

# Complete Film-Radio Divorce Unlikely From Recent Action

## Agency Executives Certain There Will Not Be Widespread Exodus of Film Talent From Air

THREATENED war between radio and motion pictures doesn't seem to faze Hollywood advertising agency executives. Consensus among those closely associated with radio is that there will be no general following of the lead taken by M-G-M and 20th Century-Fox Studios in pulling their talent off sponsored network shows. Counter feeling is strong that increased exploitation of stellar film names on programs more than compensates for a net boxoffice loss alleged by motion picture exhibitors.

Although Warner Bros. is reported as joining the ban and Republic Productions Inc. will abandon plans to put a studio produced radio show on a network under sponsorship, it is the general belief that outstanding film names have become too intimately associated with radio entertainment for picture companies to take such drastic action. It is further pointed out that picture talent, knowing exploitation values received from radio appearances and also interested in big money offered by sponsors, will not stand for the ban. Several name stars, among them Jean Hersholt and Dick Powell, have severed their film studio connections so that they might freelance in pictures and thereby accept radio commitments too.

The battle will probably continue for some months but it is generally predicted in Hollywood that the two entertainment mediums so closely associated, will "get together", iron out their difficulties and come to an understanding of mutual benefit before beginning of the fall season.

### Will Approach Don Ameche

Darryl Zanuck, vice-president of 20th Century-Fox Studios, who in early February withdrew Tyrone Power from NBC *Woodbury Playhouse* series, is reportedly working out plans whereby none of that film company's talent will do commercial radio work.

It is expected he will next try to induce Don Ameche to also forego future radio work for a financial consideration and devote full time to pictures. Ameche is currently featured on NBC *Chase & Sanborn Hour*, sponsored by Standard Brands Inc. Zanuck, it is understood, will not interfere with commitments that 20th Century-Fox talent has for CBS *Hollywood Guild*, sponsored by Gulf Oil Co. which contributes \$10,000 weekly to Motion Picture Relief Fund.

Network executives in Hollywood have made no official comment, but professed, off the record, not to be greatly agitated by recent developments. They take the position that the fight—if there is a fight—is between film studios and radio advertising sponsors.

"We sell the time, the sponsor puts on whatever programs they

want", commented one network representative. However, another observer conjectured that if a break did come, radio sponsors might be inclined to retaliate. They might demand by contract that their radio talent make no movie appearances. It was pointed out that many of the film favorites today were originally radio stars. Cited as examples are Bob Burns, Jack Benny, Edgar Bergen, Don Ameche, George Burns and Gracie Allen.

Attempt by Republic Productions Inc. to put a studio produced radio show on a network will be abandoned. Lack of a sponsor at price asked is said to be the principal reason. Belief that marketing the show might cause exhibitor repercussion was also expressed. Republic products play 20th Century-Fox theatres and abandonment of radio thereby coincides with company policy. Show was of the musical-variety type featuring studio talent.

### Powell for Jolson

Lever Bros. Co., Cambridge, Mass. signed Dick Powell, film actor, to head its CBS *Lifebuoy* series, beginning with broadcast of March 21. He takes over from Al Jolson who leaves the show after more than two years, following program of March 14. Powell will sing and emcee the weekly half-hour broadcast, sharing it with Martha Raye, Parkyakarkus, Lud Gluskin's orchestra, and guest talent. Policy of the show remains unchanged. Everett Meade continues as producer for Ruthrauff & Ryan, agency servicing the account. Powell has had no regular radio program since the Warner Bros. Lucky Strike series of last year. Probability is that the *Lifebuoy* show will carry through the summer quarter without substitute.

Jolson's withdrawal from the *Lifebuoy* program was reported amicably effected by William Morris Inc., his representatives and Ruthrauff & Ryan, representing the sponsor. C. Lawton Campbell, New York vice-president in charge of radio for the agency, when in Hollywood during mid-February to dissolve the contract, stated parting was amicable so that "Jolson could fulfill a desire on his part to appear in a new type of radio program which he has had under consideration for some time."

Neither Jolson nor William Morris Inc. would reveal which show he would join. It is known that Jolson had been offered a spot on *The Circle*, sponsored by Kellogg Co. on NBC. It is expected though that he would remain out of radio until September. For the present he will devote full time to his 20th Century-Fox picture, *Rose of Washington Square*.

