apparatus and services" incidental to radio transmission as coming within the definition of "radio communication."

It may, therefore, be taken for granted, in the light of court decisions dealing with the subject, that the interstate character of all radio transmission, including broadcasting, is not dependent either on the power of the transmitter or the purpose of the person transmitting. Regardless of all these factors, every radio transmission, and every activity directly related thereto, is integrally and wholly an act of interstate commerce. Any other conception of radio transmission destroys the entire Federal regulation and control of radio communication, and it is because the courts have so clearly understood this that they have been wholly unwilling to permit any form of exception to the rule that all radio communication, including both transmission and reception, is interstate commerce.

With regard to the interstate commerce character of all radio communication, in addition to the cases already cited, the following should be noted:

White v. Federal Radio Commission, 29 Fed. (2d) 113.

General Electric Co. v. Federal Radio Commission, 31 Fed. (2d) 630.

City of New York v. Federal Radio Commission, 36 Fed. (2d) 115.

KFKB Broadcasting Association v. Federal Radio Commission, 47 Fed. (2d) 670.

Journal Co. v. Federal Radio Commission, 48 Fed. (2d) 461.

Nelson Bros. Bond & Mortgage Co. (Station WIBO) v. Federal Radio Commission, 62 Fed. (2d) 854.

Section 2. States or subdivisions thereof may not tax interstate commerce.

The courts have consistently held that no state or subdivision thereof may impose any form of franchise, occupational or excise tax on interstate commerce, as such taxation inevitably imposes a burden on interstate commerce and becomes, in effect, regulation of it.

The general principle that states or subdivisions thereof may not tax interstate commerce as such has been so universally upheld by the courts that it has not been contested in the efforts to justify state or municipal taxation of the business of radio communication, including broadcasting. Instead, efforts have been made to draw analogies between radio communication and certain activities in which it is clearly possible to segregate the interstate from the intrastate features.

With regard to telephone companies, for example, it is possible to separate the purely intrastate from the interstate calls. However, the courts have held unconstitutional a state tax on telephone instruments, since such instruments are necessarily used for both interstate and intrastate business, and it is impossible to limit their use exclusively to either form.

Efforts have likewise been made to justify state taxation of the business of radio transmission through the analogy of state taxes on transportation, such as taxes on passenger, freight and Pullman rates, and on the revenues of bus companies using the highways. Here again, the analogy is obviously unsound. Transportation companies do a certain amount of clearly defined intrastate business, whereas it has already been shown that all radio communication, without exception, is interstate commerce.

The many cases dealing with the transportation, storage and sale of oil, gas and other commodities similarly show that state taxes have been held constitutional only when they can be applied to purely intrastate activities.

The fact that transportation, and also telephone and telegraph communication, are jointly regulated by the several states and by the Federal government is in itself a clear indication of the dual nature of these services. Radio communication on the other hand, is exclusively regulated by the Federal government.

It has been consistently held by the courts that a tax on the revenues or gross earnings of a business is a tax on the business itself. Thus a tax on the revenues of a radio broadcasting station is, in effect, a tax on the right of that station to engage in interstate commerce.

The following excerpts from court decisions show clearly the interpretation which the courts have placed on the right of states and subdivisions thereof to impose taxes on the business of engaging in interstate commerce.

The general rule as to state taxation of interstate commerce was set forth by the Supreme Court of the United States in *Eastern Ohio Gas Co. v. Tax Commission of Ohio*, 283 U. S. 465, as follows:

"It is elementary that a state can neither lay a tax on the act of engaging in interstate commerce nor on gross receipts therefrom."

The general rule as to occupational license taxes was laid down by the Supreme Court of the United States in *Sprout v. City of South Bend*, 277 U. S. 163. In this case, involving a city tax on a bus company, the Court said:

"A state may, by appropriate legislation, require payment of an occupation tax from one engaged in both intrastate and interstate commerce. And it may delegate a part of that power to a municipality. But in order that the fee or tax shall be valid, it must appear that it is imposed solely on account of the intrastate business; that the amount exacted is not increased because of the interstate business done; that one engaged exclusively in interstate commerce would not be subject to the imposition; and that the person taxed could discontinue the intrastate business without withdrawing also from the interstate business. The privilege of engaging in such commerce is one which a state cannot deny. A state is equally inhibited from conditioning its exercise on the payment of an occupation tax."

That a state may not tax the revenues derived from interstate commerce was clearly set forth by the Supreme Court of the United States in *Philadelphia & Southern Mail Steamship Co. v. Pennsylvania*, 122 U. S. 326. The Court said:

"If, then, the commerce carried on by the plaintiff in error in this case could not be constitutionally taxed by the State, could the fares and freights received for transportation in carrying on that commerce be constitutionally taxed? If the State cannot tax the transportation, may it, nevertheless, tax the fares and freights received therefor? Where is the difference? Looking at the substance of things, and not at mere forms, it is very difficult to see any difference. The one thing seems to be tantamount to the other. It would seem to be rather metaphysics than plain logic for the State officials to say to the Company: 'We will not tax you for the transportation you perform, but we will tax you for what you get for performing it.' Such a position can hardly be said to be based on a sound method of reasoning. * * * No doubt a shipowner, like any other citizen, may be personally taxed for the amount of his property or estate, without regard to the source from which it was derived, whether from commerce, or banking, or any other employment. But that is an entirely different thing from laying a special tax upon his receipts in a particular employment. If such a tax is laid, and the receipts taxed are those derived from transporting goods and passengers in the way of interstate or foreign commerce, no matter when the tax is exacted, whether at the time of realizing the receipts, or at the end of every six months or a year, it is an exaction aimed at the commerce itself, and is a burden upon it, and seriously affects it."

In the case of *State v. Northern Express Co.*, 80 Wash. 309, 141 Pac. 757, the Supreme Court of the State of Washington said:

"No state has the right to lay a tax on interstate commerce in any form, whether by way of duties laid on the transportation of the subjects of that commerce, or on the receipts derived from that transportation or on the occupation or business of carrying it on, as such taxation is a burden on that commerce and amounts to regulation of it."

That taxation of interstate or foreign commerce is essentially a regulation of it was clearly stated by the Supreme Court of the United States in *Crew Levick Company v. Pennsylvania*, 245 U. S. 292. In this case the Court said:

"(A tax measured upon) gross transactions in foreign commerce seems to us to be, by its necessary effect, a tax upon such commerce, and therefore a regulation of it; and for the same reason to be in effect an impost or duty upon exports. This view is so clearly supported by numerous previous decisions of this Court that it is necessary to do little more than refer to a few of the most pertinent. Most of these cases related to interstate commerce, but there is no difference between this and foreign commerce, so far as the present question is concerned."

A recent decision of the Supreme Court of the United States bearing on state taxation of instrumentalities of interstate commerce is in the case of *Cooney, as Governor of Montana v. Mountain State Telephone & Telegraph Company*, decided on March 4, 1935, and contained in the March 5th copy of the *United States Law Week*. In that case, a tax was placed by the State of Montana on each telephone instrument. Each of these telephones was available for both interstate and foreign communication, and the company could not discontinue its intrastate business in Montana without being compelled to withdraw from its interstate and foreign business. Mr. Chief Justice Hughes said:

"Where the tax is exacted from one doing both an interstate and intrastate business, it must appear that it is imposed solely on account of the latter; that the amount exacted is not increased because of the interstate business done; that one engaged exclusively in interstate commerce would not be subject to the tax; and that the one who is taxed could discontinue from intrastate business without also withdrawing from the interstate business."

An interesting parallel, in which it appeared that all of the plaintiff's operations were carried on within a single state, but that even so these operations constituted interstate commerce and hence the revenues derived therefrom were not subject to state taxation, is afforded by the decision of the Court of Appeals of the State of New York in *People ex rel The Connecting Terminal R. R. Co. v. Millar*, 178 N. Y. 194. In this case, involving the handling of grain in transshipment, the Court said:

"There is one feature of the case, as to which there is no conflict in the authorities, and that is that interstate commerce cannot be taxed or burdened or restricted in any way by state laws, and the only question that we have to deal with now is whether the relator's operations are such that they can be held to be the transaction of the business of interstate commerce. Fortunately, there is no dispute about the facts of the case so far as they describe the relator's business. They have already been stated, and they stand admitted in the record. It is quite true that all of its operations are conducted within the state of New York, but I apprehend that the circumstance does not show that the business is something other than interstate commerce. We have the other fact that it is engaged in no local business whatever, and that it is but a mere link in the chain of transportation of grain and other property from the western states to the seaboard and from the east to the west. If, as the court of last resort with respect to such questions has often held, interstate commerce consists in intercourse and traffic between the states, either by navigation or otherwise, for the transportation of persons and property and the purchase, sale and exchange of commodities, the relator's operations would seem to fall fairly within that definition. * * * Hence, the relator's earnings upon which the tax in question was imposed would plainly appear to be derived from the business of interstate commerce."

The specific application of state taxes to radio communication was dealt with by the District Court for the Eastern District of South Carolina in *Station WBT, Inc., v. Poulnot*, 46 Fed. (2d) 671. In this case, involving a state tax on radio receiving sets, the Court said:

"The only question remaining is whether the state has the right to lay a tax upon these instruments of interstate commerce. Under the numerous decisions of the Supreme Court there can be only one answer. Those decisions hold that Congress has the power to regulate interstate commerce; that that power is necessarily exclusive whenever the subjects are national in their character or admit only of one uniform system or plan of regulation; and that where the power of Congress to regulate is exclusive, the failure to regulate indicates the will that it shall be left free from any restrictions or impositions; and any regulation of the subject by the state, except in matters of local concern, is repugnant to such freedom, and that no state can compel a party, individual, or corporation to pay for the privilege of engaging in interstate commerce, and that a state has no power to lay any burden in any form, by taxation or otherwise, upon interstate commerce or its instrumentalities. * * * The tax in question cannot be sustained under those cases which hold that the state has a right to impose an ordinary property tax upon property having a situs within its territory and employed in interstate commerce; for here the tax is not a general property tax, but a license tax for the privilege of using an instrument of interstate commerce. Nor can it be sustained as a matter of local regulation, for the sub-

ject is national, and admits only of one uniform system or plan of regulation. Nor can it be sustained as a police regulation with an incidental tax to pay the expenses of the regulation, for it has no elements of police, and moreover, the tax is frankly devoted to the uses of a state institution. Nor can it be sustained as in aid of interstate commerce, nor on the ground that its effect is merely incidental. The tax here is directly laid upon a necessary instrument of interstate commerce, imposes a burden upon that commerce, and the act of the Legislature imposing it is therefore in conflict with the Constitution of the United States, and null and void."

As a further indication of the attitude of the courts, the case of *Whitehurst v. Grimes*, 21 Fed. (2d) 787, is particularly significant. The City of Wilmore, Kentucky, enacted an ordinance imposing a license fee on all radio transmitters. The plaintiff in this case was an amateur operator using a very small power output, but even so the District Court held that he was engaged in interstate commerce, and concluded:

"It follows that the ordinance is void as a regulation of interstate commerce."

In addition to the cases already cited as bearing on the right of states or subdivisions thereof to tax interstate commerce, the following cases should be noted:

Nutt v. Ellerbe et al., 56 Fed. (2d) 1058.

United States Express Co. v. Minnesota, 223 U. S. 335.

South Carolina Power Co. v. South Carolina Tax Commission, 60 Fed. (2d) 528.

People ex rel Pennsylvania Railroad Co. v. Wample, 138 N. Y. 1.

Anglo-Chilean Nitrate Sales Corporation v. State of Alabama, 288 U. S. 218.

Di Santo v. Pennsylvania, 273 U. S. 34.

Educational Films Corporation of America v. Ward et al., 282 U. S. 379.

Fox Film Corporation v. Doyal et al., 286 U. S. 266.

Galveston, Houston & San Antonio Railway Co. v. Texas, 210 U. S. 217.

Helson & Randolph v. Kentucky, 279 U. S. 245.

Marconi Wireless Telegraph Co. v. Commonwealth, 106 N. E. (Mass.) 310.

New Jersey Bell Telephone Co. v. Board of Taxes & Assessments of the State of New Jersey, 280 U. S. 338.

Norfolk & Western Railroad Co. v. Pennsylvania, 136 U. S. 114.

Northwestern Mutual Life Insurance Co. v. Wisconsin, 275 U. S. 136.

Ozark Pipe Line Corporation v. Monier, 266 U. S. 555.

A. G. Spalding & Bros. v. Edwards, 262 U. S. 66.

Texas & New Orleans Railroad Co. v. Sabine Tram Co., 227 U. S. 111.

United States Glue Co. v. Town of Oak Creek, 247 U. S. 321.

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BROADCAST ADVERTISING IN FEBRUARY

Developments of the Month

WITH the exception of an 8.5% increase in national non-network volume, broadcast advertising in February exhibited the usual seasonal trends. Total gross time sales were \$7,205,145, a decrease of 2.5% as compared with the preceding month. National network volume declined 5.0%. Local broadcast advertising dropped 3.5%, while regional network business remained at approximately the previous month's level. Both declines were less than occurred in February of the preceding year.

Comparison with Previous Year

Broadcast advertising volume continues to maintain a consistently higher level than during the same period of 1934. Total broadcast advertising in February was 21.2% greater than during the same month of last year. Gains in specific forms of broadcast advertising were as follows: National networks, 24.4%; regional networks, 5.5%; national non-network business, 23.6%; and local broadcast advertising, 9.5%.

Comparison with Other Media

Major media exhibited the usual seasonal trends during February. National magazine advertising rose slightly during the month, though by no more than the usual seasonal amount. National farm paper advertising increased 59.3% as compared with January, while newspaper advertising decreased slightly. Magazine volume was 6.3% above last February, while national farm paper and newspaper advertising each rose 5.7%.

Non-network Trends

General non-network advertising, national and local combined, increased slightly during the month and was

16.1% above the same month of 1934. Stations of 5,000 watts and over in power increased their business 5.6% above January, and reached a level 31.4% higher than February of last year. Regional station non-network business declined 12.9% during the month and was 4.2% under the 1934 level. Local station volume remained unchanged during the month and was 27.0% above last year.

New England, Middle Atlantic, Mountain and Pacific non-network advertising declined slightly in February, as seems to be usual, while Southern and Middle Western business rose moderately, again seemingly a normal trend. Gains in non-network volume in various sections, as compared with last February, were as follows: New England-Middle Atlantic Area, 5.9%; Southern Area, 18.8%; Middle West, 13.8%, and Mountain and Pacific district, 10.3%.

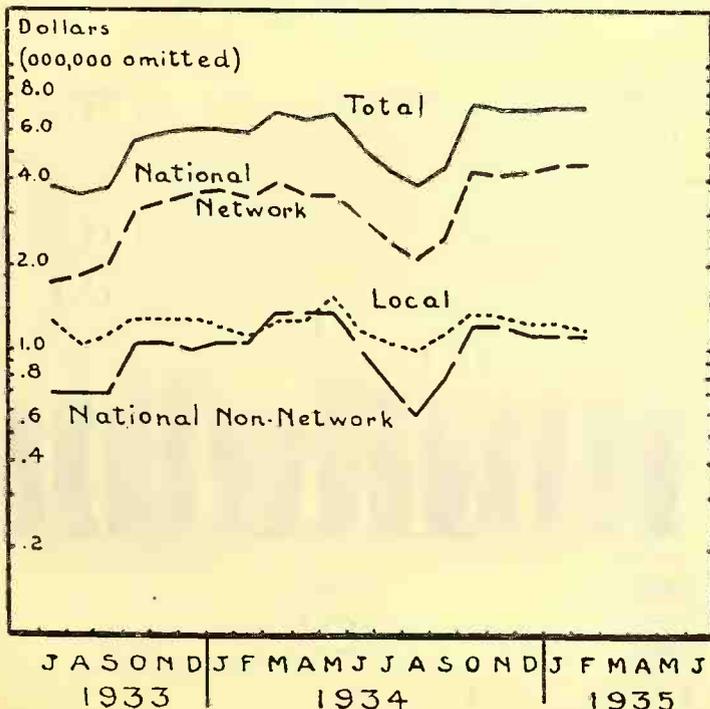
No new trends were indicated as to types of rendition employed in non-network advertising. Electrical transcription volume continued slow, national volume being 3.2% under last February and local volume 4.0% lower. National non-network live talent business continued to show strength and was 37.5% above the level of the previous year. National announcement volume was 42.0% higher than last February, due to the very poor showing of the latter month rather than to any general upward trend. Local live talent volume was 13.8% greater than the same month of 1934.

Sponsor Trends in February

The usual seasonal trends were in evidence in most fields of broadcast advertising sponsorship. The February decline in automotive advertising was only half as great as in 1934. Clothing advertising increased appreciably in all fields. Drug advertising continued to show strength everywhere except in the local field. A general increase occurred in household equipment advertising for the second consecutive month. National non-network and local financial advertising were both approximately 40.0%

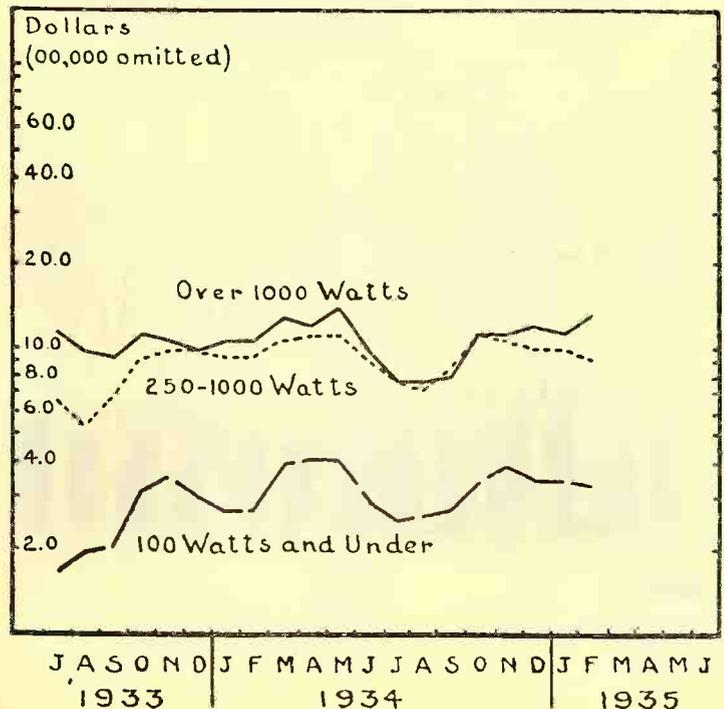
RADIO BROADCAST ADVERTISING VOLUME

July, 1933, to February, 1935

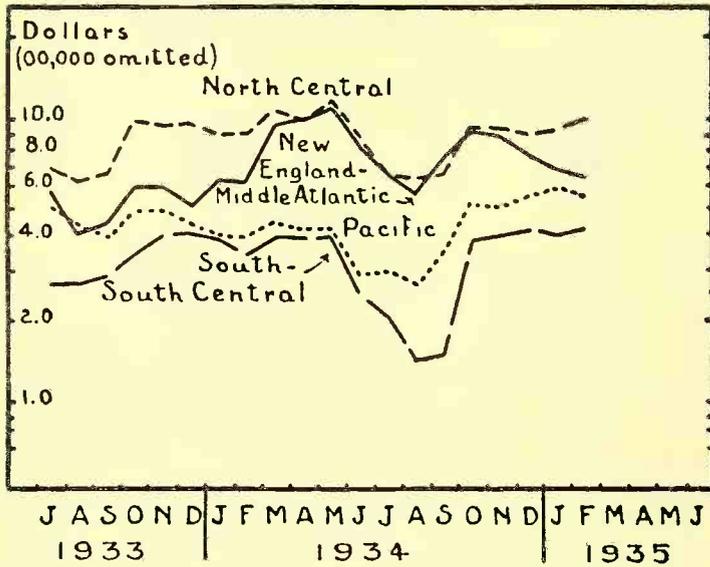


NON-NETWORK ADVERTISING BY STATION POWER

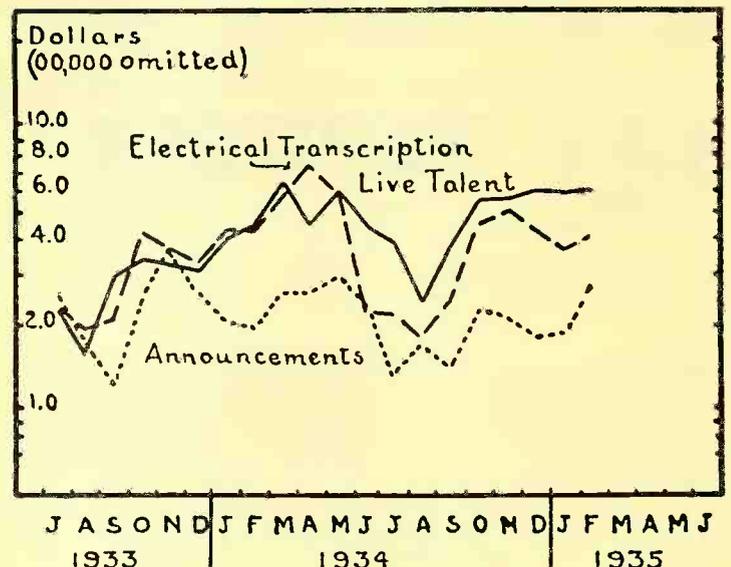
July, 1933, to February, 1935



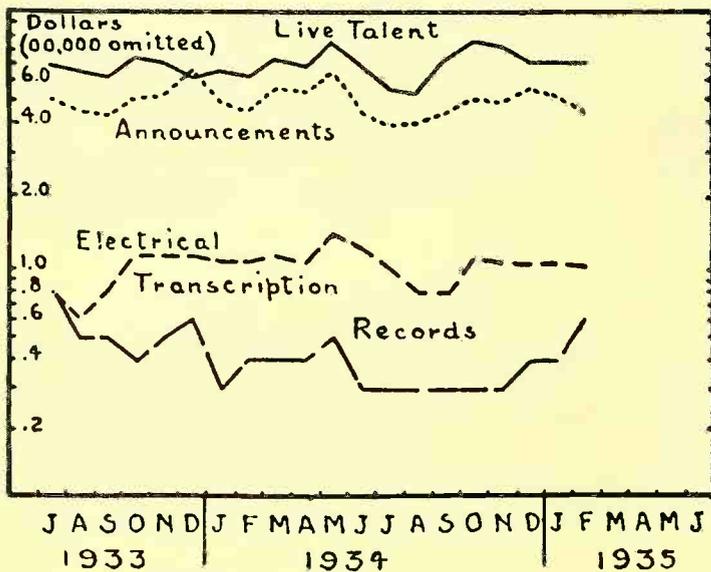
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
July, 1933, to February, 1935



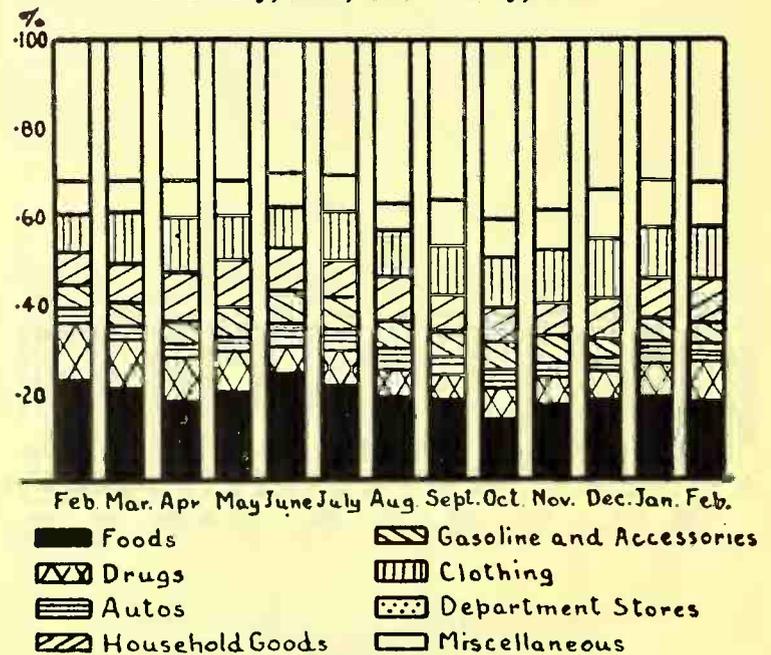
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION
July, 1933, to February, 1935



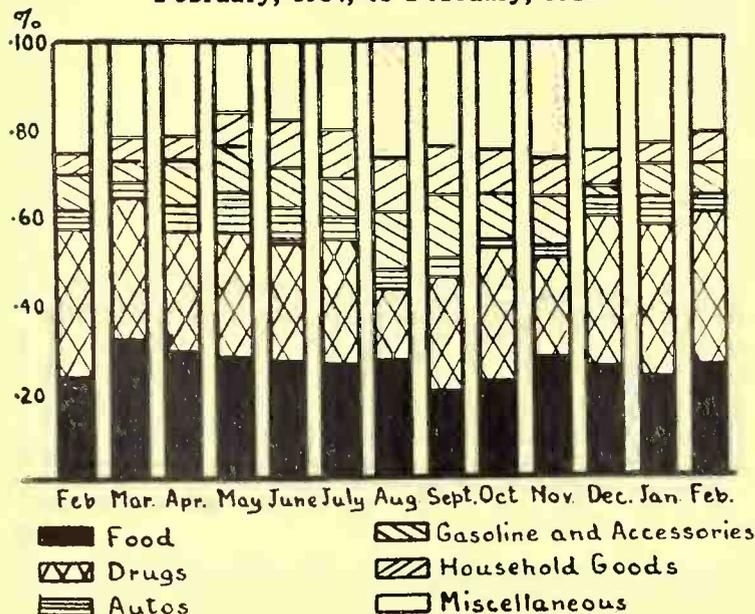
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to February, 1935



NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
February, 1934, to February, 1935



NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
February, 1934, to February, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS
February, 1934, to February, 1935



greater than in the preceding February. General retail advertising experienced a gain of 48.2% as compared with the same month of 1934, while department store advertising showed a rise of 70.5% as compared with the same period.

Detailed information regarding the trends in broadcast advertising by various sponsor groups are as follows:

1a. *Amusements.* National non-network volume declined materially compared to January, local volume decreasing 11.4%. General level unchanged as compared to February of last year.

1. *Automotive.* General decline as compared to previous month, though only half as great as in 1934. National network volume 22.8% above same month of last year. Regional volume down 5.0%. National non-network business up 11.5%, and local volume 14.6%.

2. *Gasoline and accessories.* General declines as compared with January, though less than in previous year. Declines as follows: National networks, 8.0%; regional networks, 23.0%; national non-networks, 8.6%; and local 5.0%. National network volume 16.0% under last February. Regional network business up 12.8%. Gains in national non-network and local business 14.2% and 6.4%, respectively.

3. *Clothing.* Local volume decreased 10.0% as compared January, seemingly the usual seasonal amount. National network advertising up 37.8%, with slight gains in regional and national non-network fields. Gains as compared to same month of 1934 are as follows: National networks, 30.0%; regional networks, more than three-fold; national non-network, five-fold; local, 45.8%.

4. *Drugs and pharmaceuticals.* National network volume 1.3% under January level, regional network 19.0% greater, national non-network 11.4% greater, and local up 5.6%. Latter two trends seasonal. National network business 78.3% above last February, regional network volume three and one-half times greater, national non-network up 33.1%, and local down 13.8%.

5. *Toilet goods.* National non-network volume up 10.2% compared January, local up 50.0%. Seasonal trends mainly responsible. National and regional network volume unchanged. National network advertising 21.8% above last February, national non-network 8.8% greater, and local volume 38.0% less.

6. *Foodstuffs.* Compared to preceding month, national network down 11.7%, regional down 34.6%, national non-network up 20.8%, and local volume unchanged. National non-network volume 45.2% above same month 1934, national network level unchanged, local down 22.6%, and regional network down 5.3%.

7. *Beverages.* National network volume down 9.0% as against previous month, national non-network down 26.2%, and local up 18.7%. Seasonal trends mainly responsible. National network volume 5.1% under previous February. Regional advertising 6.0% greater, local volume up 16.1%, and national non-network business down 30.0%.

8. *Confectionery.* National network business down 9.1% during month, local up 18.7%, and national non-network business

double January. Compared February, 1934, national network up 53.1%, national non-network up 13.8%, and local up 141.0%.

9. *Household equipment.* National network volume triple previous month, national non-network up 16.6%, regional down slightly, and local unchanged. Compared February last year, national network 74.3% greater, regional up materially, national non-network double, and local up 38.8%.

10. *Soaps and kitchen supplies.* National network down slightly, national non-network up 16.1%, and local down 10.0%, compared January. Compared February, 1934, national network up 79.8%, national non-network up 36.0%, and local volume unchanged.

11. *Insurance and financial.* National network and local volume 10.0% below previous month. National non-network 17.4% greater. Compared February last year, national network volume 15.8% above, national non-network 44.4% greater, and local up 41.2%.

12. *Radio.* Network volume down 5.8% compared January, and local down one-half. National network volume slightly ahead same month of last year, and local more than double.

13. *Department and general stores.* Local volume down 5.7% compared previous month, national non-network down materially. Compared preceding February, local 70.5% and national non-network 10.0% under.

14. *Tobacco products.* National network volume down 9.0% and national non-network down 18.0%. National network business 24.7% less than previous February, and national non-network advertising 32.7% greater.

15. *Miscellaneous.* National non-network and local volume comparatively unchanged from previous month. National non-network up 14.1% and regional volume up 16.2%. National network business 37.4% above February, 1934, national non-network 18.2% under, and local 5.3% above.

Retail Advertising. Retail advertising continued strong during February. The month's volume declined but 10.4% compared to January, a smaller seasonal decrease than usual, and remained at a level 48.2% above February of last year. Automotive volume was 51.3% greater than during the same month of 1934, department store advertising 70.0% greater, clothing store advertising 45.0% above, drug store, beauty parlor, gasoline station and accessory store advertising practically double; furniture store volume up 6.6% and hardware store advertising 70.0% greater.

General Business Conditions

In spite of some slight recessions, March business activity remained fairly steady. Industrial production increased slightly during the month though averaging a fraction under February. Automotive production continued at a high level. Factory employment and payrolls rose slightly as compared with the preceding month. Freight car loadings remained comparatively unchanged,

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

Type of Sponsoring Business	Gross Time Sales				Total
	National Networks	Regional Networks	National Non-network	Local	
1a. Amusements	—	—	\$1,618	\$35,635	\$37,253
1-2. Automobiles and Accessories:	—	—	—	—	—
(1) Automobiles	\$324,989	\$1,590	51,905	48,408	426,892
(2) Accessories, gas and oils	264,333	7,117	96,130	65,910	433,490
3. Clothing and apparel	39,522	3,636	25,460	159,420	228,038
4-5. Drugs and toilet goods:	—	—	—	—	—
(4) Drugs and pharmaceuticals	696,480	7,486	383,580	94,178	1,181,724
(5) Toilet goods	889,623	1,060	73,980	29,992	994,655
6-8. Food products:	—	—	—	—	—
(6) Foodstuffs	908,097	14,929	264,630	175,343	1,362,999
(7) Beverages	261,927	5,400	25,442	71,995	364,764
(8) Confections	176,208	2,350	58,083	9,552	246,193
9-10. Household goods:	—	—	—	—	—
(9) Household equipment and furnishings	66,750	4,542	54,066	117,686	243,044
(10) Soap and kitchen supplies	244,738	705	36,540	2,450	284,433
11. Insurance and financial	44,274	—	27,360	50,942	122,576
12. Radios	91,144	—	785	8,520	100,449
13. Retail establishments	—	—	2,290	132,977	135,267
14. Tobacco products	295,363	1,200	13,243	1,960	311,766
15. Miscellaneous	168,984	8,008	219,550	335,060	731,602
Total	\$4,472,432	\$58,023	\$1,334,662	\$1,340,028	\$7,205,145

while department store sales experienced a slight increase. Retail trade forecasts were in the main favorable.

Grocery chain store sales in February, the latest month available, were 3.5% greater than during the same month of 1934. Rural retail sales were 12.5% greater, on the same basis, while automobile sales were approximately 60.0% ahead of the same period of last year.

Industrial activity, employment and payrolls are tending to

approximate and in cases to exceed 1931 levels, though the distribution and sale of goods still remains materially below that level.

Prices have remained comparatively steady in recent weeks. The food price index of the Department of Labor was 81.1% of the 1926 level during the third week of March, as compared with 62.4% during the same week of 1932. Prices of general consumers goods during the same period have risen from 71.1% to 77.3% of the 1926 level.

TOTAL BROADCAST ADVERTISING

Class of Business	1935 Gross Time Sales		
	January	February	Cumulative Jan.-Feb.
National networks	\$4,711,529	\$4,472,432	\$9,183,961
Regional networks	57,916	58,023	115,939
National non-network	1,229,530	1,334,662	2,564,192
Local	1,388,850	1,340,028	2,728,878
Total	\$7,387,825	\$7,205,145	\$14,592,970

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1935 Gross Time Sales		
	January	February	Cumulative Jan.-Feb.
Radio broadcasting	\$7,387,825	\$7,205,145	\$14,592,970
National magazines ¹	9,025,361	9,594,575	18,619,936
National farm papers	307,367	491,097	798,464
Newspapers ²	36,481,000	35,393,000	71,874,000
Total	\$53,201,553	\$52,683,817	\$105,885,370

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

² Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Advertising Medium ¹	1935 Gross Time Sales		
	January	February	Cumulative Jan.-Feb.
Over 1,000 watts	\$1,237,090	\$1,406,400	\$2,643,490
250-1,000 watts	1,030,840	920,245	1,951,085
100 watts	350,450	348,045	698,495
Total	\$2,618,380	\$2,674,690	\$5,293,070

¹ Includes principally high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1935 Gross Time Sales				Cumulative Jan.-Feb.
	January	February	Local		Total		
Electrical transcriptions	\$376,480	\$419,590	\$114,180	\$104,931	\$490,660	\$524,521	\$1,015,181
Live talent programs	597,685	615,923	723,735	717,836	1,321,420	1,333,759	2,655,179
Records	3,850	9,340	43,500	63,643	47,350	72,983	120,333
Announcements	251,515	289,809	507,435	453,618	758,950	743,427	1,502,377
Total	\$1,229,530	\$1,334,662	\$1,388,850	\$1,340,028	\$2,618,380	\$2,674,690	\$5,293,070

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1934 Gross Time Sales	
	January	February
Automobiles and accessories:		
Automobile agencies and used car dealers	\$84,400	\$56,770
Gasoline stations, garages, etc.	60,000	50,020
Clothing and apparel shops	177,800	162,520
Drugs and toilet goods:		
Drug stores	20,770	13,960
Beauty parlors	9,110	9,588
Food products:		
Grocery stores, meat markets, etc.	38,638	42,973
Restaurants and eating places	16,020	15,410
Beverage retailers	10,336	3,418
Confectionery stores	1,720	2,145
Household goods:		
Household equipment retailers	29,300	29,432
Furniture stores	72,486	73,198
Hardware stores	9,328	7,650
Radio retailers	15,957	8,995
Department and general stores	148,205	135,267
Tobacco shops	614	150
Miscellaneous	71,345	75,180
Total	\$766,029	\$686,676

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1935 Gross Time Sales		
	January	February	Cumulative Jan.-Feb.
New England-Middle			
Atlantic Area	\$691,300	\$659,750	\$1,351,050
South Atlantic-South			
Central Area	401,460	418,060	819,520
North Central Area	939,790	1,052,400	1,992,190
Pacific and Mountain Area	585,830	544,480	1,130,310
Total	\$2,618,380	\$2,674,690	\$5,293,070

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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COPYRIGHT BILL INTRODUCED

A copyright bill (S. 2465), carrying out the recommendations of the Department of State and including virtually all of the recommendations of the NAB, was introduced in the Senate by Senator Duffy of Wisconsin. The bill has been referred to the Senate Patents Committee and hearings will be held within the next two weeks.

In the meantime the Senate Foreign Relations Committee has given consideration to the Convention for the Protection of Literary and Artistic Works and it is expected that ratification of this treaty will be recommended by the Committee shortly. However, it is understood by all parties interested in copyright legislation that the Senate will not ratify the treaty until the Duffy bill has become law.

The text of the Duffy bill, the most important copyright legislation to come before the Congress in many years, is published in another part of this issue of NAB REPORTS. It is understood to have the support of all interests except the American Society of Composers, Authors and Publishers, which group objects specifically to the elimination of the \$250.00 statutory minimum damages provision.

COPYRIGHT CASE TO BE SPEEDED

The United States Government will use every effort to bring its anti-trust suit against the American Society of Composers, Authors and Publishers et al. to trial without delay, according to an official release issued by the Department of Justice in Washington on March 27.

The text of the Government's release follows:

"On March 26, 1935, United States District Judge John C. Knox of the Southern District of New York sustained the Government's motion to strike irrelevant portions of the defendant's answers in the suit of *United States v. American Society of Composers, Authors and Publishers*, and 131 other defendants consisting primarily of music publishers and officers and directors of the American Society. The portions of the answers involved in the motion represented 26 of the 41 printed pages of the answers, which portions constituted in effect affirmative defenses to the violations of the Sherman Anti-Trust Act alleged by the Government in its petition. It was the Government's contention that these affirmative defenses were insufficient in law. With the exception of 5 minor allegations representing less than 2 pages of the answers, the Government's motion was sustained in its entirety.

"The rulings by Judge Knox in effect recognized the Government's contention that the stricken matter is no defense to the charge of price fixing under the Sherman Anti-Trust Act.

"The Government will use every effort to bring the case to trial without delay."

NAB INVESTIGATING ASRA

Many members have written to NAB headquarters asking for information in connection with the license proposal of the American Society of Recording Artists, Inc., Hollywood, Calif. A copy of the form letter and form of license application has been filed by the Society with the NAB and the Managing Director has notified the Society that the matter will be referred to the Board of Directors for action. In the meantime the Society has been asked for additional information in order that the Board may have all of the facts before it before taking any action in the matter. The Society has been asked to inform the NAB upon what statutes or court decisions it bases its licensing rights.

TAX CASE DISMISSED BY COURT

Upon petition of Oglethorpe University, the Supreme Court of the United States this week dismissed the case involving the right

of the City of Atlanta to impose a license tax upon broadcasting stations. The case was dismissed after it was learned that another case involving the right of a state or municipality to impose taxes on broadcast stations was on its way to the Supreme Court. The latter case, it was felt, more clearly defines the issues upon which decision is desired.

HUEY P. LONG TO RESCUE

The Copeland bill to revise the food and drugs laws was tabled temporarily by the Senate this week following adoption of a number of amendments liberalizing the measure.

It was Senator Huey P. Long of Louisiana who demanded in the Senate that the provision in Section 708(e) of the bill, discriminating against radio broadcasting, be eliminated from the bill. The NAB has consistently opposed this discrimination and made its position clear in public hearings on the bill. Senator Copeland of New York, who has been in charge of the bill, has, on the other hand, consistently refused to eliminate the provision. But he accepted Senator Long's amendment.

When the objectionable section was reached, Senator Long obtained the floor and proposed the amendment.

"I move to strike out the words 'other than by radio broadcast,'" Senator Long said during the debate. "As it stands, no dealer is to be prosecuted for what he sells in good faith and for advertising it, except by radio broadcast. If he publishes in good faith an 'ad' in a newspaper, or if he sends out a circular, or sends out a letter, he is not bothered, but if he accidentally sends a word over the radio, he is to be prosecuted for that.

"It is to be prohibited under the preceding provision. In other words, it would prohibit false information being spread in any way, by newspaper, radio, or otherwise, and that is all right; I have no objection to that. That covers the radio, it covers a newspaper, and it covers a magazine. But it is provided that no retail dealer shall be held responsible for whatever he advertises in good faith except by radio. He must not make a mistake by radio, but he can make any other mistake he wants to.

"If it is desired that no mistakes be made, if it is desired that anyone shall be punished if he does not act in good faith, that is one matter; but to hold that a man shall be responsible for what he says over the radio, but that he can put the same statement in a newspaper and not be responsible for it, is an unfair discrimination and there is no basis to support it.

"I do not give my support to favoring the newspapers in preference to the radio anyway, just as between us Members of the Senate. I have been able to make myself heard over the radio, when the newspapers would not let me be heard, and I am somewhat of the opinion that there is no reason to discriminate. Perhaps my friend, the Senator from New York, has had better luck the other way."

"When this provision was written into the bill last year," Senator Copeland replied, "beginning with the words, 'No retail dealer shall be prosecuted,' there was great fear on the part of the small-town newspapers, the village weeklies, and so on, that the editor or publisher who wrote the advertising might somehow or other find himself in difficulty. At that time we had not included the language about the radio which has been quoted by the Senator from Louisiana. I am in agreement now that there is no reason why this language should not be deleted from the bill."

IBEW WINS APPEAL IN WGST CASE

The National Labor Relations Board, in an opinion dated April 8th, reversed the decision of the Regional Labor Board in the WGST case and found that the station had violated Section 7 (a) of the National Industrial Recovery Act by refusing to bargain collectively with the authorized representatives of its employees.

The Board announced that unless within seven days the company notified the Board that it would enter into negotiations with the

International Brotherhood of Electrical Workers, Local Union No. 647, and endeavor in good faith to arrive at a collective agreement covering terms of employment, the case would be referred to the Compliance Division of the National Recovery Administration and to other enforcement agencies of the Federal Government for appropriate action.

KVOS FUND MISINTERPRETED

A few NAB members have protested against the action of the Executive Committee in asking for voluntary contributions to assist Station KVOS, Bellingham, Wash., in financing the appeal taken by the Associated Press from the decision of Federal Judge Bowen involving the question of news broadcasting.

First of all, it is not the intention of the NAB to intervene in the case and the letter of the Executive Committee simply asked for financial help for Station KVOS, which station is unable to pay the costs of the appeal. Former Senator C. C. Dill is appearing as attorney for Station KVOS.

The radio industry's interest in the case is the same as the publishing industry's; namely, clarification of the law governing rights in news. Two federal courts have previously held that newspapers are protected in their news for a period of 24 hours after publication. Judge Bowen, after considering these previous decisions, rejected them and laid down a different rule of law and at the same time held that the AP-INS decision of the Supreme Court of the United States relates only to unfair competition between competing press associations and does not apply as between radio stations and newspapers. This leaves the law in a state of confusion and this confusion can only be clarified by a decision of the highest court of the land.

In the interest of obtaining a sound decision on the issues it is necessary that both viewpoints be presented to the upper courts. Failure of the appeal certainly would not result in a determination of the issue.

It is erroneous to state that the action of the NAB Executive Committee in merely providing the machinery for the collection of voluntary contributions for this purpose places the NAB on record as favoring "piracy" of news. The NAB is not called upon to agree or disagree with the court's decision. Its interest is simply in having the issue judicially determined once and for all so that radio stations and newspaper publishers alike may know their definite rights.

RETAIL RADIO MANUAL PUBLISHED

"Radio Broadcasting Manual for Retailers", which should be on the desk of every station commercial manager, has just been published by the National Retail Dry Goods Association. The manual has been compiled by Frank W. Spaeth, Manager of the Sales Promotion Division of the Association, with liberal assistance from retailers and broadcasters.

The manual presents a fairly comprehensive treatment of the varied problems which face the retailer employing broadcast advertising, ranging from the selection of the station and time to broadcast, through the problems of what merchandise to feature, the planning of store tie-ins, and similar questions.

Broadcasters will find especially interesting the sections dealing with the varied uses which can be made of broadcast advertising by retail establishments, in the specific problems faced by retailers in their radio efforts, and in the excellent case studies presented.

Discussion of items such as the advertising of luxury items, the price lines to be employed and featured, the use of radio to popularize store brands, promotional coordination with broadcast advertising, the planning and administration of the radio budget, coping with the so-called "buyer problem" and similar features, has been particularly well presented.

Some minor aspects of the purely broadcasting considerations might have been treated more thoroughly. Broadcasters undoubtedly will disagree with some of the conclusions regarding the best days on which to broadcast, the generalizations concerning afternoon time, and the comment that showmanship can be achieved only at a relatively high price.

On the other hand, they will find an excellent argument for a larger radio budget in the data presented on this subject. Whereas the total department store budget for advertising runs between 3.5% and 4.0% of net sales, and miscellaneous advertising—other than newspaper advertising—runs between .2% and .25% of net sales, radio expenditures among the larger stores only amounted to between .04% and .08% of sales in 1934. It would seem, in the face of the striking success of broadcast advertising in the national field, that the innate conservatism of department store owners was leading them to overlook a highly effective advertising medium.

Though the manual concerns itself almost exclusively with department stores, much of its material is equally applicable to various types of specialty shops. The manual is priced at \$2.50 and can be secured from the Sales Promotion Division, National Retail Dry Goods Association, 225 West 34th Street, New York City.

RADIO BROADCASTS ENJOINED

It remained for the Newark, N. J., Ledger, after the Newark Guild had called a strike, to seek an injunction in the New Jersey courts which interfered with both freedom of radio and the press. Vice Chancellor Maja Leon Berry granted the injunction. This is the first case of record in which such injunction has been imposed upon radio.

The court order, after enjoining the "Guild Reporter", restrains the strikers from:

"From threats of violence, insults, indecent talk and abusive epithets, annoying language, broadcast, spoken or disseminated by the use of loud speaking or other sound devices or radio."

The action of the Newark Ledger in requesting the injunction and the action of the court in granting it has received proper criticism of the press and radio alike.

Loud in its condemnation of the court order, Editor and Publisher, ardent supporter of freedom of the press, points out that the "injunction, directed against radio and press, is vague, subject to all manner of interpretation, and is diametrically opposed to U. S. Supreme Court decisions and previous decisions of the court of which Vice Chancellor is now a member."

Freedom of the press means freedom of the press and freedom of radio means freedom of radio. Together they mean freedom of expression. The press and radio may differ on many other matters but they will never differ when their basic freedom is threatened. A free press exists only where radio is free and a free radio exists only where the press is free.

FCC APPOINTS CHIEF ACCOUNTANT

The Federal Communications Commission this week announced the appointment of John H. Bickley as Chief Accountant for the Telephone Investigation recently authorized by Congress. His salary will be \$9000 per year.

Mr. Bickley is 42 years of age and is a certified public accountant from Maryland and Wisconsin. He has lately been employed by the Federal Trade Commission, and comes to the Communications Commission from the Department of Accounts and Finance of the Public Service Commission of Wisconsin.

COMMISSION APPOINTS ASSISTANT GENERAL COUNSEL

The Federal Communications Commission announced this week the appointment of Carl F. Arnold, Dean of the Law School of the University of Wyoming, as an assistant general counsel in the Law Department. Mr. Arnold will devote his time and studies to problems connected with the telegraph and telephone divisions.

COMMISSION APPOINTS ACCOUNTANT

The Federal Communications Commission this week announced the appointment of Lloyd E. Bemis, of Chicago, as an accountant for the forthcoming Telephone Investigation. His salary will be \$6000 per year.

Mr. Bemis is a certified public accountant from the state of Illinois, and has been engaged in public utility work in Illinois and Indiana.

PLANS FOR AFA MEETING

Advertising leaders in Chicago are in the midst of plans for the thirty-first annual convention of the Advertising Federation of America to be held there, at the Palmer House, June 9 to 12, inclusive.

Meetings were held this week by several of the convention committees dealing with various phases of convention activity, notably the General Program Committee, of which G. R. Schaeffer, advertising director of Marshall Field & Company, Retail, is chairman.

Richard Thain, advertising director of Carson Pirie Scott & Company, Wholesale, president of the newly organized Chicago Federated Advertising Club, and the Board of that Club, has appointed six convention committees directing the various activities in their capacity as hosts to the visiting delegates.

OPPOSES KFBK CHANGE

Station KFBK, Sacramento, Cal., applied to the Federal Communications Commission for a change in its frequency from 1310 to 1490 kilocycles, and from 100 watts to 5,000 watts power. The time used is now unlimited. Ralph L. Walker(e) in Report No. I-35 recommends that the application be denied.

The Examiner found that there seems to be a need for the additional radio coverage by the station, but he called attention to the fact that the Fifth Zone is now assigned more night broadcast facilities than it is entitled to and while "considered alone, an increase of .65 unit might possibly be termed a 'slight departure' within the meaning of paragraph 6(g) of the Commission's rules and regulations, but viewed in the light of the total deviation, the provisions of paragraph 6 would appear to preclude the granting of the application."

FAVORS APPLICATION WITHDRAWALS

In the case of three applications for broadcasting stations in California, Ralph L. Walker(e) recommended that their request for withdrawal of the applications be granted; in Reports Nos. I-36, 37 and 38.

Radio Service, Inc., at Riverside, Cal., W. L. Gleeson, at Salinas, Cal., and Radio Service, Inc., at Redlands, Cal., all applied to the Federal Communications Commission for construction permits for new stations at the places mentioned, all to use 820 kilocycles, 100 watts power daytime. When the cases were called for hearing a letter was submitted from the attorney for the applicant seeking leave to withdraw the applications. The Examiner has recommended that this request be granted.

APPROVES WNRA OPERATION

Station WNRA, Muscle Shoals City, Ala., which has had a special temporary time basis, applied for permanent assignment. The station operates on 1420 kilocycles, 100 watts power and unlimited time.

Melvin H. Dalberg(e), in Report No. I-34, recommends that this station be granted permanent operation on its present basis; namely, full time. He found that the station is eligible to continue on a permanent basis the present special authority; that there is need in the area of Muscle Shoals for this service and that on its present basis the station would not interfere with the efficient service of other stations.

RECOMMENDS AGAINST NEW STATION

Arthur Westlund and Jules Cohn applied to the Federal Communications Commission for a construction permit for a new broadcasting station at Santa Rosa, Cal., to use 1500 kilocycles, 100 watts power and unlimited time on the air.

In Report No. I-39, Ralph L. Walker(e) has recommended that the application be denied. The Examiner found that "it is not shown that there is a substantial need for additional broadcast service in the area proposed to be served, that there is sufficient program material available to provide a desirable and substantial service, or that it may be reasonably expected that the proposed station can be successfully operated as a commercial enterprise."

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders, to which the respondents have consented, have been issued by the Commission in the following cases:

No. 2146. L. Heller & Son, Inc., and The Heller-Delath Co., Inc., New York City. To cease and desist from unfair trade practices in the sale in interstate commerce of imitation pearls, necklaces and similar articles under the trade name "La Tausca." The Commission's complaint charges the respondents with marking containers, display cards, labels, etc., with fictitious prices, tending to deceive buyers into believing that the products were being sold below the customary prices.

No. 2260. Marshall Field & Co., Chicago, Ill. To discontinue representing that their brand "Sunlight", or any other knitting yarn, is moth proof. Representation that any treatment given the yarn is a permanent and continuous preventative against moths or moth damage during the normal life of the yarn, is also prohibited, provided, however, that nothing shall prevent representation that the yarn has been specially treated to prevent moth damage, guaranteeing that such treatment has taken place and offering to replace yarn if damaged by moths.

No. 2118. A cease and desist order, wherein the company has not consented, has been issued against the Cadillac Paint Manufacturing Co., Detroit, prohibiting it from using misleading quality labels, misrepresenting the basic white lead and linseed proportions, use of fictitious company names on guarantees, inaccurate analyses, and imitation of well-known company names.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0838. W. H. Comstock Co., Ltd., Brockville, Ont., and Morristown, N. Y. That it will not represent its product, "Dr. Morse's Indian Root Pills," as a competent treatment for biliousness, sluggish liver and other ailments, and that it will not advertise "Comstock's Dead Shot Worm Pellets" as a sure remedy for worms.

No. 0839. Gland-O-Lac Co., Omaha, Nebr. That it will not advertise that "Gland-O-Lac Enteric Capsules" will remove tape worms from poultry or constitute an effective treatment for tape worms.

No. 0840. Ross Company, 243 W. 17th St., New York City. That it will discontinue labeling an eye-lash treatment as an eye-lash grower. The product is "Winx Eye-Lash Grower."

No. 1314. Albert Bloch & Sons, 36 Walker St., New York City. To cease and desist from the use of the words "French" or "French Process" affixed to products or in advertising so as to imply that the products are of French origin or manufactured according to a French process when this is not the case.

No. 1315. Tower Pharmacy, Inc., Washington, D. C. To discontinue the use of the word "champagne" in connection with its product "Pomagne" in such a way as to deceive buyers into believing that Pomagne is a champagne, to cease using the word vintage in such a manner as to deceive buyers into believing that the product is made from the juice of the grape, and to cease representing the alcoholic strength as "15% Proof."

No. 1316. Dixie Distributing Company, Washington, D. C. Same as preceding stipulation.

No. 1317. Brenner Paper Manufacturing Co., 26 W. 17th St., New York City. To discontinue describing its raised letter process for social announcements and stationery so as to tend to deceive buyers into believing that this material is engraved when this is not the case.

No. 1318. Nathan Lans and Hattie L. Spitzer, trading as Lans, 419 5th Ave., New York City. To stop using the word "Sheffield" in their advertising to represent products not made in Sheffield, England, nor in accordance with the process used in making "Sheffield Silverware" or "Sheffield Plate," when the respondents' products were not of the quality associated with the grade of silverware known to the public under the aforementioned terms.

No. 1319. Loudon Packing Co., and Simpson Products Co., Terre Haute, Ind. To cease using in connection with the sale of their product "Doggie Dinner," the representation that beef or other meat products used in manufacturing the product are U. S. Government inspected, and to stop using the word beef unless the said meat ingredient actually is used.

No. 1320. George H. Silver and Abraham B. Willis, trading as the Green Co., jewelry distributors, 303 Fifth Ave., New York City. To discontinue distributing to their customers advertisements of large and favorably known department stores featuring products offered for sale by those stores so as to imply that the respondents have sold such jewelry to the stores whose advertisements they had appropriated. The co-partners also will refrain using the words "Manufacturers," "factories" and "importers" when they function in none of these capacities.

No. 1321. Ralph Wade, trading as Merchandising Advertising Service, Dallas, Texas, engaged in the sale and distribution of coupons and advertising cards for use by retailers and in their redemption and exchange for cameras and films. To cease implying that he is a distributor for Eastman Kodak Co., when this is not the case, and to desist from stating that the cameras he distributes are given free.

No. 1322. R. E. Leaderbrand, Springfield, Mo., trading as F. B. Products Co. To cease advertising that his "Favorite Brand Regulator" tablets will relieve bearing-down pains, hot flashes, headaches and unstrung nerves, when this is not the case.

No. 1323. James H. Rhodes & Co., 153 W. Austin Ave., Chicago, Ill. To cease using in catalogues and statements that this company controls through use and operation, a tannery, when this is not true. Also to cease the use of "From Fisheries to You" along with the picture of a fleet of boats so as to mislead the public into

believing that the company owns the fleet used in fishing for the sponges which it distributes.

No. 1324. Clyde R. Heed, of Belmont, Ohio. To cease using the words "Cured in Rum" or words of equivalent meaning on labels attached to his "Whoop-ee Crooks" stogies, so as no longer to import or imply that the tobacco from which his products are made has been cured in rum or in any way treated with rum, when this is not true. He agrees also, in the sale of "Brokers Special" stogies, to stop employing the words "Wine Dipped," when the tobacco of which they are made has not been treated with wine.

No. 1325. Peroxide Chemical Co., 6300 Etzel Ave., St. Louis. To abandon use of the phrase "West Indian Bay Rum" either alone or in connection with a picture of a tropical scene of a palm-covered island or in any other way so as to tend to deceive buyers into believing the product to be manufactured in the West Indian Islands, when this is not true.

No. 1326. D. T. Ward, Harry Ward and Dwight A. Ward, trading as The Ward Refrigerator & Manufacturing Co., 6501 South Alameda Street, Los Angeles. In the sale of their refrigerators, to desist from use of the words "All-Metal" in describing their products so as not to deceive buyers into believing that they are made in their entirety of metal, when this is not true.

No. 1327. Deran Confectionery Co., 142 Commercial Street, Boston. To give up any scheme, plan or method of sale of its candy products involving the use of a gift enterprise, lottery or scheme of chance whereby an article is given as a prize for or in consideration of the purchase of another article.

No. 1328. Simplex Boiler Stand Co., Inc., 239 Waverly Ave., Brooklyn, manufacturer of plumbing equipment, including tank stands, will no longer designate its products with the phrase "Pat. No. 1081" and will not mark or brand these articles with words or figures which have a tendency to deceive buyers into believing that Simplex Boiler Stand Co., Inc., is the owner of a patent on these products, when such is not the fact.

No. 1329. Leckie Coal Co., Inc., 79 East State Street, Columbus, Ohio, engaged in mining coal in Virginia, West Virginia and Kentucky and in the sale of coal at wholesale, agrees to abandon use of the word "Pocahontas" as a trade name for coal not mined in the district known to geologists, the coal trade and the purchasing public as the Pocahontas Coal District. The company will also cease using the word "Pocahontas" in advertising or in any which may tend to mislead buyers into believing that the coal so referred to is produced in the Pocahontas Coal District, when this is not true.

No. 1330. C. Howard Hunt Pen Co., of 7th & State Streets, Camden, N. J. Agrees to discontinue in the sale of its fountain pens and pen points use of the word and figures "Durigold 14", independently or in connection with other words as a label so as to imply that the pen is gold or is 14-carat gold, when this is not true.

No. 1331. Abraham Nadel and Morris Shimmel, of 31 East 17th Street, New York City, trading as Nadel & Shimmel and engaged in importing toys and novelties and, during 1933, shoe laces made in Japan, agree to abandon use of the word "Mercerized" on labels for such shoe laces when they have not been treated with such process.

No. 1332. Saks & Company, Inc., a New York department store. To cease using the word "Panama" to represent a hat not made from the leaves of the Paja Toquilla or Jipi Japa and not made in accordance with the process used in the manufacture of Panama hats. The hat had been advertised as "an imported Papier Panama in an interesting pique weave", and as "hand-woven white Formosa Toyo Panamas".

No. 1333. Vaughan Packing Co., Inc., 1714 Locust Street, Kansas City, Mo., manufacturer of a dog and cat food. To discontinue using the word "Packing" as a part of its corporate or trade name or in any way which would tend to mislead buyers into believing that it is a packer subject to the provisions of the Packers and Stockyards Act of 1921. The company will also give up the use in advertising matter of representations that the beef or other meat ingredients of its product are United States Government inspected, and "beef" will not be used to describe the meat ingredients unless and until they consist of beef properly so-called.

No. 1334. Donald P. Eby, 1044 South Olive Street, Los Angeles, trading as American School of Jiu-Jitsu and conducting a correspondence school with home study courses, agrees to desist from exaggerating and misrepresenting the opportunities for employment of his student graduates and the salaries paid for services of instructors. Eby also will stop asserting that only a small number of scholarships remain unsold or are available for purchase by would-be students, when this is not true, and representing that Ed. "Strangler" Lewis, Jim Browning, or other well-

known wrestlers are employed by his school, when this is not true. He will cease representing, in connection with a pictorial advertisement, that he owns, controls or operates a gymnasium in connection with this course.

No. 1335. Balsam Shoe Co., 116 Duane Street, New York City, has agreed to discontinue using "Doctor" or "Dr." in connection with a trade name, brand or designation for shoes so as no longer to induce purchasers to believe the shoes so marked are made in accordance with the design or under the supervision of a doctor. Shoes sold by this company were stamped across the sole with the words "Dr. Balsam", when in fact they were not made in accordance with the design or under supervision of a doctor and did not contain special scientific or orthopedic features.

No. 1336. Ellaline Chilvers, 133 Front St., New York City, trading as "W. H. Peake" and "H. G. Root." To stop advertising or using on labels representations tending to make purchasers believe that its products are a cure for epilepsy or possess therapeutic value in the treatment of epilepsy, when this is not the case.

No. 1337. Veldown Co., New York City and Glens Falls, N. Y. To cease using the word "deodorant" or "deodorization" to describe its product when it possesses no such qualities.

No. 1338. Heidleberg Brewing Co., Covington, Ky. To discontinue representing that its "Student Prince" beer is the only beer produced in Greater Cincinnati by the lautering process, when this is not in accordance with the facts.

No. 1339. Montgomery Ward & Co., Chicago. To cease using the word "Neatsfoot" so as no longer to deceive buyers into believing that the products so described are composed entirely of neatsfoot oil, when this is not true.

Complaints

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

No. 2336. Electric Paint & Varnish Co., Cleveland, Ohio. It is charged that the respondent company represents itself as a manufacturer of paint and that in the sale of its product it saves middleman's profits, when, in fact, it does not own a factory, and its prices are dealers' prices and include elements of costs, profits, and other expenses of middlemen.

No. 2343. Rossett Manufacturing Company, New York City. The respondent company is charged with making representation tending to deceive buyers into believing it to be a manufacturer offering factory prices which permit buyers to save middleman profits, when this is not the case.

No. 2344. Gotham Sales Co. and Universale Merchandise Co., New York City. The respondent is charged with advertising imported cotton shoe laces from Japan as being mercerized when this is not the case.

No. 2345. Emil Pollak, trading as New Art Plating Co., Vardi of London, Inc., and Emil Vardi, trading as Vardi of London, New York City. Charged with fraudulent stamping and hall-marking of modern silverware to imitate the English hall-mark, when in fact the silverware is neither of English manufacture nor of antique origin. Pollak is further charged with refusing to mark his products with the manufacturer's name or with a registered trade mark as required in the silverware industry's code of fair competition.

No. 2346. International Association of Ice Cream Manufacturers, Washington, D. C. Unlawful restraint of competition in the ice cream business by obstructing the business of counter ice-cream freezer operators, is complained of by the Commission.

No. 2347. Mortimer Kaufman, New York City, trading as the Wilshire Woolen Co. The respondent is alleged to have represented suits of clothes as made of "100% virgin wool" and "100% pure wool" or pure worsted, when they were made of a "large admixture of shoddy and reworked wool" and of advertising the suits as made to measure when this was not the case.

TEXT OF DUFFY BILL (S. 2465)

Following is the complete text of the Duffy Copyright Bill:

"To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, is

hereby amended by striking out the first five words and inserting in lieu thereof the following: "That the author of any work made the subject of copyright by this Act, or his executors or administrators, or any assignee claiming under a written agreement with him or them the right to copyright such work."

(b) Subsections (b), (c), and (d) of section 1 of such Act are hereby amended to read as follows:

"(b) To translate the copyrighted work into other languages or dialects, or to make any other version thereof, if it be a literary work; to dramatize it; to make from it a motion picture with or without sound and/or dialogue; to convert it into a novel or other nondramatic work if it be a drama or a motion picture; to arrange or adapt it, if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art or for a work of architecture: *Provided*, That copyright in a work of architecture shall extend only to artistic character and design and not to processes or methods of construction;

"(c) To deliver the copyrighted work in public for profit;

"(d) To perform or represent the copyrighted work publicly if it be a drama, a motion picture, or a choreographic work or pantomime or, if it be a dramatic work or a motion picture and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof, by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever: *Provided*, That the right to produce a motion picture shall include the right to exhibit it;"

(c) Subsection (e) of section 1 of such Act is hereby amended by striking out the last paragraph thereof, by inserting after "(a) hereof", the words "to synchronize it for use in motion pictures", and by amending the first proviso to read as follows: "*Provided*, That the provisions of this Act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically a musical work shall include only compositions published and copyrighted after July 1, 1909; and such provisions shall not except as respects the works of nationals of countries which are parties to the Convention for the Protection of Literary and Artistic Works, or works first published therein, include the works of a foreign author or composer unless the foreign country of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law to citizens of the United States similar rights: *Provided further*, That such rights granted in accordance with the Convention for the Protection of Literary and Artistic Works shall not apply to works which have been lawfully adapted to mechanical instruments before this subsection, as amended, takes effect nor shall there be any liability under this Act, as amended, for the public performance of said works by means of such mechanical instruments."

(d) Section 1 of such Act is further amended by adding after subsection (e) the following new subsection:

"(f) To communicate the copyrighted work to the public by radio broadcasting, wired radio, telephony, television, or other means of transmission;"

SEC. 2. The last sentence of section 3 of such Act is hereby amended to read as follows: "The copyright upon composite works or periodicals shall give to the author or other owner of each part or contribution therein all the rights which he would have if such part or contribution were individually copyrighted in his name."

SEC. 3. Section 4 of such Act is hereby amended to read as follows:

"SEC. 4. That the works for which copyright may be secured under this Act shall include all the writings of an author, whatever the mode or form of their expression."

SEC. 4. (a) Subsection (f) of section 5 of such Act is hereby amended to read as follows:

"(f) Maps and geographical charts;"

(b) Subsection (l) of such section, as amended, is hereby amended to read as follows:

"(l) Motion pictures;"

(c) Subsection (m) of such section is hereby amended to read as follows:

"(m) Choreographic works and pantomimes, the scenic arrangement or acting form of which is fixed in writing or otherwise;"

(d) There are hereby inserted after subsection (m), as amended, of such section two new subsections as follows:

"(n) Works of architecture, or models or designs for architectural works;

"(o) Works prepared expressly for radio broadcasting, or for recording by means of electrical or mechanical transcription, including programs and continuities insofar as they embody original work of authorship."

SEC. 5. Section 7 of such Act is hereby amended to read as follows:

"SEC. 7. No copyright shall subsist in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however*, That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not effect any abridgment or annulment of the copyright or authorize any use or appropriation of such copyright material without the consent of the copyright proprietor."

SEC. 6. Section 8 of such Act is hereby amended to read as follows:

"SEC. 8. (a) That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign country not a party to the Convention for the Protection of Literary and Artistic Works, only:

"(1) When such alien author or proprietor shall be domiciled within the United States at the time of the creation or first publication of his work; or

"(2) When the foreign country of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign country is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

"(b) The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

"(c) Authors within the jurisdiction of any foreign country that is now or may hereafter be a party to the Convention for the Protection of Literary and Artistic Works, whether their works are unpublished or published for the first time in one of the countries parties to said convention, shall have all the rights now accorded or which may hereafter be accorded by law to nationals of the United States; and the enjoyment and the exercise of such rights shall not be subject to any formality: *Provided*, That as to copyrights in works not previously copyrighted in the United States no right or remedy given pursuant to this Act shall prejudice lawful acts done or rights in or in connection with copies lawfully made, the making of additional copies, or any other continuance of business undertakings or enterprises lawfully undertaken within the United States prior to the date on which the adherence of the United States to said Convention for the Protection of Literary and Artistic Works becomes effective; and the author or other owner of such copyright or persons claiming under him shall not be entitled to any remedy against any person who has, prior to such date, taken any action in connection with the exploitation, production, reproduction, circulation, or performance (in a manner which at the time was not unlawful) of any such work whereby he has incurred expenditure or liability; nor shall rights in respect of the further use of copies or other forms of reproduction be in any manner impaired."

SEC. 7. Section 9 of such Act is hereby amended to read as follows:

"SEC. 9. That the author or other person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published in the United States by authority of the copyright proprietor."

SEC. 8. Section 10 of such Act is hereby amended by adding the following: "Registration of composite works or periodicals by the proprietor thereof shall inure also to the benefit of the author or other owner of each independent part or contribution therein to the same extent as though such part or contribution were separately registered."

SEC. 9. Section 11 of such Act is hereby amended to read as follows:

"SEC. 11. That copyright may also be had of any work of an author which has not been published, upon the deposit, with claim of copyright, of one complete copy of such work if it be a book,

monograph, essay, article, story, poem, lecture, or similar production, a map, a dramatic, musical, or dramatico-musical composition, a choreographic work or pantomime, or a work prepared expressly for radio broadcasting or electrical or mechanical recording; of a title and description, with not less than five prints taken from different sections of the film, if the work be a motion picture; of a photographic print, if the work be a photograph; of a description and drawings or plans sufficient to identify the work, if it be a work of architecture; and of a photograph or other identifying reproduction thereof, if it be a work of art, a plastic work or drawing, or a model or design for an architectural work. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, in so far as required under sections 12 and 13 of this Act, where the work is later published."

SEC. 10. Section 12 of such Act is hereby amended by striking out the words "reproduced in copies for sale" and inserting in lieu thereof the word "published" and by amending the last sentence to read as follows: "With the exception of actions or proceedings for infringement of works entitled to copyright without formality, no action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with."

SEC. 11. The proviso of section 15 of such Act, as amended, is hereby amended to read as follows: "Provided, however, That said requirements shall not apply to (1) works printed or produced in the United States by any other process than those above specified in this section; (2) works in raised characters for the use of the blind; (3) books or periodicals of foreign origin in a language or languages other than English; (4) works by nationals of the United States copies of which are distributed only in foreign countries; or (5) works in any language, by foreign authors, first published in a foreign country party to the Convention for the Protection of Literary and Artistic Works."

SEC. 12. (a) Section 18 of such Act is hereby amended to read as follows:

"SEC. 18. That the notice of copyright required by this Act, as amended, shall consist of (1) the word 'copyright', or the abbreviation 'copr.', or the letter 'C' enclosed within a circle; (2) the name of the copyright owner, or his initials, monogram, mark, or symbol, provided his name appears in reasonable proximity thereto; (3) the year when the copyright began. In the case of any work in book form, the notice shall be placed upon the title page, or the page immediately following. In the case of a newspaper, magazine, or periodical, such notice may also be placed in the editorial and publishing statement or table of contents: *Provided*, That one notice of copyright in each volume or in each number of a newspaper, magazine, or periodical published shall suffice: *Provided further*, That the notice of copyright in a newspaper, magazine, periodical, or other composite work shall be deemed sufficient to constitute due notice of copyright on behalf of each individual author entitled to copyright in any of the individual parts or contributions therein, notwithstanding any variance between the date in such notice and the date when copyright in any such part or contribution began: *Provided further*, That in the case of anonymous or pseudonymous works a notice with the name of the publisher shall be sufficient to protect the author or other owner of the copyright."

(b) Section 19 of such Act is hereby repealed.

SEC. 13. Section 20 of such Act is hereby amended to read as follows:

"SEC. 20. That where the author or other owner of a copyright has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice, or any error as to the name of the copyright owner or the date of copyright or the position of the notice, shall not invalidate the copyright or deprive the author or other owner thereof of any of his rights under this Act, or, except as otherwise provided in this Act, as amended, prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of or error in the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright owner shall reimburse to the innocent infringer his reasonable outlay innocently incurred, or such proportion thereof, as the court, in its discretion, shall direct."

