



## Fly, Johnson at NAB Convention

Plans for the most important NAB convention in the twenty-year history of radio were rapidly being completed this week as announcement is made that FCC Chairman, James Lawrence Fly, and Assistant Secretary of War, Louis Johnson will address the industry.

This will be the first appearance of Chairman Fly before an NAB convention and his remarks are looked forward to with the highest degree of interest. Mr. Johnson, making one of the most important government pronouncements on the subject, will speak on the national emergency and its possible effect on the American system of broadcasting.

Coming at a time when there will be less than five months in which plans can be perfected to free broadcasters from the yoke of the ASCAP monopoly, the convention will open at the St. Francis Hotel in San Francisco, August 4 and continue through August 7.

Urging that every station be represented, Neville Miller this week declared:

“The problems which radio faced in the past pale in comparison with those it faces in 1940. We are in an emergency period. New problems, technical, social and commercial confront us. We are setting up a convention program designed to make this a well-informed industry, to give opportunity for all views to be expressed, evaluated and compared before final formal action is taken. What is done at San Francisco this August will shape the course of broadcasting for possibly years ahead. Every member owes it to himself to have a voice in determining the decisions which must be made.”

A comprehensive report on BMI and a full review of the NAB Code are features of an agenda which includes analyses of the labor situation, the A. F. of M., wages and hours, a full review of FM, reports covering legislative matters and the relations of the industry with government and advertisers.

Outstanding in the commercial phase of the convention will be the introduction of the Bureau of Radio Advertising's plan for an industry measurement of the volume of radio advertising by cities and by classification of account. This has been a service long in demand by agency time buyers. A contingent of space buyers from New York and Chicago are already making plans to be present. Advertising executives on the West Coast will also be present. They will be invited to take part in round-table discussions with the Bureau and the Sales Managers' group, to review common problems of commercial broadcasting.

Of wide public and industry interest will be a panel discussion on the problems of special events broadcasting, with particular reference to coverage of the war and the handling of

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The NATIONAL ASSOCIATION OF BROADCASTERS  
1626 K St., N. W. WASHINGTON Phone NATIONAL 2080

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

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

### FLY, JOHNSON AT NAB CONVENTION (Continued from page 4393)

political broadcasting, to be presided over by Mark Ethridge, WHAS. Taking part in the discussion will be Paul White, director of special events of CBS; Abe Schechter, director of special events of NBC; Van C. Newkirk, in charge of special events for KHJ-Mutual on the Coast, and Herb Hollister of KFBI.

"While the tone of the convention is one of dead earnestness—and for this we make no apologies, because the times demand it," Mr. Miller continued in his statement this week, "there will be opportunities for fraternizing with fellow members and friends in the agency and business world who will be with us. One night we will be guests of the Exposition on Treasure Island. The banquet entertainment this year will be both unique and pertinent."

In conjunction with the convention there will be meetings of the independent and IRNA groups and FM broadcasters. The Board of Directors will hold its annual meeting on August 4. On the same day, the Code Compliance Committee will be in session to receive recommendations from members.

### HOTEL RESERVATIONS

Lincoln Dellar, KSFO, San Francisco, chairman of the convention housing committee, reports the influx of many hotel reservation requests. Those who have not done so, should immediately get their bid for hotel accommodations on file. All communications should be addressed to the St. Francis Hotel. Even though you may desire accommodations at some other San Francisco hotel, all requests clear through the St. Francis. If you don't want to communicate direct, send your requests here to headquarters and we will attend to them for you. Either way we suggest your early attention to this matter, first, that you may get the kind of accommodation you desire and, second, that we may have some means of measuring the possible attendance.

### AUTO CARAVAN

A southern broadcaster suggests that broadcasters who are going to the San Francisco convention by auto-

mobile meet in Albuquerque, New Mexico, on July 25 and proceed as a group, visiting Boulder Dam, the Grand Canyon and other points of interest en route. After the convention, he suggests that the caravan return via the northern route, including points in the Pacific Northwest and Yellowstone Park. Those interested should contact headquarters immediately for details.

### BRING A TOPCOAT

A word about wearing apparel. We don't want to convey the idea that San Francisco is a cold town. It will be far from it in warmth of welcome during the NAB convention. Nevertheless, the breezes that blow through Golden Gate and over Treasure Island, as well as up Market Street and around Union Square, are sometimes a bit sharp and chilly. We suggest a light topcoat for both the ladies and the men.

We are doing everything we can to plan for your comfort and entertainment, as well as for a worthwhile business session. We want you to be comfortable from the standpoint of raiment, so hence, this word of warning.

## Labor

### PETRILLO REMOVES NAME BANDS FROM NBC, COLUMBIA

NBC and CBS lost their name-band sustaining programs during the past week, by order of James C. Petrillo, new president of the American Federation of Musicians.

The order affecting NBC was issued Friday, June 28, while the CBS bands went off the air Monday, July 1.

The NBC order was issued because Station KSTP, St. Paul, has refused to sign a contract with the St. Paul local stipulating that the station will spend for a staff orchestra the same amount annually as was spent under the agreement which expired last January 17. For the last two weeks, KSTP's union musicians have been on strike, and the union has refused to permit local remotes. The strike followed prolonged negotiations on a compromise proposal by the station.

The CBS order followed a strike at WRVA, Richmond, Va., where the station likewise refused to sign a renewal of the old "quota," even though it was paying a staff orchestra at a rate exceeding the old quota. Remotes were withdrawn in Richmond, too.

Before withdrawing the name bands, the A. F. of M. asked the networks to quit furnishing this sustaining music to the two stations. This request was refused.

## SCHEDULE THIS BROADCAST NOW!

On the eve of the NAB Convention, August 3, the San Francisco and New York World's Fairs will join together in a brilliant radio program to convey the thanks of listeners to the broadcasters of the country for outstanding public service rendered. At special ceremonies held on both Fair grounds, to be witnessed by distinguished men and women from all walks of life, plaques will be unveiled in dedication to the freedom of American radio.

The names of those appearing on this special broadcast will read like a star-studded roster of all the famous personalities who have made radio history in the past twenty years. It is hoped that the President will find time from his arduous duties to unveil the plaques by remote control.

The broadcast will be carried by all three major networks. *NAB is authorized to invite non-network stations to join the broadcast. This can be done by securing approval and arranging for lines with the nearest network affiliate.*

*The time of the broadcast is 8 to 9, Eastern Daylight Savings Time.*

*The date—Saturday, August 3.*

Please schedule this program now. NAB feels this will be one of the outstanding broadcasts of all time. Every station should participate in this industry-wide tribute.

### WAGE AND HOUR ACT

Only 226 stations had answered the special Wage and Hour questionnaire by Wednesday of this week. This 29 per cent response is not large enough to build a good case for redefinition of "executive"—which the NAB intends to ask for. Redefinition would remove any limit on the hours of chief engineers, program directors and other executives. If any member has not received the questionnaire, he should notify the NAB Labor Relations Department.

The Wage and Hour Administration announced that the state labor departments of Connecticut and Minnesota would take over inspection for violations of the Wage and Hour law. North Carolina's state labor department has been handling inspection there for some months.

### Promotion

#### WSB SUGGESTS AUTO RADIOS IN ATLANTA JOURNAL COPY

A 420 line ad in *The Atlanta Journal* of Sunday, June 23, was devoted to the broadcasting industry's campaign to add extra hours of daily listening via auto radio. It was prepared under the direction of WSB's Manager, J. Leonard Reinsch. The primary display read:

DRIVING'S  
MORE FUN  
—When Radio  
Entertainment  
Is at Your  
Finger-Tips!

At the left of this display were the call letters, WSB, "The Voice of the South," spotted in an illustration of a couple listening while they ride.

Below was the following copy:

"Breezing along of a sunny afternoon or gliding away 'neath the stars of a balmy summer night—nothing adds quite so much to riding pleasure as an automobile radio! You don't have to miss a single one of your favorite shows!

"If you haven't a set in your car, now is a good time to buy one. Many good auto radios are on the market at reasonable prices, and you can buy your choice on liberal terms. See your dealer!"

#### "WHY I WANT A PORTABLE SET," CONTEST OVER NBC-BLUE

Another circulation building program for the industry is a current promotion, "Why I Want a Portable Radio Set," over the NBC-Blue network. The contest is incorporated in "Alma Kitchell's Brief Case." It has been running since June and it closes July 12. Miss Kitchell's evening show, month after month, continues to promote an appreciation for the American program service. By so doing it is having a substantial influence in solidifying the idea that the American system of broadcasting is the best for the United States.

#### PARTICIPATION IN RADIO FESTIVAL OPENS PROMOTION CHANNELS

Regarding Radio Festival Howard Lane, Manager, KFBK, Sacramento, Calif., says:

"Radio Festival Week in Sacramento was a terrific success and opened new avenues of promotion for us that we intend

to utilize throughout the year. Our work in the schools met with such widespread approval of school authorities that an extensive schedule of cooperative school broadcasts entirely different from what we have done in the past has already been tentatively outlined to start this fall.

"The programs which we put on in the school assemblies themselves met with such enthusiasm that we have already received requests from a number of schools as far as one hundred miles from Sacramento requesting similar visits."

### "HAT IN RING" REVISED

"Is Your Hat In the Ring?" the NAB handbook of suggestions to political candidates on how to write and deliver the radio talk, has been revised and brought up to date for use in the current campaign.

It is available to member stations at nominal cost. Copies and prices will be forwarded stations next week.

The booklet has been used extensively by both the Republican and the Democratic parties throughout the country. It contains practical information designed to show candidates how to make more effective use of radio. It is a goodwill builder, also, between stations and candidates. NAB feels that each station should place a copy of "Is Your Hat In the Ring?" in the hands of every candidate.

## Sales

### COMMERCIAL SECTION OF CODE EFFECTIVE OCTOBER 1

In conformity with instructions of the Code Compliance Committee, Ed Kirby, Committee Secretary, sent out the following letter to agencies and advertisers to remind them that the time limitations in the commercial section of the Code become fully effective as of October 1, 1940. The letter accompanied a special booklet in which the commercial section of the Code is printed, together with the AAAA-ANA copy code:

DEAR MR. :

Re: *NAB Code—Time Limitations  
and Acceptability of Accounts*

The Code Committee has asked me to remind you that the commercial section of the NAB Code becomes fully effective in all copy as of October 1, 1940.

For your convenience, this part of the Code has been separately printed in the enclosed booklet. Here also you will find the copy code of the AAAA and that of the ANA, which were jointly issued a few years ago.

The underlying purposes of the Code and the mutuality of commercial interests found therein between advertisers and broadcasters is, we believe, fully explained in the foreword by Edgar Bill, chairman of the Code Compliance Committee.

In this period of social and economic transition, we know that you will welcome this development as a wise and timely move beneficial to both consumers and to advertisers alike.

The Committee will indeed be pleased to answer any inquiry, or to receive the benefit of any suggestions or comment you may care to make.

With every good wish, I am

Sincerely yours,

(Signed) ED KIRBY, *Secretary,  
Code Compliance Committee.*

In order that member stations may inform local and regional accounts, Headquarters is sending to each member 100 copies of the booklet. The national field is being handled directly from NAB.

In a statement to transcription makers, the Committee recommended the following:

#### *Recommendation for Transcriptions*

Transcription makers will note that there is a forty-five second extra time allowance for a fifteen-minute daytime commercial over the two minutes and thirty seconds limitation on a nighttime fifteen-minute commercial.

Because it is impossible in most instances to know whether a transcription is to be played during the day or night, it is the Committee's recommendation that commercial copy be prepared within the nighttime limitation, and that an extra forty-five seconds be given over to theme music. Thus, when the program is played on daylight spots, the local announcer can step in over the theme to take advantage of the extra forty-five second daytime allowance with additional copy.

### COST-PER-INQUIRY

Presumably basing their approach on the fallacy that summer slumps make radio stations doubly receptive to percentage propositions, six concerns chose the month of June to canvass a large list of stations with cost-per-inquiry and other unorthodox deals. The unusual number of these proposals referred for action direct to NAB Headquarters by members is encouraging in two ways. It proves the percentage boys have guessed wrong again, in asking radio to revert to the dark ages of advertising, and it demonstrates that radio neither needs nor welcomes this kind of business, summer or winter. As far as could be learned, reputable broadcasters were unanimous in their opposition to the contingent deals proposed by the following concerns:

Dave Minor Publishing Company, Chicago, Ill.

H. C. Morris & Company, Inc., New York, N. Y. (on behalf of Doubleday Doran & Co.)

H & H Corporation (antacid Tablets), Minneapolis, Minn.

Insurance Policy Service Company, Cincinnati, Ohio  
Starkist Company (Toothpaste), San Antonio, Texas  
Sure-Grip Laboratories, Chicago, Ill.

Every one of these concerns seeks to promote a product which is admirably suited to radio advertising, and the Bureau of Radio Advertising has invited them to give serious consideration to a regular campaign at card rates.

While the cost-per-inquiry market was active, as above indicated, free offers were quiet, none being reported to NAB during June.

## Miscellaneous

### NEWSPAPERS TO FM

The current issue of *Editor & Publisher* editorially urges small-town newspapers to get in their applications for FM stations. The editorial:

Members of the Inland Daily Press Association recently heard an enlightening discussion of the possibilities of radio transmission by frequency modulation. This page has referred often to this technical advance in broadcasting, and it reminds its newspaper-maker readers again that the new development may mean much to newspapers large and small.

We understand that applications for licenses to broadcast with FM transmitters are being received by the Federal Communications Commission and that these applications will be considered on and after Jan. 1, 1941. It is stated also that commercial broadcasting by FM may be approved as of that date.

This method permits broadcasting with remarkable fidelity of reproduction by ultra short wave over short ranges. Its original cost is said to be two-thirds of present installation cost and its maintenance also promises to be cheaper. That may let small city newspapers in for a new and disturbing form of competition, if possible competitors get their applications filed before the newspapers act. Newspapers can present a more meritorious case for the rendition of public service by radio than any other commercial interest, but it must not be forgotten that priority of application often carries weight in official circles.

Unless the small city newspapers want to be left at the post now as their metropolitan brethren (with some important exceptions) were with pioneer broadcasting, immediate action is important.

## NEW MEMBERS

Since the meeting of the Board of Directors on June 21, when 17 stations were approved for membership, five additional applications have been received, bringing the total membership to 451. The new stations are WCOS, Columbia, South Carolina; KVOE, Santa Ana, California; KUJ, Walla Walla, Washington; KRLC, Lewiston, Idaho; and WCNW, Brooklyn, New York.

## STATE LEGISLATION

### LOUISIANA:

H. 971 (Watson) (Substitute for H. 778) RACE TRACK INFORMATION—Relating to information pertaining to any race track.

## Engineering

### FCC APPROVES TRANSMITTER LOG DRAWN UP BY NAB

The NAB is sending to its members an FCC-approved "sample transmitter log" and instructions for using it. This was prepared by Lynne C. Smeby, Director of Engineering, with the cooperation of Andrew D. Ring, Assistant Chief Engineer of the FCC, for the purpose of assisting stations in complying with the transmitter log requirements of the FCC. The log was submitted to the FCC on May 31, 1940, for its consideration. Following is the letter of transmittal:

May 31, 1940.

Mr. T. J. Slowie, Secretary  
Federal Communications Commission  
Washington, D. C.

Dear Mr. Slowie:

There is attached a sample transmitter log, "instructions for using NAB sample transmitter log" and a sample transmitter log, filled out for a full day's record of a broadcast station. These

have been prepared for the purpose of aiding stations in complying with Rule 3.90 (b) of the revised Rules and Regulations Governing Broadcast Stations, issued by the Federal Communications Commission last August.

In the work of preparing the sample transmitter log, our Director of Engineering had the counsel and advice of Mr. Ring, of the Commission's Engineering Department. NAB is grateful for the splendid aid and assistance rendered by Mr. Ring.

We ask you to submit the Sample Transmitter Log to the Commission to ascertain whether it complies with the requirements of Section 3.90 (b) of the Rules. We do not seek to establish a standard form since the Transmitter log can serve a station beyond Commission requirements by the inclusion of additional data.

In mailing this recommendation to stations, we would like to be able to say that the Commission is in accord, that the log fulfills the requirements and thus renders the maximum value to the Commission and the industry.

Should there be any questions concerning the Sample Transmitter Log, we will be glad to answer them.

Very sincerely yours,

(Signed) C. E. ARNEY, JR.,  
Assistant to the President.

The FCC on June 27, 1940, replied as follows:

June 27, 1940.

National Association of Broadcasters  
1626 K Street, N. W.,  
Washington, D. C.

Gentlemen:

This is in reply to your letter of May 31, 1940, submitting for Commission study a proposed "sample transmitter log and instructions for using NAB sample transmitter log."

The Commission has determined that the log form submitted makes provision for keeping the necessary log entries as required by the rules governing standard broadcast stations, and that the instructions submitted for keeping the log are appropriate under these same rules.

When the sample log sheets and instructions are circulated to the members of the association, the Commission would appreciate receiving a sufficient number of copies (thirty or forty) for distribution to the Inspectors in Charge of the Commission's field offices. Incidentally, it may be that they have not received copies of the sample program log and instructions which would also be beneficial in resolving some misunderstandings which may have arisen with reference to these logs.

Very truly yours,

(Signed) T. J. SLOWIE,  
Secretary.

## IRE CONVENTION

The Fifteenth Annual Convention of the Institute of Radio Engineers was attended by 1,007 people at Boston June 27, 28, 29. The convention agenda included topics of current interest, mainly television and frequency modulation. The subject of greatest current interest was FM and a number of interesting papers on the subject were climaxed by a 50-mile trip to Paxton where the convention members were the guests of John Shepard III, of the Yankee Network, at a buffet supper and an inspection of W1XOJ. Paul de Mars, Technical Director of the Yankee Network, and his staff explained the operation of the 50 KW FM transmitting station. Other interesting inspection trips were made to Hygrade Sylvania, U. S. Coast Guard Air Base, Harvard and MIT laboratories, WBZ and General Radio Company.

# The Commission

## FM STANDARDS AND APPLICATION FORMS APPROVED

The final step to permit launching the new FM (frequency modulation) system of radio broadcasting on a commercial basis has been taken by the FCC in approving "Standards of Good Engineering Practice Concerning High Frequency Broadcast Stations" and a new application blank to accommodate FM broadcasters on their new basis.

The new standards, which remove FM from its heretofore limited experimental use, govern the technical phases of the prospective commercial service, and embrace operation, interference, equipment, etc., and provide a chart for computing the signal range on the frequencies 43,000 to 50,000 kilocycles now assigned to FM. These standards bear the same relation to frequency modulation service that existing standards do for amplitude modulation on the lower frequencies.

The new application (Form 319) may now be used by all individuals and groups interested in applying for FM facilities on a commercial basis, including the nearly 150 parties whose applications for FM facilities on an experimental basis were returned to permit their filing for commercial use. The new form is similar to Form 301 used for amplitude modulation broadcast applications, but revised to apply to FM service particularly.

This completes the official acts necessary to give FM full recognition. Rules applicable to FM were announced last week, about a month after the Commission decided, on the basis of hearing held in March, that commercialization is in the public interest.

Since FM is now on a standard basis, call letters henceforth issued to its commercial stations will consist of four letters to distinguish them from the combination of letters and numerals used to identify experimental stations.

Copies of the standards of good engineering practice for high frequency stations are available at the FCC.

## FROM THE FCC MAIL BAG

Individually disgruntled radio fans still deluge the Federal Communications Commission with their particular complaint about this or that radio program. Few well-known programs—or artists—escape mention at one time or another in such letters. As constantly reiterated, the Commission has no authority to censor individual programs or performers. Some idea of the type of squawks in which the Commission lacks jurisdiction may be gleaned from recent "pan" mail:

Various letters object to the air utterances by Col. Charles A. Lindbergh, Hanford McNider, Frank Gannett, Judge John A. Matthews, Earl Browder, and others.

A New Yorker wants the radio team of Burns and Allen barred from the air because he doesn't find some of their jokes funny.

A Californian doesn't agree with H. V. Kaltenborn's news interpretations.

Another Californian resents certain airy statement by Jack Benny.

On the other hand, a New Yorker voices indignation at a Fred Allen wisecrack.

And at least one Californian doesn't write highly of Bob Hope.

Also, one Californian's ears do not seem attuned appreciably to Cab Calloway's music.

One of Walter Winchell's fellow New Yorkers is irked by a statement by the former.

An Oklahoman would like to see young ears closed to "Stella Dallas."

A Connecticut man feels that he has been personally stung by "The Green Hornet" series.

A Pennsylvania man would like to have "Confidentially Yours" publicly censured.

A Tennessean is aroused by the "Court of Missing Heirs" program.

"What's My Name" brings criticism over the name of a New Jersey listener.

A New Yorker didn't relish the network presentation of "Abe Lincoln of Illinois."

Another resident of that city is dismayed by "This Amazing America."

A Philadelphian doesn't think "Great Plays" are that.

"Stop Me If You've Heard This One" didn't stop a Philadelphian from writing in about it.

The "Dr. I.Q." programs prompts a Californian to ask some questions of his own.

"Information Please" registers objection from one New Yorker.

Even the "National Farm and Home Hour" brought a critical letter from Pennsylvania.

And, last but not least, the numerous contest programs invite numerous letters to the Commission from listeners who think they are also entitled to prizes.

Incidentally, by way of timely note, several Chicago letters protest advertising fireworks over the radio.

## FCC JULY WORK

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

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

Commissioner Thompson: Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning Monday, July 8. They are subject to change.

Thursday, July 11

Oral Argument Before the Commission

Report No. B-92:

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time (requests facilities of KVOs).

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, 1200 kc., 250 watts, unlimited time.

### FUTURE HEARINGS

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

July 25

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, 1410 kc., 1 KW, unlimited; and auxiliary, 1410 kc., 500 watts, 1 KW LS. Time: Auxiliary purposes only.

August 12

WPAY—Chester A. Thompson (Transferor), The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation, 1370 kc., 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no regular meeting early this week because of the holiday. It is expected that a meeting will be held later this week.

### MISCELLANEOUS

Capital Broadcasting Co., Washington, D. C.—Granted motion to amend application for new station so as to request authorization to construct 100-watt booster station and to specify sites for both broadcast and booster stations. Applicant requests construction permit for 1420 kc., 250 watts, unlimited time.

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Denied motion for postponement of hearing now scheduled for July 1, for a period of 30 days. Exceptions to ruling noted by counsel for petitioner.

God's Bible School and College, Cincinnati, Ohio.—Granted petition to accept late appearance in re application for new international station to operate on 11710, 21610 kc., 60 KW, A3 emission, share time on 11710 kc., unlimited time on 21610 kc.

KRKO—Lee E. Mudgett and Everett Broadcasting Co., Inc., Everett, Wash.—Granted motion for additional time of 15 days within which to file exceptions due July 9, in re application of KRKO for renewal and voluntary assignment of license, and construction permit to move transmitter, change hours of operation to unlimited and increase power from 50 watts to 100 watts, 250 watts LS, on 1370 kc.

WCBD—WCBD, Inc., Chicago, Ill.—Granted petition to amend application for modification of license to change frequency from 1080 to 830 kc., and from sharing time with WMBI to daytime, so as to request different facilities.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Granted modification of construction permit as modified for a new station, to extend completion date from July 14, 1940, to October 1, 1940; frequency 1200 kc., power 250 watts, unlimited time (B4-MP-994).

