

# B.B. Pen Suit Seeks \$1.5 Mil From ABC-Para

## Charges Breach, Fraud Involving 13 Jessel Shows

HOLLYWOOD, Jan. 22.—Suit filed by the B.B. Pen Company, Inc., against ABC-Paramount Theaters, Inc., in Los Angeles Federal Court this week for \$1.5 million may have far-reaching effects insofar as network operations are concerned.

B.B. Pen is charging breach of contract and fraud in regard to pact it had with ABC for telecasting of 13 George Jessel shows over some 80-odd stations during a 26-week period. The suit contends that ABC did not deliver what it had contracted for because in many cases the program was pre-empted by local stations and not shown at all or else shown at a later time or date.

Plaintiff asserts that this violates the contract and resulted in reduced efficacy of a \$715,000 advertising and merchandising campaign geared to the show. Although network execs declined comment because they have not yet had an opportunity to study the suit, first reaction was that stations have right to pre-empt time for public service programming and the web cannot be held to blame for this.

Originally scheduled for 50 stations on the net, the program later went on more than 80, with the plaintiff contending that ABC promised to deliver time on all of these at a certain specified date and hour.

Suit is not expected to come to trial for several months.

# Whitehall Cancels 'Tune'; Campbell May Drop A&C Seg

NEW YORK, Jan. 22.—Whitehall Pharnacal this week cancelled its alternate week sponsorship of "Name That Tune." The show is co-sponsored by Carter Products in the Thursday 10:30-11 p.m. time period Thursday evenings on CBS-TV.

Also on CBS-TV, Campbell Soups is said to be ready to drop Abbott and Costello. The film program is telecast Saturday mornings, 11:30-noon. Campbell has been showing the series in its third run locally, tho in other network localities the same is not true.

## RESTLESS PEOPLE

Television Bureau of Advertising this week named Dr. Leon Arons as director of research. He formerly was vice-president and research director of the William Weintraub agency.

Mitchell Degroot, formerly ABC-TV's director of advertising and promotion, has joined Paul Raymer, spot rep, in a similar capacity. . . . Harriet Friedlander, recently of CBS, has been named program co-ordinator and merchandise director of "Beat the Clock" by Goodson-Todman. . . . Caroline Burke, NBC-TV producer, will speak on the ups and downs of television production at the Fountain House Foundation on January 26.

Robert D. Wood, account exec of CBS-TV Spot Sales, has left to assume the job of sales manager of KNXT and The Columbia Television Pacific networks. . . . W. Howard Chase, partner in the firm of Selva, Lee & Chase, resigned his partnership to join McCann-Erickson, Inc., as vicepee and general executive effective February 1. . . . Harry K. McWilliams, one-time director of advertising and public relations for Screen Gems, resigned as sales manager of Air Programs to join Magna Theater Corporation as advertising, publicity and exploitation director. . . . James A. Wethington, formerly exec vicepee of the William G. Rambeau Company in New York, joined TV station KONA, Honolulu, as sales manager.

Cliff Cochrane, formerly with Green-Cochrane Associates, formed his own public relations firm with offices at 292 Madison Avenue, New York. . . . Robert W. Robb, Calkins & Holden execs, will fly to the West Coast to give two talks on January 25 and 27, on his experiences in a recent trip thru the Soviet zone of Germany. . . . Marjorie Trumbull, columnist for The San Francisco Chronicle and local TV personality, has been signed for NBC's "Home" show as West Coast editor.

Mitchell C. Betters, director of radio and television public relations activities for The Hartford (Conn.) Times, was named special events chairman for the Greater Hartford Heart Campaign. . . . C. W. (Bill) Smith, director of the construction technology division, will appear on three special telecasts on NBC-TV's "Home" show. . . . Gilbert Seldes, critic and playwright, opens a "Television Writing Workshop" in the spring term at the New School for Social Research, beginning February 11.

## LOOKS LIKE BIG NBC YEAR

# 'Today,' 'Home,' 'Tonight' Pull \$10,391,000 So Far in 1955

NEW YORK, Jan. 22.—"Today," "Home" and "Tonight," the NBC-TV participation unit, has already booked \$10,391,000 in advance orders for 1955, just \$3,000,000 behind its entire total for 1954 of \$13,000,000. The shows' projected gross for 1955 now is \$17,000,000 which would mean that, if it made that goal, which seems assured, its billings alone would compare favorably with the amounts earned by the top 10 grossing magazines in the country.

Of the \$10,391,000 grossed already, \$4,400,000 has been earned by "Today," \$4,786,000 has been billed by "Home" and \$1,165,000 by "Tonight." The first two shows seem to be outstripping "Tonight"

in orders, but the disparity can be attributed to the fact that "Tonight" is a fairly new program, only having been on a few months, and experience has shown that these stanzas take time to get established with the advertisers.

### "Home's" Bills

Of particular interest is the fact that "Home" now is outbidding "Today," the veteran of the three stanzas. This is, in good part, due to its higher participation rate. "Home" charges \$6,700 per shot, while "Today" ranges in cost from \$1,900 to \$5,500, and "Tonight" charges \$5,100 per participation.