SEC. 14. Sections 21 and 22 of such Act are hereby repealed.

SEC. 15. Section 23 of such Act is hereby amended to read as follows:

"SEC. 23. That the term for which copyright is secured by this Act shall endure for fifty-six years from the date of first publication; or, in case of unpublished works, from the date of the creation of the work as shown in the records of the Copyright Office and as indicated by the copyright notice affixed to such work if and when published, or, in the absence of such notice and record, as otherwise proved; at the expiration of which time it shall terminate: *Provided*, That for works registered under section 11 of this Act prior to the date when this section, as amended, takes effect, the copyright shall endure for fifty-six years from the date of deposit of the copy or other material specified in said section 11: *Provided further*, That (1) the term shall not in any case exceed fifty-six years; (2) the term shall not, except as to works copyrighted in the United States at the time when this Act, as amended, takes effect, exceed the term granted in the country of origin of the work; and (3) no copyright shall subsist in any work which is in the public domain because of the expiration of the term of protection in the United States, or, if it has not been copyrighted in the United States, because of the expiration of the term of protection in the country of origin: *And provided further*, That the works of any author entitled to copyright without formality under section 8 of this Act, as amended, may be registered in the Copyright Office upon the filing of a suitable application, under rules of the Register of Copyrights, stating the date of publication or creation of the work and upon deposit of one copy of the work if published, or of suitable identifying material if unpublished, and the payment of the fee specified in section 61, as amended."

SEC. 16. Section 24 of such Act is hereby amended to read as follows:

"SEC. 24. That the copyright subsisting in any work, either in its first term or its renewed term, when this section, as amended, takes effect, shall be extended until the expiration of fifty-six years from the date of the original copyright in the work.

"When the term of subsisting copyright in any work shall have been extended by the provisions of this section, as amended, copyright for the period of such extension shall vest in the person or persons who would have been entitled to such copyright for such extended term under the law in force prior to the date on which this section, as amended, takes effect; but the author or, if the author be not living, the person who would have been entitled to the renewal term under prior law, shall be entitled to the extended term under this section, as amended, at the end of twenty-eight years from the date when the copyright began: *Provided*, That in the case of a contribution to a periodical, or of any part of a composite work, the right of the author or other person entitled to the extended term shall not be affected by the ownership of copyright in such periodical or composite work."

SEC. 17. Section 25 of such Act is hereby amended to read as follows:

"SEC. 25. (a) That if any person shall infringe the copyright in any work protected under the copyright laws of the United States, such person shall, subject to the stipulations of this section, be liable:

"(1) To an injunction restraining such infringement except as otherwise provided in this Act: *Provided however*, That no temporary restraining order shall be issued which would prevent the broadcasting of a program by radio or television, the publication of a newspaper, magazine or periodical, or the production substantially commenced or the distribution or exhibition of a motion picture: *Provided further*, That in case of reproduction of a copyrighted photograph in a newspaper, magazine, periodical, or newsreel, no injunction shall issue: *Provided further*, That no injunction shall issue restraining the construction, substantially begun, or use, of an architectural work, nor shall any order for its demolition or seizure be granted;

"(2) To pay such damages to the owner of the right infringed as he may have suffered due to the infringement, as well as all or such part of the profits which the infringer shall have made from such infringement as the court may decree to be just and proper; and in proving profits the plaintiff shall be required to prove only sales, rentals, license fees, or any other revenue derived from any disposition of an infringing work, and the defendant shall be required to prove every element of cost which he claims;

"(3) To pay in lieu of the proven damages and profits provided for in the foregoing paragraph (2), such damages, not exceeding \$20,000 for all infringement by any one infringer up to the date of judgment, as shall, in the opinion of the court be sufficient to prevent their operation as a license

to infringe, and as shall be just, proper, and adequate, in view of the circumstances of the case. An unauthorized performance by radio broadcasting transmitted simultaneously by two or more connected stations shall be regarded as the act of one infringer.

“(h) In any action for infringement of copyright in any work covered by the provisions of this Act, the plaintiff must prove that at the time of alleged infringement the copyright work had been registered with the Register of Copyrights and, in case of a published work, that notice of copyright had been affixed to copies thereof circulated in the United States, or to the newspaper or periodical containing the same, before he is entitled to any remedy other than an injunction or the fair and reasonable value of a license, in a sum not more than \$1,000, as determined by the court.

“(c) In any action for infringement of copyright in any work, if defendant prove that he has been misled by fraud or substantial imposition by any third person or persons other than any one of said defendant's employees, or that such defendant has otherwise acted in good faith, the plaintiff shall not be entitled to any remedy against such defendant other than to recover for all infringements by such defendant up to date of judgment, an amount equivalent to the fair and reasonable value of a license: *Provided, however,* That this subsection shall not apply (1) in the event of registration of copyright or recordation of an instrument relating to or affecting the same or any right therein, prior to the time such defendant entered into or upon the undertaking which results in such infringement; or (2) if the work alleged to have been infringed be a published work, published with authority from the copyright owner, with notice of copyright affixed thereto.

“(d) In case of the infringement of copyright in any work by any person or corporation engaged solely in printing, binding, or manufacturing such work in printed form (the word ‘printing’ as used in this section is defined to include photo-engraving, electrotyping, stereotyping, photogravure, gravure lithographing, or other processes used in the reproductive manufacture of such works in printed form, as well as all forms and methods of printing), where such infringer shall show that he was not aware that he was infringing and that he was acting in good faith, and that such infringement could not have been reasonably foreseen, the person aggrieved shall be entitled only to an injunction against future printing, binding, and manufacturing the same in printed form, and to the delivery up of all such printed, bound, and manufactured material, and shall not be entitled to any profit made by such infringer from his contract or employment to print, bind, or manufacture in printed form, or to damages, actual or statutory, against such infringer: *Provided,* That in case such printer is also the publisher, distributor, or seller of such creation, or in partnership or regularly engaged in business with such publisher, distributor, or seller, or is in anywise directly or indirectly interested in the publication, distribution, sale, or exploitation of such creation (other than as derived solely from his contract or employment merely to print, bind, or manufacture the same in printed form) or in any profits to be derived from such publication, distribution, sale, or exploitation, then the person aggrieved shall be entitled to all the remedies provided by this Act, and the immunity granted by this subsection shall not apply: *Provided further,* That any injunction against the publisher of a newspaper, magazine, or periodical shall lie only against a continuation or repetition of such infringement in future issues thereof, but not against the completion of the publication and distribution of any issue where the work of manufacture of such issue has commenced or against the completion in future issues of a work in installments; nor, where such work of manufacture has commenced, shall any order be granted to sequester, impound, or otherwise dispose of the issue containing such infringing matter.

“(e) In the event that advertising matter of any kind carried by a newspaper, magazine, or periodical, or broadcast by radio, shall infringe any copyright work, where the publisher of the newspaper, magazine, or periodical, or the broadcaster, shall show that he was not aware that he was infringing and that such infringement could not reasonably have been foreseen, the person aggrieved shall be entitled to an injunction only before work of manufacture of the issue has commenced, or, in the case of broadcasting, before the rehearsal of the program has begun, and only against a continuation or repetition of such infringement in future issues of such newspaper, magazine, or periodical, or in future broadcasts; but shall not be entitled to any profit made by such publisher or broadcaster from his contract or employment to carry such advertising matter, nor to damages, actual or statutory, against him: *Provided, however,* That no injunction shall

lie against the completion of the publication and distribution of any issue of such newspaper, magazine, or periodical, or the broadcast of any radio program, containing alleged infringing matter where the work of manufacture of such issue has commenced, or, in the case of broadcasts, where rehearsals have begun: *Provided further,* That this clause shall in nowise limit the remedies of the person aggrieved against the advertiser, advertising agency, or the person or corporation responsible for the infringement: *Provided further,* That if the publisher of the newspaper, magazine, or periodical, or the broadcaster, is in anywise interested in the commodity or subject matter advertised, or is the advertiser or advertising agency, in such wise that the publisher is entitled to any profits or benefits from the sale of the subject matter advertised, or from the handling or placing of such advertising matter (other than profits derived by the publisher or broadcaster merely from his contract or employment to run such advertising matter in his newspaper, magazine, or periodical, or to broadcast such advertising matter), then the immunity granted by this paragraph shall not apply.

“(f) In any action against publishers, distributors, or sellers of periodicals, magazines, or newspapers for infringement of copyright, the plaintiff shall not be entitled to enjoin the alleged infringement as to any matter claimed to infringe such copyright when any part of such material has theretofore been included in any issue of such periodicals, magazines, or newspapers upon which the work of manufacture has actually begun, or to sequester, impound, or destroy any issue containing such alleged infringing matter, or the means for publishing such issue except upon proof to the satisfaction of the court that the manufacture of the issue containing such alleged infringing matter or the first installment thereof was commenced with actual knowledge that copyright subsisted in the work alleged to have been infringed.

“(g) Except in the case of an infringement by a publisher of a newspaper, magazine, or periodical, or by a broadcaster, or motion-picture producer or distributor, who has acted in good faith, and except as otherwise provided in this Act, the infringer shall further be liable:

“(1) To deliver up, on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

“(2) To deliver up, on oath, for such disposition as the court may order, all the infringing copies, records, rolls, and other contrivances or devices, as well as all plates, molds, matrices, or other means for making such infringing copies.

“(h) Whenever the owner of the copyright in a musical composition has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e) of this Act: *Provided,* That whenever any person in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the provisions of section 1, subsection (e) of this Act, as amended, he shall serve notice of such intention by registered mail upon the copyright proprietor at his last address disclosed by the records of the Copyright Office, sending to the Copyright Office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

“(i) There shall be no liability, civil or criminal, under this Act, on the part of any person for the following:

“(1) The performance of a copyrighted musical work by a recognized charitable, religious, fraternal, agricultural, or educational organization where the entire proceeds thereof, after deducting the reasonable cost of presenting the same, are devoted exclusively to charitable, religious, or educational purposes;

"(2) The reception of any copyrighted work by the use of a radio receiving set, wired radio, or other receiving, reproducing, or distributing apparatus, or the performance other than by broadcasting of any copyrighted work by a coin-operated machine or machine mechanically or electrically operated, or its reproduction by means of a disk, record, perforated roll, or film, manufactured by or with the consent of the copyright owner or anyone claiming under him, except where admission fees, other than for the ordinary occupation by a guest of a hotel or lodging-house room, are charged to the place of operation or, in the case of restaurants, cover charges distinct from the charges for food, or other minimum charges, are made;

"(3) The fair use of quotations from copyrighted matter, provided due credit is given;

"(4) The reproduction, manufacture, distribution, and sale of designs or patterns for wearing apparel or pictorial or other representations or illustrations of such designs, patterns, and wearing apparel;

"(5) The merely incidental and not reasonably avoidable inclusion of a copyrighted work in a motion picture or broadcast depicting or relating current events.

"(j) Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

SEC. 18. The proviso of section 28 of such Act is hereby repealed.

SEC. 19. Section 30 of such Act is hereby amended to read as follows:

"SEC. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright therein in the United States, or of any piratical copies of any work copyrighted in the United States, as well as adaptations of musical compositions to instruments serving to reproduce them electrically or mechanically, if they would be unlawful in the United States, is prohibited."

SEC. 20. (a) The first paragraph of section 31 of such Act is hereby amended to read as follows:

"SEC. 31. That during the existence of copyright under this Act in any book in the English language, when an edition thereof shall have been produced, or shall be in process of production, in accordance with the provisions of section 15 of this Act, as amended, irrespective of whether compliance with those provisions was essential to obtain copyright for the work under this Act, the importation into the United States of any copies of such book not so produced (although authorized by the author or proprietor) or any plates of the same not made from type set within the limits of the United States shall be and is hereby prohibited: *Provided, however,* That such prohibition shall not apply:"

(b) Subsection (d) of such section is hereby amended by striking out the semicolon at the end of the paragraph marked "First" and inserting in lieu thereof a comma and the following: "except that said author may import not more than five copies, for individual use and not for sale;"

SEC. 21. Section 34 of such Act is hereby amended to read as follows:

"SEC. 34. (a) That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the District Courts of the United States, any territory thereof, Alaska, Hawaii, Canal Zone, and Puerto Rico, the Supreme Court of the District of Columbia, and the courts of first instance of the Philippine Islands.

"(b) Orders, judgments, or decrees of any court having jurisdiction arising under the copyright laws of the United States may be reviewed on appeal in the manner and to the extent provided by law for the review of cases determined in said court. On such appeal, the appellate court shall have jurisdiction to reverse, modify, or affirm the proceedings in the court below, including the amount and nature of any recovery or award under section 25 of this Act, as amended."

SEC. 22. Section 39 of such Act is hereby amended by inserting after the word "no" the words "civil or".

SEC. 23. Section 41 of such Act is hereby amended to read as follows:

"SEC. 41. (a) That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

"(b) Independently of the copyright in any work secured under this Act, as amended, and even after assignment thereof, the author retains the right to claim the authorship of the work as well as the right to object to every deformation, mutilation, or other modification of the said work which may be prejudicial to his honor or to his reputation: *Provided however,* That nothing in this paragraph shall limit or otherwise affect the right of full freedom of contract between the author of a work and an assignee or licensee thereof, or invalidate any express waiver or release by the author of any such rights or of any remedies or relief to which he might be entitled in consequence of a violation thereof, and the assignee or licensee of the author's moral right may, with the author's permission, make any change in the work which the author himself would have had a right to make prior to such assignment.

"In the absence of special contract, or notice by the author at the time he consented to the use of his work, the necessary editing, arranging, or adaptation of such work for publication in book form or for use in a newspaper, magazine, or periodical, in broadcasting, in motion pictures, or in mechanical or electrical reproduction, in accordance with customary standards and reasonable requirements, shall not be deemed to contravene the right of authors reserved in this section."

SEC. 24. Section 42 of such Act is hereby amended to read as follows:

"SEC. 42. That the author or other owner of any copyright secured under this Act as amended, or of any copyright heretofore secured under any previous Act, may to the extent of his interest therein, by written instrument signed by him or his duly authorized agent, executed after this Act, as amended, takes effect, assign, mortgage, license, or otherwise dispose of the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limitations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and may bequeath the same by will. But no assignment, mortgage, license, or other disposition of said copyright, or any right or rights comprised therein shall be valid except as between the parties thereto, unless it is in writing signed by the owner of the right in respect of which such instrument is made, or (except in the case of a will) by his duly authorized agent. The author or other owner of any copyright or any person or persons deriving any right, title, or interest from any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and, to the extent of his right, title, and interest, is entitled to the remedies provided by this Act, as amended. The provisions of existing law as to the acknowledgment of assignments and recording them in the Copyright Office are applicable to the instruments referred to in this paragraph.

"In the absence of any agreement to the contrary, license to publish a work in book form, or in a newspaper, magazine, or periodical, shall not be deemed to convey any other right than the right of publication as a book, or in a newspaper, magazine, or periodical, respectively; nor shall license for any use of a work be deemed to convey a right to use it in any other manner."

SEC. 25. Section 54 of such Act is hereby amended by striking out the period at the end of such section and inserting in lieu thereof a colon and the following: "*Provided,* That any incorrect entry may be corrected by the filing of a new and correct application accompanied by the required copy, or identifying material, and the fee as in the case of an original entry. The application for such corrected entry shall also be accompanied by an affidavit sworn to by the owner of the copyright setting forth the facts upon which the request for the new entry is based. In case of a dispute as to the ownership of copyright, the Supreme Court of the District of Columbia may, upon due cause shown, order the cancellation or correction of any entry. No liability shall be incurred, however, on the part of any person who, in reliance upon an erroneous entry, shall have printed, performed, or otherwise used the copyrighted work contrary to the rights of the actual owner."

SEC. 26. Section 60 of such Act is hereby amended by inserting after the words "to be destroyed" the words "or returned to the copyright owner:"

SEC. 27. Section 61 of such Act is hereby amended by striking out the following: "For recording the renewal of copyright provided for in sections twenty-three and twenty-four, \$1."

SEC. 28. Section 62 of such Act is hereby amended to read as follows:

"SEC. 62. (a) That in the interpretation and construction of this Act 'the date of publication' shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed or made available for renting or licensing, by the proprietor of the copyright or under his authority.

"(b) In the absence of agreement to the contrary, where any work is created by an employee within the scope of his employment, his employer shall be regarded as the assignee, even without a written assignment, and shall be the owner of the copyright in such work; but this provision shall not apply to works created under special commission where there is no relation of employer and employee, unless the parties agree otherwise."

SEC. 29. That nothing in this Act shall be construed as in contravention of any obligation of the United States existing by virtue of any treaty to which the United States is a party.

SEC. 30. That the President is hereby authorized and requested to take all steps and perform all acts necessary to make the United States a member of the Union for the Protection of Literary and Artistic Works.

SEC. 31. That this Act shall take effect on August 1, 1935, except as to section 30, which shall take effect on the date of enactment of this Act. All acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

Quota Facilities Due and Assigned to Broadcast Stations as of March 26, 1935

First Zone—Night

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Conn.	2.13	1.90	- 0.23	-11
Del.	0.32	0.20	- 0.12	-38
D. C.	0.64	0.60	- 0.04	- 6
Maine	1.06	0.99	- 0.07	- 7
Md.	2.16	1.95	- 0.21	-10
Mass.	5.63	5.16	- 0.47	- 8
N. H.	0.62	0.33	- 0.29	-47
N. J.	5.36	4.105	- 1.255	-23
N. Y.	16.69	18.13	+ 1.44	+ 9
R. I.	0.91	0.80	- 0.11	-12
Vt.	0.48	0.06	- 0.42	-88
Total	36.00	34.225	- 1.775	- 5

First Zone—Day

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Conn.	3.85	3.34	- 0.51	-13
Del.	0.57	0.33	- 0.24	-42
D. C.	1.16	1.00	- 0.16	-14
Maine	1.91	1.42	- 0.49	-26
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	6.75	- 3.42	-34
N. H.	1.11	0.80	- 0.31	-28
N. J.	9.67	5.055	- 4.615	-48
N. Y.	30.14	20.56	- 0.58	-32
R. I.	1.65	0.80	- 0.85	-52
Vt.	0.86	0.86	- 0.00	- 0
Total	65.00	45.015	-19.985	-31

Second Zone—Night

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ky.	3.38	3.95	+ 0.57	+17
Mich.	6.25	5.05	- 1.20	-19
Ohio	8.58	9.88	+ 1.30	+15
Pa.	12.43	12.42	- 0.01	- 0
Va.	3.13	4.75	+ 1.62	+52
W. Va.	2.23	1.93	- 0.30	-13
Total	36.00	37.98	+ 1.98	+ 6

Second Zone—Day

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ky.	6.10	4.25	- 1.85	-30
Mich.	11.28	6.27	- 5.01	-44
Ohio	15.50	12.06	- 3.44	-22
Pa.	22.45	14.75	- 7.70	-34
Va.	5.64	6.34	+ 0.70	+12
W. Va.	4.03	3.95	- 0.08	- 2
Total	65.00	47.62	-17.38	-27

Third Zone—Night

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ala.	3.32	2.735	- 0.585	-18
Ark.	2.32	2.67	+ 0.35	+15
Fla.	1.84	3.65	+ 1.81	+98
Ga.	3.64	4.26	+ 0.62	+17
La.	2.63	5.40	+ 2.77	+105
Miss.	2.52	0.99	- 1.53	-61
N. Car.	3.97	4.19	+ 0.22	+ 6
Okla.	3.00	3.36	+ 0.36	+12
S. Car.	2.18	1.30	- 0.88	-40
Tenn.	3.28	6.05	+ 2.77	+84
Texas	7.30	11.29	+ 3.99	+55
Total	36.00	45.895	+ 9.895	+27

Third Zone—Day

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ala.	5.99	4.785	- 1.205	-20
Ark.	4.19	4.75	+ 0.56	+13
Fla.	3.32	4.85	+ 1.53	+46
Ga.	6.58	5.10	- 1.48	-22
La.	4.75	5.60	+ 0.85	+18
Miss.	4.55	2.11	- 2.44	-54
N. Car.	7.17	4.85	- 2.32	-32
Okla.	5.42	4.90	- 0.52	-10
S. Car.	3.93	2.70	- 1.23	-31
Tenn.	5.92	7.55	+ 1.63	+28
Texas	13.18	13.81	+ 0.63	+ 5
Total	65.00	61.005	- 3.995	- 6

Fourth Zone—Night

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ill.	10.14	11.05	+ 0.91	+ 9
Ind.	4.30	3.42	- 0.88	-20
Iowa	3.28	5.22	+ 1.94	+59
Kans.	2.50	2.49	- 0.01	- 0
Minn.	3.41	4.18	+ 0.77	+23
Mo.	4.82	5.04	+ 0.22	+ 5
Nebr.	1.83	2.21	+ 0.38	+21
N. Dak.	0.90	1.40	+ 0.50	+56
S. Dak.	0.92	0.85	- 0.06	- 7
Wisc.	3.90	3.05	- 0.85	-22
Total	36.00	38.92	+ 2.92	+ 8

Fourth Zone—Day

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ill.	18.30	15.83	- 2.47	-13
Ind.	7.77	5.62	- 2.15	-28
Iowa	5.93	7.86	+ 1.93	+33
Kans.	4.51	3.76	- 0.75	-17
Minn.	6.15	5.77	- 0.38	- 6
Mo.	8.70	8.99	+ 0.29	+ 3
Nebr.	3.30	6.02	+ 2.72	+82
N. Dak.	1.63	2.20	+ 0.57	+35
S. Dak.	1.66	2.13	+ 0.47	+28
Wisc.	7.05	5.86	- 1.19	-17
Total	65.00	64.04	- 0.96	- 1

Fifth Zone—Night

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ariz.	1.32	1.37	+ 0.05	+ 4
Calif.	17.18	18.82	+ 1.64	+10
Colo.	3.13	4.61	+ 1.48	+47
Idaho	1.35	1.50	+ 0.15	+11
Mont.	1.63	2.15	+ 0.52	+32
Nev.	0.27	0.33	+ 0.06	+22
N. Mex.	1.28	1.13	- 0.15	-12
Oreg.	2.89	4.04	+ 1.15	+40
Utah	1.54	3.30	+ 1.75	+114
Wash.	4.73	7.28	+ 2.55	+54
Wyo.	0.68	0.40	- 0.28	-41
Total	36.00	44.93	+ 8.93	+25

Fifth Zone—Day

State	Due	Assign.	Units Over or Under	Percentage Over or Under
Ariz.	2.38	1.79	- 0.59	-25
Calif.	31.02	22.52	- 8.50	-27
Colo.	5.66	5.15	- 0.51	- 9
Idaho	2.43	2.05	- 0.38	-16
Mont.	2.94	2.95	+ 0.01	+ 0
Nev.	0.49	0.47	- 0.02	- 4
N. Mex.	2.31	2.95	+ 0.64	+28
Oreg.	5.21	6.19	+ 0.98	+19
Utah	2.78	3.30	+ 0.52	+19
Wash.	8.54	8.74	+ 0.20	+ 2
Wyo.	1.24	0.40	- 0.84	-68
Total	65.00	56.51	- 8.49	-13

SECURITIES ACT REGISTRATION

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

Alden Park Land Corp., Germantown, Pa. (2-1354, Form E-1)
Texas Gulf Producing Company, Houston, Texas (2-1355, Form A-2)
H. F. Wilcox, Tulsa, Okla. (2-1356, Form A-1)
Treasure Hill Extension Mines Co., Ely, Nev. (2-1357, Form A-1)
Marlin-Rockwell Corp., Jamestown, N. Y. (2-1358, Form E-1)
Northern Illinois Finance Corp., De Kalb, Ill. (2-1359, Form A-2)
Managed Oil Royalties, Inc., Jersey City, N. J. (2-1360, Form A-1)
All-Penn Oil & Gas Co., Pittsburgh, Pa. (2-1361, Form A-1)
Empire Mines & Metals Co., Albuquerque, N. M. (2-1362, Form A-1)
National Gypsum Company, Buffalo, N. Y. (2-1363, Form A-1)
Union Bag & Paper Corporation, New York City (2-1365, Form A-2)
Tivoli Brewing Company, Detroit, Mich. (2-1366, Form A-1)
Affiliated Fund, Inc., Jersey City, N. J. (2-1367, Form A-1)
Midcontinent Carey Trust, Tulsa, Okla. (2-1370, Form A-1)
General Capital Corporation (2-1350, Form A-2)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, April 15, 1935

NEW—Evansville on the Air, Inc., Evansville, Ind.—C. P., 1370 kc., 100 watts, unlimited time.
NEW—L. M. Kennett, Indianapolis, Ind.—C. P., 600 kc., 1 KW, daytime.
NEW—Nashville Broadcasting Corp., Nashville, Tenn.—C. P., 1370 kc., 100 watts, unlimited time.
WKAR—Michigan State College, East Lansing, Mich.—Modification of license, 950 kc., 500 watts, 1 KW, LS, daily except Saturday and Sunday, 10:58 a. m. to 3:30 p. m., and 6 p. m. to 8 p. m.; Saturday, 10:58 a. m. to 3:30 p. m. Present assignment: 1040 kc., 1 KW, specified hours daytime.
WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire & Vulcanizing Co., Nashville, Tenn.—C. P., 1370 kc., 100 watts, unlimited time.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license, 1400 kc., 1 KW, unlimited time. Present assignment: 1400 kc., 250 watts, 500 watts, LS, unlimited time.
WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license, 1400 kc., 1 KW, unlimited time. Present assignment: 1400 kc., 500 watts, 1 KW, unlimited time.

APPLICATIONS GRANTED

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted extension of special experimental authority to operate with additional power of 500 watts nighttime, for period of 90 days.
NEW—National Broadcasting Co., Portable-Mobile—Granted C. P. for new portable station (special experimental service), frequency, 13050 kc., 10 watts.
W2XHI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. to extend commencement date to May 27, 1935, and completion date to October 27, 1935.
WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted modification of C. P. extending completion date to July 1, 1935.
WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted license to cover C. P.; frequency, 580 kc., 1 KW night, 5 KW day, sharing with KSAC.
KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted modification of license to change hours of operation from specified to unlimited frequency 1200 kc., 100 watts night, 250 watts day.
KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted modified license for regular period frequency 1400 kc., 500 watts night and day, unlimited time.
WPHR—WLBG, Inc., Petersburg, Va.—Granted consent to transfer control of WLBG, Inc., licensee of WPHR to J. Sanford Edge, by sale to him of majority of stock; frequency 1200 kc., 100 watts night, 250 watts day, unlimited time.

SET FOR HEARING

WDEL—WDEL, Inc., Wilmington, Del.—Application for C. P. to install new equipment, increase power from 250 watts night, 500 watts LS, to 500 watts night, 1 KW, LS.
KHQ—Louis Wasmer, Inc., Spokane, Wash.—Application for C. P. to move transmitter from Sprague Ave. and Post St., Spokane, to a site to be determined, and increase power to 5 KW. (To be heard by the Division en banc.)
KRKO—Lee E. Mudgett, Everett, Wash.—Application for voluntary assignment of license to Pioneer Broadcasters, Inc.
KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for C. P. to make change in equipment; increase day power to 250 watts; change hours of operation to unlimited. (Requests facilities of KCRC.)
KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Application for modification of license to change frequency to 630 kc.
WEEI—Edison Electric Illuminating Co. of Boston, Boston, Mass.—C. P. (already in hearing docket) amended to request use of directional antenna. Request increase in power from 1 KW to 5 KW.
WATR—The WATR Company, Inc., Waterbury, Conn.—Application for modification of license (already in hearing docket) amended so as to request change in hours of operation from unlimited to limited, local sunset at San Antonio, Tex.
KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Application for C. P. to make change in transmitter location—site to be determined; change in type of equipment increase power to 5 KW daytime.
NEW—"Radio Chapel of the Air," Rev. Robert Connely, President, Minneapolis, Minn.—Application for C. P. for new station to operate on 1370 kc., 100 watts, unlimited time.
NEW—C. D. Goff, Tampa, Fla.—Application for new station to operate on 1500 kc., 100 watts, unlimited time.
NEW—Reporter Publishing Co., Inc., Abilene, Tex.—Application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time; transmitter and studio location site to be determined.
NEW—Big Springs Herald, Inc., Big Springs, Tex.—Application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.
NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., St. Abilene, Tex.—Application for C. P. for new station to operate on frequency 1420 kc., 100 watts, unlimited time.

- NEW—The North Texas Publishing Co., A. G. Mayse, President, Paris, Tex.—Application for C. P. for new station to operate on **1500 kc.**, 100 watts daytime operation. Studio location, 34-36 Lamar Ave., Paris, Tex.
- KXL—KXL Broadcasters, Portland, Ore.—Application for modification of license to change frequency from **1420 to 780 kc.**; increase power from 250 watts day, 100 watts night, to 250 watts day and night, and hours of operation from sharing KBPS to specified.
- WJJD—WJJD, Inc., Chicago, Ill.—Application for C. P. to move station to Des Planes, Ill., 29 miles from present location, Mooseheart, and erect a vertical radiator.

ACTION ON EXAMINERS' REPORTS

- WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Oral argument to be heard before Division en banc June 13, 1935, beginning at 10 a. m., 30 minutes allotted to each side—on application for C. P. to change frequency from **1310 kc.** to **800 kc.**, and power from 100 watts night, 250 watts day to 1 KW limited time, to sunset at Dallas, Tex.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Same as above except applicant seeks modification of license requesting change in operating time from daytime, local sunset on **800 kc.**, 250 watts, to local sunset at Dallas, Tex.
- NEW—N. D. Smith, Jr., Chattanooga, Tenn.—Denied as in default application for new broadcast station at Chattanooga, as applicant failed to appear at hearing.

MISCELLANEOUS

- NEW—Big Springs Broadcasting Co., Big Springs, Tex.—Denied petition to take supplemental depositions in re the hearing on its C. P. application heard by an examiner March 18, 1935.
- WWJ—The Evening News Assn., Detroit, Mich.—Continued hearing scheduled for April 18, 1935, in order that applicant can make certain field intensity measurements and other surveys.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Hearing scheduled for April 8, 1935, on application for special authority to use 1 KW night, continued on request of applicant and protestants WCAO, Baltimore, and WICC, Bridgeport, Conn., who have joined WIP in petition asking that all three stations be granted 1 KW power.
- NEW—F. N. Pierce, Taylor, Tex.—On motion of Chairman Prall application for new broadcast station remanded to Examiner to take additional testimony.
- KFPM—Dave Ablowich, d/b as New Furniture Co., Greenville, Tex.—Surrendered license to operate on **1310 kc.**, 15 watts, specified hours, because of economic conditions.
- WSMB—WSMB, Inc., New Orleans, La.—Denied petition requesting Commission to reconsider action in requiring suppression of WSMB's signals towards Des Moines, to amount not to exceed 500 watts.
- KGA—Louis Wasmer, Spokane, Wash.—Cancelled special authorization to operate on **900 kc.**, with 1 KW night, 2½ KW day, and ordered back to **1470 kc.**, its regular frequency, to operate with 5 KW; effective 3 a. m., April 8, 1935.
- KGNO—Dodge City Broadcasting Co., Dodge City, Kans.—Denied protest against granting by Commission of application of Garden City Broadcasting Co., for C. P. for new station at Garden City, Kans.
- WSPD—Toledo Broadcasting Co., Toledo, Ohio—Denied stipulation of attorneys for WALR, WHBA, and WSPD, suggesting WSPD be allowed to intervene at hearing of application of WALR to move to Toledo, Ohio, despite former adverse ruling by Commission.
- NEW—Big Springs Broadcasting Co., Big Springs, Tex.—Denied petition to take supplemental depositions in re the hearing on its C. P. application heard by an Examiner March 18, 1935.
- WWJ—The Evening News Assn., Detroit, Mich.—Continued hearing scheduled for April 18, 1935, in order that applicant can make certain field intensity measurements and other surveys.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Hearing scheduled for April 8, 1935, on application for special authority to use 1 KW night, continued on request of applicant and protestants, WCAO, Baltimore, and WICC, Bridgeport, Conn., who have joined WIP in petition asking that all three stations be granted 1 KW power.
- NEW—F. N. Pierce, Taylor, Tex.—On motion of Chairman Prall application for new broadcast station remanded to Examiner to take additional testimony.

- KFPM—Dave Ablowich, d/b as New Furniture Co., Greenville, Tex.—Surrendered license to operate on **1310 kc.**, 15 watts, specified hours, because of economic conditions.
- WSMB—WSMB, Inc., New Orleans, La.—Denied petition requesting Commission to reconsider action in requiring suppression of WSMB's signals towards Des Moines, to amount not to exceed 500 watts.
- KGA—Louis Wasmer, Spokane, Wash.—Cancelled special authorization to operate on **900 kc.**, with 1 KW night, 2½ KW day, and ordered back to **1470 kc.**, its regular frequency, to operate with 5 KW; effective 3 a. m., April 8, 1935.
- KGNO—Dodge City Broadcasting Co., Dodge City, Kans.—Denied protest against granting by Commission of application of Garden City Broadcasting Co., for C. P. for new station at Garden City, Kans.
- WSPD—Toledo Broadcasting Co., Toledo, Ohio—Denied stipulation of attorneys for WALR, WHBA, and WSPD, suggesting WSPD be allowed to intervene at hearing of application of WALR to move to Toledo, Ohio, despite former adverse ruling by Commission.

APPLICATIONS RECEIVED

- WKRC—WKRC, Inc., Cincinnati, Ohio—Modification of construction permit (2-P-B-3282) to extend commencement and completion dates.
- WSVA—Marion K. Gilliam, Staunton, Va.—Modification of construction permit (2-P-B-3280) to extend completion date to June 4, 1935.
- WSVA—Marion K. Gilliam, Staunton, Va.—Modification of construction permit (2-P-B-3280) requesting approval of transmitter site and make equipment changes.
- NEW—Alfred Frank and Clarence Bamberger, Salt Lake City, Utah—Construction permit to erect a new broadcast station to be operated on **550 kc.**, 500 watts, unlimited time, studio and transmitter 4th South and Main, Salt Lake City, Utah.
- KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification of (5-P-B-3274) as modified authorizing new equipment, increase power from 1 KW to 1 KW—2½ KW—day, further requesting new equipment, increase power from 1 KW—2½ KW—day to 1 KW—5 KW—day and extend commencement and completion dates. Amended: Omit request for increase of day power to 5 KW.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW day and night.
- KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authorization to operate on **570 kc.**, 1 KW, unlimited time, period from April 1, 1935, to September 1, 1935, install directional antenna.
- WCAO—The Monumental Radio Co., Baltimore, Md.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power from 500 watts to 1 KW day and night.
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (5-P-B-3200) to extend commencement and completion dates.
- NEW—Milton Kaufman and Jonas Weiland, Kinston, N. C.—Construction permit to erect a new broadcast station to be operated on **620 kc.**, 1 KW power, unlimited time. Amended: Re equipment, transmitter site to be determined. Consider under Rule 6.
- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Construction permit to increase power from 500 watts to 5 KW and make changes in equipment.
- KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Special experimental authorization to operate on **710 kc.**, 250 watts night, 500 watts day, unlimited time, period ending August 1, 1935.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to move 5 KW transmitter from 131 Market St., Newark, N. J., to Pauline St. and Park Ave., Carteret, N. J., for use as an auxiliary transmitter.
- NEW—The Fort Industry Co., Cleveland, Ohio—Construction permit for a new broadcast station to be operated on **850 kc.**, 250 watts power, day time.
- KUSD—University of South Dakota, Vermillion, S. Dak.—Modification of license to change hours of operation from S-WILL, KFNF. KUSD and WILL ½ time KFNF ½ time to S-KFNF ½ time, KFNF ¾ time.

- KFNF—Henry Field Co., Shenandoah, Iowa—Modification of 890 license to change hours of operation from ½ time, S-WILL and KUSD to S-KUSD, KFNF ¾ time, KUSD ¼ time. Part of facilities KUSD.
- WJAX—City of Jacksonville, Jacksonville, Fla.—Construction permit to install new equipment, increase day power from 1 KW to 5 KW. Amended: Transmitter site to be determined.
- KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (5-P-B-3199) to extend commencement and completion dates.
- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit to move transmitter from Live Stock Exchange Bldg., 1001 Exchange Ave., Chicago, Ill., to Union Stock Yards, Chicago, Ill., and studio from Live Stock Exchange Bldg., 1001 Exchange Ave., Chicago, Ill., to Palmer House, State and Monroe Sts., Chicago, Ill., install new equipment and change hours of operation from daytime to unlimited time, using 500 watts power. Amended: change power from 500 watts to 500 watts night, 1 KW day.
- KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Modification of license to change hours of operation from S-KGBZ to unlimited (facilities of KGBZ).
- NEW—Edwin A. Kraft, Fairbanks, Alaska—Construction permit to erect a new station to be operated on 950 kc., 250 watts, unlimited time.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit (4-P-B-2584) as modified to move transmitter, install new equipment, increase power from 1½ KW to 5 KW and hours of operation from limited to unlimited, requesting extension of completion date from May 1, 1935, to June 15, 1935.
- NEW—Tom E. Foster and M. E. Terry, d/b as The Kilgore Daily 990 News, Kilgore, Tex.—Construction permit to erect a new broadcast station to be operated on 990 kc., 250 watts, daytime, transmitter and studio site to be determined.
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—License to cover 1060 construction permit (B4-P-276) to make equipment changes.
- KGDM—E. F. Pepper, Stockton, Calif.—Modification of construction permit authorizing installation of new equipment, move of transmitter and increase of power, requesting changes in equipment. Amended: For approval of transmitter site as Lots 4 and 5, Clarkadota Subdivision No. 3, Stockton, Calif., and extension of commencement date to 30 days after grant and completion date to 90 days thereafter.
- KRSC—Radio Sales Corp., Seattle, Wash.—Construction permit to make equipment changes, increase power from 100' to 250 watts, time from day to unlimited and transmitter site to be determined.
- NEW—Clark Standiford, Pasadena, Calif.—Construction permit to erect a new broadcast station to be operated on 1150 kc., 500 watts unlimited time, studio and transmitter, 39 South El Molino Ave., Pasadena, Calif.
- NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Construction permit for a new broadcast station to be operated on 1200 kc., 100 watts, daytime. Amended: Transmitter site to be determined.
- WAIM—Wilton E. Hall, Anderson, S. C.—License to cover construction permit (B3-P-185) as modified for a new station.
- WHBY—WHBY, Inc., Green Bay, Wis.—License to cover construction permit (B4-P-76) to increase day power and make equipment changes.
- NEW—W. T. Knight, Jr., Savannah, Ga.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time, studio and transmitter site to be determined in Savannah, Ga.
- NEW—David Parmer, Columbus, Ga.—Construction permit to erect a new station to be operated on 1200 kc., 100 watts, unlimited time.
- NEW—The Hartford Times, Inc., John F. Rolfe, Treasurer, Hartford, Conn.—Construction permit to erect a new station to be operated on 1200 kc., 100 watts, 250 watts, day, unlimited time. Amended: To make changes in equipment and change power from 100 watts, 250 watts day, to 100 watts day and night.
- NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—License to cover construction permit (B2-P-138) to increase power and make equipment changes.
- NEW—Alaska Radio and Service Co., Inc., Juneau, Alaska—Construction permit to erect a new broadcast station to be operated on 1220 kc., 100 watts, unlimited time. Amended: To request 1200 kc., studio and transmitter location.
- KGY—KGy, Inc., Olympia, Wash.—Extension of special authorization to operate additional hours on Monday, Tuesday, Wednesday, Friday and Saturday from 7 a. m. to 11 p. m.; Thursday, 7 a. m. to 7:30 p. m., no Sunday or holiday except those not used by KTW, to end of next regular license period.
- KGy—KGy, Inc., Olympia, Wash.—Modification of license to change from S. H. to Monday, Tuesday, Wednesday, Friday and Saturday 7 a. m. to 11 p. m., Thursday 7 a. m. to 7:30 p. m.; provided station shall not be operated on Sundays or holidays excepting those on which KTW does not operate.
- NEW—Charles C. Theis, Wichita, Kans.—Construction permit for a new broadcast station to be operated on 1210 kc., 100 watts, unlimited.
- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Modification of construction permit (B4-P-29) as modified to erect a new station to be operated on 1210 kc., 100 watts, unlimited time, requesting approval of studio and transmitter site as Howard St. and 6th Ave., Hibbing, Minn., and extend commencement and completion dates.
- WJW—WJW, Inc., Akron, Ohio—Construction permit to make changes in equipment.
- NEW—Robert Kaufman, Inglewood, Calif.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts specified hours daytime, transmitter and studio sites to be determined, Inglewood, Calif.
- WGCM—WGCM, Inc., Mississippi City, Miss.—Modification of license to change hours of operation from specified hours to unlimited time.
- NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited time.
- NEW—Miles J. Hansen, Fresno, Calif.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, unlimited time, transmitter site to be determined.
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license to change hours of operation from specified to unlimited. Request facilities KFVS.
- KWSC—State College of Washington, Pullman, Wash.—Construction permit to make changes in equipment and increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day. Amended: Further changes in equipment and transmitter site, to be determined.
- WREN—Jenny Wren Company, Lawrence, Kans.—Voluntary assignment of construction permit (B4-P-265) to WREN Broadcasting Co.
- WREN—Wren Broadcasting Co., Lawrence, Kans.—Modification of construction permit authorizing installation of new equipment and increase of power from 1 KW to 1 KW, 5 KW day, requesting further changes in equipment.
- KGCU—Mandan Radio Asso., Inc., Mandan, N. Dak.—Modification of license to change frequency from 1240 kc. to 1230 kc., and hours of operation from specified to unlimited time.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to operate on 1240 kc., 1 KW, unlimited time, period from April 1, 1935, to September 1, 1935.
- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modification of license to change power from 500 watts, 1 KW LS, to 1 KW.
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Special experimental authority to make equipment changes, operate on 1240 kc., 500 watts night, 1 KW day, unlimited time move transmitter.
- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Special experimental authorization to make changes in equipment, and change frequency from 1200 to 1250 kc., and increase power from 100-250 watts day, to 250-500 watts day. Amended: Change time from unlimited to specified hours. (1 a. m. to 6 a. m.)
- KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Construction permit to install new equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.
- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-148) to increase power from 1 KW-2½ KW to 1 KW-5 KW day.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Construction permit to make changes in equipment, change frequency from 1420 to 1300 kc., power from 100 watts-250 watts day, to 500 watts day and night.

NEW—Century Broadcasting Co., Inc., Richmond, Va.—Construction permit for a new broadcast station to be operated on 1310 kc., 100 watts, unlimited.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Construction permit for a new broadcast station to be operated on 1310 kc., 100 watts, unlimited. Amended: Transmitter site to be determined.

WFDF—Flint Broadcasting Co., Flint, Mich.—License to cover (B2-P-245) to construct a new station.

NEW—Robert K. Herbst, Moorhead, Minn.—Construction permit for new broadcast station to be operated on 1310 kc., 100 watts power, unlimited time. Amended: Transmitter and studio sites to be determined, Moorhead, Minn.

KFPL—C. C. Baxter, Dublin, Tex.—Construction permit make equipment changes, increase power from 100 watts to 100 watts night, 250 watts LS. Amended: Transmitter site to be determined, also antenna.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Modification of construction permit (B5-MP-93) to extend commencement and completion dates.

NEW—Dean R. Richardson, Watertown, N. Y.—Construction permit to erect a new broadcast station to be operated on 1340 kc., 250 watts, unlimited time.

WEED—William Avera Wynne, Rocky Mount, N. C.—Construction permit equipment change, frequency from 1420 to 1350 kc., power from 100 watts to 250 watts, time from unlimited day and S-WEHC night to unlimited.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Authority to install automatic frequency control.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Construction permit to change equipment, and frequency from 1370 to 1390 kc., increase power from 100 watts to 1 KW-5 KW day.

NEW—Earl E. Rumbaugh, Danville, Ill.—Construction permit to erect a new broadcast station to be operated on 1370 kc., 100 watts, daytime.

NEW—Valley Broadcasting Co., Youngstown, Ohio—Construction permit to erect a new broadcast station to be operated on 1370 kc., 100 watts, daytime.

NEW—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to erect new broadcast station to be operated on 1370 kc., 100 watts 250 watts day, unlimited time.

KONO—Mission Broadcasting Co., San Antonio, Tex.—Construction permit to change transmitter and studio site to Travis and Soledad Sts.

NEW—Black Hills Broadcast Co., Robert Lee Dean, Executive President, Rapid City, S. Dak.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended: Giving transmitter site as City Park, Canyon Lake, Rapid City, S. Dak.

WMFE—William J. Sanders, New Britain, Conn.—Modification of construction permit to make equipment changes and designate transmitter site and extension of commencement and completion date.

KLO—Interstate Broadcasting Corp., Ogden, Utah—Construction permit to make equipment changes and increase power from 500 watts to 1 KW.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Voluntary assignment of license from National Radio & Broadcasting Corp. to Plains Radio Broadcasting Co.

WHBL—Press Publishing Co., Sheboygan, Wisc.—License to cover construction permit (B4-P-296) to make equipment changes.

KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Modification of license to change hours of operation from specified to unlimited time.

KRLC—H. E. Studebaker, Lewiston, Idaho—License to cover construction permit (5-P-B-3016a) for a new station.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Modification of construction permit (B4-P-323) to make equipment changes and approval transmitter and studio sites at 101 East Ave. "A."

WMFJ—W. Wright Esch, Daytona Beach, Fla.—License to cover construction permit (B3-P-145) as modified for new station.

WJMS—WJMS, Inc., Ironwood, Mich.—License to cover construction permit (B2-P-348) for move of transmitter.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa—Modification of construction permit authorizing removal of transmitter, requesting approval of transmitter site and installation of new equipment. Amended: To request transmitter site at 715 Locust St., Des Moines, Iowa.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license to change power from 500 watts night, 1 KW day to 1 KW day and night.

NEW—News Broadcasting Co., St. Joseph, Mo.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts, unlimited time. Amended: re change frequency from 1500 kc. to 1310 kc.

WMBQ—Paul J. Gollhofer, Brooklyn, N. Y.—Voluntary assignment of license from Paul J. Gollhofer to Metropolitan Broadcasting Corp.

NEW—Clark Standiford, Fresno, Calif.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts, unlimited time, transmitter and studio, 2040 Kern, Fresno, Calif.

NEW—KGBX, Inc., St. Joseph, Mo.—Construction permit to erect a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended: To change name to News Broadcasting Co.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Modification of construction permit authorizing erection of a new station to be operated on 1500 kc., 100 watts, unlimited, requesting changes in equipment and extension of commencement date to 30 days after grant and completion date to 6 months thereafter.

NEW—Southern Oregon Publishing Co., Roseburg, Ore.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts, unlimited time. Amended: Re change hours of operation to daytime and transmitter site to be determined.

NEW—L. E. Robideaux, Bend, Ore.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts-250 watts LS, unlimited time. Amended: To change power to 100 watts, hours of operation to specified, make equipment changes and change transmitter location.

WKBB—Sanders Bros. Radio Station, East Dubuque, Ill.—License to cover construction permit (4-P-B-3305).

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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NEW MARKET REFERENCE PUBLISHED

A convenient compendium of current market data entitled "Survey of Spending Power" has been published by Sales Management Magazine. The survey contains up-to-date market information for all cities over 10,000 in population and for all counties in the United States.

Data published includes the population of the city and its immediate suburbs; the percentage of total U. S. population represented by the city or county; net retail sales; percentage of total U. S. retail sales represented by the city or county; per capita retail sales; percentage of total U. S. retail sales of food, clothing, automotive products, general merchandise and drugs, represented by the city or county; 1934 spendable income; percentage of total U. S. spendable income represented by the territory, new passenger car sales in 1933 and 1934 and percentage change.

State data includes a variety of additional information designed to afford a comparison of the business opportunities within the various states. Copies can be secured from Sales Management, 220 East 42nd St., New York City, for \$1.00.

RECOMMENDATIONS ON BROOKLYN SITUATION

Applications for a number of changes in the Brooklyn, N. Y., broadcasting situation were made to the Federal Communications Commission. Stations WARD and WLTH asked for license renewal and voluntary assignment of license; WBBC asked for license renewal and renewal of auxiliary transmitter license; WVFW, license renewal and voluntary assignment of license; Brooklyn Daily Eagle Company and Arde Bulova and Norman K. Winston, both asked for construction permit for a new station; WEVD, for license modification; and the following asked for license renewal: WHAZ, WFAB, and WBBR.

George H. Hill(e) in Report No. I-40 made the following recommendations:

1. That the applications of United States Broadcasting Corp. (WARD) for construction permit, modification of license, renewal of license, and voluntary assignment of license, be denied.

2. That the applications of Brooklyn Broadcasting Corp. (WBBC) for modification of license, renewal of license and renewal of auxiliary transmitter license, be denied.

3. That the applications of Paramount Broadcasting Corp. (WVFW) for modification of license, renewal of license and voluntary assignment of license, be denied.

4. That the applications of Voice of Brooklyn, Inc. (WLTH), for renewal of license and voluntary assignment of license, be denied.

5. That the application of Debs Memorial Radio Fund, Inc. (WEVD), for modification of license, be denied.

6. That the applications of the Licensees of Stations WHAZ, WFAB, and WBBR, for renewal of licenses, be granted.

7. That the application of Brooklyn Daily Eagle Broadcasting Company, Inc., for construction permit, be granted.

8. That if the application of the Brooklyn Daily Eagle Broadcasting Company, Inc., is granted, then the application of Arde Bulova and Norman K. Winston for a construction permit should be denied, but if the application of Brooklyn Daily Eagle Broadcasting Company, Inc., is denied, the application of Bulova and Winston for a construction permit should be granted.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2157. Duralith Corporation, New York and Chicago. The corporation is prohibited from the use of a fraudulent plan for the

sale of plastic paint and wall texture material called "Duralith," involving inducing distributors to enter into contracts and sign trade acceptances in payment for purchase of Duralith by false, fraudulent and misleading representations, and by agreements, assurances and promises which were not kept or performed.

No. 2293. John F. Bolon Cigar Company, Bethesda, O. To cease and desist from using the words "Tampa," "Habana" and "Vuelta Abajo" to describe cigars unless they are made in the Tampa district, or of Havana tobacco or in the Vuelta Abajo district of Cuba, respectively.

Dismissal

No. 2203. The Commission has made public an order dismissing the complaint against the Purity Ice Company, Lakeland, Fla., in which the respondents were charged with violation of certain provisions of the code of fair competition for the ice industry. It was found that the company did not engage in interstate commerce and that its activities did not affect such commerce.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0842. L. J. Piver Co., New York City. Will no longer advertise that its product "Matite" is the only face powder that contains no talcum, orris root, starch or pollen and that powders containing talcum will produce a shine. It will not represent its product as revitalizing the skin.

No. 0843. Major Products Co., New York City. Will desist from advertising that its product "Byron Hot Springs Crystals" is a competent treatment for acidosis, neuritis, rheumatism and other ailments, and that the benefits derived from its use are equal to visiting a spring or drinking natural spring water.

No. 1340. Cardinal Shirt Co., New York City. Will no longer advertise its shirts as "full count fast color broadcloth" or stamp "pre-shrunk" on the neckbands, or use the phrase "Invisible collar stays that prevent the points from curling" when these are not the case.

No. 1341. Jacob Frankel, Medical & Dental Arts Building, Chicago. To discontinue advertising alloys sold to dentists in such a manner as to constitute unfair representations regarding the product.

No. 1342. Gem Electric Manufacturing Co., New York City. To cease using the initials "U. S. A." in branding its products so as to imply that they were manufactured entirely in the United States. It is stipulated that when products were made in part from American materials that the letters "U. S. A." be accompanied by an equally conspicuous statement that parts were not made in this country.

No. 1343. Thomas Import Co., New York City. Similar stipulation as the foregoing.

No. 1344. Porter Safety Seal Co., Chicago. To discontinue the use of "Patented" or "Patent Nos. 719,864-5 & 6" so as to imply that it owns or controls a valid patent when this is not true.

No. 1345. W. R. Murray, Ayshire, Iowa. To cease representing that his product "The National Pied Piper Rat-Killer" has been recommended by the U. S. Department of Agriculture when this is not true.

No. 1346. William H. Habenstreit and Beatrice L. Miller, Omaha, Nebr. The respondents agree to discontinue using in contracts ambiguous and uncertain language having a capacity to confuse the meaning of the contracts, the said contracts pertaining to the sale of cigar lighters by retailers.

No. 1347. Ashfield-Johnson Corporation, Brooklyn, N. Y. To cease advertising that it is a manufacturer of china bathroom accessories when this is not true.

No. 1348. Adoo Electric Manufacturing Co., Inc., Brooklyn, N. Y. To desist from representing its Christmas tree lighting outfits as composed entirely of American made parts unless this is true.

No. 1349. Dickson Raincoat Co., Inc., Milan, Tenn. To cease representing that its suits are made-to-measure when this is not the case, and to desist from making exaggerated claims concerning profits to agents and solicitors.

No. 1350. Charles Scribner's Sons, New York. To cease selling books, whether imported or not, under substantially different titles from those under which they previously have been published in periodical, newspaper or other form.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These companies have been given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them:

No. 2348. Universal Extract Co., New York City. Alleged that the respondents, though domestic dealers, represented themselves as importers of flavoring extracts. Hearing May 3.

No. 2349. Colombo Extract Co., New York City. Same allegation. Hearing May 3.

No. 2350 Rock-Ola Manufacturing Co., Chicago. Resale price maintenance in the sale of coin amusement machines to jobbers and retailers is alleged.

No. 2351. The Times Sales Co., Chicago Ill. The respondent is alleged to have represented its encyclopedia as sponsored by Time magazine, that the encyclopedia was new and up-to-date and other representations, when this was not the case. Hearing May 10.

No. 2352. Eighteen companies manufacturing fire extinguishing equipment, producing approximately 85 per cent of such equipment in the United States, and the code authority of the said industry are charged with combination and conspiracy to fix and maintain uniform prices and pretended compliance with the code for that industry.

No. 2353. Kelpe'Koe, Inc., Seattle, Wash. It is alleged that the respondent's remedy is of substantial therapeutic value in the treatment of thirty human ailments, when this is not true, and that it is a tonic and builder for children of all ages when this is not true. Hearing May 10.

No. 2354. The Rubber Manufacturers' Association, members of the Mechanical Goods Division of the Association, members and administrative officers of the Master Code Authority for the rubber manufacturing industry and of the Code Authority for the Mechanical Rubber Goods division. Charged with combination to maintain prices and maintaining a boycott by refusing to supply their products to any wholesaler or retailer who failed or refused to quote or to sell at prices as fixed under the alleged agreement.

No. 2355. H. N. Heusner & Son, Hanover, Pa. Charged with labeling cigars as "Havana" when they are not made wholly or in greater part of tobacco grown in Cuba. Hearing May 10.

No. 2356. A. J. Krank, St. Paul and Milwaukee. Unfair practices in the sale of beauty and barber supplies are alleged, including "combination" deals, failure or refusal to file price lists, and inaccurate advertising. The Commission's complaint is based on representations by the National Recovery Administration. Hearing May 17.

No. 2357. Renesol Corporation, New York City. It is alleged that the respondent's product, advertised as a treatment for epilepsy, has for its active ingredient phenobarbital, a coal tar sedative described as a powerful and dangerous hypnotic, whereas no cure or remedy for epilepsy is known to medical science, except in some instances by operation. Hearing May 17.

No. 2358. Blind Weavers, Inc., Chicago. Is charged with deceiving a substantial part of the public into erroneously believing that its rugs are produced in their entirety by the labor of blind people in charitable institutions, thereby diverting trade from producers of truthfully marked rugs who sell their products on their merits rather than on the basis of sympathy for the blind. Hearing May 17.

No. 2359. Best & Co., New York. Allegedly describing as Panama hats products not made of the paja toquilla or jipijapa plant according to the process of making genuine Panama hats. Hearing May 17.

No. 2360. Dixie E. Boyer, Belmont, O. Allegedly advertising certain cigar products as "Hand-made," "Wheeling Twins" and "Perfectos Habanas" when in fact they were not entirely made

by hand, and were not made in Wheeling or in Cuba. Hearing May 17.

No. 2361. Leading Perfumers and Chemists, New York. Charged with labeling their products "Fleur de Matin-Cartel" and "L'enchanteur, Poudre de Talc Sweet Pea," thus tending to deceive buyers into believing that its preparations were made in and imported from France when this was not the case. Hearing May 17.

No. 2362. Reliable Sales Co., Chicago. Charged with unfair competition in the sale of radio receiving sets, tables, wine sets, etc., by push card lottery methods and with misrepresenting earnings to prospective salesmen.

ENGINEERING COMMITTEE TO MEET

A joint meeting of the NAB Engineering Committee, the IRE Broadcast Committee and the Engineering Committee of the RMA will be held Wednesday, May 1, at the New Yorker Hotel, New York City.

CHIEF ACCOUNTANT DIES

Arnold C. Hansen, chief accountant of the Federal Communications Commission, died here on Sunday from a heart attack. Mr. Hansen had held executive positions in both the Interstate Commerce Commission and the Bureau of Internal Revenue before joining the Communications Commission comparatively recently.

Mr. Hansen was born in Marstel, Denmark, in 1879 and after coming to the United States studied at both the New York University and George Washington University, this city.

BROADCAST MEASUREMENTS

During the month of March the Federal Communications Commission's engineers made broadcast measurements of 569 stations, with 41 stations not measured including those under construction.

The measurements showed that of this number 378 stations had a maximum deviation within 0-10 cycles; with 133 stations within 11-25 cycles; 53 stations within 26-50 cycles and 5 stations with over 50 cycles deviation.

SECURITIES ACT REGISTRATION

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

Canadian American Mining Company, Lovelock, Nev. (2-1371, Form A-1)

The Mar-Tex Oil Company, Baltimore, Md. (2-1372, Form A-1)

W. T. Culver Company (2-1373, Form E-1)

Manley Quebec Gold Mines, Ltd., Toronto, Canada (1-1374, Form A-1)

Texas Centennial Central Exposition, Dallas, Texas (2-1375, Form A-1)

Wakefield Mining Company, Inc., Nogales, Ariz. (2-1376, Form A-1)

Riverview Cumberland Mining Corp., Searchlight, Nev. (2-1377, Form A-1)

F. M. Brown Funeral Homes, Ltd., Amherst, Nova Scotia (2-1378, Form A-1)

Addressograph-Multigraph Corporation, Cleveland, Ohio (2-1379, Form A-1)

Petroleum, Inc., Porterville, Calif. (2-1380, Form A-1)

Elevator Manufacturers' Corp., Red Bank, N. J. (2-1381, Form A-1)

Automatic Signal Acceptance Corp., Dover, Del. (2-1382, Form A-1)

Godhaux Sugars, Inc., New Orleans, La. (2-1383, Form A-1)

OPERATOR WANTED

An NAB member station has need for an operator having a broadcast license, and ability to copy Transradio press on the typewriter. Further information is available at NAB headquarters.

CODE

The Code Authority this week dispatched the following communications relative to proposed programs:

"April 16 1935

"Interstate Aid Association

"75 East Wacker Drive

"Chicago Illinois

"Under date April third we wired you as follows quote our attention drawn to circular letter to radio stations offering fifteen

cents for each inquiry received in reply to an announcement concerning thousand dollar life protection certificate stop all per inquiry or percentage business is prohibited by article seven section one paragraph B code of fair competition for radio broadcasting industry stop therefore request you immediately withdraw this proposal otherwise formal notice will be mailed at once stop advise unquote you have remained silent and we are accordingly circularizing radio stations concerning the matter

"James W Baldwin"

"April 17th, 1935.

"Mr. Robert S. Wood,
"Editor Radio Guide,
"731 Plymouth Court,
"Chicago, Illinois.
"Dear Mr. Wood:

"We are in receipt of a letter addressed by you to a radio broadcasting station enclosing a script prepared for broadcasting of news and feature material appearing in the current issue of Radio Guide. It is observed that you offer this exclusive service to one station in each city without any service charge.

"The opening and closing announcements contained in the script at least are of definite commercial value and consequently this arrangement which you offer the stations will subject any station accepting the same to liability for violation of the Free Time provision contained in Article VII, Section 1, Paragraph (b) of the Code of Fair Competition for the Radio Broadcasting Industry.

"Cordially yours,

"Code Authority for the Radio Broadcasting Industry
"James W. Baldwin, Executive Officer."

BROADCASTER GETS REFUND

Guy T. Helvering, Commissioner of Internal Revenue, has announced a refund of \$23,038.28 to the Hello World Broadcasting Corporation, Shreveport, La., for overassessment of income tax and interest for the fiscal year ended August 31, 1931.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, April 22, 1935

- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—C. P. 560 kc., 1 KW, 5 KW, LS, unlimited time. Present assignment: 560 kc., 1 KW, 2½ KW, LS, unlimited time.
WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Special experimental authority, 560 kc., 1 KW, unlimited time. Present assignment: 560 kc., 500 watts, unlimited time.

Tuesday, April 23, 1935

- KWTO—KGBX, Inc., Springfield, Mo.—C. P., 560 kc., 5 KW, daytime.
WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., 1250 kc., 250 watts, 500 watts LS., unlimited time. Present assignment: 1200 kc., 100 watts, 250 watts, LS., unlimited time.
NEW—KGBX, Inc., St. Louis, Mo.—C. P., 1500 kc., 100 watts, unlimited time.
NEW—J. L. Scroggin, St. Joseph, Mo.—C. P., 1500 kc., 100 watts, unlimited time.
NEW—E. W. Patrick, Brookfield, Mo.—C. P., 1310 kc., 100 watts, unlimited time.
KFRU—KFRU, Inc., Columbia, Mo.—Modification license, 630 kc., 500 watts, shares with WGBF, simultaneous day with WGBF. Present assignment: 630 kc., 500 watts, shares with WGBF and WOS, simultaneous day with KGBF.

Thursday, April 25, 1935

- NEW—KWIL Broadcasting Co. (D. A. Gibbs, Jr., and E. H. Shemorry), Williston, N. Dak.—C. P., 1500 kc., 100 watts, specified hours.
NEW—George B. Bairey, Valley City, N. Dak.—C. P., 1310 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- KFPL—C. C. Baxter, Dublin, Tex.—Granted C. P. to make changes in equipment and increase in day power from 100 to 250 watts.

WOC—The Palmer School of Chiropractic, Davenport, Ia.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted modification of C. P. authorizing changes in equipment and improving transmitter site.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to determine operating power by direct measurement of antenna.

WKRC—WKRC, Inc., Cincinnati, O.—Granted modification of C. P. extending commencement date to 4-29-35 and completion date to 7-29-35.

KRLC—H. E. Studebaker, Lewiston, Idaho—Granted license to cover C. P.; frequency 1420 kc., 100 watts, unlimited time.

WSVA—Marion K. Gilliam, Harrisonburg, Va.—Granted modification of C. P. approving transmitter site near Harrisonburg and studio location in Harrisonburg; also for changes in equipment.

WSVA—Marion K. Gilliam, Staunton, Va.—Granted modification of C. P. extending completion date to 6-4-35.

WGCM—WGCM, Inc., Mississippi City, Miss.—Granted modification of license to change hours of operation from specified to unlimited.

WTRC—Truth Radio Corp., Elkhart, Ind.—Granted consent to voluntary assignment of license to The Truth Publishing Co., Inc.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted modification of license to increase power from 500 watts night, 1 KW day, to 1 KW night and day. (Application for special experimental authorization to use 500 watts additional power at night, heretofore designated for hearing, was retired to files.)

NEW—KTAR Broadcasting Co., Portable-Mobile (Phoenix, Ariz.)—Granted C. P. (exp. gen. exp.), frequencies, 31100, 34600, 37600, 40600 kc., 10 watts.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted C. P. to make changes in equipment and increase day power to 250 watts.

WPRP—Julio M. Conesa, Ponce, Puerto Rico—Granted modification of C. P. extending completion date from 4-18 to 8-18-35.

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Granted modification of C. P. to make changes in equipment; extend commencement date to 30 days after grant and completion date to 6 months thereafter.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted license to cover C. P., frequency 1200 kc., 250 watts day.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted license to cover C. P., frequency 1500 kc., 100 watts night, 250 watts day, unlimited time.

KWYO—R. E. Carroll, doing business as Big Horn Broadcasting Co., Sheridan, Wyo.—Granted voluntary assignment of license to Big Horn Broadcasting Co., Inc.

WJAR—The Outlet Co., Providence, R. I.—Granted extension of special experimental authority to use 250 watts additional nighttime power for period April 16 to Sept. 1, 1935.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted extension of special experimental authority to use 500 watts additional night power for period April 1 to Oct. 1, 1935.

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Granted modification of C. P. to make changes in antenna and for approval of transmitter and studio sites.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted modification of C. P. approving transmitter site on U. S. Highway #93, approximately 3¼ miles northwest of Missoula post office.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted C. P. to move transmitter, and to operate unlimited time on frequency 1200 kc. with 100 watts power employing a temporary antenna system pending completion of construction.

W10XAN—National Broadcasting Co., Portable-Mobile (New York)—Granted C. P. (exp. gen. exp.) for new power amplifier and increase in power from 10 to 40 watts.

RENEWAL OF LICENSES

The following applications for renewal of Relay Broadcasting licenses for experimental service, were granted, effective May 1, 1935, to expire May 1, 1936, in exact conformity with existing licenses:

W2XE, near Wayne, N. J.; W9XAA, Chicago, Ill.; W8XAL, near Mason, Ohio; W2XAD, So. Schenectady, N. Y.; W2XAF, So. Schenectady, N. Y.; W3XAL, Bound Brook, N. J.; W9XF,

Downer's Grove, Ill.; W3XAU, Newton Square, Pa.; W1XK, Millis, Mass.; W8XK, Saxonburg, Pa.

The following applications for renewal of Visual Broadcasting station licenses for experimental service, were granted, effective May 1, 1935, to expire May 1, 1936, in exact conformity with existing licenses:

W2XAB and W2XAX, New York; W6XAO, Los Angeles; W9XAL, Kansas City, Mo.; W1XG, Boston, Mass.; W9XD, Milwaukee, Wis.; W9XAK, Manhattan, Kans.; W2XBS, Bellmore, N. Y.; W2XBT, Portable (NBC); W2XF, New York; W3XAK, Bound Brook, N. J.; W9XAP, Chicago; W3XE, Philadelphia; W9XG, W. Lafayette, Ind.; W2XDR, Long Island City; W3XAD, Camden, N. J.; W10XX, Camden, N. J.; W8XAN, Jackson, Mich.; W9XK, Iowa City, Ia.; W9XAT, Portable (Dr. Geo. W. Young).

SET FOR HEARING

NEW—Paul Sullivan Andrews, Lewiston, Me.—Application for C. P.; 560 kc., 250 watts, nighttime only.

NEW—A. O. Jenkins, Jacksonville, Fla.—Application for C. P., 610 kc., 250 watts night, 500 watts day; unlimited time.

KRKO—Pioneer Broadcasters, Inc., Everett, Wash.—Application for C. P. to move transmitter and studio locally and make changes in equipment.

NEW—Alaska Radio & Service Co., Inc., Juneau, Alaska—Application for C. P.; 1200 kc., 100 watts, unlimited time.

NEW—Robert E. Cole, Washington, Pa.—Application for C. P.; 1200 kc., 100 watts, specified hours.

NEW—The Fort Industry Co., Cleveland, Ohio—Application for C. P.; 850 kc., 250 watts, daytime hours.

NEW—Robert Kaufman, Inglewood, Calif.—Application for C. P., frequency 1210 kc., 100 watts day; specified hours.

WEBQ—The Harrisburg Broadcasting Co., Harrisburg, Ill.—Application for modification of license to change hours of operation to unlimited; now operates on 1210 kc., 100 watts night, 250 watts day, specified hours.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Application for modification of license to change power from 500 watts night, 1 KW day, to 1 KW.

NEW—J. W. Birdwell and S. R. Jennings, Johnson City, Tenn.—Application for C. P. for new station, frequency 1200 kc., 100 watts; unlimited hours.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Application for C. P. to install new equipment, move studio locally and increase day power to 5 KW.

NEW—Pacific Acceptance Corp., San Diego, Calif.—Application for C. P. for new station; frequency 1420 kc., 100 watts, unlimited time.

NEW—Quincy A. Brackett, Lewis B. Breed and Edmund A. LaPort, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Application for C. P. for new station to operate on 1140 kc., 500 watts day, limited hours.

WRC—National Broadcasting Co., Inc., Washington, D. C.—C. P., already in hearing docket, amended so as to request authority to move station locally; install new equipment and increase power to 5 KW. (To be heard by the division en banc).

WMCA—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Renewal of license.

KXA—American Radio Tel. Co., Seattle, Wash.—Renewal of license.

ACTION ON EXAMINERS' REPORTS

NEW—Evangeline Broadcasting Co., Lafayette, La.—Granted C. P. for new station to operate on 1310 kc., 100 watts, unlimited time, sustaining Examiner M. H. Dalberg. Order effective April 30.

WWVA—West Virginia Broadcasting Corp. Wheeling, W. Va.—Granted renewal of license; 1160 kc., 5 KW, shares night with WOKO, simultaneous day with WOWO.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Granted renewal of license; 1160 kc., 10 KW, shares night with WWVA, simultaneous day with WWVA, Examiner Walker sustained. Order effective April 30.

NEW—Dalbert E. Replogle, Boston, Mass.—Denied C. P. for new experimental broadcast station to operate on 1570 kc., 1 KW, variable hours, sustaining Examiner R. H. Hyde. Order effective May 7, 1935.

NEW—Harris County Broadcast Co., Houston, Tex.—C. P. for new experimental relay broadcast station to operate on a main frequency of 9310 kc., also 11770 and 15150 kc., 500 watts, unlimited time, heard before Examiner Dalberg, was withdrawn without prejudice.

NEW—E. B. Gish, Gish Radio Service, Abilene, Tex.—C. P. for new station to operate on 1420 kc., 100 watts, unlimited time, heard by Examiner Dalberg, was withdrawn without prejudice.

NEW—Radio Service, Inc., Riverside, Calif.—C. P. for new station to operate on 820 kc., 100 watts, daytime hours, was denied as in cases of default. Examiner R. L. Walker sustained.