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Granted license to cover construction permit as modified for new broadcast station, frequency 1210 kc., 100 watts, 250 watts LS, unlimited time (B2-L-1172). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-423).

WAAB—The Mayflower Broadcasting Corp., Boston, Mass., and The Yankee Network, Inc., Boston, Mass.—Continued until July 25, 1940, the oral argument originally scheduled for July 18, 1940, in re applications of The Mayflower Broadcasting Corp. for a new broadcast station and The Yankee Network, Inc. (WAAB), for renewal of license (B-107).

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent on July 4 in order to observe holiday (B4-S-645).

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted special temporary authority to operate from 7:45 to 9 p. m., EST, on July 8, in order to broadcast an address by Homer L. Chaillaux, National American Director of American Legion.

W10XMC—McNary & Chambers, Washington, D. C.—Granted special temporary authority to use Composite CT, 100-watt transmitter on 1190 kc., for the period ending July 25, in order to make tests of possible transmitter sites and propagation characteristics in this area on this frequency to more accurately determine the results of operation of the proposed station to be operated in the area of Schenectady, pending action on formal application for a developmental broadcast station.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period August 1 to September 9, in order to observe regular school vacation (B5-S-84).

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 9:15 p. m. to midnight, EST, on July 9, instead of July 11 as authorized on June 8, in order to broadcast the All-Star Boxing Show for the benefit of the New York City Milk Fund (B1-S-211).

WBNX—WBNX Broadcasting Co., New York City.—Granted license to cover construction permit (B1-P-2238) as modified, authorizing changes in directional antenna system, increase in power to 1 KW, and make changes in equipment; 1350 kc., shares with WAWZ (B1-L-1179). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-416).

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted modification of license to change name of license from Peoria Broadcasting Co. to WMBD Broadcasting Co., 1440 kc., 1 KW, 5 KW LS, unlimited time (B-4-ML-1006).

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-424).

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-426).

WTRY—Troy Broadcasting Co., Troy, N. Y.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-427).

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted license to cover construction permit (B4-P-2482) as modified, authorizing a new station to operate on 1300 kc., 1 KW, unlimited time, DA day and night (B4-L-1173).

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted license to cover construction permit (B-P-1941) as modified, authorizing change in frequency from 1370 to

780 kc., increase in power from 100 watts night, 250 watts day, to 1 KW night, 2½ KW day, and change in hours of operation from specified to unlimited time; make changes in equipment and antenna and move transmitter location (B1-L-1147). Also granted authority to determine operating power by direct measurement of antenna input (B-Z-409).

WLAC—WLAC Broadcasting Service, Nashville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-428).

WHDL—WHDL, Inc., Olean, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-429).

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted special temporary authority to rebroadcast programs to be received from Amateur Stations W8USA and W8RTW, for the period June 29, 1940, to not later than July 14, 1940, in connection with the Eleventh National Soaring Contest.

KMO—Carl E. Haymond Tacoma, Wash.—Granted special temporary authority to rebroadcast signals to be received from an Army airplane operating on Army frequency 4495 kc., on July 4, 1940, in connection with a National Defense broadcast to be released on the Mutual Network.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to relay through high frequency station W2XOY the frequency modulated programs of high frequency station W2XMN, from July 1, 1940, to not later than July 30, 1940.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of construction permit as modified which authorized construction of a new broadcast station, for extension of completion date from July 1, 1940, to August 1, 1940; 1210 kc., 250 watts, unlimited time (B1-MP-997).

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on 1040 kc., limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period August 1, 1940, to not later than October 1, 1940.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

NEW—The Constitution Broadcasting Co., Atlanta, Ga.—Construction permit for new broadcast station to be operated on 550 kc., 1 KW night, 5 KW daytime, unlimited hours of operation, directional antenna for night use, Class III-B.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to make changes in antenna system and move transmitter from Sweethome Road, Tonawanda, N. Y., to Lake Shore Road, Township of Hamburg, N. Y.

### 590 Kilocycles

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Construction permit to change frequency from 1260 kc. to 590 kc., install directional antenna for day and night use, Class III-B.

### 860 Kilocycles

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to move transmitter from Wayne, N. J., to New Rochelle, N. Y., and install new antenna. Amended to request changes in antenna.

### 880 Kilocycles

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—License to cover construction permit (B3-P-2228) as modified for change in frequency, increase in power, change hours of operation, move transmitter, new equipment, and install directional antenna.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 920 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit to erect a new broadcast station to be operated on 920 kc., 500 watts night, 1 KW daytime, unlimited time, Class III-B. Amended to change studio location.

### 940 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on 940 kc., 500 watts, unlimited time, Class III-B. Amended to make changes in antenna and specify transmitter site as south of Cadiz St. Bridge, Dallas, Tex.

### 970 Kilocycles

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to make changes in equipment and increase power from 5 KW to 10 KW. Amended to make changes in equipment, install directional antenna for day and night use, and request Class I-B.

### 1020 Kilocycles

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—Construction permit to make changes in transmitting equipment and increase power from 10 KW to 50 KW, Class I-B, directional antenna day and night.

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—License to cover special experimental authorization for unlimited hours of operation and changes in directional antenna system.

KRLD—KRLD Radio Corp., Dallas, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day and night use; move transmitter and increase power from 250 watts night, 1 KW daytime, to 1 KW night, 5 KW daytime. Amended to request 5 KW day and night.

NEW—J. M. West, J. Marion West, T. H. Monroe, and P. M. Stevenson, near Austin, Tex.—Construction permit to erect a new broadcast station to be operated on 1120 kc., 1 KW, specified hours, Class III-B. Amended to specify transmitter site as (rural) near Austin, Tex.

### 1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Modification of construction permit (B5-P-2783) which authorized changes in equipment and increase in power, requesting further changes in transmitting equipment.

### 1200 Kilocycles

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Authority to determine operating power by direct measurement of antenna power.

NEW—The Maryland Broadcasting Co., Baltimore, Md.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time, Class IV. Amended to request the frequency of 1200 kc. instead of 1210 kc.

### 1210 Kilocycles

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140) as modified for a new broadcast station, requesting extension of required date of completion from 7-1-40 to 10-1-40.

### 1250 Kilocycles

WNEW—WODAAM Corp., New York, N. Y.—License to cover construction permit (B1-P-2844) for installation of auxiliary transmitter using 1 KW power.

### 1280 Kilocycles

NEW—Capitol Broadcasting Corp., Indianapolis, Ind.—Construction permit to erect a new broadcast station to be operated on 1280 kc., 1 KW night, 5 KW daytime, unlimited time, using directional antenna at night, Class III-B.

### 1310 Kilocycles

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—License to



cover construction permit (B3-P-2380) as modified for new broadcast station.

NEW—Inter-City Advertising Company, Charlotte, N. C.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 250 watts, unlimited time.

#### 1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Modification of construction permit (B3-P-2781) which authorized change in frequency, increase in power, new equipment and antenna, requesting approval of antenna and transmitter site at 1759 N. Bay Road, Miami Beach, Fla.

#### 1340 Kilocycles

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—License to cover construction permit (B3-P-1926) as modified for a new broadcast station.

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Authority to determine operating power by direct measurement of antenna power.

NEW—Edward J. Doyle, Rochester, N. Y.—Construction permit for new broadcast station to be operated on **1340 kc.**, 1 KW, unlimited time. Amended re antenna changes and specify transmitter site at west side of Stanton Lane, south of Titus Road, Irondequoit, N. Y.

#### 1350 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2238) as modified for equipment changes, increase in power, and changes in directional antenna.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

#### 1420 Kilocycles

WFBG—Neptune Broadcasting Corp., Atlantic City, N. J.—Modification of construction permit (B1-P-2333) for a new broadcast station requesting approval of new transmitter, vertical antenna, and transmitter and studio site at Virginia Avenue and Boardwalk, Atlantic City, N. J.

NEW—Harbenito Broadcasting Co., Harlingen, Tex.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time. Amended to request **1420 kc.** instead of **1370 kc.**

#### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Modification of license to increase power from 500 watts night, 1 KW daytime, to 1 KW day and night.

#### 1460 Kilocycles

KSTP—KSTP, Inc., St. Paul, Minn.—Modification of construction permit (B4-P-1828) as modified for move of transmitter, install new equipment, directional antenna, increase power, requesting extension of required date of completion from 7-8-40 to 9-8-40.

#### 1500 Kilocycles

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Consent to transfer of control of corporation from Alma W. King to Arthur Lucas and William K. Jenkins, 75 shares.

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Amended to request the facilities of WSSJ.

#### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) as modified for installation of new equipment, move transmitter, and increase power, requesting changes in antenna system and transmitter.

#### MISCELLANEOUS

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Construction permit to make changes in equipment and increase power from 20 KW to 50 KW.

NEW—Burns Avenue Baptist Church, Detroit, Mich.—Authority to transit programs to Station CKLW, Windsor, Ontario, Canada, from Detroit, Mich.

KAQV—Central States Broadcasting Co., Portable-Mobile in area of Omaha, Nebr.—License to cover construction permit for new relay broadcast station (B4-PRY-208).

W2XBU—National Broadcasting Co., Inc., New York, N. Y. (Portable-Mobile)—Modification of construction permit (B1-PVB-54) which authorized construction of new television station, requesting deletion of aural transmitter, A-3 emission, and the frequencies **312000-324000 kc.**

WEHH—Columbia Broadcasting System, Inc., Portable-Mobile in area of New York, N. Y.—License to cover construction permit (B1-PRE-281) as modified for changes in equipment and reduction in power of relay broadcast station.

NEW—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for new television station to be operated on **66000-72000 kc.**, 10000 watts, A-3 and A-5 emission. Amended re antenna.

NEW—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Construction permit for new television station to be operated on **66000-72000 kc.**, 10000 watts, A-3 and A-5 emission. Amended re antenna.

NEW—Helen Townsley, Portable-Mobile, area of Great Bend, Kans.—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 100 watts, A-3 emission. Amended to request 75 watts power instead of 100 watts.

KEHS—WDAY, Inc., Portable-Mobile, area of Fargo, N. Dak.—License to cover construction permit (B4-PRE-345) for a new relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Inter-State Ribbon & Carbon Corporation**, 2202-2210 Superior Ave., East Cleveland, Ohio, is charged in a complaint with the dissemination of certain misrepresentations in the sale of typewriter ribbons and carbon paper.

According to the complaint, the respondent represented that it manufactures the typewriter ribbons and carbon paper sold by it, and that it owns, operates and controls a factory in which its products are made, when such are not the facts.

The respondent corporation is further alleged to have represented that it has been in existence for 35 years when, according to the complaint, it was organized in 1938.

Typewriter ribbons allegedly designated by the respondent as "Silk" and "Silk-Lyk" are not composed of silk, but are made entirely of cotton, the complaint continues. (4171)

**Parkersburg Rig & Reel Co.**—Alleging illegal acquisition of the outstanding capital stock of competing corporations, a complaint has been issued against The Parkersburg Rig and Reel Company, Parkersburg, W. Va.

Violation of Section 7 of the Clayton Act occurred, it is alleged, when the respondent corporation in 1939 acquired the capital stock of its competitors, The Oil Country Specialties Manufacturing Company and Atlas Engineering Works, Inc., both of Coffeyville, Kans. At that time, the complaint continues, the Parkersburg corporation had total stated assets of more than \$4,000,000 and the acquired companies in excess of \$1,800,000.

Effects of the acquisitions were alleged to be a substantial lessening of competition between the acquired and the acquiring corporations, restraint of interstate commerce in oil and gas well

machinery and equipment, and a tendency to create monopoly. (4172)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Bauer Thermometer Co.**—Engaged in the importation and sale of weather recording instruments, Max Bauer, trading as Bauer Thermometer Company, 322 West 31st St., New York, has entered into a stipulation to discontinue certain representations.

The stipulation points out that the respondent marketed certain barometers containing imported German mechanisms but with the dials branded "Made in U.S.A.", and certain other barometers with imported German mechanisms on which the word "Germany" had been obliterated not as a result of an ordinary process of assembly or manufacture but by means of painting out the word "Germany" where it otherwise would have appeared.

In the sale of barometers or other instruments having movements or mechanisms of foreign origin, the respondent, under his stipulation, agrees to cease representing, by use of the term "Made in U.S.A.", or any other term indicative of American manufacture, that such barometers or other instruments are wholly of American manufacture, and to discontinue causing the brands or marks on imported barometer movements or other parts which indicate their foreign origin or manufacture, to be removed, erased or concealed so as to deceive ultimate purchasers, unless the removal, erasure or concealment is necessary to the further manufacture or processing of such products. (2858)

**Chicago Lock Company**, 2024 North Racine Ave., Chicago, entered into a stipulation in which it agreed to discontinue certain representations in the sale and distribution of its "Ace" lock.

The respondent agreed to cease representing its lock as being "Thief-Proof" or using such words in a manner tending to convey the belief to purchasers that the lock is proof against the acts of thieves or will withstand indefinitely all attempts to defeat it through the keyhole by picking or through the use of special keys, tools or other devices.

The respondent further agreed to discontinue using the phrase "Defies Duplication" as descriptive of the lock key so as to imply that the key will completely withstand duplication, when in fact such duplication, though it may be difficult, is not impossible. (2854)

**A. C. Child & Sons Mercantile Co.**—A stipulation to discontinue certain representations in the sale of a rat killing preparation from A. J. Child & Sons Mercantile Company, 800 Chouteau Ave., St. Louis, has been accepted.

The respondent agreed to cease representing that its product, "Black Cat Rat and Mouse Killer," will drive rats outdoors to die, unless it is explained in an equally conspicuous manner that their burrows and habitats must be outdoors before it will do so. The respondent further agreed to cease using the word "Mouse" as a part of the trade name for the product, or from otherwise representing that it will kill mice. (02591)

**C. A. Mauk Lumber Company**, 520 Gardner Building, Toledo, agreed to cease representing that its wood stain, "Meta-Kote," is a metal, a liquid metal coating, or a metal in liquid form; forms a solid film of metal, an armor of metal protection, a tough dense armor of rust-proof metal, or a metallic finish for old, worn-out shingles or any other surface; provides an "impenetrable shield" to the attacks of time or the elements, or is an effective coating for years or for any period of time in excess of that for which comparable shingle stains on the market afford such protection. It was also stipulated by the respondent that it will cease representing that "Meta-Kote" brings to the home beauty that lasts through generations or for any other exaggerated or unreasonable extent of time; has not the slightest resemblance to paint, stain or varnish, or that it is not in fact a stain colored with pigment and having a varnish-like vehicle. (2856)

**Spiegel, Inc.**, 1061 West 35th St., Chicago, agreed to discontinue use of the word "washable" as descriptive of those of its wall-

papers which are not in fact washable without resultant discoloration or damage, and to cease employing the word "washable" in any way, the effect of which may tend to convey the belief to purchasers that the products so referred to can be washed when in fact such washing results in discoloration or damage. The respondent further stipulated that it will cease using the word "colorfast," or any similar word, as descriptive of its wallpaper, the colors of which are not in fact unfadable, and will desist from using such word in any way so as to imply that the colors of the products so referred to will not fade, change or be altered when exposed to light. (2857)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Retonga Medicine Company**, 161 Spring St., N. W., Atlanta, Ga., was ordered to discontinue certain representations in the sale and distribution of a medicinal preparation, "Retonga."

The order prohibits the respondent from representing that its preparation is a cure or remedy for, diseases or disorders characterized by such symptoms or conditions as nervousness, indigestion, headaches, sluggishness, pains, toxic poisoning, dizziness, muscular aches and pains, insomnia, biliousness, undernourishment, loss of weight, or lack of strength; that it possesses any value in the treatment of these symptoms and conditions in excess of the temporary relief furnished by a mild laxative or gastric tonic when such symptoms or conditions are due to or caused by constipation or lack of appetite, or that its preparation has therapeutic value in the treatment of constipation in excess of providing temporary relief.

Further representations prohibited under the order are that "Retonga" relieves the body of toxic poisons or cleanses the system; that it has any beneficial effect or therapeutic value in the treatment of kidney or bladder disorders; that it renews or restores the strength or health or has any therapeutic properties with respect to building health or strength in excess of stimulating the appetite. (3949)

**Aurine Company, Inc.**, 3635 West Cermak Road, Chicago, has been ordered to cease and desist from certain misleading representations in the sale of its medicinal preparation "Ourine."

The order requires the respondent to discontinue advertising that "Ourine" is a cure, remedy or competent or effective treatment for deafness or partial deafness; that the product possesses any therapeutic value in excess of such aid as it may render in softening coagulated wax in the ear, and that the respondent makes refunds to dissatisfied purchasers when in fact it does not maintain a definite policy of making such refunds.

Commission findings are that the respondent's preparation is neither a cure or remedy nor a competent or effective treatment for deafness and that although its use may soften accumulations of wax in the ear, such conditions resulting from accumulation of wax as temporary deafness or ringing or buzzing head noises, will not be relieved without use of an instrument or syringe to remove the wax. The respondent's representations were found to be in violation of the Federal Trade Commission Act. (3993)

**Cardinal Company**—Three medicinal products dealers with places of business in St. Louis, Chicago and Seattle, respectively, have been ordered to discontinue misleading representations in the sale of their preparations.

The respondents are Charles L. Klapp, trading as The Cardinal Co., and as The Cardinal Company of St. Louis, 406 Market St., St. Louis, distributor of "Femalade Tablets", and "Femalade Liquid"; Michael S. Chiolak, trading as Tone Company, 64 West Randolph St., Chicago, distributor of "Silver Label Formula No. 6" and "Gold Label Formula No. 8", both known also as "Tone Periodic Compound", and William W. Kelso, trading as Northwestern Products Company and as Northwestern Health Clinic, 611½ Union St., Seattle, distributor of "Periodic Relief Pills".

The Commission orders direct the respondents to cease and desist from advertising their preparations as constituting cures, remedies or competent or effective treatments for delayed menstruation. The St. Louis respondent, in the sale of "Femalade Tablets", and the other respondents, in the sale of their prepara-

tions, are prohibited from disseminating advertisements which fail to reveal that use of these products may result in serious and irreparable injury to health.

Commission findings are that the respondents' products contained certain drugs in quantities sufficient to cause serious and irreparable injury if used under conditions prescribed in the advertisements or under customary or usual conditions. (3879-4003-4066)

**Johns-Manville Corporation** and **Johns-Manville Sales Corporation**, New York, in the distribution of an insulating material now known as "Rock Cork", have been ordered to cease and desist from using the terms "entirely mineral", "mineral composition", "mineral in composition", "mineral—not vegetable", or any other words of similar import to describe a product not in fact entirely mineral in composition. Commission findings are that the respondent's product was composed of approximately 88 per cent mineral matter and 12 per cent vegetable matter, and that the vegetable fiber was not the vegetable matter known and properly designated as cork. (3899)

**Novelty Home Furnisher**—Orders were issued prohibiting five dealers from using lottery methods in connection with the sale of their products, to ultimate consumers. The respondents are Jack Puzes, trading as The Novelty Home Furnisher, 53 West Jackson Boulevard, Chicago, dealer in clocks, coffee makers, silverware, cameras and lamps; Sam Guttman, trading as Standard Sales Co., 2363 Milwaukee Ave., Chicago, dealer in radios, clocks, watches, fishing tackle, cameras, pen and pencil sets, billfolds and wood statuettes; Morton Cohen, trading as Lee-Moore & Co., and as Adwell Sales Co., 180 West Adams St., Chicago, distributor of radios, knives, cigar lighters and other articles; Oak Lane Candy Company, York, Pa., distributor of candy and peanuts, and Great Buckeye Candies, Inc., 567 East South St., Akron, Ohio, dealer in candy.

The respondents were ordered to cease selling or distributing merchandise so packed and assembled that sales to the general public may be made by means of a lottery, game of chance, or gift enterprise. The Akron Corporation was directed to cease supplying to or placing in the hands of others assortments of merchandise, either together with lottery devices or separately, and the other respondents were ordered to discontinue supplying merchandise together with lottery devices, which devices respectively, may be used in selling or distributing such merchandise to the general public.

The York and Chicago dealers were further ordered to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing any merchandise to the public.

Morton Cohen, trading as Lee-Moore & Co., and as Adwell Sales Co., was also ordered to discontinue representing any specified sum of money as possible earnings or profits of salesmen for any stated period which is not a true representation of the net earnings or profits made during such period by a substantial number of his active salesmen under normal conditions. (4023, 3990, 3938, 4099 and 4015)

**Paramount Institute**—D. Victor Wallace, trading as Paramount Institute, 1095 Market St., San Francisco, was ordered to discontinue certain misrepresentations in connection with the sale of correspondence courses designed to prepare students for United States Civil Service examinations.

Under the order, the respondent is to cease representing, among other things, that he has opportunity for contact with the United States Civil Service Commission which is not available to any member of the public; that he has advance or "inside" information concerning civil service examinations; that he offers any preparation for civil service examinations other than a coaching service, or that he is a civil service specialist. The order also directs that he cease misrepresenting the prospects for obtaining civil service positions and such features of the Government service as salaries, working hours, age limits, promotion, and annual leave.

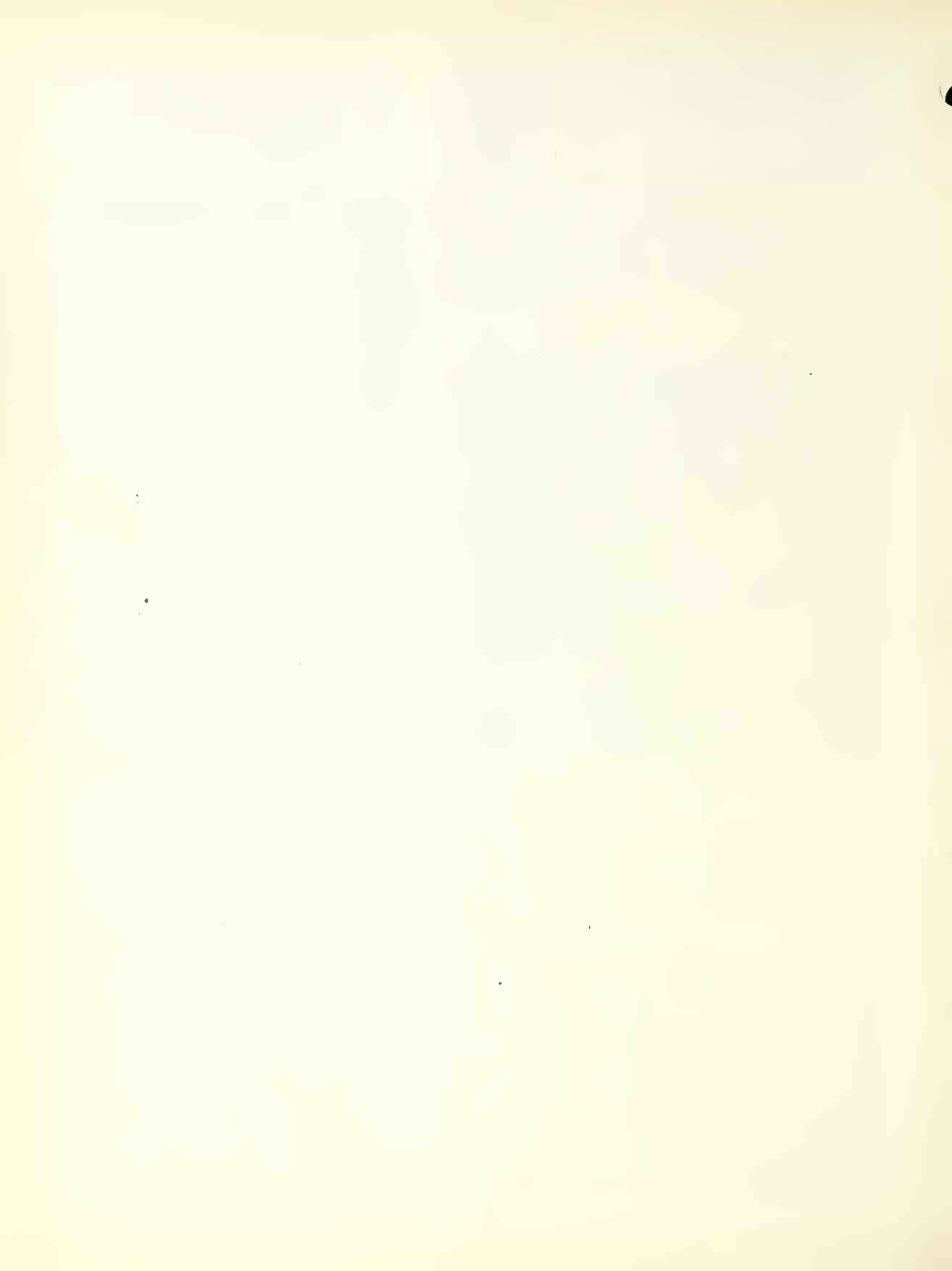
The respondent was further ordered to discontinue using the term "Institute" as part of his trade or corporate name or as descriptive of his business, and to discontinue representing that his general business or sales methods are approved by the Federal Trade Commission or conform to its rules or regulations, or representing that the regular price charged for his courses is a special or reduced price.