Carole Lombard has terminated her contract with *The Circle*, sponsored by Kellogg Co. on NBC. She

## C & S to New York

STANDARD BRANDS switches NBC *Chase & Sanborn* program from Hollywood to New York March 12 and 19, with possibility of others emanating from that city. The move follows request of Edgar Bergen, Don Ameche and Dorothy Lamour for a change in scene. Rather than split the show at intervals or permit New York vacations, the sponsor is understood to have approved move of program intact. Donald Dickson, vocalist and Robert Arnbruster, musical director, will also make the trip. A pick-up band in New York will replace Arnbruster's Hollywood orchestra on the show. This will be the first time since program launching in May, 1937, that it has originated from any other city than Hollywood. Cal Kuhl, producer for J. Walter Thompson Co., and Dick Mack, writer, will also join the group.

## A 'Good News' Film

IN AN EFFORT to capitalize on popularity of the NBC *Good News* program, sponsored by General Foods Corp. (Maxwell House coffee), M-G-M, producing the series, plans to remake an old time film by that title. Picture was first made in 1930 by M-G-M. New version will fit the radio show cast members, who include Fannie Brice, Frank Morgan, Hanley Stafford, Meredith Willson and his orchestra. Film company recently announced it would terminate its radio affiliation with General Foods Corp. and discontinue program following the June 29 broadcast.

## Wilson Planning

WILSON & Co., Chicago (meat packers, food products), is planning a spot campaign of transcriptions featuring George Rector, famous chef recently employed by the firm. It is understood that the discs will be five minutes in length. U. S. Adv. Corp., Chicago, handles the account.

has entered into an oral arrangement with J. Walter Thompson Co., agency servicing the account, to make occasional guest appearances on the weekly program at her convenience, providing script submitted meets with her approval. Original agreement with the agency was verbal, but this was later put in writing. This marks the second withdrawal from the show, as Ronald Colman recently had his contract dissolved, although it was denied by the agency and all concerned. It is expected that Cary Grant will also shortly leave the series.

RKO Radio Pictures, Hollywood, has signed Jean Hersholt for a series of three films to be based on his CBS *Dr. Christian* serial, sponsored by Chesebrough Mfg. Co. Films will be released under the same title. This will be the first motion picture work by Hersholt since his contract with 20th Century-Fox Studios was cancelled some time ago. Dispute over radio appearances was said to have been one of the reasons for his withdrawal and determination to freelance.

## Court Recognizes Recorder's Rights Federal Judge Grants Waring Injunction Against Use

FIRST recognition by a Federal Court that an artist has a property right in his recorded rendition of a musical composition was made by a U. S. District Court in North Carolina which granted Fred Waring an injunction against the unauthorized use of a transcription of his performance.

Suit was brought by Waring against Richard Austin Dunlea, owner of WMFD, Wilmington, N. C., Waring charging the station had broadcast part of a transcription Waring had made for the Ford Motor Co., which was labeled with a notice restricting its use to the Ford program and on stations selected to broadcast that program, despite the fact that WMFD was not on the Ford list. He claimed the station used the recording, with the commercials eliminated, on a program not sponsored by Ford.

In granting the injunction to Waring, Judge Isaac M. Meekins said, in part: "It appears to the Court that complainant has created by his efforts and talents a distinctive style known as his style, in the interpretations of musical numbers. He desires to sell or license such renditions. This presents the first question: Does complainant have such an interest in his unique rendition that it is a distinct and separable property right? My answer is, Yes. . . Complainant has a property right in his performance. Complainant by mental labor creates something which is the subject of sale, for he has contracted for its rendition with the Ford Motor Co. It is his work, his property, and so recognized."

The case, which was handled for Waring by Maurice J. Speiser, general counsel of the National Assn. of Performing Artists of which Waring is president, is hailed by NAPA as establishing an important precedent and extending the previous decision won by NAPA in Pennsylvania, where a state court ruled that WDAS could not broadcast Waring recordings without his permission. Decision may possibly affect the outcome of the suit of RCA against Paul Whiteman and WNEW, now before the U. S. District Court in New York.

## Wrigley Renews Gateway

WM. WRIGLEY Jr. Co., Chicago (chewing gum), has renewed for 13 weeks, effective April 9, Jesse Lasky's *Gateway to Hollywood* on CBS. Contract will extend the RKO Pictures talent hunt tieup to a second feature film. Winners of the second quarter's talent competition will be utilized in the picture on the same basis as those used in the present series. Charles Vanda, on leave from his post of CBS Pacific Coast program director, will continue to produce and format of the show will remain much as at present. Ken Niles stays as announcer.

SHACKELFORD MILLER Jr., brother of NAB President Neville Miller, on Feb. 20 was confirmed by the Senate as U. S. District Judge for the Western District of Kentucky, following his nomination by President Roosevelt. He was formerly counsel for RFC in Kentucky and Senator Barkley's campaign manager.