NEW—W. L. Gleeson, Salinas, Calif.—C. P. for new station to operate on 1210 kc., 100 watts, unlimited time, was withdrawn without prejudice, sustaining Examiner Walker.

NEW—Radio Service, Inc., Redlands, Calif.—C. P. for new station to operate on 830 kc., 100 watts, daytime hours, was withdrawn without prejudice, sustaining Examiner Walker.

MISCELLANEOUS

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Denied motion to enlarge the bill of particulars as to the issues station will be called upon to meet at hearing for renewal of license.

KABR—The Aberdeen Broadcasting Co., Aberdeen, S. Dak.—Denied petition to intervene in application of KSOO, Sioux Falls, S. Dak., for modification of license to change frequency from 1110 to 780 kc., also a change in power and in hours of operation. This application is to be heard May 7, 1935.

WLBC—Donald A. Burton, Muncie, Ind.—Denied petition requesting Commission to reconsider action of Jan. 15, 1935, in designating for hearing application for increase in daytime power and to set for hearing only application for increase in night power. Hearing to be held as originally scheduled. Applicants ask for increase in day power from 100 watts to 250 watts and night power from 50 to 100 watts.

The Black Hills Broadcasting Co., Rapid City, S. Dak.—Granted petition to intervene in the application of KSOO for modification of license as above recorded to be heard May 7, 1935. This party has pending before the Commission an application for a new station to operate on 1370 kc., in Rapid City, S. Dak.

WATR—The WATR Co., Inc., Waterbury, Conn.—On motion of Commissioner Prall the Commission granted the petition of WATR Co., Inc., requesting that the application of the WATR Co., Inc., for modification of license heretofore set for hearing be reconsidered and granted.

WTRC—Truth Radio Corp., Elkhart, Ind.—Denied petition asking Commission to reconsider and grant application for C. P. to increase its power to 250 watts day, 100 watts night, designated for hearing on March 12, 1935.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Denied request for further postponement of hearing set for May 6, 1935.

WDRC—WDRC, Inc., Hartford, Conn.—Denied petition asking reconsideration of action by the Commission in designating for hearing application for modification of license to increase daytime power from 2½ KW. to 5 KW.

KFPM—Dave Ablowich, d/b as The New Furniture Co., Greenville, Tex.—Designated for hearing petition for reinstatement, proposed assignment of license to Voice of Greenville, as set out in petition and renewal application. Renewal cancelled Apr. 2, 1935, after voluntary surrender by licensee due to economic conditions. Former licensee now desires to have license reinstated and assigned to the Corporation known as "Voice of Greenville" which will operate the station.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Denied petition for reconsideration of action by the Commission in designating for hearing application seeking permanent assignment on 780 kc. Station normally licensed to operate unlimited time on 950 kc., 1 KW night, 2½ KW day.

WLNH—The Northern Broadcasting Co., Laconia, N. H.—Denied petition asking Commission to grant application without hearing for authority to increase its time of operation from daytime to unlimited.

WBCM—Bay City Broadcasting Assn., Bay City, Mich.—Denied petition for reconsideration of action in designating for hearing application to increase daytime power to 1 KW. Station now uses 500 watts day and night.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied petition asking Commission to reconsider its action in denying motion for postponing of hearing set for April 23, 1935, on application to change frequency from 1200 to 1250 kc., and to increase power from 100 watts night, 250 watts day, to 250 watts night and 500 watts day.

WALK—The WALR Broadcasting Corp., Zanesville, Ohio.—Denied petition requesting the Commission to reconsider action in denying the application of the Toledo Broadcasting Corp. to intervene at hearing of application for authority to move to Toledo, Ohio.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Denied petition requesting the Commission to reconsider and grant the application for increase in power to 1 KW night. Hearing on application for increase in night power to be held as scheduled.

WCAO—Monumental Radio Co., Baltimore, Md.—Denied petition requesting increase in power to 1 KW night. Hearing to be held as scheduled.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport Conn.—Denied petition requesting increase in power to 1 KW night. Hearing to be held as scheduled.

KYA—Pacific Broadcasting Corp., Ltd., San Francisco, Calif.—Denied petition requesting reconsideration and granting of C. P. application to increase power from 1 KW to 5 KW.

E. F. Houser & C. T. Miller, Big Spring Broadcasting Co., Big Spring, Texas.—Denied petition to take supplemental depositions in re Docket No. 2747.

APPLICATIONS DISMISSED

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

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Modification of license, **780 kc.**, 1 KW, unlimited time.

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license, **1310 kc.**, 100 watts, unlimited time.

WGL—F. C. Zieg (Allen Wayne Co.), Ft. Wayne, Ind.—C. P., **1300 kc.**, 250 watts; 500 watts, unlimited time.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license, **1400 kc.**, 1 KW, unlimited time.

NEW—Mississippi Valley Broadcasting Co., Inc., Springfield, Mo.—C. P., **1310 kc.**, 100 watts; unlimited time at Hannibal, Mo.

NEW—KGBX, Inc., Springfield, Mo.—C. P., **1210 kc.**, 100 watts; unlimited time at Sedalia, Mo.

NEW—Mississippi Valley Broadcasting Co., Inc., Springfield, Mo.—C. P., **1310 kc.**, 100 watts, daytime at Jefferson City, Mo.

WCAO—The Monumental Radio Co., Baltimore, Md.—C. P., **600 kc.**, 1 KW, unlimited time.

APPLICATIONS RETIRED

KRKO—Radio Station KRKO, Everett, Wash.—C. P. to move station, heretofore granted, was retired to the closed files for want of prosecution.

NEW—Hilo Broadcasting Co., Ltd., Hilo, Hawaii—C. P. for new station, **1210 kc.**, 100 watts, specified hours, was retired to the closed files for want of prosecution.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown below:

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary experimental authorization to operate on **560 kc.**, 1 KW, power night, for the period beginning April 1, 1935, and in no event ending later than April 30, 1935. (Action taken 4-4-35.)

WMFN—Attala Broadcasting Corp., Kosciusko, Miss.—Granted authority to extend equipment test period for ten days from March 26 to 31, 1935, and from April 8 to 11, 1935. No tests to be conducted first seven days of April because of Commission monitoring schedule. (Action taken 3-25-35.)

WJMS—WJMS, Incorporated, Ironwood, Mich.—Granted authority to extend program test period for 30 days pending action on license application. (Action taken 4-10-35.)

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted special temporary authority to operate from 8 a. m. to 10:30 a. m., 12 noon to 1:15 p. m., and 5 p. m. to 8:30 p. m., CST., instead of from 8 a. m. to 10 a. m., 12 noon to 2 p. m., 5 p. m. to 6 p. m. and 7:30 p. m. to 9 p. m., as now licensed, pending action by Commission on station's application for unlimited time, but for period beginning April 11, 1935, and ending in no event later than May 6, 1935. (Action taken 4-11-35.)

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted construction permit for approval of transmitter

site near Millersville, Marion County, Ind. (Action taken 4-11-35.)

WMFN—Attala Broadcasting Corp., Kosciusko, Miss.—Granted extension of equipment test period for 10 days. (Action taken 4-11-35.)

WEBC—Head of The Lakes Broadcasting Co., Superior, Wis.—Construction permit to make changes in equipment and increase day power from $2\frac{1}{2}$ KW to 5 KW. (Action taken 3-28-35.)

APPLICATIONS RECEIVED

KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., **610** Juneau, Alaska—Modification of construction permit (B5-P-309) for erection of a new station to be operated on **610 kc.**, 250 watts, unlimited time, requesting approval of transmitter site and studio site at Goldstein Building, corner 2nd and Seward, Juneau, Alaska.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Modification of license to change operating power from 500 watts, 1 KW day to 1 KW, using directional antenna and $2\frac{1}{2}$ KW day, also to cover equipment authorized by special authorization.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—**780** Modification of license to increase power from 250 watts, 500 watts day to 500 watts day and night.

KTM—Evening Herald Publishing Co., Los Angeles, Calif.—Modification of license to increase power from 500 watts, 1 KW day to 1 KW. Amended: To change name from Pickwick Broadcasting Corp., Ltd., to Evening Herald Publishing Co.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Modification of **930** license to increase hours of operation from sharing to unlimited. Requests all facilities of KMA.

KWEA & KWKH—International Broadcasting Corporation, Shreveport, La.—Transfer of control of KWKH and KWEA from International Broadcasting Corporation to Times Publishing Company, Ltd.

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make **1020** changes in equipment and increase power from 100 watts to 250 watts. Amended: For further changes in equipment, change frequency from **1070 kc.** to **1020 kc.** when KYW moves to Philadelphia, transmitter site to be determined and to extend commencement and completion dates.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—License **1200** to cover construction permit (B2-P-419) to make changes in modulation system.

NEW—V. H. Lake and H. E. Stanford, d/b as L. & S. Broad-**1200** casting Co., Atlanta, Ga.—Construction permit to erect a new broadcast station to be operated on (frequency, not specified), 100 watts, unlimited time. Amended: Giving frequency as **1200 kc.**

KBTM—W. J. Beard (Beard's Temple of Music, Jonesboro, Ark. **1200** —Construction permit to move transmitter and studio sites.

NEW—Lee Medley and T. O. Hurst, d/b as Central Broadcasting **1210** Station, Brownwood, Tex.—Construction permit for a new station to be operated on **1210 kc.** 100 watts, unlimited. Amended: Re. Equipment and quota.

KFRO—Voice of Longview, Longview, Tex.—Construction permit **1210** to make changes in equipment, change frequency from **1370 kc.** to **1210 kc.**, power from 100 watts to 100 watts, 250 watts day, and hours of operation from daytime to unlimited. (Facilities of KWEA.)

KGY—KGy, Inc., Olympia, Wash.—Modification of license to **1210** change specified hours. Amended: To change hours of operation from specified hours to unlimited time except when KTW is operating.

WHBL—Press Publishing Co., Sheboygan, Wis.—Modification **1300** of license to change frequency from **1410 kc.** to **1300 kc.**, change night power from 500 watts to 250 watts, hours of operation from share WROK to unlimited. Amended: To change requested operating power from 250 watts, 500 watts day to 250 watts.

NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit to **1310** erect a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: To change frequency to **1310 kc.**

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Con-**1310** struction permit to make changes in equipment and increase power from 100 watts to 250 watts.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Extension of **1320** special experimental authorization to operate with 500 watts, 1 KW day, for period 5-1-35 to 11-1-35.

- NEW—Wayne Broadcasting Co., a co-partnership, Edmund J. Meurer, Henry, Anton and Zigmund, Lewandowski, Hamtramck, Mich.—Construction permit to erect a new broadcast station to be operated on **1370 ke.**, 100 watts daytime.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—**1370** Construction permit to make changes in equipment, increase power from 100 watts to 100 watts, 250 watts day and change hours of operation from S-KCRC to unlimited time. Facilities of KCRC. Amended: To make change in requested hours of operation from unlimited to share KCRC, and cancel request for KCRC facilities.
- NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—**1370** Construction permit to erect a new broadcast station to be operated on **1370 ke.**, 100 watts, unlimited time. —
- KRE—First Congregational Church of Berkeley, Berkeley, Calif.—**1370** License to cover construction permit (B5-P-96) as modified to install new equipment and increase power.
- NEW—Clinton Broadcasting Corp., Clinton, S. C.—Construction permit to erect a new broadcast station to be operated on **620 ke.**, 500 watts daytime. Amended: To change frequency to **1380 ke.**
- KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license to increase power from 250 watts, 500 watts day to 500 watts, 1 KW, day. Amended: Re. power.
- KGRS—E. B. Gish, Gish Radio Service, Amarillo, Tex.—Voluntary assignment of license to Plains Radio Broadcasting Co.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to change frequency from **1310** to **1410 ke.**, power from 100-250 watts day to 250 watts and hours of operation from unlimited to specified hours (6 a. m. to 9 p. m.)
- WLBF—WLBF Broadcasting Co., Kansas City, Kans.—License to cover construction permit (B4-P-317) to move transmitter and studio and make changes in equipment.
- NEW—Roberts MacNab Hotel Co. (Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak.—Construction permit to erect a new broadcast station to be operated on **1420 ke.**, 100 watts, unlimited time.
- WNBZ—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—**1500** License to cover construction permit (B1-P-194) to make equipment changes to increase power from 100 watts to 100-250 watts day.
- WKBZ—Karl L. Ashbacker, Muskegon, Mich.—License to cover construction permit (B2-P-218) to make changes in equipment and increase power.
- NEW—Clark Standiford, Marysville, Calif.—Construction permit to erect a new broadcast station to be operated on **1500 ke.**, 100 watts, unlimited time.
- NEW—W. Dexter Moss, Tulsa, Okla.—Construction permit to erect a new station to be operated on **1500 ke.**, 100 watts, unlimited time.
- WOPI—Radiophone Broadcasting Station, WOPI, Inc., Bristol, Tenn.—Construction permit to change frequency from **1500** to **620 ke.**, to increase power from 100 to 250 watts and make changes in equipment. Amended: To omit request for frequency **620 ke.**, night power 100 watts, 250 watts day.
- NEW—Charles A. Wharton, Cambridge, Ohio—Construction permit to erect a new broadcast station to be operated on **1500 ke.**, 50 watts, specified hours.
- NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—Construction permit to erect a new station to be operated on **1200 ke.**, 100 watts, unlimited time. Amended: To change frequency to **1500 ke.**
- NEW—Chicago Broadcasting Assn., limited partnership, Kleofas Jurgelonis, gen. partner, Jos. F. Budrik, Laurent V. Radkins and Vladas G. Jurgelonis, limited partners, Chicago, Ill.—Construction permit to erect a new broadcast station to be operated on **1500 ke.**, 100 watts unlimited time.
- KGKY—Hilliard Company, Inc., Scottsbluff, Nebr.—License to cover construction permit (B4-P-234) to install new equipment and increase power.
- NEW—George B. Bairey, Valley City, N. Dak.—Construction permit to erect a new broadcast station to be operated on **1310 ke.**, 100 watts, unlimited time. Amended: To change frequency to **1500 ke.**

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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MAY 3, 1935

ASCAP INVITES NAB TO CONFERENCE

At the invitation of the American Society of Composers, Authors and Publishers, representatives of the National Association of Broadcasters, the National Broadcasting Company and the Columbia Broadcasting System attended a meeting with a committee of the ASCAP board last Friday for the purpose of discussing the possibility of extension of the present copyright agreements with broadcasters.

Those who attended for the broadcasters were: A. J. McCosker, chairman; Walter J. Damm, E. A. Allen, members of the NAB copyright committee; Edward Klauber, executive vice president of CBS; A. L. Ashby, vice president and general attorney of NBC; Joseph C. Hostetler, copyright counsel of the NAB; Truman J. Ward, president of the NAB, and Philip G. Loucks, managing director of the NAB. Those present from the Society were: Otto Harbach, chairman; Sigmund Romberg, Louis Bernstein, Saul H. Bornstein, Walter Fischer and T. Allen, members of the Society committee; Gene Buck, president of ASCAP, and E. C. Mills, general manager of ASCAP.

Upon receipt of the invitation, the NAB Copyright Committee was called into session at the St. Regis Hotel, New York, Friday morning, and it was decided to meet with the ASCAP committee to bear the proposal it was understood would be made. The discussion with the Society group was of a general nature, with Mr. Hostetler pointing out that any result reached must be acceptable to the Government, which now has pending an anti-trust suit against the members of the Society. Mr. Hostetler pointed out that the NAB board had been on record for some time in favor of a per number plan and that a very similar method is proposed by the Government in its suit. He explained that such a proposal had been discussed in various discussions he had had with Mr. Mills.

In view of the fact that all broadcasting contracts expire on September 1 it was urged that present agreements be extended for a period of six months, subject to any action which might be taken in the Government suit. At the conclusion of the meeting it was stated by Mr. Bernstein that he would recommend such action to the ASCAP board and that any action taken thereon would be communicated to the NAB.

U. S. MOVES FOR EARLY ASCAP TRIAL

The United States Government this week filed a motion in the Federal District Court for the Southern District of New York asking that the court fix a date certain for bearing testimony in the Government's anti-trust case against the American Society of Composers, Authors and Publishers, et al.

The motion was filed this week and argument will be heard thereon next Tuesday before Federal Judge Knox. Andrew W. Bennett, special assistant to the attorney general, will argue for the motion.

The motion filed by Mr. Bennett states that "great apprehension has been and is expressed as to what demands for royalties will be imposed upon the expiration of the existing licenses." "Past experience over many years leads the owners of the businesses involved to believe that greatly increased royalties will again be demanded and that they will be forced to pay such increased amounts or go out of business," it is stated. "Deponent is informed by prospective witnesses that as early as 1926, one of the principal officials of the defendant Society and himself a defendant herein stated at a general meeting in effect that the defendant Society controlled the 'goods,' that it would demand any royalty price it saw fit and that it intended to continue to demand as much as could be extracted."

"Deponent believes that an early trial and decision of the legality or illegality of the pooling of individual copyright monopolies and the concerted action of individual copyright owners in eliminating competition and fixing prices or royalties is urgent."

Mr. Bennett asks that the court fix a day certain during the present term of court for hearing the suit.

Affidavits executed by Philip G. Loucks, managing director of the NAB; Edward L. Kuykendall, president of the Motion Picture Theater Owners of America, and Thomas D. Green, president of the American Hotel Association, were filed in support of the Government's motion.

COPYRIGHT HEARINGS CONSIDERED

The Senate Patents Committee met Wednesday and considered the Duffy bill (S. 2465) which provides for amendment and consolidation of the copyright laws. This bill, among other things, would eliminate the \$250 statutory minimum damages for innocent infringement of music copyright and would substitute such damages as the court in its discretion might impose. It has the approval of the Department of State and of the Roosevelt administration.

The text of the bill was printed in a previous issue of NAB REPORTS. The drafting followed conferences at the Department of State which were participated in by the NAB on behalf of the broadcasting industry. The measure is an important step forward in copyright legislation and it is hoped that the present Congress will enact the law.

The Senate Patents Committee intends to hold a meeting next Wednesday, at which time it will review the objections to the bill which have been raised by certain copyright owners, but it is expected that the bill will either be reported or public hearings held.

Members of the Senate Patents Committee are: Senators McAdoo, Calif., chairman; Smith, S. C.; Trammell, Fla.; Bone, Wash.; Radcliffe, Md.; Norris, Nebr., and White, Maine.

Make Your Reservations Early

for

**NAB CONVENTION — BROADMOOR HOTEL — COLORADO SPRINGS,
COLORADO**

JULY 6 TO 10, INCLUSIVE

SENATE ACTS ON COPYRIGHT UNION

The Senate on April 19 ratified the International Copyright Convention which had previously been reported favorably by the Senate Foreign Relations Committee and on the following Monday rescinded this action and reinstated the Convention to the Senate calendar.

The ratification action was the result of a misunderstanding which the subsequent action remedied. It is the understanding of all parties interested in copyright revision that the treaty is to remain on the calendar until legislative action on the pending Duffy copyright bill is completed. Both Senator Duffy, who is sponsoring the bill, and the Department of State, have given promises that action on the treaty will not precede final action on the copyright bill.

The action, however, is an indication of the Senate's desire to take final action on copyright legislation and it is expected that the Duffy bill will be pressed aggressively during the present session.

ASRA MATTER REFERRED TO BOARD

The proposal of the American Society of Recording Artists that stations pay fixed fees for the privilege of broadcasting phonograph records has been referred to the NAB Board of Directors for consideration.

In the meantime, under date of April 22, the Managing Director addressed the following letter to Mr. Arthur W. Levy, Executive Secretary of the Society:

"This will acknowledge receipt of your letter of March 30 enclosing copies of letter and license agreement with copies of Article XII of the by-laws of your Society.

"Under date of March 14 I wrote you stating that this matter would require consideration of the Board of Directors of the Association. No date has as yet been set for this meeting.

"In order that I may be in a position to present the matter fully to the Board will you please furnish me with a list of your 'Regular Members' whose recordings you claim the right to license as well as a complete list of the recordings of each such 'Regular Member'?

"Is it proposed that each station must accept a blanket license or may stations negotiate with individual members for their separate recordings?

"It would also be helpful if you would send me a copy of the form under which your 'Regular Members' have assigned their rights to the Society; advise me in what manner you have measured liability for prior use of recordings; and upon what Federal statutes or court decisions your Society bases its right to issue licenses.

"I am sure that you will want our Board to have this and any other information which you may deem pertinent before it when it gives consideration to this matter."

At the time this issue of NAB REPORTS goes to press no answer has been received.

Up to the present time the NAB has no knowledge of any station signing the offered contract.

CANADIAN COPYRIGHT HEARING

An investigation of the rates filed by the Canadian Performing Right Society, Ltd., under the Canadian Copyright Act has been instituted and is now under way in Toronto. The rates, required by the Canadian law, are attacked by broadcast stations, theaters, and other users of copyright material on the grounds that they are unreasonable and Judge James Parker, senior judge of the County Court of York, Province of Ontario, has been appointed as Commissioner to investigate and report. The Commissioner is required to investigate and report on the fees, charges or royalties which the Canadian Performing Right Society, Ltd., or any such other society, association or company, should be entitled to collect from licenses in compensation for the issue or grant of such licenses, and the bases on which such fees, charges or royalties should properly be computed.

Samuel Rogers, Esq., Toronto, counsel for the Canadian Association of Broadcasters, recently conferred with the Managing Director of the NAB and requested certain information for use in the investigation. Mr. Rogers has also conferred with Joseph C. Hostetler, NAB copyright counsel.

100-WATT STATIONS PLAN MEETING

For the purpose of devising a proper and sound method for presenting their story before national and regional advertisers and

to discuss other common problems, 100-watt stations, all members of the NAB, will hold a session at Colorado Springs, Colo., during the annual NAB convention July 6 to 10, inclusive.

A committee consisting of E. A. Allen, WLVA, Lynchburg, Va., chairman; Leroy Mark, WOL, Washington, D. C.; John Elmer, WCBM, Baltimore, Md.; W. W. Gedge, WMBC, Detroit, Mich.; William S. Pote, WMEX, Boston, Mass.; L. A. Benson, WIL, St. Louis, Mo.; Herbert Hollister, WLBK, Kansas City, Kan.; Ben S. McGlashan, KGFJ, Los Angeles, Calif.; Edward E. Bishop, WGH, Newport News, Va.; I. Z. Buckwalter, WGAL, Lancaster, Pa.; S. A. Cisler, WJTL, Atlanta, Ga.; Earl J. Smith, WNBZ, Saranac Lake, N. Y.; Ormond S. Black, WSGN, Birmingham, Ala.; Clifford M. Chafey, WRAW, Reading, Pa.; C. D. Mastin, WNBK, Binghamton, N. Y.; H. M. Loeb, WFOF, Flint, Mich.; C. A. Hill, WIBM, Jackson, Miss.; Winston L. Clark, WLAP, Lexington, Ky.; and C. W. Hayes, WHBC, Canton, Ohio, have been called upon to serve as a committee to draft an agenda for the Colorado Springs, Colo., session. This committee will hold a meeting in Washington, at the studios of Station WOL, on May 6 for the purpose of shaping up the program.

NAB FILES CONFERENCE APPEARANCES

On behalf of its members the NAB filed appearances for the May 15 conference on educational broadcasting to be conducted by the Federal Communications Commission.

President Ward will appear for the NAB and will present a statement on behalf of the broadcasting industry. It is expected that the conference will be well attended and may last several days. Great importance is attached to the conference by broadcasters because there has been much misunderstanding as to whole subject of educational broadcasting.

The Commission, after hearing more than two million words of testimony during hearings last fall, filed a report in Congress stating that no case had been made out for the allocation of a percentage of channels or time for this purpose but that the matter was one for mutual cooperation between broadcasters and educators. The conference is being held to develop such cooperation in accordance with a satisfactory plan.

NEWSPAPER STATIONS PLAN SESSION

Newspaper-owned stations holding membership in the NAB will hold an informal session during the annual convention of the NAB at Colorado Springs, Colo., July 6 to 10, inclusive. The meeting will be held Monday evening at a time which will not conflict with the general sessions of the convention. A committee consisting of Walter J. Damm, WTMJ, Milwaukee, Wis.; Dean Fitzer, WDAF, Kansas City, Mo.; Lambdin Kay, WSB, Atlanta, Ga.; H. K. Carpenter, WHK, Cleveland, Ohio; Jeff Webb, WWJ, Detroit, Mich.; and J. Gardner Cowles, KSO, Des Moines, Iowa, constitute a committee to arrange an agenda for discussion. This agenda will embrace problems mutual to newspaper-owned stations and also questions as to the best manner in which stations owned by newspapers can be helpful to the industry as a whole.

WILL DISCUSS EDUCATION BY RADIO

Leaders in education, radio, and government will meet at Columbus, Ohio, May 6, 7, and 8, when Ohio State University entertains the sixth annual institute for education by radio and the fifth annual assembly of the national advisory council on radio in education. The two groups are meeting together this year for the first time. Sessions will be held in the state office building.

"The council and the institute are this year holding a joint meeting for the frank discussion of broadcasting conditions and techniques. The attempt has been made to point the discussions to the most important current problems and policies and the most significant developments in the techniques of educational broadcasting," according to the meeting announcement issued by Levering Tyson, New York City, director of the council, and Dr. W. W. Charters, Ohio State University, leader in the institute.

Federal and state officials who will participate include John W. Studebaker, U. S. Commissioner of Education; Anning S. Prall, Chairman of Federal Communications Commission; B. O. Skinner, State Director of Education for Ohio; and Agnes Samuelson, State Superintendent of Public Instruction for Iowa.

The NAB will be represented either by President Ward or Managing Director Loucks.

FCC TO HOLD HEARING ON RULE 176

The Federal Communications Commission will hear argument in connection with the proposed modification of Rule 176, relating to announcements of transcriptions and phonograph records, on June 20.

Announcement of the argument was made by the Commission in the following language:

"Upon consideration of a petition filed by World Broadcasting System, Incorporated, New York, N. Y., for an amendment to or clarification of Paragraph 176 of the Rules and Regulations of the Commission, the Broadcast Division will hear argument on this subject which pertains to mechanical reproductions. Such argument will be held June 20, 1935, beginning at 10:00 a. m. at the offices of the Federal Communications Commission, Washington, D. C.

"All parties who wish to participate should file their notice of desire to be heard with the Commission not later than May 18, 1935."

Managing Director Loucks will appear for the NAB and present the resolution adopted by the NAB at its Cincinnati meeting. The text of the resolution follows:

"Resolved, that the National Association of Broadcasters hereby reaffirms the resolution adopted at its 1933 convention referring to the elimination of announcements for electrical transcriptions produced especially for broadcasting, and directs the convention resolutions committee to draft an appropriate resolution for this purpose to be transmitted to the Federal Communications Commission."

The 1933 resolution reads as follows:

"Whereas, the use of the electrical transcription method of broadcasting programs is generally accepted by both stations and by listeners, and has become an important economic factor in the operation of broadcasting stations, and

"Whereas, there is definite evidence of serious loss in income to stations because of existing requirements that electrical transcription programs must be so announced, and

"Whereas, there has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs is now generally considered as excellent, and

"Whereas, the broadcasting industry would be greatly benefited by the removal of existing restrictions, therefore, be it

"Resolved, that the NAB hereby respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced, so that such a transcription may be announced merely as a production of the concern making such transcription.

"Resolved further, that the National Association of Broadcasters hereby directs its officers to bring this resolution without delay to the attention of the Broadcast Division of the Federal Communications Commission, and to take whatever steps may be necessary and practicable to secure prompt revision of the regulations in accordance with this resolution."

NAB-AAAA-ANA GROUP MEETS

Definite steps toward the creation of an independent bureau for the purpose of authenticating coverage and audience data supplied by stations to time purchasers were taken at a joint meeting of representatives of the NAB, the American Association of Advertising Agencies and the Association of National Advertisers held at St. Regis Hotel, New York, April 22.

Representing the NAB were: Arthur B. Church, KMBC, chairman of the Committee of Five; Edgar Kobak, NBC; John J. Karol, CBS; H. M. Beville Jr., NBC; Dr. Herman S. Hettinger, NAB research director, and Philip G. Loucks, NAB managing director.

Representing the AAAA were: John Benson, AAAA president; Fred R. Gamble, AAAA executive secretary; H. H. Kynett, Philadelphia; Charles F. Gannon, chairman, AAAA Radio Committee, and L. D. H. Weld, New York.

Representing the ANA were: Stuart Peabody, former ANA president; Paul West, ANA managing director, and A. W. Lehman, secretary of the Cooperative Analysis of Broadcasting.

The invitation for the meeting was extended by the NAB and this action was pursuant to the resolution adopted at the last NAB convention. Several meetings of the NAB committee preceded the joint meeting.

Managing Director Loucks suggested that the meeting first give consideration to the formulation of organization plans, leaving discussions as to scope and method to the bureau, if and when it is created.

There was general agreement upon this plan of procedure and the group formed themselves into a temporary joint committee to receive a report from a subcommittee consisting of Mr. West, Mr. Gamble and Mr. Loucks. Further action is to await conclusion of the ANA annual convention, which is to be held next week.

NAB COMMERCIAL MEETING JUNE 10-11

Mutual problems of the buyer and seller of time and the use of broadcast advertising by retailers will be the principal topics of the annual meeting of the NAB Commercial Section, which will be held at the Palmer House, Chicago, Monday and Tuesday, June 10 and 11, in conjunction with the Advertising Federation of America convention.

A unique feature of the Commercial Section meetings this year will be the fact that they will be organized in the form of a panel discussion. Under this system varying points of view regarding the problem under consideration will first be presented by leading authorities, following which discussion will be opened to all present.

The specific topics for the current season's meeting will be "Mutual Problems Facing the Buyer and Seller of Time" and "The Use of Broadcast Advertising by Retailers."

The development of a radio audit bureau and the establishment of an agency recognition bureau within the NAB will be among the specific questions which will be raised under the first main topic, while leading retailers and broadcasters will discuss various phases of the latter question. General meetings are tentatively scheduled for Monday and Tuesday morning.

In addition to the general meetings there will be a session of the NAB Commercial Committee either Monday or Tuesday afternoon. Arrangements for the sessions are in charge of Arthur B. Church, chairman of the Commercial Committee.

ABOUT TABOO ACCOUNTS

Several stations have written asking for a list of advertising accounts which are objectionable to the Federal Communications Commission. No such list is available. NAB REPORTS publishes each week a list of the actions of the Federal Trade Commission and if these were given the study they deserve stations would have little difficulty in determining their course. Stations might address communications to the Federal Trade Commission or the Food and Drugs Administration, Department of Agriculture, or U. S. Public Health Service, all located in Washington, D. C., or their local health officers, Better Business Bureaus or Medical and Dental Associations for advice. The NAB has neither the funds nor the personnel to enter the field of advertising censorship even if it were desirable to do so. Stations should use their own good judgment in accepting and rejecting accounts. There is no test by which your action can be determined except by the test of what is good broadcasting and there is no way to apply this test except by the application of just good old common horse sense. There isn't a broadcaster who doesn't know what is good broadcasting and what is not. Broadcasters ought to censor their own programs—the Government ought to be prevented from doing so.

SENATORS VOTE NRA TO APRIL '36

The Senate Finance Committee May 1 voted 16-4 to report out a Joint Resolution extending the NRA, with important restrictions, to April 1, 1936.

The resolution provides against price fixing, except those of mineral natural resources; that the NRA be restricted to strictly interstate business, and that the President shall be given 30 days in which to review existing codes and make them conform to the new provisions.

It is understood that the anti-price fixing provision does not bar open price fixing. Further, Radio Broadcasting undoubtedly will be considered an interstate business. Consequently, the resolution in its present form should not require any revision of the Broadcaster's Code.

The text of the resolution follows:

S. J. Res.

TO EXTEND UNTIL APRIL 1, 1936, THE PROVISIONS OF TITLE I OF THE NATIONAL INDUSTRIAL RECOVERY ACT, AND FOR OTHER PURPOSES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 2 (C) of Title I of the National Industrial Recovery Act is amended by striking out "at the expiration of two years after the date of enactment of this act" and inserting in lieu thereof "on April 1, 1936."

Sec. 2. (A) In the application of Title I of such act after the date of enactment of this joint resolution and until April 1, 1936, the following amendatory provisions shall apply:

(1) No price fixing shall be permitted or sanctioned under the provisions of any code; except that provisions for the regulation of prices under governmental control may be included in codes for those mineral natural resource industries in which prices are now fixed pursuant to the provisions of any code and which the President finds to be so affected with a public interest that such regulation is necessary and proper in the public interest.

(2) No code of fair competition shall be applicable to any person whose business is wholly intrastate.

Sec. 3. The President shall review or cause to be reviewed for compliance with the requirements of this joint resolution every code in effect on the date this joint resolution takes effect. In order to afford reasonable opportunity for such review, such codes are hereby continued in effect (subject to cancellation or modification pursuant to the provisions of this joint resolution) for a period of thirty days after June 15, 1935, unless previously reviewed and superseded; but no such code shall continue in effect after the expiration of such thirty-day period unless the President has reviewed such code and has approved it and finds that the code in the form so approved conforms to the requirements of this joint resolution.

NRA FACES SUPREME COURT TEST

Coincident with the action of the Senate Finance Committee in reporting out a Joint Resolution to extend the NRA for eight months the new Solicitor General of the United States, Stanley Reed, filed the government's brief in the controversy of the Schechter poultry interests of New York. This suit is brought to test the constitutionality of the National Industrial Recovery Act. The U. S. Supreme Court will hear arguments in the case tomorrow.

NEWSPAPER EDITORS CRITICISE NAB

The American Society of Newspaper Editors, at their annual meeting in Washington last month, took time to discuss and adopt a resolution disapproving the action of the NAB in soliciting funds to assist in the KVOS case. The resolution reads as follows:

"Resolved, That the American Society of Newspaper Editors, assembled in Washington for its annual convention, declare its disapproval of the action of the National Association of Broadcasters in undertaking to finance a court fight to break down property rights in news as developed through the years by newspapers and press associations, and be it further

"Resolved, That this Society give to the Associated Press a vote of approval for the well directed effort it is making in the case of Station KVOS to outlaw piracy of news as practiced by those radio stations rebroadcasting published information without the consent of those who pay for gathering the news and its distribution."

RADIO-PRESS BUREAU LIBERALIZED

Liberalization of the Press-Radio Bureau was approved at the meeting of the American Newspaper Publishers Association held in New York last week.

The report, in full text, as submitted by E. H. Harris, Richmond, Ind., Palladium-Item, and chairman of the Publishers National Radio Committee, and adopted by the publishers' association, is as follows:

"The focal point of Press-Radio relations is based upon the newspapers' property rights in the news which they have gathered as members or as clients of one or more press associations. Since all newspapers which are members or clients of one or more press

associations have a certain property right in the news of those press associations, the Radio Committee bases its activities upon the premise that these property rights in the news should have some central body to coordinate their interests in the broadcasting of news furnished by the press associations. The Press-Radio Bureaus, composed of the press associations, the newspapers, and the broadcasters provide a medium through which these rights may be coordinated and preserved in the broadcasting of news. This is the basis upon which the Radio Committee makes its report.

"During the last year attempts were made by some broadcasters to encroach upon the property rights of the newspapers and the Press Associations in the news which they gather. These attempts manifested themselves in the news which certain radio stations took from the newspapers without their consent or that of the Press Associations. They persisted in these violations even after notice had been served upon them. One case of this kind in the State of Washington in which the property rights of The Associated Press in the news had been violated by a broadcasting station was taken to a Federal Court. The Federal Judge ruled against The Associated Press. An appeal was taken to a higher court. The United Press and the International News Service agreed to share the expense of the appeal. On the other side of the controversy The Executive Committee of the National Association of Broadcasters is raising a fund to fight this appeal. Many members of the National Association of Broadcasters are using their influence to induce the Association to withdraw from the case.

"Efforts have been made by certain interests connected with the broadcasting industry to destroy the property rights of the newspapers and the Press Associations in the news through legislation. This action was attempted in the Legislature of the State of Washington, where a bill was introduced to permit radio stations to take the news from the newspapers without their consent or that of the Press Associations. The legislation failed of enactment.

"Your Radio Committee has only been able to report these violations and to make recommendations for legal action on the part of those who are in a position to defend these fundamental rights.

"We believe, however, that through further cooperative efforts on the part of some of the larger interests in radio and through continued effort on the part of the newspapers to cooperate with the radio industry as a whole, we will be able to eliminate some of the conflicts which exist in these spots.

"Publishers must understand that the Press Associations and newspapers have no legal right to interfere with the broadcasting of news which has not been gathered by the newspapers or the Press Associations.

"The newspapers and the Press Associations have no monopoly on the gathering or selling of news.

"The main point at issue between the broadcasters and the newspapers is the reluctance of the newspapers and the Press Associations to sell the news to radio advertisers for sponsorship over the air.

"This refusal rests upon these two fundamentals:

"First: The practice would permit the advertiser to censor and edit the news to suit not only his own advertising program but also his prejudices on social, economic, religious and political questions, and thus news would degenerate into propaganda for the advertiser.

"Second: Since the sale of news is the basis of the newspaper publishing business this asset should not be sold to the broadcasters to be used in competition with the newspapers.

"To get to the essence of the problem which has confronted the Radio Committee, the general public is demanding news by means of Radio broadcasting because of its speed and convenience. Many radio stations are not inclined to give away the time for broadcasting news when this 'Radio time' can be sold to an advertiser for a substantial amount of money. News also can be sold easily to almost any radio advertiser.

"The newspapers, the Press Associations, and the two Chains have been cooperating in the performance of a public service to radio listeners, but many of the independent radio stations have not cooperated because the sound of the cash register means more to them than the preservation of principles which affect the welfare of the general public.

"We believe that substantial progress has been made in the last year in the Press-Radio Bureaus, in the cooperation extended by the National Broadcasting Company and the Columbia Broadcasting System, and that still further progress is possible.

"The co-operation of the newspapers with radio stations in the broadcasting of news has been carried on under the general supervision of your Committee.

"The Press-Radio Bureaus have performed a service of inestimable value to radio listeners. This statement is based upon the contents of thousands of letters and calls which have come to the Bureaus from listeners who voluntarily expressed their appreciation of the service.

"The New York Bureau has attained a high standard of efficiency under the personal supervision and direction of Edwin S. Friendly of *The New York Sun*. The Pacific Coast Bureau has been developed to an equally high degree of efficiency by Norman Chandler of *The Los Angeles Times* and J. R. Knowland of *The Tribune*, Oakland, California, all of whom are members of your Committee.

"In addition to this, your Committee has been making a study of the trend of radio and its relation to the newspaper publishing business. One of the noticeable developments is the gradual increase in the number of radio stations owned, in whole or in part, by the newspapers. The records show that one hundred and fifteen of the six hundred radio stations in the United States are owned or controlled by newspapers, which in terms of power amounts to about one-third of the total.

"The Committee believes that the Press-Radio Bureaus should be maintained for another year, that the broadcasting of news should be liberalized, and that fuller authority should be vested in the two Bureaus for governing the broadcasting of news.

"While the plan, which your Committee submits herewith, is not entirely satisfactory, we believe it is the best that can be obtained under the competitive conditions which exist among the various groups represented in Press-Radio. Your Committee, therefore, recommends the adoption of the plan and that it be put in operation at once.

"Your Committee desires to place itself on record as being opposed to the general practice of selling news to an advertiser for sponsorship over the air because this policy is unsound in principle and, if it is generally adopted eventually will destroy Press-Radio Bureaus and do untold damage to the public welfare.

"The sale of news to an advertiser for broadcasting purposes opens the way for him to edit and censor the news over the air. The listeners will be offered propaganda of various kinds under the guise of news. The radio advertisers who are in control of all advertising programs under our present system of broadcasting have developed the technique of weaving their advertising stories into the broadcasting as a part of their news programs, so that the listeners, if they are not on guard, will be sold a cathartic or a breakfast food because some alert advertiser has hooked up his product with a news item concerning the health of some person prominent in the public life. The listening public is being fooled by advertising propaganda broadcast under the guise of news.

"After many conversations with the various groups involved in Press-Radio relations, a conference with representatives of the groups which had been previously concerned with this problem was held at the Hotel Biltmore, New York City, April 5th, which was attended by representatives of the National Broadcasting Company, the Columbia Broadcasting System, The United Press, The International News, The Associated Press, and the Executive Committee of the A. N. P. A. Radio Committee.

"After eliminating all of the proposals to which the combined group could not agree, we arrived at the following final and unanimous conclusions as a basis for further cooperation between the broadcasters, the press associations, and the newspapers, for a period of one year. This course seemed to be the only one open to us

"1. That the public interest requires the continuation of the Press-Radio Bureaus in order to make certain that reliable and authentic news is disseminated through the medium of radio broadcasting. (The National Broadcasting Company and The Columbia Broadcasting System have pledged their support for another year if this recommendation is adopted.)

"2. That the Committee in charge of the operations of each of the Press-Radio Bureaus be authorized to adopt such rules and regulations as in their opinion are essential to a better service.

"3. That the newspapers owning or affiliated with radio stations, subject to the regulations of the Press-Radio Bureaus, be allowed a more flexible use of wire reports as those reports are received in their own offices for broadcasting of news; provided, that such newspapers make announcement of the news sources as required of those who receive their reports from the Press-Radio Bureaus.

"4. That publishers should individually take every step necessary to prevent the improper use of news and the prostitution of news

in their own communities, even to dropping the programs of the offenders from their columns.

"The United Press and The International News Service, in concurring in the action of the conference, reserved the right, when and if, in their opinion, it should become necessary, to sell a news service to advertisers or radio stations for broadcasting purposes under such restrictions as they shall impose to preserve the purity of the news. They stated that, in principle, they were opposed to the sale of news for radio sponsorship as a source of revenue, and that such news would be sold only for sponsorship when competitive broadcasting of news warranted such action.

"We believe that the above plan will provide enough flexibility in the operation of the two Press-Radio Bureaus to enable them to serve the public with reliable news and at the same time, not tie the hands of the press associations nor penalize newspaper-owned or affiliated radio stations.

"Your Committee has made an honest effort to serve the Press as a whole, with due regard for the rights and privileges of the public, but there still remains a responsibility upon every publisher to do his part to solve a most difficult problem by lending his full cooperation to any plan which the Convention may adopt as a policy for the best interests of all.

"Respectfully submitted, E. H. Harris, Chairman; Amon G. Carter, Norman Chandler, E. D. Corson, John Cowles, K. A. Engel, Edwin S. Friendly, H. Ponting, J. G. Stahlman, O. S. Warden."

MEMBERSHIP GROWS: DELINQUENTS GO

The NAB membership reached the high mark of 395 this week. Of this number only 24 are in arrears in their dues and the required 14-day expulsion notice was mailed to these members on May 1.

BAN ON DENTAL ADVERTISING

The Supreme Court of the United States has upheld an Oregon law prohibiting dentists from advertising.

Harry Semler, a Portland dentist, contended the 1933 act was not for the welfare of the general public but for the financial benefit of a part of the dental profession at the expense of the public.

Chief Justice Hughes delivered the opinion. He said the important point was whether the Oregon law was an "arbitrary interference with liberty and property," adding that the public should be protected against practices which "tend to demoralize the profession."

No dissent was announced.

ANA ANNUAL MEETING NEXT WEEK

The annual convention of the Association of National Advertisers will be held at White Sulphur Springs, W. Va., next week. Among the matters to be considered is the proposal to join with the NAB and the AAAA in the creation of a central bureau for the authentication of coverage or audience data. Managing Director Loucks and Arthur B. Church, chairman of the NAB Commercial Section, have been invited to attend the meeting.

GORDON PERSONS HONORED

Gordon Persons, Station WSFA, Montgomery, Ala., and a member of the NAB Board, has been appointed chairman of the Rural Electrification Authority by Governor Graves of Alabama. The Authority is a private, non-profit, self-supporting corporation set up as one of the agencies that will have charge of spending the money appropriated by Congress in the \$4,880,000 works bill. The corporation has been organized by Mr. Persons and has started its activities in the state.

FEDERAL MUSIC AND ART COMMISSION

A bill which, if enacted, might easily have far-reaching effects is H. R. 7161, introduced April 1 by Congressman Connery of Massachusetts.

This bill would establish an independent agency of the Government to be known as the "Commission for the Advancement of Music and Art." This new body would consist of five commissioners, each receiving a salary of \$10,000 a year. Its object would be to "advance the cultural interests of the American people by providing employment for and aiding in securing employment for

persons engaged in artistic endeavor and persons promoting music and other fine arts."

In view of the fact that the bill has as its expressed purpose "to widen the employment opportunities of American musicians and other artists," and also in view of the fact that it was referred to the House Committee on Labor, its object is clearly to employ the machinery of the Federal Government for creating additional jobs, particularly in the field of music. The authority of the proposed Commission would be very broad, and the bill contains a blanket provision for the transfer to the proposed Commission of all powers and functions now vested in other executive agencies which the President finds would be more appropriately exercised by the new Commission.

PLEASE SEND REPORTS PROMPTLY

Though the great majority are sending their reports of broadcast advertising volume to the NAB in ample time, a number of stations are still reporting sufficiently late to delay the publication of the monthly summary figures. If all reports can be received regularly by the twentieth of the month, it will be possible to advance the publication date of the NAB broadcast advertising reports from five to ten days. Your cooperation is requested in this matter.

FEDERAL TRADE COMMISSION ACTIVITIES

Dismissal of Petition

No. 2081. The United States Circuit Court of Appeals of the Eighth Circuit, on joint motion of the Federal Trade Commission and the George H. Lee Co., Omaha, Nebr., has dismissed a petition filed by the Commission for enforcement of its order to cease and desist against the Lee company involving alleged misrepresentation of poultry disease remedies. Dismissal was requested because the company, since the Commission's order was issued, "has made substantial changes in the constituent ingredients of the certain remedial preparation referred to" in the order.

Dismissal of Complaint

No. 2272. Amusement Novelty Supply Company, Elmira, N. Y. Complaint has been dismissed insofar as the respondent company has ceased using lottery methods in the sale of merchandise as charged by the Commission.

Cease and Desist Orders

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

No. 2227. Evans Fur Co., and Kent Fur Co., Chicago. The respondents are prohibited from using newspaper and radio advertising which unfairly represents their business. Among representations to be discontinued are assertions that popular motion picture actresses are garbed in fur garments made or sold by the respondents, that the companies manufacture the garments which they sell, and that purchasers buying from the respondents save middlemen's profits.

No. 2250. Jules V. Riviere Perfumes, Inc., New York. The respondent is prohibited from using the words "Paris," "France" of the name "Jules V. Riviere" as a signature on labels or packages containing domestic perfume, nor are they to be used in printed advertising or by radio broadcast so as to imply that they were made in Paris. The respondent consented to the issuance of the order.

No. 2295. Edward M. Kahn Corporation, New York City. To cease and desist in the advertisement and sale of narrow ribbon and other forms of fabric from the use of the terms "Taffeta," "Silk" and "Pure Dye" unless the fibre used is derived entirely from silk. The respondent consented to the issuance of the order.

Complaints

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

No. 2363. Edwin Cigar Company, Inc., and James B. Hall, Jr., Inc., New York. Alleged that former company sold lower quality cigars, made specifically for the purpose, as "Factory Seconds," etc.,

when this was not the case. The Hall Company is alleged to have advertised Philippine cigars at a low price because they were in some cases "wormy" thus disparaging this product. American Sumatra leaf also was disparaged, while products only partially filled with Havana was advertised as "Finest Havana Filler." Hearing May 17.

No. 2364. John Alden Co., Chicago, Ill., a magazine subscription agency, and the Vickery & Hill Publishing Co., Augusta, Me., publishers of "Good Stories" magazine. Respondents are alleged to have promoted the sale of the magazine by advertising that persons solving a puzzle would be entitled to receive \$1500 cash or choice of an automobile, when, in fact, the respondents made these representations to secure solicitors for the magazine, which fact was not mentioned in the advertisements and not known to the contestants until they had solved the puzzle. Hearing May 17.

No. 2365. Armstrong Rubber Co., West Haven, Conn. Alleged to have made representations tending to deceive the public into believing that the company's prices to the consumer were direct factory one-profit prices, when in fact, distributors received the goods at prices shown on a "confidential distributors' net cost" list, but retailed them at higher prices described as "factory prices." Hearing May 24.

No. 2366. Yardley & Co., Ltd., New York City. The respondents are alleged to have hindered competition unduly by maintenance of the resale price of their products through the furnishing of full and minimum retail prices to customers, the announcement that it will thereafter sell only to those who adhere to these prices, seeking the cooperation of customers in reporting names of other customers who sell below the suggested minimum, and listing customers to whom goods are not to be sold because they have not observed the company's prices. Hearing May 24.

No. 2367. Charles E. Morris, New York City. The respondent is alleged to have advertised the prices of his fur coats and garments as strictly wholesale and that he is a "reliable wholesale fur house" when his prices were substantially above wholesale and he was not conducting a wholesale business. Hearing May 24.

No. 2368. Victor Soap Co., Dayton, Ohio. Charged with misrepresentation by having advertised for dealers or purchasers under the pretense of seeking agents. It is stated that the company asserted it furnished everything needed, guaranteed success and that agents were making from \$50 to \$60 per week easily. These representations were alleged not to be true. Hearing May 24.

No. 2369. Universal Parts Mfg. Corporation, Chicago. Unfair competition is alleged by the fact that the abbreviation "Mfg." in the trade name tends to deceive buyers into believing that the company is a manufacturer when it is not.

Nos. 2370, 2371, 2372. Interstate Distillers, Inc., Acme Distillers, Inc., Baltimore, and Morgan Distilling Corporation, Jersey City. Respondents are charged with unfairly using the term "Distillers" to describe a business consisting only of rectifying, blending and bottling of liquors. Hearing Friday, May 31.

No. 2373. Robert R. Dunn, Jr., and Tom Keck, San Francisco, trading as the Oikelp Co. Respondents are charged with unfair representation of their medicine, in that their claims grossly exceed the uses which may beneficially or safely be made of it and that its representations have a tendency to mislead buyers into believing that the "Iokelp Tablets" are a remedy and preventative for the diseases mentioned. Iokelp was advertised as capable of preventing and correcting simple goitre where other treatments have failed. Hearing, Friday, May 31.

Nos. 2374, 2375, 2376. Sherwood Distilling & Distributing Co., Baltimore, Old Gold Distillers, Chicago, Majestic Distilling Co., Baltimore. The respondents are charged with the use of the word "Distillers" to designate a business consisting only of purchasing, rectifying, blending and bottling liquors, thus unfairly competing with bona fide distillers. Hearing, Friday, May 31.

No. 2377. LeGay, Inc., Chicago. The respondent is charged with advertising that its product, "LeGay Hair Remover," is harmless, banishes facial hair shadows and removes unsightly hair without roughening the skin when this is not the case. Hearing, Friday, May 31.

No. 2378. Marcus A. Weinberg and Belle Weinberg, trading as Cronin China Co. Publicity Department, Chicago, and Leigh China Co., Publicity Department, Sebring, Ohio. Respondents are charged with using a plan for selling merchandise having the tendency of deceiving buyers into believing that they were dealing with the aforementioned companies when in fact they were dealing with the respondents. They are also charged with representing chinaware and earthenware products used to redeem premium certificates as being of the highest grade when they were in fact "run of the kiln" or "seconds." Hearing, Friday, May 31.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in questions:

No. 0844. Paramount Products, Inc., Des Moines, Iowa. It will not advertise inferentially or otherwise that some answer to a contact advertisement will win an ultimate grand prize and to cease representing that prize money will be given away unless the terms and conditions shall be clearly set forth in immediate connection with the offer.

No. 0845. E. C. Powers Co., Dorchester Center, Mass. To abandon representations that its preparation has been a real boon to those afflicted with hay fever, that it will prevent oncoming attacks of asthma, etc.

No. 0846. J. Goodman, Inc., New York City. To cease advertising that its product, "Alpflora System Purifying Tea," will "upbuild" body organs, increase one's strength and purify or cleanse body juices.

No. 1351. Keystone Company, Inc., New York City. To cease labeling its products as "Sheffield Reproduction" so as to imply erroneously that they were made in accordance with the process used in manufacturing Sheffield silverware or plate.

No. 1352. Atlantic and Pacific Tailoring Co., Inc., New York City. To cease using the word "tailoring" or "tailors" as part of its corporate name and to stop advertising that its suits are made to measure for the individual customer out of cloth corresponding to that shown by the salesman, when this is not the case, and to cease using the word "factory" to imply erroneously that it owns or operates a factory.

No. 1353. Brite Specialty Co., New York. To cease advertising that products were made in England, when they were made in this country, and to cease using the expression "Genuine English Leather Watch Strap" to describe products not made in England.

No. 1354. A. Hondroulis & Co., Inc., Baltimore, Md. To cease use of phrases such as "Italian product," etc., to describe products not wholly composed of oil imported from Italy.

No. 1355. The Kotol Co., Detroit. To desist from representing that its product, a waterproof coating for airplane propellers, has the Federal Government's approval.

No. 1356. John H. Swisher & Son, Jacksonville, Fla. To cease using words "hand made" so as to imply that their cigars are thus made.

No. 1357. Harris & Co., Indianapolis. Same stipulation.

No. 1358. Central Iron & Steel Co., Harrisburg, Pa. To cease designating its products as "open steel flooring" or "grating" when they do not come within the accepted trade meaning of the terms.

No. 1359. Phillips Packing Co., Cambridge, Md. To cease representing that its crops are inspected by airplane and not to make allegations tending to lead buyers into believing that such inspection would be practicable and that it would result in improving the quality of the company's canned vegetables and soups.

No. 1360. Jacobs, Holtzinger & Co., Windsor, Pa. To discontinue designating cigars as "Havana" when they do not contain Cuban tobacco.

No. 1361. James B. McComb, New York City. The respondent will discontinue advertising that his products, a rug cleaner and shampoo sold under the names "Hotelo" and "DeNovo," have the background of authority of Government chemists, because they are made by a patented formula, will cease asserting that the products are "O.K'd by Uncle Sam" or that the formula is protected by Government inspection.

No. 1362. Shulick-Taylor Co., Wheeling, W. Va. Will discontinue the use of the term "Wheeling" and "stogie" on cigars made elsewhere in such a way as to deceive buyers into believing these products to be of a grade and type commonly associated with the aforementioned terms. The company also will discontinue using the terms "hand-made" and "Perfectos Habana" except in the accepted trade meaning.

No. 1364. Gabriel's Laboratories, Tell City, Ind. The respondents will discontinue advertising their product, "Gabriel's Mange Formula," by the use of the words "Kills Mange Overnight," and similar terms, when all forms of dog mange cannot be cured by the product.

No. 1365. Par-Tex Hosiery Co., Dallas, Texas. The respondent will cease to represent that its products are guaranteed against wear or for a stated period and that hosiery in which a run is found within one year will be replaced free of charge, when this is not the case.

No. 1366. Nellie C. O'Brien, Milwaukee. The respondent will discontinue using the phrase "Is Not a Dye" in connection with her product, "O. B. Hair Stain," when this is not the case.

No. 0847. Sendol Company, Sedalia, Mo. The company will no longer advertise that acetanilid, in ordinary medicinal quantities, may weaken the heart to a greater extent than aspirin or that it is habit forming. It will not advertise that its product, containing aspirin and digitalis, is a scientific formula, safe for anyone to use, does not weaken the heart or is a competent treatment for aches and pains.

NAB FINANCIAL STATEMENT 1934

Below is published the financial statement of the NAB for the fiscal year 1934 as prepared by Spicer and Rees, certified public accountants, after an audit of the books of the Association. Since funds collected in connection with the copyright campaign are kept by the Treasurer in Philadelphia, that account will be audited separately and therefore is not included in this report. The NAB statement follows:

NATIONAL ASSOCIATION OF BROADCASTERS, INC.

BALANCE SHEET

As of December 31, 1934

ASSETS

Cash	\$ 6.09
Petty Cash Fund	100.00
Treasury Bond 3-3/8's-43-47 #E-00086675	993.30
Assessments Receivable	
Estimated To Produce	
Receiver of District National Bank	762.85
Office Equipment	
Cost	3,009.79
	\$4,962.03
	=====

LIABILITIES

Accounts Payable	\$
Notes Payable	
Accrued Expenses	
Deferred Credits:	
Assessments billed, not realized (See comment)	
Prepaid Assessments	
Managing Director as Trustee:	
Surplus—December 31, 1933 ..	\$9,456.76
Deficit from Operations Exhibit "B"	4,866.48
	\$4,590.28
Add:	
Office Expense-Equipment purchased	346.75
Profit on sale of U. S. Treasury Bond	25.00
	4,962.03
	=====

STATEMENT OF INCOME AND EXPENDITURES

For the Period January 1 to December 31, 1934

Income:

Assessments applicable to the period due and collected	\$56,586.22
Miscellaneous Income and Refunds	7,179.14
Total	\$63,765.36

Expenditures:

1. Salaries	Schedule I	\$20,585.91
2. Office Expense	Schedule II	6,756.22
3. Travel Expense		1,545.95
4. General Expense	Schedule II	680.79
5. Other Expenditures	Schedule III	39,062.97
Total Expenditures		\$68,631.84

Surplus from Operations-deficit\$ 4,866.48

STATEMENT OF MISCELLANEOUS INCOME AND REFUNDS

Year ended December 31, 1934

<i>Miscellaneous Income:</i>		
Sale of Hettinger Book	\$1,279.75	
Assessment of prior years	8.75	
Sale of Binders	29.45	
Sale of Insignia	2.00	
Interest on U. S. Treasury Bond	46.25	
Personal Telephone Charges	68.90	
Sale of L. C. Smith Typewriter	22.50	\$1,457.60
<i>Refunds:</i>		
Annual Convention	1,258.16	
Code Authority for the Radio		
Broadcasting Industry:		
Reimbursements	\$150.00	
Telephone Charges	424.55	
Rent	918.50	1,493.05
Copyright Defense Fund	200.95	
Debate Material	1,000.00	
General Hearings	1,764.38	
Radio Foundation	5.00	5,721.54
Total Miscellaneous Income and Refunds		<u>\$7,179.14</u>

SALARIES EXPENSE

Year ended December 31, 1934

<i>Executive:</i>	\$15,506.58
<i>Clerical Employees:</i>	4,853.33
<i>Temporary Employees Not Employed December 31, 1934</i>	226.00
	<u>\$20,585.91</u>

STATEMENT OF OFFICE AND GENERAL EXPENSES

Year ended December 31, 1934

<i>Office Expenses:</i>	
Rent	\$1,916.00
Office Equipment purchased	346.75
Telephone	725.28
Telegraph	1,497.04
Postage	693.29
Stationery and Supplies	515.58
Printing	434.28
Subscription and Publications	528.00
Publicity	100.00
Totals	<u>\$6,756.22</u>
<i>General Expenses:</i>	
Miscellaneous	\$ 395.79
Statutory Agent in State of Delaware	50.00
Compensation Insurance	29.88
Premiums on Bond	50.00
Taxes	155.12
Totals	<u>\$ 680.79</u>

STATEMENT OF OTHER EXPENDITURES

Year ended December 31, 1934

Board of Directors' Meetings	\$ 2,360.10
Business Index	2,682.30
Convention Expense	1,498.97
Commercial Meetings	233.61
Cost Accounting Committee	569.02
Convention-Lisbon	1,202.75
Code Authority for the Radio Broadcasting Industry	9,119.33
Debate Hand Book	2,895.38
General Hearings	9,273.17
Hettinger Hand Book	2,141.69
Legal Fees	1,894.30
Legislative Service	593.75
National Association of Broadcaster reports:	
Copyrighting	\$ 114.00
Postage	849.33
Printing	3,295.57
Refunds	339.70
	<u>\$39,062.97</u>

CASH ON HAND

December 31, 1934

Balance December 31, 1933	\$ 122.57
<i>Add:</i>	
Sale of U. S. Treasury Bond 3's-51-55-#20833-C	4,750.00
	<u>\$4,872.57</u>
<i>Deduct:</i>	
Deficit from Operation—as shown in Exhibit "B"	4,866.48
Total as shown in Balance Sheet	<u>\$ 6.09</u>

Reconciliation of Bank Account:

Balance per Riggs National Bank Statement	\$2,064.52
<i>Less Outstanding checks:</i>	
# 982	\$130.60
997	25.00
998	25.00
999	500.00
1000	2.00
1001	416.67
1002	312.50
1003	225.00
1004	100.00
1005	50.00
1006	55.00
1008	216.66
	<u>2,058.43</u>
Balance December 31, 1934	<u>\$ 6.09</u>

FURNITURE AND FIXTURES

Year ended December 31, 1934

As shown on Auditor's Report December 31, 1933	\$2,753.04
<i>Purchases During 1934:</i>	
1—#201 Statutory Bronze Silverglo Lamp	\$ 9.90
1— Radiator Cabinet and 2 Shields	22.75
1—#445 Green Steel Case File	30.00
1— Desk	} 70.00
2— Chairs	
1— Glass top for desk	} 17.70
1— Plate Top Glass 66 x 34	
1— L. C. Smith Typewriter— 8.12-1130520	115.00
1—#201 Statutory Bronze Silverglo Lamp	9.90
1—#100 C. Polar Desk Pad	5.00
1—#445 Green Steel Case File	28.00
1—# 20 Walnut Steel Case Waste Basket	2.50
1— Rug	36.00
	<u>346.75</u>
	<u>\$3,099.79</u>

ENGINEERING COMMITTEE MEETS

The NAB Engineering Committee met jointly with the IRE Broadcast Committee and the RMA Engineering Committee at the Hotel New Yorker, New York City, Wednesday, May 1.

The meeting was attended by the following members of the NAB committee: J. A. Chambers, Chairman; E. K. Cohan, H. A. Chinn, J. H. DeWitt, John E. Fetzer, Edward L. Gove, C. W. Horn, John V. L. Hogan, and J. C. McNary. The RMA and IRE committees were well represented, and the meeting was attended also by Mr. A. D. Ring, FCC Assistant Chief Engineer.

Among the subjects discussed were the high fidelity standards proposed for broadcasting stations by the FCC Engineering Department (NAB REPORTS, Vol. 3, No. 5, January 25, 1935). Opinions presented by various engineers on the proposed permissible values of audio distortion, frequency range, volume range, and noise level indicated the desirability of only minor modifications and clarifications of the proposed standards. As has been previously stated, the proposed standards will apply only to stations qualifying as high-fidelity stations.

The proposal that audio-frequency characteristics of radio transmitters be altered to emphasize transmission of the higher frequencies, with complementary alteration of high-frequency response of broadcast receivers in order to reduce the intensity of reproduced noise, received unfavorable discussion because of the

obvious disturbance to the existing allocation scheme. It was pointed out that such operation would augment adjacent-channel interference.

The proposal made by Mr. L. F. Curtis, of the American Bosch Co., relative to compensation of frequency characteristics of studio equipment to provide various characteristics to be used with different classes of program material received considerable discussion. The suggestion of Mr. Curtis was based on figures made public some time ago by Dr. Harvey Fletcher, of Bell Telephone Laboratories, indicating that a flat frequency response is not desirable when the program material is reproduced at a relatively low intensity.

FCC REGULATES ATTORNEYS

The Federal Communications Commission en banc today adopted the following rule:

No one serving in the Federal Communications Commission on or after July 1, 1935, shall be permitted to practice, appear, or act as an attorney or agent in any case, claim, contest or other proceeding before the Commission or before any division or agency thereof, until two years shall have elapsed after the separation of the said person from the said service.

MODULATION MONITORS DEMONSTRATED

As an outgrowth of the conference called by Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commission, held in the Commission's offices April 12, a demonstration of various modulation monitoring devices was held at Bell Telephone Laboratories, New York City, April 29 and 30.

The modulation monitors and volume indicators demonstrated included the conventional Western Electric volume indicators, used by the A. T. & T. Long Lines Department and by many broadcasting stations; a Western Electric 700-A volume indicator; volume indicators indicating peak amplitudes rather than rms amplitudes furnished by Bell Laboratories and by NBC; General Radio modulation monitor; RCA cathode ray oscilloscope; and several combinations of Weston indicating meters.

The demonstration brought considerable discussion by telephone company engineers and by engineers representing broadcasting stations and apparatus manufacturers.

After clarifying the test procedure, the test indicated that a volume indicator or modulation monitor showing peak amplitudes to be more desirable than the conventional type which indicates rms amplitudes.

Another meeting of interested parties will be called within the near future, at which time it is planned to reach a final decision regarding specifications for a modulation monitor.

FCC APPOINTS GOVERNOR GARDNER

Chairman Anning S. Prall, of the Federal Communications Commission, made the following statement today coincident with the appointment of former Governor O. Max Gardner, of North Carolina, as special counsel of the FCC in charge of the legal functions of its Telephone Division:

"In behalf of the Federal Communications Commission I am pleased to announce the appointment of O. Max Gardner, former governor of North Carolina, and a distinguished attorney, as chief of the legal staff of the Commission which will investigate the telephone industry in compliance with the resolution enacted by Congress ordering such an inquiry.

"Former Governor Gardner, who has been practicing law in Washington and in North Carolina since his retirement from the post of chief executive of his native state, comes to the Commission at great personal sacrifice. It was only after we had entreated him to accept the post that he finally was persuaded to return to public life for the duration of the telephone investigation. His salary will be \$10,000 per annum.

"The Commission considers itself fortunate in procuring a man of Governor Gardner's attainments for this important work. It will be his responsibility to direct all legal operations incident to this investigation, which will invade the entire scope and activity of the American Telephone and Telegraph Co., as well as independent companies in the telephone field. For this investigation Congress has appropriated \$750,000.

"The Telephone Division, with which former Governor Gardner will act, consists of Commissioner Paul A. Walker, Chairman, Colonel Tbad H. Brown, Vice-Chairman, and myself."

POSTAL RULE RESCINDED

Order 6338, amending Paragraph 6, section 585, Postal Laws and Regulations (NAB REPORTS, Vol. 3, No. 16), providing for delivery of unaddressed mail, has been withdrawn.

FCC APPOINTS TELEPHONE ENGINEERS

The appointment of the following engineers to assist in the forthcoming telephone investigation was announced by the FCC, April 30: Manfred K. Toeppen, of Lansing, Michigan; George S. Macomber, of New York City; William H. Schlasman, of Reading, Pennsylvania; Harold G. Tufty, of Evanston, Illinois; Barry T. Benson, of Sherman, Texas; and George B. Donohue, of Milwaukee, Wisconsin.

COMMISSIONER WALKER NAMES SECRETARY

Mr. Walter B. Emery, of Norman, Oklahoma, Director of Forensics at the University of Oklahoma since 1929, has secured a leave of absence for the summer from his duties at the University of Oklahoma, to assume the duties of Secretary to Commissioner Paul A. Walker, Chairman of the Telephone Division. He will take over the work of Mr. John J. Hassler, who was recently appointed as Executive Assistant to the Assistant Engineer in charge of Telephones.

Mr. Emery was born at Howe, Oklahoma, in 1907. He is a graduate of the Shawnee, Oklahoma, High School; of the Oklahoma Baptist University, A.B., 1929; of the School of Law of the University of Oklahoma, LL.B., 1934; and has done graduate work in government and political science. He has also completed a number of courses in Law and Economics dealing with public utilities. He has been a member of the Oklahoma State Bar since 1933.

Upon graduation from the Oklahoma Baptist University, he was employed as field representative for that school until he became Director of Debating at the University of Oklahoma, in the fall of 1929. Mr. Emery has been an outstanding student. He won a number of state and regional contests in debate and oratory and is a member of honor, scholastic and debating organizations. He is co-author of a manual of debate and parliamentary practice which is now used as a text in the University of Oklahoma.

Mr. Emery's duties at the University of Oklahoma have included the direction of Radio Station WNAD at the University. Mr. Emery is married and has one child.

RECOMMENDS LICENSE FOR WAAT

Broadcasting station WAAT, Jersey City, N. J., using a frequency of 940 kilocycles, 500 watts power and daytime until 6 p. m., applied to the Federal Communications Commission for a license renewal and license to cover the construction permit granted.

R. H. Hyde(e), in Report No. I-42, recommends that the application for a license following construction of a new transmitter already authorized be granted. The issue in this case was the determination of the character of the service of the station and to determine whether the continued operation would serve public interest.

NEW CALIFORNIA STATION RECOMMENDED

Richard Field Lewis filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Del Monte, Cal.

Ralph L. Walker(e), in Report No. I-41, recommends that the application be granted. It was for the use of 1210 kilocycles, 100 watts power and unlimited time. The Examiner found that the applicant was in all ways qualified to construct and operate such a station, that there is a substantial need for the service in the area to be covered and that the proposed station would not interfere with any existing facilities.

RECOMMENDS DENYING AS IN DEFAULT

Bailey Brothers filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at San Diego, Calif., to use 1420 kilocycles, 100 watts power and unlimited time on the air.

Ralph L. Walker(e), in Report I-43, has recommended that the application be denied as in cases of default. It appears from the

record that when the case was called for hearing the applicants did not appear. Also that the applicants had asked for a postponement of the date of hearing originally set which was not granted by the Commission.

RECOMMENDS AGAINST NEW STATION

The Journal Company, Milwaukee, Wis., filed an application with the Federal Communications Commission asking that it be granted a construction permit for a new regional broadcasting station to be operated on 1010 kilocycles, 1,000 watts power and unlimited time on the air.

R. H. Hyde(e), in Report No. I-46, recommends that the application be denied. The Examiner found that "no sufficient public need for the particular service proposed is shown to sustain an affirmative finding that the granting of a permit therefor would serve the public interest."

SECURITIES ACT REGISTRATION

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

- Bondholders' Protective Committee for bonds of Wheeler Timber Company, Chicago, Ill. (2-1384, Form D-1).
- Arthur K. Ohmes et al., New York City. (2-1387, Form D-1).
- Insured Investors, Inc., Kansas City, Mo. (2-1388, Form C-1).
- Motors Securities Company, Inc., Shreveport, La. (2-1389, Form A-1).
- Penn Valley Crude Oil Corp., Wilmington, Del. (2-1390, Form A-1).
- Atlantic & Pacific Mining Company, Pony, Mont. (2-1391, Form A-1).
- Bonanza Consolidated Gold Mines, Inc., Detroit, Mich. (2-1392, Form A-1).
- Corporate Leaders Reserve Fund, Inc., New York City. (2-1393, Form A-1).
- Bondholders Committee Southern New England Ice Co., Buffalo, N. Y. (2-1394, Form D-1).
- Pacific American Fisheries, Inc., South Bellingham, Wash. (2-1395, Form A-2).
- Doris Ruby Mining Company, Buena Vista, Col. (2-1349, Form A-1).