Commission findings are that the respondent offers no basic or thorough instruction in any subject; that his method of instruction consists merely of mailing out previously prepared matter and the grading of papers by means of a key or prepared answer sheets; and that his school is not an institution of learning in any accurate sense. (4009)

**Popular Publications, Inc.**, 205 East 42nd St., New York, has been ordered to discontinue certain representations in the sale of rings.

Findings of the Commission are that the respondent represented that the stones contained in the rings sold by it as "Lucky Birthstone Rings" are the real birthstones, such as garnet, amethyst and aquamarine, when in truth they are imitations of such stones.

Under the order, the respondent is to cease representing, directly or by implication, that the rings sold by it are set with precious or semi-precious stones identified as the birthstones for the respective months of the year. (4077)





### THE WEEK IN WASHINGTON

The complete NAB convention program—a program no broadcaster can afford to miss—is published in this issue. (p. 4406.)

James Lawrence Fly, FCC chairman, says there is no need for the broadcasting industry to be alarmed about any defense plans. (p. 4408.)

Two BMI tunes make the “most often played” lists in the trade press. (p. 4407.)

A. F. of M. difficulties at Stations KSTP and WRVA are ironed out, and network name bands returned to the air. (p. 4408.)

Wage and Hour Administration says transmitter caretakers are covered by the Act. (p. 4408.)

All stations are urged to promote radio at state and county fairs this summer. (p. 4410.)

FCC rules affecting operators are tightened up. (p. 4411.)

The Research Committee meets in Washington and outlines a plan for unit measurement of broadcast advertising volume, to be presented to the Board of Directors at San Francisco. (p. 4411.)

radio, have also definitely been scheduled to address the San Francisco convention described last week by Neville Miller, NAB president, as the “most important meeting of the industry in its twenty-year history.” The complete convention program appears on another page.

A former college president, Dr. Kingdon was drafted to his present post when outstanding religious, civic, labor and fraternal groups undertook to bring together their common aims of uniting the American people in an awakened appreciation of the basic ideals underlying the Constitution and the Bill of Rights. Such outstanding groups as the Boy Scouts of America, the Catholic Youth Organization, the American Federation of Labor, the DAR, the Jewish Welfare Board, the Knights of Columbus, Federal Council of the Churches of Christ in America, the Elks, and others listed below, are the sponsoring groups of the Citizenship Educational Service.

In light of the national defense program and the increasing social responsibility which station managers must assume, as problems of propaganda and so-called Fifth Column activities become more complex, Dr. Kingdon has been asked to draw upon his own and the experience of those affiliated groups to bring the industry a backlog of usable information. Recognized as one of the country’s ablest speakers, his address is looked forward to as one of the highlights of the convention.

Following is the list of organizations affiliated with the Citizenship Educational Service:

- American Federation of Labor
  - American Friends Service Committee
  - American Jewish Committee
  - Benevolent and Protective Order of Elks
  - Boys' Clubs of America
  - Boy Scouts of America
  - Camp Fire Girls
  - Catholic Charities
  - Catholic Youth Organization
  - Daughters of the American Revolution
  - Federal Council of Churches of Christ in America
- (Continued on page 4406)*

## Convention Program Complete

Dr. Frank Kingdon, nationally known social leader and executive director of the Citizenship Educational Service has been added to the list of the distinguished speakers who will bring important messages to the eighteenth annual convention of the NAB (August 4-7).

In addition, James L. Fly, chairman of the FCC, making his first appearance before an industry-wide meeting, and Louis Johnson, Assistant Secretary of War, scheduled to speak on the possible effects of the national emergency on

**YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!**

**St. Francis Hotel                      San Francisco                      August, 4-5-6-7**



**THE NATIONAL ASSOCIATION OF BROADCASTERS**

1626 K St., N. W. WASHINGTON Phone NATIONAL 2080

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

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

## CONVENTION PROGRAM

(Continued from page 4405)

General Federation of Women's Clubs  
International Society Christian Endeavor  
Jewish Welfare Board  
Knights of Columbus  
National Conference of Christians and Jews  
National Association for the Advancement of Colored People  
Roosevelt Memorial Association  
Workers' Educational Bureau of America  
Young Men's Christian Association  
Young Women's Christian Association.

## Tentative Convention Program

*Sunday, August 4*

9:00 a. m.	REGISTRATION	Mezzanine Balcony
to		
6:00 p. m.		
10:30 a. m.	GOLF TOURNAMENT "Broadcasting" Trophy	California Golf Club
Times of these meet- ings to be announced	COMMITTEE MEETINGS Code Committee Sales Managers Committee Legislative Committee Research Committee Accounting Committee Engineering Committee (Other Committee meetings to be set.)	Places of these meet- ings to be announced
4:00 p. m.	COCKTAIL PARTY	Press Club Building
to	San Francisco Press Club	449 Powell Street
7:00 p. m.		
6:30 p. m.	BOARD OF DIRECTORS DINNER	

*Monday, August 5*

10:00 a. m.	BUSINESS SESSION Address of Welcome—Hon. Angelo J. Rossi, Mayor of San Francisco President's Annual Report Appointment Convention Committees Secretary-Treasurer's Report Labor, Wages and Hours— Joseph L. Miller, NAB Director of Labor Rela- tions Proposed Amendment to By-Laws Report of Nominating Com- mittee on Directors-At- Large	Colonial Ball Room
12:30 p. m.	LUNCHEON Hon. James Lawrence Fly, Chairman, Federal Com- munications Commission, Speaker (Topic to be announced)	Colonial Ball Room

## GROUP MEETINGS

2:15 p. m.	IRNA—Samuel R. Rosen- baum (WFIL), Presiding
2:15 p. m.	NIB—Harold A. Lafount (WCOP), Presiding
2:15 p. m.	National Sales Managers, station and agency repre- sentatives—William Cline (WLS), Presiding
4:15 p. m.	Clear Channel—Edwin W. Craig (WSM), Presiding
4:15 p. m.	Regional Stations — John Shepard (Yankee Net- work), Presiding
4:15 p. m.	Local Stations—John Elmer (WCBM), Presiding

## EXPOSITION

All delegates will be guests of the Exposition at Folies Bergere, American Cavalcade and Billy Rose's Aquacade on Treasure Island.

*Tuesday, August 6*

8:30 a. m.	BREAKFAST SESSIONS — NAB Staff Directors <i>Presiding</i> Engineering Roundtable— Lynne C. Smeby, Presid- ing Public Relations and Code Roundtable—Edward M. Kirby, Presiding Research Roundtable—Paul F. Peter, Presiding Law Roundtable — Russell P. Place, Presiding Labor and Wages and Hours Roundtable — Joseph L. Miller, Presiding	Places of meetings to be announced
10:00 a. m.	BUSINESS SESSION Report of Nominating Com- mittee Election of Directors-At- Large (Ballot boxes open 10:00 a. m. to 4:00 p. m.)	Colonial Ball Room
10:05 a. m.	BROADCAST MUSIC, INC. Neville Miller, President, BMI Sydney M. Kaye, Vice Pres- ident and General Coun- sel, BMI Merritt E. Tompkins, Gen- eral Manager, BMI Carl Haverlin, Stations Re- lations Director, BMI	
12:30 p. m.	LUNCHEON Hon. Louis Johnson, Assis- tant Secretary of War, Speaker "Sponsors of National De- fense"	Colonial Ball Room
2:15 p. m.	BUSINESS SESSION NAB Sales Managers Divi- sion Meeting — William Cline (WLS), Presiding	Colonial Ball Room
2:15 p. m.	"The Unit Plan of Volume Measurement—A Broad- caster's Views"—William Scripps, Chairman, NAB Research Committee	
2:30 p. m.	Report on "The Unit Plan of Volume Measurement" —Paul F. Peter, NAB Director of Research	
2:45 p. m.	Roundtable on Unit Plan of Volume Measurement Representative of ANA Representative of AAAA Representative of NRDGA Representative of Sales Managers	

- 3:15 p. m. General Discussion — Unit Plan of Volume Measurement
- 3:45 p. m. Vote on Unit Plan of Volume Measurement
- 3:50 p. m. Audimeter Audience Measurement—A. C. Neilson, A. C. Neilson Co.
- 6:30 p. m. MEETING NEW BOARD OF DIRECTORS
- 7:30 p. m. TELEVISION  
Talk on Television — Ted Smith, RCA  
Talk on Television—Harry Lubcke, Director of Television, Don Lee Broadcasting System  
Television Demonstration  
Roundtable Discussion on Television

Wednesday, August 7

- 8:30 a. m. BREAKFAST SESSIONS — NAB Staff Directors, Presiding Engineering Roundtable — Lynne C. Smeby, Presiding  
Bureau of Radio Advertising—Edward M. Kirby and Paul F. Peter, Presiding  
Law Roundtable — Russell P. Place, Presiding  
Labor and Wages and Hours Roundtable — Joseph L. Miller, Presiding  
Places of meetings to be announced
- 10:00 a. m. BUSINESS SESSION  
Edgar Bill (WMBD). Chairman, NAB Code Compliance Committee, Presiding  
Dr. Frank Kingdon  
Special Events Broadcasting —Mark Ethridge (WHAS), Presiding  
Herbert Hollister, General Manager, KFBI, Wichita, Kansas  
A. A. Schecter, Director of News and Special Events, NBC  
Paul W. White, Director of Public Affairs, CBS  
Colonial Ball Room
- 12:30 p. m. LUNCHEON  
(No official luncheon but we have agreed to cooperate with INS by making the Colonial Ball Room available for the luncheon they are tendering to the delegates)  
Colonial Ball Room
- 2:15 p. m. FM BROADCASTING  
FM—John Shepard, President, FM, Inc., Presiding  
(Two speakers to be selected: one on FM Equipment and one on Practical Aspects of FM Broadcasting.)  
FM Demonstration  
Roundtable discussion on FM
- 4:00 p. m. FM, INC., EXECUTIVE SESSION  
Place to be announced
- 4:30 p. m. REPORTS OF COMMITTEES  
UNFINISHED BUSINESS
- 8:00 p. m. ANNUAL BANQUET  
California Ball Room  
Treasure Island

## N. Y. NEWS SENDS RADIO EDITOR TO CONVENTION

The New York *News* appreciates the importance of the forthcoming NAB convention. The paper is sending Ben Gross, its radio editor, to San Francisco to give its readers complete coverage. Other eastern papers are considering sending special correspondents, also.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

July 15-July 22

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THAT'S FOR ME
4. FOOEY ON YOU
5. DON'T THE MOON LOOK PRETTY?

Record it in your history books that BMI began to publish music during the first week of April, 1940, and that three months later, to wit, during the first week of July, 1940, two BMI songs were on the lists of the music most often played over the air. *Here in the Velvet Night* and *We Could Make Such Beautiful Music* are No. 13 and No. 19 respectively on the "sheet" in *Variety* for July 10, 1940, and the same two appear in the list published by the *New York Enquirer*.

Theme song of the new Lifebuoy program, *The Adventures of Mr. Meek*, is *Watching and Waiting* by Elliott Jacoby. It will be published by BMI. The program began on July 10, will be heard every Wednesday at 7:30 p. m., EDST, with a repeat for the West, and is being carried by CBS on a 68-station hook-up.

The composer is appearing on the program with his own band. He is one of the country's best known arrangers and has already turned out the orchestrations for several BMI numbers.

Another new song which BMI will publish was written by Ernest Gold, Beasley Smith, and Hank Fort. The name of Ernest Gold has already appeared on BMI music. Beasley Smith is a staff musician at WSM in Nashville, Tennessee. And Hank Fort is—attractive young Mrs. Eleanor Fort of Nashville. When she was asked why she used the name "Hank," she allowed as how she had on some occasions been regarded by some people as being somewhat of a tomboy. Her song is *Somethin' Grand*. BMI thinks Hank is, too, and she feels the same way

about BMI because it is the first publishing house to give her a break.

In the Dallas (Texas) *Journal* for June 15, 1940, Ruth Carlton wrote:

Robert MacGimsey sang his original and delightful Negro songs at McFarlin auditorium Friday night, exhibited his amazing two-part whistling and made lengthy excuses for ASCAP—American Society of Composers, Authors, and Publishers—which organization is sending him out as a public relations man.

The whistling had the audience leaning forward in amazement, and the rhythmical songs won many a chuckle as well as some tapping feet, but the ASCAP talk completely alienated his audience. All the things ASCAP has done for the widows and children of composers, and what it might have done for Schubert if he had just had the good sense to be born a century later, were mentioned. The audience, however, was purely uninterested in the charitable motives of ASCAP. In this day of terse radio commercials the public is quick to resent advertising that comes sugar coated as entertainment.

Bills and checks are not ordinarily considered literature and comments added to them are seldom of the sort that can be quoted. One came to BMI, however, on the return of the call for the license fees which is well worth quoting:

This is one check we love to write. If paying more would hasten the job—we'd be for it.

## Fly Discusses Defense

There is no occasion now for the broadcasting industry to be alarmed about any defense plans, FCC Chairman James Lawrence Fly stated at a press conference this week. There is every reason for the industry not to be alarmed he said, not only because full committees will represent every phase of the communications industry in the defense program, but because the situation and the state of mind of the people necessitates the leaving of private operation in private hands "so that broadcasting will continue to function as now performed."

Mr. Fly told the newsmen that it would be unfortunate if commercial operation today is at all influenced by any belief to the contrary.

"There is no reason in the world," he said, "that broadcasting should not go on absolutely unimpeded. Any suggestion that there is any problem there is far-fetched and quite inaccurate and not fair to broadcasters."

Mr. Fly stated that he could see no effect on present broadcasting in any way short of war. Even then he said things would be pretty liberal. "The Government has no intention of unnecessarily burdening or hampering normal operations." The Chairman added not only that but "our Government isn't qualified to take over broadcasting," which is a very important consideration. Should we ever get in war, he continued, there would be particular things that Government would need to do, but these things would be particular and not sweeping in character.

Chairman Fly told the reporters that he has done everything in a substantial informal way in connection with the setting up of the proposed new Communications Defense Committee in cooperation with the various interested departments. There is a general agreement on the plan he said, and no issues have arisen. Mr. Fly said that there are no outstanding problems regarding the setting up of this Committee and the personnel has been tentatively agreed upon and no difficulties have been encountered in this connection.

## Labor

### NAME BANDS BACK

A. F. of M. difficulties at Stations KSTP, St. Paul, and WRVA, Richmond, Va., were settled this week, and the network name bands returned to the air.

The union had ordered the name bands not to broadcast because, the union maintained, KSTP and WRVA were not spending their "quotas" for staff musicians.

### TRANSMITTER CARETAKERS

Transmitter caretakers are covered by the Wage and Hour Act, and must be paid a minimum of 30 cents an hour with time and one-half for overtime above 42 hours a week.

The following exchange of correspondence will be of interest:

July 2, 1940

Mr. Milton Denbo, Chief Opinion Attorney  
Wage and Hour Division  
U. S. Department of Labor  
Washington, D. C.

Dear Mr. Denbo:

A western broadcaster poses this question:

We employ a yard man whose sole duty during the spring, summer and autumn months is to cut and water the huge lawn and terraces, take care of the flowers, shrubs, trees and do general horticultural work at our transmitter site. He works more than forty-two hours a week during these months. During the winter we could easily dispense with his services but, because he has a wife and two small children we keep him on the payroll and create little odd jobs around the transmitter to keep him busy a few hours each day. Both he and we would like to pay him a constant salary the year around, but if we are forced to pay him overtime during the summer months, we cannot afford to pay him during the winter. Is he exempt from the Act as an agricultural or domestic worker during these months when his sole duty is caring for flowers, etc.?

Because nearly every radio station in the country has an employee with similar duties, the entire industry would be grateful for your opinion.

Sincerely yours,

JOSEPH L. MILLER,  
Director of Labor Relations.

JLM/hml



U. S. DEPARTMENT OF LABOR WAGE AND HOUR  
DIVISION

Washington

July 8, 1940

In Reply Refer To:  
LE:CRR:VDM

Mr. Joseph L. Miller  
Director of Labor Relations  
National Association of Broadcasters  
Normandy Building, 1626 K Street, N. W.  
Washington, D. C.

Dear Mr. Miller:

Mr. Denbo has asked me to answer your letter of July 2 regarding the applicability of the Fair Labor Standards Act in the case of an employee employed, apparently, by a broadcasting company and performing certain services at the transmitter site. During the summer months he is engaged in maintaining the flowers, shrubs, and lawn about the premises. During the winter months he performs odd jobs around the establishment for a few hours a day.

From the facts stated, it is our opinion that the duties performed by this employee are so closely associated with the interstate activities of the establishment at which he is employed as to entitle him to the benefits of the law. It would not appear that the employee in question would be regarded as engaged in agriculture nor is he employed as a domestic servant as suggested by your letter.

Very truly yours,

For the General Counsel

RUFUS G. POOLE,

*Associate General Counsel.*

## LABOR BOARD ORDER IN WFBM CASE

The National Labor Relations Board has announced an order requiring Indianapolis Power & Light Company, Indianapolis, Indiana, owner of Station WFBM, to cease discouraging membership in the CIO's United Utility Workers Organizing Committee and the AFL's Associated Broadcast Technicians' unit of the International Brotherhood of Electrical Workers, or in any other labor union. The company was also required to cease encouraging membership or in any manner supporting or assisting Indianapolis Power & Light Employees' Protective Association.

Finding that the company had practiced discriminations against members of the nationally affiliated organizations, the Board ordered the company to reinstate with back pay Sidney Collier and Thomas Elberg and to give back pay losses to Russell Rennaker.

*(Rennaker is not an organizer for the ABT.)*

The Board dismissed allegations that the company had discriminated against three other employees, had engaged in surveillance of union meetings, or had interfered with the formation of the Association.

Prior to 1937, the Board said, no labor organization existed among the company's employees. In March of that year Rennaker and a fellow employee called a meeting for the purpose of discussing organization among the employees of radio station WFBM. In May 1937 the CIO began its organization among the generating plant employees. The Association, which had a prior birth, began to take a prominent role among the company's employees following the CIO's activities.

The Board found that on the day preceding the meeting called by Rennaker for employees of WFBM, the company notified each of them of an increase in pay. The Board held that the raise in wages "plainly was intended . . . to express employer opposition to and forestall a series of joint action which the respondent (power company) feared would result in collective action in the formation of a labor organization at the station."

It continued: "The Board and the courts (2nd and 9th C.C.A.) repeatedly have recognized as intimidatory in its effect upon employees in the exercise of rights guaranteed by the Act and as

violative of the statute, the grant of a wage increase by the employer under circumstances calculated to and which does disclose to employees the employer's hostility to organization or to other concerted activity protected by the Act."

Although the radio station employees at that time were not members of a labor organization, the Board, after citing the Act's guarantee of the right to engage in concerted activities for mutual aid and protection, stated:

"Of this provision we have observed that employer conduct which discourages employees from engaging in concerted activities for purposes of collective bargaining or mutual aid or protection, where no labor organization exists, also 'has the effect of discouraging the formation of and membership in a labor organization, which is the customary instrument utilized by employees to achieve collective bargaining.'"

The Board found that Rennaker was dismissed from WFBM on January 15, 1938, having been employed for four years as an operator and ranking third in seniority among the company's seven other operators. After an examination of the evidence, the Board ruled that Rennaker was not discharged for business conditions, pointing out that four months later one employee was transferred from another department to perform operational work and that some time later an additional worker was hired. Also, the Board ruled that the company departed from its seniority policy and its policy of preferring married to unmarried workers in laying off employees. Considered in the light of the entire record, the Board said that Rennaker was discharged because of his undertaking to form a local of the ABT and that the company had thereby violated the Act.

The company contended that it dismissed Collier and Elberg from its generating plant at Harding Street because of a decline in energy consumption. Although the Board found that the company did experience a decline in consumption, it ruled that these two employees were singled out for lay-off, in violation of their seniority rights, because of their interest in organization. The Board found that they were dismissed by the company on January 6 in furtherance of the same anti-union policy which had resulted in Rennaker's discharge. It said that the record revealed that the employees' willingness to assume direction of organization and more especially their participation in a wage request and their positions as officers in the UWOC were the determining factors which resulted in their being selected rather than other employees of lesser seniority for dismissal.

The Board considered evidence relating to the alleged union discriminations of Roy Payton, Harry Wilkins, and Dewey Logsdon and agreed with the finding of Trial Examiner Horace A. Ruckel that they did not present cases of union discrimination.

## FREE SPEECH

Two federal circuit courts of appeals have held recently that an employer may freely discuss with his employees the question of whether they should join a labor union, so long as the employer exercises no interference, restraint or coercion.

In the case of *Midland Steel Products Company vs. NLRB*, the Sixth Circuit Court said, in part:

"But neither statement of fact nor expression of opinion by the employer is prohibited by the statute (Wagner Act), and if they were, the statute would contravene the free speech provision of the First Amendment. . . . Unless the right of free speech is enjoyed by employers as well as by employees, the guaranty of the first amendment is futile, for it is fundamental that the basic rights guaranteed by the Constitution belong equally to every person. The use of influence amounting to interference, restraint or coercion plainly is illegal. . . . But where no such element exists, the employer is not precluded from conversing with employees about labor questions."