The most impressive aspect of the participation shows is the new

business they attract to TV. Del Monte Foods, never previously in TV, has placed a \$447,000 order for the "Today," "Home," "Tonight" trinity. It has bought 26 participations in each show. Morton Salt has bought 13 participations in each show. Rath Packing has bought 26 slices of "Today." Waring Blendor has purchased 16 participations in "Tonight." And renewal business has been equally good. Avco has renewed for all of 1955, with a purchase of 52 segments of "Home."

### Client Extras

Part of the programs' lure is the extras it provides clients. Avco, for example, has a permanent kitchen on "Home," which results in a strong subtle plug. When Bissell carpet sweeper mortgaged its future and bought \$500,000 worth of participation programs, NBC gave it a special sales kine which it has been using to good purpose before distributors.

Star-Kist Tuna got a special closed-circuit color show piped to its food brokers in many cities. And the three shows have been traveling to get the shows before the rest of the country. "Home" has made a special Chicago and California junket, while both "Today" and "Tonight" have originated in Florida.

## ZENITH PREXY SPEAKS

# Raps Fellows' Efforts To Smother Fee Video

CHICAGO, Jan. 22.—The context of a letter released this week disclosed Cmdr. E. F. McDonald Jr., president of the Zenith Radio Corporation, had charged that Harold E. Fellows, president of the National Association of Radio and Television Broadcasters, opposed the interests of broadcasters in attempting to align his followers with the motion picture theaters in an effort to stymie subscription television.

In his letter to Fellows, McDonald referred to a January 4 letter sent by Fellows to Chairman McConaughy, of the FCC, which, he said, asked "the Commission to follow a course of action that would delay as long as possible giving the broadcast industry access to a whole new field of competition for the box-office audience."

In his letter to Fellows, McDonald stated, "We have called a sufficient number of your members to know you have apparently undertaken to speak for the association without having taken the trouble to ascertain the views of its members, altho this fact was not disclosed in the paper you filed with the Commission."

### Cites Letter

The Fellows' letter to the FCC, McDonald said, expressed the same view as a recent petition filed by movie theater interests, which have,

according to McDonald, a long record of fighting television in all its forms for their private competitive interests. He also asserted that the theater opposition to subscription TV stemmed from fear that it would give the broadcaster a box office to compete with theaters on first-run movies and other great events not now available on television in any form.

McDonald asked that Fellows make it clear to the FCC that he was expressing only his own opinion and those of a limited number of his association's members, and that the letter was written without the knowledge or consent of his membership and therefore that his statements did not reflect the views of NARTB.

## Webb Set to Emcee NBC AMPAS Airing

HOLLYWOOD, Jan. 22.—Jack Webb has been signed by NBC to emcee the web's one-and-one-half-hour telecast of the Academy of Motion Picture Arts and Sciences nominations on February 12, first of a trio of award events the web will carry this year.

Others are the AMPAS awards on March 30 and the Academy of Television Arts and Sciences awards. NBC's telecast will mark the first time that the nominations have been aired.

## NEWS IN BRIEF

In an initial decision last week, Federal Communications Commission Hearing Examiner James D. Cunningham turned down an application for Channel 7, Miami, from former FCC Chairman James Lawrence Fly and awarded the channel to Biscayne Television Corporation. Cunningham found that Biscayne, owned by John S. Knight and James M. Cox Jr., both publishers and broadcasters, showed a "clear superiority" over the three other applicants despite its newspaper connections. The losers were South Florida Television Corporation, of which Fly is board chairman; Sunbeam Television Corporation and East Coast Television Corporation, all of Miami. The grant will not be final until the Commission acts on it.

Federal Communications Commission approval last week of two satellite TV outlets in Hawaii—Channel 3, Wailuku, and Channel 9, Hilo—drew a strong dissent from Commissioner Frieda B. Henneck. The stations will duplicate programs carried by the parent station, KGMB-TV, Honolulu, a CBS affiliate. Commissioner Henneck charged that the grants would concentrate ownership of three out of Hawaii's five TV outlets in the hands of one broadcaster, and argued that the two stations should be required to provide some local programming for their viewers.

Importers of foreign-made FM and TV receivers were warned by the Federal Communications Commission last week that some of their imported sets may violate proposed Commission standards limiting oscillator radiation. Importers were urged to inform foreign manufacturers about the proposed standards to avoid possible FCC enforcement actions.

The number of television receivers shipped to dealers in the first 11 months of 1954 topped the number shipped in the same 1953 period by 100,000, the Radio-Electronics-Television Manufacturers' Association reported last week. During November set shipments totaled 774,379 compared with 701,628 in November, 1953, while the 11-month shipments amounted to 6,147,135 compared with 6,043,678 in the same period in 1953.

The Federal Communications Commission last week set March 7 as the date for oral hearings on its proposed rule making to bar Communists or members of Communist front organizations from holding commercial or amateur radio operators' licenses. The proposals made last June would require all applicants for radio operators' licenses to disclose past or present membership in such organizations. February 21 is the deadline for comments.

CBS-TV this week became the first network to join Television Bureau of Advertising. The network affiliated as a charter member. First announcement of charter station membership will be made on February 7.

Many cities are watching the crackdown on radio and TV pitchmen who fraudulently advertise in New York. Edward A. Silver, Brooklyn district attorney, has invited representatives of seven local TV stations and 16 radio stations to meet with him and investigate alleged "vicious practices" of pitchmen who specialize in plugging items at one price and selling products for much more.

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