RECOMMENDS AGAINST INCREASED POWER

Station WMBR, Jacksonville, Fla., filed an application with the Communications Commission asking that it be allowed to increase its power to 250 watts local sunset. At present it operates with 100 watts, unlimited time, on 1370 kilocycles.

Melvin H. Dalberg(e), in Report No. I-45, recommends that the application be denied. He found that the State of Florida is over quota on daytime assignments.

RECOMMENDS DENYING TEXAS CHANGES

Three applications were made to the Federal Communications Commission, each requesting the use of 940 kilocycles. Melvin H. Dalberg(e), in Report No. I-44, recommends that all of the applications be denied.

Station KMAC, San Antonio, Texas, now operating on 1370 kilocycles, 100 watts power, sharing time with KONO, asked for an experimental license to install a directional antenna and operate on 940 kilocycles; 500 watts unlimited time. Station KFYO, Lubbock, Texas, on 1310 kilocycles, 100 watts, 250 watts L. S., unlimited time, asked to install new equipment and operate on 940 kilocycles, 500 watts unlimited time. Station KGKL, San Angelo, Texas, on 1370 kilocycles, 100 watts, 250 watts L. S., unlimited time, requested permit to install new equipment and operate on 940 kilocycles, 1000 watts L. S., unlimited time. The Examiner states, among other things, that simultaneous operation of any or all of these stations on 940 kilocycles would be impossible because of inadequate mileage separation.

STEWART NEW VICE CHAIRMAN

While no official announcement has been made, Commissioner Stewart has been made vice-chairman of the Federal Communications Commission.

RECOMMENDS AGAINST CALIFORNIA STATIONS

A. Tornek and R. Lille filed an application with the Federal Communications Commission for a construction permit for a

new station to be erected at East Los Angeles, Calif., to use 820 kilocycles, 250 watts, and operating simultaneously with WHAS.

Also, Fred L. Packard and A. Rosenberg asked for a construction permit for a new station to be erected at Los Angeles, Calif., to use 1160 kilocycles, 250 watts daytime operation.

Ralph L. Walker(e), in Report No. I-47, recommends that both of the applications be denied. The Examiner found that "the operation of either of the proposed stations would result in objectionable interference with existing stations."

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WSXCE—Westinghouse Electric and Manufacturing Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. to install new equipment and to operate on additional frequencies 31600, 35600, 38600, 41600, 55500, 60500, 86000-400000 kc., 150 watts. Also granted license covering same.
- NEW—Westinghouse Electric and Manufacturing Co., Portable-Mobile, Chicopee Falls, Mass. (2 applications).—Granted C. P. (exp.-spec. exp.), frequencies same as above; power 50 watts. Also granted license covering same.
- W6XB—Earl A. Nielson, Portable-Mobile (Phoenix, Ariz.).—Granted C. P. replacing old transmitter with new one and increase in power from 3 to 15 watts.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted extension of special temporary experimental authorization to operate with an additional 250 watts night, for the period May 1, 1935, and ending not later than May 31, 1935.
- WOL—American Broadcasting Co., Washington, D. C.—Granted C. P. to make changes in equipment.
- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted modification of C. P. approving proposed transmitter site; C. P. authorized to operate on 1210 kc., 100 watts, unlimited time.
- KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of C. P. extending commencement date to 5-1-35 and completion date to 12-1-35.
- KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Granted consent to voluntary assignment of license to Plains Radio Broadcasting Co.
- WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted C. P. to move transmitter locally.
- WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.
- WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.
- WHEC—WHEC, Inc., Rochester, N. Y.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.
- WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.
- WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted modification of license to increase power from 250 watts night, 500 watts LS, to 500 watts day and night.
- NEW—Hart & Nelson, High Point, N. C.—Granted C. P. for new station to operate on 1200 kc., 100 watts day. Daytime hours.
- WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted renewal of license on a temporary basis for period of 1 month from May 1, 1935.
- WJMS—WJMS, Inc., Ironwood, Mich.—Granted license to cover C. P. authorizing move of transmitter; 1420 kc., 100 watts, unlimited time.
- WAIM—Wilton E. Hall, Anderson, S. C.—Granted license to cover C. P. authorizing erection of a new station to operate on 1200 kc., 100 watts, unlimited time.
- KGKY—Hilliard Co., Inc., Scottsbluff, Nebr.—Granted license to cover C. P. authorizing installation of new equipment and increase in power; 1500 kc., 100 watts night, 250 watts day, unlimited time.
- WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license to cover C. P. making changes in equipment; frequency 1410 kc., 500 watts day and night, sharing with WROK.

WJTL—Oglethorpe University, Inc., Atlanta, Ga.—Granted modification of license to move studio from Oglethorpe University, Georgia, to Volunteer Life Bldg., Atlanta, Ga.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted modification of C. P., amending it so as to request changes in equipment, approval of transmitter site, and extension of commencement date to 30 days after grant and completion date to 6 months thereafter.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted modification of C. P., amending it so as to request changes in equipment; cancel request for change in day power from 5 KW to 2½ KW, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted amended modification of license authorizing change in power from 500 watts night and day to 500 watts night, 1 KW day; 1400 kc., unlimited time.

KJBS—Station KJBS, San Francisco, Calif.—Granted authority to use present antenna system in lieu of that authorized by C. P. until such time as more suitable location can be obtained and an efficient antenna system installed.

WKAR—Michigan State College, E. Lansing, Mich.—Granted C. P. to make changes in equipment.

W8XH—WBEN, Inc., Buffalo, N. Y.—Granted C. P. (exp.-gen. exp.) to install new transmitter and increase power from 50 to 100 watts.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted C. P. to install new transmitter and increase power to 1 KW day, 500 watts night, and change transmitter site.

KWSC—State College of Washington, Pullman, Wash.—Granted C. P. to make changes in equipment and increase day power from 2 KW to 5 KW.

WCFL—Chicago Federation of Labor, York Township, Ill.—Granted modification of C. P. to extend completion date from 5-1-35 to 6-15-35.

KGW—Oregonian Publishing Co., N. Portland, Ore.—Granted license to cover C. P. authorizing increase in day power to 5 KW; frequency 620 kc., 1 KW night, unlimited time.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted license covering C. P. authorizing changes in equipment.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted license covering C. P. to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted authority to install automatic frequency control.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of C. P. as modified to extend commencement date to 5-1-35 and completion date to 12-1-35.

W8XCE—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted renewal of special experimental station license for period April 24, 1935, to July 24, 1935, in exact conformity with existing license.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses on a temporary basis for the period May 1 to November 1, 1935, subject to such action as the Commission may take on their pending applications for renewal:

WARD, WBBC, WBBR, WLTH, WVFW, all of Brooklyn, N. Y.; WDAG, Amarillo, Tex.; WHAZ, Troy, N. Y.; WFAB New York City.

The following stations were granted extensions of their present licenses for a period of one month, from May 1 to June 1, 1935, on a temporary basis subject to such action as may be taken on their pending applications for renewal:

KG DY, Huron, S. Dak.; WCBA, Allentown, Pa., and auxiliary; WRBX, Roanoke, Va.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted renewal of license for the period ending June 1, 1935.

KG GC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted renewal of license for the period ending July 1, 1935.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted renewal of license for the period ending August 1, 1935.

WDSU—WDSU, Inc., New Orleans, La.—Granted renewal of license for the period ending October 1, 1935.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted renewal of license for the period ending October 1, 1935, also granted same for auxiliary.

WHA—University of Wisconsin, Madison, Wis.—Granted renewal of license for the period ending October 1, 1935.

WKAR—Michigan State College, E. Lansing, Mich.—Granted renewal of license for the period ending August 1, 1935.

WLB—University of Minnesota, Minneapolis, Minn.—Present license extended on a temporary basis for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Present license extended on a temporary basis for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period ending June 1, 1935, subject to such action as may be taken on their pending application for renewal.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Present license extended on a temporary basis for a period of one month from May 1 to June 1, 1935, subject to such action as may be taken on application for renewal pending before the Commission.

WQAM—Miami Broadcasting Co., Miami, Fla.—Present license extended on a temporary basis from May 1 to June 1, 1935, subject to such action as may be taken on pending application for renewal. The Commission denied applicant's petition for renewal of license on a permanent basis.

W6XZ—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of special experimental station license for the period May 1, 1935, to May 1, 1936, in exact conformity with existing license.

W6XAH—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of visual broadcasting station license for experimental service, effective May 1, 1935, to expire May 1, 1936, in exact conformity with existing license.

W4XB—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Present relay broadcasting station license in the experimental service was extended for a period of 1 month from May 1 to June 1, 1935, upon a temporary basis only, subject to such action as may be taken on pending application for renewal.

W1XAL—World Wide Broadcasting Co., Boston, Mass.—Present relay broadcasting station license in the experimental service was extended for a period of 1 month from May 1 to June 1, 1935, upon a temporary basis only, subject to such action as may be taken on pending application for renewal.

SET FOR HEARING

NEW—Connecticut Broadcasting Co., Edward Mirante and Arthur Faske, New Britain, Conn.; Stockholders: Edward Mirante and Arthur Faske.—Application for C. P., 1370 kc., 100 watts, unlimited time.

NEW—Lee Medley and T. O. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex. (Site to be determined).—Application for C. P., 1210 kc., 100 watts, unlimited time.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Application for C. P. to make changes in equipment and increase day power from 100 watts to 250 watts. (Present assignment: 1210 kc., 100 watts, unlimited.)

NEW—Southern Oregon Pub. Co., Roseburg, Ore.—Application for C. P., 1500 kc., 100 watts, daytime.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Application for special experimental authorization to operate on 1240 kc. with 500 watts night and 1 KW day; move station locally to location subject to approval of Commission; also install new equipment. (Present assignment: 1500 kc., 100 watts; unlimited C. P. for 100 watts night, 250 watts day.)

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Application for C. P. amended so as to read: 1380 kc., 500 watts daytime.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for C. P. amended so as to read: Make changes in equipment, increase power from 100 watts night and day to 100 watts night, 250 watts day. (Present assignment: 1370 kc., 100 watts, shares KCRC.)

WWL—Loyola University, New Orleans, La.—Application for modification of license to change hours of operation from S.H. to unlimited. (Frequency 850 kc., 10 KW night and day; S.H.)

KG Y—KGY, Inc., Olympia, Wash.—Application for modification of license to increase hours of operation to unlimited time except when KTW is operating. (Frequency 1210 kc., 100 watts, S.H.)

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Application for special experimental authorization to make changes in

APPLICATIONS DISMISSED

- equipment; change frequency to **1250 kc.**; increase power to 250 watts, 500 watts LS, S.H. (1 a. m. to 6 a. m.). (Present assignment: **1200 kc.**, 100 watts night, 250 watts day, hours unlimited.)
- WFEA—New Hampshire Broadcasting Co., Merrimack, N. H.—Renewal of license. Granted temporary authorization to operate pending action taken on renewal.
- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license. Granted temporary license pending hearing.
- WEDC—Emil Denmark, Inc., Chicago, Ill.—Renewal of license. Granted temporary license pending hearing.
- WMBC—Michigan Broadcasting Co., Detroit, Mich.—Application for C. P. to make changes in equipment; change frequency from **1420 kc.** to **1300 kc.**; increase power from 100 watts night, 250 watts day, to 500 watts night and day.
- WEED—William Avera Wynne, Rocky Mount, N. C.—Application for C. P. to make change in equipment; increase power from 100 watts to 250 watts day and night; change hours from U-day, S-WEHC night, to unlimited; and change frequency from **1420 kc.** to **1350 kc.**
- KHJ—Robert K. Herbst, Moorehead, Minn.—Application for C. P. amended so as to request site to be determined in Moorehead, instead of a location in Fargo, N. Dak.; **1310 kc.**, 100 watts, unlimited.
- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Application for C. P. to make changes in equipment; move transmitter locally in Chicago; change hours of operation from daytime SA, operate 5-6 a. m., CST, to unlimited. (Application amended to request 1 KW day power with directional antenna.)
- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Application for C. P. to increase power from 500 watts to 5 KW daytime, and make changes in equipment.
- NEW—North Side Broadcasting Corp., New Albany, Ind.—Application for C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.
- NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Application for C. P. for new station to operate on **1210 kc.**, 100 watts day, daytime hours.
- NEW—Miles J. Hansen, Fresno, Calif.—Application for C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time.
- KLO—Interstate Broadcasting Corp., Ogden, Utah.—Application for C. P. to make changes in equipment and increase power from 500 watts to 1 KW.
- KGCU—Mandan Radio Asso., Inc., Mandan, N. Dak.—Application for modification of license to change frequency from **1240 kc.** to **1230 kc.**, and S.H. to unlimited.
- KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Application for modification of license to change hours of operation from sharing with KBBZ to unlimited.
- KPJM—Scott and Sturm, Prescott, Ariz.—Renewal of license; **1500 kc.**, 100 watts, unlimited time.
- WMBD—Peoria Broadcasting Co., Peoria, Ill.—Application for modification of license to increase power to 1 KW night and day.

ACTION ON EXAMINERS' REPORTS

- KSLM—Ex. Rep. No. 1-26: Oregon Radio, Inc., Salem, Ore.—Application for modification of C. P. to change hours of operation from daytime to unlimited granted; station operates on **1370 kc.**, 100 watts. Examiner R. L. Walker sustained. Order effective May 7, 1935.
- WBIG—Ex. Rep. No. 1-31: North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Oral argument granted for June 13, 1935.
- NEW—Ex. Rep. No. 1-43: Bailey Bros., San Diego, Calif.—Denied as in cases of default application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Examiner Walker sustained.

APPLICATION DENIED

- NEW—Amzi G. Barber, Montgomery, Ala.—C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time, heretofore set for hearing, was denied as in cases of default for failure to file appearance and statement of facts in accordance with Rule 28b.

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

- WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license, **1430 kc.**, 1 KW, unlimited time.
- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., **1250 kc.**, 250 watts, 500 watts LS, unlimited time.
- KMO—KMO, Inc., Tacoma, Wash.—Modification of license, **1330 kc.**, 500 watts, unlimited time.
- KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license, **630 kc.**, 500 watts, unlimited time.
- WOKO—WOKO, Inc., Albany, N. Y.—Modification of license, **970 kc.**, 500 watts, 1 KW LS, unlimited time.
- NEW—Clark Standiford, Chico, Calif.—C. P., **1210 kc.**, 100 watts, unlimited time.
- WBAA—Purdue University, W. Lafayette, Ind.—Modification of license, **890 kc.**, 500 watts, 1 KW LS, specified hours.
- WBNS—WBNS, Inc., Columbus, Ohio.—Modification of license, **1430 kc.**, 1 KW, unlimited time.
- NEW—Twin Cities Broadcasters, A. R. Ebrite, E. R. Ristine, and J. D. Kolesar (Gen. Mgr.), Centralia, Wash.—C. P., **1200 kc.**, 100 watts, unlimited time.
- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of license, **1240 kc.**, 1 KW, unlimited time.

MISCELLANEOUS

- WQAM—Miami Broadcasting Co., Miami, Fla.—Application for authority to remove auxiliary transmitter, heretofore granted, was retired to closed files for want of prosecution.
- NEW—Utah Broadcasting Co., Salt Lake City, Utah.—Granted petition to reopen proceedings for additional testimony in prosecution of application for C. P. for station to operate on **1500 kc.**, 100 watts.
- KFBK—James McClatchy Co., Sacramento, Calif.—Oral argument to be heard June 13, 1935, before Broadcast Division on application for C. P. because of written request of L. B. Wilson, Inc., a respondent.
- E. W. Patrick, Brookfield, Mo.—Application for C. P. for station to operate on **1310 kc.** withdrawn from docket because of an amendment asking use of frequency **1210 kc.** instead.
- WDAY—WDAY, Inc., Fargo, N. Dak.—Denied right to intervene at hearing of application of Robert K. Herbst for new station at Moorhead, Minn., to operate on **1310 kc.**, 100 watts.
- WPFB—Otis Perry Eure, Hattiesburg, Miss.—Dismissed from docket application to assign license from Otis Perry Eure to Geo. T. Bishop, as proposed contract has been abrogated.
- WTCN—Minn. Broadcasting Co., Minneapolis, Minn.—Permitted to operate for 30 days under the program tests during adjustment of engineering troubles.
- KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted renewal of license.
- WDRC—WDRC, Inc., Hartford, Conn.—Granted renewal of license.
- KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Granted renewal of license for period ending 3 a. m., EST, August 1, 1935.
- WJJD—WJJD, Inc., Chicago, Ill.—Denied petition requesting that Commission grant C. P. to move to Des Plaines, Ill.
- The Commission today granted stations WJAG, KTHS, WBAL, KRLD, WTIC and KWJJ extensions of special experimental authorizations in exact accordance with present authorizations, for a period ending in no event later than 3 a. m., EST, August 1, 1935.
- The Commission directed that Station WESG change its frequency from **850 kc.** and be granted special experimental authorization to operate on **1000 kc.** until sunset at Des Moines, Iowa, for the period ending August 1, 1935. Station WESG is allowed until May 15, 1935, to make this change and operate on **850 kc.** until that time.
- KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Application to move transmitter locally, heretofore granted, was retired to closed files for want of prosecution.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Denied special temporary authorization to operate with power of 250 watts from local sunset (6:45 p. m., CST) May 3 to 6 a. m., CST, May 4, 1935, in order to broadcast station's first anniversary celebration.
- WBNX—Standard Cahill Co., New York City.—Set for hearing application for modification of license to increase night power from 250 to 500 watts.

WILL—University of Illinois, Urbana, Ill.—Suspended grant to change frequency from **890 kc.** to **580 kc.**, daytime, 1 KW, and designated for hearing application to make changes because of the protest of **WIBW**, Topeka, Kans.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Set for hearing application for renewal and granted temporary license.

WCBS—WCBS, Inc., Springfield, Ill.—Suspended grant to change frequency from **1210 kc.** to **1420 kc.**, and hours of operation from sharing with **WTAX** to specified hours, and set for hearing application for changes because of protests of stations **WHFC**, **WEHS**, and **WKBI**.

WELL—Enquirer-News Co., Battle Creek, Mich.—Suspended grant and set for hearing application to make changes in equipment, to increase power to 100 watts, and to move studio and transmitter locally, because of protest of **WMBC**, Detroit, Mich.

NEW—J. H. Hallock, Portland, Ore.—Denied request for continuance of hearing scheduled for May 20, on application for C. P. for new radio station at Vancouver, Wash., to operate on **1500 kc.**, 100 watts.

WBOW—Banks of Wahash, Inc., Terre Haute, Ind.—Suspended grant and set for hearing application to make changes in equipment and to increase power from 100 watts day and night to 100 watts night, 250 watts day, because of protest of **WLBC**, Muncie, Ind.

APPLICATIONS RECEIVED

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for **550** new station on **550 kc.**, 250 watts, unlimited time.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Voluntary **570** assignment of license to **WNAX** Broadcasting Co.

KLPM—John B. Cooley, Minot, N. Dak. (filed under name of **600** Northwest Radio Service, Inc.).—Modification of license to change frequency from **1240 kc.** to **600 kc.**, time from S.H. to unlimited, call letters from **KLPM** to **KFEU**.

WREC—WREC, Inc., Memphis, Tenn.—Modification of special **600** experimental authorization to install directional antenna, for period ending 9-1-35.

WMT—Waterloo Broadcasting Co., Des Moines, Iowa.—Modification of special experimental authorization to install directional antenna for period ending 9-1-35.

WMAQ—National Broadcasting Co., Bloomington, Ill.—Modification of C. P. for extension of time, approval of antenna, and approval of exact location.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Voluntary assignment of license from Scroggin & Co. Bank to **KFEQ**, Inc.

NEW—George B. Storer, Detroit, Mich.—Construction permit for **680** new broadcasting station to be operated on **680 kc.**, 1 KW, daytime.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Construction **750** permit to install new equipment, increase power from 10 to 50 KW day and night.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction **760** permit to install new equipment, increase day power from 1 KW to 5 KW, change frequency from **920 kc.** to **760 kc.**, and move transmitter from West Waterway, Harbor Island, to 26th Ave. S. W. and Florida St., West Waterway, Seattle, Wash.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of **780** license to change frequency from **1440 kc.** to **780 kc.**, requesting frequency used by **KGHL**.

WESG—Cornell University, Ithaca, N. Y.—Special experimental **850** authority to operate on **850 kc.** from daylight to sunset, New Orleans, La.

WBAA—Purdue University, West Lafayette, Ind.—Modification of **890** license to change specified hours.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Construction **900** permit to make minor changes in equipment, move transmitter and studio from 600 State St. to 510 Main St., Quincy, Ill.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—**900** Construction permit to make changes in equipment and increase power from 500 watts to 1 KW, 5 KW day.

KHSL—William Schield, Sydney R. Lewis, Harold Smithson, **950** Trustees, Golden Empire Broadcasting Co., Ltd., Chico, Calif.—License to cover construction permit (B5-P-281) as modified, for a new station.

NEW—International Ladies Garment Workers Union, to be determined, New York.—Construction permit for authority to erect a new broadcast station to be operated on **970 kc.**, 1 KW power, unlimited time,

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to change frequency from **1300 kc.** to **970 kc.**, install new equipment, increase power from 1 to 5 KW, move studio locally. Amended: Change requested power from 5 KW to 1 KW night, 5 KW day.

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special **1040** authorization to operate simultaneously with **WTIC** for period ending 8-1-35.

WTIC—The Travelers Broadcasting Corp., Hartford, Conn.—Extension of special experimental authorization to change frequency from **1060 kc.** to **1040 kc.**, and change from S-WBAL to simultaneous operation with **KRLD** (unlimited) for period 5-1-35 to 8-1-35.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—**1060** Extension of special authorization to operate on **1060 kc.** simultaneously with **WBAL** from 6 a. m. to sunset daily, suspend until 8 p. m., and unlimited from then to midnight, for period ending 8-1-35.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to operate simultaneously with **KTHS** on **1060 kc.**, 10 KW, from 6 a. m. to sunset at Hot Springs, Ark., to operate on **1060 kc.**, 10 KW, from sunset to 9 a. m., EST, and to synchronize with **WJZ** on **760 kc.**, 2½ KW, after 9 p. m.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—License to **1120** cover construction permit (B5-P-153) to move transmitter and install new equipment.

NEW—Pauline Holden, Porterville, Calif.—Construction permit for **1160** new station to be operated on **1160 kc.**, 100 watts, daytime.

NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—C. P. for **1200** new station, **1200 kc.**, 100 watts, unlimited time, amended to give names of partners.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Modification of license to change hours of operation from share **WKJC** to unlimited. (Requests facilities of **WKJC** when they move to Easton, Pa.)

NEW—Thames Broadcasting Corp., New London, Conn.—Construction permit to erect a new station to be operated on **1200 kc.**, 100 watts, unlimited time.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak. **1210**—Construction permit to increase power from 100 watts to 100-250 watts day. Amended: Install new equipment.

NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction permit for new station to be operated on **1210 kc.**, 100 watts power, daytime.

NEW—Fred S. Rogers, Glens Falls, N. Y.—Construction permit **1210** for new station to be operated on **1210 kc.**, 100 watts power, unlimited time (consideration under 307 (b)).

WPAX—H. Wimpy, Thomasville, Ga.—Construction permit to **1210** make changes in equipment, increase power from 100 watts day to 250 watts day. Amended: Transmitter site and antenna to be determined.

NEW—Farmers & Bankers Life Ins. Co., Wichita, Kans.—Construction permit for new station on **1210 kc.**, 100 watts, unlimited time. Amended: Hours of operation.

NEW—Clark Standiford, Marysville, Calif.—Construction permit **1210** to erect a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change frequency to **1210 kc.** and make changes in equipment.

NEW—Clark Standiford, San Diego, Calif.—Construction permit **1210** to erect a new station to be operated on **1210 kc.**, 100 watts, daytime.

KGY—KGY, Inc., Olympia, Wash.—Extension of special experimental authorization to operate additional specified hours. Amended to change hours of operation to unlimited except when **KTW** is operating.

NEW—Clark Standiford, Fresno, Calif.—Construction permit to **1210** erect a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change frequency to **1210 kc.** and make changes in antenna.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—**1230** License to cover construction permit (B5-P-74) to make changes in equipment and move transmitter and studio.

KIPM—John B. Cooley, Minot, N. Dak.—Voluntary assignment **1240** of license to Northwest Radio Service, Inc.

WCAL—St. Olaf College, Northfield, Minn.—C. P. to install new **1250** equipment and increase day power to 5 KW.

WOL—American Broadcasting Co., Washington, D. C.—Construction permit to make changes in equipment.

NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit for **1310** new station to be operated on **1310 kc.**, 100 watts power,

- unlimited time. Amended to determine antenna later. Transmitter site to be determined.
- NEW—A. Stanearth Graham, E. V. Baxter, Norman Baxter, d/b as
1310 Pittsburg Broadcasting Co., Pittsburg, Kans.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited. Amended: Omit Lester E. Cox as a partner and substitute Norman Baxter.
- NEW—Review Publishing Co. (Pearl B. Robinson, Owner),
1310 Moscow, Idaho.—Construction permit for new station to be operated on **1310 kc.**, 100 watts, unlimited time.
- KFPM—Dave Ablowich, d/b as The New Furniture Co., Greenville, Tex.—Voluntary assignment of license to the Voice of Greenville.
- NEW—Century Broadcasting Co., Inc., Richmond, Va.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended to change frequency to **1370 kc.** and hours of operation to daytime.
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—
1310 Modification of construction permit (B3-P-376) for approval of transmitter site and move studio to same site from Floridan Hotel, corner Monroe and Call Sts., to Thomasville Highway, 42 miles north of city limits at new county road, Tallahassee, Fla., and make changes in equipment (antenna) and extend commencement and completion dates.
- WCMI—Ashland Broadcasting Co., Ashland, Ky.—License to cover
1310 construction permit (B2-P-288) for new station on **1310 kc.**, 100 watts, unlimited.
- WORK—York Broadcasting Co., York, Pa.—Modification of license
1320 to change frequency from **1000 kc.** to **1320 kc.**, operating power from 1 KW to 1 KW day, non-directional, 1 KW night, directional; hours of operation from daytime to unlimited.
- KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—License to
1320 cover construction permit (B4-P-322) to move transmitter and make equipment changes.
- NEW—Caller-Times Publishing Co., Corpus Christi, Tex.—Construction permit to erect a new broadcast station to be operated on **1330 kc.**, 1 KW power, unlimited time.
- NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended re transmitter site.
- NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—
1370 Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Equipment, antenna.
- WPAY—Vee Bee Corp., Portsmouth, Ohio.—License to cover C. P.
1370 to install new equipment and move station from Mount Orab to Portsmouth, Ohio.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—License to
1370 cover C. P. for new station.
- WJTL—Oglethorpe University, Atlanta, Ga.—Modification of
1370 license to move studios locally.
- NEW—George E. Heiges, Sharon, Pa.—Construction permit for a
1370 new broadcast station on **1370 kc.**, 250 watts day, 100 watts night power, unlimited time.
- NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres.,
1370 Rapid City, S. Dak.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Transmitter site and antenna to be determined.
- NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended to change frequency to **1420 kc.**, power to 100 watts, and hours of operation to daytime.
- NEW—Golden Empire Broadcasting Co., Redding, Calif.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited.
- WMFE—William J. Sanders, New Britain, Conn.—Modification
1380 of construction permit as modified to make equipment changes and designate transmitter site and extend commencement and completion date. Amended: Studio site, 300 Main St., New Britain, Conn.
- WMFE—William J. Sanders, New Britain, Conn.—Modification of
1380 construction permit (B1-P-81) as modified to extend completion date from 5-16-35 to 6-16-35.
- KOH—The Bee, Inc., Reno, Nev.—Modification of license to increase daytime operating power from 500 watts to 1 KW.
- NEW—Robert Louis Sanders, Palm Beach, Fla.—Construction permit for new station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Transmitter site to be determined.
- NEW—Roberts MacNab Hotel Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Manager, Jamestown, N. Dak.—Construction permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Minor equipment changes, change transmitter site from 418 Front St., Jamestown, N. Dak., to site to be determined.
- NEW—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Voluntary assignment of license to Olean Broadcasting Co., Inc.
- WLEU—Leo J. Omelian, Erie, Pa.—License to cover construction
1420 permit (B2-P-533) for new station to be operated on **1420 kc.**, 100-250 watts day, unlimited time.
- KWBG—W. B. Greenwald, Hutchinson, Kans.—Modification of
1420 construction permit (B4-P-323) as modified to change the make of transmitter.
- KXYZ—Harris County Broadcast Co., Houston, Tex.—License to
1440 cover construction permit (B3-P-282) to make changes in equipment, increase power from 500 watts to 1 KW.
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.
- NEW—Clark Standiford, San Jose, Calif.—Construction permit to
1500 erect a new station to be operated on **1150 kc.**, 100 watts, unlimited time. Amended to change frequency to **1500 kc.** and hours of operation to daytime.
- WNBF—Howitt Wood Radio Co., Inc., Binghamton, N. Y.—License
1500 to cover construction permit (B1-P-533) to make changes in equipment and increase power.
- KAST—Abraham Shapiro, Astoria, Ore.—Modification of construction permit (B5-P-3126) to change frequency from **1370 kc.** to **1500 kc.**, time from daytime to unlimited, and power from 100 watts daytime to 100 watts day and night.
- KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean, L. M. Sepaugh), Lake Charles, Fla.—License to cover construction permit (B3-P-63) as modified for new station on **1500 kc.**, 100 watts, unlimited time.
- NEW—Northern California Amusement Co., Inc., Yreka, Calif.—
1500 Construction permit for new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: Change type of transmitter, and transmitter and studio site to be determined, Yreka, Calif.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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Vol. 3 - - No. 22
MAY 6, 1935

BROADCAST ADVERTISING IN MARCH

Developments of the Month

BBROADCAST advertising in March reached what is probably the highest level attained by the medium in any single month. Gross time sales totalled \$8,287,740 and were greater than for any period since the establishment of the NAB summaries of advertising volume.

General seasonal increases were experienced during the month. Total advertising volume was 15.0% greater than in February. National network volume increased, 10.8%; regional networks, 32.7%; national non-network business, 10.0%; and local broadcast advertising, 35.5%.

Comparison with Previous Year

Total broadcast advertising volume in March was 18.0% greater than for the same month of the previous year. National network advertising showed an increase of 23.0%, regional networks 16.1%, and local volume 25.7%. National non-network advertising, alone, decreased. Gross time sales in this field were 2.5% below those of March, 1934.

Comparison with Other Media

Compared with the 15.0% rise in broadcast advertising as against February, national magazines increased 28.6%, newspapers by a similar amount, and national farm papers, 9.0%. Part of this increase was seasonal. National magazine volume was 12.3% ahead of March, 1934, newspaper advertising 11.2% greater, and national farm paper advertising 7.6% above last March.

Non-network Trends

Increased network volume is reflected in the fact that non-network advertising over stations of more than 1,000 watts in power increased but 9.0% as compared with Feb-

ruary, whereas that of stations in the 250-1,000-watt group rose 40.6% and that of the 100-watt class increased 29.7%. The non-network advertising of all classes of stations was approximately 11.0% greater than in March, 1934.

Heaviest increases in non-network volume during the month occurred in the New England-Middle Atlantic Area, where gross time sales rose 35.4%. Southern volume rose 20.9%, Mountain and Pacific non-network advertising increased 21.3%, and Mid-western volume 14.8%. Compared with March, 1934, Southern non-network advertising was 28.5% greater, Mid-western 8.0%, and Mountain and Pacific volume 47.1% greater. New England-Middle Atlantic non-network advertising was 9.6% below last March, undoubtedly due to the rise in network advertising.

Practically all types of rendition experienced increased volume during the month. Electrical transcription volume, however, was below the March, 1934, level by 12.3% in the national non-network field and just equalled the previous year in local broadcast advertising. Live talent and announcement advertising in the national non-network field were 2.2% and 6.4% above last March, respectively. In the local field, increases over the same month of 1934 were as follows: Live talent 31.2%, announcements 18.9%, and records 20.0%.

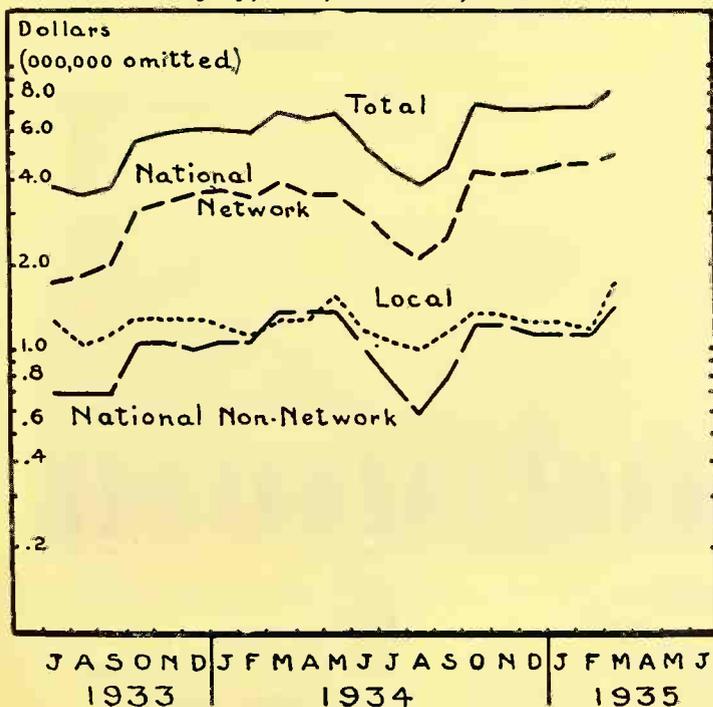
Sponsor Trends in March

Principal increases as compared with February were recorded in national non-network and local automotive advertising, which rose 123.0% and 54.2%, respectively; local clothing advertising, which increased 58.7%; national non-network toilet goods volume, which gained 31.1%; and national network and local house furnishings advertising. Network advertising of this type practically doubled the previous month's level, while local advertising increased 70.0%.

There were several notable gains as compared with March, 1934. All forms of automotive advertising showed

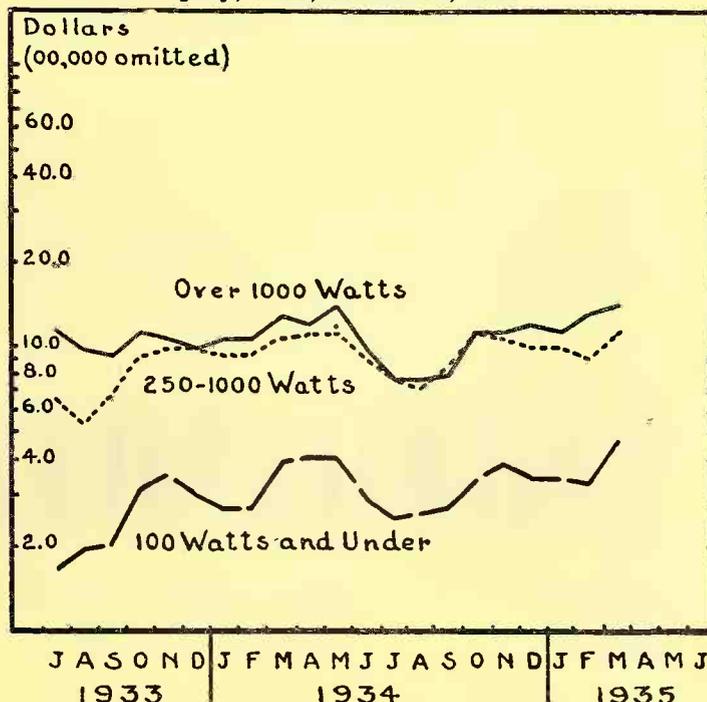
RADIO BROADCAST ADVERTISING VOLUME

July, 1933, to March, 1935

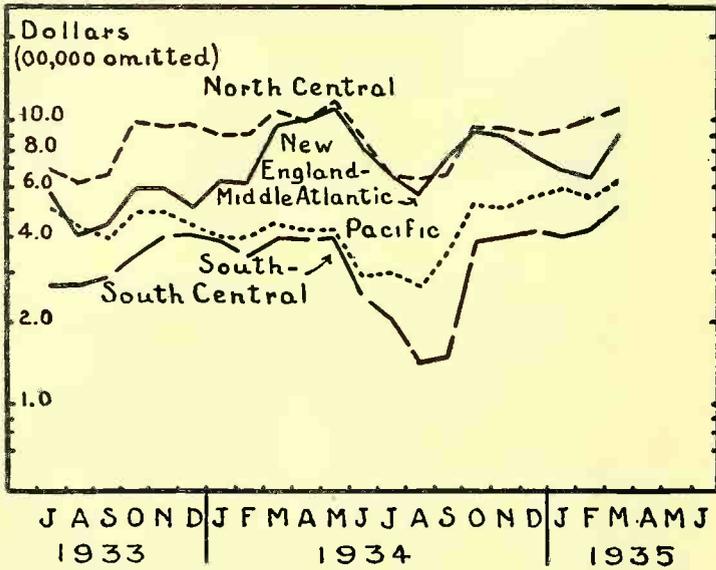


NON-NETWORK ADVERTISING BY STATION POWER

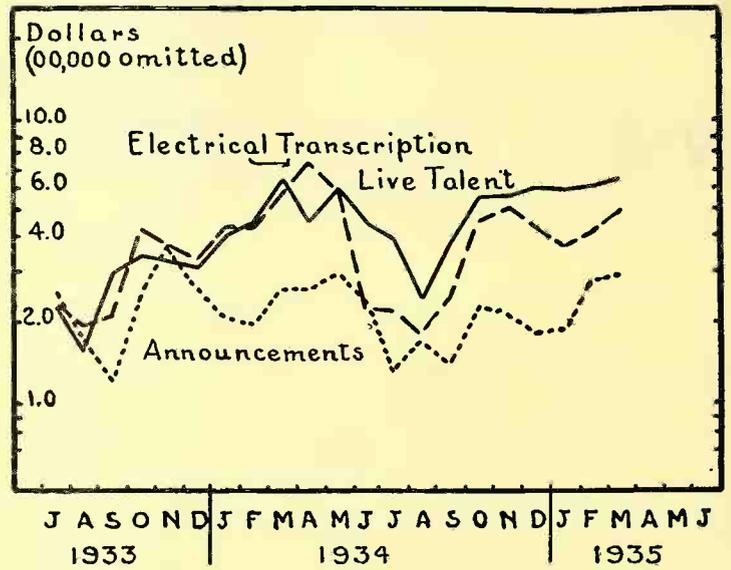
July, 1933, to March, 1935



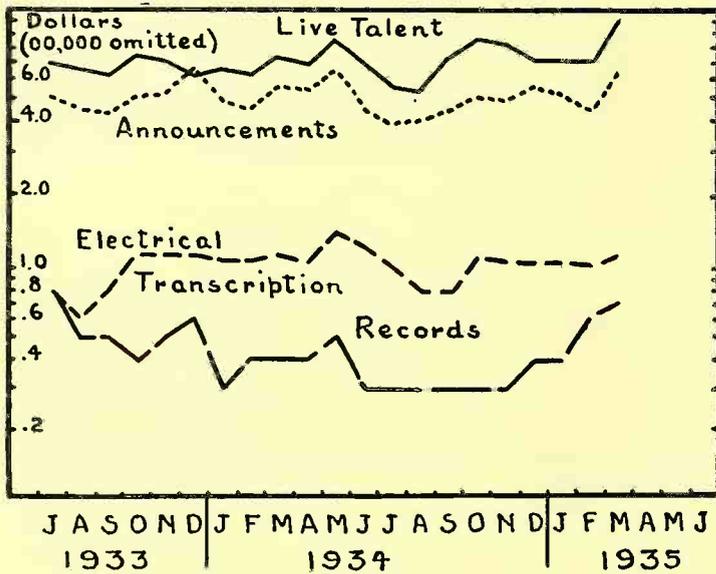
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS
July, 1933, to March, 1935



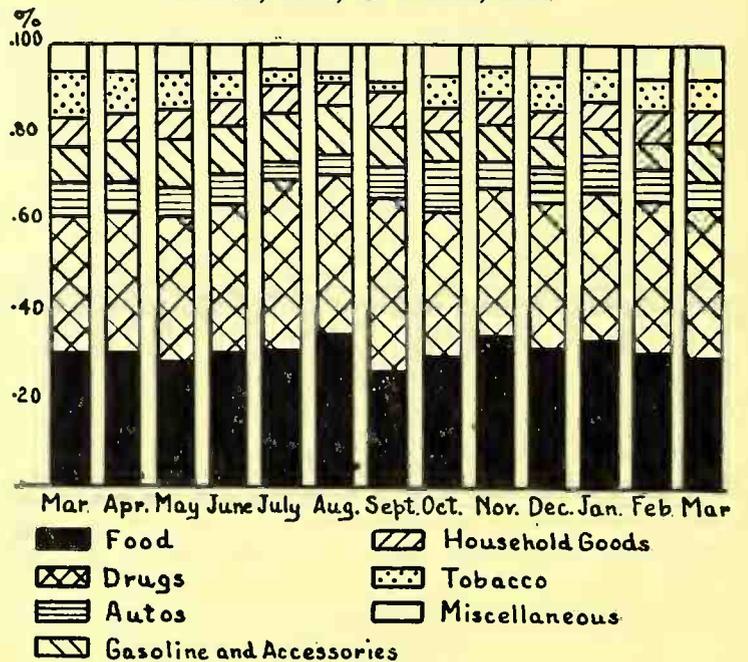
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION
July, 1933, to March, 1935



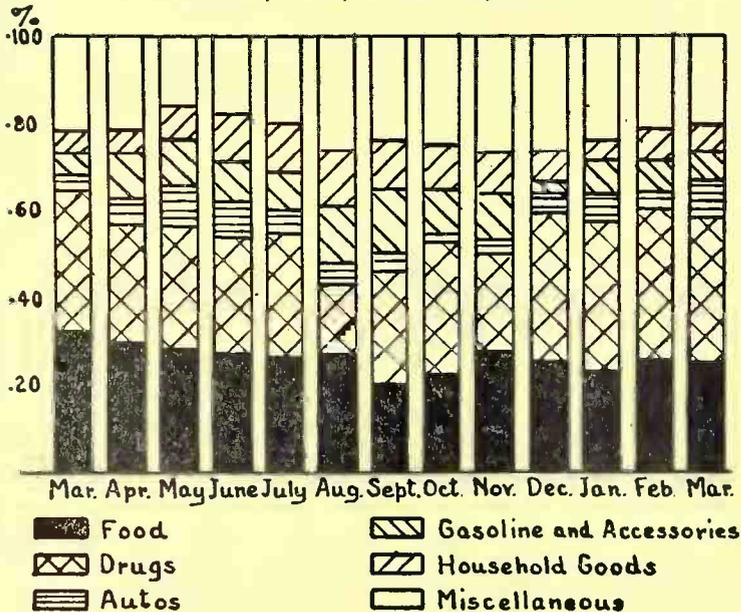
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION
July, 1933, to March, 1935



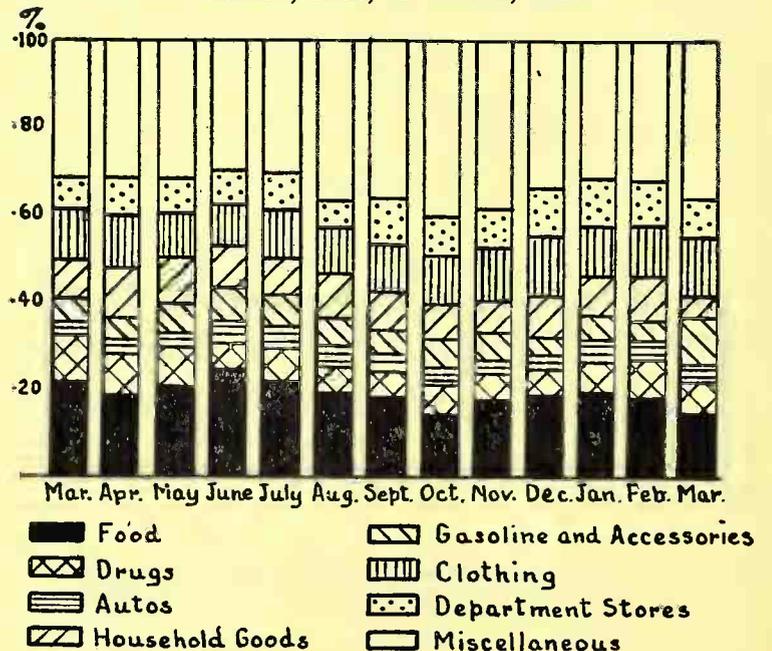
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
March, 1934, to March, 1935



NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
March, 1934, to March, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS
March, 1934, to March, 1935



increases. Network volume recorded a gain of 26.0%, national non-network advertising one of 161.3%, and local advertising an increase of 80.0%. Other increases were as follows: Local clothing, 64.2%; network confectionery, 54.4%; network household equipment, 43.7%; national non-network advertising in the same field, 31.7%; and local, 70.0%; network soap and kitchen supplies, 47.9%; and department store advertising, 38.7%.

Detailed Data on Sponsor Trends

1a. **Amusements.** National non-network unchanged and local up 25.7% as compared to February. National non-network doubled and local 19.8% above last March.

1. **Automotive.** National network unchanged as against February, regionals 43.0% ahead, national non-network 123.0% above, and local 54.2% above. National network 26.0% above March, 1934; national non-network 161.3% ahead, and local 80.0% above.

2. **Gasoline and accessories.** National networks 28.0% above previous month, regionals 24.2%, local 10.0%, and national non-network 6.2% lower. Compared with last March, national network volume unchanged, regional materially lower, national non-network advertising 29.0% greater, and local 10.0% below.

3. **Clothing.** National network volume doubled as against February, regional declined one-third, national non-network down 4.0%, and local up 58.7%. Compared to the same month of 1934, national network volume more than double, regional advertising nearly the same, national non-network up 15.2%, and local up 64.2%.

4. **Drugs and pharmaceuticals.** Network volume 4.1% above February, national non-network 3.0%, and local 8.9%. Compared to last March, national network advertising 7.9% lower, regional up slightly, national non-network up 2.0%, and local down 29.8%.

5. **Toilet goods.** National networks 5.0% above February, regional volume up materially, national non-network up 31.1%, and local down 20.0%. National networks 10.7% above last March, regional up materially, national non-network unchanged, and local up 20.0%.

6. **Foodstuffs.** National network volume 9.7% higher than preceding month, regional up 50.0%, national non-network up 3.0%, and local 23.4%. Compared with last March, national networks up 25.3%, regional up 29.6%, national non-network down 28.0%, and local down 5.6%.

7. **Beverages.** National networks up 8.7% as against February, national non-network 24.0% higher, and local unchanged. National networks unchanged as compared with same month of last year, regional down, national non-network down 42.8%, and local down 12.6%.

8. **Confectionery.** National networks increased 9.0% during the month, national non-network 25.7%, and local 11.0%. Compared with previous March, national network volume greater by 54.4%, regional advertising up materially, national non-network up 10.0%, and local volume tripled.

9. **Household equipment.** National network volume double February, national non-network unchanged and local up 70.0%. National network advertising 43.7% greater than during March, 1934, regional 67.0%, national non-network 31.7%, and local 70.0%.

10. **Soaps and kitchen supplies.** National networks 24.8% ahead of February, regional increased materially, national non-network up 27.7%, and local doubled. As compared with last March, national networks up 47.9%, regional up materially, national non-network 70.0% higher, and local 33.3% above.

11. **Financial.** National network volume 9.0% below February, national non-network half as great, and local up 33.3%. National network advertising 36.1% below previous March, national non-network 21.4% below, and local 21.5% above.

12. **Radio.** National network slightly ahead of February, national non-network tripled, and local up 57.7%. Networks more than double last March, national non-network up materially, and local up 48.8%.

13. **Department and general stores.** Advertising 14.0% above February and 38.7% greater than during the same month of last year.

14. **Tobacco products.** National network advertising 8.0% above preceding month, regional volume up eight-fold, national non-network more than doubled, and local up materially. As compared with last March, network volume 29.0% greater, national non-network volume up six-fold, and local up materially.

15. **Miscellaneous.** National networks 22.9% above February, regional unchanged, national non-network down slightly, and local up 51.8%. Compared to March, 1934, national network volume up 45.0%, national non-network business down approximately one-third, and local up 42.0%.

Retail Advertising

General retail broadcast advertising increased 36.6% as compared with February, and was 65.2% greater than during March of the preceding year. Principal gains during the month were in the automotive, accessory, clothing, and house furnishing fields.

Automobile dealer advertising over the radio was double that of last March, while accessory and gasoline retail advertising rose two and one-half times. Clothing and apparel store advertising was 67.3% greater than during the same month of 1934. Household equipment retail advertising was 46.0% greater than during the previous March, furniture store advertising doubled, and hardware store volume experienced a six-fold increase. Department store advertising was 38.7% greater than last March.

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

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-network	Local	Total
1a. Amusements	—	—	\$1,370	\$44,445	\$45,815
1-2. Automobiles and Accessories:					
(1) Automobiles	\$318,945	\$2,250	115,740	73,734	510,669
(2) Accessories, gas and oils	339,450	8,789	89,995	71,890	510,124
3. Clothing and apparel	75,956	2,499	24,435	252,836	355,726
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	728,091	1,098	395,850	102,915	1,227,954
(5) Toilet goods	936,164	7,950	96,870	23,855	1,064,839
6-8. Food products:					
(6) Foodstuffs	988,006	21,488	273,560	215,740	1,498,794
(7) Beverages	284,663	—	32,347	72,240	389,250
(8) Confections	193,116	2,940	73,134	10,440	279,630
9-10. Household goods:					
(9) Household equipment and furnishings	116,169	1,468	54,720	199,405	371,762
(10) Soap and kitchen supplies	281,207	4,173	46,300	4,760	336,440
11. Insurance and financial	41,865	410	13,645	67,720	123,640
12. Radios	95,051	—	2,850	13,420	111,321
13. Retail establishments	—	—	6,930	146,800	153,730
14. Tobacco products	321,443	8,210	31,654	7,205	368,512
15. Miscellaneous	203,119	16,085	211,590	508,740	939,534
Total	\$4,923,245	\$77,360	\$1,470,990	\$1,816,145	\$8,287,740

General Business Conditions

There has been little change in general business conditions during April from those of the preceding month. The *New York Times* composite index of business activity remained at approximately the same level, though declining toward the close of April. Automobile production gained slightly prior to the present strike outbreaks.

Freight car loadings, indicative of trade movement, increased slightly. Construction volume remained at about the same level as March, when a seasonal increase should have occurred. Security markets showed gains in both stock and bond prices. Rural retail trade was 22.5% above March, 1934, and 15.0% ahead of last year for the first quarter of the year. Grocery chain store sales were the same as during March of last year.

TOTAL BROADCAST ADVERTISING

Class of Business	1935 Gross Time Sales		
	February	March	Cumulative Jan.-March
National networks.....	\$4,472,432	\$4,923,245	\$14,107,206
Regional networks.....	58,023	77,360	193,299
National non-networks.....	1,334,662	1,470,990	4,035,182
Local.....	1,340,028	1,816,145	4,545,023
Total	\$7,205,145	\$8,287,740	\$22,880,710

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1935 Gross Time Sales		
	February	March	Cumulative Jan.-March
New England-Middle Atlantic Area.....	\$659,750	\$894,000	\$2,245,050
South Atlantic-South Central Area.....	418,060	515,560	1,335,080
North Central Area.....	1,052,400	1,217,770	3,209,960
Pacific and Mountain Area....	544,480	659,805	1,790,115
Total	\$2,674,690	\$3,287,135	\$8,580,205

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1935 Gross Time and Space Sales		
	February	March	Cumulative Jan.-March
Radio broadcasting.....	\$7,205,145	\$8,287,740	\$22,880,710
National magazines ¹	9,594,575	12,348,858	30,968,794
National farm papers.....	491,097	534,800	1,333,264
Newspapers ²	35,393,000	45,600,000	117,474,000
Total	\$52,683,817	\$66,771,398	\$172,656,768

¹ Based on 124 magazines compiled by Publishers Information Bureau, Inc., from which source national farm papers and network figures also are taken.

² Estimated.

RETAIL RADIO ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1935 Gross Time Sales	
	February	March
Automobiles and accessories:		
Automobile agencies and used car dealers...	\$56,770	\$74,450
Gasoline stations, garages, etc.....	50,020	74,265
Clothing and apparel shops.....	162,520	249,000
Drugs and toilet goods:		
Drug stores.....	13,960	15,700
Beauty parlors.....	9,588	11,285
Food products:		
Grocery stores, meat markets, etc.....	42,973	46,400
Restaurants and eating places.....	15,410	16,200
Beverage retailers.....	3,418	3,375
Confectionery stores.....	2,145	2,600
Household goods:		
Household equipment retailers.....	29,432	54,245
Furniture stores.....	73,198	109,270
Hardware stores.....	7,650	19,640
Radio retailers.....	8,995	13,554
Department and general stores.....	135,267	153,730
Tobacco shops.....	150	4,050
Miscellaneous.....	75,180	92,620
Total	\$686,676	\$940,384

NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1935 Gross Time Sales		
	February	March	Cumulative Jan.-March
Over 1,000 watts.....	\$1,406,400	\$1,543,465	\$4,186,955
250-1,000 watts.....	920,245	1,293,670	3,244,755
100 watts.....	348,045	450,000	1,148,495
Total	\$2,674,690	\$3,287,135	\$8,580,205

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1935 Gross Time Sales							
	National Non-network		Local		Total		Cumulative Jan.-Mar.	
	February	March	February	March	February	March		
Electrical transcriptions.....	\$419,590	\$504,675	\$104,931	\$122,280	\$524,521	\$626,955	\$1,642,136	
Live talent programs.....	615,923	672,400	717,836	960,896	1,333,759	1,633,296	4,288,475	
Records.....	9,340	4,476	63,643	71,334	72,983	75,810	196,143	
Announcements.....	289,809	289,439	453,618	661,635	743,427	951,074	2,453,451	
Total	\$1,334,662	\$1,470,990	\$1,340,028	\$1,816,145	\$2,674,690	\$3,287,135	\$8,580,205	

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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BROADCAST ADVERTISING: FIRST QUARTER, 1935

Developments of the Period

Broadcast advertising gained materially during the first quarter of the current year. Increased volume of the early winter was continued and added to. Total gross time sales of the medium during the first three months of the year were \$22,880,710, a gain of 19.6% over the corresponding quarter of 1934.

National network volume showed a gain of 23.9% as compared to the first three months of 1934. Other gains were as follows: regional networks, 10.4%; national non-network advertising, 10.1%; and local broadcast advertising, 13.3%. The gain in the local field is especially encouraging since, at the outset of the season, broadcast advertising of this type lagged materially behind the preceding year's level.

A comparison of gross time sales of various portions of the broadcasting structure during the first quarter of 1934 and 1935, respectively, is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

(First Quarter)

Class of Business	Gross Time Sales	
	1934	1935
National networks.....	\$11,365,157	\$14,107,206
Regional networks.....	175,026	193,299
National non-network.....	3,664,591	4,035,182
Local	3,943,995	4,545,023
Total	\$19,148,769	\$22,880,710

The swiftly growing volume of national network advertising during the first quarter of 1934, as well as during the three preceding months, has resulted in changes in the proportion of total advertising volume represented by various parts of the medium. Whereas, during 1934, national network advertising constituted 58.5% of total gross time sales, it accounted for 61.3% of the volume of the medium during the first three months of the current year.

The proportion represented by regional networks remained comparatively unchanged, national non-network advertising dropped from 18.6% of total medium revenues to 17.3%, while local broadcast advertising declined from 22.0% to 20.6%.

Comparison with Other Media

Compared to the 19.6% gain on the part of broadcast advertising over the corresponding quarter of 1934, national magazine advertising rose 20.6%, newspaper advertising 7.8% and national farm paper advertising 6.0%. Advertising revenues for the various media during the periods under consideration are found in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

(First Quarter)

Advertising Medium	Gross Time and Space Sales	
	1934	1935
Radio broadcasting.....	\$19,148,769	\$22,880,710
National magazines.....	25,695,372	30,968,794
National farm papers.....	1,257,590	1,333,264
Newspapers	108,743,000	117,474,000
Total	\$154,844,731	\$172,656,768

Non-network Advertising Trends

Encouragement is found for the general economic progress of broadcasting in the marked rise in advertising on local stations in the 100 watt class. Gross time sales of this group were 22.0% ahead of those for the first quarter of the preceding year. Stations of from 250 to 1,000 watts in power experienced an increase of 5.5% in non-network revenues while those over 1,000 watts in power gained 14.0%.

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

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

(First Quarter)

Power of Station	Gross Time Sales	
	1934	1935
Over 1,000 watts.....	\$3,593,448	\$4,186,955
250-1,000 watts.....	3,072,552	3,244,755
100 watts.....	942,586	1,148,495
Total	\$7,608,586	\$8,580,205

Marked difference existed in the rise of non-network advertising in various parts of the country. Gross time sales in the New England-Middle Atlantic area remained practically unchanged from those of the preceding year. Increased network advertising, concentrated in part in this section and reducing available time for non-network business, undoubtedly was at least partly responsible for this trend.

Non-network advertising in the South Central-South Atlantic district increased 16.3% as compared to the same period of 1934. Mid-western non-network volume rose 8.1%, and Mountain and Pacific broadcast advertising gained 42.6%. Details in this field are found in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

(First Quarter)

Geographical District	Gross Time Sales	
	1934	1935
New England-Middle Atlantic Area..	\$2,240,608	\$2,245,050
South Atlantic-South Central Area...	1,147,130	1,335,080
North Central Area.....	2,966,217	3,209,960
Pacific and Mountain Area.....	1,254,631	1,790,115
Total	\$7,608,586	\$8,580,205

Advertising by Types of Rendition

The trend in the non-network field by types of rendition is particularly interesting. Electrical transcription advertising fared relatively poorly in both the national and local fields. National non-network advertising of this type was 10.7% lower than during the first quarter of last year, while local transcription volume experienced a gain of but 2.0%.

The outstanding gains of the period were made in the live talent field. National non-network volume of this type rose 25.0% as compared to the first three months of 1934, while local broadcast advertising employing talent in studio programs increased 20.1%. Announcement volume rose 20.3% in the national non-network field and 7.8% in the local field. Records declined materially in national non-network advertising and increased 71.8% in the local field.

Details regarding the volume of broadcast advertising employing various types of rendition during the first quarter of the current and preceding years are found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION
(First Quarter)

Type of Rendition	National Non-network		Gross Time Sales		Total	
	1934	1935	Local	1935	1934	1935
Electrical transcriptions.....	\$1,439,825	\$1,300,745	\$334,429	\$341,391	\$1,774,254	\$1,642,136
Live talent programs.....	1,510,498	1,886,008	1,999,897	2,402,467	3,510,395	4,288,475
Records	22,910	17,666	103,789	178,477	126,699	196,143
Announcements	691,358	830,763	1,505,880	1,622,688	2,197,238	2,453,451
Total	\$3,664,591	\$4,035,282	\$3,943,995	\$4,545,023	\$7,608,586	\$8,580,205

A comparison of the relative proportion of various types of rendition utilized in non-network broadcasting during the first quarter of 1934 and 1935 respectively, is found in Table VI.

TABLE VI
RELATIVE PROPORTION OF VARIOUS TYPES OF RENDITION USED IN NON-NETWORK BROADCAST ADVERTISING
(First Quarter, 1934-1935)

Type of Rendition	Percentage represented by rendition type			
	National Non-network		Local	
	1934	1935	1934	1935
Electrical transcriptions...	39.0%	32.1%	8.7%	7.5%
Live talent programs.....	41.3%	44.2%	50.7%	52.8%
Records6%	.4%	2.6%	3.9%
Announcements	20.1%	23.3%	38.0%	35.8%
Total	100.0%	100.0%	100.0%	100.0%

Trends in Sponsorship

The outstanding developments in the volume of broadcast advertising sponsored by different product and service groups are as follows:

National network automotive advertising increased 43.5% as compared with that of the first quarter of last year. National non-network and local volume increased only slightly in spite of the March rise, advertising of this type coming later in 1935 than it did in the preceding year.

Clothing advertising rose 80.0% in the network field, doubled in the national non-network field and rose 54.0% in the local field.

National network food advertising rose 31.7%, confectionery advertising 52.0% and soap and kitchen supply volume 62.8%. National non-network advertising in the last-mentioned field increased 78.1% as compared with the corresponding quarter of 1934.

National non-network household equipment advertising rose 47.6%, while local advertising increased 60.0% in this field. Department and general store advertising increased 58.6%.

The gross time sales of various sponsoring product and service groups during the first quarter of the current year are found in Table VII.

TABLE VII
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(First Quarter, 1935)

Type of Sponsoring Business	National Networks	Gross Time Sales		Local	Total
		Regional Networks	National Non-network		
1a. Amusements	—	—	\$13,938	\$119,845	\$133,783
1-2. Automobiles and accessories:					
(1) Automobiles	\$1,015,043	\$6,490	239,275	193,652	1,454,460
(2) Accessories, gas and oils.....	890,824	25,288	291,365	207,218	1,414,695
3. Clothing and apparel.....	144,070	9,612	74,245	587,066	814,993
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	2,130,879	14,895	1,123,130	286,226	3,555,130
(5) Toilet goods.....	2,739,139	10,070	260,895	73,547	3,083,651
6-8. Food products:					
(6) Foodstuffs	2,911,488	59,646	748,090	568,823	4,288,047
(7) Beverages	836,024	5,400	91,629	207,115	1,140,168
(8) Confections	564,197	5,540	158,342	26,767	754,846
9-10. Household goods:					
(9) Household equipment and furnishings.....	198,281	10,919	154,556	435,327	799,083
(10) Soap and kitchen supplies.....	779,979	4,878	114,380	9,860	909,097
11. Insurance and financial.....	134,700	410	64,373	175,327	374,810
12. Radios	282,898	—	3,835	38,505	325,238
13. Retail establishments.....	—	—	16,470	420,732	437,202
14. Tobacco products.....	939,434	9,410	60,732	10,585	1,020,161
15. Miscellaneous	540,250	30,741	619,927	1,184,428	2,375,346
Total	\$14,107,206	\$193,299	\$4,035,182	\$4,545,023	\$22,880,710

A detailed analysis of the trends in these various fields is as follows:

1a. *Amusements.* A very slight increase over the same period of last year.

1. *Automotive.* National network volume showed an increase of 43.5% over the first quarter of 1934. Regional networks advertising gained slightly, national non-network advertising rose 5.3%, and local advertising increased 5.2%.

2. *Gasoline and accessories.* Network volume declined 6.6%. National non-network advertising rose 1.8%, and local dropped 8.0%.

3. *Clothing.* National network advertising rose 80.0%, regional volume tripled, national non-network advertising doubled, and local advertising increased 54.0%.

4. *Drugs and pharmaceuticals.* National network advertising dropped 11.8%, regional volume doubled, national non-network volume gained 25.6%, and local advertising decreased 25.2%.

5. *Toilet goods.* National network advertising increased 14.5%, national non-network rose 10.7%, and local broadcast advertising dropped 14.4%. The regional network advertising in this field is new.

6. *Foodstuffs.* Network advertising increased 31.7%, regional network advertising 22.0%, and national non-network volume 2.0%.

Local broadcast advertising dropped 19.1% as compared with the same period of 1934.

7. *Beverages.* National network volume remained practically unchanged, with national non-network advertising declining 14.8% and local volume gaining 5.0%.

8. *Confectionery.* Network advertising increased 52.0%. Regional network advertising in this field increased very materially. National non-network advertising dropped 15.0%, and local broadcast advertising tripled.

9. *Household equipment.* Network volume increased 13.8%. Regional network advertising again was new. National non-network advertising rose 47.6%, and local volume rose 60.0%.

10. *Soap and kitchen supplies.* National networks increased their advertising in this field by 62.8% and national non-network volume rose 78.1%. Local advertising declined materially. Regional volume again constitutes a new sponsor for this field as far as any marked quantity is concerned.

11. *Insurance and financial.* There was a slight increase in national network volume. National non-network advertising rose 42.2%, and local 48.3%.

12. *Radio.* National network volume more than doubled, with local increasing practically to the same degree.

13. *Department and general stores.* Advertising of this type rose 58.6% as compared with the first quarter of 1934.

14. *Tobacco products.* National network advertising decreased 24.6%. Regional network advertising rose materially, while national non-network advertising tripled.

15. *Miscellaneous.* Network volume rose 38.7%, and local advertising increased 19.1%. National non-network advertising dropped 20.3%.

Retail Advertising

General retail advertising gained 48.5% as compared with the same quarter of 1934. Principal gains were as follows: automobile dealer advertising, 21.8%; gasoline and accessories more than

doubled; clothing stores, 50.1%; household equipment retailers, 35.5%; furniture stores, 86.0%; and hardware store advertising more than doubled. Retail advertising during the first quarter of the current year is found in Table VIII.

TABLE VIII
RETAIL RADIO ADVERTISING OVER
INDIVIDUAL STATIONS

(First Quarter, 1935)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>
Automobiles and accessories:	
Automobile agencies and used car dealers.....	\$215,620
Gasoline stations, garages, etc.....	184,285
Clothing and apparel shops.....	589,320
Drugs and toilet goods:	
Drug stores	50,430
Beauty parlors.....	29,983
Food products:	
Grocery stores, meat markets, etc.....	128,011
Restaurants and eating places.....	47,630
Beverage retailers	17,129
Confectionery stores.....	6,465
Household goods:	
Household equipment retailers.....	112,977
Furniture stores.....	254,954
Hardware stores.....	36,618
Radio retailers.....	38,506
Department and general stores.....	437,202
Tobacco shops.....	4,814
Miscellaneous	239,145
Total	\$2,393,089

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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FEDERAL TRADE COMMISSION ACTIVITIES

Dismissal of Complaints

Nos. 2257, 2299 and 2334. The Commission has ordered dismissal without prejudice of the complaints previously issued against Hibbard, Spencer, Bartlett & Co., dealers in "Neats Foot Compound"; New England Tea and Coffee Co., Hartford, Conn.; and the Postal Correspondence School, Washington, D. C.

Cease and Desist Order

No. 2291. Federal Auto Products Co., Chicago. The respondent, a distributor of reconditioned and used spark plugs, is ordered to cease neglecting to indicate on the containers and in similar manner that the said products are reconditioned or used.

Complaints

No. 2380. Dr. A. Posner Shoes, Inc., New York City. The respondent is charged with unfair representation, in that his product was advertised as "Dr. Posner's Scientific Shoes" when they were not made under the supervision of a doctor and contained no orthopedic features. The respondent will be given until June 7 to show cause why a cease and desist order should not be issued.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0848. Hyral Distributing Company, Fort Worth, Texas. The respondent has stipulated that it will cease advertising that its product, "Hyral," will prevent pyorrhea, trench mouth or mouth disorders; that it is 100 per cent efficient as a dentifrice, and that most mouth disorders would practically disappear if it were universally used.

No. 0849. M. L. Clein & Co., Atlanta, Ga. The company agrees to cease advertising that substantial benefit will be derived from one dose of its product, "Pap-o-dine," except in cases of simple gastric hyperacidity, or that it is a competent treatment for indigestion, stomach ulcers, nausea, heartburn, gas pains, and other ailments.

Its product "Kurto" no longer will be advertised as a competent treatment for impetigo, cracked toes, athlete's foot and eczema, unless in the last two instances representations are limited to the relief of itching.

No. 1367. Tate Furniture Co., High Point, N. C. The respondent will cease advertising its products as "Cedar Lined" so as to imply that they are composed of cedar wood of such thickness as to afford protection against moths.

No. 1368. Louis H. Tabach, Newark, N. J., trading as the Longwear Hosiery Co., and Certified Hosiery Co. The respondent agrees to discontinue eleven alleged unfair practices, including filling orders with articles of different sizes, colors or quality than ordered; demanding or collecting additional payment of 10 per cent as the alleged cost of postage and insurance on shipments made to correct mistakes; representing that the hosiery is made with a special lock-stitch to prevent snagging or running, and that it is guaranteed to be hole-proof for three to six months, when this is not true.

No. 1369. Lehman Brothers Silverware Corporation, New York City. The company agrees to discontinue the use of the word "Sheffield" so as to imply erroneously that its products were made in Sheffield, England, or in accordance with the so-called Sheffield process.

No. 1370. W. F. Straub & Co., Inc., Chicago. The respondent has agreed to cease using the word "non-fattening" in the advertising

of its strained honey, when the consensus of opinion among scientists is that honey is a fattening food.

FCC DENIES WLWL PETITION

The FCC, on May 14, denied a petition filed by the Universal Broadcasting Corporation (WLWL), New York City, for reconsideration of the application of the Missionary Society of St. Paul the Apostle for modification of WLWL's license to use 810 kilocycles unlimited time, and denied their petition seeking to have the Commission re-allocate certain existing facilities so as to have WNYC and WOV share time on 1130 kc.; WCCO move from 810 kc. to 800 kc.; WFAA and WBAP move from 800 kc. to 850 kc.; WWL move from 850 kc. to 810 kc.; and WPG change from sharing with WLWL on 1100 kc. to full time on 1100 kc.

BROADCASTING APPARATUS AT SMITHSONIAN

Mr. Frank A. Taylor, Curator of Engineering, Smithsonian Institution, Washington, D. C., has established in the U. S. National Museum a department for broadcasting apparatus. WFLA-WSUN has furnished a 500-watt Western Electric 1-A transmitter, and WLS has supplied the speech input equipment.

There is still room for placing additional suitable apparatus. Owners of apparatus willing to place it in the museum should communicate with Mr. Taylor.

GARDNER RESIGNS

Former Governor O. Max Gardner of North Carolina, who has recently been appointed chief counsel for the Federal Communications Commission investigation of the telephone industry, has resigned, according to the White House.

Governor Gardner, who has long been familiar with the textile situation, is going to resume textile work. In addition to making the request himself, the President was asked to relieve him from the Commission by officials of the American Cotton Manufacturers' Association.