In the case of *Continental Box Company vs. NLRB*, the Fifth Circuit Court said, in part:

"The constitutional right of free speech in regard to labor matters is just as clearly a right of employers as of employees, and if the act purported to take away this right, it could not stand. But the enforced statute has not undertaken at all to interfere with or limit the right of free speech. All that the statute prohibits is domination, interference and support. The

employer has the right to have and to express a preference for one union over another so long as that expression is the mere expression of opinion in the exercise of free speech, and is not the use of economic power to coerce, compel or buy the support of the employees for or against a particular labor organization."

The issue of free speech and the Wagner Act has yet to come before the Supreme Court. Until it is finally determined, employers should be cautious in talking to employees about labor union questions.

## Promotion

### STATIONS SHOULD PROMOTE RADIO AT STATE AND COUNTY FAIRS

Institutional promotion for radio is to have a prominent part in the activities which many stations are planning for state and county fair participation.

Stations with a long history of successful fair exhibitions seldom fail to tie-in institutional promotion along with station exploitation.

This year it is especially desirable that such a policy be continued by "old timers" and adopted by newer fair participants.

It is suggested that in promoting station services and program excellence, definite attention be given to the inclusion of promotion for the American System of Broadcasting; and particularly the fact that American radio is *free*—without dictator—and must remain free.

Among the many fair-minded stations are: WLS, WSYR and WDAY.

Bill Cline, commercial manager, explained the details of WLS' coverage of three state fairs, during a visit here this week.

Arnold F. Schoen, service director, has prepared plans for participation of WSYR, Syracuse, in the New York State Fair.

Bill Dean, publicity and promotion director, plans to make WDAY activities an outstanding feature of the famous Red River Valley Fair.

Said Mr. Schoen:

"This year we plan to promote radio in a little bit different way and perhaps more extensively than ever before. Our plans for Radio Festival Week will be combined with an increased activity program at the New York State Fair, August 25 to September 2.

"This year we plan to occupy a complete wing of the Manufacturers' and Liberal Arts Building, maintaining a broadcasting studio-stage and a theater in which such films as NBC's 'Airwaves' and 'Television' and several others will be exhibited.

"Our exhibit and activities at the New York State Fair will be viewed by from 10,000 to 60,000 persons daily. We are fortunate to be located in a State Fair city—especially the Empire State State Fair. Since this is the One Hundredth Anniversary of the Agricultural and Industrial Exposition, the Fair should be bigger and better than ever and our plans are definitely more extensive than ever before."

As for Mr. Dean, he, too, will combine National Radio Festival with Red River Valley Fair. In addition to Open House at the Fair Ground studios, Open House will

be maintained at the station's downtown Fargo studios and the transmitter. A special all talent review will be built around the American System of Broadcasting. Programs will originate at the Fair Ground studios and the main studios. There will be interviews at the Fair and special man-on-the-street shows and a "Do You Know Your Radio?" program built for the purposes of institutional promotion. Advance promotion will include both broadcasting and the press. The combined Radio Festival at Red River Valley Fair "promises to be greatest promotional event in the history of WDAY," Mr. Dean concludes.

### WGY PROMOTION

Kolin Hager, manager, WGY, Schenectady, deftly handled the American System of Broadcasting in his talk over the station at 7:45 p. m., Sunday, June 24. This is a subject which needs continuous interpretation for the citizenry at large. Mr. Hager's talk follows:

"The National Association of Broadcasters—a countrywide organization of the more important broadcasting stations—has set aside this week in June as a Radio Get-Acquainted period. In cities throughout the nation, listeners have been invited to learn more about the organizations providing them with broadcasts of information and entertainment.

"WGY as one of the pioneer stations of America joins in this Radio Festival which tonight is officially proclaimed to our listeners near and far by the Honorable Mills Ten Eyck, Mayor of Schenectady.

"Many people are inclined to regard radio broadcasting as something distinctive to this terrifying twentieth century in which we find ourselves. In truth, only radio is new. Broadcasting—or the spreading of information in all directions—is of great antiquity.

"Ours is the one nation in all the world with a system of broadcasting which must stand or fall by the extent to which it wins the approbation of the listening audience. Here indeed is the only radio system which has the operating philosophy of 'What does the audience want—what can we bring to our listeners in news, religion, entertainment, culture—the great pageant of history in the making—to make lives more full, information more complete?'

"Through this medium we listen at will without fee or license, hindrance or restraint, and the effect of radio broadcasting on the thinking of men and women is ever-widening. Our course at WGY has been toward maintaining a democracy of the air. So that this ideal may stand out as a goal, every effort is made to keep abreast of the ever-changing tastes of the radio audience. Radio has never dealt in an ivory tower. It is of the people, by the people, for the people.

"Radio must ever continue to serve the masses as well as the classes. It can never survive or justify its existence on any other basis. And so during this week in particular we welcome you—especially those who have not yet visited our studios—to come to the station and become better acquainted with us and what we're endeavoring to accomplish.

"Looking forward we must contemplate the changes that come to all men and to all nations as the future unfolds. It is WGY's hope in behalf of the General Electric Company and the National Broadcasting Company that we may continue to be a means through which a democracy of the air may be maintained and ever-expanded to serve the people of America."

### "IS YOUR HAT IN THE RING?" MAILED NEXT WEEK

Sample copies of the 1940 edition of "Is Your Hat In the Ring?" will be mailed to member stations next week. This is the booklet which has taught microphone technique to hundreds of political speakers in every state in the Union. It incorporates new FCC rules governing broad-

casts by candidates for public office, dated June 24, 1940.

The price is 4¢ per copy, postage extra. Order from headquarters.

## Sales

### STATIONS SHOULD SEND IN DEPARTMENT STORE QUESTIONNAIRE TODAY

The Research Department has received 225 returns from the questionnaire mailed to all commercial stations May 15, 1940. Those stations which have not returned the Department Store questionnaire are urged to do so. Without complete data on the subject, it is not possible to prepare the cooperative study of Department Store use of radio NAB and the National Retail Dry Goods Association are undertaking.

Forty-one of the stations reporting do not currently have Department Store business. More than a hundred others have only a negligible amount. All of these replies have been most helpful in outlining the sales problems confronting stations. They constitute as valuable a part of the study as the answers from stations currently having such substantial business.

Whether stations currently have Department Store business or not, they should return the questionnaire to the Research Department. The NAB can't help stations get Department Store business without receiving completed questionnaires.

## Engineering

### RULES AFFECTING OPERATORS TIGHTENED

New rules to strengthen and make more definite certain prohibitions with respect to conduct of commercial and amateur radio operators were approved this week by the FCC, effective immediately.

Under authority contained in the Communications Act, the Commission amended its "Rules Governing Amateur Radio Stations and Operators" as follows:

Sec. 12.28 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

Sec. 12.81 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

Sec. 12.82 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

Sec. 12.29 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

Sec. 12.30 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

Sec. 12.50 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

Likewise, the Commission supplemented its "Rules Governing Commercial Radio Operators" with:

Sec. 13.64 *Obedience to lawful orders.* All licensed radio operators shall obey and carry out the lawful orders of the master or person lawfully in charge of the ship or aircraft on which they are employed.

Sec. 13.65 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

Sec. 13.66 *Unnecessary, unidentified, or superfluous communications.* No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

Sec. 13.67 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

Sec. 13.68 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

Sec. 13.69 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

Sec. 13.70 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator's license by fraudulent means.

Under these provisions the Commission clarifies its authority to prosecute as well as suspend licenses in cases of violation.

### STRUCTURE ERECTION NOTICE

The Civil Aeronautics Authority has issued a regulation requiring advance notice from a person engaged in the construction or alteration of any structure within 3 miles of the nearest boundary of any landing area along or within 10 miles of a civil airway which will exceed one-fiftieth in height the distance to the nearest boundary of the landing area. Full details of the regulations can be obtained by writing to the Civil Aeronautics Authority, Washington, D. C., asking for regulations serial number 76.

## Miscellaneous

### NAB RESEARCH COMMITTEE

A meeting of the NAB Research Committee was held in the NAB Headquarters in Washington, Wednesday, July 10th. Mr. William J. Scripps, Chairman of the Committee, presided over the meeting with H. M. Beville, Jr., NBC Research Manager, James D. Shouse, Vice President of Radio Stations WLW-WSAI, Dr. Frank N. Stanton, CBS Research Director, Neville Miller, NAB President, C. E. Arney, NAB Assistant to the President, and Paul F. Peter, NAB Director of Research, in attendance. Mr.

William R. Cline, Sales Manager of Radio Station WLS, Chairman of the NAB Sales Manager's Committee, attended the meeting as a guest.

The committee completed discussion of plans for a Unit Measurement of Broadcast Advertising Volume and outlined the report to be presented to the NAB Board of Directors, and, subject to its approval, to the San Francisco Convention in August. Other subjects discussed included the work of the Bureau of Radio Advertising and the place of research in its activity, the proposal of publishing survey results of a basic industry nature by the Bureau, and possible NAB participation in future industry research.

The committee voted to hold its next meeting in San Francisco, August 4th, 1940.

### **INCREASED POPULARITY FOR U. S. SHORT WAVE IN SOUTH AMERICA**

Increasing popularity in Latin America of radio programs originating in the United States is indicated in consular reports reaching the Department of Commerce from the Latin American countries, according to John H. Payne, Chief, Electrical Division.

While it is frequently reported that reception in certain of the countries is not good, due to adverse atmospheric conditions or technical limitations, the excellent quality of the programs is commented upon in most of the communications.

Mr. Payne said that transmission of radio programs to Latin America is considered of mutual benefit, since it makes available in that region many of the high quality programs heard in the United States and at the same time is a medium through which the Latin American public is informed of our customs, culture and endeavors.

News reports emanating from American short-wave broadcasting stations have probably acted as the greatest single factor in enhancing the popularity of American broadcasts among Latin American listeners. Mr. Payne believes, too, that emphasis on entertainment value which characterizes American broadcasts also contributes greatly to their popularity.

Publication in newspapers and other periodicals in Latin America of schedules of short-wave radio programs originating in the United States and beamed directly on Latin America is being effected by the Department of Commerce in close cooperation with the Department of State, the Radio Manufacturers Association and the radio broadcasting industry. Mr. Payne indicated that a greater volume of sort-wave programs is put on the air by American broadcasters than in any foreign country.

Weekly schedules of forthcoming radio programs, especially prepared or selected on the basis of known preferences of radio listeners in Latin America and frequently presented in the languages most widely understood in that area, are distributed in Latin American countries

through the Foreign Offices of the United States Government.

At the present time, 7 companies operating 11 short-wave radio stations located in New York, N. Y., Schenectady, N. Y., Boston, Mass., Philadelphia, Pa., Pittsburgh, Pa., Cincinnati, Ohio, and San Francisco, Calif., are transmitting these programs daily to Latin America.

### **1940 CENSUS**

The Bureau of the Census, Department of Commerce, is currently releasing preliminary 1940 population figures on cities of 25,000 or more population. The figures they are now releasing are counts made by their district supervisors in the field and are subject to change when the final tabulation of the Census is made in Washington.

Through July 6th, the Census Bureau has reported preliminary population figures on 129 cities of more than 25,000 population in 1940. The total population of these 129 cities increased from 19,629,749 to 20,479,786, or 4.3% between 1930 and 1940, compared with an increase of 20.5% between 1920 and 1930. Of the 129 cities, 99 have gained population and 30 have lost in the last 10 years, whereas, between 1920 and 1930, 119 gained and only 10 cities lost population.

### **MUNICIPAL GOVERNMENT PROGRAMS**

The Educational Radio Script Exchange, U. S. Office of Education, has available 15 thirty-minute scripts dealing with the operation of municipal government, which might interest broadcasters.

The scripts are for dramatizations of the work of municipal government departments—fire, police, and others—which could be adapted to local conditions.

Their use might go a long way toward promoting good will between radio stations and municipal government officials, as well as providing excellent educational programs for the listening public.

## **The Commission**

### **HEITMEYER AND FRONTIER CASES**

The FCC on July 11 announced decisions with respect to docket cases involving construction of new radio broadcast stations at Cheyenne, Wyo.

It denied motion of Paul R. Heitmeyer to grant without further hearing his application for a construction permit but complied with his alternative request that his application be dismissed. At the same time, the Commission granted the petition of the Frontier Broadcasting Company to reconsider Commission action in remanding its

application for hearing and granted the same without further hearing.

In doing so it authorized the Frontier Company to operate on 1420 kilocycles, with power of 100 watts night, 250 watts until local sunset, unlimited time of operation, subject to condition that permittee file within a period of two months an application for modification of construction permit specifying the exact transmitter location and antenna system proposed to be installed.

Decisions and orders, prepared pursuant to Commission action of July 5, were made public today. With reference to the Heitmeyer case (Docket No. 3161), which had been previously involved in litigation, the Commission commented:

"The necessity of obtaining current information after a time interval such as that occurring between the original filing and consideration of the instant application and the present date is readily demonstrated by reference to certain contractual arrangements upon which the applicant relied to show financial ability at the time of his hearing in October, 1935. The applicant at that time proposed to finance the new station from a loan of \$40,000 which he had obtained from A. L. Glasman and which he had agreed to repay within five years with interest at 6%, in default of which Glasman was to become owner of certain stock in various corporations which were to be organized. This contract will expire within a few months by its terms, if it has not already been terminated by the makers. In any event, the Commission does not have information as to the present status of the contract of October 1935, or with respect to the applicant's financial status at this date.

"Since the Commission considers that the information which it requested, but which is refused by the applicant, is necessary to further consideration of the application, the only alternative is to dismiss the application as prayed for by the applicant."

In granting the Frontier application the Commission observed:

"The service which the applicant proposes to establish is designed to meet the local needs and interests of Cheyenne and its surrounding area. A permit was recently granted for construction of a station in Cheyenne but as yet this city does not have a radio broadcast station although it is the capital of Wyoming and one of the State's largest communities.

"The equipment applicant proposes to install conforms to standards established by regulation and may be expected to provide efficient service from a technical standpoint. Operation of the proposed station upon the frequency specified by the applicant will not cause objectionable interference to any other station.

"The Commission finds, upon further consideration of the application of Frontier Broadcasting Company in connection with the supplemental information which has been submitted, that the applicant is legally, technically, and financially qualified to construct and operate the proposed station; and that the granting of a construction permit therefor will serve public interest, convenience, and necessity."

### 847 STATIONS

The FCC issued operating licenses to eight stations and granted eleven permits for the construction of new stations during the month of June, 1940. A comparative table by months follows:

	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	April 1	May 1	July 1	July 1
Operating .....	735	738	739	743	751	755	765	769	771	775	779	783	791
Construction .....	43	56	59	57	58	57	49	48	51	48	47	53	56
	778	794	798	800	809	812	814	817	822	823	826	836	847

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has announced adoption of an order granting the application of Joe W. Engel for a new station in **Chattanooga, Tenn.**, to operate on the frequency **1370 kilocycles**, with 250 watts, unlimited time, upon condition that permittee shall file an application for modification of construction permit specifying exact transmitter location within two months after effective date of order.

### PROPOSED FINDING OF FACT

FCC has also announced its proposed findings of fact and conclusions, proposing to affirm the recommendations of Commissioner Payne to revoke the license of the East Texas Broadcasting Company (KGKB), **Tyler, Texas**, operating on **1500 kilocycles**, with 250 watts, unlimited time.

Upon consideration of all the facts of record, the Commission finds that the East Texas Broadcasting Company, licensee of station KGKB, had, on some date unknown to the Commission during the year 1936, delegated the operation and management of the station to one James G. Ulmer. By virtue of such action the company voluntarily transferred the rights theretofore granted to it by terms of the license issued by this Commission, without its consent in writing for such transfer or assignment, in violation of the provisions of the Communications Act of 1934, as amended.

East Texas Broadcasting Company, licensee of station KGKB, did therefore violate the provisions of the license heretofore issued to it for the operation of said station, and the revocation order entered in this matter on February 13, 1940, is affirmed.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast oral arguments are scheduled before the Commission for the week beginning Monday, July 15. They are subject to change.

Thursday, July 18

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.**, 1 KW, unlimited; and auxiliary, **1410 kc.**, 500 watts, 1 KW LS. Time: Auxiliary purposes only.

### FUTURE HEARINGS

Following future broadcast hearings have been scheduled before the Commission. They are subject to change.

#### August 13

NEW—God's Bible School and College, Cincinnati, Ohio.—C. P., **11710, 21610 kc.**, 60 KW night, 60 KW LS, Emission A-3, share time on **11710 kc.**, unlimited time on **21610 kc.**

#### August 19

NEW—George F. Meyer, Medford, Wis.—C. P., **1500 kc.**, 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KVI—Laura M. Doernbecher, Executrix of the Estate of Edward M. Doernbecher, Tacoma, Wash.—Granted consent to voluntary transfer of control of Puget Sound Broadcasting Co., licensee of Broadcast Station KVI, Tacoma, Wash., from Laura M. Doernbecher, Executrix of the Estate of Edward M. Doernbecher (deceased), to Laura M. Doernbecher; **570 kc.**, 5 KW day and night, unlimited time (B5-TC-230).

WSUN—City of St. Petersburg, Fla., St. Petersburg, Fla.—Granted construction permit to increase night power from 1 KW to 5 KW and make changes in directional antenna system; **620 kc.**, 5 KW day, specified hours.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted construction permit to make changes in directional antenna and increase power from 1 KW night, 5 KW day, to 5 KW day and night, directional antenna night; frequency **620 kc.**, specified hours (B3-P-2715).

KWFT—Wichita Broadcasting Co., Wichita, Tex.—Granted construction permit to install new transmitter, directional antenna, and increase power from 250 watts night, 1 KW day, to 1 KW night, 5 KW day; frequency **620 kc.**, unlimited time (B3-P-2461).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of license to increase night power to 5 KW, using present directional antenna day and night; 5 KW day; **1010 kc.**, unlimited time (B5-ML-907).

WMFR—Wayne M. Nelson, High Point, N. C.—Granted consent to voluntary transfer of control of Radio Station WMFR, Inc., licensee of Station WMFR, from Wayne M. Nelson to James E. Lambeth; **1200 kc.**, 250 watts day and night, unlimited time (B3-TC-221).

WCHN—Mrs. Marcia Arrington, Charlottesville, Va.—Granted transfer of control of Community Broadcasting Corp., licensee of Station WCHV, from Mrs. Marcia Arrington to Charles Barham, Jr.; **1420 kc.**, 250 watts, unlimited time (B2-TC-229).

KXO—E. R. Irely and F. M. Bowles, El Centro, Calif.—Granted renewal of license for period ending October 1, 1940, to F. M. Bowles (B5-R-5).

WGCM—WGCM, Inc., Gulfport, Miss.—Granted construction permit to move transmitter site from Great Southern Country Club (East Beach, Gulfport), Mississippi City, Miss., to Arlington Heights, Gulfport, Miss.; to increase night power to 250 watts, and install new antenna; **1210 kc.**, 250 watts day unlimited time (B3-P-2618).

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted construction permit to increase power from 100 watts day and night to 250 watts day and night, and make changes in equipment; **1210 kc.**, unlimited time (B2-P-2561).

WHAT—Bonwit Teller & Co. of Philadelphia, Philadelphia, Pa.—Granted consent to transfer of control of Independence

Broadcasting Company, licensee of Station WHAT, Philadelphia, Pa., from Bonwit Teller & Co. of Philadelphia to The Philadelphia Record Co.; **1310 kc.**, 100 watts night and day, shares WTEL. Granted with proviso that Commission's action shall not be construed as a finding with respect to a future transfer of control of the licensee corporation to the preferred stockholders of the Philadelphia Record Co. or the Courier Post Co. (B2-TC-218).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted construction permit to install new transmitter and increase day and night power from 100 watts to 250 watts; frequency **1370 kc.**, unlimited time (B5-P-2797).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted construction permit to increase power from 100 watts, daytime, to 1 KW, limited to sunset at WCFL, Chicago, Ill.; **970 kc.**

### MISCELLANEOUS

Kokomo Broadcasting Corp., Kokomo, Ind.—Deferred application for construction permit for new Class IV broadcast station to operate on **1420 kc.**, 250 watts, unlimited time, pending North American Regional Broadcast Agreement allocations (B4-P-2842).

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Granted motion to dismiss without prejudice the application for construction permit for new station to operate on **1370 kc.**, 250 watts night, 250 watts LS, unlimited time (B2-P-2575).

General Broadcasting, Inc., Miami, Fla.—Granted petition for leave to amend application for new station so as to request **920 kc.**, 5 KW, unlimited time, directional antenna day and night (B3-P-2749).

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted motion for extension of time within which to file exceptions, brief and request for oral argument in re application for construction permit to install directional antenna for day and night use and move transmitter to southwest of Kansas City, Kans., and studio to Kansas City, Mo.; granted additional 30 days (B4-P-2272).

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted special temporary authority to remain silent on July 4, 1940, due to absence of Federal Market Information (B4-S-619).

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted license to cover construction permit as modified for new station, frequency **1200 kc.**, power 100 watts, daytime operation (B2-L-1157). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-404).

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted construction permit to install new vertical antenna and new transmitter, and move transmitter from Wayne, N. J., to New Rochelle, N. Y.; **860 kc.**, 50 KW, unlimited time (B1-P-2855).

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit as modified for increase in power from 1 KW to 5 KW, installation of new equipment, and move of transmitter, for installation of new transmitter and changes in antenna system (B1-MP-996).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted modification of construction permit for new broadcast station, for approval of new transmitter, vertical antenna and approval of studio and transmitter site at Virginia Avenue and Boardwalk, Atlantic City; **1420 kc.**, power 100 watts, 250 watts day, unlimited time (B1-MP-1001).

WNEW—Wodaam Corp., New York, N. Y.—Granted license to cover construction permit for installation of auxiliary transmitter, using 1 KW power for emergency use only; **1250 kc.**, 1 KW power (B1-L-1181).

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted license to cover construction permit as modified for changes in frequency to **880 kc.**; increase in power to 1 KW; change in hours of operation to unlimited time; installation of directional antenna system day and night; new transmitter and move of transmitter (B3-L-1178). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-434).

WFNC—W. C. Ewing and Harry Layma, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Granted license to cover construction permit as modified for new broadcast station, **1340 kc.**, 250 watts power, daytime operation (B3-

APPLICATIONS FILED AT FCC

L-1177). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-433).

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 10:30 a. m. to 11:30 a. m., MST, on July 9, 12, 16, 19, 23, 26, 30, and August 2, 1940, in order to broadcast a Women's Program on the Air, provided that such programs contain no other announcements or advertising of any kind (B5-S-120).

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:30 p. m., CST, to the conclusion of political rallies on July 11, 12, 13, 15, 16, 17, 18, 19, 20, and 22, 1940, in order to broadcast rallies only (B3-S-838).

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent from August 1, 1940, to not later than September 15, 1940, in order to observe the University summer vacation (B4-S-651).

Pierce Marine Corp., Youngstown, N. Y.—Denied as in case of default the application for construction permit for new broadcast station (Docket No. 5875).

WSAR—Doughty and Welch Electric Co., Fall River, Mass.—Denied petition for reconsideration and hearing of the application of New Jersey Broadcasting Corp. (WHOM) for construction permit to increase power to 500 watts night, 1 KW day, install new transmitter and make changes in antenna, without prejudice to the submission by Station WSAR at any time of engineering proof based upon competent and adequate measurements which show that the operation of Station WHOM as proposed has resulted in an objectionable increase in the interference suffered by Station WSAR.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 9 p. m. to approximately 11 p. m., CST, on July 17, 1940, and from 8 p. m. to approximately 11 p. m., CST, on July 26, 1940, in order to broadcast special night baseball games only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily from August 3, 1940, to not later than September 25, 1940, in order to observe the vacation period between regular University sessions (B4-S-524).

WNBI—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate experimentally on frequency 11890 kc., for a period not to exceed 30 days, pending filing and action on application for modification of license.

W1XEQ—E. Anthony and Sons, Inc., Fairhaven, Mass.—Granted construction permit to move transmitter locally (high frequency broadcast station) (B1-PHB-265).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit for changes in equipment and increase in power from 10 to 50 KW, for authority to install new transmitting equipment; 1180 kc., unlimited (B5-MP-998).

WEHH—Columbia Broadcasting System, Inc. (area of New York City), Portable-Mobile.—Granted license to cover construction permit for changes in equipment and reduction of power from 50 watts to 30 watts (B1-LRE-315).

WLND—The Crosley Corp. (area of Cincinnati, Ohio), Portable-Mobile.—Granted license to use the equipment of relay broadcast station WLWJ (B2-LRE-313).

W10XF—National Broadcasting Co., Inc., Portable.—Granted modification of developmental broadcast station license to add types of emissions A1, A2, A3, A4, A5 and Special to those already licensed (B1-MLEX-6).

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of developmental broadcast station license to add types of emissions A1, A2, A3, A4, A5 and Special to those already licensed (B1-MLEX-7).

Bellingham Broadcasting Co., Inc., and KVOS—KVOS, Inc., Bellingham, Wash.—Continued oral argument originally scheduled for July 11, 1940, to July 18, 1940, in re applications of KVOS, Inc., for renewal of license and of Bellingham Broadcasting Co., Inc., for construction permit for new broadcast station.

640 Kilocycles

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Construction permit to install new transmitter; changes in directional antenna for use at night: change frequency from 640 to 560 kc.; increase power from 500 watts to 5 KW; change hours of operation from limited to unlimited time. Class III-A station.

NEW—Batavia Broadcasting Corp., Batavia, N. Y.—Construction permit for a new broadcast station to be operated on 640 kc., 250 watts, daytime. Class II.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter and installation of directional antenna, requesting further changes in equipment.

740 Kilocycles

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—License to cover construction permit (B1-P-2457) as modified for new transmitter, move of transmitter and studio, new antenna, and increase in power.

890 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna for night use.

930 Kilocycles

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Construction permit to install directional antenna for night use, increase power from 1 KW night, 5 KW day, to 5 KW day and night, and move transmitter. Amended to omit request for increase in power and installation of directional antenna.

940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—License to cover construction permit (B2-P-2857) to make changes in transmitting equipment and increase power from 500 watts to 1 KW.

950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Construction permit to install directional antenna for day and night use, change hours of operation from daytime to unlimited time, using 1 KW power day and night. Request Class III-B station.

1020 Kilocycles

KYW—Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Authority to make changes in automatic frequency control unit.

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authority to operate unlimited time, simultaneous WTIC, for period 8-1-40 to 10-1-40.

1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of license to change frequency from 1060 to 1040 kc. and hours of operation from S-WBAL to unlimited time, employing directional antenna from sunset at Dallas, Tex.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Extension of special experimental authorization to operate unlimited time, directional antenna after sunset at Tulsa, Okla., for period 8-1-40 to 8-1-41.

### 1200 Kilocycles

- WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Modification of construction permit (B3-P-2647) for approval of transmitter and studio sites at E. 10th Street extended, near Roanoke Rapids, N. C., approval of antenna, and change type of transmitter.
- WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—License to cover construction permit (B2-P-2423) as modified for a new station.
- WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Modification of license to change power from 100 watts night, 250 watts day, to 250 watts day and night.

### 1210 Kilocycles

- NEW—Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time. Class IV. Requests facilities of Station WBAX.
- NEW—Central Willamette Broadcasting Co., Albany, Ore.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time. Class IV station.
- WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—License to cover construction permit (B2-MP-837) for a new transmitter, increase in power, and move of studio.
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct measurement of antenna power.
- WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction permit for a new Class IV station to be operated on 1210 kc., 100 watts-250 watts day and night, unlimited time, to be synchronized with Station WSNJ.

### 1290 Kilocycles

- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station.

### 1310 Kilocycles

- WLBJ—The Bowling Green Broadcasting Co., Bowling Green, Ky.—License to cover construction permit (B2-P-2194) as modified for new broadcast station.
- WRAW—Reading Broadcasting Co., Reading, Pa.—License to cover construction permit (B2-P-2153) for new transmitter and increase in power.
- KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Modification of construction permit (B4-P-2370) for new broadcast station, requesting installation of new transmitter, antenna changes, approval of transmitter site at Willmar, Minn., and studio site at Carlson Block, 204 4th Street, W., Willmar, Minn. Class IV station.
- KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to transfer control of corporation from Kenneth Dryden, Edith McKean and Dora Brown to Lloyd C. Thomas, 280 shares common stock.
- KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Authority to determine operating power by direct measurement of antenna power.
- WLBJ—The Bowling Green Broadcasting Co., Bowling Green, Ky.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

- WSPD—The Fort Industry Co., Toledo, Ohio.—Modification of construction permit (B2-P-2470) for increase in power, and install directional antenna for night use, extend completion date from 7-27-40 to 9-1-40.

### 1350 Kilocycles

- WMBG—Havens and Martin, Inc., Richmond, Va.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna day and night.

### 1370 Kilocycles

- WAGF—John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Voluntary

assignment of license and construction permit (B3-P-2829) from John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co. to John T. Hubbard, Julian C. Smith, Fred C. Moseley & Horace Hall, d/b as Dothan Broadcasting Co.

- KYAN—J. Cecil Bott, Matilda Lannen & Nettie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Modification of construction permit (B5-P-2331) for approval of vertical antenna and transmitter site at Hugar & 5th Streets, Cheyenne, Wyoming.
- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Construction permit to install new transmitter, change frequency from 1220 to 1370 kc., change hours of operation from daytime to unlimited time, using 250 watts.
- WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—License to cover construction permit (B3-P-2346) as modified, for new broadcast station.
- WARM—Union Broadcasting Co., Scranton, Pa.—Authority to determine operating power by direct measurement of antenna power.
- WARM—Union Broadcasting Co., Scranton, Pa.—License to cover construction permit (B2-P-2366) as modified for a new broadcast station.

### 1380 Kilocycles

- WING—WSMK, Inc., Dayton, Ohio.—Authority to transfer control of corporation from Stanley M. Krohn, Jr., to Charles Sawyer, 408 shares common stock.

### 1420 Kilocycles

- NEW—Capital Broadcasting Co., Washington, D. C.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended: To change type of transmitter and vertical radiator, give location of transmitter as S. side of Pierce Street, between N. Capitol and 1st St., N. E., Washington, D. C., and install a 100 watt booster station at N. side of Rock Creek, 1600' W. of intersection of Rock Creek and D. C. Line, Md.
- NEW—W. Montgomery Harison, Augusta, Ga.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Class IV station. Amended: To give transmitter and studio sites and install vertical radiator.

### 1430 Kilocycles

- WMPS—Memphis Broadcasting Co., Memphis, Tenn.—License to cover construction permit (B3-P-2612) for changes in equipment.

### 1440 Kilocycles

- WMBD—WMBD Broadcasting Co., Peoria, Ill.—Voluntary assignment of license from WMBD Broadcasting Co. to Peoria Broadcasting Co. (a Delaware Corp.).

### 1500 Kilocycles

- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Authority to transfer control of corporation from Wylie B. Jones, Advt. Agency, to John C. Clark, 325 shares common stock.
- WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Authority to determine operating power by direct measurement of antenna power.
- KFDA—Amarillo Broadcasting Corp., Amarillo, Texas.—Modification of license to change frequency from 1500 to 1200 kc.

### MISCELLANEOUS

- WEKH—Peoria Broadcasting Co., Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- WPEO—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- WAIN—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- WEKI—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit to move transmitter from 1450 Broadway to 444 Madison Ave., N. Y., N. Y.



WBAF—L. B. Wilson, Inc., Portable-Mobile.—License to cover construction permit (B2-PRY-218) for a new relay broadcast station.

NEW—Mutual Broadcasting System, Inc.—Extension of authority to transmit programs to Station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport.

W3XP—Philco Radio & Television Corporation, Philadelphia, Pa.—Transfer of control of corporation from all stockholders of Philco Radio and Television Corporation to Philco Corporation. (Also Station W3XE)

NEW—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 100 watts, A-3 Emission.

WJSN—The Sun Publishing Co., Inc., Portable-Mobile.—License to cover construction permit (B3-PRE-343) for a new relay broadcast station.

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Transfer of control of corporation from all stockholders of Philco Radio and Television Corporation to Philco Corporation. (Also Station W3XP)

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Lecithin Company, Inc.**, Elmhurst, Long Island, N. Y., its officers, and a group of four American, one German and one Danish corporation, are charged in a complaint with organizing a combination and conspiracy to monopolize trade and restrain competition in the purchase and sale in interstate and foreign commerce of lecithin, a chemical used in making products such as candy, paints, petroleum products, shortening, margarine, rubber, leather, oils, fats, waxes, biscuits, crackers and other commodities.

Others named as respondents are Joseph Eichberg, Armand May, Whitney D. Eastman, Clifton M. Kolb, Richard H. Horsburg, and Adrien Joyce, officers of American Lecithin Company, Inc., all of Elmhurst, N. Y.; Ross & Rowe, Inc., New York; The Glidden Company, Cleveland; Archer-Daniels-Midland Company, and Shreve Archer, its president, Minneapolis; American Lecithin Corporation, Atlanta; Hansa-Muehle, Hamburg, Germany; and Aarhus Oliefabrik, Aarhus, Denmark.

The complaint recites that American Lecithin Company, Inc., Elmhurst, New York, was organized pursuant to an agreement entered into in December, 1934, between the six other respondent American and foreign corporations; that prior to the agreement, the respondent corporations had been in competition in the importation and sale of their products; that Archer-Daniels-Midland Company and The Glidden Company were the only lecithin producers in the United States, and that American Lecithin Corporation, Atlanta, and Ross & Rowe, Inc., distributed lecithin in this country produced by the German and Danish corporations respectively.

It is alleged that, pursuant to the agreement, the common capital shares of American Lecithin Company, Inc., were allocated to the respondent organizers on an agreed basis; each organizer assigned to this corporation certain patent and other rights, and interest in its secret knowledge concerning apparatus, devices and processes, and each participated in the management of the new corporation through representation on its board of directors.

The agreement allegedly further provided that Archer-Daniels-Midland Company and The Glidden Company sell lecithin exclusively to American Lecithin Company, Inc.; that Ross & Rowe, Inc., act as selling agent for American Lecithin Company, Inc., and not sell lecithin in competition with that corporation; that the six respondent companies which organized American Lecithin Company, Inc., should not contest the validity of any patents

assigned to or which might be developed or acquired by that corporation; that all parties to the agreement cancel any existing arrangements which would interfere with the agreement, and that the German and Danish corporations should not sell lecithin in the United States or Canada during the life of the patents, and that the American Lecithin Company, Inc., and the Glidden, Archer-Daniels-Midland and Ross & Rowe corporations should not sell such products outside of the United States, its possessions and Canada.

Pursuant to the agreement, understanding and conspiracy, it is alleged (1) that the German and Danish corporate respondents refrained from exporting lecithin to the United States and attempted to hinder its importation from other European producers; (2) that American Lecithin Company, Inc., refrained from exporting lecithin from the United States and from purchasing it from sources other than the Archer-Daniels-Midland and Glidden corporations and (3) that the parties to the agreement made misleading representations to purchasers concerning lecithin sold by competitors, certain brands sold by some of the respondents, and concerning lecithin generally and patents pertaining to it, and by such methods unfairly sought to disparage competitors' lecithin products and obtain a monopoly in lecithin sales.

It is also alleged that pursuant to the agreements the respondents (1) pooled interests, shared earnings, allocated profits, granted and accepted reciprocal benefits, established and maintained exclusive dealing contracts, agreed upon a division of sales rights and cooperated in performing other acts tending to give them control of lecithin production in the United States, and (2) sought to convey the belief to purchasers that their competitors' lecithin lacked the approval of the Food and Drug Administration and threatened to cite such purchasers to that administration for investigation for failing to properly advertise and label their products, when in fact such threats were in many instances unwarranted by the facts. (4173)

**Crook-Wallace Company**—Harry F. Crook and Gretchen Crook, trading as Crook-Wallace Co., 415 North Second St., Vincennes, Ind., distributors of candy and confectionery products, are alleged to have supplied others with push cards involving a lot or chance feature for use in the sale of various assortments of their candy. (4176)

**Sales Promoting Company**—Charles Polk, trading as Sales Promoting Company, 160 Fifth Ave., New York, dealer in watches, clocks, leather goods, electric lamps, quilts, blankets, waffle irons, radios, toilet sets and tourists sets, allegedly distributes push cards to fraternal and charitable organizations for use in promoting the sale of his merchandise wholly by lot or chance. (4175)

**Zenith Radio Corporation**, 6001 West Dickens St., Chicago, was charged in a complaint with misleadingly advertising the number of tubes contained in its radio receiving sets and the power and capacity of such sets for foreign reception.

The complaint alleges that the respondent has advertised, among other things:

“Zenith Short-Wave Radios are guaranteed to bring in Europe, South America, or the Orient every day or your money back! \* \* \*”

“Positively the greatest 1940 Zenith values ever offered \* \* \* ten-tube superheterodyne \* \* \* eleven-tube superheterodyne \* \* \* radio console with eight tubes \* \* \* the amazing new 1940 eight-tube, three band Radiorgan Zenith long distance radio \* \* \* six tubes! Push buttons! Long and short-wave \* \* \* six-tube heterodyne with wave magnet aerial, two-button Radiogram.”

These representations and others made by the respondent, it is charged in the complaint, are misleading, for in truth the Zenith radio sets are not equipped with six, eight, ten or eleven active, necessary, fully functioning tubes, but contain one or two, or more ballast non-functioning, or tuning beacon tubes, or rectifier tubes which do not serve as amplifying, detecting, or oscillating tubes and do not perform any recognized and customary function of a radio receiving tube in the detection, amplification and reception of radio signals.

Contrary to the respondent's representations, the complaint continues, Zenith radio sets equipped with such tubes will not bring in broadcasts from London, Paris, Berlin, Moscow, Rome, and other points in Europe and from South America and the Orient in sufficient volume, free from static, to be distinctly heard at all times and under all conditions. (4174)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Danson Laboratories**—Dan M. Thompson, formerly trading as Danson Laboratories and as Thompson Laboratories, 32 North State St., Chicago, has been ordered to discontinue misrepresentations in the sale of "Danson Formula," which he had advertised as a cure for alcoholism.

Findings of the Commission are that the active ingredient of "Danson Formula," ammonium bromide, is of value only as a sedative for quieting nerves, and will not produce results claimed by the respondent.

The order directs the respondent to cease advertising that his preparation is a cure, remedy or effective treatment for alcoholism or the liquor habit in excess of its value as a nerve sedative, or that it will counteract the desire for liquor, or relieve the craving for alcoholic stimulation.

The respondent Thompson was further ordered to cease using the word "Laboratories" or any similar word, to describe his business, or representing in any manner that he owns or operates a laboratory. (3752)

**Fellom Publishing Company**—Trading as Fellom Publishing Company, Roy Fellom, 637 New Call Building, San Francisco, publisher of the magazine "Pacific Road Builder and Engineering Review," has been ordered to discontinue misleading representations in connection with the sale of advertising space in that publication.

Commission findings are that the respondent, in furnishing data for the information of prospective advertisers, over-stated the volume of the magazine's circulation, giving an erroneous idea of its value as an advertising medium based on possible results and also of the correctness of the prices charged for advertising space therein based on the extent of such circulation.

The Commission order directs that the respondent Fellom cease representing that his magazine circulates only among equipment buyers and has no substantial circulation among non-buyers of equipment; that a survey has been made of the equipment buyers in the area in which the magazine principally circulates, unless an accurate and dependable survey of such buyers has in fact been made by some qualified agency, and that through its medium the magazine's advertisers reach substantially all of the road building and other heavy equipment buyers located in the area in which the paper principally circulates.

Further prohibited by the Commission order are representations that the respondent's magazine is circulated among 93 per cent of the equipment buyers located in its principal circulation area or among 98 per cent of such buyers based on volume purchases, or any over-statement of the percentage or number of such buyers reached by the magazine or of the amount of average monthly net paid circulation or average monthly distribution of the magazine. (3960)

**May's Cut Rate Drug Company**—Drug companies in Clarksburg and Charleston, W. Va., and McKeesport, Pa., have been ordered to discontinue false advertisements of a drug preparation the use of which under usual conditions may be injurious to health. The respondents are May's Cut Rate Drug Company, 109 South Fourth St., Clarksburg, W. Va., May's Cut Rate Drug Company of Charleston, 911 Quarrier St., Charleston, W. Va., and Pittsburgh Cut Rate Drug Company, 329 Fifth Ave., McKeesport, Pa.

Commission findings are that the respondents advertised as a competent, safe and effective treatment for delayed menstruation, a preparation designated as "Genuine Mayco English Crown Female Capsules for Delayed Periods," described further as "Genuine Mayco English Crown Female Capsules, Double Strength" and as "Genuine Mayco English Crown Female Capsules, Triple Strength." This preparation was also designated as "MAYCO" by the Charleston and Clarksburg dealers. The respondent's preparation, the findings continue, contains the drugs apiol green, ergotin, oil of savin and aloin in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under customary or usual conditions.

Upon petition of the Federal Trade Commission, each of the respondent companies recently was restrained by a United States

District Court from further advertisement of this preparation pending issuance and final disposition of the cases under the Federal Trade Commission Act.

Under the orders, the respondents are to cease advertising that their product is a safe, competent and effective preparation for use in the treatment of delayed menstruation, or that it is a cure or remedy for delayed menstruation. The orders further forbid advertisements which fail to reveal that the use of the respondents' preparation may result in serious and irreparable injury to health, (4152-4153-4154)

**Mayos Products Company**—George D. Moorman and Roy C. Stockbridge, trading as Mayos Products Company and as M. P. Company, 1833 West Larchmont Ave., Chicago, were ordered to cease advertising that "Mayos Periodic Compound" is a cure, remedy or competent treatment for delayed or painful menstruation, or that it is safe or harmless. Advertisements which fail to reveal that use of the respondents' preparation may result in serious and irreparable injury to the health of the user, are also prohibited by the Commission's order. (4147)

**M. P. Company**—See Mayos Products Company.

**Monticello Drug Company**, Riverside Viaduct, Jacksonville, Fla., was ordered to cease and desist from representing that its preparations will check, cure or stop colds; constitute a complete treatment for colds, whether taken or administered singly or in conjunction with each other; will cure malaria, or are the speediest remedies known for colds, malaria, chills and fever, or bilious fever due to malaria. The order also forbids representations that the respondent's preparations are commonly prescribed by doctors. (3455)

**Murine Company, Inc.**, 660-678 North Wabash Ave., Chicago, was ordered to cease advertising that "Murine" is a cure, remedy or effective treatment for eyestrain, or possesses any therapeutic value with respect to eyestrain in excess of furnishing relief from irritation and eye discomfort. The order further prohibits representations that "Murine" will prevent or ward off eyestrain due to driving, attendance at movies, reading, sewing, or other excessive uses of the eyes. Representations that use of the respondent's preparation will prevent irritation of the eyes due to exposure to dust, sun, or light glare, or possesses any therapeutic value with respect to irritation of the eyes in excess of furnishing relief from such irritation, were also ordered discontinued. (4076)

**National Folio Service**—George W. Haylings, trading as National Folio Service, 1071 West 30th St., Los Angeles, has been ordered to discontinue misrepresentations in the sale and distribution of books and pamphlets containing treatises purporting to disclose and portray unusual business opportunities.

Commission findings are that the respondent advertised his treatises as presenting business opportunities of exceptional merit offering prospects of high earnings with little effort. Among other things, according to findings, the respondent advertised his "Treatise No. 2" as a "workable 'business plan' that tells you How the originator earned a remarkable wage 'every month' the year round, no slack seasons."

Under the order, the respondent is directed to cease representing as earnings or profits from the operation of the businesses described in his treatises, any amounts in excess of those which have in fact been regularly and customarily earned by persons operating such businesses under normal conditions, or representing as original or new any plan or business which is not such in fact.

The Commission's order further prohibits representations by the respondent that the businesses described in his treatises involve no peddling or house-to-house canvassing, when in fact such activities are required; that the formulas involved in the plans or businesses described in the treatises possess any substantial value, or that such formulas are owned exclusively by him; that he is able to grant purchasers any rights with respect to the operation of such businesses in any specific territory; that the period of time within which his treatises or business plans may be obtained is limited, or that the respondent issues any supplements to the treatises. (4008)

**Napp's Lifelong Hosiery**—Irving Napp, trading as Napp's Longlife Hosiery, 107 West 75th St., New York, has been ordered to discontinue certain misleading representations in the sale of women's hosiery.

Under the order, the respondent is directed to cease representing that the hosiery he sells is snag-proof or run-proof; of a grade or quality different from or superior to its true grade or quality, or that it will outwear all other competitive hosiery.

Further representations directed to be discontinued are that the respondent's hosiery is guaranteed to be satisfactory to the purchaser, or that the respondent will make prompt adjustment or refund for any hosiery which is not satisfactory to the user or which does not wear as represented, when he has not in fact established, and does not maintain a definite policy and practice of fulfilling such guarantee and making such adjustment or refund.

The respondent also is directed to cease representing that hosiery he sells is guaranteed against runs or holes for any specified period of time, or that he will supply new hosiery to the purchaser without cost if runs or holes develop within such period, when in fact the respondent does not maintain a definite policy of fulfilling such guarantee. (3875)

**Al Viola Products**—Garey Carr, trading as Al Viola Products, 1225 Keniston Ave., Los Angeles, has been ordered to discontinue certain misrepresentations in the sale of a preparation for tightening dental plates.

Under the order, the respondent is directed to cease representing, directly or through inference, that, except in unusual and exceptional cases where the condition of the mouth is favorable to the use of such method, the use of his preparation, "Al Viola Dental Plate Tightener and Reliner," constitutes a competent or effective method for tightening dental plates, supplies an improved fit for such plates, or accomplishes satisfactory results.

The order further forbids representations that the respondent's preparation may be applied effectively by anyone other than an expert, or that its satisfactory use requires no expert assistance. (4045)

**Betty Wells Cosmetic Company**—An order has been issued directing Betty Wells Fowler, trading as Betty Wells Cosmetic Company, Capitola, Calif., to discontinue misrepresentations of the effectiveness of preparations for the skin known as "Tissuefane" and "Tissuefane Preparatory Oil."

"Tissuefane," according to the order, is not to be represented as being capable of nourishing the skin, building tissue, strengthening facial muscles, removing lines, pimples or crow's feet, as being made wholly of fruit and vegetable products, as being an innovation in the cosmetics field, a bleaching agent, a skin tonic or as being healing to the skin or possessing beneficial value for treating acne.