NEW INDIANA STATION RECOMMENDED

L. M. Kennett filed an application with the Federal Communications Commission asking that he be granted a construction permit for a new station to be erected at Indianapolis, Ind., to use 600 kilocycles, 1,000 watts power, and daytime hours of operation.

George H. Hill (e), in Report No. I-53, recommends that the application be granted. The Examiner found that the applicant is financially and in other ways able to construct and operate such a station. He found also that Indianapolis needs a station devoted to local programs, and that no interference would be caused with any existing radio facilities by the proposed station.

COURT AGAIN UPHOLDS COMMISSION

The United States Court of Appeals for the District of Columbia last week upheld a decision of the Federal Communications Commission in the case of KSEI and KFPY.

The sole question in this case was whether the Commission should award 890 kilocycles to one or the other of these two stations. After hearing by an Examiner in the case, the Examiner recommended that the frequency be granted to station KFPY and the Commission affirmed this recommendation. The Court has now upheld that decision of the Commission.

The Court found that changing station KSEI from 900 to 890 kilocycles would not substantially increase its service to the public, while changing the frequency of KFPY from 1340 to 890 kilocycles would increase its public service. The Court thought also that the contention of KSEI that it interferes with KHJ, Los Angeles, is not borne out by the record in the case.

Says the Court: "It appears that the State of Washington and the State of Idaho are both overquota States, and it is claimed that the granting of the frequency 890 kilocycles to station KFPY would be a violation of the Davis amendment. The only ground for this contention is that the coverage of station KFPY would be increased by the change of frequency. Such a change, however, does not bring the case within the purview of the Davis amendment. The quota of the State of Washington would not be increased by the change, within the purview of the applicable statutes or regulations."

SECURITIES ACT REGISTRATION

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

- Combined Securities Corporation, Jersey City, N. J. (2-1396, Form A-1)
- Louisville Railway Company, Louisville, Ky. (2-1397, Form A-2)
- Ortiz Grant Mines Corporation, Albuquerque, N. Mex. (2-1398, Form A-1)
- Franco Mining Corporation, Reno, Nev. (2-1399, Form A-1)
- Industrial Credit Corporation, Philadelphia, Pa. (2-1400, Form A-1)
- American Radio & Television Corp., New York City. (2-1401, Form A-1)
- Keeneland Association, Lexington, Ky. (2-1403, Form A-1)
- Francis W. Wheeler, et al., Boston, Mass. (2-1404, Form F-1)
- American Discount Co. of America, Atlanta, Ga. (2-1405, Form A-2)
- General Reserves Corp., New York City. (2-1406, Form A-1)
- Gage Protective Committee, St. Petersburg, Fla. (2-1407, Form D-1)
- J. Edward Jones, New York City. (2-1408, Form C-1)
- Protective Committee for Huckins Hotel Co., St. Louis, Mo. (1-1409, Form D-1)
- A & K Petroleum Co., Oklahoma City, Okla. (2-1410, Form A-1)
- American Participations, Inc., Springfield, Mo. (2-1411, Form C-1)
- Temescal Water Company Corona, Calif. (2-1412, Form A-2)
- The Glidden Company, Cleveland, Ohio. (2-1414, Form A-2)
- Oklahoma County Trust, Tulsa, Okla. (2-1415, Form A-1)
- United Standard Oilfund of America, Inc., Jersey City, N. J. (2-1416, Form A-1)

WEBC FILES APPEAL

The Head of the Lakes Broadcasting Company, operating Station WEBC, has filed an appeal and a petition for stay in the United States Court of Appeals for the District of Columbia against the Federal Communications Commission. Similar action was taken by the City of Moorhead, Minn.

WEBC claims that the decision of the Commission of February 19, this year, granting Station KGFK permission to move from Moorhead to Duluth, Minn., adversely affects it. It is stated in the petition that the decision of the Commission does not accurately reflect facts, that the city of Duluth does not need additional radio facilities, while Moorhead does need the service. A similar position is taken by the city of Moorhead.

RECOMMENDS DENYING INCREASED POWER

Application was filed with the Federal Communications Commission by Station KGFJ, Los Angeles, Calif., asking that it be allowed to use 250 watts power LS. The station operates on a frequency of 1200 kilocycles, 100 watts power, now, with unlimited time.

Ralph L. Walker (e), in Report No. I-52, recommends that the increased power be denied. He found that while such increase would allow more service, "it does not appear that there exists any substantial need for additional service from the listener's viewpoint."

WBBZ RENEWAL RECOMMENDED

The Guthrie Broadcasting Company applied to the Federal Communications Commission for a construction permit for a new station to be located at Guthrie, Okla., using 1200 kilocycles, 100 watts night, and to share time with WBBZ, Ponca City, Okla. The latter asked for license renewal.

R. H. Hyde (e), in Report No. I-50, recommended that the application of the Guthrie Company be denied as in cases of default and that the license of WBBZ be renewed. At the appointed time for the hearing the applicant failed to appear.

RECOMMENDS PARTIAL GRANT TO KCRC

Broadcasting Station KCRC, Enid, Okla., applied to the Federal Communications Commission to change its frequency from 1370 to 1360 kilocycles, to change its power from 100 watts day and 250 watts LS to 250 watts at all times, and for unlimited time. KCRC now shares time with KGFG.

R. H. Hyde (e), in Report No. I-49, recommends that the application be granted in part, the new operating assignment to provide for the operation of KCRC with 250 watts daytime hours and one-fourth time as to night-time hours. The Examiner found that the granting of additional daytime hours would be in the public interest.

EXPERIMENTAL AUTHORIZATION DENIAL RECOMMENDED

Broadcasting Station KFBB, Great Falls, Mont., filed an application with the Federal Communications Commission asking for special experimental authority for changing its frequency from 1280 to 610 kilocycles. It uses 1,000 watts, and 2,500 watts LS, with unlimited time.

Melvin H. Dalberg (e), in Report No. I-48, recommends that the action granting this taken by the Commission on January 29 be reversed and that the application be denied.

The Examiner found that "no showing is made in this case that would justify a finding that the applicant is or intends to be engaged in fundamental research or improving the technique of the radio art."

NEW ERIE STATION RECOMMENDED

Jackson D. Magenau filed an application with the Federal Communications Commission for the erection of a new station at Erie, Pa. Similar request was made by the WMAN Broadcasting Company for the erection of a new station at Mansfield, Ohio. Both applications were for 1370 kilocycles, 100 watts power, and unlimited time. The two cases were consolidated.

George H. Hill (e), in Report No. I-51, recommended that a construction permit be granted for the Erie station and that the application for the Ohio station be denied. The Examiner found that the financial showing of the applicants for the Ohio station was unsatisfactory, that the operation of such a station at Mansfield would interfere with existing facilities, and that it would not serve the public interest.

NEW CALIFORNIA STATION RECOMMENDED

J. C. and E. W. Lee applied to the Federal Communications Commission for a construction permit to erect a new broadcasting station at Riverside, Calif., to use 820 kilocycles, 250 watts power, and daytime hours of operation.

Ralph L. Walker (e), in Report No. I-55, has recommended that the application be granted. The Examiner found that the applicants are qualified to erect and run such a station, that no objectionable interference would be caused by such a proposed station, and that it would render "a desirable and satisfactory service to the area in question."

NEW MONTANA STATION RECOMMENDED

Three applications were filed with the Federal Communications Commission for new broadcasting stations, all in Montana, and all to operate on 1420 kilocycles, 100 watts power, and unlimited time on the air. The Helena Broadcasting Company and E. B. Craney would erect stations at Helena, while the Montana Broadcasting Company would erect one at Boulder.

Melvin H. Dalberg (e), in Report No. I-54, recommended that the applications of E. B. Craney and the Montana Broadcasting Company be denied, but that the application of the Helena Broadcasting Company be granted. The Examiner states that the Montana Company gave no proof to support its application; that "in the case of E. B. Craney, it appears to be doubtful whether the applicant has shown by his proof sufficient financial background to qualify him for the construction and operation of the station proposed." He found the Helena Company had sufficient financial and technical background for the proposed station.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WJW—WJW, Inc., Akron, Ohio—Granted C. P. to install new equipment.

- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted license to cover C. P. making changes in equipment and increasing power; 1200 kc., 100 watts night, 250 watts day, S-WKJC.
- WKBZ—Karl L. Asbacker, Muskegon, Mich.—Granted license to cover C. P. to make changes in equipment and increase day power to 250 watts; 1500 kc., 100 watts night, unlimited time.
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted license to cover C. P. for changes in equipment and move of transmitter and studio; 1230 kc., 250 watts night, 500 watts day, unlimited time.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted license to cover C. P. to move transmitter and install new equipment; 1120 kc., 100 watts, daytime.
- WMBQ—Paul J. Gollhofer, Brooklyn, N. Y.—Granted voluntary assignment of license to Metropolitan Broadcasting Corp.
- KRNT—Iowa Broadcasting Co., near Des Moines, Iowa—Granted extension of special experimental authorization to operate with 500 watts night, 1 KW day, for period ending November 1, 1935, and application set for hearing.
- WIBG—WIBG, Inc., Glenside, Pa.—Granted consent to voluntary assignment of license to Seaboard Radio Broadcasting Corp.
- NEW—National Broadcasting Co., Chicago, Ill.—Granted license to operate broadcast pickup station and use equipment authorized under permit granted for visual broadcast station W9XAP; frequencies 1606, 2020, 2102, and 2760 kc., 2 KW power.
- WPAX—H. Wimpy, Thomasville, Ga.—Granted C. P. to make changes in equipment and increase day power to 250 watts. Transmitter site to be determined.
- WJAX—City of Jacksonville, Jacksonville, Fla.—Granted C. P. to install new equipment, increase day power to 5 KW. Transmitter location to be determined.
- WMAQ—National Broadcasting Co., Inc., Addison, Ill.—Granted modification of C. P. to extend completion date from 7-4-35 to 9-4-35; for approval of antenna system and to correct geographical location.
- WORK—York Broadcasting Co., York, Pa.—Granted modification of license covering special authority to operate on 1320 kc., 1 KW night, using directional antenna, unlimited time.
- WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted license to cover C. P. authorizing new station to operate on 1420 kc., 100 watts, unlimited time.
- KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 500 watts to 1 KW; 1440 kc., unlimited time.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted license to cover C. P. authorizing construction of new station to operate on 1370 kc., 100 watts, daytime only.
- KHSL—Wm. Schield, Sydney R. Lewis, Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted license covering C. P. authorizing new station to operate on 950 kc., 250 watts, daytime only.
- KRNT—Iowa Broadcasting Co., Des Moines, Iowa—Granted license to cover C. P. authorizing changes in equipment.
- KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted license to cover C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted modification of license to cover special experimental authority authorizing new equipment, moving station locally, and change frequency from 1210 kc. to 630 kc.; 250 watts, unlimited time.
- WSAN—WSAN, Inc., Allentown, Pa.—Granted modification of license covering increase in power from 250 to 500 watts, and set for hearing application to operate with 500 watts additional.
- WCBA—B. Bryan Musselman, Allentown, Pa.—Granted modification of license to increase power from 250 to 500 watts, and set for hearing application to operate with 500 watts additional.
- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of license to increase night power to 1 KW, using directional antenna; 2.5 KW day using conventional antenna, and to cover changes in equipment.
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted license to cover C. P. authorizing installation of new equipment, increase in day power to 250 watts and hours of operation to unlimited; 1500 kc., 100 watts night.
- WSVA—Marion K. Gilliam, Harrisonburg, Va.—Granted consent to voluntary assignment of license to Shenandoah Valley Broadcasting Corp.
- WOSU—The Ohio State University, Portable-Mobile.—Granted C. P. (exp. gen. exp. broadcast pickup station), frequencies 31100, 34600, 37600, 40600 and 86000-400000 kc., 10 watts.

SET FOR HEARING

- NEW—National Television Corp., New York City.—Application for C. P. (exp. visual broadcasting) for new station, frequencies 2000-2100 kc., 500 watts night and day, unlimited.
- NEW—George E. Heiges, Sbaron, Pa.—Application for C. P. for new station, 1370 kc., 100 watts night, 250 watts day, unlimited time.
- NEW—Educational Radio, Inc., Spartanburg, S. C.—Application for C. P. for new station; will purchase old transmitter of WSPA, transmitter site to be determined; frequency 1420 kc., 100 watts, unlimited time. Requests call letters WWC.
- NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited time.
- KRSC—Radio Sales Corp., Seattle, Wash.—Application for C. P. requesting authority to operate with 250 watts night, increase in day power from 100 to 250 watts, also to change time from daytime to unlimited; make changes in equipment, exact transmitter site to be determined.
- KGBZ—KGBZ Broadcasting Co., York, Nebr.—Application for modification of license to increase hours of operation from sharing with KMA to unlimited, and requesting facilities of KMA.
- WBAA—Purdue University, W. Lafayette, Ind.—Application for modification of license requesting authority to increase hours of operation from S. H. to daily except Sunday, 10 a. m. to 2 p. m.; Saturday 2 to 5 p. m.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Application for modification of license to change frequency to 1410 kc., power to 250 watts; change hours of operation from unlimited to specified hours, 6 a. m. to 9 p. m.
- NEW—Roy L. Albertson, Buffalo, N. Y.—Application for C. P. for new station to operate on 1370 kc., 100 watts night, 250 watts day, S-WSVS; exact site to be determined.
- NEW—E. L. Clifford, Pottsville, Pa.—Application for C. P. for new station to operate on 580 kc., 250 watts, daytime; transmitter site to be determined.
- NEW—Pittsburg Broadcasting Co., Pittsburg, Kans.—Application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time.
- NEW—Clark Standiford, Marysville, Calif.—Application for C. P. for new station, 1210 kc., 100 watts, unlimited time.
- KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authority to operate on 570 kc., 1 KW, unlimited, period beginning April 1 and ending September 1, 1935, and application to install directional antenna.
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Application for renewal of license.
- WSBC—WSBC, Inc., Chicago, Ill.—Application for renewal of license.
- KWKC—Wilson Duncan, tr/as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Application for renewal of license.
- WOS—State of Missouri, Missouri State Highway Patrol, Jefferson City, Mo.—Application for renewal of license.
- Applications for renewal of licenses of the following stations were designated for hearing to be held on June 27, 1935:
- WWL, New Orleans, La.; WFAA, Dallas, Texas; WBAP, Fort Worth, Texas; WCCO, Minneapolis, Minn. MOV, New York City, and WPG, Atlantic City, N. J.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Application for special experimental authority to operate on 1240 kc., 1 KW, for period beginning April 1 and ending September 1, 1935.
- NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—Application for C. P. for new station to be located near Bridgeton, N. J.; frequency 1210 kc., 100 watts, daytime only.
- NEW—Tom E. Foster and M. E. Terry, d/b as The Kilgore Daily News, Kilgore, Tex.—Application for C. P. for new station, 990 kc., 250 watts, daytime.
- NEW—Robert Louis Sanders, Palm Beach, Fla.—Application for C. P., already in hearing lock, amended so as to read: Transmitter site to be determined; 1420 kc., 100 watts, unlimited time.

- NEW—The Hartford Times, Inc., Hartford, Conn.—Application for C. P. for new station, exact transmitter and studio location to be determined at Hartford; **1200 kc.**, 100 watts, unlimited time.
- WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Application for C. P., already in hearing docket, amended to read: Install new equipment, change frequency to **970 kc.**, and increase day power only to 5 KW.
- NEW—Clark Standiford, Fresno, Calif.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.
- NEW—David Parmer, Columbus, Ga.—Application for C. P. for new station, requesting facilities of WRBL and call letters WDPI; **1200 kc.**, 100 watts, unlimited time.
- WDZ—James L. Bush, Tuscola, Ill.—Application for C. P. amended so as to request transmitter site to be determined; changes in equipment; change frequency from **1070 kc.** to **1020 kc.** when KYW moves to Philadelphia; and increase power from 100 watts to 250 watts. (KYW has already moved to Philadelphia.)
- NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Application for C. P. amended so as to request transmitter site to be determined; change equipment; **1200 kc.**, 100 watts, daytime.
- NEW—Charles C. Theis, Wichita, Kans.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Application for C. P. to change equipment, change frequency to **1390 kc.**, increase power to 1 KW night, 5 KW day.
- KFNF—Henry Field Co., Shenandoah, Iowa—Application for modification of license to change hours of operation from half time, sharing with WILL and KUSD to sharing KUSD—KFNF $\frac{7}{8}$ time, $\frac{1}{8}$ time to KUSD. Part of facilities of KUSD.
- KTM—Evening Herald Publishing Co., Los Angeles, Calif.—Application for modification of license to increase night-time power from 500 watts to 1 KW (normally licensed **780 kc.**, 500 watts night, 1 KW day, sharing with KELW).
- KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Application for modification of license to change hours of operation from S. H. to unlimited.
- KDFN—Donald Lewis Hathaway, Casper, Wyo.—Application for modification of license to change frequency to **780 kc.**, and requesting frequency used by KGHL. (Present assignment: **1440 kc.**, 500 watts, unlimited.)

ACTION ON EXAMINER'S REPORT

- WNRA—Ex. Rep. No. 1-34: Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted modification of license to change time of operation from daytime to unlimited, **1420 kc.**, 100 watts. Order to become effective May 28, 1935. Examiner Dalberg sustained.

APPLICATIONS RETIRED TO CLOSED FILES

- KGIX—J. M. Heaton, Las Vegas, Nev.—C. P. to move station locally and make changes in equipment heretofore granted, was retired to the closed files for want of prosecution, and call letters KGIX deleted.
- WAMC—Raymond C. Hammett, Anniston, Ala.—Application for C. P. to rebuild station destroyed by fire at a new location, heretofore granted, was retired to the closed files for want of prosecution, and call letters WAMC deleted.

MISCELLANEOUS

- NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Granted request for oral argument before the Broadcast Division on September 12, 1935. Application is for new station to operate on **1500 kc.**, 100 watts, unlimited time. Examiner's Rep. No. 1-39.
- WTAX—WTAX, Inc., Springfield, Ill.—Suspended grant heretofore made and designated for hearing application for full time on **1210 kc.** because of protests of Stations WHFC, WEHC, WKBI.
- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied petition for permission to make tests preliminary to a request to change frequency and increase power.
- NEW—Leroy Haley, Durango, Colo.—Granted, after reconsideration, authority to erect a new station to operate at Durango on the frequency **1370 kc.**, 100 watts, unlimited time.
- KWIL—KWIL Broadcasting Co., Williston, N. Dak.—Granted request to take additional evidence in support of application for new station.
- WKAQ—Radio Corporation of Puerto Rico, San Juan, P. R.—Granted regular renewal of license.
- KBTM—Beard's Temple of Music, Paragould, Ark.—Directed to remain silent pending action on application for license.
- WLWL—Universal Broadcasting Corp., New York City.—Denied petition asking Commission to reconsider and grant without hearing application to change frequency from **1100 kc.** to **810 kc.**, unlimited time instead of specified hours. The petition also asked Commission to issue an order modifying the licenses of stations WNYC, New York; WOV, New York; WCCO, Minneapolis; WFAA, Dallas, Tex.; WBAP, Fort Worth; WWL, New Orleans; WPG, Atlantic City. This case will be heard June 27, 1935.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted application to install new equipment and increase day power from 100 to 250 watts.
- WBOW—Banks of Wabash, Terre Haute, Ind.—Reaffirmed grant of authority to make changes in equipment and increase power to 250 watts, since WLBC has withdrawn its protest.
- Intermountain Broadcasting Corp. and Great Western Assn., Inc., denied petition asking Commission to reconsider action of April 30, 1935, in reopening the proceedings in application for new station to take additional testimony.
- WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted an increase in hours of operation from daytime to unlimited. This action was taken on motion of Commissioner Case, who proposed that the Commission reconsider its action of April 16, 1935, denying petition to reconsider action in designating case for hearing.
- WAML—Southland Radio Corp., Laurel, Miss.—Granted authority to remain silent for the period beginning May 10, 1935, and ending in no event later than May 31, 1935, for the purpose of moving studio and installing new equipment.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted continuance of hearing set for May 20 until a date in June to be determined.
- WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Suspended for 90 days rider attached to its C. P. to establish station at Marion Township near Cedar Rapids, Iowa; the rider reads: "Provided no more interference is caused to WREC when WMT is moved to Cedar Rapids, Iowa, than is now caused by the operation of WMT at the present transmitter location near Waterloo, Iowa."
- KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Denied petition to intervene in the application of Walker Jamar for C. P. for new station at Duluth, Minn., to operate on **1200 kc.**, 100 watts power.
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—C. P. to install new equipment and increase daytime power to 250 watts, heretofore granted, was retired to the closed files, since required completion date has expired and no application for extension of time or for license has been filed, as required by the rules and regulations of the Commission.
- NEW—Harold Rieth, Goshen, Ind.—Denied C. P. for new station (exp. visual broadcast service) to operate on frequencies **42000-56000, 60000-86000, 2000-2100, 2750-2650 kc.**, 30 watts, irregular hours. (Case heard by Broadcast Division.)
- KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modification of license, **1320 kc.**, 500 watts, 1 KW LS, unlimited time, heretofore set for hearing, was dismissed as applicant filed subsequent application to supersede this.
- NEW—Joseph H. Hallock, Vancouver, Wash.—C. P., **1500 kc.**, 100 watts, daytime, heretofore set for hearing, was denied as in cases of default for failure to file an appearance as required by Rule 48 (b).
- WAAT—Bremer Broadcasting Co., Jersey City, N. J.—Granted request for oral argument to be heard September 12, 1935. (Ex. Rep. 1-42.)
- WINS—Hearst Radio, Inc., New York City—Granted request for two weeks additional time in which to file appearance.
- WESG—Cornell University, Elmira, N. Y.—Granted extension of 30 days from May 15 to continue operation on **850 kc.**
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City—Granted postponement of taking of deposition in re hearing on renewal of license from May 10 to May 20. Hearing set for June 6.
- NEW—Ward Walker, Seattle, Wash.—Granted petition of Ward Walker to accept the Statement of Facts. This application is for new station to operate on **760 kc.**, 250 watts night, 500 watts day, unlimited time, facilities of KXA, Seattle, Wash.

except latter has limited time. Hearing continued until Commission acts on application of KOMO to change frequency from 920 kc. to 760 kc.

KXA—American Radiotelephone Co., Seattle, Wash.—Denied motion filed by National Broadcasting Co. to default and dismiss the application of Ward Walker, Seattle, as recorded above.

KWTO—KGBX, Inc., Springfield, Mo.—Suspended grant and designated for hearing application for increase in power for daytime use from 1 KW to 5 KW, because of protest from Springfield Newspapers, Inc.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Denied petition to reconsider action in designating for hearing, application for authority to increase night power to 500 watts, day power to 1 KW.

W. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—Granted request that application for new station at Abilene, be heard at the same time the Commission considers the application of Reporter Publishing Co., for a new station at Abilene, and the application of Big Spring Herald, Inc., for a new station at Big Spring, Tex., and the application of North Texas Publishing Co., for a new station at Paris, Tex.

APPLICATIONS DISMISSED

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

WHP—WHP, Inc., Harrisburg, Pa.—Modification of license, 1430 kc., 1 KW, unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Modification of S.A., 570 kc., 1 KW, unlimited time.

NEW—Jesse H. Jay, Miami, Fla.—C. P., 1200 kc., 100 watts, unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Extension of S.A., 570 kc., 500 watts, 1 KW LS, unlimited time.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification of license, 630 kc., 500 watts, 1 KW LS, S-KPOF.

WBNX—Standard Cahill Co., Inc., New York City.—C. P., 1350 kc., 250 watts, 2½ KW LS, shares with WAWZ.

WBNX—Standard Cahill Co., Inc., New York City.—Modification of license, 1350 kc., 500 watts, shares with WAWZ.

APPLICATIONS RECEIVED

First Zone

WFMH—Joseph M. Kirby, Boston, Mass.—Modification of construction permit (B1-P-82) as modified to give site of transmitter and studio from site to be determined to: Studio-Copley Plaza Hotel, Boston, Mass., and the transmitter site at Speedway, West of Soldiers Field, Boston, Mass., and also extend commencement and completion dates.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Special experimental authorization to operate with 1 kilowatt power for a period of thirty days.

WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Voluntary assignment of license to City of Atlantic City.

WBZA—Westinghouse Electric & Mfg. Co., Boston, Mass.—Construction permit to make changes in equipment.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Construction permit to move transmitter to a site to be determined, New York, make changes in equipment and increase power from 250 watts to 500 watts.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to install new equipment; move transmitter locally; change frequency from 1210 kc. to 1230 kc.; increase power from 100 watts to 250 watts night, 500 watts daytime, and hours of operation from daytime to unlimited.

WJZ—National Broadcasting Co., New York, N. Y.—License to cover special experimental authorization to increase power from 30 kilowatts to 50 kilowatts.

NEW—Knox Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit to erect a new station to be operated on 1240 kc., 1 KW, unlimited.

WBEN—WBEN, Inc., Buffalo, N. Y.—Construction permit to make equipment changes and increase power from 1 kilowatt to 5 kilowatts.

Second Zone

B2-PE-45—WBNS, Inc., Portable-Mobile.—Construction permit for general experimental station for 31100, 34600, 37600, 40600 kc., 2 watts.

B2-PE-46—WBNS, Inc., Portable-Mobile.—Construction permit for general experimental station for 31100, 34600, 37600, 40600 kc., 2 watts.

WSVA—Marion K. Gilliam, Harrisonburg, Va.—Voluntary assignment of construction permit (2-P-B-3280) as modified to Shenandoah Valley Broadcasting Corp.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit for new equipment, increase power from 250 watts to 1 kilowatt. Amended to request 500 watts day and night instead of 1 kilowatt.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to install new transmitter, make equipment changes, change frequency from 1310 kc. to 1420 kc., power from 50 watts to 100 watts, 250 watts day. Facilities of WMBC.

NEW—Hyman Altman, Detroit, Mich.—Construction permit for new station to be operated on 1370 kc., 100 watts power, daytime.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 500 watts day and night. Amended to request 1 kilowatt day and night power.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 watts to 500 watts day and night. Amended to request 1 kilowatt power day and night.

NEW—Herbert Lee Blye, Uniontown, Pa.—Construction permit for new station to be operated on 1420 kc., 100 watts power, daytime.

NEW—Herbert Lee Blye, Lebanon, Pa.—Construction permit for new station to be operated on 1240 kc., 250 watts power, daytime. Request call WBLV.

NEW—Carl S. Taylor, DuBois, Pa.—Construction permit to erect a new broadcast station to be operated on 590 kc., 100 watts, daytime. Amended to change frequency from 590 kc. to 850 kc. and power from 100 watts to 250 watts.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of construction permit (B2-P-342) authorizing changes in equipment and increase in daytime power requesting further changes in equipment.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—License to cover construction permit, as modified, authorizing changes in equipment and increase in daytime power.

WWJ—The Evening News Association, Inc., Detroit, Mich.—Modification of construction permit authorizing moving of transmitter from 810 W. Lafayette Blvd, Detroit, Mich., to intersection of Meyers and Eight Mile Road, Oak Park, Mich., requesting changes in equipment.

Third Zone

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction permit for new station to be operated on 1200 kc., 100 watts, daytime. Amended: Antenna and transmitter site to be determined.

NEW—Plainview Broadcasting Co., Plainview, Tex.—Construction permit for new station to be operated on 1500 kc., 100 watts, daytime. Amended: Site of transmitter to be determined.

NEW—Bell Publishing Co., Belton, Tex.—Construction permit for new station to be operated on 1310 kc., 100 watts, daytime. Amended: Change frequency from 1310 kc. to 1370 kc. To be considered under Sec. 307 (b). Change studio site from Local Hotel at Belton, 9 miles from Temple, Tex., to Local Hotel, Temple, Tex.

NEW—Dudley J. Connolly, Elliott Knight, Roy W. Knight, and Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Construction permit for new station to be operated on 1200 kc., 100 watts, unlimited time. Amended: Transmitter site to be determined; also antenna.

WWL—Loyola University, New Orleans, La.—Extension of special authority to operate on unlimited time, period from 8-1-35 to 2-1-36.

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Waycross, Ga.—Construction permit for new station on 1200 kc., 100 watts, unlimited time.

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Brunswick, Ga.—Construction permit for new station on 1500 kc., 100 watts, unlimited time.

KLUF—Geo. Roy Clough, Galveston, Tex.—License to cover special authority for increase of power from 100 watts to 100 watts, 250 watts day, and make equipment changes.

- KGRS—Plains Radio Broadcasting Co., Amarillo, Tex.—Modification of license to change hours of operation from specified hours to unlimited, request call of KGNC and facilities of WDAG.
- WTFI—Liberty Broadcasting Co., Athens, Ga.—Transfer of control of station WTFI from Liberty Broadcasting Co. to Norman K. Winston.
- NEW—E. F. Sapp and S. F. Sapp, tr/as Waycross Broadcasting Co., Waycross, Ga.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, unlimited time.
- NEW—East Texas Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental broadcast pickup station to be operated on 31100, 34600, 37600, and 40600 kc., 30 watts.
- WSPA—Virgil V. Evans, trading as The Voice of South Carolina, Spartanburg, S. C.—License to cover construction permit (3-P-B-3039) as modified for changes in frequency, hours of operation, increase in day power and move of transmitter.
- WPFB—Otis Perry Eure, Hattiesburg, Miss.—Voluntary assignment of license to Forrest Broadcasting Co.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authorization to use present licensed auxiliary transmitter as an auxiliary during period as authorized by special authority (to 11 p. m. EST) using 1 kilowatt power for the period 8-1-35 to 2-1-36.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authorization to operate until 11 p. m., EST, with power 1 kilowatt for the period 8-1-35 to 2-1-36.
- WGCM—WGCM, Inc., Mississippi City, Miss.—Construction permit for change of frequency from 1210 kc. to 1120 kc.; equipment changes; change time from specified hours to unlimited, power from 100 watts, 250 watts day, to 500 watts day and night. Amended: Change time from unlimited to unlimited except from 8 to 9 p. m. on Monday and Friday nights.
- WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to make changes in equipment.
- NEW—A. E. Hughes, d/b as Valdosta Broadcasting Co., Valdosta, Ga.—Construction permit for new station on 1500 kc., 100 watts, day.

Fourth Zone

- NEW—Walker Jamar, Duluth, Minn.—Construction permit for new station on 1200 kc., 100 watts, unlimited. Amended: Change frequency from 1200 kc. to 1500 kc., requesting facilities of KGFK.
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of construction permit (B4-P-205) as modified to make equipment changes, and extend commencement date 10 days after grant and completion date 90 days thereafter.
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—License to cover construction permit (B4-P-205) as modified for changes in equipment, increase of power, and extension of commencement and completion dates, give exact transmitter site.
- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to increase daytime operating power from 500 watts to 1 kilowatt.
- KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Modification of license to increase power from 500 watts, 1 kilowatt day to 1 kilowatt day and night and change hours of operation from unlimited to specified hours. Amended to omit request for change in hours of operation.
- W9XER—Midland Broadcasting Co., Inc., 10th and MeGee Sts., Kansas City, Mo.—License to cover construction permit for general experimental station on 31600, 35600, 38600, 41000, 86000 to 400000 kc., 50 watts.
- WNAX—The House of Gurney, Inc., Yankton, S. D.—Modification of construction permit (B4-P-172) as modified to make equipment changes, approval of site of transmitter, Second and Capitol Streets. Amended: Antenna, change site of transmitter to Yankton County, S. D.
- KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to change time from S-KFUO to unlimited, contingent on granting of KFUEO to another frequency. Amended: Request facilities of KFUEO, suggest that KFUEO be assigned 1010 kc. to sunset.
- WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Modification of (B4-P-120) to make equipment changes,

approval of site of transmitter at Blondo St., near 93d St., Omaha, Neb. Amended: Transmitter site changed to 56th and Kansas Ave., Omaha, Neb.

- WDAY—WDAY, Inc., Fargo, N. Dak.—License to cover construction permit (B4-P-164) authorizing changes in equipment and increase in daytime power to 2½ kilowatts.
- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install new equipment, increase power from 100 watts to 100 watts night, 250 watts daytime and hours of operation from daytime to unlimited.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—License to cover special experimental authorization for increase in daytime power from 100 watts to 250 watts.
- KGBX—KGBX, Inc., Springfield, Mo.—Extension of special experimental authorization to operate on 1230 kc., 500 watts, local sunset to midnight, at new transmitter site.
- W9XES—Midland Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station on 31600, 35600, 38600, 41000, 86000 to 400000 kc., 50 watts.
- W9XET—Midland Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit for a general experimental station on 31600, 35600, 38600, 41000, 86000 to 400000 kc., 1½ watts.
- NEW—E. W. Patrick, Brookfield, Mo.—Construction permit to erect a new station to be operated on 1310 kc., 100 watts, unlimited. Amended to change frequency from 1310 kc. to 1210 kc., and change transmitter site from 224 South Main to site to be determined, Brookfield, Mo.
- WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Authority to determine operating power by direct measurement of antenna.
- KSO—Cedar Rapids Broadcast Company, Des Moines, Iowa.—License to cover construction permit authorizing removal of station from Cedar Rapids to Des Moines, Iowa, and equipment changes.

Fifth Zone

- NEW—Review Publishing Co. (Pearl B. Robinson, sole owner), Moscow, Idaho.—Construction permit for new station to be operated on 1310 kc., 100 watts, unlimited. Amended re equipment changes.
- NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Calif.—Construction permit for new station to be operated on 1160 kc., 250 watts, daytime. Request call KPSP. Amended: Jurat, signature, and submitted financial statement.
- NEW—A. Corenson, Pasadena, Calif.—Construction permit for new station to be operated on 1480 kc., 100 watts, daytime. Amended: Financial statement, attorney requests that application be set for hearing regardless of existing regulations.
- KPOF—Pillar of Fire, Denver, Colo.—Authorization to install automatic frequency control.
- KPOF—Pillar of Fire, Denver, Colo.—Construction permit to install new transmitter and make equipment changes.
- NEW—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Construction permit for new station to be operated on 1420 kc., 100-250 watts day, unlimited time.
- NEW—California Sales Contract Co., San Francisco, Calif.—Construction permit for new station to be operated on 1280 kc., 500 watts, 1 KW day, unlimited time.
- KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Construction permit to move transmitter from corner Park Ave. and Broadway, Idaho Falls, Idaho, to site to be determined, increase power from 250 watts, 500 watts day to 500 watts 1 KW day.
- NEW—A. Corenson, Ventura, Calif.—Construction permit for new station on 1210 kc., 100 watts, unlimited. Amended: Frequency changes to 600 kc., power to 250 watts.
- NEW—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit for new station on 1370 kc., 100 watts, unlimited. Amended re equipment.
- KTM—Evening Herald Publishing Co., Los Angeles, Calif.—Modification of license to change time from S-KELW to unlimited. Facilities of KELW.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Construction permit to make changes in equipment; increase power from 100 watts, 250 watts day, to 1 KW; change frequency from 1310 kc. to 610 kc.; change hours of operation from specified hours to unlimited time; and move transmitter from Main and Fourth Sts., Wolf Point, Mont., to Wolf Point, Mont.

- (locally). Amended to change frequency from **610 ke.** to **1450 ke.** and make further changes in equipment.
- NEW—Pacific Acceptance Corp., San Diego, Calif.—Construction permit to erect a new station to be operated on **1420 ke.**, 100 watts, unlimited time. Amended to change frequency from **1420 ke.** to **1200 ke.** and hours of operation from unlimited to daytime.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (5-P-B-2837) as modified to extend completion date from 6-15-35 to 12-15-35.
- KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Construction permit to make changes in equipment, and increase power from 100 watts to 100 watts night and 250 watts daytime.
- NEW—Howard W. Heskett, Santa Rosa, Calif.—Construction permit to erect a new station to be operated on **1280 ke.**, 250 watts, daytime.
- KFXD—Frank E. Hurt, Nampa, Idaho—License to cover construction permit (B5-P-226) authorizing changes in equipment and increase in daytime power to 250 watts.
- NEW—Victor B. Pitts, Raton, N. Mex.—Construction permit to erect a new broadcast station to be operated on **1500 ke.**, 100 watts, unlimited time. Amended to change name of applicant to Victor B. Pitts, D. V. Tostenson, d/b as Raton Broadcasting Company.
- NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—Construction permit for new station on **1500 ke.**, 100 watts, unlimited time.
- NEW—L. E. Robideaux, Bend, Ore.—Construction permit to erect a new broadcast station to be operated on **1500 ke.**, 100 watts, specified hours. Amended to request unlimited hours of operation and transmitter site to be determined.
- KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska.—Modification of construction permit authorizing erection of new broadcast station to be operated on **610 ke.**, 250 watts, unlimited time, requesting approval of transmitter site and changes in equipment. Amended to request **1310 ke.**, 100 watts, and further changes in equipment.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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ASCAP TO EXTEND LICENSES TO DEC. 31

The American Society of Composers, Authors and Publishers has agreed to extend all existing broadcast licenses from September 1, 1935, to December 31, 1935.

This announcement was made during a conference between the NAB Copyright Committee and the Committee of the ASCAP Board held in New York last week.

All contracts are to be extended under present terms and conditions and the ASCAP will send to all stations a brief form of extension provision which, when executed by the station, will become a part of the contract itself.

This action on the part of the ASCAP came as a result of the suggestion made by the NAB Committee and has the effect of extending broadcast licenses until the date upon which present contracts between the ASCAP and its publisher and composer members expire.

AUDIT BUREAU DISCUSSED

A proposal to make a preliminary study of all available data on the subject of radio advertising as the first step toward the creation of an independent bureau to authenticate station information has been considered in discussions between representatives of the NAB, the American Association of Advertising Agencies, and the Association of National Advertisers. These discussions are being carried on under the terms of a resolution adopted at the Cincinnati convention and the NAB committee consists of Arthur B. Church, KMBC; Edgar Kobak, NBC; John Karol, CBS; A. J. McCosker, WOR; John Elmer, WBCM; J. O. Maland, WHO-WOC; and J. V. L. Hogan, W2XR. It is proposed by the NAB that the preliminary study be undertaken by a joint committee on which the three groups have equal representation. The AAAA are in agreement with this proposal and the ANA is expected to agree also.

COMMERCIAL SECTION MEETING PROGRAM

Plans for the annual meeting of the NAB Commercial Section, to be held at the Palmer House, Chicago, Monday and Tuesday, June 10 and 11, in conjunction with the 31st Annual Convention of the Advertising Federation of America, are rapidly being consummated.

General sessions will be held on Monday and Tuesday morning, and an important meeting of the Commercial Committee will take place on Tuesday afternoon. The Monday morning session will be devoted to a panel discussion of "Retail Broadcast Advertising," while the Tuesday morning session will be devoted to a consideration of "Mutual Problems of the Buyer and Seller of Radio Advertising."

In addition to the panel discussion on Tuesday morning, there will be an address by the Hon. E. J. Adams, Chairman of the

Special Board of Investigation of the Federal Trade Commission. The Tuesday afternoon meeting of the Commercial Committee will be a closed session devoted to the consideration of the proposed agency recognition bureau of the NAB and similar matters. The tentative program of the sessions is as follows:

Monday Morning, June 10

Opening Remarks—Arthur B. Church, Chairman, Commercial Committee, National Association of Broadcasters.

Panel Discussion—"Retail Broadcast Advertising."

H. K. Carpenter, Manager, WHK, Cleveland, O., Chairman.
Kenneth Taylor, Vice President & Merchandise Manager, John Taylor Dry Goods Co., Kansas City, Mo.

Marvin Oreck, Vice President, Oreck's Inc., Duluth, Minn.

Dade B. Epstein, Dade B. Epstein Advertising Agency, Chicago, Ill.

Frank W. Spaeth, Manager, Sales Promotion Division, National Retail Dry Goods Association, New York, N. Y.

John Henry, President, KOIL, Council Bluffs, Iowa.

John Shepard, 3rd, President, Yankee Network, and owner Shepard Stores, Boston, Mass.

Dr. Herman S. Hettinger, Director of Research, NAB, and Merchandising Department, University of Pennsylvania.

Tuesday Morning, June 11

Address—Hon. E. J. Adams, Chairman, Special Board of Investigation, Federal Trade Commission, Washington, D. C.

Panel Discussion—"Mutual Problems of the Buyer and Seller of Radio Advertising."

Arthur B. Church, Vice President, KMBC, Kansas City, Mo., Chairman.

John A. Benson, President, American Association of Advertising Agencies, New York, N. Y.

Stuart Peabody, The Borden Company, Chairman of the Board, Association of National Advertisers, New York, N. Y.

Nathan H. Pumpian, Henri, Hurst & McDonald, Chicago, Ill.

Hugh K. Boice, Vice President in Charge of Sales, Columbia Broadcasting System, New York, N. Y.

Edgar Kobak, Vice President in Charge of Sales, National Broadcasting Company, New York, N. Y.

John F. Patt, President, WGAR, Cleveland, O.

Lloyd C. Thomas, President & General Manager, WROK, Rockford, Ill.

STUDEBAKER NAMED EDUCATION CHAIRMAN

The Federal Communications Commission named Dr. John Studebaker, Commissioner of Education, chairman of a committee

Make Your Reservations Early

for the

THIRTEENTH ANNUAL NAB CONVENTION

BROADMOOR, COLORADO SPRINGS, COLO.—JULY 6, 7, 8, 9, 10, 1935

of educators and broadcasters to study the question of education by radio. Other members of the Committee will be announced at a later date by the Commission. Dr. Studebaker's appointment came at the close of the two-day conference on radio education which was called by the Commission for the purpose of developing closer cooperation between broadcasters and educators. The broadcasters were represented by J. Truman Ward, president of the NAB, who joined with Dr. Studebaker in the suggestion that a Committee be appointed to give consideration to the discussions of the conference.

TRANSRADIO SUES FOR \$1,100,000

The Transradio Press Service, Inc., and its affiliate, the Radio News Association, has instituted suit in the United States District Court for more than \$1,100,000 damages, charging that the Associated Press, Inc., United Press Association, Inc., International News Service, Inc., the American Newspaper Publishers' Association, Inc., the Columbia Broadcasting System, Inc., and the National Broadcasting Company, Inc., have conspired to destroy their business of selling news to be broadcast. The plaintiffs not only charge violation of the Sherman and Clayton Anti-trust Laws but appeal for relief under the Federal Communications Act. The bill attacks the so-called "press-radio agreement" drawn up in March, 1934, to govern the broadcasting of news.

CONVENTION COMMITTEE NAMED

Chairman Spence last week named the following as members of the General Convention Committee:

Edwin M. Spence, WBAL, Baltimore, Md., Chairman.
Guy Earle, Radio Station KNX, Hollywood, California.
Ed Craney, Radio Station KGIR, Butte, Montana.
Ralph Brunton, Radio Station KJBS, San Francisco, California.
Glen Snyder, Radio Station WLS, Chicago, Illinois.
P. J. Meyer, Radio Station KFYZ, Bismarck, North Dakota.
William West, Radio Station WTMV, East St. Louis, Missouri.
Hugh Half, Radio Station WOAI, San Antonio, Texas.
Hoyt Wooten, Radio Station WREC, Memphis, Tennessee.
E. D. Gluck, Radio Station WSOC, Charlotte, North Carolina.
Crede Harris, Radio Station WHAS, Louisville, Kentucky.
Campbell Arnoux, Radio Station WTAR, Norfolk, Virginia.
Roy Thompson, Radio Station WFBG, Altoona, Pennsylvania.
Paul W. Morency, Radio Station WTIC, Hartford, Connecticut.
Chas. Burton, Radio Station WEEI, Boston, Massachusetts.
Radio Station WNBK, Binghamton, New York.

O'FALLON HEADS LOCAL COMMITTEE

Gene O'Fallon, KFEL, Denver, Colo., has been named chairman of the Local Convention Committee which will have charge of local arrangements for the 13th annual convention of the NAB to be held at Colorado Springs, Colo., July 6 to 10. Other members of the Committee are: F. W. Meyer, KLZ; G. E. Nelson, KOA; W. D. Pyle, KVOD.

MAKE RESERVATIONS EARLY

NAB members planning to attend the annual convention at Colorado Springs, Colo., July 6 to 10, are advised and urged to make their reservations at the earliest possible date. July is the time when the tourist season is at its height in the Colorado Springs region and eleventh hour reservations might not be as desirable as those made earlier. Write for information and make your reservations through the Broadmoor, Colorado Springs, Colo.

FEDERAL TRADE COMMISSION ACTIVITIES

Dismissal of Complaints

The following complaints of unfair competition have been dismissed by the Commission:

No. 2246. M. H. Myers Concrete Works, Wausau, Wis. Dismissed on the basis that the respondent engages exclusively in intra-state business.

No. 2289. Kraemer Hosiery Co., Nazareth, Pa. Complaints as to unfair competition in the sale of hosiery dismissed.

No. 2016. Robert Z. Drake, trading as Standard Bridge Co., Omaha, Nebr. Complaints as to unfair competition in the sale of lumber dismissed.

Voluntary Agreements

No. 0855. Brossier Twins Laboratories, Orlando, Fla. The company agrees to stop representing generally that its preparation "A.F.-3," will relieve or heal impetigo, athletes' foot, marsh poisoning, eczema, Florida sores and other irritation or that its application to the affected parts will kill parasitic dandruff, add lustre to the hair, health to the scalp, or destroy parasitic or fungus infections.

Cease and Desist Orders

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

Nos. 2150, 2151, 2152. Morton Salt Co., Chicago, Ill.; Jefferson Island Salt Co., Inc., Louisville, Ky.; Myles Salt Co., Ltd., New Orleans, La. The respondent companies are ordered to cease and desist from representing their salt as "smoked" on brands, labels, in newspapers, periodicals or by radio, "unless the salt so described has been or is directly subjected to the action and effect of the smoke from burning wood during the process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats."

No. 2236. Ossola Bros., Inc., Pittsburgh, Pa. The respondent is ordered to discontinue advertising Grande Italia tomato paste or sauce by means which imply that the product is made in or imported from Italy, when this is not true.

Affirmation of Order

No. 2037. The United States Circuit Court of Appeals for the Tenth Circuit, Denver, has affirmed the Federal Trade Commission's order to cease and desist in the case of the Maisel Trading Post, Inc., Albuquerque, N. Mex. The Commission order prohibited the description of silver jewelry products made partly by machinery as "Indian" or "Indian-Made" unless it was shown that such product had been made partly by machinery.

Complaints

The following complaints have been issued by the Commission. Respondent companies will be given opportunity to appear before the Commission to show cause why cease and desist orders should not be issued against them:

No. 2387. Security Silverware Distributors, Inc., Chicago, and its officers, William C. and Lorena Steffy, trading as Atlas Globe China Co., Advertising Department, and as Bordeaux China Co. The respondents are alleged to have made representations tending to deceive the public into believing them to be connected with the International Silverware Co., and with the Atlas Globe China Co., and that the Bordeaux China Co., was a manufacturer and that the respondents were its agents. It is also alleged that the silverware with which the respondents pretended to redeem certificates, etc., was not genuine Rogers "1847" Silverware as represented. Hearing Friday, June 21.

Nos. 2390, 2391. Distillers Brands, Inc., Cincinnati, and Quality Distillers, Inc., Los Angeles. The respondents are charged with improper and deceiving use of the word "Distillers" in their corporate names and on labels, when in fact they are not distillers.

The Federal Communications Commission on May 21 issued the following statement concerning "Marmola" programs:

"Twenty-one radio broadcasting stations, many of them outstanding, must appear before the Broadcast Division of the Federal Communications Commission on October 3, 1935, and at a hearing prove that their continued operation will be in the public interest. Pending the outcome of the hearing they will be granted temporary licenses.

"The stations cited are:

"KNX, Los Angeles; WBAP, Fort Worth, Tex.; WGAR, Cleve-

land, Ohio; WBAL, Baltimore; WGR, Buffalo, N. Y.; WHEC, Rochester, N. Y.; WHO, Des Moines, Iowa; WIOD, Miami, Fla.; WIND, Gary, Ind.; WIRE, Indianapolis, Ind.; WJAS, Pittsburgh, Pa.; WJJD, Chicago; WJR, Detroit, Mich.; WKBW, Buffalo, N. Y.; WOW, Omaha, Nebr.; WOWO, Fort Wayne, Ind.; WSMB, New Orleans; WTMJ, Milwaukee, Wis.; KFRC, San Francisco; KMBC, Kansas City; and KMOX, St. Louis, Mo.

"Applicants for renewal of licenses were designated for hearing, for the most part, because the stations at various periods carried a program entitled "Marmola," a preparation represented to reduce fat. That preparation has been under the ban of the Post Office Department for some years and also is in disfavor with the Federal Trade Commission. Some of the stations still carry that program.

"In cases where renewal application is not now pending the Commission adopted a minute reading:

"Applications for renewal of license ordered to be filed under Rule 17 and upon receipt thereof said application will be designated for hearing."

"In April, 1929, the Federal Trade Commission issued a cease and desist order against the Raladam Company, distributors of Marmola. The concluding order in that case directed that the Raladam Company to cease and desist:

"From representing Marmola as a remedy for the treatment of obesity unless such representation is accompanied by a statement that Marmola cannot be taken with safety to physical health except under the direction and advice of competent medical authority."

"In that order the Federal Trade Commission indicated that the promiscuous sale and use of Marmola is inimical to the public health and possible menace to the public welfare.

"The Supreme Court of the United States, however, reversed the Federal Trade Commission in that case on the ground that competition in interstate commerce was not shown, but made this statement:

"Findings supported by evidence warrant the conclusion that the preparation is one which cannot be used generally with safety to physical health except under medical direction and advice."

"The Post Office Department some time ago cited Marmola in fraud order proceedings and at the conclusion of the hearing Marmola producers stipulated they would go out of business and cease its mail distribution. Subsequently the Marmola Company reorganized, becoming the Raladam Company. While distribution through the mails was eliminated, distribution through drug stores was substituted.

"While the Commission under the law has no authority to censor programs, it is charged with the duty to see that stations are operated for the public welfare and the courts have held that the Commission can take cognizance of broadcasts inimical to the public health."

SECURITIES ACT REGISTRATION

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

Brandy-Wine Brewing Company, Brandywine, Md. (2-1417, Form A-1)

The Read Drug & Chemical Co., Baltimore, Md. (2-1420, Form A-2)

Nightingale Gold, Inc., Denver, Colo. (2-1421, Form A-1)

Muncie Water Works Company, Muncie, Ind. (2-1422, Form A-2)

Gemmer Manufacturing Company, Detroit, Mich. (2-1423, Form A-2)

Income Estates of America, Inc., Philadelphia, Pa. (2-1424, Form C-1)

Federated Mining Corp., Ltd., Toronto, Canada. (2-1425, Form A-1)

Sierra Nevada Mining Corporation, Charleston, W. Va. (2-1426, Form A-1)

Milwaukee Terminals, Inc., Milwaukee, Wis. (2-1427, Form E-1)

National Invested Savings Corporation, Washington, D. C. (2-1428, Form A-1)

WEBC GRANTED STAY ORDER

The United States Court of Appeals for the District of Columbia has granted a stay order to Station WEBC and the City of Moorhead, Minn.

Petition for stay and an appeal were filed with the Court by the station and city against a decision of the Federal Communications Commission granting Station KGFK permission to move from Moorhead to Duluth, Minn. The Commission did not oppose the stay petition.

RECOMMENDATION AGAINST AGENCY

T. Yount, doing business as the Universal Advertising Agency, filed an application with the Federal Communications Commission for a permit to locate and maintain a radio broadcast studio at Laredo, Texas, for the transmission of radio programs for broadcast from Mexico, particularly Station XENT, at Nuevo Laredo, Tamaulipas.

Commissioner Thad H. Brown, who conducted the hearing in Texas on this application recommends that it be denied. The Commissioner states that "there is serious doubt, from the evidence presented in this case, that T. Yount is in fact the real party in interest in this application." He states also that "it is believed that the evidence regarding what certainly appears to be a rather close association of the applicant with Station XENT should be considered carefully in connection with paragraph 325 (c) of the Communications Act of 1934, which provides that a license or permit, such as applied for in this case, shall be revocable for false statements in the application."

BROWN RECOMMENDS AGAINST GRANT

Mary H. and W. C. Morris, a partnership working as Hotel Eagle, filed an application with the Federal Communications Commission asking for a permit to locate, maintain, or use studio or apparatus for broadcasts of programs to be transmitted from the hotel at Eagle Pass, Texas, to Station XEPN, at Piedras Negras, Mexico.

Commissioner Thad H. Brown, who conducted hearings in this case in Texas, recommends that the application be denied. The Commissioner found that "in general the applicant has not shown sufficient qualifications to justify the granting of the license; has not shown that the programs are in the public interest or that the granting of the application would serve the public interest, convenience, and necessity, and a specific violation of the Act has been shown."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, May 27, 1935

NEW—Oklahoma Press Publishing Co., Muskogee, Okla.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted consent to transfer control of Sanders Bros. Radio Station, licensee of Station WKBB, from R. W. Hoffman to Walter E. Klauer.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted license to cover C. P. to make changes in equipment.

KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska.—Granted modification of C. P. (as amended) approving studio and transmitter sites to Goldstein Bldg., and changes in equipment; also to change frequency from

610 kc. to 1310 kc. and power from 250 watts, unlimited, to 100 watts night and day.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted modification of C. P. to change type of equipment.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Granted consent to voluntary assignment of license to Plains Radio Broadcasting Co. (1410 kc., 1 KW, S.H.).

W9XES—Midland Broadcasting Co., Inc., Portable-Mobile, Kansas City, Mo.—Granted license to cover C. P. (gen. exp. station); frequencies 31600, 35300, 38600, 41000, 86000-400600 kc., 50 watts, unlimited time.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla., Portable.—Granted C. P. for new broadcast pickup station; frequencies 1606, 2020, 2102 and 2760 kc., 50 watts power.

NEW—WBNS, Inc., Portable-Mobile (Columbus, Ohio) (2 applications).—Granted C. P. (exp. gen. exp.); frequencies 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—WCBD, Inc., Portable (Waukegan, Ill.).—Granted C. P. (exp. gen. exp.); frequencies 31100, 34600, 37600, 40600 kc., 5 watts.

SET FOR HEARING

NEW—Century Broadcasting Co., Inc., Richmond, Va.—Application for C. P. for new station; 1370 kc., 100 watts, daytime only.

NEW—Roberts MacNab Hotel Co., Jamestown, N. Dak.—Application for C. P. for new station; 1420 kc., 100 watts, unlimited, transmitter site to be determined.

NEW—Clark Standiford, San Jose, Calif.—Application for C. P. for new station; 1500 kc., 100 watts, daytime only.

NEW—George B. Storer, Detroit, Mich.—Application for C. P. for new station; 680 kc., 1 KW, daytime.

NEW—Hyman Altman, Detroit, Mich.—Application for C. P. for new station; 1370 kc., 100 watts, daytime, transmitter site to be determined.

NEW—Pat Whitaker, tr/as Tampa Broadcasting Co., Tampa, Fla.—Application for C. P. for new station; 1370 kc., 100 watts, unlimited time.

NEW—D. B. Sutton, Miami, Fla.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time, transmitter and studio sites to be determined.

NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—Application for C. P. for new station; 1310 kc., 100 watts, unlimited, transmitter location to be determined.

NEW—A. Corenson, Pasadena, Calif.—Application for C. P. for new station requesting frequency 1480 kc., 100 watts, daytime. To be heard by the Division en banc on September 19, 1935.

NEW—Dudley J. Connolly, Elliot Knight, Roy W. Knight, and Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Application for C. P. for new station; 1200 kc., 100 watts, unlimited time, site to be determined.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Application for C. P. to move transmitter locally; change frequency from 920 kc. to 760 kc.; increase daytime power from 1 to 5 KW; install new equipment, requesting facilities of KXA, Seattle. To be heard by the Division en banc on September 26th.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Application for C. P. to move transmitter locally to a site to be determined; increase power from 250 to 500 watts night, 500 watts to 1 KW day.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Application for special experimental authority to operate with 1 KW power for period of 30 days.

WRBL—WRBL Radio Studio, Inc., Columbus, Ga.—Application for renewal of license; 1200 kc., 100 watts, unlimited time. Granted temporary license pending hearing.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Application for renewal of license; 1450 kc., 500 watts night, 1 KW day, unlimited time. Granted temporary license pending hearing.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Application for renewal of license; 1400 kc., 500 watts night, 1 KW day, unlimited time. Granted temporary license pending hearing.

WHEC—WHEC, Inc., Rochester, N. Y.—Application for renewal of license; 1430 kc., 500 watts night, 1 KW day, unlimited time. Granted temporary license pending hearing.

WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Application for renewal of license; 1300 kc., 1 KW, unlimited time, and granted temporary license pending hearing.

WSMB—WSMB, Inc., New Orleans, La.—Application for renewal of license; 1320 kc., 1 KW, unlimited time, and granted temporary license pending hearing.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Application for renewal of license; 1480 kc., 5 KW, unlimited, and granted temporary license pending hearing.

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Harrisonburg, Ill.—Application for renewal of license; 1210 kc., 100 watts night, 250 watts day, S.H., and granted temporary license pending hearing.

MISCELLANEOUS

KWTO—KGBX, Inc., Springfield, Mo.—C. P. to increase power from 1 to 5 kilowatts for daytime use, which was set for hearing on May 14, because of protest of Springfield Newspapers, Inc., was reconsidered and said protest dismissed, and authority heretofore granted to KGBX sustained.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied petition to rehear application for renewal of license.

KGFK—Red River Broadcasting Co., Moorhead, Minn.—In conformity with Stay Orders granted by U. S. Court of Appeals for the D. C. on May 16, 1935, in Causes No. 6473, Head of Lakes Broadcasting Co., Appellant, v. Federal Communications Commission, and No. 6474, City of Moorhead, Minn., Appellant, v. Federal Communications Commission, the Commission directed that the effective date of C. P. to move station KGFK from Moorhead to Duluth be extended as of April 20, 1935, until further order of the Court and the Commission.

WCBS—WCBS, Inc., Springfield, Ill.—Action of March 5, 1935, granting application to change frequency from 1210 kc. to 1420 kc., and hours of operation from sharing with WTAX to specified, 6 a. m. to 10 p. m., affirmed, the protests of WHFC, WEHS and WKBI having been withdrawn and dismissed.

WTAX—WTAX, Inc., Springfield, Ill.—Affirmed action of March 19, 1935, granting unlimited time, this action having been suspended because of protests to granting of WCBS application.

WFAX—Westchester Broadcasting Corp., White Plains, N. Y.—Denied petition requesting reconsideration and grant of application to make changes in equipment and increase day power to 250 watts.

NEW—Jack Powers, et al., doing business as Utah Broadcasting Co., Salt Lake City, Utah.—Denied motion of Utah Radio Educational Society to reconsider and deny motion for rehearing which was filed by Jack Powers, et al., and granted by the Commission on April 30.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Dismissed from hearing docket and retired to the files application to change frequency from 1410 kc. to 1120 kc.

KBTM—Beard's Temple of Music, Paragould, Ark.—Granted C. P. on condition that efficient antenna is installed; also granted special temporary experimental authorization to operate station with present equipment at Jonesboro, Ark., for a period not exceeding 30 days.

RENEWAL OF LICENSES

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

KASA, Elk City, Okla.; KCRJ, Jerome, Ariz.; KDLR, Devils Lake, N. Dak.; KFBK, Sacramento, Cal.; KFOR, Lincoln, Nebr.; KFPW, Fort Smith, Ark.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Cal.; KFXR, Oklahoma City, Okla.; KGBX, Springfield, Mo.; KCCX, Wolf Point, Mont.; KGDE, Fergus Falls, Minn.; KGEK, Sterling, Colo.; KGEZ, Kalispell, Mont.; KGFV, Kearney, Neb.; KGIH, Little Rock, Ark.; KGVO, Missoula, Mont.; KGY, Olympia, Wash.; KIEM, Eureka, Cal.; KMED, Medford, Ore.; KMLB, Monroe, La.; KOOS, Marshfield, Ore.; KPPC, Pasadena, Cal.; KRMD, Shreveport, La.; KSUN, Lowell, Ariz.; KTSM, El Paso, Tex.; KWG, Stockton, Cal.; KXRO, Aberdeen, Wash.; WALR, Zanesville, Ohio; WAML, Laurel, Miss.; WBBL, Richmond, Va.; WBEO, Marquette, Mich.; WBOW, Terre Haute, Ind.; WBRB, Red Bank, N. J.; WBRF, Wilkes-Barre, Pa.; WCAT, Rapid City, So. Dak.; WCAX, Burlington, Vt.; WCLO, Janesville, Wis.; WCLS, Joliet, Ill.; WCOL, Columbus, O.; WCRW, Chicago; WEBQ, Harrisburg, Ill.; WEXL, Royal Oak, Mich.; WFAM, South Bend, Ind.; WFAS, White Plains, N. Y.; WFBE, Cincinnati, Ohio; WFBG, Altoona, Pa.; WFDF, Flint, Mich.; WGBB, Freeport, N. Y.; WGCM, Mississippi City, Miss.; WGH, Newport News, Va.; WGNV, Chester Township, N. Y.; WHAT, Philadelphia, Pa.; WHBC, Canton, Ohio; WHBF, Rock Island, Ill.; WHBU, Anderson, Ind.; WIBU, Poyette, Wis.; WIBX, Utica, N. Y.; WJAC, Johnstown, Pa.; WJW, Akron, Ohio; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WLBC, Muncie, Ind.; WLVA, Lynchburg, Va.; WMBG and auxiliary, Richmond, Va.; WMBO, Auburn, N. Y.; WMPC, Lapeer Mich.; WNBH, New Bedford, Mass.; WOL, Washington, D. C.; WOMT, Manitowoc, Wis.; WPAX, Thomasville, Ga.; WPRO, Providence, R. I.; WRAW, Reading, Pa.; WROL, Knoxville Tenn.; WSAJ, Grove City, Pa.; WSGN, Birmingham, Ala.; WSIX, Springfield, Tenn.; WSJS, Winston-Salem, N. C.; WSOC, Charlotte, N. C.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WIL, St. Louis, Mo.; WLNH, Laconia, N. H.; KIT, Yakima, Wash.

The following stations were granted renewal of licenses for the period ending October 1, 1935:

- WLB, Minneapolis, Minn.; WTCN, Minneapolis, Minn.
- WCBA (and auxiliary)—B. Bryan Musselman, Allentown, Pa.—Granted renewal of license for the period ending November 1, 1935.
- WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Present license extended for a period of 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.
- KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Present license extended on a temporary basis only to July 1, 1935, subject to such action as may be taken on pending application for renewal.
- KGDY—Voice of South Dakota, Huron, S. Dak.—Present license extended on a temporary basis only to July 1, 1935, subject to such action as may be taken on pending application for renewal.
- WRBX—Richmond Development Corp., Roanoke, Va.—Present license extended on a temporary basis only to July 1, 1935, subject to such action as may be taken on pending application for renewal.

APPLICATIONS RECEIVED

First Zone

- WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—**570** Construction permit to install new equipment, change power from 250 watts to 500 watts, and move transmitter locally, site to be determined. Amended to make changes in equipment, change power from 500 watts to 1 KW, change transmitter location from to be determined to Nedrow, N. Y., and extend commencement and completion dates.
- WOKO—WOKO, Inc., Albany, N. Y.—Construction permit to **1430** make changes in equipment and move transmitter locally.
- W2XDG—National Broadcasting Co., Inc., 350 Fifth Avenue, New York, N. Y.—Renewal of license amended so as to delete police service frequencies **30100, 33100, 37100** and **40100 kc.**

Second Zone

- NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Construction permit to erect a new broadcast station to be operated on **1120 kc.**, 250 watts, daytime.
- NEW—William S. Thellman, New Castle, Pa.—Construction permit **1200** to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, specified hours.
- WMBG—Havens and Martin, Inc., Richmond, Va.—Construction **1350** permit to install new equipment, change frequency from **1210 kc.** to **1350 kc.**, move transmitter, increase power from 100 watts night, 250 watts daytime, to 500 watts, unlimited time. Amended to make further equipment changes.
- W8XEH—The Ohio State University, Portable.—License to cover construction permit for a general experimental (broadcast pickup) station for **31100, 34600, 37600, 40600, 86000, 400000 kc.**, 10 watts.

Third Zone

- NEW—The Attala Broadcasting Corp., Columbus, Miss.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.
- NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting **1210** Co., Atlanta, Ga.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1210 kc.** and hours of operation from unlimited to daytime.
- KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—**1210** Modification of construction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime, requesting approval of transmitter site as corner Northwest and Chickasaw Blvds., Ardmore, Okla.; move of studio from 114-116 N. Washington St., Ardmore, Okla., to corner Northwest and Chickasaw Blvds., Ardmore, Okla.; and make changes in equipment.
- W5XG—Carter Publications, Inc., Portable-Mobile.—Modification of license to include the frequencies of **31100, 34600** and **40600 kc.**

Fourth Zone

- KFNF—Henry Field Co., Shenandoah, Iowa.—Modification of **890** license to increase night power from 500 watts to 1 KW.
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Construction **900** permit to make minor changes in equipment and move transmitter and studio from 600 State Street, Quincy, Ill., to 510 Main Street, Quincy, Ill. Amended to omit request for move of transmitter and studio.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to **950** cover construction permit for installation of new equipment and increase in daytime power to 5 KW.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modification of license to determine operating power by direct measurement.
- KIUL—Garden City Broadcasting Co. (Homer A. Ellison and **1210** Frank D. Conard), Garden City, Kans.—License to cover construction permit (B4-P-235) for a new station.
- WFBM—Indianapolis Power and Light Co., Indianapolis, Ind.—**1230** Modification of construction permit authorizing move of transmitter from Meridian at 3 Notch Road to Millersville Road, near Indianapolis, Ind., and move studio from 229 N. Pennsylvania Street, Indianapolis, Ind., requesting changes in equipment.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—**1290** License to cover construction permit (B4-P-176) to make changes in equipment and increase in power.
- KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—License to **1320** cover special experimental authorization to operate on 500 watts, 1 KW day.

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis,
1500 Ill.—License to cover construction permit (B4-P-140) as
modified for a new station.

Fifth Zone

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification
560 of construction permit to move transmitter from Pecos and
Jewell Streets, outside city limits, Denver, Colo., to site to
be determined near Denver, Colo.; to extend commencement
and completion dates and increase power from 1 KW, 2½
KW day, to 1 KW, 5 KW day.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Extension of special experimental authorization to operate on
780 kc. for period of 90 days.

NEW—Ralph E. Smith, San Diego, Calif.—Construction permit to
1200 erect a new broadcast station to be operated on 1200 kc., 100
watts, unlimited time.

KVOR—S. H. Patterson, Colorado Springs, Colo.—Construction
1270 permit to move transmitter from 14 South Nevada Street,
Colorado Springs, Colo., to outside city limits, Colorado
Springs, Colo., and make changes in equipment.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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PRESIDENT NOMINATES PRALL

Anning S. Prall, chairman of the Federal Communications Commission, has been renominated by President Roosevelt as member of the Commission for a seven-day term from July 1 next. The Senate Committee on Interstate Commerce to whom the nomination has been referred has not yet acted.

FCC PROPOSES ANTENNA REGULATIONS

Applicants for construction permits involving new antenna systems hereafter will be required by the Federal Communications Commission to show that the proposed antenna systems meet certain minimum requirements as to radiating efficiency.

The policy of the FCC Engineering Department will be to disapprove the construction of inefficient antenna systems. No action

regarding existing inefficient antenna systems is at present contemplated.

As the radiating efficiency of the conventional broadcast antenna depends primarily upon its physical height, the FCC Engineering Department has proposed tentative minimum heights to which new construction must conform. In the cases of unconventional systems or under unusual circumstances certain specified efficiencies may be utilized instead of the figures for physical height. When departure from the specified minimum heights is taken, it is contemplated that the burden of proof of expected efficiency and of performance after erection will be upon the applicant.

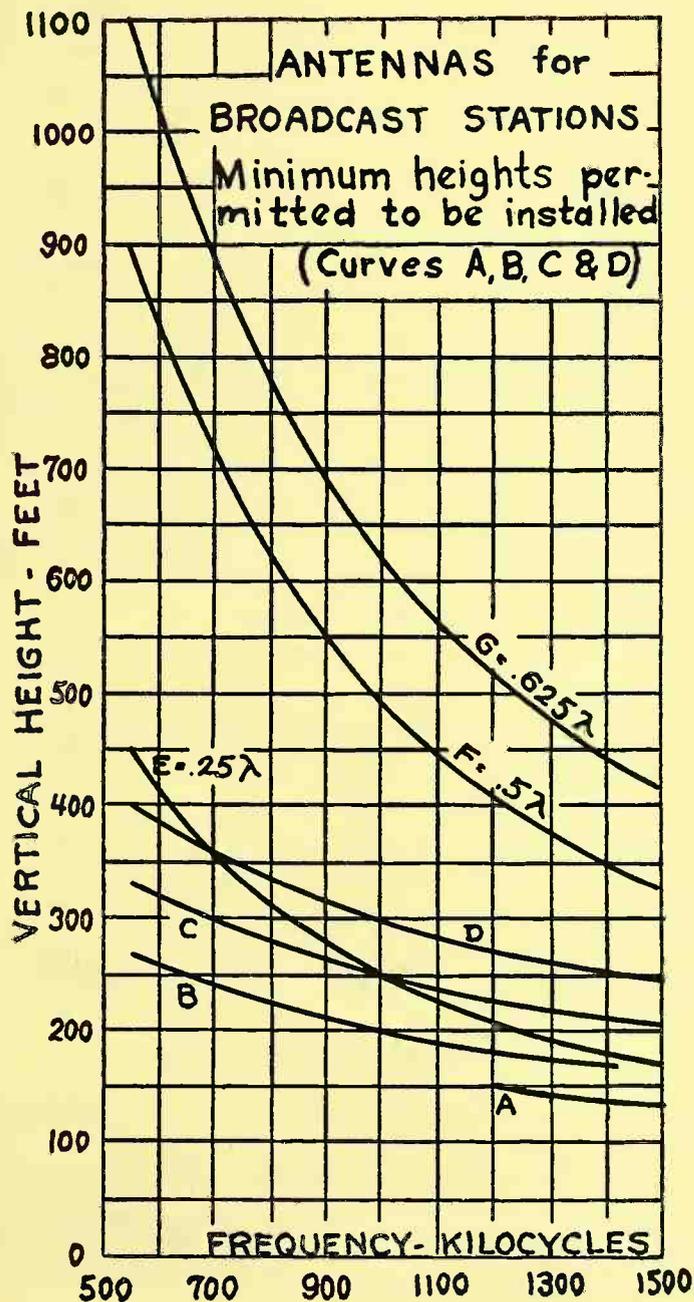
It is understood that the figures shown in chart are tentative subject to final adoption.