The order further directs that "Tissuefane" is not to be represented as capable of removing blackheads or of having any effect thereon in excess of removing superficial dirt on their surface; of rejuvenating, preserving, stimulating or beautifying the skin except to the extent that the preparation may temporarily stimulate the skin; of reducing or cleaning the pores in excess of removing superficial dirt from pore openings; of increasing circulation and blood supply or having any effect thereon in excess of slightly and temporarily stimulating the blood in the portions of the body to which the preparation is applied.

"Tissuefane Preparatory Oil," according to the order, is not to be advertised as being capable of nourishing or feeding the skin or pores, or of making the skin soft other than temporarily, or of preventing or removing wrinkles or lines from the face other than such lines as may be caused solely by dryness of the skin. (3538)

## STIPULATIONS

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

**Atlas Shirt Company, Inc.**, 200 Fifth Ave., New York, stipulated that it will discontinue representing that the material used in making its products has a tested strength far in excess of Government specifications for airplane cloth, and will discontinue representing or implying that the tensile strength of the cloth of

which its products are made is in excess of that of the cloth used in the manufacture of airplanes by the Federal Government, or that the cloth used by the respondent corporation is of a tensile strength greater than is actually a fact. The respondent also agreed to cease employing the terms "Full Shrunk" or "Will Not Shrink", or any similar terms, as descriptive of its products which are not proof against shrinkage. If, according to the stipulation, the products have undergone the application of a shrinking process and have been shrunk to a substantial extent but there remains a certain amount of residual shrinkage, and the word "Shrunk", "Preshrunk", or any similar word, is used as descriptive of such products, then the descriptive word shall be immediately accompanied by some other word printed in equally conspicuous type so as to clearly indicate that there still remains an amount of residual shrinkage. (2868)

**Charme Manufacturing Company**—John W. Daniels, trading as Charme Manufacturing Company, St. Louis, agreed to desist from representing in advertising or on the containers of his preparation "Charme," described as a silk preservative compound, that runs or snags in silk hosiery or lingerie are prevented by the use of his preparation, or that its use will strengthen the heels and toes of silk hosiery, improve the resistance of all colors to washing, or have the effect of deodorizing silk hosiery or lingerie. The respondent Daniels also stipulated that he will cease employing the letters "MFG." or the word "Manufacturing" or any similar words, the effect of which may convey the belief to purchasers that he manufactures the preparation sold by him or actually owns, operates or directly and absolutely controls the factory in which his preparation is made. (2860)

**Colgate-Palmolive-Peet Company**, Jersey City, N. J., and its subsidiary, Kirkman & Son, Inc., New York, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of soap products.

Among representations which the respondents agree to discontinue are that "Palmolive Soap" contains special protective qualities all its own or not present in any other soaps; is composed wholly or in part of edible olive oil or of the grade of olive oil used for bathing new born babies; that the "soft, smooth complexions" of the Dionne quintuplets are directly the result of Palmolive Soap, and that use of this soap will keep the skin young, thoroughly cleanse the pores, or assist in any way toward nourishment of the skin.

The respondents also stipulate that they will cease advertising that persons purporting to be authorities, who have not professionally used and actually approved Palmolive Soap or other products, and whose names appear on published testimonial letters or endorsements thereof, have inferentially or otherwise based such testimonials or opinions upon their own professional experience, use and controlled laboratory tests.

The respondents agree to discontinue representing by use of the unqualified statement "Made with olive oil" as descriptive of "Palmolive" soap or shaving creams; or by assertions of like import, that the oil or fat content of such products is wholly or predominantly olive oil.

Other representations which the respondents agree to discontinue are that "Cashmere Bouquet" soap or its lather will remove "every bit" of dirt and cosmetics from every pore; that this soap is capable of causing the skin to become alluring, clear or smooth in cases where such results will not be achieved by cleansing the skin; that "Concentrated Super Suds" destroys or removes all germs, dangerous or otherwise, which "lurk in every family wash"; and that dishes washed with "Super Suds" require no wiping but will dry clean with no adhering soap film.

The respondents also agree to cease advertising unqualifiedly, that use of "Colgate Rapid-Shave Cream" will obviate the necessity for shaving twice daily, and that use of this product or of "Palmolive Shave Cream" results in faster or smoother shaves than are obtainable with comparable shaving preparations; that "most bad breath begins with the teeth" or that "a safe, sure way to correct bad breath is through regular use of the thorough, cleansing action provided only by the special ingredients in Colgate's Dental Cream," and that "Kirkman Soap Flakes keep your hands soft and white," or that lingerie or other textiles washed with this product will keep their brand new appearance almost forever. (2867)

**General Household Corporation**, 6605 South Broadway, Los Angeles, agreed to cease representing that its product is a moth

preventive, or that it is a deodorant in the sense that it destroys offensive odors of other substances. The respondent further stipulated that it will cease representing that the use of its product "will not ring" or result in the formation of a "ring" when it is applied only to a spot to be cleaned or removed, or that the "most inexperienced" or unskilled person can successfully apply the product to fabrics without a resultant "ring" formation. (2869)

**Harry L. Katzman**, 174 Lincoln St., Boston, has entered into a stipulation in which he agrees to cease employing certain representations in the interstate sale of infants' shoes.

According to the stipulation, the respondent agrees to discontinue use of the words "Dr. Katzman Health Shoes" or "Health" in marking, branding or otherwise designating his products, so as to convey the belief to purchasers that the shoes are made in accordance with the design or under the supervision of a physician or doctor of medicine or that they contain special scientific, health or orthopedic features resulting from medical determination or services. (2866)

**Kirkman & Son, Inc.**—See Colgate-Palmolive-Peet Company.

**Maddock & Miller, Inc.**, 129 Fifth Ave., New York, agrees to cease designating earthenware products or products which are other than true chinaware as "Maddock's Vitrified Hotelware," "Vitrified Blue Willow," or "Vitrified Wakefield," and to discontinue employing the word "Vitrified" or similar descriptive designations as applied to semi-vitrified products in any manner tending to convey the impression that such products are chinaware. The stipulation recites that in the trade the word "vitrified" is associated with chinaware and the terms "semi-vitrified" or "semi-vitrified" with earthenware. (2861)

**Merchants Paper Corporation**, 1750 Wrightwood Ave., Chicago, stipulates that it will discontinue using the word "Manufacturers" as descriptive of its business and will cease stamping, branding or otherwise marking a certificate or any form of certification as "box maker" on boxes or containers not actually made by it; or otherwise, by assertion or implication, representing that it is the manufacturer thereof, or that any statement bearing the name of the corporation is the certified statement of the maker of such box or container. The stipulation points out that the respondent corporation is a jobber and not a manufacturer. (2865)

**Julius Nelson Corporation**, 247 West 38th St., New York, dealer in fabric garments, agreed to discontinue use of the term "Fur-Fabric" as descriptive of garments manufactured from fabrics composed of wool, cotton or any fibers other than fur, and of the word "Fur" or any other representations either alone or in connection with the word "Fabric" or other word, so as to imply to the purchasing public that such garments are made from the fur or peltries of fur bearing animals or are composed of a fabric made of fur. Under terms of the stipulation, the respondent will also cease advertising, selling or distributing garments composed of fibers other than fur under any representations or conditions of deceptive concealment whereby purchasers may be misled into buying such garments in the belief that they are composed of fur. (2862)

**New Method Manufacturing Company**—In a stipulation entered into, Wright G. Scroton, trading as New Method Manufacturing Company, Bradford, Pa., agreed to discontinue certain representations in the sale of a cigar and cigarette lighter designated "Self Starting Lighter."

According to the stipulation, which is supplemental to one entered into in October, 1933, the respondent agrees to cease representing that the Self Starting Lighter remains lit in all wind velocities, requires no refill, or employs a new principle of ignition; that the gold plated Self Starting Lighter has three separate platings of gold, and that the settings in the lighters are precious or semi-precious stones or are birthstones, unless this representation is modified by the word "imitation" or its equivalent.

The respondent further stipulated that he will discontinue claims that any repeat business built up through the sale of Self Starting

Lighters requires no time or effort; that exclusive territory is assigned to or may be reserved by prospective agents, when such is not a fact, or that his representatives make profits in excess of the minimum profits possible from the sale of the lighters, unless it is disclosed that in fact such representatives must purchase a minimum quantity of lighters before such profit is made. (0561)

**Schless-Harwood Company, Inc.**, 2 West 46th St., New York, agrees to cease representing that the diamonds and diamond rings which it sells are perfect "in accordance with the required standards of the Federal Trade Commission," or that they meet or conform to the "Federal Trade Commission Standard." The respondent corporation also stipulates that it will cease employing the name "Federal Trade Commission" in its advertising, on its tags or in any way which may imply that the Commission has examined and approved the articles designated. The stipulation points out that the use of such forms and tags was a deceptive act and practice insofar as the wording thereof indicated or implied that the Federal Trade Commission had in some way examined and approved the diamonds referred to, contrary to fact. (2864)

**J. Schneier Company, Inc.**, 31 Beach St., Boston, manufacturer of neckwear and gentlemen's ties, agreed to discontinue use of the words "Hand Loom" as descriptive of products manufactured from material not made on hand looms, and of the words "Hand Loom," either alone or in connection with the word "Reproductions" or with any other words, the effect of which may tend to convey the belief to purchasers that the products referred to are made of hand-loomed material.

The respondent further agreed to desist from use of the words "All Wool" as descriptive of products which are not composed wholly of wool, and from use of the word "Wool," either alone or in connection with the word "All," or with any other words, so as to imply that such products are composed wholly of wool, when such is not the fact. The stipulation provides that if the products are composed in substantial part of wool and in part of a fiber or fibers other than wool, and the word "Wool" is used to properly describe such wool content, then in that case, the word "Wool" shall be immediately accompanied by some other word or words printed in equally conspicuous type and which accurately describe each other constituent fiber or material of which the products are composed in the order of its predominance by weight, beginning with the largest single constituent.

Terms of the stipulation also specify that the respondent will cease representing in any way products composed in part of rayon without clearly disclosing the fact that the products are composed in part of rayon together with other named constituent fibers, each of such fibers to be named in the order of its predominance by weight, beginning with the largest single constituent. (2859)

**Tennessee Coal, Iron & Railroad Company**, Birmingham, Ala., manufacturer of iron and steel, including the by-product "basic slag," entered into a stipulation in which it agreed to discontinue certain representations.

The respondent agreed to desist from claims that its basic slag is always as good as superphosphate and frequently better; serves as well as acid phosphate for fertilizing purposes, or that its lime content makes it superior to superphosphate for winter legumes or other products. The respondent further agreed to cease implying that quotations from scientific authorities on basic slag are applicable to its basic slag product when such comments are in fact based upon other products.

Further representations or implications which the respondent agreed to discontinue are that lime makes available the potash in the soil; that the physical quality of all soil is improved by the application of lime; that magnesium oxide is lime or a form of lime; that manganese oxide changes crude forms of plant food into simpler and more usable forms; that a sufficient quantity of manganese is not usually present in all soils for any purpose for which that element is required, or that so "powerful" is the action of the manganese content of basic slag that it may properly be called a "chemical plow."

Among other things, the Tennessee Coal, Iron & Railroad Company also stipulated that it will cease making claims that its basic slag is "unusually economical" or that in all instances it can be applied cheaper than acid or superphosphate; will cease making certain statements tending unwarrantedly to disparage competitive

products, and will discontinue representing that basic slag "carries its own complete supply of all elements," produces thin, smooth skinned fruit, improves the quality or increases the yield of citrus or other fruits, or that basic slag makes pecans or other nuts fill out or produces a superior quality. (2870)

**United States Truss Company**—A stipulation has been accepted from United States Truss Company, Fourth and Sycamore Sts., Cincinnati, in which it agrees to discontinue certain representations in the sale of its "Richfal Abdominal Support."

The respondent agrees to cease using any statement or representation which directly asserts or implies that the use of its device will have the effect of causing one to "reduce without exercise," will enable the user to "keep thin without dieting" or will otherwise result in the loss of excess fat. (2863)

## FTC CASE CLOSED

The Federal Trade Commission has closed its case against Rogers Imports, Inc., 9-11 East 38th St., New York, without prejudice to its right to resume proceedings should the facts so warrant. The respondent had been charged with violating the Federal Trade Commission Act in the sale of smokers' articles and supplies.

The Commission permitted the respondent to file a substitute answer to its complaint and to enter into a stipulation as to the facts and an agreement to cease and desist from the practices charged in the complaint.

Under the stipulation, the respondent agrees to discontinue selling in interstate commerce any imported article or object of commerce upon which the markings of the country or origin have been obscured or obliterated, or which otherwise are not clearly and distinctly marked to show the country of origin.





### THE WEEK IN WASHINGTON

More details of what promises to be the NAB's best convention are published in this issue. No broadcaster can afford to miss it. (p. 4423.)

Both Democrats and Republicans are now on record for keeping radio as free as the press. (p. 4425.)

An array of talent and prominent American leaders seldom, if ever equalled, has been lined up for the World's Fairs broadcast August 3. (p. 4426.)

The NAB has published a new pamphlet about ASCAP. Niles Trammell succeeds Lenox Lohr on the BMI Board. A new formula for BMI license fees is announced. (p. 4428.)

NAB's suggestions for improvement of FCC procedure are filed with the Attorney-General's Committee on Administrative Procedure. (p. 4429.)

The Labor Board orders an election at Station KXOK, St. Louis. (p. 4429.)

James Lawrence Fly, FCC Chairman, states that the Commission is hard at work on the re-allocation problem. (p. 4429.)

Important television developments are announced by the FCC. (p. 4430.)

### The Convention

Plans for what promises to be the most interesting and vital membership meeting in the eighteen years of NAB history are about completed.

#### FM Broadcasting

John Shepard, III, has arranged for Wednesday afternoon's FM session a most interesting program. Special

authorization from the Communications Commission was secured for the installation of a FM broadcasting station to make possible complete demonstration. Programming for the demonstration is being arranged through the active cooperation of KSFO, San Francisco. In addition to the convention demonstration, both REL and other FM equipment concerns are preparing interesting and instructive demonstration headquarters.

Paul de Mars, Vice President in Charge of Engineering of the Yankee Network, will discuss "Practical FM Broadcasting" and the session will consist largely of a question period open to participation by all delegates.

#### Television

Two of the foremost television engineers, Ted Smith and Harry R. Lubcke, will be the speakers on the Television program at the NAB Convention at San Francisco, Tuesday, August 6 at 7:30 p. m.

The television session will be couched in non-technical terms.

Ted Smith will deliver a talk entitled "Apparatus Requirements for Television Stations." Smith graduated from Stevens Tech and joined the Technical and Test Department of RCA in 1925. His television experience has been continuous at RCA and dates from 1928. In 1937 he was made Manager of Television Transmission Sales. He has held this position ever since. Smith was in charge of establishing Station W2XBS in 1929, RCA's first television station.

Smith's talk will deal with equipment requirements for a television station and he will point out the differences and similarities between standard broadcast equipment and television equipment. He also will discuss film projection, remote broadcasts, relaying, estimates on television coverage and television transmitting antennas and how they are used. *(Continued on page 4424)*

**YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!**

**St. Francis Hotel**

**San Francisco**

**August, 4-5-6-7**



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

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

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

## THE CONVENTION

(Continued from page 4423)

Harry R. Lubcke's subject will be "Television Station Operation and Telecast Pickups." A graduate of the University of California in 1929, Lubcke, since November, 1930, has served as Director of Television of the Don Lee Broadcasting System at Los Angeles. His talk will draw heavily on the rich practical experience the Don Lee System has had since 1931 on operating television station W6XAO. This station has operated some 6,000 hours to telecast about 2800 programs by means of films, studio pick-ups and remote pick-ups.

Lubcke's talk will deal with the role of equipment, personnel and rehearsals in accomplishing smooth telecast productions covering an adequate schedule at minimum cost for a typical telecasting station. He will discuss presentations originating in the studio, from film or from on-the-spot locations remote from the main station. Public reception and reaction to television will also be covered.

These two men, Smith who has had 12 years experience with television equipment, and Lubcke who has had charge of 6,000 hours of actual telecasting, insure a well rounded non-technical program.

### Drewry Added to Program

The name of Dr. John E. Drewry, director of the University of Georgia School of Journalism, has been added to those who will bring important messages to the convention.

Dr. Drewry will make an announcement concerning the new Peabody Awards for Public Service Broadcasting, which the Peabody Foundation last spring set up to be administered by the Georgia School of Journalism, under the supervision of a board of directors composed of outstanding Americans chosen from all walks of public life. It is the intent of the Peabody Foundation, through these awards, to contribute to the elevation and public appreciation of broadcasting in much the same way the Pulitzer prizes have done for the newspapers.

### Standing Committee Meetings

There will be a meeting of the Code Compliance Committee in the Hotel St. Francis, San Francisco, Sunday,

August 4, at 5 p. m., to give members an opportunity to submit their ideas and recommendations relative to the Code.

Meanwhile, should any member desire to bring a subject to the attention of the Committee prior to the convention, he may do so by writing the Committee, care of NAB Headquarters.

In addition, the Sales Managers Steering Committee will meet at 1 p. m., the Research Committee at 1 p. m. Broadcasters interested in the work of any of these Committees will be welcome to attend.

## Luncheon Sessions

The two official luncheons on Monday and Tuesday, as well as the INS luncheon on Wednesday, hold great interest. At the Monday luncheon, James Lawrence Fly, Chairman of the FCC, will speak upon "Radio Faces the Future"; and on Tuesday, Hon. Louis Johnson, Assistant Secretary of War, has chosen as his topic "Sponsors of National Defense." Both of these talks will be broadcast on nation-wide hookups. This should give you some idea of their importance. In addition to the set discussions, each of these gentlemen will have some off the record remarks to make for broadcasters' ears only.

The INS luncheon on Wednesday is an invitational affair and the program will consist entirely of hilarious entertainment features.

## Broadcast Music

The Broadcast Music session on Tuesday morning will be of transcendent interest to all broadcasters. Neville Miller, Sydney Kaye, Merritt Tompkins and Carl Haverlin will reveal some startling information.

## Sales Managers

The Sales Managers Division is making careful plans for its session on Tuesday afternoon and the topic "Unit Plan of Volume Measurement" is certain to arouse interesting discussion.

## Displays

In addition to the general displays which will reveal NAB membership and organization information and BMI charts and graphs, the station promotional display is assuming shape. Incidentally, managers who are planning to display station promotional material at the convention are advised to ship for arrival not later than Wednesday, July 31. To expedite delivery shipments should be directed to Arthur Stringer, NAB Convention, Hotel St. Francis, San Francisco. Every attempt will be made to follow the instructions given by the individual broadcaster but you are asked to make your instructions specific.

All material will be mounted by us without cost but



we cannot assume the charges for hand lettering or similar work. This will be billed at cost if specified in your layout.

### Entertainment

Kenneth Jones and Ed Kirby are quite mysterious about the show, "Greener Pastures," which is to be the entertainment feature at the banquet. From all indications it is going to be "a colossal."

Then, of course, on Monday night we are all going to the Fair to be guests at Billy Rose's Aquacade, Follies Bergere and America-Cavalcade of a Nation.

Here's a convention that no broadcaster can afford to miss. From a business standpoint it is vital. Advance reservations indicate large attendance but there is plenty of room in the hotels of San Francisco to accommodate all who desire to come.

### Speakers to Be Broadcast

The following convention speeches have been scheduled for broadcast:

*Monday, August 5, 5:30 to 6 P. M., EST (1:30-2 P. M., Pacific Time),* Chairman James L. Fly, over CBS and MBS.

*Tuesday, August 6, 5 to 5:30 P. M., EST (1-2:30 P. M., Pacific Time),* Assistant Secretary of War Louis Johnson, over MBS and NBC.

## Democrats Join Republicans In Favoring Free Radio

Both the Democrats and Republicans are now on record as favoring radio as free as the press. The Democratic platform, adopted Wednesday night, included the following plank:

### RADIO

Radio has become an integral part of the democratically accepted doctrine of freedom of speech, press, assembly and religion. We urge such legislative steps as may be required to afford the same protection from censorship that is now afforded the press under the Constitution of the United States.

An NAB committee including Neville Miller, John Kennedy, WCHS, and Harry Butcher, CBS, appeared before the Democratic Platform Committee in Chicago this week.

Following adoption of the Republican radio plank, the *Buffalo News* printed the following editorial:

### Free Communication

Free speech, free press and free communication generally have been so long enjoyed in this country that they were regarded rather casually until recently. Citizens recognized that these rights were essential to democratic government but they were inclined to overlook the part they play in everyday life. As a blanket of silence has fallen over large areas in Europe and as governments have used radio and other means of communication for propaganda, Americans have come to realize how important these rights are for an ordered existence. It is necessary to know what is happening in a country to be able to anticipate its needs, to be able to plan for carrying on business or commerce with it. This free communication of information from one border of this country to another has been one of the factors in building its economic and political greatness.

President Roosevelt rightly included freedom of information among his five corollary essentials to peace in his recent press conference discussion. He said that right meant not only freedom of the press but also of all channels through which information moves. America must receive news of what is happening in all parts of the country and the rest of the world, he said.

It seems idealistic now to hope for an early restoration of this freedom in the greater part of the world, but there are steps to be taken to safeguard it in this country. For instance, under the existing radio licensing system broadcasters have felt insecure in their right to freedom of communication without governmental interference. There is need for legislation to protect them more fully in their rights. On this point the Republican party has gone on record in its platform as follows:

"Federal regulation of radio is necessary in view of the natural limitations of wave lengths, but this gives no excuse for censorship. We oppose the use of licensing to establish arbitrary controls. Licenses should be revocable only when, after public hearings, due cause for cancellation is shown."

Protection should be given against the first tentative governmental interferences for they can lead to greater abuses in the future. The issue affects not only the broadcasters. It is one that touches closely the general welfare.

## Promotion

### IMPORTANT NOTICE!

#### Innovation For Station Break on World's Fairs Broadcast August 3

(Over CBS, NBC, MBS, 8-9 P.M., Eastern Daylight Saving Time. Non-network stations may carry the broadcast through arrangement for lines with the nearest network affiliated station.)

A departure from the usual routine station break during an hour's program will be inaugurated on this special NAB-World's Fairs broadcast, as follows:

*(At approximately 8:40 EDST): Network announcer: This is the American system of broadcasting.*

*Station announcer: Of which Station XYZ, the voice of ——— is proud to be a part.*

*Full details of this outstanding feature available to every station in the industry are given on the following page.*

Rapidly completing plans for an impressive dedication to the freedom of American radio, the Golden Gate Exposition in San Francisco and the New York World's Fair of 1940 announce that the following famous radio personalities will take part in the one hour program to be broadcast on the eve of the NAB Convention, August 3, 8-9 p. m., Eastern Daylight Saving Time, by all three major networks and non-network stations which tie in with nearest network affiliated line:

Rudy Vallee, Major Bowes, Kate Smith, Lowell Thomas, James Melton, Francia White, the Revellers, Gertrude Berg, Colonel Stoopnagle, Phil Cook, Lanny Ross, H. V. Kaltenborn, Tommy Riggs, Graham MacNamee, Ted Husing, and Dorothy Gordon. This list, by no means complete, will be enlarged by addition of radio stars from the West Coast whom the Fair is inviting. The musical portion of the New York program will be handled by three conductors, Frank Black, Howard Barlow and Alfred Wallenstein.