Curve A: Local channel stations or minimum field of 100 mv/m. for 1 KW.

Curve B: Regional channel stations (250, 500 and 1,000 watts), or minimum field of 150 mv/m. for 1 KW.

Curve C: Regional, limited time and high power regional stations (5 and 10 KW) or minimum field of 175 mv/m. for 1 KW.

Curve D: All dominant clear channel stations and limited time or high power regional stations over 10 KW, or minimum field of 200 mv/m. for 1 KW.



BROADCASTING STATIONS IN CANADA

Frequency in Kilocycles	Call Sign	Location of Transmitter	Licensed Power in Watts
530	CJKL	Kirkland Lake, Ont.	1,000
540	CJRM	Belleplaine, Sask.	1,000
550	CFNB	Fredericton, N. B.	1,000 D. 500 N.
580	CFPR	Prince Rupert, B. C.	50
	CKUA	South Edmonton, Alta.	500
	CHRC	Quebec, Que.	100
	CKCL	Toronto, Ont.	100
600	CJOR	Sea Island, B. C.	500
	CFCF	Montreal, Que.	400
	CRCW	Sandwich S. Twp., Essex County, Ont.	1,000 D. 500 N.
630	CKOV	Kelowna, B. C.	100
	CJGX	Yorkton, Sask.	500
	CFCY	Malpeque Road, near Charlottetown, P. E. I.	1,000
690	CJCJ	Calgary, Alta.	100
	CFRB	Twp. of King, Ont.	10,000
730	CJCA	Belmont View, Alta.	1,000
	CFPL	London, Ont.	100
	CKAC	St. Hyacinthe, Que.	5,000
780	CHWK	Chilliwack, B. C.	100
	CKSO	Neelon Twp., Sudbury, Ont.	1,000
840	CFQC	Saskatoon, Sask.	1,000
	CRCT	Bowmanville, Ont.	5,000
880	CFJC	Kamloops, B. C.	100
	CRCO	Hawthorne, Ont.	1,000
890	CJIC	Tarentorus Twp., District of Algoma, Sault Ste. Marie, Ont.	100 Day Only
910	CJAT	Trail, B. C.	250
	CRCM	La Prairie, Que.	5,000
930	CFAC	Calgary, Alta.	100
	CKPR	Port Arthur, Ont.	100
	CFCH	North Bay, Ont.	100
	CKPC	Brantford, Ont.	100
	CFLC	Prescott, Ont.	100
	CHNS	Bedford, N. S.	1,000
950	CRCS	Chicoutimi, Que.	100
960	CKY	Headingley, Man.	15,000

Frequency in Kilocycles	Call Sign	Location of Transmitter	Licensed Power in Watts
1010	CKCD	Vancouver, B. C.	100
	CKWX	Vancouver, B. C.	100
	CHWC	Pilot Butte, Sask.	500
	CKCK	Regina, Sask.	500
	CHML	Mount Hamilton, Ont.	50
	CKCO	Boom Island, Que.	100
	CKIC	Wolfville, N. S.	50
1030	CFCN	Strathmore, Alta.	10,000
	CKLW	Sandwich South Twp., Essex County, Ont.	5,000
1050	CFCO	Chatham, Ont.	100
	CRCK	Charlebourg, Que.	1,000
1100	CRCV	Lulu Island, B. C.	1,000
1120	CKOC	Fruitland, Ont.	1,000 D. 500 N.
1120	CHLP	Montreal, Que.	100
	CHSJ	Saint John, N. B.	1,000 D. 500 N.
	CKX	Brandon, Man.	100
1200	CHAB	Moose Jaw, Sask.	100
	CKNX	Wingham, Ont.	50
	CKTB	Port Dalhousie, Ont.	100
1210	CJCS	Stratford, Ont.	50
	CJCU	Aklavik, N. W. T.	50
	CKBI	Prince Albert, Sask.	100
	CKMC	Cobalt, Ont.	50
	CKCH	Hull, Que.	100
1230	CJOC	Lethbridge, Alta.	100
1240	CJCB	South Bar Highway, near Sydney, N. S.	1,000
1260	CFRN	Edmonton, Alta.	100
1310	CKCV	Quebec, Que.	100
	CJLS	Yarmouth, N. S.	100
	CHCK	Charlottetown, P. E. I.	50
1370	CKCW	Moncton, N. B.	100
1390	CJRC	Middlechurch, Man.	100
1410	CHNC	New Carlisle, Que.	1,000 D. 500 N.
	CKFC	Vancouver, B. C.	50
	CKMO	Vancouver, B. C.	100
1420	CKGB	Timmins, Ont.	100
	CKNC	Toronto, Ont.	100
1450	CFCT	Victoria, B. C.	50
	CHGS	Summerside, P. E. I.	50
1510	CKCR	Waterloo, Ont.	100
	CFRC	Kingston, Ont.	100
6150	CJRO	Middlechurch, Man.	2,000
11720	CJRX	Middlechurch, Man.	2,000

SECURITIES ACT REGISTRATION

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

Avocalon Extension Syndicate, Ltd., Toronto, Canada. (2-1440, Form A-1)

Gregory-Bates Mining Corp., Denver, Colo. (2-1441, Form A-1)

Industrial Securities Corp., Middletown, Conn. (2-1442, Form A-1)

Southern Utah Power Company, Cedar City, Utah. (2-1443, Form A-2)

The Borden Industries, Inc., Washington, D. C. (2-1444, Form A-1)

Associates Investment Co., South Bend, Ind. (2-1445, Form A-2)

Bondholders Committee for Gold Bonds of John E. DuBois, Chicago, Ill. (2-1446, Form D-1)

National Educators Mutual Association, Inc., Nashville, Tenn. (2-1447, Form A-1)

Eastern Racing Association, Boston, Mass. (2-1430, Form A-1)

Monsanto Chemical Company, St. Louis, Mo. (2-1432, Form A-2)

Bondholders Committee National Bank of Panama, New York City. (2-1433, Form D-1)

Monitor Mining Corporation, Denver, Colo. (2-1434, Form A-1)

Railroad Employees' Corporation, New York City (2-1435, Form A-1)

Selected American Shares, Inc., Wilmington, Del. (2-1436, Form A-1)

Goldfield Deep Mines Co. of Nevada, Goldfield, Nev. (2-1437, Form A-1)

Orogrande-Frisco Gold Mines, Inc., Lewiston, Ida. (2-1438, Form A-1)

Strong Leasing & Mining Company, Denver, Colo. (2-1439, Form A-1)

NEW 100-WATT STATIONS RECOMMENDED

Application was filed with the Federal Communications Commission by Evansville on the Air, Inc., the licensee of Station WGBF for a construction permit to construct a new station at Evansville, Ind., on 1370 kilocycles, 100 watts power and unlimited time. The Nashville Broadcasting Company asked for a construction permit to erect a station at Nashville, Tenn., on the same frequency and similar conditions. Stations WSIX asked permission to move from Springfield to Nashville, Tenn., and to change its frequency from 1210 to 1370 kilocycles.

George H. Hill(e) in Report No. I-60 recommended that the application of Evansville on the Air, Inc., be granted in part and that it be allowed to operate daytime hours sharing night hours of operation with the Nashville Broadcasting Company. On the application of the Nashville Broadcasting Company he recommended that it be allowed to operate daytime and share nighttime hours with Evansville on the Air, Inc. The Examiner recommended that the application of WSIX to move be denied.

RECOMMENDS AGAINST NEW TEXAS STATIONS

Raymond L. Hughes filed an application with the Federal Communications Commission for erection of a new broadcasting station at Midland, Texas, while the Big Spring Broadcasting Company filed an application for a station at Big Spring, Texas. Both asked for 1210 kilocycles, and 100 watts power.

Ralph L. Walker(e) in Report No. I-59 recommended that both applications be denied. The Examiner found that neither of the applicants were able to finance the proposed station.

COMMISSION WINS JENNY WREN CASE

The United States Court of Appeals for the District of Columbia this week upheld the Federal Communications Commission in the so-called Jenny Wren case affecting Station WREN, Leavenworth, Kans. Justice Groner and Hitz dissented.

WREN operates on 1220 kilocycles, 1000 watts power and unlimited time. WHB, Kansas City, Mo., operates on 860 kilocycles, 500 watts power and competes with WREN. WHB used to operate daytime hours only; under an experimental license the Commission granted it permission to operate evening hours also. The WHB case was set for hearing by the Commission with WREN asking permission to intervene, which the Commission refused.

WREN then applied to the Supreme Court of the District of Columbia for relief by a bill in equity. This court upheld Station WREN and denied the motion of the Commissioner to dismiss the court proceeding. The case was then taken in the Court of Appeals which has upheld the Commission.

RECOMMENDS AGAINST OKLAHOMA STATION

Price Siever, O. L. Bayless, and J. W. Steel, Jr., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to use 1500 kilocycles, 100 watts power and unlimited time, to be erected at Duncan, Okla.

R. H. Hyde(e) in Report No. I-58 recommended that the application be denied. He does not believe that the proposed station would be able to deliver a dependable, consistent signal "over more than a fraction" of the area which the station proposed to cover. A number of other questions came up at the hearing including that of whether it would be proper to grant the application "in view of other pending applications." The Examiner does not believe either; he states that the granting of the application would be in the public interest.

APPLICATION DEFAULTED

A. P. Mueller, Herbert Mueller, Alvin Mueller, Jr., and the Mueller Amusement Company made application to the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Seguin, Texas, to use 1,500 kilocycles, 100 watts power and specified hours of operation.

Ralph L. Walker(e) in Report No. I-56 recommended that the application be denied as in cases of default. When the hearing was called no appearance was entered for the applicants nor was any testimony offered in their behalf.

RECOMMENDS APPLICATION BE DISMISSED

The East Texas Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Dallas, Texas, to use 1,500 kilocycles, 100 watts power and to operate daytime simultaneously with Station KGKB.

Ralph L. Walker(e) in Report No. I-57 recommends that the application be dismissed without prejudice. At the time of the hearing counsel for the applicant moved for leave to withdraw the application without prejudice.

TRADE COMMISSION COMPLAINT AGAINST MARMOLA

The Federal Trade Commission has issued a complaint against the Raladam Co., charging unfair competition in making false and misleading representations in aid of the sale of its product "Marmola" tablets. The Commission has designated Friday, June 28, as the date for the company to show cause why a cease and desist order should not be issued against it.

The statement of the Commission is as follows:

The Raladam Co., of Detroit, is charged with unfair competition in making false and misleading representations in aid of the sale of "Marmola" tablets, widely advertised by radio and otherwise as a remedy for overweight, in a complaint issued by the Federal Trade Commission and based on representations made by the company since April 17, 1929, the date of a former order to cease and desist against Raladam.

In the former case against Raladam, the United States Circuit Court of Appeals, Cincinnati, in 1930, set aside the Commission's order and was upheld by the Supreme Court, May 25, 1931, on the sole ground that the Commission had not shown the existence of substantial competition.

Among ingredients of Marmola is desiccated thyroid, made, it is said, from the thyroid glands of the sheep, the cow, the pig and the goat. The complaint says it is a dangerous and powerful drug, its function being to burn up tissue, and that Marmola contains so much of it that when taken as directed it is liable to produce radical and harmful physical changes.

"Such harmful changes may safely be guarded against only by the previous and continuing investigation, observation and advice of a competent physician," says the complaint. "There are several classes or types of obesity. In only a very small percentage of obesity cases is desiccated thyroid a safe and efficacious remedy and then only when administered by a competent physician."

The complaint alleges that the following representations by Raladam are untrue: That reputable physicians endorse the use of ingredients contained in Marmola; that its use constitutes the same treatment as all modern doctors employ; that the virtues of Marmola ingredients are known by and prescribed by physicians the world over; and that Marmola constitutes a scientific remedy, safe, harmless and efficacious, that can be taken safely without medical advice and direction.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

Thursday, June 13, 1935

Oral Argument before the Broadcasting Division

Examiner's Report No. I-18:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited (request facilities WKOK). Present assignment: 1210 kc., 100 watts, specified hours.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts, specified hours.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license, 1210 kc., 100 watts, unlimited (request facilities WBAX). Present assignment: 1210 kc., 100 watts, specified hours.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Renewal of license, 1210 kc., 100 watts, specified hours.

Examiner's Report No. I-25:

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—C. P., 800 kc., 1 KW, limited time until LS at Dallas, Texas. Present

assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modification of license, 800 kc., 250 watts 6 a. m. to LS at Dallas, Texas. Present assignment: 800 kc., 250 watts, daytime.

Examiner's Report No. I-31:

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of license, 1440 kc., 1 KW, unlimited time. Present assignment: 1440 kc., 500 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-35:

KFBK—James McClatchy Co., Sacramento, Calif.—C. P., 1490 kc., 5 KW, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-39:

NEW—Arthur Westland and Jules Kohn, Santa Rosa, Calif.—C. P., 1500 kc., 100 watts, unlimited time.

Thursday, June 13, 1935

NEW—G. M. Electric Service Co., Stevensonville, Mont.—C. P., 1500 kc., 100 watts, unlimited time.

KLS—S. W. and E. M. Warner, Oakland, Calif.—Modification of license, 1280 kc., 250 watts, unlimited time. Present assignment: 1440 kc., 250 watts, daytime.

Friday, June 14, 1935

WSMK—WSMK, Inc., Dayton, Ohio.—Special experimental authority, 1380 kc., 200 watts, unlimited time; simultaneous with KQV. Present assignment: 1380 kc., 200 watts, simultaneous day with KQV, specified hours night.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Special experimental authority, 1380 kc., 500 watts, unlimited; simultaneous with WSMK. Present assignment: 1380 kc., 500 watts, simultaneous day with WSMK, specified hours night.

APPLICATIONS GRANTED

WJAR—The Outlet Company, Providence, R. I.—Granted C. P. to make changes in equipment and move transmitter locally.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted 60-day temporary license to operate on 1310 kc., 100 watts, unlimited time, pending completion of construction of antenna as specified in C. P.

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Granted license to cover C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

KIUL—Garden City Broadcasting Co., Garden City, Kans.—Granted license to cover C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted license covering C. P. to make changes in equipment and increase day power to 250 watts, 100 watts night; 1200 kc., unlimited time.

KGRS—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted modification of license to change time of operation from specified hours to unlimited, to change call letters to KGNC, and to consolidate with WDAG; 1410 kc., 1 KW night, 2½ KW day.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted modification of C. P. to make changes in equipment.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of C. P. to change completion date from 6-15-35 to 12-15-35.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted modification of C. P. to make changes in equipment; change transmitter site locally from business center of Parkersburg to Gihon Road.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after grant and completion date to 160 days thereafter.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted extension of special temporary experimental authority for next license period ending Sept. 1, 1935, to operate with 500 watts additional night power.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted authority to determine operating power by direct measurement of antenna, in compliance with terms of Rule 137.

- WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted C. P. to move transmitter to a site locally to be determined, and to make changes in equipment.
- KONO—Mission Broadcasting Co., San Antonio, Tex.—Granted license to cover C. P. authorizing move of transmitter and studio; **1370 kc.**, 100 watts day and night, shares KMAC.
- WOC—The Palmer School of Chiropractic, Davenport, Iowa.—Granted license to cover C. P. authorizing changes in equipment and increase in power to 250 watts day; **1370 kc.**, 100 watts night, unlimited time.
- KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of C. P. for authority to change commencement date to 7-19-35 and completion date to 1-19-36.
- KFEQ—Scroggin & Company Bank, St. Joseph, Mo.—Granted voluntary assignment of license to KFEQ, Inc.
- WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted consent to transfer control of corporation from Gadsden Broadcasting Co., Inc., to Bascom Hopkins.
- WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted consent to transfer control of Liberty Broadcasting Co. to Norman K. Winston.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted license to cover C. P. authorizing changes in equipment and increase in daytime power to 5 KW; **1290 kc.**, 1 KW night, unlimited time.
- KPOF—Pillar of Fire (a corporation), Denver, Colo.—Granted C. P. to make changes in equipment and install a new transmitter.
- KGBX—KGBX, Inc., Springfield, Mo.—Granted modification of special experimental authority to operate on **1230 kc.**, 500 watts, unlimited time for period June 1 to December 1, 1935.
- WBZA—Westinghouse E and M Co., Boston, Mass.—Granted C. P. to make changes in equipment.
- WDZ—James L. Bush, Tuscola, Ill.—Granted C. P. (amended) to make changes in equipment, change frequency from **1070 kc.** to **1020 kc.**, power from 100 watts to 250 watts daytime, and to determine transmitter site.
- KFH—The Radio Station KFH, Co., Wichita, Kans.—Granted C. P. to make changes in equipment and increase power to 5 KW day.
- WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted modification of C. P. to cover changes in equipment. Also granted license, **1410 kc.**, 250 watts night, 500 watts day, S-WRBX.
- WGCM—WGCM, Inc., Mississippi City, Miss.—Granted C. P. (amended) to change frequency to **1120 kc.**; make changes in equipment; increase power to 500 watts; change hours to unlimited time except from 8 to 9 p. m. Monday and Friday nights.
- WDAY—WDAY, Inc., Fargo, N. Dak.—Granted license to cover C. P., **940 kc.**, 1 KW night, 5 KW day, unlimited time.
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted modification of C. P. to extend commencement date to 5-1-35 and completion date to 12-1-35. This extension, however, does not constitute a finding by the Commission in anywise with reference to the issues involved in the renewal application. "The extension of the permit is granted only for the purpose of preserving the status quo concerning the permit heretofore granted and authorizing the installation of new equipment and increase in power only."
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority for period of 30 days, to operate with 50 watts from LS to 11 p. m., EST, on Tuesday, Thursday, Saturday and Sunday in order to broadcast local civic and political activities.
- KWEA-KWKH—International Broadcasting Corp., Shreveport, La.—Granted application for consent to transfer control of International Broadcasting Corp., licensee of stations KWEA and KWKH, from Sam D. Hunter to the Times Publishing Co., Ltd. (Present assignment: KWKH, **850 kc.**, 10 KW; KWEA, **1210 kc.**, 100 watts, unlimited; KWKH SH under SA unlimited.
- KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted license to cover C. P. authorizing changes in equipment and extension of commencement and completion dates; **1430 kc.**, 250 watts night, 500 watts day, unlimited.
- KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted license to cover special experimental authority, **1320 kc.**, 500 watts night, 1 KW day.
- WMFH—Joseph M. Kirby, Boston, Mass.—Granted modification of C. P. approving transmitter and studio sites at Boston; extending commencement date to 10 days after grant and completion date to 90 days thereafter.
- KIKK—S. H. Patterson, Portable-Mobile.—Granted C. P. to erect new transmitter to replace former transmitter of KIKK which was deleted, to operate on frequencies **1646, 2090, 2190, 2830 kc.**, 6.3 watts night, 6.3 watts day, unlimited.
- NEW—East Texas Broadcasting Co., Portable-Mobile.—Granted C. P. for general experimental broadcast pickup station, frequencies **31100, 34600, 37600 and 40600 kc.**, 30 watts.
- National Broadcasting Co., Inc., Downers Grove, Ill.—Granted special authority (experimental relay broadcasting station) to communicate with Experimental Station W10XFH (stratosphere balloon) as a broadcast pickup station, to operate unlimited time for period of 90 days from May 20, 1935.
- W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted license to cover C. P., frequencies **31600, 35600, 38600, 41000 and 86000-400000 kc.**, 50 watts.
- W9XET—Midland Broadcasting Co., Portable-Mobile, Kansas City, Mo.—Granted license to cover C. P., frequencies **31600, 35600, 38600, 41000 and 86000-400000 kc.**, 1½ watts.
- W7XBH—Benson Polytechnic School, Portable-Mobile.—Granted license to cover C. P., frequencies **31100, 34600, 37600, 40600 and 86000-400000 kc.**, 25 watts.
- W5XG—Carter Publications Co., Portable-Mobile, Fort Worth, Tex.—Granted renewal of general experimental station license for period June 1, 1935, to October 1, 1936; **37600 kc.**, 2.7 watts. Also granted modification of license to add frequencies **31100, 34600, 40600 kc.**, 2.7 watts.
- W2XDG-W9XBS—National Broadcasting Co., Inc., New York City.—Granted renewal of exp. gen. exp. license; all frequencies designated in existing license except **30100, 33100, 37100 and 40100 kc.**, for period June 1, 1935, to October 1, 1936.
- W3XAL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special authority to operate broadcast pickup station in order to communicate with special experimental station W10XFH (stratosphere balloon) while in flight, for the 90-day period beginning May 20; frequencies **6100 and 17780 kc.**, 35 KW.
- W3XL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted authority to operate experimental relay broadcasting station W3XL as broadcast pickup station on frequencies **6425, 12862.5 and 17310 kc.**, 20 KW power, to communicate with W10XFH (stratosphere balloon) in flight, for a period of 90 days.
- W2XE—Atlantic Broadcasting Corp., New York City.—Granted special temporary authority to operate existing experimental relay broadcasting station as an emergency cue transmission broadcast pickup station for period May 31 to June 7, 1935; frequency **4797.5 kc.**, 1 KW.
- WLFQ—James V. Griffith, on board motor yacht *Heljim*.—Granted special temporary authority to operate existing ship station as a broadcast pickup station on May 30th and from July 26th to 27th, inclusive; frequencies **1622, 2060, 2150, 2790 kc.**, 50 watts.
- WMEG—Goodyear Tire and Rubber Co., Inc., aboard airship *Volunteer*.—Granted special temporary authority to operate existing aircraft station as a broadcast pickup station on May 29, 11 a. m. to 3 p. m., PST, to be used in connection with opening ceremonies of San Diego Exposition.

SET FOR HEARING

- WSYR-WSYU—Central New York Broadcasting Co., Syracuse, N. Y.—Application for C. P., already in Hearing Docket, amended so as to request move of transmitter to Nedron, N. Y.; install new equipment and increase power to 1 KW.
- NEW—Plainview Broadcasting Co., Plainview, Tex.—Application for C. P. for new station, **1500 kc.**, 100 watts, daytime only.
- WIOD—Isle of Dreams Broadcasting Co., Miami, Fla.—Application for C. P. to make changes in equipment.
- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Application for C. P. to make changes in equipment; increase night power to 100 watts and day power to 250 watts, and time of operation to unlimited.
- WLEU—Leo J. Omelian, Erie, Pa.—Application for license to cover C. P.; temporary authority granted to operate pending hearing on frequency **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Application for special experimental authority to operate with 5 KW power night for completion of license period October 1, 1935; to be heard before the Division en banc October 17, 1935.

Essex Broadcasters, Inc., Detroit, Mich.—Application for authority to transmit sustaining programs from Detroit, Mich. (Union Guardian Bldg. and sundry locations for remotes) over station CKLW, Windsor, Canada; to be heard before the Division en banc October 24, 1935.

NEW—E. W. Patrick, Brookfield, Mo.—Application for C. P., already in hearing docket, amended so as to request frequency 1210 kc., 100 watts, unlimited time.

KFRO—Voice of Longview, Longview, Tex.—Application for C. P. to make changes in equipment; change frequency to 1210 kc.; change power to 100 watts night, 250 watts day; and increase operating time from day to unlimited. (Also requests facilities of KWEA.)

NEW—Howard W. Heskett, Santa Rosa, Calif.—Application for C. P. for new station, 1280 kc., 250 watts, daytime only; exact transmitter site and antenna design to be determined subject to Commission's approval.

WJEJ—Hagerstown Broadcasting Co., near Hagerstown, Md.—Application for C. P. for consideration under Rule 6 G to install new equipment; change transmitter site to near Hagerstown; change frequency to 1230 kc.; increase power to 250 watts night, 500 watts daytime and change time to unlimited.

NEW—Herbert Lee Blye, Uniontown, Pa.—Application for C. P. for new station, 1420 kc., 100 watts, daytime only; transmitter site to be determined.

NEW—Herbert Lee Blye, Lebanon, Pa.—Application for C. P. for new station, 1240 kc., 250 watts, daytime. Requests call letters WBLY. Transmitter location to be determined.

NEW—W. T. Knight, Jr., Savannah, Ga.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time; transmitter and studio location to be determined.

NEW—Florida West Coast Broadcasting Co., Tampa, Fla.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time. Requests call letters WPAT.

NEW—Black Hills Broadcast Co. (Robert Lee Dean), Rapid City, S. Dak.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time.

NEW—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Application for C. P. for new station, 630 kc., 250 watts, daytime; transmitter and studio site to be determined.

KWEA—International Broadcasting Corp., Shreveport, La.—Application for renewal of license, 1210 kc., 100 watts, unlimited time.

WJTL—Oglethorpe University, Atlanta, Ga.—Application for renewal of license, 1370 kc., 100 watts, unlimited time.

KFPL—C. C. Baxter, Dublin, Tex.—Application for renewal of license, 1310 kc., 100 watts, unlimited time.

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rep. 1-1: S. George Webb, Newport, R. I.—Granted C. P. for new station to operate on 1200 kc., 100 watts, 250 watts LS, unlimited time. Examiner Geo. H. Hill sustained. Order effective June 4, 1935.

NEW—Ex. Rep. 1-41: Richard Field Lewis, Del Monte, Calif.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner R. L. Walker sustained. Order effective June 11, 1935.

NEW—Ex. Rep. 1-50: Guthrie Broadcasting Co., Guthrie, Okla.—Denied as in cases of default C. P. for new station to operate on 1200 kc., 100 watts, share with WBBZ, specified hours. Examiner R. H. Hyde sustained.

WBBZ—Howard Johnson, Rep. of Estate of C. L. Carrell, deceased, Ponca City, Okla.—Granted renewal of license to operate on 1200 kc., 100 watts, unlimited time, sustaining Examiner Hyde. Effective date May 28, 1935.

NEW—Ex. Rep. 1-56: A. P. Mueller, Herbert Mueller, Alvin Mueller, Jr., Mueller Amusement Co., Seguin, Tex.—Denied as in case of default C. P. for new broadcast station to operate on 1500 kc., 100 watts, specified hours, sustaining Examiner R. L. Walker.

NEW—Ex. Rep. 1-57: East Texas Broadcasting Co., Dallas, Tex.—Dismissed without prejudice C. P. for new broadcast station to operate on 1500 kc., 100 watts, simultaneous day with

KGKB and specified hours night, 8 p. m. to midnight, sustaining Examiner R. L. Walker.

RENEWAL OF LICENSES

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

KADA, Ada, Okla.; KFJB, Marshalltown, Iowa; KFJI, Klamath Falls, Ore.; KFYO, Lubbock, Tex.; KWTN, Watertown, S. Dak.; WABI, Bangor, Maine; WEBR, Buffalo, N. Y., and auxiliary; WHBY, Green Bay, Wis.; WJBY, Gadsden, Ala.; WJEJ, Hagerstown, Md.; WKJC, Lancaster, Pa.; WTAX, Springfield, Ill.; WTEL, Philadelphia, Pa.

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

KGFJ, Los Angeles, Calif.; KVOS, Bellingham, Wash.; WBAX, Wilkes-Barre, Pa.; WBBZ, Ponca City, Okla.; WBNO, New Orleans, La.; WEDC, Chicago, Ill.; WJBW, New Orleans; WKOK, Sunbury, Pa.; WOCL, Jamestown, N. Y.

WEVD—Debs Memorial Radio Fund, Inc., New York City—Present license extended on a temporary basis to July 1, 1935, subject to such action as may be taken on pending application for renewal.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Granted renewal of license for the period ending 3 a. m., EST, September 1, 1935.

WJIM—F. Gross, M. B. Keeler & L. A. Versluis, d/b as Capital City Broadcasting Co., Lansing, Mich.—Present license extended for a period of 3 months on a temporary basis only, subject to such action as may be taken on pending application for renewal.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Present license extended on a temporary basis only, to July 1, 1935, pending receipt and action on renewal application.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Present license extended on a temporary basis only, to July 1, 1935, pending receipt and action on renewal application.

The following applications for renewal of General Experimental Station licenses for the Experimental Service, were renewed in exact conformity with existing licenses for the period June 1, 1935, to October 1, 1936:

W1XO, The Travelers Broadcasting Service Corp., Portable-Mobile; W2XEK, Knickerbocker Broadcasting Co., Inc., Portable-Mobile; W3XL, National Broadcasting Co., Inc., Bound Brook, N. J.; W4XO, Juan Piza, Portable-Mobile, San Juan, P. R.; W4XP, Juan Piza; W8XCF, Adirondack Broadcasting Co., Inc., Portable-Mobile; W8XX, W8XY, Howell Broadcasting Co., Inc., Portable-Mobile; W9XAG, The Journal Co., Milwaukee, Wis.; W9XAI, The Journal Co., Portable-Mobile; W9XAJ, W10XAC, The Journal Co., Milwaukee; W9XI, Chicago Federation of Labor, Portable-Mobile; W9XAZ, The Journal Co., Milwaukee, Wis.

W4XD—WPTF Radio Co., Portable-Mobile—Present license extended for a period of 1 month from June 1 to July 1, on a temporary basis only, subject to such action as may be taken on application for renewal of license pending before it.

W8XAY-W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile—Present license extended for a period of 1 month from June 1 to July 1, on a temporary basis only, subject to such action as may be taken on application for renewal of license pending before it.

W8XAA—Howitt-Wood Radio Co., Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W8XD—WBBM, Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

W6XAR-W6XAS—Julius Brunton & Sons Co., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

- W6XAP—Airfan Radio Corp., Ltd., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.
- W10XEY—Nichols & Warinner, Inc., Portable-Mobile—Present general experimental license, extended for a period of 1 month from June 1 to July 1, on a temporary basis, subject to such action as may be taken upon pending application for renewal.
- W10XDT—Associated Radiocasting Corp., Portable-Mobile—Granted renewal of general experimental station license in experimental service for the period June 1, 1935, to October 1, 1936, in exact conformity with existing license.
- W1XAL—World Wide Broadcasting Co., Boston, Mass.—Present relay broadcasting station license extended for a period of 1 month from June 1 to July 1, 1935, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

MISCELLANEOUS

- KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Denied petition to reconsider and grant application to change frequency from 1210 kc. to 1450 kc. and to increase power from 100 watts, unlimited, to 500 watts, unlimited.
- W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted renewal of experimental relay broadcasting license for balance of license period.
- WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Denied petition to remand for further hearing application of Brooklyn Daily Eagle Broadcasting Co., Inc., for permission to erect new radio broadcasting station to operate on 1400 kc., 500 watts, unlimited.
- NEW—Dr. W. J. Reynolds and W. J. Reynolds, Jr., Selma, Ala.—Application for new radio station remanded to Examining Section for purpose of making additional findings on interrogatories and cross-interrogatories propounded by the Commission.
- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Denied petition asking Commission to reconsider and grant application for new station to increase power from 500 watts to 5 KW.

The following Minute entry was adopted:

"The Commission having received on May 24, 1935, the opinion and judgment of the United States Court of Appeals for the District of Columbia in Cause No. 6216, Radio Service Corporation (Station KSEI) v. Federal Radio Commission, sustaining the decision of the Federal Radio Commission of March 23, 1934, granting the application of Symons Broadcasting Company for modification of license to change frequency from 1340 kc. to 890 kc., denying the applications of Radio Service Corporation (KSEI) for modification of construction permit and modification of license to change frequency from 900 kc. to 890 kc., and granting the application of KGIR, Inc., for modification of license to change frequency from 1360 kc. to 1340 kc., NOW, THEREFORE, IT IS ORDERED that regular licenses be issued forthwith in conformity with said decision of the Federal Radio Commission of March 23, 1934."

- NEW—Duluth Broadcasting Co., Duluth, Minn.—Granted petition for continuance until September of hearing on application for new radio station.
- WHB—Marcus Loew Booking Agency, New York.—Granted continuance of hearing scheduled for June 7, 1935.
- NEW—Fred A. Packard and A. Rosenberg, Los Angeles, Calif.—Denied petition asking extension of 90 days in which to file exceptions to Examiner's Rep. 1-47.
- KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque.—Granted until June 15, 1935, within which to file briefs in pending case.
- KEX—Oregonian Publishing Co., Portland, Ore.—Granted until June 15, 1935, within which to file briefs in pending case.
- WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted until June 15, 1935, within which to file briefs in pending case.
- KGY—KGY, Inc., Olympia, Wash.—Application for modification of license to operate full time on 1210 kc., except when KTW is operating, which was designated for hearing on April 30, was reconsidered and granted and application dismissed from hearing docket. Application for extension of special experimental authority, which expires on June 1, was retired to closed files.
- WELL—Enquirer-News Co., Battle Creek, Mich.—Action of March 19, 1935, in granting C. P. to make changes in equipment,

- increase power to 100 watts, unlimited, and move studio and transmitter affirmed since WMBC has withdrawn protest.
- WWL—Loyola University, New Orleans, La.—Denied request for continuance of hearing on its renewal application and modification of license application of Missionary Society of St. Paul the Apostle requesting change in frequency to 810 kc., with 5 KW power. Also denied petition requesting that the application of Missionary Society of St. Paul the Apostle for modification of license to change frequency to 810 kc. and use 5 KW power be returned to applicant pursuant to Rule 43.
- KGKL—KGKL, Inc., San Angelo, Tex.—Denied motion to remand Examiner's Report 1-44 to the Examining Department. Motion of respondents in opposition to the above motion was granted. (Respondents are stations WAVE, WCSH, WDAY, and KOIN.)
- WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted motion to intervene and become a party respondent in the hearing on the application of Augusta Broadcasting Co. (WDRW), Augusta, Ga., for experimental authority to change frequency to 1240 kc., 250 watts night, 1 KW day, unlimited time.
- NEW—Metro Broadcasting Co., East Los Angeles, Calif.—Denied motion to reopen record in this case in order that a sworn financial statement of Abe Corenson may be included in the record. (Application for C. P., 820 kc., 250 watts, unlimited time.)
- NEW—Metro Broadcasting Co., East Los Angeles, Calif.—The Commission upon its own motion remanded Examiner's Report No. 1-47 to the docket for the taking of further testimony, and all parties concerned may participate.
- WATR—WATR Company, Inc., Waterbury, Conn.—Modification of license application to change hours of operation from daytime only to 100 watts night limited to local sunset at WOAI at San Antonio, which was heretofore granted, is suspended and designated for hearing upon the protests of Hartford Times, Inc., and American Republican, Inc. (W1XBS).
- WBNX—Standard Cahill, Inc., New York City.—Denied petition for continuance of the hearing on the application of Havens & Martin, Inc. (WMBG), and William Avera Wynne (WEED), for C. P.'s.
- NEW—Bailey Bros., San Diego, Calif.—Granted petition for rehearing on their application for new station to operate on 1420 kc., 100 watts, unlimited time at San Diego.
- KGBX—KGBX, Inc., Springfield, Mo.—Granted petition for reconsideration and grant of its application for special experimental authority to operate on 1230 kc., 500 watts, from local sunset to midnight. (This is an extension of a present authority.)

ORAL ARGUMENTS GRANTED

The Commission granted oral argument in re Examiner's Report No. 1-40, involving stations WARD, WBBC, WLTH, WVFV, Brooklyn Daily Eagle Broadcasting Co., Inc., Arde Bulova and Norman K. Winston, WEVD, WHAZ, WFAB and WBBR, said oral argument to be heard at 10 a. m. June 24, 1935.

The Commission granted oral argument in re Examiner's Report No. 1-49, on the application of Enid Radiophone Co. (KCRC), Enid, Okla., for modification of license, said oral argument to be heard at 10 a. m. October 17, 1935.

The Commission granted oral argument in re Examiner's Report No. 1-51, on the applications of Jackson D. Magenau, Erie, Pa., and WMAN Broadcasting Co., Mansfield, Ohio, for C. P.'s, respectively, and directed that said oral argument be heard at 10 a. m., October 17, 1935.

APPLICATIONS DISMISSED

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

- NEW—George Bissell and Herbert Littlefield, Watertown, N. Y.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—Robert Louis Sanders, San Pedro, Calif.—C. P., 1180 kc., 250 watts, daytime.
- NEW—Clark Standiford, Marysville, Calif.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Harry Prezant, Los Angeles, Calif.—C. P., 1120 kc., 1 KW, unlimited (facilities of KFSG and KRKD).
- NEW—Oscar C. Hirsch, Cape Girardeau, Mo.—C. P., 930 kc., 1 KW, daytime.
- WSMK—WSMK, Inc., Dayton, Ohio.—Special experimental authority, 1380 kc., 200 watts, unlimited, simultaneous operation with KQV. (Action taken May 28, 1935.)

KWV—KWV Broadcasting Co., Pittsburgh, Pa.—Special experimental authority, **1380 kc.**, 500 watts, unlimited, simultaneous operation with WSMK. (Action taken May 28, 1935.)

The following application was dismissed, the applicant having filed a subsequent application to supersede this:

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Modification of license, **780 kc.**, 1 KW, shares with KELW. (Action taken May 28, 1935.)

The following application was denied, as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48 (b):

NEW—Louis C. Holzman, Hilo, Hawaii.—C. P., **1420 kc.**, 100 watts, unlimited time. (Action taken May 28, 1935.)

APPLICATIONS DENIED

KGBX—KGBX, Inc., Springfield, Mo.—Denied extension of special experimental authority to use 500 watts LS to midnight on **1230 kc.**, with directional antenna, for period ending December 1, 1935, instead of June 1, 1935.

KFRO—Voice of Longview, Longview, Texas—Denied special authority to operate with 100 watts power daytime, in addition to its regular schedule of hours which ends at local sunset at 7:30 p. m. during month of June, 1935, according to its license, for operation from 7:30 to 9:30 p. m. on Sunday, June 2, 9, 16, 23 and 30, to broadcast church services, and on June 4, 11, 18 and 25 to broadcast wrestling matches.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Denied special temporary authority to operate simultaneously with WCAM from 4 to 5 p. m., CST, June 2, 1935.

KGKB—E. Texas Broadcasting Co., Tyler, Texas—Denied special temporary authority to operate unlimited time for period of 30 days.

APPLICATIONS RECEIVED

First Zone

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—**780** Modification of license to increase day power from 500 watts to 1 KW.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of **900** B1-P-80 as modified to extend completion date to 60 days after grant, make equipment changes, and approval of transmitter and studio sites: Taft Hotel, Chapel St. and College Ave., New Haven, Conn.

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Construction **990** permit to make changes in equipment.

WTIS—The Travelers Broadcasting Service Corp., Hartford, Conn. **1040** —Extension of special experimental authorization to change frequency from **1060 kc.** to **1040 kc.**, change from S-WBAL to simultaneous operation with KRLD (unlimited) from 8-1-35 to 11-1-35.

WCAD—St. Lawrence University, Canton, N. Y.—Modification of **1220** license to change hours of operation from Monday, Tuesday and Saturday, 12:30 p. m. to 1:30 p. m.; Wednesday, Thursday and Friday, 12:30 p. m. to 1:30 p. m., and 3 p. m. to 4 p. m., EST, to daily except Sunday, 12:30 p. m. to 1:30 p. m., and 3 p. m. to 4 p. m., EST.

WOL—American Broadcasting Co., Washington, D. C.—License to **1310** cover construction permit (B1-P-522) to make changes in equipment.

NEW—Frederick L. Keesee, Auburn, N. Y.—Construction permit **1310** for a new station to operate on **1310 kc.**, 100 watts, unlimited. Request facilities of WMBO.

NEW—Ralph Perez Perry, San Juan, Puerto Rico.—Construction **1340** permit for new station to be operated on **1340 kc.**, 250 watts, unlimited time.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Construction **1350** permit for new equipment, increase power from 250 watts to 1 KW, and move transmitter from 138 Pine St., Cliffside Park, N. J., to site to be determined, New York, N. Y.

WLLH—Albert S. Moffat, Lowell, Mass.—Voluntary assignment of **1370** license to Merrimac Broadcasting Co., Inc.

Second Zone

WKAR—Michigan State College, East Lansing, Mich.—Modification of **850** license to change frequency from **1040 kc.** to **950 kc.**, with power of 500 watts night and 1 KW day, and make

changes in specified hours. Amended to change frequency from **950 kc.** to **850 kc.** and hours of operation from specified hours to daytime (sunset at WWL).

NEW—Steele City Broadcasting Co., Pittsburgh, Pa.—Construction **890** permit for new station to be operated on **890 kc.**, 500 watts, unlimited time.

WJW—WJW, Inc., Akron, Ohio.—License to cover (B2-P-504) to **1210** make equipment changes.

WASH—Kunsky Trendle Broadcasting Corp., Grand Rapids, Mich. **1270** —Construction permit to install a new transmitter and increase operating power from 500 watts to 1 KW.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich. **1270** —Construction permit to make equipment changes and increase operating power from 500 watts to 1 KW.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction permit **1300** to make equipment changes, change frequency from **1500 kc.** to **1300 kc.**; increase power from 100 watts, 250 watts local sunset, to 250 watts day and night; and to move transmitter from 12897 Woodward Ave., Highland Park, Mich., to site to be determined, Detroit, Mich.

WFDF—Flint Broadcasting Co., Flint, Mich.—Construction permit **1310** to make equipment changes, increase power from 100 watts to 100-250 watts, day, contingent upon granting of WEXL's application for frequency change.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Construction **1380** permit to install new equipment, increase day power from 100 to 250 watts. Amended: Change frequency from **1420 kc.** to **1380 kc.**, power from 100 watts to 250 watts, time from shares with WILM to unlimited.

WSMK—WSMK, Inc., Dayton, Ohio.—Modification of license to **1380** increase power from 200 watts to 250 watts.

Philco Radio & Television Corp., Philadelphia, Pa.—Construction permit for **40-80 megacycles**, 250 watts power.

Third Zone

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Special **570** experimental authority to operate on **570 kc.**, 1 KW, unlimited time, for the period 4-1-35 to 9-1-35; install directional antenna. Amended to request 500 watts, 1 KW local sunset.

WFLA—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—License to cover **620** 3-P-B-2374 to move transmitter and install new equipment.

NEW—W. A. Patterson, Chattanooga, Tenn.—Construction permit **1200** for a new station to operate on **1200 kc.**, 100 watts, unlimited; request call letters WAPO. Amended to make equipment changes and move transmitter.

NEW—E. F. Sapp and S. F. Sapp, tr. as Waycross Broadcasting Co., Waycross, Ga.—Construction permit for new station on **1210 kc.**, 100 watts, unlimited. Studio location: Bunn Bldg., Block No. 4, Elizabeth St., Waycross, Ga. Amended to make equipment changes, move transmitter location from Waycross, Ga., to site to be determined, Waycross, Ga. Amended to change frequency from **1210 kc.** to **1200 kc.**

NEW—V. H. Lake and H. E. Stanford, d/b L & S Broadcasting Co., Atlanta, Ga.—Construction permit for new station to be operated on: frequency unspecified, 100 watts, unlimited. Amended to change frequency from **1200 kc.** to **1210 kc.**, and hours of operation from unlimited to daytime. To be considered under 307 (b). Amended transmitter site changed to 355 Peachtree St., and to make equipment changes.

NEW—V. H. Lake and H. E. Stanford, d/b L & S Broadcasting Co., Waycross, Ga.—Construction permit for new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1210 kc.**

NEW—Oil Capital Broadcasting Assn. (James G. Ulmer, President), Kilgore, Tex.—Construction permit for a new broadcasting station to be operated on **1210 kc.**, 100 watts, unlimited time. Requests facilities of KWEA.

KFPL—C. C. Baxter, Dublin, Tex.—Modification of construction **1310** permit authorizing increase in power from 100 watts to 100 watts, 250 watts day, and move transmitter from 205 Grafton Street, Dublin, Tex., to site to be determined, requesting further changes in equipment and approval of transmitter site as north of city limits, Dublin, Tex.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—License to **1500** cover construction permit (B3-P-349) to move transmitter.

Fourth Zone

- WLBL—State of Wisconsin, Department of Agriculture & Markets, 900 Stevens Point, Wis.—Construction permit to make equipment changes, increase power from 2½ to 5 KW.
- KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak. 1210 —Construction permit to increase power from 100 watts to 100 watts, 250 watts local sunset. Amended to install new equipment. Amend to make equipment change and omit request for increase in day power.
- KGBX—KGBX, Inc., Springfield, Mo.—Modification of special 1230 experimental authorization to operate on 1230 kc., 500 watts, unlimited time, for period 6-1-35 to 12-1-35.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—1290 Modification of license to increase power from 1 KW, 5 KW local sunset, to 5 KW day and night.
- KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—1310 Modification of construction permit (B4-MP-180) as modified for approval of transmitter site at E. State Highway No. 20, north of 2nd St., N. W. Rochester, Minn.
- KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—1310 Modification of construction permit authorizing the erection of a new station to be operated on 1310 kc., 100 watts, unlimited time, requesting extension of commencement date from 5-19-35 to 7-19-35 and completion date from 11-19-35 to 1-19-36.
- WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Construction 1310 permit to make changes in equipment and increase power from 50 watts, 100 watts local sunset, to 100 watts, 250 watts local sunset. Amended to change name from Truth Radio Corp. to The Truth Publishing Co., Inc.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Modification 1310 of construction permit (B4-P-377) authorizing changes in equipment and increase in day power to request further changes in equipment.
- KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Construction 1320 permit to move transmitter from 715 Locust Street to site to be determined, Des Moines, Iowa; to make equipment changes; and increase power from 250 watts, 500 watts local sunset, to 500 watts, 1 KW local sunset.
- NEW—Mason City Broadcast Co., Emmons L. Abeles, Secretary, 1420 Mason City, Iowa.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Requests call letters KMCI.
- KWBG—W. B. Greenwald, Hutchinson, Kans.—License to cover 1420 (B4-P-323) as modified for a new station.
- NEW—R. E. Chinn, Moorhead, Minn.—Construction permit for a 1500 new station to be operated on 1500 kc., 100 watts, unlimited time. Requests facilities of KGFK if and when KGFK moves to Duluth, Minn.
- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Modification of (B4-P-29) as modified, to extend completion date from 6-14-35 to 9-14-35.

Fifth Zone

- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Construction 570 permit to move transmitter from near Des Moines,

Washington, to King County, Washington; make equipment changes; and increase day operating power from 1 KW to 5 KW.

- NEW—Harry H. Culver, Beverly Hills, Calif.—Construction permit for a new station on 710 kc., 500 watts, limited time. Requests facilities of KMPC.
- KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Construction 780 permit to make equipment changes, request facilities of KELW, change transmitter site from tract 1980, lots 233 and 236, between 33rd and 34th Sts., near Ocean Park Blvd., Santa Monica, Calif., to site to be determined, Los Angeles, Calif.; studio site from 214 S. Vermont St., Los Angeles, Calif., to site to be determined; change power from 500 watts, 1 KW LS, to 1 KW, 5 KW LS; change time from shares with KELW to unlimited.
- KQW—Pacific Agricultural Foundation, Ltd., Fresno, Calif.—Construction 1010 permit to move transmitter and studio location from 87 East San Antonio St., San Jose, Calif., to site to be determined. Amended: antenna to be determined.
- NEW—W. L. Gleeson, Salinas, Calif.—Construction permit for a 1210 new station to be operated on 1210 kc., 100 watts, unlimited. Amended to make changes in equipment.
- NEW—Marysville-Yuba Publishers, Inc., Marysville, Calif.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- NEW—Kelsey-Jenney Commercial College, Inc., San Diego, Calif.—1210 Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- NEW—John A. Stump, Fairbanks, Alaska.—Construction permit 1210 for new station to operate on 1210 kc., 75 watts, specified hours and limited hours. Amended to request 50 watts and specified hours, and to make equipment changes.
- NEW—W. H. Kindig, Hollywood, Calif.—Construction permit for a 1300 new station to be operated on 1160 kc., 1 KW, unlimited. Amended to change frequency from 1160 kc. to 1300 kc., and hours of operation from unlimited to share KFAC.
- KIUJ—J. H. Speck, Santa Fe, N. Mex.—Assignment of license from 1310 J. H. Speck to W. C. Irvin.
- KINY—Edwin A. Kraft, d/b as Northwest Radio Advertising Company—License to cover (B5-P-309) as modified, for a new 1310 station on 1310 kc., 100 watts, unlimited.
- KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—1320 Modification of (B5-P-303) to use present transmitter site, 1752 Fern St., Waikiki, Honolulu, T. H., and to use present antenna system (all changes to be on temporary basis).
- NEW—Rees T. Evans, Bremerton, Wash.—Construction permit for a 1420 new station to be operated on 1420 kc., 100 watts, unlimited.
- NEW—Mrs. C. A. S. Heaton, Las Vegas, Nev.—Construction permit 1420 for a new station to be operated on 1420 kc., 100 watts, unlimited time.
- NEW—Clark Standiford, Porterville, Calif.—Construction permit 1420 for new station on 1420 kc., 100 watts, unlimited. Amended: Time changed to daytime hours of operation.
- NEW—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Construction 1420 permit to erect a new broadcast station to be operated on 1420 kc., 100-250 watts power, unlimited time. Amended to make equipment changes and request 100 watts power day and night instead of 100-250 watts day.

NAB REPORTS

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Vol. 3 . . No. 27
 JUNE 10, 1935

BROADCAST ADVERTISING IN APRIL

Developments of the Month

TOTAL gross time sales to advertisers during the month amounted to \$8,064,921, a decline of 2.7% as compared with March volume. This decline seems to be less than the usual seasonal one at this period of the year. National network revenues dropped 10.7% as against the preceding month. Regional network advertising rose 6.4%, national non-network volume 11.8%, and local broadcast advertising 6.7%. The increase in the latter two types of business showed a contrary trend from the preceding year, when both declined as compared to March.

Comparison with Previous Year

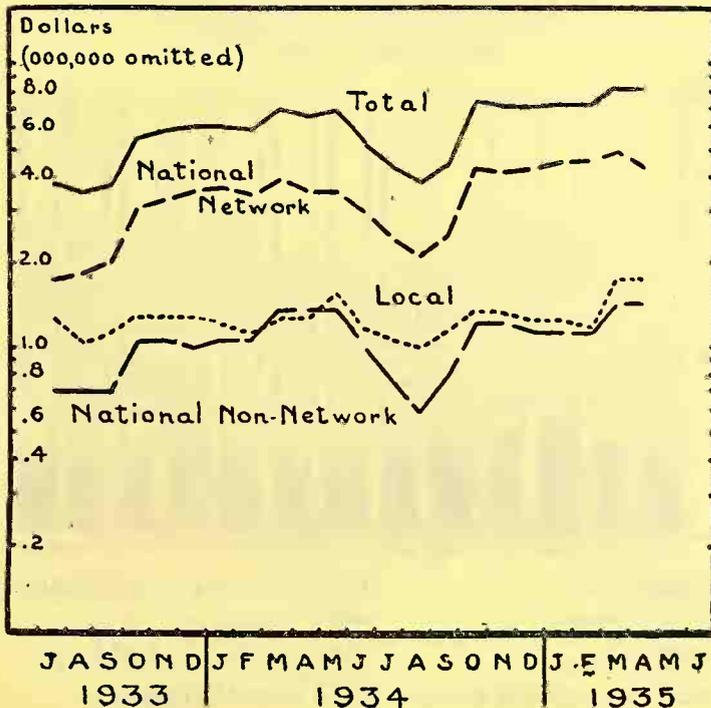
Broadcast advertising continued to hold the gains recorded in recent months over the preceding year's volume. Total broadcast advertising during April was 20.9% greater than during the same month of 1934. National network business experienced a gain of 17.6%, regional network volume 32.0%, national non-network advertising 10.3%, and local broadcasting volume 40.0%. The last-mentioned is the largest gain recorded by this class of business since the establishment of these reports.

Comparison with Other Media

National magazine advertising increased 6.0% during the month and was 9.3% greater than during the same period of 1934. National farm paper volume rose 11.5% as against March but remained at approximately the same level as last year. Newspaper advertising increased 2.5% during the month and was 4.9% greater than during last April. Retail newspaper advertising, according to Media Records, showed a gain of 6.3% over last April, while total display advertising rose 3.7% during the same period. Department store advertising rose but 1.9%.

RADIO BROADCAST ADVERTISING VOLUME

July, 1933, to April, 1935



Non-network Trends

General non-network advertising rose 19.9% as compared with last April. Non-network business of stations over 1,000 watts in power gained 33.1%, that of stations between 250 and 1,000 watts in power rose 21.8%, while advertising volume of the 100-watt group increased 9.7% as against the same period of 1934. All classes of stations showed increases as against the preceding month.

Advertising volume in the Southern and Midwestern states increased slightly more than 10% during the month, with gains of approximately half that amount in other parts of the country. Non-network volume in the New England and Middle Atlantic states was slightly less than during April of last year. Southern volume rose 42.3%, North Central state advertising increased 33.3%, and Mountain and Pacific business gained 36.8%.

With the exception of local live talent business, which remained at the March level, all forms of rendition experienced gains as compared with the preceding month. Practically all increases were in the neighborhood of 10%, though local transcription volume increased 33.0%.

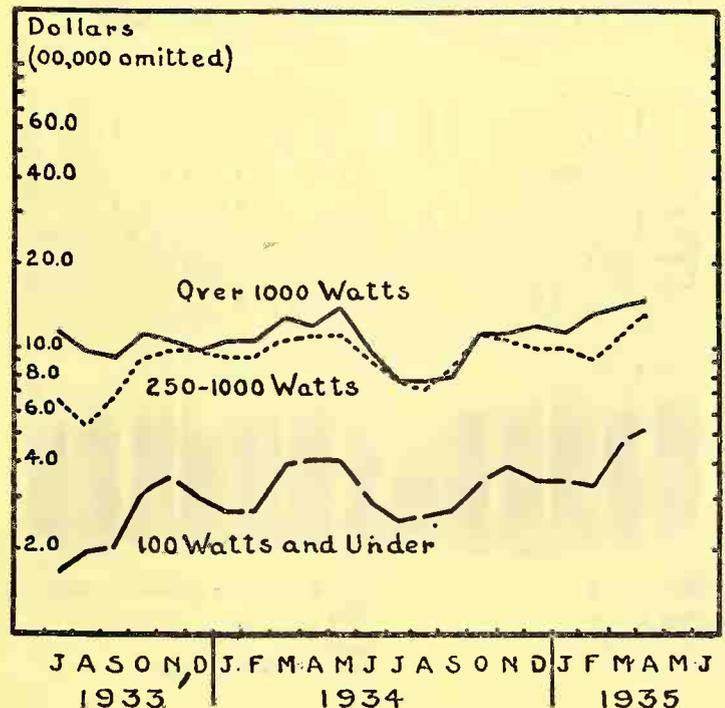
In the national non-network field, transcription volume was 9.0% below that of April, 1934. Live talent advertising experienced an increase of 55.8%, while announcement business rose 14.9%. Local transcription business was 45.9% greater than during the same month of last year. Live talent volume showed a gain of 41.8%, announcement volume 35.3%, while programs employing records nearly doubled as to receipts.

Sponsor Trends in April

The principal development of the month was the marked increase in national non-network and local automotive advertising. The former rose 53.4% as compared to March, while the latter increased 63.0%. Both forms of automotive broadcast advertising were more than double April 1934 volume. National network business in this

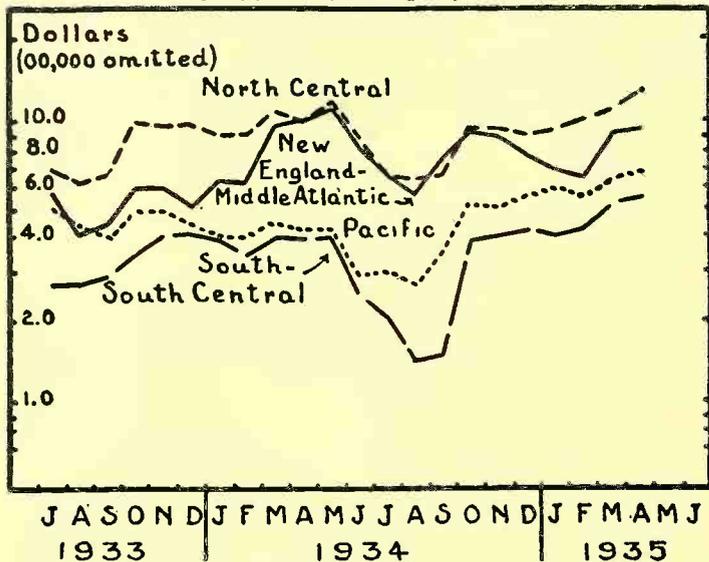
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to April, 1935



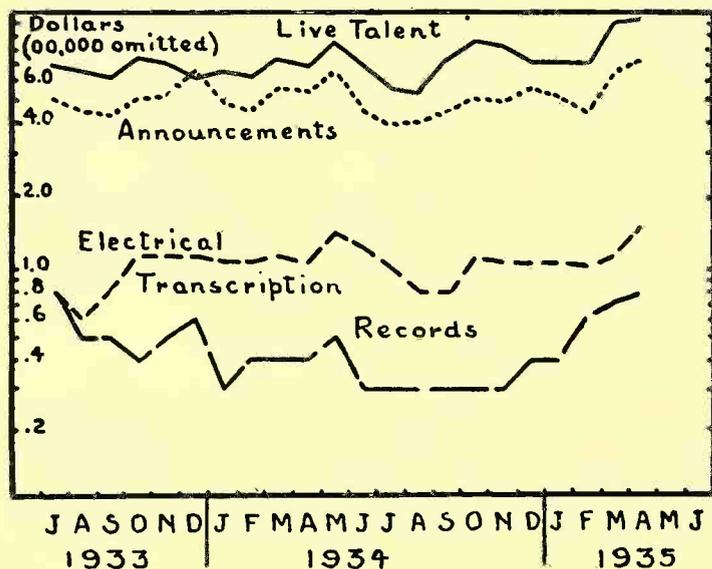
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to April, 1935



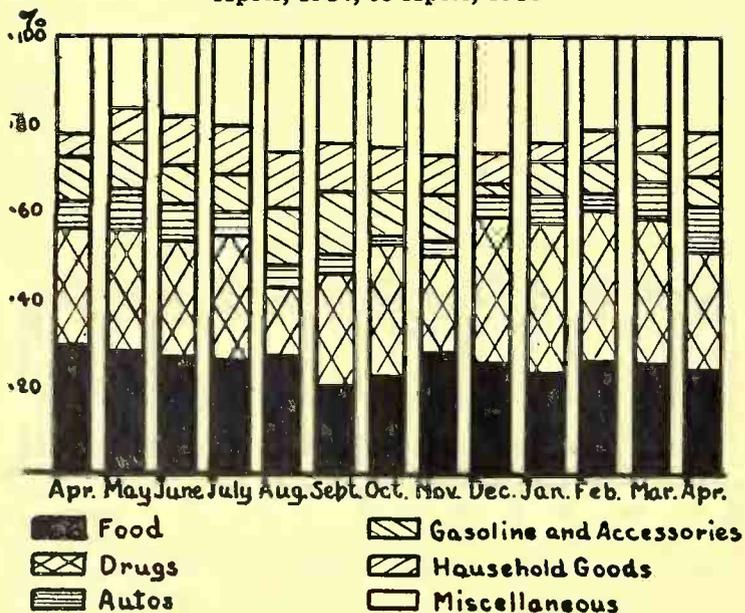
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to April, 1935



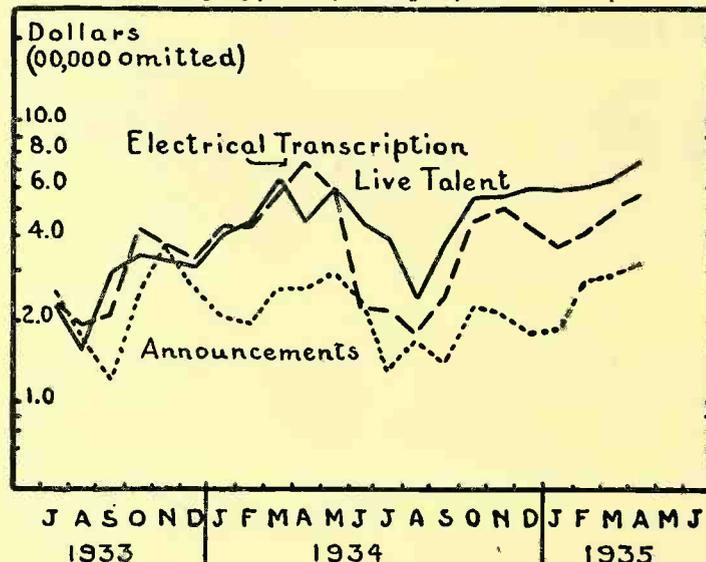
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

April, 1934, to April, 1935



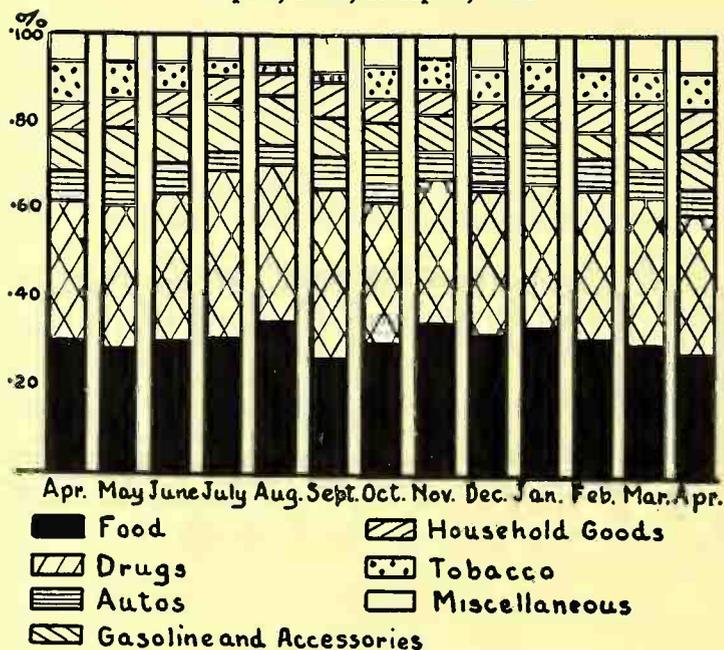
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION

July, 1933, to April, 1935



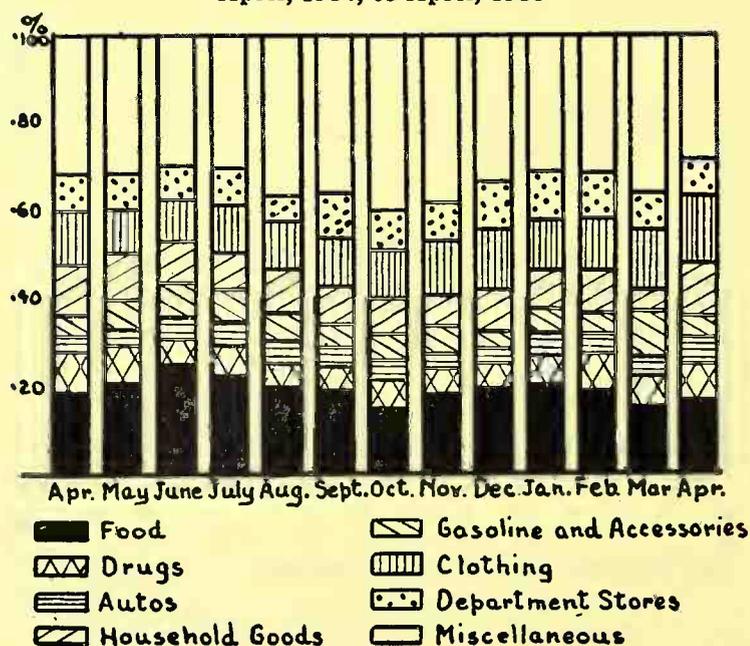
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

April, 1934, to April, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

April, 1934, to April, 1935



field declined 24.0% during the month, though remaining 12.3% ahead of the same period of last year.

National non-network and local gasoline and accessory advertising were well ahead of the 1934 level. National network drug advertising declined 32.6% as compared to March, but remained 37.0% ahead of the same period of last year. Regional network household equipment and supplies advertising during April was double that of the preceding year, increased volume of paint advertising being the principal cause. National non-network and local advertising in the same field rose materially. Department store advertising was 48.6% greater than during April, 1934. National non-network volume in this field, represented principally by mail order store outlets, increased ten-fold as against the same period of last year.

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

1a. **Amusements.** Increased 17.7% as compared to previous month and 32.5% as against last April. Rise in both national non-network and local fields.

1. **Automotive.** National network volume 24.0% less than in March. National non-network volume up 53.4% and local advertising up 63.0%. Compared to April, 1934, national network advertising gained 12.3%, while national non-network and local advertising more than doubled.

2. **Gasoline and accessories.** National network advertising 10.9% above March. Regional volume increased five-fold. National non-network advertising down 2.0% and local advertising level unchanged. National network advertising 4.7% greater than in April of last year. Regional volume down 50.0%. National non-network business up 24.5% and local up 35.3%.

3. **Clothing.** National network business declined approximately one-third as against March. Regional volume more than doubled. National non-network business rose 45.7% and local business 12.1%. Compared to April, 1934, gains are as follows: national network, 24.0%; regional network, more than ten-fold; national non-network, 45.0%; and local, 75.0%.

4. **Drugs and Pharmaceuticals.** National network volume declined 32.6% as compared to March, with a 9.0% drop in the national non-network field. Regional advertising up more than 600% and local volume up 31.7%. National network advertising 37.0% greater than April, 1934, regional volume double, national non-network up 29.8%, and local up 23.7%.

5. **Toilet goods.** Declines in all fields as compared to March. National networks down 5.3%, regional networks 31.2%, national non-network 10.3%, and local 11.7%. National network volume 3.0% above last April, with marked gains in regional field. National non-network business down 11.8% and local down 34.0%.

6. **Foodstuffs.** National network business 18.5% below March and regional volume down 49.5%. National non-network advertising up 6.2% and local up 8.2%. Compared to April, 1934, national network advertising up 10.4%, regional volume nearly doubled, and local business up 19.8%. National non-network business down 16.3%.

7. **Beverages.** Gains over March as follows: national net-

works 5.5%, national non-networks 71.8%, and local 16.7%. Local business rose 22.8% as compared April of last year. National network advertising dropped 9.0% and national non-network business 5.8%. Regional advertising declined materially.

8. **Confectionery.** National network advertising 6.8% below the March level, national non-network business down 20.0%, and regional volume down approximately 75.0%. Local business up 7.2%. Gains, compared to last April, are as follows: national networks 66.7%, regional networks tripled, national non-network 20.0%, and local 12.4%.

9. **Household equipment.** National network business declined 26.7% as compared to March. Regional advertising rose more than 800%, national non-network advertising 70.9%, and local 14.0%. National network business 79.6% above last April, regional volume nearly double, national non-network business up 54.1%, and local up 65.2%.

10. **Soaps and kitchen supplies.** Gains over March as follows: national networks 5.8%, national non-network 67.4%, and local approximately 100%. Regional volume down 37.5%. National network business 10.0% above last April, regional network advertising materially higher, and national non-network nearly double. Local advertising down 20.0%.

11. **Insurance and financial.** Little change from March except for 10.0% decline in local volume. National network business 31.7% below last April, and national non-network advertising down 10.0%. Local business 21.7% ahead of same month of 1934.

12. **Radio.** National network business unchanged from preceding month. National non-network volume up 25.0% and local down 31.0%. National network advertising 5.0% under last April, national non-network unchanged, and local down 31.1%.

13. **Department and general stores.** National non-network business was nearly double March. Local gained 9.0%. Local business up 39.3% as compared with April, 1934, while national non-network volume increased approximately ten-fold.

14. **Tobacco products.** Gains as compared to preceding month are as follows: national networks 8.4%, regional networks, 20.0%, national non-network business approximately 100%, and local 15.1%. Compared to April, 1934, gains are as follows: national networks 7.0%, local nearly double, with national non-network advertising showing an increase from \$3,560 for last April to \$60,728 during the current year.

15. **Miscellaneous.** General decline during the month. Compared to the same month of last year, gains are as follows: national networks 33.8%, regional networks 50.0%, national non-network 39.6%, and local 36.7%.

Retail Broadcast Advertising

General retail broadcast advertising rose 16.3% during the month and reached a level 71.1% above April, 1934. Principal gains, as compared to last year, are as follows: automotive, more than doubled; clothing and apparel shops, more than doubled; drug stores and beauty parlors, approximately tripled; restaurant advertising, up 30.0%; household equipment retailers, furniture and hardware stores, more than doubled; department stores, up 48.6%.

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

Type of Sponsoring Business	National Networks	Regional Networks	National Non-network	Local	Total
1a. Amusements	—	—	\$6,370	\$47,550	\$53,920
1-2. Automobiles and Accessories:					
(1) Automobiles	\$247,951	—	177,900	119,445	545,296
(2) Accessories, gas and oils	376,203	11,108	113,000	88,205	588,516
3. Clothing and apparel	50,128	5,967	35,380	283,435	374,910
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	548,539	6,710	362,080	135,370	1,052,699
(5) Toilet goods	886,259	5,477	87,000	21,293	1,000,029
6-8. Food products:					
(6) Foodstuffs	803,130	15,209	291,210	232,960	1,342,509
(7) Beverages	269,965	1,350	53,905	83,785	409,005
(8) Confections	180,314	700	59,000	11,250	251,264
9-10. Household goods:					
(9) Household equipment and furnishings	86,150	9,840	93,900	227,407	417,297
(10) Soap and kitchen supplies	297,072	3,038	76,750	8,670	385,530
11. Insurance and financial	42,964	—	15,865	61,340	120,169
12. Radios	94,650	—	3,500	9,058	107,208
13. Retail establishments	—	—	13,700	160,430	174,130
14. Tobacco products	348,664	9,900	60,728	8,846	428,138
15. Miscellaneous	166,024	12,759	195,235	440,283	814,301
Total	\$4,398,013	\$82,058	\$1,645,523	\$1,939,327	\$8,064,921

General Business Conditions

A slow recession has been in progress in business during recent weeks, the *New York Times* Index declining from 83.0% of the 1923-25 on May 4 to 81.4% on May 18. The Federal Reserve Board index of industrial production for April was two points below that of the preceding month. Prices also have shown mild recessions in recent weeks. On the other hand, automobile production increased to a point exceeding 100,000 units during the

week ending May 25, following the cessation of labor difficulties, while individual companies report a continuing favorable trend in new car sales.

April trade maintained a level above that of the previous year. Daily average sales of variety stores in April were 12.5% greater than during the same month of 1934. Rural retail sales showed a gain of 37.0. Retail new car financing in the automotive field was 18.8% higher than in April, 1934, while grocery chain store sales experienced a gain of 6%.

TOTAL BROADCAST ADVERTISING

1935 Gross Time Sales

Class of Business	1935 Gross Time Sales		Cumulative Jan.-April
	March	April	
National networks	\$4,923,245	\$4,398,013	\$18,505,219
Regional networks	77,360	82,058	275,357
National non-network	1,470,990	1,645,523	5,680,705
Local	1,816,145	1,939,327	6,484,350
Total	\$8,287,740	\$8,064,921	\$30,945,631

ADVERTISING VOLUME BY MAJOR MEDIA

1935 Gross Time and Space Sales

Advertising Medium	1935 Gross Time and Space Sales		Cumulative Jan.-April
	March	April	
Radio broadcasting	\$8,287,740	\$8,064,921	\$30,945,631
National magazines ¹	12,348,858	13,093,525	44,062,319
National farm papers	534,800	597,153	1,930,417
Newspapers ²	45,600,000	\$46,734,000	\$164,208,000
Total	\$66,771,398	\$68,489,599	\$241,146,367

¹ Based on 124 magazines compiled by Publishers Information Bureau, Inc., from which source national farm papers and network figures also are taken.

² Estimated.

NON-NETWORK ADVERTISING BY POWER OF STATION

1935 Gross Time Sales

Power of Station	1935 Gross Time Sales		Cumulative Jan.-April
	March	April	
Over 1,000 watts	\$1,543,465	\$1,675,490	\$5,862,445
250-1,000 watts	1,293,670	1,444,530	4,689,285
100 watts	450,000	464,830	1,613,325
Total	\$3,287,135	\$3,584,850	\$12,165,055

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

1935 Gross Time Sales

Type of Rendition	National Non-network		Local		Total		Cumulative Jan.-April
	March	April	March	April	March	April	
Electrical transcriptions	\$504,675	\$573,870	\$122,280	\$162,080	\$626,955	\$735,950	\$2,378,086
Live talent programs	672,400	751,080	960,896	967,790	1,633,296	1,718,870	6,007,345
Records	4,476	14,223	71,334	79,057	75,810	93,280	289,423
Announcements	289,439	306,350	661,635	730,400	951,074	1,036,750	3,490,201
Total	\$1,470,990	\$1,645,523	\$1,816,145	\$1,939,327	\$3,287,135	\$3,584,850	\$12,165,055

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

1935 Gross Time Sales

Geographical District	1935 Gross Time Sales		Cumulative Jan.-April
	March	April	
New England-Middle Atlantic Area	\$894,000	\$952,310	\$3,197,360
South Atlantic-South Central Area	515,560	570,840	1,905,920
North Central Area	1,217,770	1,371,600	4,581,560
Pacific and Mountain Area	659,805	690,100	2,480,215
Total	\$3,287,135	\$3,584,850	\$12,165,055

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

1935 Gross Time Sales

Type of Sponsoring Business	1935 Gross Time Sales	
	March	April
Automobiles and accessories:		
Automobile agencies and used car dealers	\$74,450	\$119,175
Gasoline stations, garages, etc.	74,265	55,080
Clothing and apparel shops	249,000	293,330
Drugs and toilet goods:		
Drug stores	15,700	37,850
Beauty parlors	11,285	9,985
Food products:		
Grocery stores, meat markets, etc.	46,400	57,250
Restaurants and eating places	16,200	25,400
Beverage retailers	3,375	1,980
Confectionery stores	2,600	2,850
Household goods:		
Household equipment retailers	54,245	78,096
Furniture stores	109,270	93,035
Hardware stores	19,640	37,725
Radio retailers	13,554	9,050
Department and general stores	153,730	174,130
Tobacco shops	4,050	1,150
Miscellaneous	92,260	98,110
Total	\$940,384	\$1,094,196

The National Association of Broadcasters

NATIONAL PRESS BUILDING

WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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JUNE 15, 1935

PRALL CONFIRMED

The Senate late Friday confirmed the appointment of Anning S. Prall as a member of the Federal Communications Commission for a period of seven years, beginning July 1 next.

RECOMMENDS NEW ST. JOSEPH STATION

J. L. Scroggin, filed an application with the Federal Communications Commission for a construction permit for a new broadcasting station to be located at St. Joseph, Mo., to use 1310 kilocycles, 100 watts power and unlimited time on the air. Similar application was filed by the News Broadcasting Company with identical facilities also at St. Joseph.

Melvin H. Dalberg(e) in Report No. I-61 recommends that the Scroggin application be granted and that the application of the News Broadcasting Company be denied.

COURT DENIES REHEARING

Station WREN, Leavenworth, Kans., has been denied rehearing by the United States Court of Appeals for the District of Columbia in its appeal to that court against a decision of the Federal Communications Commission in which the Court upheld the action of the Commission in denying WREN permission to intervene in the WHB, Kansas City, Mo., case where that station was allowed to operate at night.

SECURITIES ACT REGISTRATION

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

- Bondholders' Committee for loan of Joseph F. Faiella, Inc., New York City. (2-1448, Form D-1)
- Golden Conqueror Mines, Inc., Manitou, Colo. (2-1449, Form A-1)
- Distributors Group, Inc., New York City. (2-1450, Form C-1)
- Allied Mortgage Companies, Inc., Baltimore, Md. (2-1451, Form D-2)
- Associated Mortgage Companies, Inc., Baltimore, Md. (2-1452, Form D-2)
- Bankers National Investing Corporation, Wilmington, Del. (2-1453, Form A-2)
- Froedtert Grain & Malting Co., Inc., Greenfield, Wis. (2-1454, Form A-2)
- Belvedere Hotel Bondholders' Committee, Baltimore, Md. (2-1455, Form D-1)
- Central Hudson Gas & Electric Corp., Poughkeepsie, N. Y. (2-1456, Form A-2)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, June 17, 1935

Hearing Before the Commission En Banc

American Telephone & Telegraph Co. and New York Telephone Co. C. P. For authority to construct an experimental coaxial cable line between New York, N. Y., and Philadelphia, Pa.

Hearing Before an Examiner to Be Held at the Federal Building, Chicago, Ill.

- WSBC—WSBC, Inc., Chicago, Ill.—Renewal of license, 1210 kc., 100 watts, specified hours.
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Renewal of license, 1200 kc., 100 watts, shares with WFAM.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Renewal of license, 1210 kc., 100 watts, specified hours.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license, 1360 kc., 500 watts, 1 KW LS on Sundays, shares with WSBT.

Tuesday, June 18, 1935

NEW—Willis T. Shaughnessy, Bay Shore, N. Y.—C. P., 1370 kc., 100 watts, unlimited time.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Special experimental authorization, 1240 kc., 500 watts, 1 KW, unlimited time. Present assignment: 1500 kc., 100 watts, C. P. for 100 watts, 250 watts LS, unlimited time.

NEW—Edward Mirante and Arthur Faske, d/b as Connecticut Broadcasting Co., 150 Arch St., New Britain, Conn.—C. P., 1370 kc., 100 watts, unlimited time.

Wednesday, June 19, 1935

Hearing Before the Broadcast Division

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Renewal of license, 550 kc., 1 KW, 2½ KW LS, unlimited time.

Thursday, June 20, 1935

Argument Before the Broadcast Division

On an amendment to or clarification of Paragraph 176 of the Rules and Regulations of the Commission pertaining to mechanical reproductions. Parties desiring to participate must file notice of their intention not later than May 18, 1935.

APPLICATIONS GRANTED

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted modification of C. P. extending commencement date to 60 days after grant and completion date to 6 months thereafter.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted license to cover C. P., 920 kc., 1 KW, daytime hours only.

Atlantic Broadcasting Corp., New York City—Granted authority to transmit sustaining programs from stations WBBM and WABC-WOBQ to stations of the Canadian Radio Commission.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted authority to transmit sustaining programs from stations WBBM and WABC-WOBQ to stations of the Canadian Radio Commission.

WOL—American Broadcasting Co., Washington, D. C.—Granted license to cover C. P. authorizing changes in equipment.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 250 watts; 1370 kc., 100 watts, night, unlimited time.

WTCN—Minneapolis Broadcasting Corp., Minneapolis, Minn.—Granted modification of C. P. approving changes in equipment and antenna system; extending commencement date to within 10 days after grant and completion date to within 90 days thereafter.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted license to cover C. P. authorizing new equipment and increase in daytime power from 1 to 5 KW, and move of station locally; 1250 kc., 1 KW night, specified hours.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted modification of C. P. extending completion date to Sept. 14, 1935.

- W8XEH—Ohio State University, Columbus, Ohio, Portable-Mobile.—Granted license to cover C. P. for new general experimental broadcast pickup station to pick up programs to be rebroadcast over station WOSU; frequencies **31100, 34600, 40600, 85000, 400000 kc.**, 10 watts, unlimited.
- W4XD—WPTF Radio Company, Raleigh, N. C., Portable-Mobile.—Granted modification of license for authority to include frequencies **31100, 34600, 37600 kc.** Also granted renewal of license for this station for the next license period ending October 1, 1936.

SET FOR HEARING

- NEW—Vernon Taylor Anderson, Mgr., A.B.C. Broadcasting Co., Big Spring, Tex.—Application for C. P. for new station, **1500 kc.**, 100 watts, daytime.
- NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P. amended so as to request authority to erect new station at San Diego, exact location to be determined subject to Commission approval; **1200 kc.**, 100 watts, daytime only.

RENEWAL OF LICENSES

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

- KABC, San Antonio, Tex.; KBPS, Portland, Ore.; KDB, Santa Barbara, Cal.; KERN, Bakersfield, Cal.; KFG, Boone, Ia.; KFIZ, Fond du Lac, Wisc.; KFJM, Grand Forks, N. Dak.; KFJZ, Fort Worth, Tex.; KFRO, Longview, Tex.; KGAR, Tucson, Ariz.; KGFF, Shawnee, Okla.; KGFI, Corpus Christi, Tex.; KGGC, San Francisco; KGIW, Alamosa, Colo.; KGKB, Tyler, Tex.; KGKL, San Angelo, Tex.; KGKY, Scottsbluff, Neb.; KICA, Clovis, N. Mex.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNCW, Austin, Tex.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KPQ, Wenatchee, Wash.; KRE, Berkeley, Cal.; KREG, Santa Ana, Cal.; KRKD, Everett, Wash.; KUJ, Walla Walla, Wash.; KWYO, Sheridan, Wyo.; KXO, El Centro, Cal.; WACO, Waco, Tex.; WABY, Albany, N. Y.; WAGF, Dothan, Ala.; WAGM, Presque Isle, Maine; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCBM, Baltimore, Md.; WCNW, Brooklyn, N. Y.; WDAS, Philadelphia, Pa.; WEED, Rocky Mount, N. C.; WELL, Battle Creek, Mich.; WGAL, Lancaster, Pa.; WGL, Fort Wayne, Ind.; WHB, Memphis, Tenn.; WHFC, Cicero, Ill.; WIBM, Jackson, Mich.; WILM, Wilmington, Del.; WJBO, Baton Rouge, La.; WKBB, East Dubuque, Ill.; WKBI, Cicero, Ill.; WKBV, Richmond, Ind.; WKEU, Griffin, Ga.; WLLH, Lowell, Mass.; WMAS, Springfield, Mass.; WMBH, Joplin, Mo.; WMBQ, Brooklyn, N. Y.; WMEX, Boston; WBNF, Binghamton, N. Y.; WNRA, Muscle Shoals City, Ala.; WOC, Davenport, Ia.; WOPI, Bristol, Tenn.; WRAK, Williamsport, Pa.; WRDW, Augusta, Ga.; WRGA, Rome, Ga.; WRJN, Racine, Wisc.; WSVS, Buffalo, N. Y.; WSYB, Rutland, Vt.; WWRL, Woodside, L. I.; WWSW, Pittsburgh, Pa.; KSLM, Salem, Ore.; KVL, Seattle, Wash.; WDNC, Durham, N. C.; WHDF, Calumet, Mich.; WHEF, Kosciusko, Miss.; WJMS, Ironwood, Mich.; WKBZ, Muskegon, Mich.
- W8XAR—Westinghouse E. and M. Co., Saxonburg, Pa.—Granted renewal of special experiment station license for experimental service, in exact conformity with existing license, for period June 23, 1935, to Sept. 23, 1935.
- W1XBS—American Republican, Inc., New Haven County, Conn.—Present license extended on a temporary basis for the period June 11 to July 11, 1935, subject to such action as may be taken on pending application for renewal.
- W2XR—John V. L. Hogan, d/b as The Scientific Broadcasting Service, Long Island City, N. Y.—Present license extended on a temporary basis for the period June 29 to July 29, 1935, subject to such action as may be taken on pending application for renewal.

MISCELLANEOUS

- WHBC—Edward P. Graham, Canton, Ohio—Denied special temporary authority to operate from 9 to 10 P. M., EST, for the period June 4 to July 3, 1935, in order to broadcast special programs.
- NEW—The Fort Industry Co., Cleveland, Ohio.—C. P. for new station, **850 kc.**, 250 watts LS, daytime, heretofore set for hearing, was dismissed at request of applicant.
- WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—C. P., **1300 kc.**, 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

- NEW—G. M. Electric Service Co., Stevensville, Mont.—C. P., **1500 kc.**, 100 watts, unlimited time, heretofore set for hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48 of the Commission.
- WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted application as amended for renewal of license for regular period. Reconsidered action of January 29, 1935, in designating application for renewal of license for hearing.
- WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Granted renewal of license for regular period. Reconsidered action of Nov. 27, 1934, in designating for hearing renewal application. Satisfactory time-sharing agreement with WJBW has been reached.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted an increase in day time power to 1 KW. Application to increase night power to 1 KW remains in hearing docket.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City—Granted request for withdrawal of application for modification of license without prejudice.
- NEW—Edward Mirente and Arthur Faske, New Britain, Conn.—Denied request to continue hearing scheduled for June 18, 1935, on application for new station at New Britain, Conn., to operate on **1370 kc.**, 100 watts.
- NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Granted petition to reopen and consider application for C. P. for new station to operate on **780 kc.**, 500 watts night, 1 KW day.
- NEW—Milwaukee Broadcasting Co., Milwaukee, Wis.—Affirmed action of February 12, 1935, in granting application for new station to operate on **1310 kc.**, 100 watts, daytime only, since protest of WHBL has been withdrawn.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted request to strike the request for oral argument on the Examiner's report in re application for authority to make changes in equipment and increase daytime power from 100 to 250 watts.
- NEW—L. M. Kennett, Indianapolis, Ind.—Granted request for oral argument in re Examiner's Report No. 1-53, to be heard November 7, 1935.
- WESG—Cornell University, Elmira, N. Y.—Granted extension of special experimental authority to continue to use frequency **850 kc.** until August 1, 1935.

SPECIAL AUTHORIZATIONS

- KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted special temporary authority to operate without an approved frequency monitor for the period beginning June 7 and ending not later than June 20, 1935.
- KBPS—Benson Polytechnic School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period beginning July 1 and ending in no event later than Sept. 9, 1935, in order to observe school vacation period.
- WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent from July 1 to Sept. 11; Oct. 12, Nov. 1 and 2; Nov. 5, 11, 28, 29 and 30, and from Dec. 23 to 31 inclusive, in order to observe school and legal holidays. To operate from 8:30 A. M. to 10 A. M. and from 2 to 3 P. M., Eastern Daylight Saving Time, instead of EST, for the period beginning Sept. 11 and ending in no event later than Sept. 30, 1935.
- WAML—Southland Radio Corp., Laurel, Miss.—Granted extension of special temporary authority to remain silent for the period beginning June 1 and ending in no event later than June 15, 1935, for the purpose of moving studio and installing new equipment.
- WGNY—Peter Goelet, Chester Township, N. Y.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 15 days.
- KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 7:15 P. M. to 12 midnight, CST, June 29, in order to broadcast annual banquet and dance.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted special temporary authority to operate a 100-watt portable transmitter on **1300 kc.** to conduct field strength measurements in the vicinity of Greenville, between 1 and 6 A. M., EST, for the period beginning June 15 and ending not later than July 14, 1935, in order to determine new location for

transmitter, provided, however, station remains silent during Commission's monitoring schedule.

APPLICATIONS RECEIVED

- W1XCW**—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, Portable.—License to cover construction permit for **31100 kc.**, 20 watts. Amended to request additional frequencies of **31600, 40600, 37600, 34600 kc.**
- W1OXF**—National Broadcasting Co., Portable & Mobile—Modification of license to change communication points on general experimental station.
- The Travelers Broadcasting Service Corp., Avon, Conn.—Construction permit for special experimental station for **63 kc.**, 150 watts.
- W3XDD**—Bell Telephone Laboratories, Whippany, N. Y.—Renewal of license for special experimental station on **560, 900, 1340 kc.**, 5 KW.
- NEW**—Robert E. Cole, Washington, Pa.—Construction permit to **1200** erect new station to be operated on **1200 kc.**, 100 watts, specified hours. Amended: Change frequency to **1350 kc.**, power to 250 watts, time to daytime.
- NEW**—American Broadcasting Corp., Cleveland, Ohio.—Construction permit to erect new station to be operated on **890 kc.**, 500 watts, 1 KW day, unlimited time. Request facilities of WMMN. (WMMN has consented if their application change in frequency is granted.)
- WMMN**—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of **850** (B2-P-506) authorizing increase in power from 250 watts to 500 watts, 1 KW day, and move transmitter from Hotel Fairmont, Jefferson St., to site to be determined, Fairmont, W. Va., further requesting change in frequency from **890 kc.** to **850 kc.**, time from unlimited to daytime. Extend commencement and completion dates.
- WMFN**—Attala Broadcasting Corp., Clarksdale, Miss.—Construction **1200** permit to install new equipment, increase power from 100 to 100-250 watts day.
- WRDW**—Augusta Broadcasting Co., Augusta, Ga.—Special experimental authority (B3-SA-101) to install new equipment to operate on **1240 kc.**, 250 watts, 1 KW day, and move transmitter from 309 8th St. to corner of 10th St. and River Levy, Augusta, Ga. Amended to request a construction permit instead of special authorization.
- NEW**—Fort Dodge Broadcasting Co., Fort Dodge, Iowa.—Construction **1500** permit for new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended: Approval of site of transmitter, Hawkeye Highway, between Kelleher and Merritt Sts., Fort Dodge, Iowa.
- W1OXCL**—Hearst Radio, Inc., Portable & Mobile—Modification of license of general experimental station to operate under Rule 320 instead of 307.
- W1OXCM**—Hearst Radio, Inc., Portable & Mobile—Modification of license of general experimental station to operate under Rule 320 instead of 307.
- National Broadcasting Co., Inc.—Authority to use studio for production of programs to foreign radio stations (Canadian stations).
- WJAR**—The Outlet Company, Providence, R. I.—Extension of **890** special experimental authorization to use additional power of 250 watts night for regular license period to 3-1-36.
- WADC**—Allen T. Simmons, Village of Tallmadge, Ohio.—Authority **1370** to determine operating power by direct measurement of antenna.
- KFNF**—Henry Field Co., Shenandoah, Iowa.—Assignment of license **890** from Henry Field Co. to KFNF, Inc.
- NEW**—WCBS, Inc., Portable-Mobile.—Construction permit for new broadcast pickup station on **1622, 2060, 2150, 2790 kc.**, 25 watts.
- KOMO**—Fisher's Blend Station, Inc., Seattle, Wash.—Construction **760** permit to install new equipment, increase power from 1 KW to 5 KW; move transmitter from West Waterway, Harbor Island, Seattle, Wash., to 26th Avenue, S. W. and Florida Street, West Waterway, Seattle, Wash.; and change frequency from **920 kc.** to **760 kc.** Requests facilities of KXA. Amended to omit request for change in frequency and request for facilities of KXA.
- NEW**—Wolverine Broadcasting Co., John E. Fetzer, Ann Arbor, **830** Mich.—Construction permit for new station to be operated on **830 kc.**, 1 KW, daytime. Request call WANR.
- WMC**—Memphis Commercial Appeal, Memphis, Tenn.—Construction **780** permit to make changes in equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.
- WDAE**—Tampa Times Co., Tampa, Fla.—Construction permit to **1220** make equipment changes and increase daytime power from 1 KW to 5 KW. Consideration under 6 (g).
- WAGF**—John T. Hubbard and Julian Smith, d/b as Dothan **1370** Broadcasting Co., Dothan, Ala.—Modification of construction permit (B3-P-294) to make equipment changes.
- KFJM**—University of North Dakota, Grand Forks, N. Dak.—Construction **1410** permit to change equipment and frequency from **1370 kc.** to **1390 kc.**, power from 100 watts to 1 KW, 5 KW day. Amended: Request **1410 kc.** and equipment changes.
- KSCJ**—Perkins Brothers Co. (The Sioux City Journal), Sioux City, **1330** Iowa.—Construction permit to make equipment changes.
- KSD**—The Pulitzer Publishing Co., St. Louis, Mo.—Modification **550** of B4-P-3285 as modified to extend completion date from 7-7-35 to 11-7-35.
- WBBM**—WBBM Broadcasting Corp., Chicago, Ill.—License to **770** cover 4-P-B-3275, increase power, install new equipment, change hours of operation.
- WCFL**—Chicago Federation of Labor, Chicago, Ill.—License to **970** cover (B4-P-2584) as modified to move transmitter and increase power.
- WCFL**—Chicago Federation of Labor, Chicago, Ill.—License to **970** use present transmitter as auxiliary transmitter.
- WBBM**—WBBM Broadcasting Corp., Chicago, Ill.—Extension of **770** special authorization to operate synchronously with KFAB from local sunset (KFAB's) to midnight, for period not to exceed 2-1-36.
- WCFL**—Chicago Federation of Labor, Chicago, Ill.—Authority to **970** determine operating power by direct measurement of antenna.
- NEW**—Mountain States Broadcasting Corp., Salt Lake City, Utah. **550** —Construction permit for new station to be operated on **550 kc.**, 500 watts, unlimited time.
- NEW**—R. J. Nasser, Sacramento, Calif.—Construction permit for **850** new station to be operated on **850 kc.**, 250 watts, daytime.
- KPCB**—Queen City Broadcasting Co., Seattle, Wash.—Construction **650** permit to move transmitter from 225 Pine St. to 217 Pine St., Seattle, Wash.; move studio from 225 Pine St. to 4th and University St., Seattle, Wash., and make equipment changes.
- KDYL**—Intermountain Broadcasting Corp., Salt Lake City, Utah. **1290** —Construction permit to increase power from 1 to 5 KW, install new equipment. Amended: Transmitter site to be determiner, near Salt Lake City, Utah. Antenna to be determined.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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JUNE 21, 1935

PLEASE RETURN CARDS!

Members are respectfully requested to expedite the return of cards recently mailed them on which provision is made for naming delegates and alternates to the Colorado Springs NAB Convention July 6-10.

LICENSE RENEWAL APPLICATIONS DUE!

According to Rule 27 of the FCC Rules and Regulations, renewal applications for stations operating on 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890, 900, and 920 kilocycles are due to be filed with the Commission on or before July 1, 1935.

SECURITIES ACT REGISTRATION

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

Bonita Petroleum Corporation, Wilmington, Del. (2-1457, Form A-1)

Feather Butte Gold Mines, Inc., Wilmington, Del. (2-1458, Form A-1)

Minerals Products, Inc., New York City. (2-1459, Form A-1)

Bellevue Mines Company, Seattle, Wash. (2-1461, Form A-1)

Mitten Bank Securities Corp., Philadelphia, Pa. (2-1463, Form D-1)

Associated Petroleum Properties, Tulsa, Okla. (2-1465, Form A-1)

Independence Fund of North America, Inc., New York City. (2-1464, Form C-1)

Independence Fund of North America, Inc., New York City. (2-1466, Form C-1)

Bondholders Committee, Dallas Parcel Post Station, St. Louis, Mo. (2-1467, Form D-1)

Washington General Life Insurance Company, Washington, D. C. (2-1468, Form A-1)

Mountain Fuel Supply Company, Salt Lake City, Utah. (2-1469, Form E-1)

Colorado Silver Mines, Inc., Denver, Colo. (2-1471, Form A-1)

QUOTA FACILITIES DUE AND ASSIGNED TO BROADCAST STATIONS AS OF JUNE 4, 1935

First Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn.	2.13	1.90	— 0.23	— 11
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.95	— 0.21	— 10
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.43	— 0.19	— 31
N. J.	5.36	4.105	— 1.255	— 23
N. Y.	16.69	18.13	+ 1.44	+ 9
R. I.	0.91	0.90	— 0.01	— 0
Vt.	0.48	0.06	— 0.42	— 88
Total	36.00	34.425	— 1.575	— 4

First Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn.	3.85	3.34	— 0.51	— 13
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	0.90	— 0.26	— 22
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	6.75	— 3.42	— 34
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	5.055	— 4.615	— 48
N. Y.	30.14	20.44	— 9.70	— 32
R. I.	1.65	1.00	— 0.65	— 39
Vt.	0.86	0.86	— 0.00	— 0
Total	65.00	44.995	— 20.005	— 31

Second Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.88	+ 1.30	+ 15
Pa.	12.43	12.37	— 0.06	— 0
Va.	3.13	4.75	+ 1.62	+ 52
W. Va.	2.23	2.09	— 0.14	— 6
Total	36.00	38.09	+ 2.09	+ 6

Second Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	6.31	— 4.97	— 44
Ohio	15.50	12.06	— 3.44	— 22
Pa.	22.45	14.50	— 7.95	— 35
Va.	5.64	6.34	+ 0.70	+ 12
W. Va.	4.03	4.15	+ 0.12	+ 3
Total	65.00	47.61	— 17.39	— 27

Third Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala.	3.32	2.735	— 0.585	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.26	+ 0.62	+ 17
La.	2.63	5.40	+ 2.77	+ 105
Miss.	2.52	1.26	— 1.26	— 50
N. Car.	3.97	4.19	+ 0.22	+ 6
Okla.	3.00	3.36	+ 0.36	+ 12
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.24	+ 3.94	+ 54
Total	36.00	46.115	+ 10.115	+ 28

FEDERAL COMMUNICATIONS COMMISSION
ACTION

HEARING CALENDAR

Monday, June 24, 1935

Oral Argument Before the Broadcast Division

Examiner's Report No. I-40:

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

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Modification of license; 1400 kc., 500 watts, unlimited time (requests facilities of WFOX, WLTH and WBBC). Present assignment: 1400 kc., 500 watts, shares with WFOX, WLTH and WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, shares with WFOX, WLTH and WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license; 1400 kc., 500 watts, shares with WVFW, WLTH and WBBC.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license; 1400 kc., 500 watts, share with WLTH (requests facilities of WARD and WFOX). Present assignment: 1400 kc., 500 watts, shares with WLTH, WARD and WFOX.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, shares with WLTH, WCGU and WFOX.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of auxiliary transmitter license; 1400 kc., 500 watts.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, shares with WCGU, WFOX and WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license; 1400 kc., 500 watts, shares with WARD, WVFW and WBBC.

WFOX—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license; 1400 kc., 500 watts, unlimited time (requests facilities of WCGU, WLTH and WBBC). Present assignment: 1400 kc., 500 watts, shares with WCGU, WLTH and WBBC.

WFOX—Paramount Broadcasting Corp.—Renewal of license; 1400 kc., 500 watts, shares with WCGU, WLTH and WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license; 1400 kc., 500 watts, shares with WARD, WLTH and WBBC.

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

NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—C. P., 1400 kc., 500 watts, unlimited time (requests facilities of WARD, WBBC, WLTH and WVFW).

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license; 1300 kc., 1 KW, unlimited time (requests facilities of WBBC, WLTH, WARD and WVFW). Present assignment: 1300 kc., 1 KW, shares with WBBR, WFAB and WHAZ.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Renewal of license; 1300 kc., 500 watts, shares with WFAB, WEVD and WBBR.

WFAB—Fifth Ave. Broadcasting Corp., New York, N. Y.—Renewal of license; 1300 kc., 1 KW, shares with WEVD, WBBR and WHAZ.

WBBR—Peoples Pulpit Association, Brooklyn, N. Y.—Renewal of license; 1300 kc., 1 KW, shares with WEVD, WFAB and WHAZ.

KFRU—KFRU, Inc., Columbia, Mo.—Modification of license; 630 kc., 500 watts, shares with WGBF, simultaneous day with WGBF. Present assignment: 630 kc., 500 watts, shares with WGBF and WOS, simultaneous day with WGBF.

WOS—State of Missouri, Missouri State Highway Patrol, Jefferson City, Mo.—Renewal of license; 630 kc., 500 watts, 9 a. m. to 4 p. m. daily except Sundays; Saturdays, 9 a. m. to 2 p. m.

NEW—Radio Service, Inc., Las Vegas, Nev.—C. P., 1200 kc., 100 watts, unlimited time.

KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Renewal of license; 1500 kc., 100 watts, unlimited time.

Third Zone—Day

State	Due	Assigned	Units		Percent	
			Over or Under	Over or Under	Over or Under	Over or Under
Ala.	5.99	4.685	—	1.305	—	22
Ark.	4.19	4.75	+	0.56	+	13
Fla.	3.32	5.20	+	1.88	+	57
Ga.	6.58	5.20	—	1.38	—	21
La.	4.75	5.60	+	0.85	+	18
Miss.	4.55	2.35	—	2.20	—	48
N. Car.	7.17	4.85	—	2.32	—	32
Okla.	5.42	5.10	—	0.32	—	6
S. Car.	3.93	2.70	—	1.23	—	31
Tenn.	5.92	7.65	+	1.73	+	29
Texas	13.18	13.96	+	0.78	+	6
Total	65.00	62.045	—	2.955	—	5

Fourth Zone—Night

State	Due	Assigned	Units		Percent	
			Over or Under	Over or Under	Over or Under	Over or Under
Ill.	10.14	11.14	+	1.00	+	10
Ind.	4.30	3.64	—	0.66	—	15
Iowa	3.28	5.27	+	1.99	+	61
Kans.	2.50	2.49	—	0.01	—	0
Minn.	3.41	4.18	+	0.77	+	23
Mo.	4.82	5.24	+	0.42	+	9
Nebr.	1.83	2.21	+	0.38	+	21
N. Dak.	0.90	1.40	+	0.50	+	56
S. Dak.	0.92	0.86	—	0.06	—	7
Wisc.	3.90	3.00	—	0.90	—	23
Total	36.00	39.43	+	3.43	+	10

Fourth Zone—Day

State	Due	Assigned	Units		Percent	
			Over or Under	Over or Under	Over or Under	Over or Under
Ill.	18.30	15.62	—	2.68	—	15
Ind.	7.77	5.59	—	2.18	—	28
Iowa	5.93	8.06	+	2.13	+	36
Kans.	4.51	4.11	—	0.40	—	9
Minn.	6.15	5.77	—	0.38	—	6
Mo.	8.70	9.64	+	0.94	+	11
Nebr.	3.30	6.02	+	2.72	+	82
N. Dak.	1.63	2.20	+	0.57	+	35
S. Dak.	1.66	2.13	+	0.47	+	28
Wisc.	7.05	5.98	—	1.07	—	15
Total	65.00	65.12	+	0.12	+	0

Fifth Zone—Night

State	Due	Assigned	Units		Percent	
			Over or Under	Over or Under	Over or Under	Over or Under
Ariz.	1.32	1.37	+	0.05	+	4
Calif.	17.18	18.82	+	1.64	+	10
Colo.	3.13	4.61	+	1.48	+	47
Idaho	1.35	1.50	+	0.15	+	11
Mont.	1.63	2.15	+	0.52	+	32
Nev.	0.27	0.30	+	0.03	+	11
N. Mex.	1.28	1.13	—	0.15	—	12
Ore.	2.89	4.14	+	1.25	+	43
Utah	1.54	3.30	+	1.76	+	114
Wash.	4.73	7.53	+	2.80	+	59
Wyo.	0.68	0.40	—	0.28	—	41
Total	36.00	45.25	+	9.25	+	26

Fifth Zone—Day

State	Due	Assigned	Units		Percent	
			Over or Under	Over or Under	Over or Under	Over or Under
Ariz.	2.38	1.79	—	0.59	—	25
Calif.	31.02	22.52	—	8.50	—	27
Colo.	5.66	5.15	—	0.51	—	9
Idaho	2.43	2.05	—	0.38	—	16
Mont.	2.94	2.95	+	0.01	+	0
Nev.	0.49	0.30	—	0.19	—	39
N. Mex.	2.31	2.95	+	0.64	+	28
Ore.	5.21	6.19	+	0.98	+	19
Utah	2.78	3.30	+	0.52	+	19
Wash.	8.54	8.94	+	0.40	+	5
Wyo.	1.24	0.40	—	0.84	—	68
Total	65.00	56.54	—	8.46	—	13

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—C. P., 1500 kc., 100 watts, unlimited time.

Tuesday, June 25, 1935

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Modification of license; 1380 kc., 1 KW, unlimited time. Present assignment: 1380 kc., 500 watts, 1 KW LS, unlimited time.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Special experimental authority; 1380 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, 250 watts LS, unlimited time.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—C. P., 1380 kc., 1 KW, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, unlimited time.

Wednesday, June 26, 1935

WWJ—The Evening News Ass'n, Inc., Detroit, Mich.—C. P., 920 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 920 kc., 1 KW, unlimited time.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P., 920 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 920 kc., 500 watts, daytime.

Thursday, June 27, 1935

WLWL—Missionary Society of St. Paul, New York, N. Y.—Modification of license; 810 kc., 5 KW, unlimited time. Present assignment: 1100 kc., 5 KW, specified hours.

WWL—Loyola University, New Orleans, La.—Modification of license; 850 kc., 10 KW, unlimited time. Present assignment: 850 kc., 10 KW, specified hours S.A. unlimited time.

KWKH—International Broadcasting Corp., Shreveport, La.—Renewal of license; 850 kc., 10 KW, specified hours.

WWL—Loyola University, New Orleans, La.—Renewal of license; 850 kc., 10 KW, specified hours.

WNYC—City of New York, Department of Plant & Structures, New York, N. Y.—Renewal of license; 810 kc., 500 watts, daytime.

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license; 1130 kc., 5 KW after sunset, Salt Lake City, 20 KW 6 a. m. to 8:30 p. m.; specified hours. Present assignment: 1130 kc., 20 KW, limited time.

WOV—International Broadcasting Corp., New York, N. Y.—C. P., 1130 kc., 1 KW, unlimited time, except from 6 to 8 p. m., except hours assigned to WLWL on 1100 kc. Present assignment: 1130 kc., 1 KW, daytime, 6 a. m. to 6 p. m.

WWL—Loyola University, New Orleans, La.—Extension of special authorization; 850 kc., 10 KW, unlimited time. Present assignment: 850 kc., 10 KW, specified hours S.A. for unlimited time.

WCCO—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Renewal of license; 810 kc., 50 KW, unlimited time.

WFAA—A. H. Belo Corporation, Dallas, Tex.—Renewal of license; 800 kc., 50 KW, share with WBAP.

WOV—International Broadcasting Corp., New York, N. Y.—Renewal of license; 1130 kc., 1 KW, daytime.

WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Renewal of license; 1100 kc., 5 KW, specified hours.

Friday, June 28, 1935

NEW—David Parmer, Atlanta, Ga.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time (requests facilities of WJTL).

WJTL—Oglethorpe University, Atlanta, Ga.—Renewal of license; 1370 kc., 100 watts, unlimited time.

WJTL—Oglethorpe University, Atlanta, Ga.—Voluntary assignment of license to J. W. Woodruff and S. A. Cislser, Jr.; 1370 kc., 100 watts, unlimited time.

NEW—David Parmer, Columbus, Ga.—C. P., 1200 kc., 100 watts, unlimited time (requests facilities of WRBL).

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Renewal of license; 1200 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WNAX—The House of Gurney, Inc., Yankton, S. D.—Granted modification of C. P. for approval of transmitter site and make changes in equipment.

KGDM—E. F. Peffer, Stockton, Calif.—Granted modification of C. P. for approval of transmitter site, make changes in equipment, extend commencement date from 1-11-35 to

30 days after grant extend completion date from 4-11-35 to 90 days thereafter.

WJW—WJW, Inc., Akron, Ohio.—Granted license to cover C. P. to operate on 1210 kc., 100 watts, unlimited time (C. P. authorized new equipment).

WHBY—WHBY, Inc., Green Bay, Wis.—Granted license to cover C. P. to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Mo.—Granted license to cover C. P. to operate on 1500 kc., 100 watts, unlimited (C. P. authorized erection new station).

W8XD—WBEN, Inc., Portable-Mobile.—Granted modification of license to include the frequencies 31100, 34600, 40600 kc.

W8XD—WBEN, Inc., Portable-Mobile.—Granted renewal of license.

W6XAP—Airfan Radio Corp., Ltd., Portable-Mobile.—Granted modification of license to include the frequencies 34600 and 37600 kc.

W6XAP—Airfan Radio Corp., Ltd., Portable-Mobile.—Granted renewal of license.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted construction permit (amended) for 1420 kc., 100 watts, daytime only.

WABI—First Universalist Society of Bangor, Bangor, Maine.—Granted consent to voluntary assignment of license to the Community Broadcasting Service (a Maine corporation).

WREN—Jenny Wren Company, Tonganoxie, Kans.—Granted consent to voluntary assignment of construction permit to Wren Broadcasting Company, Lawrence, Kans.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted special experimental authorization to operate on 780 kc., 1 KW night, 2½ KW day, unlimited time for a period of 90 days.

KTAT—KTAT Broadcast Company, Inc., Fort Worth, Tex.—Granted regular license for 570 kc., 500 watts night, 1 KW day, unlimited time.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted regular license for 1240 kc., 1 KW, unlimited time.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of license to determine operating power by direct measurement of antenna.

SET FOR HEARING

NEW—E. F. Sapp and S. F. Sapp, trading as Waycross Broadcasting Company, Waycross, Ga.—Application for construction permit for new station; 1200 kc., 100 watts, unlimited.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Application for C. P. to move transmitter location, increase operating power from 250 watts night, 500 watts day to 500 watts night, 1 KW day, make changes in equipment.

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Application for C. P. for new station; 1500 kc., 100 watts, unlimited.

NEW—Edwin A. Kraft, Fairbanks, Alaska.—Application for C. P. for new station; 950 kc., 250 watts, unlimited time.

NEW—Golden Empire Broadcasting Co., Redding, Calif.—Application for C. P. for new station; 1370 kc., 100 watts, unlimited time.

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—Application for C. P. for new station; 1500 kc., 100 watts, unlimited.

NEW—Harry H. Culver, Beverly Hills, Calif.—Application for construction permit for new station; 710 kc., 500 watts, limited time.

NEW—Chicago Broadcasting Association, Chicago, Ill.—Application for construction permit for new station; 1500 kc., 100 watts, unlimited time.

KFPL—C. C. Baxter, Dublin, Texas.—Application for modification of C. P. for approval of transmitter site, make changes in equipment.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Application for license to cover C. P., 950 kc., 1 KW night, 5 KW day, unlimited.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Application for modification of license to increase hours of operation from sharing KFUE to unlimited.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Application for consent to voluntary assignment of license to Associated Broadcasters, Inc.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Application for consent to the transfer of control of the Associated Broadcasters, Inc., licensee of Station WKJC from Steinman Hardware Co., to the Mason-Dixon Radio Group, Inc.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Application for C. P. to move station from Lancaster, Pa., to exact location to be determined at Eastern, Pa.

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Application for C. P. for new station; **1120 kc.**, 250 watts, daytime only.

NEW—Oil Capital Broadcasting Association, Kilgore, Tex.—Application for C. P. for new station; **1210 kc.**, 100 watts, unlimited; requests facilities of KWEA. Transmitter site and type of antenna to be determined, subject to Commission's approval.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Application for modification of license to change frequency from **1200 kc.** to **1500 kc.** and hours of operation from shares WJBW to unlimited.

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Application for C. P. (amended) for new station; **11850** and **15230 kc.**, 2 KW, six days per week (Thursday to Tuesday, incl.), 2½ hours per day. Exact time for day not set (1 hour daytime and 1½ hours night-time planned).

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for modification of license to change hours of operation from sharing KCRC to unlimited time, requesting facilities KCRC.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Application for C. P. to move station locally to site to be determined, subject approval Commission; install new equipment; increase power to 1 KW night, 5 KW day, increase hours of operation from sharing KELW to unlimited.

KCRC—Enid Radiophone Co., Enid, Okla.—Application for renewal of license; **1370 kc.**, 100 watts night, 250 watts day, shares KGFG.

ACTION ON EXAMINER'S REPORTS

WMBR—Ex. Rep. I-45: Florida Broadcasting Co., Jacksonville, Fla.—Denied construction permit to change equipment and increase day power from 100 watts to 250 watts. Sustaining Examiner M. Dalberg.

NEW—Ex. Rep. I-47: Fred L. Packard and A. Rosenberg, Los Angeles, Calif.—Denied construction permit for new station to operate on **1160 kc.**, 250 watts, daytime, sustaining Examiner R. L. Walker.

KFBK—Ex. Rep. I-35: James McClatchy Company, Sacramento, Calif.—Granted C. P. to move transmitter, make changes in equipment, change frequency from **1310 kc.** to **1490 kc.**, increase power from 100 watts to 5 KW, unlimited time. Examiner R. L. Walker reversed.

WBIG—Ex. Rep. I-31: North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Denied modification of license to increase night power from 500 watts to 1 KW; **1440 kc.**, 1 KW, unlimited time. Examiner R. H. Hyde sustained.

WFBR—Ex. Rep. I-25: Howell Broadcasting Co., Inc., Buffalo, N. Y.—Denied construction permit to install new equipment; change frequency from **1310 kc.** to **800 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW; change time of operation from unlimited to limited time to local sunset at Dallas, Tex. Examiner George H. Hill sustained.

Associated Broadcasting Corp., Cumberland, Md.—Granted modification of license to change hours of operation from daytime to 6 a. m. to local sunset at Dallas, Tex.; **800 kc.**, 250 watts. Examiner George H. Hill sustained.

WBAX—Ex. Rep. I-18: John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied construction permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day, change time of operation from specified to unlimited. Examiner R. L. Walker sustained.

WBAX—Ex. Rep. I-18: John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license; **1210 kc.**, 100 watts, specified hours. Examiner R. L. Walker reversed.

Sunbury Broadcasting Corp., Sunbury, Pa.—Denied modification of license to change hours of operation from specified hours to unlimited time. Examiner R. L. Walker reversed.

WKOK—Ex. Rep. I-18: Sunbury Broadcasting Corp., Sunbury, Pa.—Granted renewal of license; **1210 kc.**, 100 watts, specified hours. Examiner R. L. Walker sustained.

ORAL ARGUMENTS GRANTED

The Commission granted oral argument in re Examiner's Report No. I-48, on the application of Buttrey Broadcasting, Inc. (KFBB), Great Falls, Mont., for special experimental authorization, said oral argument to be heard at 10 a. m., September 12, 1935.

APPLICATIONS DISMISSED

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

NEW—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., **630 kc.**, 250 watts, daytime only.

NEW—Howell Broadcasting Co., Inc., Rochester, N. Y.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Special experimental authority; **1280 kc.**, 1 KW, shares WTNJ and WCAM.

KADA—C. C. Morris, Ada, Okla.—C. P., **1200 kc.**, 250 watts, daytime only.

NEW—Connecticut Broadcasting Co., Edward Mirante and Arthur Faske, New Britain, Conn.—C. P., **1370 kc.**, 100 watts, unlimited.

NEW—J. David Stern, New York, N. Y.—C. P., **810 kc.**, 500 watts, 6 a. m. to sunset of Station WCCO. (Requests facilities of WNYC.)

APPLICATIONS DENIED

The following application, heretofore set for hearing, was denied as in cases of default, applicant having failed to enter an appearance and statement of facts to be proved in accordance with Rule 48 (b) of the Commission:

NEW—Ark-La-Tex Radio Corp., Shreveport, La.—C. P., **850 kc.**, 10 KW, unlimited time (requests facilities of KWKH, WWL).

RENEWAL OF LICENSES

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

WEHS, Cicero, Ill.; WHDL, Olean, N. Y.; WMBBC, Detroit, Mich.; WPAD, Paducah, Ky.; WQDM, St. Albans, Vt.; KIDW, Lamar, Colo.; WCBS, Springfield, Ill.; WLAP, Lexington, Ky.; WMBR, Jacksonville, Fla.

KABR—Aberdeen Broadcast Co., Aberdeen, S. D.—Present license extended on a temporary basis to August 1, 1935, subject to such action as may be taken on pending application for renewal.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—Present license extended on a temporary basis to August 1, 1935, subject to such action as may be taken on pending application for renewal.

KUMA—Albert H. Schermann, Yuma, Ariz.—Present license extended on a temporary basis to October 1, 1935, subject to such action as may be taken on pending application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Present license extended on a temporary basis to August 1, 1935, subject to such action as may be taken upon the application for renewal of license.

KGDY—Voice of South Dakota, Huron, S. D.—Granted renewal of license for the period ending 3 a. m., EST, November 1, 1935.

WRBX—Richmond Development Corp., Roanoke, Va.—Granted renewal of license for the period ending 3 a. m., EST, November 1, 1935.

KFXJ—R. G. Howell and Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Granted renewal of license for the period ending 3 a. m., EST, December 1, 1935.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Texas—Granted renewal of license for the period ending 3 a. m., EST, December 1, 1935.

KXL—KXL, Broadcasters, Portland, Ore.—Present license extended on a temporary basis to October 1, 1935, subject to such action taken upon application for renewal.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Present license extended on a temporary basis to October 1, 1935, subject to such action as may be taken upon application for renewal.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Present license extended on a temporary basis to October 1, 1935, subject to such action as may be taken on application for renewal.

MISCELLANEOUS

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Denied petition asking increase in day power to 1 KW without a hearing on **920 kc.**, disregarding application for 500 watts at night.

WWJ—Evening News Association, Detroit, Mich.—Denied petition asking increase in day power from 1000 to 5000 watts without a hearing. Upon protest of Station WAAF.

NEW—Edwin A. Kraft, Fairbanks, Alaska.—Denied petition requesting grant of C. P. for new station at Fairbanks, Alaska, to operate on **950 kc.**, 250 watts, without a hearing.

WGN—WGN, Inc., Chicago, Ill.—Granted petition to intervene at hearing of application of WAAF for unlimited hours of operation on **920 kc.**, and for increase in power.

WMAQ and WENR—National Broadcasting Co., Inc., Chicago, Ill.—Granted petition to intervene at hearing of application of WAAF for increase in power and unlimited operation on **920 kc.**

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Denied application for continuance of hearing scheduled for August 1, 1935, on application for modification of license and change frequency from **1370 kc.** to **1450 kc.** and increase night power from 100 watts to 250 watts.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted petition to intervene at hearing of application of WAAF for unlimited hours of operation on **920 kc.** and for increase in power.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Reconsidered and granted application for authority to install new equipment, increase day power from 1 KW to 5 KW.

NEW—Black Hills Broadcast Co., Rapid City, S. Dak.—Denied petition requesting grant of C. P. without hearing for new station to operate on **1370 kc.**, 100 watts.

NEW—Educational Radio, Inc., Spartanburg, S. C.—Denied petition for reconsideration of action of Commission in designating for hearing application for new station to operate on **1420 kc.**, 100 watts, unlimited time.

WMFE—Edward Mirante and Arthur Faske, d/b as Connecticut Broadcasting Co., New Britain, Conn.—Denied protest against grant of C. P. and modification of C. P. to Wm. J. Sanders, WMFE, New Britain, Conn. Grant is for new station to operate on **1380 kc.**, 250 watts, daytime.

WARD—U. S. Broadcasting Corp., Brooklyn, N. Y.—Denied request for continuance of 30 days of oral argument on Examiner's Report No. I-40 set for June 24, 1928.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Denied request for postponement of arguments "until Fall."

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Denied petition for reconsideration and grant of C. P. for increase in power and change in equipment.

APPLICATIONS RECEIVED

First Zone

NEW—Brown Radio Service & Laboratory (Gordon P. Brown, **1210** owner), Rochester, N. Y.—Construction permit to erect a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended to request daytime instead of unlimited. Omit request for facilities of WOCL.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and **1370** Bostwick, St. Albans, Vt.—Construction permit to move transmitter and studio from 16 Kingman St. to 42 No. Main St., St. Albans, Vt.

Second Zone

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va. **550**—License to cover construction permit (B2-P-3280) as modified for a new station on **550 kc.**, 500 watts, unlimited time.

NEW—Wolverine Broadcasting Co., John E. Fetzer, Ann Arbor, **830** Mich.—Construction permit for new station to be operated on **830 kc.**, 1 KW, daytime. Request call WANR.

NEW—Steel City Broadcasting Co., Harold C. Lund, Bernard Armstrong, Jerome Mahall, Pittsburgh, Pa.—Construction permit for new station to be operated on **890 kc.**, 500 watts, unlimited. Amended as to equipment.

NEW—Best Broadcasting Co., Frankfort, Ky.—Construction permit for a new station to operate on **1210 kc.**, 100 watts, 250 watts local sunset, unlimited time.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—**1310** License to cover construction permit (B2-P-244) to install new equipment and increase day power from 100 watts to 250 watts.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—**780** Construction permit to make changes in equipment and increase power from 1 KW, 2½ KW day to 1 KW, 5 KW day.

WJAX—City of Jacksonville, Jacksonville, Fla.—Modification of **900** construction permit for approval of transmitter site at First, Main and Laura Sts., Jacksonville, Fla. Amended: Request approval of new site at Municipal Golf Course, Hyde Park, Jacksonville, Fla., and to extend commencement date.

KWKH—International Broadcasting Corp., Shreveport, La.—**1100** Extension of special experimental authorization to operate on **1100 kc.**, unlimited, using a directional antenna at night for period of 8-1-35 to 2-1-36.

NEW—Albert E. Davis, Brownwood, Texas—Construction permit **1200** for new station to be operated on **1200 kc.**, 100 watts power, unlimited time.

NEW—G. L. Burns, Brady, Texas—Construction permit for a new **1210** station to operate on **1210 kc.**, 100 watts, daytime. Amended to request **1500 kc.**

WDAE—Tampa Times Co., Tampa, Fla.—Construction permit to **1220** make equipment changes and increase daytime power from 1 KW to 5 KW. Consideration under 6 (g).

NEW—J. W. Stanford, d/b as Brunswick Broadcasting Co., Brunswick, Ga.—Construction permit for new station to operate on **1310 kc.**, 100 watts, unlimited.

KLUF—Geo. Roy Clough, Galveston, Texas—Extension of special **1370** experimental authorization to operate on 100 watts, 250 watts local sunset for period 7-1-35 to 1-1-36.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan **1370** Broadcasting Co., Dothan, Ala.—Modification of construction permit (B3-P-294) to make equipment changes.

Fourth Zone

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification **550** of B4-P-3285 as modified to extend completion date from 7-7-35 to 11-7-35.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa—License **600** to cover (B4-P-181) as modified to move transmitter from approximately 5 miles from Waterloo, Iowa, to Marion Township, Iowa, and to install new equipment.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of **770** special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight CST from 8-1-35 to 2-1-36.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—License to **770** cover 4-P-B-3275, increase power, install new equipment, change hours of operation.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of **770** special authorization to operate synchronously with KFAB from local sunset (KFAB's) to midnight, for period not to exceed 2-1-36.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension of **970** special experimental authorization to operate unlimited time for period from 8-1-35 to 2-1-36.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to **970** cover (B4-P-2584) as modified to move transmitter and increase power.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Authority to **970** determine operating power by direct measurement of antenna.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to **970** use present transmitter as auxiliary transmitter.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Construction **1160** permit for new equipment, increase in power from 10 KW to 25 KW; 10 KW day.

WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Construction permit to install new equipment and increase the operating power from 100 watts to 100 watts, 250 watts local sunset.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa—Modification of license to change hours of operation from simultaneous day with WTAQ, S. H. night to unlimited.
KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa—Construction permit to make equipment changes.
KFJM—University of North Dakota, Grand Forks, N. D.—Construction permit to change equipment and frequency from 1370 to 1390 kc., power from 100 watts to 1.5 KW day. Amended: request 1410 kc., and equipment changes.

Fifth Zone

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah 550 —Construction permit for new station to be operated on 550 kc., 500 watts, unlimited time.
KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to move transmitter from 225 Pine St. to 217 Pine St., Seattle, Wash., move studio from 225 Pine St. to 4th and University Sts., Seattle, Wash., and make equipment changes.
NEW—R. J. Nasser, Sacramento, Calif.—Construction permit for 850 new station to be operated on 850 kc., 250 watts daytime.

KGA—Louis Wasmer, Spokane, Wash.—Special experimental authorization to operate on 950 kc., 1 KW, 5 KW day for regular license period.
NEW—Julius Brunton & Sons Co., Fresno, Calif.—Construction 980 permit for new station to be operated on 980 kc., 250 watts, daytime.
NEW—Pauline Holden, Porterville, Calif.—Construction permit 1160 for new station on 1160 kc., 100 watts, daytime. Amended to change frequency from 1160 kc. to 1210 kc., and hours operation to unlimited.
KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Modification of 1200 license to change hours of operation from daytime to unlimited.
KVOR—S. H. Patterson, Colorado Springs, Colo.—Construction 1270 permit to move transmitter from 14 S. Nevada St., Colorado Springs, Colo., to "outside city limits," Colorado Springs, Colo., and make equipment changes. Amended: Antenna changes.
KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah— 1290 Construction permit to increase power from 1 to 5 KW, install new equipment. Amended: Transmitter site to be determined, near Salt Lake City, Utah. Antenna to be determined.

NAB REPORTS

Copyright, 1935. The National Association of Broadcasters



Vol. 3 - - No. 30
JUNE 24, 1935

WRITE, WIRE, 'PHONE YOUR SENATOR

Every member of the NAB who believes that the \$250 statutory minimum damages for innocent infringement of music copyright should be eliminated from the law should write, wire or telephone his Senator immediately asking that he use his influence to secure early consideration and passage without amendment of the Duffy Copyright Bill (S. 3047) which has been favorably reported to the Senate by the Senate Patents Committee. The bill has the support of the President and the Department of State. Quick action is necessary.

BOARD ADOPTS ASCAP RESOLUTION

A meeting of the Board of Directors of the NAB was held at the St. Regis Hotel, New York, Saturday, June 22. The following were present: Ward, Wheelahan, Kay, Russell, Gillen, Persons, Lounsbury, Church, Myers, Levy, Lyons, Hedges, Carpenter, Buckwalter, Butcher, McCosker, Hubbard and Loucks, Managing Director. Fitzpatrick and Crosley were unable to attend.

Preliminary to the Board meeting the members heard Edward Klauber, executive vice president of the Columbia Broadcasting System; A. L. Ashby, vice president and general attorney of the National Broadcasting Company; I. D. Levy, NAB treasurer and representative of Station WCAU; and J. C. Hostetler, NAB copyright counsel; discuss the negotiations with the American Society of Composers, Authors and Publishers which had been under way for several weeks. Messrs. Klauber, Ashby and Levy explained the circumstances under which they executed five year extensions of their companies' contracts with ASCAP after which the Board directed the Managing Director to publish in NAB REPORTS the statement made by Mr. Ashby on behalf of his company reviewing developments in the negotiations.

A. L. McCosker, chairman of the NAB Copyright Committee, announced that he had not as yet signed an extension of the WOR contract with ASCAP although the matter was being considered by his station's attorneys.

Mr. McCosker stated that on June 17 he had received a letter from ASCAP stating that the Society offered an opportunity for each and every station to extend its present contract for a period of five years and the Managing Director was authorized to communicate this letter to the members of NAB.

After hearing the discussions, the Board went into formal session. Messrs. Ashby, Klauber and Hostetler were not present at the Board meeting. The following resolution was unanimously adopted:

The Board of Directors of the National Association of Broadcasters passed the following Resolution:

WHEREAS, a full report covering the recent negotiations with ASCAP has been made to the Board by A. J. McCosker, Chairman of the Copyright Committee, heretofore appointed, and certain of the members of the Committee; and by Edward Klauber, representing the Columbia Broadcasting System; A. L. Ashby, representing the National Broadcasting Company; I. D. Levy, representing Station WCAU; and J. C. Hostetler, Copyright Counsel for the NAB; the Board makes the following declaration of principles and facts:

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

2. The Board believes that the two networks and Station WCAU when they accepted a five-year extension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the Copyright Committee of ASCAP a "per piece" or "measured service" plan prior to the expiration of present contracts; and, that when they accepted such contracts it was because the networks and WCAU felt that it was necessary for the industry to have available upon the best terms possible the repertoire controlled by ASCAP; and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled.

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

Accordingly, the Board attaches hereto, the letter dated June 17, which was sent to the Chairman of our Copyright Committee, and which was presented to the Board on June 22.

Passed Unanimously.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS

THIRTY ROCKEFELLER PLAZA
NEW YORK CITY

E. C. MILLS,
General Manager.

June 17, 1935

Mr. Alfred J. McCosker, Chairman,
Copyright Committee of the
National Association of Broadcasters,
Bamberger Broadcasting Service, Inc.,
1440 Broadway, New York, N. Y.

Dear Mr. McCosker:

This confirms my previous telephone conversation with you as Chairman of the Copyright Committee of the National Association of Broadcasters to the following effect:

ASCAP offers all broadcasting stations an opportunity, regardless of membership in your Association, to extend the terms of their present license agreements, as now in effect, for a period of five additional years, as from January 1, 1936. As you have been previously advised, pursuant to understanding reached with your Committee, ASCAP agreed that all present license agreements with broadcasters would be extended to December 31, 1935. The purpose now is to offer all broadcasters without exception an opportunity to extend their existing agreements for an additional five years from January 1, 1936.

All licenses are renewable under their exact present terms, except as to Stations WEAf, WJZ and WABC, the sustaining fees of each of which has been by agreement increased \$25,000 per annum, effective January 1, 1936.

We shall be glad to receive the written request of any station for an extension of its present agreement as above provided for. All of such requests will be promptly covered by a brief rider to be attached to the present agreement, providing for the extension.

With all good wishes, we remain

Yours very truly,

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS
E. C. MILLS

PUBLISHERS QUIT ASCAP

New complications in the swift-moving music copyright situation arose this week when the firms of Harms, Witmark, New World Music, and Remick, controlled by Warner Brothers, notified radio stations that their agreements with the American Society of Composers, Authors and Publishers terminate on December 31, 1935, and that after that date stations would be required to obtain licenses from these publishers or face injunctive proceedings or damage suits. The letters followed signature of the NBC and CBS and Station WCAU with ASCAP for five-year extension of their present contracts and after the government suit against the Society was adjourned until November 4.

This action means that ASCAP will be without this important group of publishers after December 31, 1935.

What action these publishers will take with respect to the Government suit, in which they are named defendants, was not known.

MANAGING DIRECTOR UPHELD

Near the close of the meeting the Managing Director stated that the second letter of Mr. Levy, including the telegram from President Ward, addressed to the NAB membership stated that his act in sending Mr. Hostetler's letter to the membership was not an official act of the NAB. He asked that the Board either approve or disapprove his action. The Board unanimously approved the action.

SPENCE MAKES REPORT

E. M. Spence, chairman of the NAB Convention Committee, reported that reservations at the Broadmoor Hotel had exhausted all space at that hotel for the Convention and that the Antlers Hotel was caring for the overflow. He said that most of the set speeches for the meeting had been cancelled in order that adequate time would be provided for discussion of copyright and other important matters. This last minute change was desirable, he said, because it would be impossible to crowd into the sessions of the meeting all of the speeches previously planned and give ample time for members to discuss their mutual problems. In view of the lateness of the date, he said, it was virtually impossible to change the date of the Convention although he expressed regret at the fact that the Broadmoor Hotel was unable to take care of all delegates at the headquarters hotel.

ASCAP TRIAL ADJOURNED

The trial of the United States Government against ASCAP alleging violation of the Sherman anti-trust laws was postponed on June 20 until November 4. The recess came by agreement among counsel with Federal Judge Henry W. Goddard, who announced at the outset of the trial June 10 that he would have to move to the motions bench on July 1 and desired to have argument completed by that time.

At the time of adjournment William J. Benning, program director of WTMJ, Milwaukee, was on the stand. He had been asked to produce program records of WTMJ going back to 1922 and a delay of several days seemed inevitable before this data could be accumulated. It was agreed by counsel that a postponement was desirable, particularly since it was obvious that the government could not complete its case by July 1, when Judge Goddard would leave the bench.

There was little of particular import developed during the few days of the actual trial. Great numbers of exhibits were placed in the record by Nathan Burkan, chief counsel for ASCAP. Direct examination of witnesses called by Andrew W. Bennett, special assistant to the Attorney General, was comparatively brief, but the cross-examination by Mr. Burkan was lengthy.

On several occasions during the trial, Mr. Burkan referred to the five-year extensions which the networks and WCAU, Philadelphia, had negotiated with ASCAP on the eve of the trial's opening. He said there was no question of oppression or reasonableness of the charges for music involved in the suit, because several of the "most important units" of the industry had entered into the five-year extensions at a figure even higher than what they had paid before.

The first witness was Dr. C. B. Jolliffe, chief engineer of the FCC, who appeared June 12 and testified to the interstate commerce aspects of broadcasting.

The next witnesses were Raymond V. Robinson, chief of the catalog and index section of the Copyright Office, Library of Congress, and William P. Siegfried, clerk in the same office. They described the procedure followed in the registration of copyrights, numbers in

the public domain, and similar routine data on copyright registrations.

Thomas Belviso, NBC music librarian, was then called and he sought to show, under examination by Mr. Bennett, that the station and the network cannot function without the ASCAP catalogue. Mr. Burkan objected to the testimony, and sought to bring out that broadcasters and other music users had available to them the catalogues of the SESAC, AMP, and Ricordi, as well as the public domain music.

The testimony of Richard Banner, CBS musical librarian, came next. He explained how musical selections were cleared for network use, including restricted numbers, and testified also that it was impossible to build network shows without the use of ASCAP music.

Mr. Benning testified that WTMJ had endeavored to operate without ASCAP music and found it impossible to meet the public demand without it. WTMJ, he asserted, held numerous licenses from other copyright groups, but found that some 90 per cent of the music performed was from the ASCAP catalogue even after efforts had been made to eliminate ASCAP music.

Mr. Benning declared that a daily record of musical compositions performed on musical programs on WTMJ had been kept, and Mr. Bennett sought to get into the record a table showing the proportionate use made of ASCAP music. To this Mr. Burkan objected, and was sustained by Judge Goddard. This was down on the contention that the programs themselves were the best evidence of the use made of the music. Finally, the government agreed to produce the program logs of WTMJ on subpoena, and at the same time Mr. Burkan subpoenaed all of the program records of WTMJ from 1922 to date. It was then brought out that several days at least would be needed to gather this data, and following Mr. Bennett's visit to Washington the parties agreed in chambers with Judge Goddard for the postponement until November 4.

DUFFY BILL FAVORABLY REPORTED

The Senate Committee on Patents reported favorably to the Senate the Duffy Copyright Bill (S. 3047) which would eliminate from the present copyright laws the \$250 statutory minimum damages for innocent infringement of music copyright.

The bill was considered by a subcommittee of the Senate Patents Committee consisting of Senator Homer T. Bone of Washington and Senator Wallace H. White of Maine.

The report deals with the subject of copyright groups and minimum damages in the following language:

"In regard to the infringement portions of the bill, the outstanding problem is that of statutory damages. Under the present law, for most types of literary and artistic works, an author or composer, whose rights have been infringed, is allowed a minimum of \$250 without proving any actual damage from the infringement.

"The existence of such a provision, as well as some others of the remedial provisions, has a significance much larger than the mere matter of collecting damages. Producers and consumers of literary and artistic works make use of these provisions as bargaining points in their original contracts of purchase and sale. It is believed that such use goes far beyond what should be expected from the normal reliance of property owners upon the law to defend them against unauthorized uses of their property. Indeed, it is believed that both producers and consumers find their chief use for these provisions of law as aids to the ulterior purpose of endeavoring to extract better bargains in their dealings with one another. It is believed, further, that this constitutes the true reason why the producing and consuming interests exhibit such profound concern regarding them.

"The committee is firmly of the opinion that to eliminate the statutory minimum of \$250 for infringement without proof of damage is to eliminate the chief factor in the use of the law for bargaining, sometimes for coercive purposes, between producers and consumers of copyrighted works. Moreover, since 1909, when the present law was enacted, the methods of using copyrighted works have developed with amazing rapidity. The range of the use of such works has correspondingly increased. A piece of copyrighted music may thus be publicly performed on a phonograph in a boot-black stand or on a broadcasting network covering the continent. For the law to attempt to fix a specified sum as minimum damages, in view of the breadth of this usage, would seem wholly unreasonable.

"Accordingly, entirely apart from the ulterior use of the minimum statutory damages under the present law, it is deemed necessary to make the change which the bill contains. This change does not

lessen the value of the section so far as its purpose is concerned. That purpose is to accord a remedy for infringement, not a weapon under which the owners of copyright may stimulate the sale of their works.

"In place of the stated minimum, the bill provides that the courts shall award sufficient statutory damages to prevent infringement and such as may be just, proper, and adequate in view of the circumstances of the particular case. The maximum is fixed at \$20,000, four times the amount specified in the present law. This seems appropriate in view of the vast increases in recent years in the value of copyrightable works.

"Producers of copyrighted works have been persistent in their assertion that this takes from them an essential remedy. The Committee on Patents believes that the reverse is true. So many palpable injustices have arisen from the present law that courts have acquired a dislike for handling such cases and have come to feel that the law is wrong. It is believed that, with the enactment of this provision of the bill, the courts will realize that the statute lays a foundation under which they can do justice and that they may be relied upon to utilize their full powers and abilities to such end.

"There would seem to be little doubt but that, given the opportunity, the courts will accept with enthusiasm the task of preventing infringement and that the cases which actually come before them will prove clearly that the authors and composers of the country are far better off than they were before. It may be noted in this connection that the provision of the bill is based upon confidence in the ability of the courts to pronounce justly between plaintiff and defendant. A stated minimum sum, fixed by statute, indicates distrust of the courts. Plaintiffs who start suits distrusting the courts are likely to have an equal distrust in the merits of their causes. It has been said that, in order to feel that he can bring suit for infringement, a poor author must be assured of a certain minimum of damages. If the use of the copyright work is worth anything at all to the user, the court must, under the terms of the bill, award something. Since it must award enough to stop such infringements, it must award at least enough to cover what infringement is worth to a user.

"The other remedial provision about which there has been important controversy is that of injunctive relief. Producers of copyrighted works claim that, unless full rights of injunction are accorded them, users of copyrighted works will pay no attention to their rights and will simply remunerate them in damages after having callously used their works in whatever manner was desired. Users of copyright work, on the other hand, claim that unless given a large exemption from the full implications of the law of injunction, they may be put to vast and unwarranted losses in cases that would be of small use to copyright owners and might, indeed, enable copyright owners to indulge in practices differing little from blackmail.

"For instance, a publication about to go to press might, under present law, be enjoined because of the appearance of a single small item which infringed some copyright. Or a radio broadcaster might be about to begin a program and have that program seriously interfered with through the deletion of some part in which, quite unknown to the broadcaster, claim of copyright existed. In such cases it is obviously better that the copyright holder should run the risk of some loss, which could in all cases be reimbursed in damages, than that the copyright user should be thus placed in jeopardy in the course of his business. Accordingly, the present bill reduces the injunctive remedy, but quadruples the maximum of statutory damages, and continues the present unlimited amount of damages recoverable when actually proved."

COPYRIGHT BILL IN HOUSE

Congressman Sol Bloom has introduced in the House a bill to amend the present copyright laws (H. R. 8557) which is a companion bill to the Duffy Copyright Bill which has just been reported favorably to the Senate. The Bloom bill has been referred to the House Committee on Patents.

COLORADO SPRINGS, JULY 7-10

The Thirteenth Annual membership meeting of the NAB will be held at Colorado Springs, Colo., July 7 to 10, inclusive.

The Convention Committee has been informed that all space in the Broadmoor Hotel has been reserved and that additional reservations will be taken care of at the Antlers Hotel in Colorado Springs. A program of entertainment for delegates and guests has been worked out by the local committee of Denver NAB members.

The Convention Committee made last-minute adjustments in the program for the meeting, reducing set speeches to a minimum, and

allowing plenty of time for discussion for all topics to come before the meeting. Come prepared to participate in the discussions and take part in the actions of your Association. Remember this is a membership meeting, not merely a convention. And what is more, it is your meeting.

OFFICERS TO BE ELECTED

Election of officers will take place on the final day of the meeting. The terms of the following expire with the meeting:

Truman J. Ward, President; Lambdin Kay, First Vice President; C. W. Myers, Second Vice President; Isaac D. Levy, Treasurer.

The terms of the following expire at the meeting:

J. Thomas Lyons, I. Z. Buckwalter, Stanley E. Hubbard, Harold Wheelehan, Powel Crosley.

Philip G. Loucks, managing director since November, 1930, notified President Ward last May that he will not be a candidate for reappointment and this post must be filled by the Board of Directors at its reorganization meeting at the close of the meeting.

THE CONVENTION PROGRAM

A tentative program for the Colorado Springs meeting is as follows:

General Information

Registration desk will be open from 10:00 A. M. until 1:00 P. M. Sunday, and from 8:30 A. M. until 5:00 P. M. on Monday, Tuesday and Wednesday.

Registration fee \$7.50 per person. Banquet tickets may be purchased at Registration Desk at \$3.00 each.