It was also announced that Norman Corwin will write and produce a dramatic sketch along the lines of his "Seems Radio Is Here to Stay," which was written in 1939 in connection with the NAB Open House Week.

An outstanding feature of the program will be the performance for the first time of a dramatic patriotic tone poem written by Carl Haverlin of BMI, and scored by Paul Nordoff, protege of Leopold Stokowski, whom BMI has retained for the purpose. Its tentative title is "More Perfect Union." This will be followed by the simultaneous singing by thousands of school children assembled on the fair grounds in both New York and San Francisco of familiar patriotic hymns whose voices will be intermixed to show the national unity achieved through a free system of American radio.

Distinguished men and women from all walks of public life will be assembled on the fair grounds for the ceremony of unveiling the plaques symbolic of free American radio. The plaques have been designed by Anton Refregier of New York around the line from Walt Whitman, "The liberties of the people will be preserved so long as there are tongues to speak and ears to hear." It is expected that President Roosevelt will from Washington press the button unveiling the plaques in New York and San Francisco simultaneously. Neville Miller, NAB president, will accept the plaques in the name of the broadcasting industry.

Among those who will take part in a brief symposium showing the contributions radio has made to the educational, religious, cultural and social life of the nation, will be James L. Fly, chairman of the FCC; Dr. John W. Studebaker, U. S. Commissioner of Education; Mrs. Harold V. Milligan, president of the National Council of Women and radio chairman of the General Federation of Women's Clubs; Roger Baldwin, director, the American Civil Liberties Union. This group will be aug-

mented by an outstanding Catholic, Protestant and Jewish clergyman. It is anticipated that William Green, president of the A. F. of L., will represent labor.

Ed Kirby, who has been cooperating with both fairs in coordinating details, has given the following digest of plans for the information of members:

### Digest of Plans

for

### BROADCASTING'S DAY AT THE NEW YORK WORLD'S FAIR

(August 3)

(San Francisco-Golden Gate Plans in the Making)

\* \* \* \* \*

#### *General Plan*

1. August 3 is officially named as "Broadcasting's Day at the Fair".

2. Advertisers who have exhibits on the fair grounds and who have investments in radio personalities are being asked by fair officials to invite these personalities to come to their exhibits and act as host for short intervals throughout the day. Thus, Major Bowes would go to Chrysler, Jessica Dragonette to the Ford Building, James Melton to the A. T. & T. Building, etc., a desirable move from the standpoint of the advertiser, the Fair, and radio, achieving goodwill all the way around.

3. Throughout the day, local New York radio stations will make several pick-ups from the fair grounds. These broadcasts will be limited to routine remotes, or special events, but in no case will the special event touch on the theme of the special program to be broadcast nationally dealing with freedom of radio.

#### *Special Ceremonies*

1. Because of the importance of the occasion and the widespread interest of the public in the event and in the presence of famous radio stars to be on hand with distinguished men and women from all walks of life, the Fair's Special Events Department is at work lining up important outdoor meetings, such as religious, school children, women's clubs, fraternal, American legion, etc. The theme of these meetings will be patriotic in character, tying in with the central theme of the broadcast: "freedom of radio, an essential of the American democracy".

2. Marching units, bands, boy scout and girl scout troops, youth groups and patriotic societies are being invited to appear en masse.

#### *Pre-Broadcast Pageant*

1. The Court of Peace will be the scene of the outdoor pageant and the locale of the broadcast and dedication of the plaque. It is being especially decorated for the occasion.

2. Approximately one hour before the national broadcast, the bands, marching units, and various groups will march into the Court of Peace, bands playing and banners flying, to witness, with the general public, an outdoor pageant which is being especially created for Broadcasting's Day, dramatizing the radio freedom theme.

3. The pageant will conclude about five minutes before the broadcast begins. The crowds will then witness and hear the broadcast in the same location.

#### *Publicity*

1. A joint release from both Fairs was issued last Monday. A series of releases from this week on.

2. The publicity departments of the major networks will follow through with collateral publicity.

3. NAB will send out round-up stories asking cooperation of member stations' publicity people.

#### *Follow-Up*

1. Newsreel cameramen will be on the spot to shoot most newsworthy shots of unveiling, distinguished people present.

2. A pictorial brochure memorializing the occasion and the statements made will be designed for the record.

#### *Promotion by Transportation Companies*

1. The World's Fair traffic people have arranged with the eastern railroads and bus lines for special excursions and rates to bring

in the largest possible crowd for the occasion. Dodgers and handbills will be distributed throughout terminals week after next.

#### *Invitation to Special Guests*

1. New York has sent out an engraved invitation to several hundred people, presidents and officers of leading organizations such as the General Federation of Women's Clubs, National Council of Catholic Men, Federal Council of the Churches of Christ in America, the Federal Communications Commission, members of Congress interested in the communication field, etc., William Green, Sidney Hillman, and representatives of other groups.

2. A list of these organizations and their national officers located in the west and Pacific Coast area will be invited by San Francisco, for a similar move. Upon receipt of RSVP's, Fair sends out two admissions to the grounds, and two tickets to guest area in the Court of Peace.

3. Because of the presence of so many distinguished people representing so many diverse walks of life, such as education, religion, labor, etc., the Fair's special events department is utilizing their presence by building around them group meetings and ceremonies, elsewhere, during the day.

#### *Digest of the Broadcast*

Broadcast scheduled for 8-9 P. M., EDST, carried by CBS, MBS, NBC, offered all non-network stations who may hook in nearest affiliated station line.

Production under direction of William S. Rainey, former NBC production chief, retained by NAB to coordinate job for the Fair. West Coast production under Charles Vanda, CBS. Midwest under William Bacher, MBS.

First 40 minutes of hour show will be a continuous unfolding of the wonders of American radio in a somewhat Whitmanesque poetic verse and musical treatment, divided up, roughly, into a prologue, a fast-moving montage incorporating the voices of as many radio stars as possible, into specially written drama by Norman Corwin, concluding with the last scene of Maxwell Anderson's "Valley Forge," with Washington's closing lines: "This liberty will look easy by and by when nobody dies to get it."

*At the forty-minute mark the station identification will be handled as follows:*

*Network announcer: This is the American system of broadcasting. . . .*

*Local announcer: Of which station XYZ, the voice of Middletown, is proud to be a part.*

From the inspirational, dramatic note the program moves into the ceremonies at the two World's Fairs. Harvey Gibson of New York, and Marshall Gill of San Francisco, will speak to and with each other, briefly indicating the new spirit of national unity symbolized as the two competing fairs join together by radio in dedicating its freedom to the service of the American democracy.

A symposium discussion follows, pointing out the contributions the American system of radio has made to the nation, with no more than one minute allotted. The group will represent a cross section of American life, such as labor—William Green; education—Dr. John W. Studebaker; women and children—Mrs. Saldie Orr Dunbar, president of the General Federation of Women's Clubs, and/or Mrs. Harold V. Milligan, chairman, Radio Council on Children's Programs; religion—Archbishop Mitty, of San Francisco, Rabbi Wise, Dr. Buttrick, Federal Council of the Churches of Christ in America; the press—John S. McCarrons, president of ANPA; government—Chairman James L. Fly; free speech—Roger Baldwin, American Civil Liberties Union.

They will not be introduced separately; they will introduce the next speaker, after each has concluded. Pick-ups from New York, San Francisco and Washington.

And then, the unveiling of the plaques by, it is expected, President Roosevelt, from Washington, with possibly a brief laudatory message. Acceptance by Neville Miller, from San Francisco, on behalf of the industry.

The program concludes with the dramatic rendition of a new song which has been especially written for the occasion by Carl Haverlin. BMI, and musically scored by Paul Nordoff, prestige of Leopold Stokowski, retained by BMI for the purposes similar in format to "Ballad of Americans," it contains some of the most stirring verse ever set to music. It is a patriotic narration for soloists and mixed choruses, dramatizing the individual liberties enjoyed by the American citizen and the need of holding on to those liberties and freedoms handed down.

The program closes as the thousands of people and school children on the fair grounds in San Francisco and New York join

in the singing of a familiar patriotic song such as "America". Voices from the West Coast and the East Coast will be intermixed by the engineer, to dramatize the unity in the nation which has been created and which shall be preserved through a free system of radio.

A word about the radio montage: We are lining up the participation of well-known radio figures of the past and present, starting back with Amos 'n Andy and Harry Reser (the old Cliquot Program), and winding up with those who have just recently become famous through the approval of the radio audience.

(Names of those already agreeing to appear are printed above.) Fifteen to twenty seconds will be allowed each personality, the idea being that none will attempt to do a number, but merely enough to register identification, to recapture in the mind of the listener the pleasant memories of radio enjoyment of long ago, down through the years.

These stars will be picked from the fair grounds in San Francisco and New York, and from whatever other points, such as Hollywood or Chicago, where they might be available for a network feed.

A new music score is being designed in such a way that a fragment of any theme can be included just before the program levels off to drop down so the star can speak.

The Golden Gate Exposition has indicated that the San Francisco Symphony is available for this broadcast.

#### *Newspaper Billboard Ad*

Because this broadcast will be outstanding and so important to the whole industry, we are asking that stations in the various cities get together and work out a pool to defray the cost of a newspaper ad listing the names of the stars and a line or two about the event. A complete list will be sent out next week.

## WJTN PROMOTES SUMMER LISTENING

Summertime listening in Jamestown, N. Y., and environs is mounting this season because of the aggressive promotion of station WJTN. Broadcasting and newspaper ads are being used. Typical of the latter is the following 100 lines by 2 columns, just received from Promotion Manager A. E. Spokes:

"On a Simmery Summery Day  
"Spinning in a Car  
"Sunning on the Beach  
"Sailing on the Lake  
"Sitting in Your Home

"Yes, people everywhere take time out in the good old summertime to LISTEN TO THE RADIO . . . Vacation time is radio time. . . Are you enjoying the benefits of a modern portable, automobile or standard set? . . . You probably are, because TODAY'S TOP RANKING FORM OF ENTERTAINMENT IS VIA THE AIR WAVES. . . .

"AND FOR THE BEST IN RADIO ENTERTAINMENT KEEP YOUR DIAL SET AT 1210."

### IF LETTER NOT RECEIVED—WRITE

Plans for the LISTEN BEFORE YOU VOTE promotion were mailed to members on July 18. The special envelope contained five sections:

- 1—Letter of transmittal
- 2—Non-political letters approving theme
- 3—Some promotion suggestions
- 4—Sample poster
- 5—Order blank

If this letter has not been received by July 25, please notify Arthur Stringer at headquarters and a duplicate will be sent.

Listen Before You Vote was approved by the board of directors early in the year.

## BMI Developments

### NEW PAMPHLET ABOUT ASCAP READY FOR DISTRIBUTION

"Let's Stick to the Record" is the title of a fifteen-page compilation of questions and answers in explanation of the current dispute between the National Association of Broadcasters and the American Society of Composers, Authors and Publishers.

Based upon facts and court records, it is a well documented exposé of ASCAP, going behind its slogan "Justice for Genius" to show the inner workings of the Society, its frustration of new creative talent, its monopolistic hold on radio broadcasters, its effect upon the employment of musicians, its discrimination in favor of the inner circle crowd whereby in one year the 175 highest ranking ASCAP authors and composers divided \$1,890,000, while 175 authors and composers in the lower ASCAP classifications received only a total of \$3,000.

These and many more illuminating facts are revealed in NAB's new publication "Let's Stick to the Record". Copies are being mailed stations over the weekend. Additional copies are being sent to newspaper and radio editors and others who are targets for ASCAP's propaganda who should be in full possession of the facts. The cooperation of stations is requested to further spread the information just now off the press.

### BMI FEATURE TUNES

July 22-July 29

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THAT'S FOR ME
4. FOOEY ON YOU
5. DON'T THE MOON LOOK PRETTY?

At a meeting of the Board of Directors of Broadcast Music, Inc., on July 16th, Niles Trammell, new President of NBC, was unanimously elected to the board to fill the vacancy caused by the resignation of Major Lenox R. Lohr. Mr. Trammell was present and, following his election, participated in the meeting.

The resignation of Major Lohr was occasioned by his previous resignation from the presidency of NBC. It was accepted by the BMI board with expressions of regret and with thanks for Major Lohr's services to the music company.

The board adopted a new formula for license fees to go into effect at the end of the initial license period. The

new fees are based on a sliding scale which will reduce the payments to be made by stations in the lower income categories. The networks will pay the regular rates on their managed and operated, and owned and operated stations, the rates to be computed on the amounts which would be paid by the networks to these stations if they were independently owned and operated. The networks in addition will make other payments on network revenue from sale of time, deducting station payments. Full details of the plan will be announced at a later date.

Following the meeting of the Board it was also announced that transcriptions of fifty compositions will be distributed to all BMI licensees free of charge within the next week. Plans have been laid for making 450 additional selections available to BMI subscribers without charge before the end of the year. Details of the plan with regard to transcriptions will be given at the NAB convention in San Francisco in August.

In the report as to the progress of BMI which was presented to the Board names of additional subscribers were announced, bringing the total to 311. It was also stated that the first call on subscribers for an amount in excess of \$150,000 had met with practically a 100% response after the sending of a single letter and statement. Officials reported over 95% of the money already paid into the bank.

The following letter from the officers of NIB will be read with interest by all broadcasters:

500 Edmonds Building,  
Washington, D. C.  
July 16, 1940

#### SPECIAL COPYRIGHT NOTICE

TO ALL INDEPENDENT RADIO STATIONS:

Last February, the radio industry commenced the operation of BMI (Broadcast Music, Inc.), established offices, studios, etc., in New York and now are providing members with music.

The subscription agreements made it difficult, if not impossible, for many small broadcasters to participate. But independent radio stations now have the opportunity to receive the services and benefits of the industry-owned music supply at a reasonable and fair cost.

Harold A. LaFount, President, Lloyd C. Thomas, Secretary-Treasurer, and Andrew W. Bennett, General Counsel of NIB (National Independent Broadcasters), for months have argued with BMI officials the inability of independent stations to participate in BMI under existing agreements—that the proposed license fee in their opinion was excessive insofar as it applied to small stations.

These discussions culminated in a meeting at New York July 10 of the above mentioned officials of NIB and officials of BMI, at which meeting BMI proposed a graduated scale of license fees which in our opinion meets our objections, since it provides a more equitable basis for determining such fees. This scale of fees will be announced by BMI, and we suggest that you give it deliberate and careful consideration, in the light of your own particular needs, before making any contractual commitments for future music.

The ANNUAL MEETING of the NIB will be held at the St. Francis Hotel in San Francisco at 2:00 p. m., Monday, August 5. At this meeting, a full discussion of the copyright situation insofar as it affects the independent radio stations and other ques-

tions will be discussed. We believe it is imperative that you attend and urge that you make every effort to do so.

NATIONAL INDEPENDENT BROADCASTERS,  
HAROLD A. LAFOUNT, *President*.  
LLOYD C. THOMAS, *Secretary-Treasurer*,  
ANDREW W. BENNETT, *General Counsel*

On the list of most-played tunes, printed in the *New York Enquirer*, four BMI numbers appear this week: *We Could Make Such Beautiful Music*, *Same Old Story*, *Practice Makes Perfect* and *Here in the Velvet Night*. No other publisher has more than three numbers on the list. In *Variety* also *Beautiful Music* appears for the second week in succession.

Last Monday ASCAP called together the radio and music editors and feature writers of New York's newspapers and magazines and released to them a number of sandwiches, cocktails, and statements as to ASCAP's position. It is said that the sandwiches and cocktails were very well received.

## Legal

### ADMINISTRATIVE PROCEDURE

NAB Counsel, Russell P. Place, with the approval of the Board of Directors, has filed with the Attorney-General's Committee on Administrative Procedure a statement of NAB's suggestions for improvement of FCC procedure. The statement filed endorses that of the Federal Communications Bar Association Executive Committee with the following three exceptions:

"1. With respect to hearings before promulgation of regulations or standards and requirements which have the force and effect of regulations, we feel that the Commission should be encouraged to express its principles and policies in formal regulations and that no procedural obstacles to its doing so ought to be imposed.

"2. In order to avoid the constitutional question of a case or controversy we are inclined to favor limiting the forum for judicial review of rules and regulations to the U. S. District Court for the District of Columbia.

"3. In all quasi-judicial proceedings before the FCC we believe that there should be an opportunity for facts to be judicially found by an independent examiner or some independent quasi-judicial or judicial tribunal. Some such separation of the powers of the Commission as recommended by the President's Committee on Administrative Management at page 41 of its report would be an acceptable solution. In particular, in those cases which involve revocation of or failure to renew broadcast licenses, and where the licensee's entire business is at stake, we urge that there be provided a separate judicial determination of the facts as well as of the law."

### FEDERAL LEGISLATION

H. R. 10205 (Bland, D., Va.) COMMUNICATIONS ACT—To amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to the Committee on Merchant Marine and Fisheries.

## Labor

### LABOR BOARD ELECTION AT KXOK

The National Labor Relations Board today announced that a collective bargaining election would be held within 30 days among the staff and free-lance actors, singers, and announcers, employed by Star-Times Publishing Company at Station KXOK, St. Louis, to determine whether or not they desire to be represented by American Federation of Radio Artists.

At the Board's hearing there was introduced into evidence an analysis made by the Acting Regional Director showing that the union holds application for membership signed by a substantial number of the company's employees at Station KXOK in the unit alleged in the petition to be appropriate for the purposes of collective bargaining. At the hearing the parties stipulated that the company had declined to recognize the union as the exclusive representative of its employees in this unit until such time as the union was certified as such representative by the Board.

At the hearing it was agreed by the union and the company that a unit consisting of actors, singers, and announcers employed by the company at Station KXOK, excluding microphone entertainers known as "hillbillies," was appropriate for the purposes of collective bargaining. The company and the union further agreed that the unit thus defined included the regular staff employees of the station in the program department, and, in addition, free-lance actors, singers, and announcers employed by the station for particular performances.

## Miscellaneous

J. Lindsay Nunn, WLAP, writes: "Winston L. Clark is not associated with Radio Station WLAP in any way, nor has he been associated with this station or any of the Nunn interests for nearly two years."

## The Commission

### FLY SAYS FCC WORKING ON HAVANA REALLOCATIONS

James Lawrence Fly, Chairman of the FCC, stated at a press conference on Monday that while the Commission itself has done nothing up to this time in connection with the North American regional broadcasting reallocations that engineers of the Commission are hard

at work on the problem and have been for sometime. He stated that the staff has gotten along very well with its work and has even prepared a list of proposed changes which have not yet been referred to the Commission.

Chairman Fly stated that while the Commission has received a communication from Neville Miller, President of NAB, requesting representation of the industry on the proposed Communications Defense Committee that no action has been taken to this time, although there has been some discussion of it. Mr. Fly said that the appointment of the proposed Committee now rests entirely with the White House. The announcement of it, he said, is probably a question of timing. If any difficulty had arisen, he said, he probably would have been notified.

## TELEVISION DEVELOPMENTS

The FCC says that television experimentation tending to develop uniform transmission standards of acceptable technical quality, plus equipment tests and training of technicians, in addition to experimental programs which the public may enjoy, are assured by the National Broadcasting Company, through its station W2XBS at New York, and the Don Lee Broadcasting System, through W6XAO at Los Angeles and a proposed station to be located in San Francisco.

Besides confirming its previous tentative approval of construction of the San Francisco station, the FCC authorizes the other stations mentioned to use the new television channel No. 1 (50,000-56,000 kilocycles). This is in conformity with the Commission's announcement of June 18 encouraging the widespread distribution of experimental facilities to promote advancement of television.

Stations W2XBS and W6XAO operated on the former television channel No. 1 (44,000-50,000 kilocycles) which, on May 22, was removed from the television band. The Commission's approval of the use of the new television channel No. 1 was conditioned upon showing of acceptable programs of research and development.

National Broadcasting Company reported that its New York station will continue to use the RMA standard but will increase the number of frame lines from 441 to 507. In collaboration with RCA, it will review the various types of transmission standards under laboratory conditions and, if necessary, undertake full scale field testing. Change in polarization of W2XBS transmission would interfere with reception by receivers in the area served, since antennas there are for horizontal polarized signals. However, polarization studies will be conducted by RCA subsidiaries. NBC hopes to make the necessary equipment changes for utilizing the new channel during the summer when audience interest is at a minimum. The work will require about two months.

Both Don Lee stations will experiment with television

transmission using 525 lines, 30 frames interlaced, or 441 lines, 30 frames interlaced, and possibly television signals of other composition. These stations will make tests to determine the effect of the different power supply systems on reception of television images, and propagation characteristics and signal-to-noise ratios will be compared with vertical and horizontal polarization. Studies will also be made of co-channel interference between the Los Angeles and San Francisco stations.

Station W2XBS operates with 12 kilowatt visual and 15 kilowatt aural power, and W6XAO with 100 watts visual power and 150 watts aural power. The proposed San Francisco station will use 1 kilowatt aural and visual power.

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In following through its promise of May 28th that it stands ready to confer with the television industry and otherwise assist in working out television's remaining problems, the FCC is cooperating in the organization of a National Television Systems Committee to function under the auspices of the Radio Manufacturers Association. Such a committee, it feels, should be of value in the advancement of television to a satisfactory level of performance that will insure a general and widespread public service.

The Commission recently paved the way for an increased number of television stations throughout the country with a view to crystallizing their experimentation with different systems into a uniform standard upon which commercialized visual broadcasting may be safely launched. A previous television hearing had revealed a serious conflict of engineering opinion upon the question of standards among the representatives of various responsible elements in the industry engaged in important research and experimental work.

Because of the inadequacy of the various suggested standards, the new group will explore existing television systems with a view to developing and formulating standards that will be acceptable to the industry as a whole in expediting establishment of a single well-founded national system—one which has promise of ultimately giving this country more television stations and receivers than all other nations combined, with resultant benefits to manufacturers, dealers, and broadcasters, as well as the public.

This project, though sponsored by the Radio Manufacturers Association, will operate independently and represent the majority opinion of the industry. Members will be appointed by James S. Knowlson, newly-elected president of the association, subject to the approval of that association's executive committee. However, membership will not be limited to the association; it will embrace representatives of companies broadly interested and experienced in the television field, also representatives of national technical organizations desirous

of seeing television launched on a firm footing, as well as individual experts.

Chairman James Lawrence Fly of the FCC welcomes organization of the committee as affording "a splendid opportunity for the cooperation of industry and government in the solution of a problem which is of such timely concern to the public and to business."

### INCREASE BROADCAST COVERAGE THROUGH MUTUAL ARRANGEMENT

Another example of mutual cooperation by widely-separated broadcasting stations to improve public service is reflected in action today by the FCC in granting construction permits to WCHS at Charleston, W. Va.; WDBO at Orlando, Fla., and WIBW at Topeka, Kans., to increase night power to 5 kilowatts. The three stations operate on 580 kilocycles. By working out directional antenna systems they are able to greatly increase their respective coverage with a minimum of interference to one another.

WCHS, licensed to the Charleston Broadcasting Company, has heretofore operated with 500 watts night and 5 kilowatts day, while WDBO, Orlando Broadcasting Company, Inc., and WIBW, Topeka Broadcasting Association, Inc., have operated with 1 kilowatt night and 5 kilowatts day.