Fifth Annual NAB Championship Golf Tournament will be held Sunday for *Broadcasting Magazine* Trophy. First foursome will tee off at 10:30 A. M.

All general sessions start promptly at 9:30 A. M.

WEAR YOUR BADGE AT ALL TIMES. IT IS YOUR TICKET TO ALL MEETINGS. WITHOUT IT YOU WILL BE DENIED ADMITTANCE.

All motions and resolutions offered by delegates must be in writing and handed to the Presiding Officer after presentation.

Watch Bulletin Board for program of entertainment for Ladies.

Monday, July 8, 1935

9:30 A. M.

Call to Order.

Address of Welcome:

Hon. E. C. Johnson, Governor of Colorado.

Address of the President:

Mr. T. J. Ward, WLAC, Incorporated, Nashville, Tennessee.

Mr. Anning S. Prall, Chairman, Federal Communications Commission, Washington, D. C.

Television in America and Europe:

Mr. Andrew W. Cruse, Chief, Electrical Division, U. S. Department of Commerce.

Report of the Managing Director:

Mr. Philip G. Loucks, National Association of Broadcasters, Washington, D. C.

Appointment of Committees.

Announcements.

Adjournment.

Monday, July 8, 1935

2:00 P. M.

Call to Order:

Report of Commercial Committee:

Mr. Arthur B. Church, Chairman, Midland Broadcasting Company, Kansas City, Missouri.

Discussion.

Report of Special Committee on Trade Practices:

Mr. Alfred J. McCosker, Bamberger Broadcasting Service, Inc., New York, N. Y.

Discussion.

Report of Engineering Committee:

Mr. Joseph A. Chambers, Chairman, Crosley Radio Corporation, Cincinnati, Ohio.

Discussion.

Report of Legislative Committee:

Mr. Philip G. Loucks, Managing Director, National Association of Broadcasters, Washington, D. C.

Discussion.

Adjournment.

See Bulletin Board for announcements of Committee and group meetings.

Tuesday, July 9, 1935

9:30 A. M.

Call to Order.

Report by NAB Copyright Committee:

Mr. Alfred J. McCosker, Bamberger Broadcasting Service, Inc., New York, N. Y.

Discussion.

Report of Treasurer, Copyright Fund:

Mr. Isaac D. Levy, WCAU Broadcasting Company, Philadelphia, Pennsylvania.

Discussion.

Report of Mr. Joseph C. Hostetler, NAB Copyright Counsel.

Discussion.

Tuesday, July 9, 1935

No afternoon session scheduled.

Time open for golf, sightseeing, etc.

See Bulletin Board for Ladies Program.

6:45 P. M.

Annual NAB Banquet:

Presentation of Trophies to winners of Golf Tournament.

See Bulletin Board for special announcements of Committee meetings.

Wednesday, July 10, 1935

9:30 A. M.

Call to Order.

Report of Resolution Committee.

Report of Nominating Committee.

Election of Officers.

Installation of Officers.

Adjournment.

(The Convention Committee has arranged the program to allow adequate time for discussion of all important subjects. Watch Bulletin Board for special announcements.)

ABOUT TRANSPORTATION TO MEETING

Each year the NAB has secured convention rates for its delegates. This was not done this year in view of the fact that summer tourist rates in each instance are lower than reduced convention rates. Therefore, when you buy your ticket ask for summer tourist rates.

Here's some dope on railroad fare to Colorado Springs and Denver:

TO COLORADO SPRINGS AND/OR DENVER

From	16 Day Limit	45 Day Limit	Season Limit— Final Return Limit Oct.31
Washington, D. C.....	\$68.95	\$75.75	
Wilmington, Del.	\$71.05	\$77.85	
Baltimore, Md	\$68.95	\$75.75	
Rochester, N. Y.....	\$60.70	\$67.50	
Buffalo, N. Y.	\$57.75	\$64.55	
Newark, N. J.....	\$74.40	\$81.50	
New York	\$75.10	\$81.90	
Philadelphia	\$71.05	\$77.85	
St. Louis	\$30.10	\$36.00	
Kansas City	\$19.60	\$26.50	
Little Rock	\$33.00	\$39.55	
Oklahoma City	\$23.65	\$28.35	
Memphis	\$35.85	\$43.00	
Cincinnati	\$45.60	\$51.50	
Cleveland	\$49.55	\$56.35	\$60.65
Detroit	\$46.50	\$53.30	
Chicago	None	\$34.20	
Dallas, Texas	\$25.10	None	\$30.10
New Orleans	\$43.55		\$52.25
Ft. Worth	\$24.05		\$28.85
Houston	\$34.85		\$41.55
San Antonio	\$33.35		\$40.00
El Paso	\$26.05		\$31.55
Los Angeles	None		\$57.50
San Francisco	None		\$57.50
Portland, Ore.	None		\$57.50
Pittsburgh, Pa.	\$55.30	\$62.10	\$62.10
Indianapolis	\$41.20	\$47.10	\$49.71

NOTICE OF AMENDMENTS

June 24, 1935.

To ALL MEMBERS:

In pursuance of the provisions contained in Article IX and By-Law 17 of the Constitution and By-Laws of the National Association of Broadcasters, Inc., notice is hereby given that certain amendments to the Constitution and By-Laws of the National Association of Broadcasters, Inc., as hereinafter described, will be presented for consideration at the annual membership meeting in Colorado Springs, Colo., on July 10, 1935.

The Board of Directors, at a formal meeting held on June 22, 1935, by unanimous agreement proposed the following amendments to the Constitution and By-Laws of the National Association of Broadcasters, Inc.:

1. ARTICLE III, SECTION (a)

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

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

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

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

2. ARTICLE V, SECTION (b)

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

3. ARTICLE V, SECTION (c)

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

4. ARTICLE VII

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

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

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

5. BY-LAW 1, SECTION (a)

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

6. BY-LAW 1, SECTION (b)

Strike out all of the section and insert the following in lieu:
“(b) The annual dues of Associate Members of this Association shall be at the rate of two hundred fifty dollars per year, payable quarterly in advance.”

7. BY-LAW 3, SECTION (b)

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

8. BY-LAW 4, SECTION (a)

Line 2—Insert after the word “to” and before the word “membership” the word “active.”

9. BY-LAW 4, SECTION (b)

Insert after the word “Each” and before the word “member” the word “active.”

10. BY-LAW 5, SECTION (a)

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

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

PHILIP G. LOUCKS,
Managing Director.

CONGRATULATIONS TO MR. MORENCY

Mr. Church stated that he was planning a visit to Paul W. Morency, former NAB vice president and member of the Board, who has recovered from a long period of serious illness. The Board adopted unanimously a resolution requesting Mr. Church to express to Mr. Morency its best wishes upon his recovery.

CODE COMMITTEE APPOINTED

The Board gave consideration to the situation which grew out of the Supreme Court's decision holding the NRA unconstitutional. The Board directed the President to appoint a committee to devise ways and means by which the advantages which accrued from the NRA code may be retained and instructed the committee to report at the Colorado Springs Convention.

President Ward appointed the following Committee: A. J. McCosker, chairman; John Shepard, 3d, Arthur B. Church, E. A. Allen, and Stanley Hubbard.

RULE 176 DEBATED BEFORE FCC

The Broadcast Division of Federal Communications Commission on June 20th heard argument on Rule 176. The World Broadcasting System, who had petitioned the Commission for a change in Rule 176 so as to permit the broadcasting of electrically transcribed programs without the requirement of announcing each separately recorded number used to make up the program, was supported by other interests representing electrical transcriptions and by several broadcasting stations. At the same time strong representations were made to the Commission in behalf of local stations that the same relief should be accorded all recorded programs, including phonograph records. The idea that all recorded programs could be presented with an announcement before and after the program and, in any event, each fifteen minutes, without deceiving the listeners, was vigorously prosecuted.

Arthur B. Church, Chairman of the Commercial Committee of NAB, appeared for the Association and offered the resolutions adopted at the last membership meeting on the subject of electrical transcriptions.

It was represented on behalf of local stations that Rule 176 should be amended to read:

“Each licensee shall make a clear and concise announcement at the beginning of every program as to the use therein of any mechanical reproduction, phonograph record, electrical transcription or other recording, unless the use thereof is merely incidental as for identification or background.”

MARMOLA COMPLAINTS WITHDRAWN

The FCC on June 19 removed from the hearing docket sixteen broadcasting stations cited to appear before the Broadcast Division on October 3, 1935, to prove they are operating in the public interest. WBAP, whose facilities are being requested, was excepted.

These stations were in the group of twenty-one reported to have carried a program entitled “Marmola,” an alleged fat reducing

preparation, condemned by the Federal Trade Commission, the Post Office Department, and the Supreme Court.

Upon further consideration and review of the technical and service records of these stations the Commission decided to remove them from the hearing docket and grant regular renewal licenses. Evidence was also submitted to the Commission showing that these stations carried the program in question for very short periods, discontinued it after receiving complaints or when informed the Commission had received complaints, and no other comparable programs were carried.

The sixteen stations removed from the hearing docket on this issue were: WGAR, Cleveland, Ohio; WHEC, Rochester, N. Y.; WIOD-WMBF, Miami, Fla.; WIRE, Indianapolis, Ind.; WKBW, Buffalo, N. Y.; WBAP, Fort Worth, Texas; WBAL, Baltimore, Md.; WGR, Buffalo, N. Y.; WHO, Des Moines, Iowa; WIND, Gary, Ind.; WJAS, Pittsburgh, Pa.; WJJD, Chicago, Ill.; WJR, Detroit, Mich.; WOW, Omaha, Nebr.; WOWO, Fort Wayne, Ind.; and KMOX, St. Louis, Mo.

The five stations left on the hearing docket are: WSMB, New Orleans, La.; WTMJ, Milwaukee, Wis.; KFRC, San Francisco, Calif.; KMBC, Kansas City, Mo.; and KNX, Los Angeles, Calif.

These stations not only carried the “Marmola” programs but have been cited for violating various Rules and Regulations of the Commission. Some of them also carried other medical programs condemned by the Federal Trade Commission.

TEXAS STATION RECOMMENDATIONS

The Centennial Broadcasting Corporation sought authority to construct a new broadcasting station at Dallas, Texas, to use 1200 kilocycles, 100 watts power, unlimited time operation.

The Dallas Broadcasting Company requested permission to construct a new station also at Dallas on 1500 kilocycles, 100 watts power, specified hours of operation. The Paris Broadcasting Company asked permission to erect a new station at Paris, Texas, to use 1500 kilocycles, 100 watts power, daytime operation.

Station KGKB, Tyler, Texas, using 1500 kilocycles with 100 watts power, specified hours, asked to operate continuously during the daytime and from local sunset to 8 p. m.

Ralph L. Walker(e) in Report No. I-64 recommends that the application of the Centennial Broadcasting Company be denied; that the application of the Paris Broadcasting Company be granted; that the application of Station KGKB be granted; that the application of the Dallas Broadcasting Company be granted for daytime operation and evening hours from 8 p. m. to midnight but the application be denied regarding the use of the time from 6 to 7 p. m.

WCAE POWER INCREASE RECOMMENDED

Application was filed with the Federal Communications Commission by Station WCAE, Pittsburgh, Pa., asking that its power be increased for daytime from 1,000 to 5,000 watts.

George H. Hill(e) in Report No. I-63 recommends that the application be granted. The Examiner found that there is need in the Pittsburgh area for the increased daytime power requested; that no objectionable interference would be caused by the daytime power increase and that it would be in the public interest.

RECOMMENDS KALE APPLICATION DENIAL

Station KALE, Portland, Ore., applied to the Federal Communications Commission for permission to operate full time on 1250 kilocycles with 500 watts power. The station operates on a frequency of 1300 kilocycles with specified hours on the air.

John P. Bramhall(e) in Report No. I-62 recommends that the application be denied.

The Examiner found that the area is already covered with sufficient radio service and that the granting of the application would result in an increase of broadcast facilities in an already over quota state and zone.

APPLICATION WITHDRAWN

D. A. Wark and H. H. Hadstrom filed a petition with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Twin Falls, Idaho, to use 1500 kilocycles, 100 watts power and unlimited time on the air.

In Report I-65, John P. Bramhall(e) recommended that the application be dismissed without prejudice. At the hearing counsel for the applicants asked leave to withdraw the application.

NAB COMMERCIAL SECTION MEETS

A strong endorsement of the value of broadcast advertising by prominent retailers, hearty praise for the cooperation accorded the Federal Trade Commission by radio stations, and a demand for more standardized coverage and listener data on the part of broadcasters, agencies and advertisers, were the principal features of interest at the meeting of the NAB Commercial Section held in Chicago, June 10 and 11, in conjunction with the annual convention of the Advertising Federation of America.

The Monday morning session on retail broadcast advertising revealed much information of greatest value to broadcasting. Dr. Herman S. Hettinger, Director of Research of the NAB, reported a growing interest in retail radio advertising and stated that retail broadcasting during the first quarter of 1935 was 48.5% greater than during the same period of the preceding year.

Marvin Oreck, vice president of Oreck's Inc., Duluth department store, stated that after having been skeptical as to the value of radio, it was now his opinion that even the broadcasters did not know the extent of the sales power possessed by their medium. He stated that in his opinion, as high as 25% to 30% of the store advertising budget could profitably be expended over the radio.

Kenneth Taylor, Vice President and Advertising Manager of the John Taylor Dry Goods Company, Kansas City, Mo., stated that radio had enabled his store to sell their store brand hosiery in successful competition with three national brands in spite of the former being the higher priced article. He also indicated that the store's out-of-town business had grown especially rapidly in recent months, and attributed this to the influence of radio.

George Bijur, former advertising executive with the Macy Store, New York, and now Director of Sales Promotion of the Columbia Broadcasting System, indicated that tests both by that store and Bamberger's indicated that the cost of promoting special items over the radio was only 60% of the cost involved in the use of newspaper advertising.

The Hon. E. J. Adams, Chairman of the Special Board of Investigation of the Federal Trade Commission, speaking before the Tuesday morning meeting, highly praised the broadcasters for their cooperation with the Commission, and stated that the record of broadcasting was such that no radio station had been cited thus far by the Commission. He indicated the need for continuous vigilance in the self-regulation of advertising by the stations themselves, stating that the Commission was ready to cooperate with them in every way possible.

Standards of radio advertising copy, the need of standardized coverage and listener data, and the need of an agency recognition system for broadcasting were the main features of discussion at the Tuesday morning meeting.

Z. L. Potter, Executive Vice President of Erwin Wasey & Co., cited five items of information desired by the advertiser: (1) Potential audience, in the sense of the number of radio families within the station range; (2) The audience for stations in a given area; (3) Listeners at various hours of the day; (4) The audience commanded by different types of programs, and (5) The size of the audience which the advertiser's program commands.

John Benson, President of the American Association of Advertising Agencies, characterized broadcasting as "the most intimate appeal that advertising can make to the consumer, endorsed radio's attempt to raise its copy standards, and suggested that even more important than the limitation of copy, was the knowledge of the most effective means of presenting the copy used.

Harlow Roberts, advertising manager of the Pepsodent Co., stated that the outstanding need of radio was a counterpart of the ABC whereby standard coverage and listener data might be afforded the advertiser.

Broadcaster interest in the various problems discussed at the two scheduled meetings was so great that a special meeting was held on Tuesday afternoon. The meeting was attended by approximately 50 station executives and advertisers and was presided over by Fred A. Palmer, WBNS, Columbus, Ohio. Standard coverage and listener data constituted the principal subject of discussion.

The NAB Commercial Committee met on Tuesday afternoon. In addition to examining and discussing a system of agency recognition developed during the past several months, a sub-committee comprising J. O. Maland, WHO, Des Moines, Iowa; I. R. Lounsberry, WGR-WKBW, Buffalo, N. Y., and John Elmer, WCBM, Baltimore, Md., was appointed to consider amendments to the NAB Code of Ethics and to report at the first Commercial Committee meeting to be held prior to the NAB Convention.

Attendance at the various meetings was particularly encouraging, the average for the two scheduled sessions being approximately 135 persons.

The full proceedings of the Commercial Section meetings will be published and made available to the membership.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2278. James M. Marner, trading as Dispensary Supply Company, New York City. The Commission has issued an order against the respondent requiring that he cease and desist from representing "Dr. McCaskey's Prescription Tablets" as a remedy or a competent or adequate treatment for overweight. The respondent also is directed to discontinue asserting that by use of this preparation a person can reduce a definite number of pounds or without diet or exercises.

Complaints

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

No. 2393. Harry Schlifftman, New York City, trading as the Eagle Supply Co. The respondent is charged with having sold paint labeled as "Manufactured by Masterkraft Co., Brooklyn, N. Y.," when the company name is fictitious. Hearing June 21.

No. 2401. N. R. Baskin, Chicago, trading as American Radio Co., American Novelty Co., and American Radio and Novelty Co. The respondent is charged with selling to wholesalers, retailers and distributors merchandise so arranged as to involve the use of a lottery or game of chance when resold and distributed to ultimate purchasers.

No. 2414. O. F. Schoeck, Alton, Ill., trading as O. F. Schoeck School. The respondent is charged with inserting want ads in newspapers asking for "clean-cut young men, mechanically inclined to train for high salaried positions," and for "young women" with some knowledge of shorthand and typing to train for secretarial positions," when in fact the advertisements were to induce readers to answer them in belief that they would obtain positions and to give the respondent's salesmen an opportunity to induce them to buy the course of study in the belief that they would be given jobs, although such jobs were not available. Hearing June 28.

No. 2415. Louise Norris, Kansas City, Mo., trading as the Louise Norris Co. Although advertised as safe and harmless, the "Louise Norris Permanent Lash and Brow Coloring," according to the complaint, is not safe and harmless, but contains dangerous drugs or chemicals and its use as directed may result in inflammation or poisoning of the skin and other troubles, and may cause blindness or death.

Contrary to the respondent's advertisements, the complaint says that this preparation is not scientific and is not approved by the United States Government or boards of health nor have medical authorities of high repute helped to perfect it.

No. 2399. Conde Nast Publications, Inc., of New York City, is charged with unfair competition in a Federal Trade Commission complaint alleging that the respondent entered into a combination and agreement with selected manufacturers and retailers in various parts of the country for sale of certain women's garments featured in *Vogue* magazine, published by Nast.

This is the first complaint of its particular kind to be issued by the Commission. The principal charges are that the publishing company's practices have a tendency to mislead and deceive its readers into believing that its research and recommendations as embodied in certain published articles are disinterested, also to deprive the public of the benefits of normal price competition among retailers by constraining the latter to sell at prices arbitrarily fixed by the publisher and certain manufacturers.

Also, the publisher's action is alleged to have caused manufacturers to limit the choice of retail dealers in each locality to those selected by respondent, thus depriving the public of the benefits of competition among a number of dealers in each locality.

According to the complaint, the *Vogue* publishers entered into contracts with various dress and garment manufacturers that *Vogue* should choose models of women's wearing apparel from the model lines of these manufacturers for featuring in the magazine's departments called "Vogue Smart Economies" and "Vogue's Finds of the Fortnight." The complaint says that for such featuring of models the manufacturers agree to pay the publication company a service fee of 5 per cent of the amount collected on each sale of reproductions of the models chosen by the publisher to be featured. The manufacturers agree not to make or sell any other garment similarly designed.

The complaint says the respondent also made agreements with certain retailers throughout the country who feature and sell these garments. The magazine publishes their names, the complaint says, and agrees to furnish a list of these selected retailers to the manufacturers with whom it enters into contracts, the manufacturers agreeing to sell only to the retailers in a given community so listed.

Retailers signing contracts with the *Nast* publications agree to purchase a minimum of one of each garment featured in every issue of *Vogue* and to maintain the retail price thereof quoted in *Vogue* for at least one month after the on-sale date of the magazine issue in which they are shown, according to the complaint. The publisher is alleged to have agreed that for at least two months after delivery of model garments to selected retail stores they shall not be sold by the manufacturers to any other store in the selected retailer's city, except under the same terms as between the selected retailer and the respondent.

The complaint says that experts from *Vogue* magazine visit various manufacturing establishments to select designs to be featured and require that manufacturers alter them to meet the demand of the respondent publisher. Hearing June 28.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0862. Cleveland Regol Company, Cleveland, O. The Cleveland firm agrees to stop advertising that its medicine "Regol" is a competent or effective treatment for liver trouble, unless the representations are limited to functional disorders of the hepatic glands of the liver; for indigestion, unless limited to intestinal indigestion due to lack of bile; or for gas, unless limited to gas in the intestine due to intestinal indigestion. It will also no longer advertise that the preparation will afford permanent relief and has been effective in cases where operations have produced no benefits.

No. 0863. King's Better Vision Institute, Los Angeles, Calif. The respondent company has agreed to cease advertising that its course is capable of correcting wrongly shaped eyeballs, nearsightedness, farsightedness and other eye troubles and that the course is the outgrowth of thirty years of scientific research. It will no longer represent that use of "Eyezone" will change the shape of the eyes and prevent the need of glasses, or that the use of the "Spineometer" affords a competent remedy for various organic troubles.

No. 0864. Dermalov Laboratories, Inc., New York City. The company agrees to discontinue asserting that either of its preparations "Dermalov Liquid" or "Dermalov Scalpfood" will "grow" hair or cause scalp or skin defects to disappear.

No. 1377. Reefer-Galler, Inc., New York City. Selling and distributing a preparation said to have been made formerly of cedar and pine oils and later of cedar oil, designated "Reefer's No-Moth," this company agrees to cease and desist from using on labels and cartons representations to the effect that the product, when used as directed in the ordinary home clothes closet, will kill or prevent moths or moth life or afford protection to clothes within such closets for twelve months or other period of time. The company will no longer assert that the product is effective in a space as large as 75 cu. ft., and will discontinue use of the hyphenated words "No-Moth" so as no longer to imply that the preparation, when used in clothes closets, will drive away moths.

No. 1378. Indiana Steel & Wire Co., Muncie, Ind. The company has entered a stipulation with the Federal Trade Commission to discontinue the use of misleading representations in the sale of its clothes line wire. The company agreed to cease using the expression "75 ft." on tags or brands attached to its products when they do not contain 75 running feet of wire.

No. 1379. Central Leather Co., Chicago. Luggage of the Gladstone type sold by the company will no longer be marked or branded as "genuine" cowhide" when it is not made of leather which may be properly represented as such, under a stipulation entered into by this company and the Federal Trade Commission. The leather company agreed not to stamp these words on its luggage when it is not composed of leather made from the top or grain cut or layer of the cowhide. Provision is made for use of the word "cowhide" properly qualified when the products are composed of leather made from the inner or flesh cut of the hide.

No. 1380. Thomas Hodgson & Sons, Inc., Concord, N. H., owner and operators of the Concord Worsted Mills. The respondent will cease and desist from using the word "silk" as a brand or label for products not made in the whole or substantial part of silk.

No. 1381. William A. Friend, Chicago, trading as Little & Company. The respondent agrees to cease advertising that its

product, a dehydrated vegetable compound in tablet form, will remove worms or is a killer or preventive of worms in dogs.

Commission Orders Upheld

The Federal Trade Commission has been formally advised of two U. S. Court of Appeals decisions upholding its orders to cease and desist, relating to misrepresentations of medicinal preparations known as "Ironized Yeast", "Kruschen Salts", and "Radox Bath Salts."

The "Ironized Yeast" case was decided by the United States Circuit Court of Appeals, Sixth Circuit, Cincinnati, having arisen on petition for review by J. G. Dodson and Mrs. C. M. Dodson, of Atlanta, trading as Ironized Yeast Co., against whom the Commission had issued an order to cease and desist.

The Court affirmed the Commission's order without opinion except the comment that the Commission's findings of fact were "amply supported by evidence" and "legally sufficient to authorize" issuance of the cease and desist order.

Among representations prohibited by the Commission's order were allegations that Ironized Yeast will cure or relieve indigestion, constipation, nervousness, tired feeling or skin eruptions, except when such conditions result from a deficiency of vitamin B or iron or both, and that it will free users thereof of such diseases overnight. Other assertions banned were that Ironized Yeast is more effective than yeast and iron used separately and that persons deficient in shape or form will be transformed into well developed persons by its use, unless such representations are limited to improvement in health resulting from increased appetite and gain in weight where such persons have been deficient in vitamin B or iron or both.

The "Kruschen Salts" case was decided by the United States Circuit Court of Appeals, Second Circuit, New York City. It arose on petition for review filed by E. Griffiths Hughes, Inc., of Rochester, N. Y. The Court affirmed the Commission's cease and desist order against Hughes, Inc., and in its opinion discussed the findings and evidence at length, reaching the conclusion that the findings were supported by the evidence.

The order to cease and desist prohibited representations that "Kruschen Salts" constitutes a cure or remedy for obesity or that it will of itself reduce excess fat". Representations were also prohibited to the effect that "Radox Bath Salts" has therapeutic value when used in the bath; that it releases great quantities of oxygen when so used; that its use at home combines the properties of world famous spas or produces the effects of treatment at such places; that it stimulates or energizes the body, or that it is imported from England."

Cease and Desist Orders

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

Nos. 1950, 2187, 2188, and 2212. Universal Theatre Concession Co., Bob Hofeller Candy Co., and Union Concession Co., Chicago, and the Gordon Howard Co., Kansas City. The respondents are specifically enjoined from the sale of candy by methods which involve lottery, gaming device or gift enterprise through distribution to concessionaries and operators in various places of amusement. In the Universal Theatre Concession and Gordon Howard matters, consent decrees were issued.

No. 2275. Puritan Stationery Co., Philadelphia, Pa. The respondent is ordered to cease and desist from advertising and labeling its "Ambassador Linen" or any other stationery by use of the words "rag content" unless in fact such paper and stationery is manufactured with a rag content of not less than 25 per cent.

No. 2292. Southern New York Candy Distributors, Binghampton, N. Y. A consent decree has been issued directing the association and its officers to discontinue among themselves or with others to prevent competing candy firms from obtaining merchandise from manufacturers. The publication of so-called "white lists" of recognized dealers, and the fixing of uniform sales prices are among the matters prohibited.

No. 2328. Sarah R. Grossman, New York City, trading as Eyesight Normalizing Co., and Sasha R. Grossman, alias Alex R. Grossman. The respondents are ordered to discontinue representing that the device sold by them will enable anyone to "throw away glasses", or will cure or correct far-sightedness, astigmatism or other ailments and that it is a revolutionary, scientific discovery.

No. 2360. Dixie E. Boyer, Belmont O. The respondent is to stop designating cigars as "Hand-Made" unless this is so; as "Perfectos Habanas" unless they are made from Cuban tobacco, and as "Wheeling Twins" unless they are made in Wheeling W. Va.

Complaints

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

No. 2386. Excelsior Silverware Corporation, New York City. The respondent is charged with the use of "Sheffield Reproductions" in such a manner as to deceive the buying public into the erroneous belief that the products advertised are of a quality and workmanship associated with Sheffield silver, when this is not the case.

Nos. 2421, 2422, 2423, 2424. Grove Distillers & Wine Co., Inc., Jersey City, N. J.; Columbia Distilling Co., Tonkin Distilling Co., and Old Abbey Distilling Co., San Francisco, International Distilling & Distributing Corporation, Washington, D. C., and Sunrise Distilling Corporation, Chicago. Unfair competition is alleged through the use of the word "Distilling" when in fact these companies are not distillers.

Dismissal of Complaints

The Commission has dismissed a complaint charging the Market Gardeners' Seed Co., of Cincinnati with unfair competition in the sale of agricultural seed to retail dealers, as well as those against the Alexander Smith & Sons Carpet Co., Yonkers, N. Y. and W. & J. Sloane, New York City, alleging unfair competition in the sale of carpets.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0852. Gem Products Sales Co., Camden, N. J. The company has agreed to cease asserting that by the use of its preparation clothes can be laundered without rubbing or scrubbing, or can be soaked clean, that dirt, grime and grease spots disappear as if by magic, or that the preparation will add strength to clothes or will prevent woolens or flannels from shrinking.

No. 0865. Dr. Hunter Laboratories, Little Rock, Ark. The company agrees to discontinue representing that its preparations, "Dr. Hunter's Rational Treatment for Epilepsy" are a competent treatment thereof, unless the statement is qualified to indicate that the product will do no more than lessen the severity or frequency of epileptic attacks.

No. 0866. Grove Laboratories, Inc., St. Louis, Mo. The company's product, "Grove's Laxative Bromo Quinine Tablets" no longer will be advertised by any of the following representations: That Bromo Quinine goes right to the seat of the trouble; that it is a cold remedy, or that it has been the standard cold and grippe tablet of the world.

COLONEL, IF YOU PLEASE?

Philip G. Loucks, managing director of the NAB, has been appointed a colonel on the staff of Governor Ruby Laffon of Kentucky. To L. B. Wilson, WCKY, who recommended the appointment, the managing director expresses his thanks. It was like sunshine on a dismal day.

NEW RADIO BILL

Representative Monaghan of Montana has introduced a bill in the House (H. R. 8475) "to amend the Communications Act of 1934 by creating and establishing a Federal Radio Commission and for other purposes." The bill has been referred to the House Committee on Interstate and Foreign Commerce.

It provides for the setting up of a Commission "free from monopolistic domination and control" and provides further that this Commission "shall have exclusive control and shall exclusively operate such radio broadcasting stations, in such localities and communities, as in their judgment will best serve the interests of all our people."

It is further provided in the bill that "the Commission shall provide such radio programs, as in, their judgment, will best promote the educational, cultural, civic, and economic interests of all of our people irrespective of locality."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: Edward G. Budd Manufacturing Co., Philadelphia, Pa. (2-1474, Form A-2); Schrader Trust, Oklahoma City, Okla. (2-1475, Form A-1); Rio Grande Valley Gas Co., Mt. Vernon, Ohio (2-1476, Form D-1A); Rio Grande Valley Gas Co., Mt. Vernon, Ohio (2-1477, Form E-1); B. E. Hepler et al., New York City (2-1478, Form F-1); Bondholders' Protective Committee for Travis Investment Co., St. Louis, Mo. (2-1479, Form D-1); Payore Gold Mines, Ltd., Toronto, Canada (2-1480, Form A-1); Securities Investment Corp., Omaha, Nebr. (2-1481, Form A-2); Richfield Cariboo Gold Mines, Ltd., Vancouver, B. C. (2-1482, Form A-1); Orkem Corporation, Dover, Del. (2-1483, Form A-1); Elfun Trust, New York City (2-1484, Form A-1).

APPLICATIONS RECEIVED

NEW—National Television Corp., New York, N. Y.—Construction permit for visual broadcast station on 42000-56000, and 60000-86000 kc., 30 watts power, unlimited time.

NEW—American Broadcasting Corp. of Ohio, Cleveland, Ohio.—890 Construction permit to erect a new station to be operated on 890 kc., 500 watts, 1 KW day, unlimited time, facilities WMMN. WMMN consented to this request if their application for change in frequency is granted. Amended to make equipment changes, approval of transmitter site near Brooklyn, Cleveland, Ohio.

KHSL—Wm. Schield, Sydney R. Lewis, and Harold Smithson, 950 Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Voluntary assignment of license from Wm. Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., to Golden Empire Broadcasting Co.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Construction permit to erect a new station to be operated on 1140 kc., 250 watts, daytime.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, 1200 Mich.—License to cover B2-P-411 to make equipment changes and increase power from 100 watts to 100, 250 watts day.

KROC—Southern Minnesota Broadcasting Company, Rochester, 1310 Minn.—Modification of B4-MP-180, a construction permit as modified for approval of transmitter site at east of State Highway No. 20 and north of 2nd St. N. W., Rochester, Minn. Amended: Antenna changes; approval of transmitter site west side of Highway No. 52, Rochester, Minn.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Modification of B3-P-163 to make equipment changes, antenna, tubes in last radio stage.

KGBX—KGBX, Inc., Springfield, Mo.—Modification of special 1310 authority B4-MSA-19 to make equipment changes.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of license to change hours of operation from daytime to daytime plus local sunset to 9:15 p. m., EST, Sundays; operate on 100 watts on Sunday night.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of 1380 license to change frequency from 1380 kc. to 890 kc., time from simultaneous day with WSMK, specified hours night to unlimited; facilities of WMMN.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit to make equipment changes, increase power from 500 watts, 1 KW day, to 5 KW day and night.

KFIZ—The Reporter Printing Co., Fond-Du-Lac, Wis.—Modification of license to change present specified hours from 10 a. m. daily to 1 p. m. and 4 p. m. to 10 p. m., to daily, 9 a. m. to 1 p. m. and 4 p. m. to 10 p. m.

NEW—A. Stanhart Graham, E. V. Baxter, Norman Baxter, d/b as 1500 Pittsburgh Broadcasting Co., Pittsburgh, Kans.—Construction permit for new station to be operated on 1310 kc., 100 watts, unlimited. Amended to change frequency to 1500 kc.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction 1500 permit to make equipment changes.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director:

NAB REPORTS

Copyright, 1935. The National Association of Broadcasters



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DUFFY COPYRIGHT BILL OVER

The Duffy Copyright Bill, which would eliminate \$250 statutory minimum from the law, came up for consideration in the Senate June 25 but went over, Senator Duffy of Wisconsin serving notice upon the Senate that he will call up the bill at an early date.

Senators Wagner and Copeland of New York objected to consideration of the measure and Senator Vandenberg of Michigan said he would offer amendments to the bill when it came up for action.

With the Congress hurrying through the program outlined by the President and aiming at early adjournment, every effort must be made to have the bill taken up in the Senate at an early date. The broadcasting industry should stand solidly back of Senator Duffy in his efforts to have the bill enacted.

Following is the discussion in the Senate on the bill:

The bill (S. 3047) to amend the act entitled "an act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, and for other purposes, was announced as next in order.

"Mr. Wagner: Mr. President, I ask that the bill go over.

"Mr. Copeland: Mr. President, I desire to ask the Senator from Wisconsin (Mr. Duffy) a question about the bill.

"Mr. Wagner: I am objecting to its present consideration.

"Mr. Copeland: I am glad my colleague is objecting, but I should like to ask the Senator from Wisconsin a question about it.

"Mr. Duffy: Mr. President, will the junior Senator from New York (Mr. Wagner) withhold his objection a moment?

"Mr. Wagner: I ask that the bill go over today.

"Mr. Duffy: I have sat here and let the Senator from New York proceed day after day by unanimous consent, and I am willing to continue doing it. I merely ask him to withhold his objection a moment.

"Mr. Wagner: Does the Senator desire to explain the bill?

"Mr. Duffy: In the first place, the senior Senator from New York (Mr. Copeland) desires to propound a question and I want to make a very brief statement about the bill.

"Mr. Wagner: There is no objection to that at all.

"The Presiding Officer: The objection is withheld temporarily.

"Mr. Copeland: Mr. President, I should like to ask the Senator whether extensive hearings were held on the bill and if all parties in interest had an opportunity to present their views regarding it?

"I ask the question because I am quite overwhelmed with protests from my State against the bill. There seems to be a feeling that it will work a great injustice; that it will deny to American authors certain rights to which they feel they are entitled, and that it is not a good bill and ought not to be passed. I do not profess to have any knowledge of it at all and I am simply reciting to the Senator what is coming to my desk in the way of protests.

"May I ask the Senator what has been done about the matter?

"Mr. McAdoo: Mr. President, will the Senator from Wisconsin yield?

"The Presiding Officer: Does the Senator from Wisconsin yield to the Senator from California?

"Mr. Duffy: I yield.

"Mr. McAdoo: Mr. President, this bill came before the Committee on Patents. While that committee did not hold extensive hearings, it had a number of conferences with representatives of the various interests affected by the bill. The matter has been under discussion for a long time between the State Department and the Patent Office; and the Senator from Wisconsin (Mr. Duffy) has been particularly in touch with the various negotiations, in the effort to see if a bill could not be framed which would satisfy the many conflicting interests. There are many complex questions involved. They are not easy to settle, and certainly the differences are not easy to reconcile.

"There have been, heretofore, extensive hearings in the House;

and those hearings, of course, were available to the Senate committee. I have asked the Senator from Wisconsin (Mr. Duffy) to take charge of the discussion on the floor, because he is more familiar with the bill than am I, since lately I have been necessarily engaged in the Banking and Currency Committee to such an extent that I have not been able to give the matter as much time as the Senator from Wisconsin has been good enough to give it. The Senator from Wisconsin is not on the Patents Committee, but he introduced the bill; and for that reason I will ask him to take charge of it on the floor.

"Mr. Duffy: Mr. President, I will say to the Senator from New York that I was chairman of the subcommittee of the Foreign Relations Committee which had hearings on the question of the adherence of the United States to the International Copyright Union. In a very large measure this bill is an enabling act. The Copyright Union Treaty, or convention, was reported to the Senate by the Foreign Relations Committee and is now on the Executive Calendar, although we had a gentleman's understanding that it would be held on the calendar until the present bill could receive consideration by the Senate.

"In the meantime, after the Foreign Relations Committee had held hearings where the various conflicting interests appeared, at the request of the Foreign Relations Committee an informal interdepartmental committee was formed, consisting of two members from the Copyright Office, two members from the Department of State, and one member from the Department of Commerce. They had 25 or 26 different conferences with all the various conflicting interests; and this bill is largely the result of the 25 or 26 conferences, where all parties had a chance to be heard.

"I will say that authors will gain a great deal by adherence of the United States to the International Copyright Union. There is in this particular bill, however, one matter to which authors object; that is, we have eliminated the provision for \$250 minimum statutory damages, which has been made a racket in this country by the organization familiarly known as the 'ASCAP,' the American Society of Composers, Authors, and Publishers. The United States Government is now conducting a prosecution against that organization in a case which, I understand, was commenced in New York last week. The authors do object because the minimum of \$250 statutory damages has been eliminated. On the other hand, the maximum has been largely increased, from \$5,000 to \$20,000, and the courts will give the authors full protection, but they will not be able to go into a bootblack stand or a little pool hall somewhere and hold up the proprietor for \$250 as a minimum if this bill shall become a law.

"There are many things in the bill which the authors very much desire, and of which they are very much in favor. Because the treaty is on the Executive Calendar, although it was ratified and then, at my request, restored to the calendar by unanimous consent, and because of the coming conference of the International Copyright Union, I am going, as soon as possible, to ask for consideration of this bill by the Senate. I cannot do so today in view of the objection which will be made by the junior Senator from New York (Mr. Wagner).

"Mr. Copeland: Mr. President, if the Senator from Wisconsin will permit me to make a statement, I hold in my hand a telegram from John Erskine, one of the most popular writers of the day; and I had a similar message from Gene Buck, who is at the head of the music writers.

"Mr. Duffy: He is the head of 'ASCAP.'

"Mr. Copeland: Mr. Erskine, in his telegram, says:

"I sincerely hope you will oppose copyright bill S. 3047. The bill gives foreign authors basic copyright without formality, but denies it to American authors. The bill seems to protect chiefly the commercial enterprises which live on the authors.'

"Of course, I am not competent to judge the merits of the matter; but I assume that the Senator will not press the bill today, and that we shall have an opportunity to look into it.

"Mr. Duffy: I think that should be done; but I desire to give notice that as early as possible I shall try to have the bill considered by the Senate, because we are holding up the Copyright Union treaty until this bill can receive consideration by the Senate.

"Mr. Wagner: Mr. President, if the bill is a meritorious one, of course, I have no desire to delay its consideration. I have received protests from a number of people in New York in whom I have very great confidence, who tell me that the bill is unfair to their profession. I did not, of course, wish to be discourteous to the Senator in making the objection. I thought he had in mind persuading me to withdraw my objection.

"In view of these protests, not having had an opportunity to study the bill in detail, I shall have to press my objection today. I will confer with the Senator a little later on.

"Mr. Vandenberg: Mr. President, before the bill goes over, I ask leave to offer a series of amendments to it, so that they may be pending when the bill comes back.

"The Presiding Officer: The amendments will be received, printed, and lie on the table.

"Objection being made to the consideration of the bill, it will be passed over."

FINIS

Since May, 1930, the Managing Director has been writing and publishing bulletins to members of the NAB as a part of his official duties. The bulletins started with the "Washington News Service of the NAB" and the name was later changed to the "Broadcasters' News Bulletin" and finally, when membership had grown to a point where printing was advisable, to "NAB REPORTS." Your present Managing Director announced May 15, just five years to the day when the first of these reports was issued, that he would not be a candidate for reappointment and would retire from activities of your Association. He will leave Sunday for Colorado Springs, Colo., to attend the meeting of the NAB membership and so this is the last bulletin which will carry his name in the masthead. The job of writing NAB REPORTS, he is sure, will now fall into abler hands.

COME TO COLORADO SPRINGS, COLO.

The complex copyright situation which the broadcasters face at the present time has stimulated attendance at the 13th NAB meeting at Colorado Springs, Colo., July 7, 8, 9, and 10. Indications are that it will be the most important of all NAB meetings. If you want to know what broadcasters are thinking and doing about the copyright matter and hear all sides debated completely, come to the meeting. If you can't get accommodations at the Broadmoor, register at the Antlers in Colorado Springs.

HAVE YOU WIRED YOUR SENATOR?

Have you wired your Senator to help Senator Duffy pass the Copyright Bill in the Senate? If you have not done so, please do so at once.

STATEMENT OF ASCAP NEGOTIATIONS

The Board of Directors of the NAB, at its meeting held in New York, authorized the Managing Director to send to the membership of the Association the following statement on ASCAP negotiations made on June 22 by A. L. Ashby, vice president and general attorney of the National Broadcasting Company:

"It is believed that there should be placed upon the records of this Association the facts regarding the recent copyright negotiations with ASCAP.

"On April 18th Mr. Klauber and Mr. Ashby each received long telephone calls from Mr. Mills of ASCAP to the effect that at the last ASCAP Board Meeting ASCAP was willing to enter into negotiations with the Broadcasters for a continuance of the license agreements. Further discussions were had the following day and Mr. Mills telephoned Mr. Hostetler, the NAB copyright counsel in Cleveland.

"Messrs. Ashby and Klauber talked with Mr. Loucks, the Managing Director of NAB, who was in New York the week of the 22d, and on the 24th Mr. Loucks called a meeting of the Copyright Committee of NAB for Friday, April 26th, at 9 a. m. Mr. McCosker invited Messrs. Klauber and Ashby to attend this meeting.

"At that meeting it was decided that a committee would call on the ASCAP Committee which had been waiting at the ASCAP offices since 10 a. m. to meet with the Broadcasting Committee. The ASCAP Committee consisted of Messrs. Buck, Harbach, Mills, Romberg, Bornstein, Allen, Burnstein and Fisher. This meeting started shortly after 12 o'clock noon.

"At this meeting Mr. Mills read to the two committees his previous letter of April 11, 1932, in which all broadcasting revenue would be taxed 5 per cent. The Broadcasting Committee rejected the letter and stated that they thought an offer was to be presented to the Broadcasters. Mr. Mills stated he was not interested in the Government's suit as he was not entering into any consent decree. Considerable discussion took place regarding the per piece plan and Mr. Mills brought in a lot of cards showing how many separate titles would complicate such a plan and make it unworkable.

"Mr. Ashby, at about 5 o'clock, stated he wanted to know whether or not ASCAP would give us at this time an extension of the present contracts to December 31, 1935, otherwise the Broadcasters would have to go elsewhere to get their music, meaning by his remark to the Warner Brothers Group of Music Publishers. ASCAP agreed to consider this and advise the Broadcasters the following week.

"The Broadcasters were thereafter advised by ASCAP orally that the present contracts would be continued upon exactly the same basis until December 31, 1935.

"A further meeting was held May 23, 1935, between the NAB Committee and ASCAP. At that meeting Mr. Mills stated that the Board of ASCAP had approved a five-year extension of the present contracts with one modification, that modification being that each station would pay 5 per cent of the rate card on the station for chain programs as well as local programs, irrespective of the amount paid to the station by the chain for the broadcasting of chain programs. This was immediately objected to by the Broadcasters as being the payment of a royalty on monies never received by the station. The Broadcasters then made a proposal to ASCAP in the early afternoon that ASCAP again consider the proposal made by the Broadcasting interests at a prior meeting with ASCAP which contemplated an agreement to extend the present contracts on exactly the same terms for a five-year period; that the extension should be made subject to the approval of the Federal Court and should be coupled with a further agreement that as soon as possible there would be prepared and presented to the Court for approval the most feasible plan possible to enable the owners of copyright music individually and not in combination to decide the price which they wished to have paid for the single performance of the copyright numbers with the right of the music user to deal with any copyright owner singly for the performance in bulk of all numbers owned or controlled by him. Mr. Mills replied to this proposal that ASCAP was unwilling to enter into any agreement in the nature of a consent decree of the law suit or to recognize the right of the Government's contentions, but asked whether the NAB Committee would be willing to consider a five-year extension of the present contract without any change except as to increasing the fees of the network companies.

"The Broadcasters Committee withdrew to consider this proposal and decided that they would not accept it for fear that it might prejudice the Government in its suit. It was decided to advise ASCAP accordingly and ask ASCAP whether they would be willing to extend the contracts until the final determination of the Government's suit, which it was felt would not prejudice the Government in any way. This proposal was made to ASCAP and the ASCAP Committee stated it would have to be considered by the Board and they would advise the Broadcasters Committee later. Later the Broadcasters Committee was advised by a telephone call from Mr. Mills that his Board had refused the extension of the contracts for the period ending with the final determination of the Government's suit.

"Several of the Broadcasters on various occasions discussed the situation with Government representatives and were advised that since the Broadcasters' proposal to extend for the duration of the suit had been rejected that the Government would have no objection to the Broadcasters entering into a five-year contract, that being the only contract that was available to the Broadcasters. At that time it was pointed out to the Government representatives that we had long-term contracts with our advertisers running far beyond December 31, 1935, and that the ASCAP case was so important that it would undoubtedly be appealed to the United States Supreme Court and that it would be doubtful if it could finally be determined by the highest Court before two years and

that we had to make some sort of an arrangement to cover our business after December 31, 1935.

"On June 3d at 5 p. m. the NAB Copyright Committee again met in New York to consider an offer that ASCAP was to make to the NAB Committee. The meeting began without any written offer having been received. (A quorum of the Committee was not present.)

"Mr. Klauber, on behalf of the Committee, and in its presence, talked with Mr. Mills on the telephone and Mr. Mills stated he did not have any formal paper prepared, but he had written out something on the train that morning and was having it type-written at that time. He read it to Mr. Klauber over the telephone and asked whether or not he should come over with it or send it over. Mr. Klauber told Mr. Mills he would discuss it with the Committee and would telephone him the answer. After some discussion it was decided that the best way to review the offer, since it seemed considerably complicated as read over the telephone to Mr. Klauber, was to have copies sent over by Mr. Mills. Mr. Mills was accordingly advised and copies were received about 6 p. m. There seemed to be considerable extraneous matter in this proposal and Mr. Levy telephoned Mr. Mills and asked whether or not ASCAP would extend all broadcasting contracts on the same basis as before in a simple extension agreement without any excess language. Mr. Mills informed Mr. Levy he would do this and that he was not interested in the language of the proposal which he had sent to the Committee and the only change in the terms of the present contracts would be those applying to the network companies. Mr. Levy announced this to the Committee and made the statement that he was going to get his contract extended the following day. Mr. Klauber also announced he was going to get his contract extended the following day if he could get the proper terms. Mr. Ashby similarly announced he was going to get an extension of the NBC contracts if the increases were on the right basis.

"Mr. Hostetler stated he believed the acceptance of contracts by the Broadcasters would seriously hamper the Government in its case.

"Mr. Sprague and Mr. Kaye, attorneys for NBC and CBS respectively, stated that the Government's attorney had definitely advised them it would not prejudice the case and we should go ahead and get the extension if we wanted to. Mr. Sprague stated that this statement of the Government's attorney had been made in the presence of Mr. Bemis, the attorney associated with Mr. Hostetler. Mr. Hostetler advised that he did not know of this, but anyway he disagreed with it.

"Mr. Loucks stated that he felt the Government attorney was not so sure of this because a few days later he, Mr. Loucks, had talked with the Government attorney and that he had apparently talked with some of his superiors who felt the extension might cause the Court to postpone the trial date from June 10th. Mr. Loucks stated he thought it would be bad to enter into these five-year contracts, but aside from Mr. Loucks and Mr. Hostetler no one else at the meeting made any opposition to a simple extension of the present contracts.

"Mr. Kaye and Mr. Sprague both stated it was their confirmed opinion that the Government was not prepared to try its case; that while it had a great amount of factual information it had no concrete idea of what to present or how to present it; that it had prepared no trial brief and no opening statement to the Court and there was a very good chance that the Government would lose the case. Mr. Hostetler stated that he felt the Government was prepared and that he was convinced that it was going to win.

"As it was apparent that nothing further could be done that evening by the Committee, the meeting adjourned without taking any formal action.

"The following day, June 4th, Messrs. Klauber and Colin of CBS, Messrs. Ashby and Sprague of NBC and Mr. Levy met at the ASCAP offices in the forenoon and continued their discussion until late in the afternoon. They were successful in removing the objectionable features of Mr. Mills' written proposal which had been received the night before so that the primary question remaining was as to the amount of increase to be paid by the network companies, Mr. Mills insisting that an increase must be paid on the two New York stations of the NBC networks and the one New York station of the CBS network.

"NBC stated that it was prepared to put its managed and programmed stations on the new rate and compensation plan and pay a percentage of the network revenue from these stations based on the new plan. NBC said that it felt it was the soundest basis on which to figure the station revenue for ASCAP royalty purposes on these stations and that it would increase the payment

to ASCAP on these stations by around \$70,000 to \$75,000 per annum.

"Mr. Mills said that he thought this principle was sound, but that he did not fully understand it and he would not be able to enter into any arrangement on that basis in lieu of increasing the fees for the New York stations on the networks without putting the whole matter up to his Board again and he felt that his Board would not understand it and might very likely reject it. He then made the proposal that each of the two New York stations of the NBC and the New York station of the CBS have their payments to ASCAP increased by the sum of \$25,000 per annum. NBC stated that while this amount probably meant less money to be paid to ASCAP than under the rate and compensation plan, it would prefer to pay on the rate and compensation plan rather than on a flat increase on two stations. However, in view of the fact that Mills could not approve any contract except providing for the additional revenue to come from an increase on the New York stations NBC stated that it would sign an extension on the basis of the increase of its two New York stations and a similar increase on the New York station of CBS.

"The representatives of the Broadcasters inquired of ASCAP at this time if the offer to extend the contracts for five years was made to all broadcasting stations and Mr. Mills replied that it was and that a written offer would go out to the NAB and to the stations to that effect.

"NBC, CBS and WCAU then signed extension agreements and an extension agreement was prepared for WOR and sent to Mr. McCosker, Mr. Levy having advised Mr. McCosker from Mr. Mills' office of what the Broadcasters had been able to accomplish in the way of a five-year extension without any exceptions or changes except as to the increases to the networks. Mr. McCosker, as chairman of the Copyright Committee, stated he was engaged in other appointments and could not come over, but asked that a contract be sent to him. He voiced no objection to the signing of these contracts and to the negotiations which had taken place that day. Mr. McCosker, however, received no firm offer in writing until June 17.

"Briefly summarized, the reasons for the signing of these agreements by WCAU, CBS and NBC were as follows:

"1. No written extension had been procured prior to that time for the period from September 1 to December 31, 1935.

"2. The Government's suit was, in the opinion of those Broadcasters present, inadequately prepared and stood a good chance of being lost.

"3. The Government's suit could not be finally determined by the highest Appellate Court for probably two years.

"4. The Broadcasting stations have contracts with advertisers extending far beyond December 31, 1935, and ASCAP music must be made available for these advertisers.

"5. Broadcasting stations cannot satisfactorily operate under present conditions without the music controlled by ASCAP.

"6. The Courts have no power, in the opinion of counsel, to order the extension of the ASCAP contracts on the present terms or any other terms without the consent of ASCAP.

"7. In the event of a Government victory, finally upheld in the highest courts, the five-year contract would operate during the transition period which would be necessary to work out the details of the new methods of licensing the performance of music and to put such new methods into actual operation.

"8. Should the Government be unsuccessful in its suit, this five-year contract would insure us against any further increases being demanded of the Broadcasters for five years.

"9. The Government counsel definitely advised us that this extension would not prejudice the Government's suit since it was the only extension that could be procured.

"10. In the event of an ASCAP victory, ASCAP and its members would undoubtedly be so drunk with power that tremendous increases would be demanded with little hope of negotiating a favorable contract.

"11. Should the Government's case appear weak, it would be practically impossible to secure an extension on the present terms prior to a decision of the trial court.

"As practical business men and lawyers, the need of the immediate extension of the ASCAP licenses was obvious. NAB, being merely a trade association, was not in a position to act with authority with regard to the ASCAP offers and it was vital for the protection of the broadcasting industry as a whole, as well as to the companies signing the extensions on June 4, that commitments on behalf of ASCAP be made immediately. Had the matter waited

until the Copyright Committee could again be convened and then a report made to the Board of Directors, also to be convened, such action would have been delayed beyond the beginning of the Government's trial on June 10th. Even action by the Board of Directors would not have been binding upon any of the members and could only consist of recommendations.

"It was a case where the Broadcasters participating in the discussions of June 4th saved the day for the entire broadcasting industry and these men and the companies they represent should be thanked for their efforts and the results accomplished.

"As the facts eventuated, the opinions of those broadcasters who obtained the renewal agreements have been fully sustained and it has been made apparent that their action was not only justified, but extremely fortunate for the entire broadcasting industry. If these extensions had not been obtained, the Government would either (a) have been compelled to continue the trial of a case which in the opinion of all observers was futile, or (b) obtain an adjournment up to the very eve of the day on which the contracts between ASCAP and the Broadcasters would expire. If the offer to extend the Broadcasters' contracts had not been accepted, it is doubtful if the representatives of the Government would have dared to adjourn the case and they would have felt impelled to continue with an attempt to present testimony which was continually being ruled out by the Court, with the result that the Court, in all likelihood, would have granted a motion to dismiss the complaint at the end of the Government's case.

"In any event, whether the case was continued under extremely adverse circumstances or whether it was adjourned, the threat of the suit would no longer have been a weapon to compel ASCAP to grant extensions upon the same terms. A failure to seize the opportunity to extend these contracts at the time when ASCAP offered to do so would therefore quite possibly have resulted in a complete loss of the Government's case and would very probably have resulted in the immediate imposition upon all Broadcasters of higher license fees."

SPEARMAN RESIGNS AS GENERAL COUNSEL

Paul D. P. Spearman, who has been general counsel of the Federal Communications Commission since its inception, resigned that post on June 27. His resignation becomes effective on June 30. He will return to the private practice of law. The Commission accepted his resignation in the following communication:

June 27, 1935.

Mr. Paul D. P. Spearman,
Federal Communications Commission.

My Dear Mr. Spearman:

The Commission yesterday received and accepted your letter of resignation as General Counsel to become effective June 30, 1935.

At that time the Commission requested me to acknowledge your letter. In your letter you paid this Commission and the members of its staff a very high compliment in the work which they have performed, and you ask that you be permitted to claim a small share of the credit for the success of the work that has gone before. I believe I may say, and I am sure my colleagues will join me in saying, that a large measure of the success is due to your efficient and painstaking studies of the problems which have come before us during this past year.

In your return to private practice the Commission wishes you a full measure of success and is sincere in its appreciation of your offer of further service.

By direction of the Commission:

ANNING S. PRALL,
Chairman.

RECOMMENDS INCREASED POWER FOR WIND

Broadcasting station WIND, Gary, Ind., filed an application with the Federal Communications Commission asking that its daytime power be increased from 2,500 to 5,000 watts. The station now operates on a frequency of 560 kilocycles, unlimited hours, with a power of 1,000 watts and 2,500 watts local sunset.

Melvin H. Dalberg(e) in Report No. I-67 recommends that the application be granted. The Examiner found that there is some demand for such increased service and that no serious interference would be caused with existing facilities.

A. T. & T. PROPOSES TELEVISION CABLE

The application of the American Telephone and Telegraph Company and the New York Telephone Company for authorization to construct a coaxial cable from New York to Philadelphia, as a part of the experiment to determine the future possibilities of the coaxial cable in television as well as telephone and telegraph use, has been set for hearing before the Commission en banc for July 15, 1935.

All parties interested in, or who may be affected by, the use of the coaxial cable, if and when it may be devoted to general commercial use, will, upon application to the Commission, be afforded opportunity to participate in the hearing.

The Commission feels that it is in the public interest to ascertain in advance the facts surrounding the future uses to which the cable may be put.

CORRECTION

NAB REPORTS, issue of June 15, contained an item stating that Station WREN, Leavenworth, Kansas, has been denied rehearing by the United States Court of Appeals for the District of Columbia in its appeal to that court against a decision of the Federal Communications Commission in which the court upheld the action of the Commission in denying WREN permission to intervene in the WHB, Kansas City, Missouri, where that station was allowed to operate at night. It is pointed out that the case referred to was not an appeal by WREN but an appeal by the Commission from a decision of the Supreme Court of the District of Columbia. Neither the Supreme Court of the District nor the United States Court of Appeals upheld any action of the Commission in denying WREN permission to intervene. The decision of the majority of the United States Court of Appeals is merely to the effect that the Jenny Wren Company mistook its remedy when it sought an injunction against the holding of a hearing at which the question of further operating hours for WHB would be taken up. The court held that the remedy of the Jenny Wren Company for the failure of the Commission to allow the Jenny Wren Company to participate would be by appeal after the granting of the WHB application, should such application be granted, and not by a suit for an injunction against the holding of the illegal hearing.

RECOMMENDS NEW TEXAS STATION

The Palestine Broadcasting Association filed an application with the Federal Communications Commission asking for authority to construct a new broadcasting station at Palestine, Texas, to operate daytime only on 1420 kilocycles and 100 watts power.

In Report No. I-66, Ralph L. Walker(e) recommends that the application be granted. The examiner found that there is a substantial need in the Palestine area for daytime broadcast service, that the applicant appears to be qualified for the erection and running of such station, and that granting of the application would not interfere with any existing radio facilities.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted extension of special temporary authority to operate daily a maximum of 4 hours simultaneously during daytime with station WILM, Wilmington, Del., for a period of 3 months from July 1.
- WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Granted consent to voluntary assignment of license to the city of Atlantic City.
- WBZ—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted C. P. to make changes in equipment.
- KLZ—The Reynolds Radio Co., Ltd., Denver, Colo.—Granted modification of C. P. to change transmitter site to a new location to be determined subject to approval of the Commission, increase day power from 2½ to 5 KW, extend commencement date to 60 days after grant and completion date to 180 days thereafter.
- KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modification of C. P. to extend completion date from July 7 to 90 days thereafter.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted amended C. P. to move transmitter locally, install new equipment and increase day power from 1 to 5 KW.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. authorizing move from Kearny, N. J., to Carteret, N. J., installing new equipment and increasing power to 50 KW.

KINY—Edwin A. Kraft, d/b as Northwestern Radio Advertising Co., Juneau, Alaska.—Granted license to cover C. P. authorizing erection of new station; 1310 kc., 100 watts, unlimited time.

WCAD—St. Lawrence University, Canton, N. Y.—Granted modification of license for increase of specified hours of operation from 9 to 12 hours a week, to operate as follows: Daily except Sundays, 12:30 to 1:30 p. m., EST; 3 to 4 p. m., EST.

WREN—Wren Broadcasting Co., Lawrence, Kans.—Granted modification of C. P. to make changes in equipment and increase in daytime power to 5 KW.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted C. P. to make changes in equipment and increase power to 50 KW.

NEW—WCBS, Inc., Portable (Springfield, Ill.)—Granted C. P. (temporary broadcast pickup), frequencies 1622, 2060, 2150 and 2790 kc., 25 watts.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Granted authority to determine operating power by direct measurement of antenna input.

W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of license to delete schooner *Seth Parker* as point of communication and to utilize the station for other general research purposes in connection with the design and development of transmitting equipment, as well as investigation of propagation characteristics of assigned frequencies.

W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.)—Granted renewal of exp. gen. exp. license for the regular period to expire October 1, 1936. Also granted modification of license to include frequencies 31100, 34600, 37600 and 40600 kc. for broadcast pickup in gen. exp. service.

W8XAY—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.)—Granted renewal of license for regular period to expire October 1, 1936. Also granted modification of license to include frequencies 34600, 37600, 40600 kc. for broadcast pickup in gen. exp. service.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile (Boston, Mass.)—Granted renewal of license in conformity with existing authorization; also granted modification of license to include frequencies 31100, 34600, 37600 kc. for broadcast pickup in the gen. exp. service.

W8XAA—Howitt-Wood Radio Co., Inc., Portable-Mobile (Binghamton, N. Y.)—Granted renewal of license; also modification of license to add frequency 40600 kc. for broadcast pickup in the gen. exp. service.

SPECIAL AUTHORIZATIONS

KPOF—Pillar of Fire (a corporation), near Denver, Colo.—Granted special temporary authority to remain silent from 2:30 to 4:30 p. m., MST, July 4, 1935, in order to observe institutional holiday.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to operate from 12 noon to 2 p. m., CST (and/or such additional time within its broadcast day as station may desire) instead of limited time, as at present licensed, July 4, 1935, in order to allow staff a partial vacation.

KGCK—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to operate from 3:30 to 6 p. m., MST, July 11, 12, and 13, in order to broadcast the 15th Annual Wolf Point Stampede.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted special temporary authority to remain silent August 5, 12, 19, 26 and September 2, in order to observe school vacation period.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate from 7:15 to 9:15 p. m. on Tuesdays and Thursdays, and from 8:15 to 9:15 p. m., CST, on Wednesdays, for the period July 5 to August 2, 1935, provided station WNAD remains silent, in order to allow WNAD to observe school holiday period.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 to 11 p. m., CST, June 27, 28 and 29, in order to broadcast Barn Dance Talent Try-outs of station WLS to be held in the Goshen High School.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 3 p. m., CST, June 28, in order to broadcast State College Farm and Home day program.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 10 days.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary experimental authority to operate on 560 kc., 1 KW power, night, for period July 1 to July 31, 1935.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period beginning July 1 and ending not later than July 31, 1935.

WAML—Southland Radio Corp., Laurel, Miss.—Granted special temporary authority to remain silent, but for a period not to exceed 30 days, for the purpose of moving studio and installing new equipment.

KFNF—Henry Field Company, Shenandoah, Iowa.—Granted special temporary authority to use the time assigned to but not used by KUSD (provided KUSD will remain silent) but for the period ending in no event later than August 31, 1935, in order to permit KUSD to observe summer vacation period.

RENEWAL OF LICENSES

WGPC—Americus Broadcast Corp., Albany, Ga.—Granted renewal of license for the regular period.

WPAY—Vee Bee Corp., Mt. Orab, Ohio.—Granted renewal of license for the regular period.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted renewal of license for the period ending November 1, 1935.

KPJM—Scott & Sturm, Prescott, Ariz.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

KWKC—Wilson Duncan Broadcasting Co., Kansas City, Mo.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

WJTL—Oglethorpe University, Atlanta, Ga.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

WRDO—WRDO, Inc., Augusta, Maine.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on their pending application for renewal.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Present license extended for a period of 1 month from July 1, on a temporary basis, subject to such action as may be taken on pending application for renewal of license.

KCMC—North Miss. Broadcasting Corp., Texarkana, Ark.—Present license extended for a period of 3 months from July 1, 1935, on a temporary basis, subject to such action as may be taken on pending application for renewal.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license extended on a temporary basis to August 1, 1935, pending receipt and action on renewal application.

KGFL—KGFL, Inc., Roswell, N. Mex.—Present license extended on a temporary basis to August 1, 1935, pending receipt and action on renewal application.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Present license extended on a temporary basis to August 1, 1935, pending receipt and action on renewal application.

W10XEV—Nichols & Warinner, Inc., Portable-Mobile.—Granted renewal of gen. exp. station license for the period ending October 1, 1936.

W10XBH—Charles L. Jaren, Portable-Mobile.—Granted renewal of gen. exp. station license for the period ending October 1, 1936.

W6XAR—Julius Brunton & Sons Co., Portable-Mobile.—Present licenses extended for a period of 1 month from July 1 to August 1, 1935, on a temporary basis, subject to such action as may be taken upon pending application for renewal.

SET FOR HEARING

- NEW—Ralph Perez Perry, Santurce, P. R.—Application for C. P. for new station; **1340 kc.**, 250 watts, unlimited time.
- NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Atlanta, Ga.—Application for C. P. for new station; **1210 kc.**, 100 watts, daytime.
- WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Application for modification of license to increase hours of operation from S-WHBL to unlimited.
- NEW—Walker Jamar, Duluth, Minn.—Application for C. P. (already in hearing docket), amended to read: **1500 kc.**, 100 watts, unlimited, requests facilities of KGKF.
- WMBG—Havens & Martin, Inc., Richmond, Va.—Application for C. P. (already in hearing docket), amended to read: **1350 kc.**, 500 watts, unlimited, and make changes in equipment.
- WKAR—Michigan State College, E. Lansing, Mich.—Application for modification of license amended to read: Change frequency from **1040 kc.** to **850 kc.**, and change hours of operation from S.H. daytime, 1 KW, to daytime, sunset at WWL.
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Application for C. P. (already in hearing docket) amended to read: **1240 kc.**, 250 watts night, 1 KW day, unlimited time, move transmitter locally, change frequency from **1500 kc.** to **1240 kc.**, increase night power from 100 to 250 watts and day power from 100 watts to 1 KW; install new equipment.
- KFPY—Symons Broadcasting Co., Spokane, Wash.—Application for C. P. to install new equipment; increase day power from 1 to 5 KW; move station locally to a site to be determined subject to approval of Commission.
- KUSD—University of South Dakota, Vermillion, S. Dak.—Application for modification of license to change hours of operation from share KUSD and WILL $\frac{1}{2}$ time, KFNF $\frac{1}{2}$ time, to share KFNF-KUSD $\frac{1}{8}$ time, KFNF $\frac{7}{8}$ time.
- KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Renewal of license set for hearing and temporary license granted pending hearing.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Application for modification of license to increase nighttime power from 1 to 5 KW. (To be heard before the Broadcast Division.)
- KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Renewal of license; **930 kc.**, 1 KW night, $2\frac{1}{2}$ KW day, shares with KGBZ.
- KG CX—E. E. Kresbach, Wolf Point, Mont.—Application for C. P. (already on hearing docket) amended to read: **1450 kc.**, 1 KW, and time of operation unlimited.
- NEW—Knox Broadcasting Co., Inc., Schenectady, N. Y.—Application for C. P. for new station; **1240 kc.**, 1 KW, unlimited time. Requests call letters WKBA.

MISCELLANEOUS

- KSO—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.—Denied petition asking Commission to reconsider action in designating for hearing application to increase night power to 500 watts and day power to 1 KW and grant same.
- WILL-KFNF—University of Illinois, Urbana, Ill., and Henry Field Co., Shenandoah, Iowa.—Denied request for special temporary authority to operate simultaneously from 7 to 8 a. m. and from 10 to 11 a. m., CST, daily, except Sundays, for period June 18 to 30, 1935, in order to broadcast additional programs.
- Ex. Rep. No. 1-65—D. A. Wark and H. H. Hedstrom, Twin Falls, Idaho.—Adopted examiner's report recommending that the application of Wark and Hedstrom to erect a new station at Twin Falls, Idaho, be withdrawn without prejudice. The application was for **1500 kc.**, 100 watts.

- NEW—David Parmer, Columbus, Ga.—Granted petition to intervene in opposition to application of WJTL (Oglethorpe University) for voluntary assignment of license. Petitioner has application pending for facilities of WJTL.
- WGN—WGN, Inc., Chicago, Ill.—Granted petition to intervene at hearing of application of WJJD, Chicago, for modification of license. Applicant seeks to modify license so as to operate with 5 KW after sunset Salt Lake City, and with 20 KW from 6 a. m. to 8:30 p. m. Station now operates with 20 KW, limited time.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted petition to intervene at hearing of application of WJJD, Chicago, for modification of license. Applicant seeks to modify license so as to operate with 5 KW after sunset Salt Lake City, and with 20 KW from 6 a. m. to 8:30 p. m. Station now operates with 20 KW, limited time.
- WMAQ-WENR—National Broadcasting Co., Chicago, Ill.—Granted petition to intervene at hearing of application of WJJD, Chicago, for modification of license. Applicant seeks to modify license so as to operate with 5 KW after sunset Salt Lake City, and with 20 KW from 6 a. m. to 8:30 p. m. Station now operates with 20 KW, limited time.
- KPOF—Pillar of Fire, Inc., Denver, Colo.—Denied petition asking Commission to reconsider action in designating application for hearing and to grant same. Applicant requests authority to increase daytime power from 500 watts to 1 KW.
- KG GC—Golden Gate Broadcasting Co., San Francisco, Calif.—Denied petition asking Commission to reconsider action in designating application for hearing and to grant the same. Applicant seeks to increase time of operation to unlimited.

The Commission will hear oral arguments in re Examiner's Report No. 1-54, concerning the applications of the Helena Broadcasting Co., Helena, Mont.; Montana Broadcasting Co., Boulder, Mont.; and E. B. Craney, Helena, Mont., to establish a new radio station to operate on **1420 kc.**, with 100 watts.

APPLICATIONS DISMISSED

- The following applications, heretofore set for hearing, were dismissed at request of applicants:
- WDEL—WDEL, Inc., Wilmington, Del.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited.
- WESG—Cornell University, Elmira, N. Y.—Modification of license, **850 kc.**, 1 KW LS, daytime.
- WG AR—The WG AR Broadcasting Co., Cleveland, Ohio.—Special experimental authority, **1450 kc.**, 1 KW, unlimited time.
- WEBQ—The Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license, **1210 kc.**, 100 watts, 250 watts LS, unlimited.
- NEW—Wm. B. Smullin, Salem, Ore.—C. P., **1440 kc.**, 500 watts, unlimited.

The following application, heretofore set for hearing, was denied as in cases of default for failure to file an appearance in accordance with Rule 48 (b):

- NEW—Alaska Radio & Service Co., Inc., Juneau, Alaska.—C. P., **1200 kc.**, 100 watts, unlimited time.

ACTION ON CASES HEARD BY BROADCAST DIVISION

(Action taken June 11, 1935)

- NEW—Winger & Thomas, Chattanooga, Tenn.—Denied application for C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, unlimited time.
- NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—Denied application for C. P. for new station to operate on **1120 kc.**, 100 watts, daytime hours.