### REHEARING IN ATLANTIC CITY BROADCAST CASE DENIED

The FCC denied a petition of the Press-Union Publishing Co., licensee of radio station WBAB at Atlantic City, N. J., for rehearing of the Commission's action in issuing a construction permit to the Neptune Broadcasting Corp. for a new station at that place to operate on 1420 kilocycles with 100 watts power night and 250 watts until local sunset. Station WBAB operates on 1200 kilocycles with 250 watts power, unlimited time.

These frequencies are sufficiently separated so that both may be used there without interference to the other. Press-Union Publishing Co. previously failed to show that its interest would be adversely affected by grant of Neptune application. Nor did the Press-Union's subsequent petition assert otherwise, but argued that there is no need for two local stations in Atlantic City, and that the service of Neptune would duplicate to a large extent the program service rendered by WBAB. Concludes the Commission:

"Although petitioner, in his petition for rehearing, does not assert that it will be aggrieved or adversely affected by the operation of the proposed station, we have carefully considered the grounds urged by petitioner for a reversal of our decision of May 22. Upon considering these grounds, we find they are without merit."

### ADDITIONS TO LEGAL STAFF

The FCC announces the following additions to its legal staff:

Lucien Hilmer, who was in charge of the New York office of the Senate Interstate Commerce Committee in its railroad investigation, to be special counsel.

David Lloyd, formerly assistant chief counsel of the Senate civil liberties committee, to be special counsel in charge of an investigation unit within the Law Department.

Oscar Schachtler, from the Wages and Hours Division of the Department of Labor, to be an associate attorney.

Leo Resnick, from the field legal staff of the Public Works Administration, to be associate attorney.

Marcus Cohn, graduate of the University of Oklahoma, University of Chicago Law School and Harvard Law School, to be associate attorney.

Philip Elman, at present law clerk to Circuit Judge Calvert Magruder of the First Circuit, to be assistant attorney.

### FCC HAS TEMPORARY POSITIONS FOR RADIO OPERATORS

A Civil Service examination is open now for radio operator positions in the FCC. In view of the emergency, the FCC is prepared to accept applications from licensed commercial operators and amateurs for appointment as radio operators in the field service, with the understanding that those selected will be given temporary employment for ninety days and examined during that time by the Civil Service Commission. The temporary employees who pass the Civil Service examination, and are reached in the order of their standing on the eligible list, will receive indefinite probationary appointment on a temporary basis as the present emergency may justify.

Applicants receiving appointments must defray the expense of travel to the city or town designated by the Commission as their headquarters. The Commission reserves the right to make transfers from time to time according to the best interests of the service. A few positions will be available outside the Continental United States to operators who pass the Civil Service examination. Those who are willing to accept appointment in Alaska, Hawaii, and Puerto Rico should indicate their order of preference. Order of preference may also be shown for regions within the Continental United States, as, for example, "West Coast," "Southeast," etc.

Temporary appointees are also required to pass a physical examination which is conducted at U. S. Public Health stations throughout the United States.

Operators will be required to travel in Commission field cars on official business, and when operating outside of the limits of their headquarters station will be paid five dollars per diem for subsistence.

Operators in the Commission's service are required to stand a rotating watch which involves work on Saturday afternoons, Sundays and holidays.

Persons holding radiotelegraph first class licenses will be appointed to fill positions at \$1800 per annum and those holding radiotelegraph second class licenses at \$1620 per annum.

Amateur licensees desiring to file applications for positions as operators in the Commission's field service must possess the following qualifications:

- (a) Must be at least 21 years of age and not over 55 unless they have veterans' preference.
- (b) Must hold an amateur operator's license for a continuous period of at least five years prior to making application for employment.
- (c) Must demonstrate in a Commission field office their ability to transmit and receive plain English text in the International Morse Code at the rate of 20 words per minute.

The salary for amateurs who qualify for appointment is \$1620 per annum. A deduction of 3½ per cent is made from all salaries toward retirement, but this is returned if the employee leaves the government service before retirement.

Applications should be submitted on U. S. Civil Service Application Form 8 to the Secretary, Federal Communications Commission, Washington, D. C. Complete information must also be

filed with respect to citizenship and fingerprints under Federal Communications Commission Order No. 75.

Further information relative to these positions may be obtained by writing to the Federal Communications Commission or to the U. S. Civil Service Commission, Washington, D. C.

## FCC ORDER REVISED

Administrative Order No. 2 of the FCC has been revised to give more latitude for the handling cases at the Commission during the vacation period. The revised Order No. 2 is as follows:

Under the authority of the Communications Act of 1934, as amended, IT IS ORDERED, That Administrative Order No. 2, adopted July 12, 1939, as amended, be and the same is hereby further amended to provide as follows:

IT IS ORDERED: That there be and there is hereby assigned and referred to the respective boards and individual Commissioners hereinafter designated, for action thereon, that portion of the work, business or functions of the Federal Communications Commission hereinafter specified:

(1) (A) The Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act, upon:

- (a) all applications for operator licenses or renewals thereof; and
- (b) all applications for amateur and ship stations or renewals thereof; and
- (c) all applications for aircraft station licenses or renewals thereof where the applicant is or has been the holder of a station license within the preceding year;

(B) The Secretary of the Commission is hereby designated to enter the appropriate final order of the Commission in all cases involving applications for radio station authorizations in which proposed findings and conclusions of the Commission have been issued pursuant to the provisions of Section 1.231 of the Commission's Rules of Practice and Procedure and in which no exceptions have been filed within the time prescribed in said section.

(2) The Chief Engineer of the Commission is hereby designated to determine and act upon all applications and requests and to make appropriate order in letter form for the signature of the Secretary of the Commission in the following matters:

- (a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment;
  - (1) operation without an approved frequency monitor;
  - (2) operation without an approved modulation monitor;
  - (3) operation without thermometer in automatic temperature control chamber;
  - (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
  - (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
  - (6) operation with temporary antenna system;
  - (7) operation with auxiliary transmitter as main transmitter;
- (b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (c) where formal application is not required, application for new or modified equipment or antenna system;
- (d) change of specifications for painting and lighting antenna towers where formal application is not required;
- (e) operation to determine power by direct method during program test period;
- (f) relocation of transmitter in same building;
- (g) operation with reduced power or time under Sections 3.57 and 3.71;
- (h) approval of types of equipment as to compliance with outstanding rules and standards;
- (i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;
- (j) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;

- (l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
  - (m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
  - (n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of emergency when, due to causes beyond the control of the licensee, it become impossible to continue operating at the licensed location;
  - (o) all authorizations for special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases.
- (3) The Chief Accountant of the Commission is hereby designated to determine, order, certify, report or otherwise act upon:

- (a) administration, interpretation and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;
- (b) applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;
- (c) administration, interpretation and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports;
- (d) all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act, and in connection with the administration of this section in so far as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof;

and, where appropriate in carrying out the foregoing, to make orders in letter form for the signature of the Secretary of the Commission.

(4) A board, to be called "The Administrative Board," consisting of the General Counsel, Chief Engineer, Chief Accountant, and Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act upon the following matters; *provided*, however, that said Board may act in such matters only in accordance with established policies of the Commission; *provided further* that three members of said Board shall constitute a quorum:

- (a) all applications for the Coastal, Marine Relay, Aviation, Emergency, and Miscellaneous services, except those falling under paragraphs (1), (2), and (3) of this Order;
- (b) upon all radio matters of every character (except broadcast, and cases falling under paragraphs (1), (2), and (3) of this Order) within the Territory of Alaska;
- (c) upon all applications for experimental authorizations except: Class II experimental stations to authorize experimentation directed toward the establishment of new services;
- (d) upon all broadcast service applications as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site not involving any substantial change in service area; applications for relay broadcast stations; applications for consent to assignment of licenses or for consent to transfer of control of licenses of relay broadcast stations, when the Commission has on a prior date consented to a like assignment or transfer of control of the licensee



of the standard broadcast station with which the relay stations are affiliated; and requests for authorization to rebroadcast under the provisions of Section 3.94 of the Rules and Regulations;

- (e) upon all applications or requests for special temporary authorization other than those falling under paragraphs (1), (2), (3) or (5) of this Order;
- (f) all applications or requests for emergency and renewal exemptions from the provisions of Section 352(b) of the Act;
- (g) upon all uncontested proceedings involved in:
  - (1) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;
  - (2) applications from existing licensees for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication, (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission or the establishment of a new type of service;
- (h) upon requests for inspection of records under the provisions of Section 1.5(c) of the Commission's Rules of Practice and Procedure;

Actions taken by the Board shall be reported in writing each week to the Commission at its regular meeting.

(5) All applications or requests for special temporary standard broadcast authorizations shall be referred to the Administrative Board which shall make appropriate recommendation thereon and refer the same to a Commissioner to be named by subsequent supplements to this Order, who is hereby designated to determine, order, report or otherwise act upon all such applications or requests in accordance with established policies of the Commission.

(6) A Commissioner, to be named by subsequent supplements to this Order, is hereby designated to hear and determine, order, certify, report or otherwise act upon;

- (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commission's Rules of Practice and Procedure; *provided further* that when one or more members of the Commission have been designated to preside at a hearing such Commissioner or Commissioners shall be authorized and empowered to fix the time and place such hearing shall be held; and such motions, petitions, or matters arising in connection with such hearing shall be handled by the Commissioner or Commissioners designated to preside, subject to the provisions of Sections 1.232, 1.252, 1.254, 1.255, and 1.256 of the Rules of Practice and Procedure; *provided further* that in the absence of the individual Commissioner designated to preside at a hearing, or his inability to act or pass upon such preliminary matters, they shall be referred to the presiding officer of the Motions Docket.

- (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

(7) Any party affected by any order, decision, or report of any individual, board, or individual Commissioner, to whom authority is delegated under the provisions hereof, may file a petition for rehearing, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, before the Commission, and every such petition shall be passed upon by the Commission.

### FROM THE FCC MAIL BAG

A New Yorker inquires "whether a company operating a commercial radio station is under a duty to quote rates for time not sold and to sell such time if its rates are met." Under the Communications Act a radio broadcast station is expressly declared not to be a common carrier. Accordingly, except the provision which relates to candidates for public office explained in our

information release of March 11, a radio broadcast station is under no obligation to quote rates or sell time. Hence a radio broadcast station is unlike some other classes of radio stations—notably radiotelegraph and radiotelephone—which have the status of common carriers and are required to furnish service in accordance with tariffs filed with the Commission.

With reference to reallocation of frequencies under the North American Regional Broadcast Agreement, the Commission is unable to advise about prospective individual changes pending working out of the reallocation plan in its entirety. Full publicity will be given frequency shifts at that time. Meanwhile, it is not necessary for a station to make application for such change in frequency.

Although the Commission can not, as a rule, interfere in local interference problems, so many residents of Dennison, Ohio, complained about serious interference to local radio reception that the Commission has asked the Ohio Power Co. to cooperate in remedying the local situation.

A West Virginian wants to obtain a transcript of a certain radio broadcast. Station licensees are not required under law to furnish program transcripts to the public, nor is the Commission empowered by law to secure copies thereof for individuals.

To a Pennsylvanian who complains about interruption of programs for station identification, the Commission points out that whereas such announcements are normally required on the hour and half hour, these may be dispensed with if they would interrupt a single consecutive speech, play, religious service, symphony concert or operatic rendition.

A Chicago woman objects to a program broadcast by a Dr. Brinkley. The program emanated from a Mexican station, over which the Commission has no jurisdiction.

Since the Commission lacks jurisdiction in the matter, it suggests to a Palm Beach woman that she submit to independent stations and networks a prayer that she wants to be broadcast twice daily throughout the United States.

In response to a query from Chicago, the Commission advises that there is no rule or regulation pertaining to the solicitation of funds over the air, and that the matter is one within the discretion of station management.

The Commission is likewise without authority to take remedial action with respect to the following complaints:

A Brooklyn, N. Y., man is irked because a network substituted an address by Winston Churchill for the usual baseball program.

A Washington, D. C., man alleges failure of a network to advise the listening audience concerning the reconvening of the Republican National Convention.

A San Francisco listener takes issue with the "man in the street" type of programs.

A Bronx, N. Y., individual would bar the radio to minority groups.

A Lynn, Mass., florist dislikes radio advice to purchase hosiery for Mother's Day gifts rather than flowers.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled before the Commission during the week ending Monday, July 22. They are subject to change.

Thursday, July 25

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., 1410 ke., 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, 1410 ke., 1 KW, unlimited time; and auxiliary, 1410 ke., 500 watts, 1 KW LS. Time: Auxiliary purposes only.

### FUTURE HEARINGS

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

August 1

Oral Argument Before the Commission

Report No. B-108:

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KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

October 14

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

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

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

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

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

**FEDERAL COMMUNICATIONS  
COMMISSION ACTION**

**APPLICATIONS GRANTED**

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted construction permit to increase night power from 1 KW to 5 KW, on 580 kc., and install directional antenna for night use.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted construction permit to increase night power from 500 watts to 5 KW, on 580 kc., and install directional antenna for night use.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted construction permit to increase night power from 1 KW to 5 KW, on 580 kc., install new equipment and directional antenna system for night use.

KPHO—M. C. Reece, Phoenix, Ariz.—Granted modification of construction permit (B5-P-2182) approving transmitter and studio sites, antenna, and increase in night power from 100 to 250 watts (B5-MP-979).

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Granted construction permit to install new transmitting equipment and increase power from 100 to 250 watts, on 1310 kc. (B2-P-2817).

Riverside Broadcasting Co., Riverside, Calif.—Granted construction permit for new Class IV broadcast station to operate on 1420 kc., 250 watts, unlimited time (B5-P-2648).

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted modification of license to increase nighttime power from 100 to 250 watts (B2-ML-977).

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of license to change daytime directional antenna pattern (B1-ML-1001).

The Marion Broadcasting Co., Marion, Ohio.—Granted construction permit for new station at Marion, Ohio, to operate on 1500 kc., using 250 watts power, unlimited time (B2-P-2862).

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Granted construction permit to install new transmitting equipment, make changes in directional antenna system for nighttime use, change frequency from 640 to 560 kc., increase power from 500 watts to 5 KW, and change hours of operation from limited time to unlimited (B1-P-2912).

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted amended application for construction permit authorizing increase in power from 5 KW to 50 KW, installation of new transmitter and directional antenna for nighttime use on 680 kc., by mutual arrangement with WLAW.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted construction permit to install new transmitter and directional antenna for night use, increase power from 1 KW daytime only to 5 KW unlimited time, on 680 kc., by mutual arrangement with WPTF in re directional antenna.

**DESIGNATED FOR HEARING**

Mollin Investment Company, Riverside, Calif.—Application for construction permit to erect a new station to operate on 1390 kc., 500 watts, daytime only (B5-P-2464).

**MISCELLANEOUS**

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted license to cover construction permit for installation of new transmitter, move of transmitter and studio, install new antenna, and increase power from 250 watts to 1 KW; 740 kc., daytime (B1-L-1183).

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Granted license to cover construction permit for changes in transmitting equipment; 1430 kc., 50 watts, 1 KW LS, unlimited (B3-L-1184).

WRWA—Reading Broadcasting Co., Reading, Pa.—Granted license to cover construction permit for installation of new transmitting equipment and increase in power from 100 watts to 250 watts; 1310 kc., unlimited time (B2-L-1186).

WJSN—The Sun Publishing Co., Inc. (area of Jackson, Tenn.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies 30820, 33740, 35820, 37980 kc., power 15 watts (B3-LRE-317).

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Granted license to cover construction permit for installation of new transmitter, increase in power from 100 to 250 watts, and move of studio; 1210 kc., unlimited time (B2-L-1182).

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted license to cover construction permit for installation of new equipment, frequency 43000 kc., special emission, 250 watts power, granted upon experimental basis only, conditionally (B2-LHB-62).

WICA—WICA, Inc., Ashtabula, Ohio.—Granted license to cover construction permit for changes in equipment and increase in power from 500 watts to 1 KW; 940 kc., daytime (B2-L-1187).

KAIZ—Woodmen of the World Life Insurance Society (area of Omaha, Nebr.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., power 10 watts (B4-LRY-194).

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted license to cover construction permit for new broadcast station, 1370 kc., 250 watts, unlimited (B3-L-1170). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-419).

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to rebroadcast regular routine transmissions to be received from the Boone County Police radio system, Belvidere, Ill., from 11:45 a. m. to 12:15 p. m., CST, on July 11, 1940 (B4-S-577).

Atlantic Coast Broadcasting Co. (area of Charleston, S. C.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies 31220, 35620, 37020, 39250 kc., power 2 watts (B3-PRE-357).

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted construction permit to move transmitter from 5½ miles northwest of Birmingham, Ala., to 2400 Arkadelphia Road, Birmingham, Ala.; 930 kc., 1 KW, 5 KW LS, unlimited time (B3-P-2541).

KQCB—Queen City Broadcasting Co. (area of Seattle, Wash.), Portable-Mobile.—Granted construction permit to increase power of its relay broadcasting station from 12 watts to 40 watts and install new transmitter (B5-PRY-223).

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted modification of construction permit for increase in power from 1 KW, 5 KW day, to 5 KW day and night; install directional antenna for night use only, for extension of completion date from July 27, 1940, to September 1, 1940 (B2-MP-1007).

KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of construction permit for move of transmitter, install new equipment and directional antenna and increase in power, for extension of completion date from July 8, 1940, to September 8, 1940; 1460 kc., 50 KW, unlimited time, directional antenna day and night (B4-MP-1000).

- WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Granted license to cover construction permit for new broadcast station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited hours of operation, transmitter to be located at South of Town, Sault Ste. Marie, Mich., studio at 107 W. Portage St., Sault Ste. Marie, Mich. (B2-L-1175). Also granted authority to determine operating power by direct measurement of antenna (B2-Z-431).
- Glover Weiss, tr/as Glover Weiss Co., Jacksonville, Fla.—Denied as in case of default the application for construction permit for a new broadcast station at Jacksonville, Fla., to operate on **1440 kc.**, 250 watts, unlimited time.
- WDZ Broadcasting Co. (area of Tuscola, Ill.), Portable-Mobile.—Granted license for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 2 watts (B4-LRY-191).
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input; frequency **1210 kc.**, power 100 watts, unlimited time (B2-Z-437).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m., CST, to midnight, for the period July 15, 1940, to the conclusion of the proceedings of the Democratic National Convention, in order to permit WGBF to broadcast said proceedings only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast proceedings of the Democratic National Convention only.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 7:45 p. m., EST, until the conclusion of the evening sessions of the Democratic National Convention, for the period beginning July 15 and continuing for the duration of the convention, in order to broadcast proceedings of said convention only (B3-S-775). Action taken 7-12.
- KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Granted authority to make changes in automatic frequency control unit.
- WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted extension of special temporary authority to operate specified time 8 a. m. to 4:15 p. m., CST, daily from July 17, 1940, to not later than August 15, 1940, pending the completion of plans being made for additional station personnel to permit full daytime operation.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary to operate from 7:45 p. m., EST, until 9:30 p. m., EST, July 13, 1940, and from 7:45 p. m. to 10 p. m., EST, July 14, 1940, in order to broadcast the pre-convention speeches of Senator Byrnes and Postmaster General Farley.
- W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate W2XOY with 100 watts amplifier for a period not to exceed 30 days, pending completion of manufacturing and installation of the Model 4AF2A1 amplifier as stipulated in construction permit.
- WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted special temporary authority to operate the equipment of International Broadcast Station WPIT, authorized in construction permit, File No. B1-PIB-23, with power of 35 KW, using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit, for a period beginning August 1, 1940, to not later than August 30, 1940.
- WESG—Cornell University, Elmira, N. Y.—Granted modification of license to move studio from Mark Twain Hotel, Elmira, N. Y., to Cornell Campus, Ithaca, N. Y. (B1-ML-1005).
- KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted license to cover construction permit as modified for new broadcast station, frequency **1310 kc.**, power 100 watts, 250 watts LS, unlimited time (B3-L-1174); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-430).
- W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted extension of special temporary authority to operate a 50-watt television transmitter on frequencies **60000-86000 kc.**, at 515 Madison Ave., New York City, for the period July 13, 1940, to not later than August 11, 1940, in order to conduct field tests.
- KSUB—Leland M. Perry (surviving partner of Johnson & Perry), and Southern Utah Broadcasting Co., Cedar City, Utah.—Denied petition for extension of time within which to make other arrangements for the transfer of station property and the assignment of license of station KSUB, and to file an amended plan for the assignment of said license.
- WJHL—WJHL, Inc., Johnson City, Tenn.—Granted petition to reconsider and grant without hearing the application of WJHL to change operating assignment from **1200 kc.**, 250 watts, unlimited time, to **880 kc.**, 1 KW, unlimited time, using directional antenna for night use.
- WTMJ—The Journal Company (Milwaukee Journal), Milwaukee, Wis.—Granted construction permit to increase power from 1 KW to 5 KW on **620 kc.**, unlimited time, using directional antenna at night.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted petition for reconsideration and grant of application for construction permit to install new transmitter and directional antenna for night use, change frequency from **1310 kc.** to **620 kc.**, and increase power from 250 watts to 500 watts night, 1 KW day, unlimited time.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Redesignated for hearing the application of WHJB for construction permit to change operating assignment from 250 watts, daytime, to 1 KW, unlimited time, on **620 kc.**, using directional antenna at night.
- WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Denied petition for rehearing in the matter of the application of the Neptune Broadcasting Corp. for a new station in Atlantic City to operate unlimited time on **1420 kc.**, with power of 100 watts night, 250 watts local sunset, granted by the Commission on April 4.
- North Jersey Broadcasting Co., Inc., Paterson, N. J.—Granted petition to reconsider Commission action taken June 11, 1940 in designating for hearing the application for a new station at Paterson to operate on **900 kc.**, with 1 KW, daytime only, subject to selection of a transmitter site satisfactory to Commission (B1-P-2624).
- Sentinel Broadcasting Corp., Salina, N. Y.—Granted construction permit to erect a new station at Salina (a suburb of Syracuse), to operate on **620 kc.**, with power of 1 KW, unlimited time, using directional antenna at night.
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Scheduled for oral argument on August 1, 1940, the proposed findings of the Commission in re revocation of station license (B-108).
- W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted special temporary authority to remain silent until completion of installation of new transmitter at 444 Madison Ave., New York City, as proposed in application (File No. B1-PHB-281,) but for a period not to exceed 30 days.
- W10XLV—Radio Engineering Laboratories, Inc., Long Island City, N. Y.—Granted special temporary authority to operate Class I experimental station on **43400 kc.**, power 1 KW, special emission, 200 kilocycle swing, at location to be determined in San Francisco, Calif., on an experimental non-interference basis from August 1, 1940, to not later than August 30, 1940, in order to demonstrate frequency modulation reception at the Convention of the National Association of Broadcasters.
- WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Granted modification of construction permit for installation of new antenna and move of transmitter, for change in transmitter location locally, and extension of commencement date from July 18, 1940, to 60 days after grant and completion date from January 18, 1941, to 120 days thereafter; **1310 kc.**, 250 watts, unlimited time (B2-MP-1013).
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted license to cover construction permit for installation of directional antenna for day and night use, and increase in power; **560 kc.**, 5 KW, unlimited time (B5-L-1189). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-440).
- W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Granted license to cover construction permit as modified for new high frequency broadcast station; frequency **43400 kc.**; special emission; 1000 watts power granted upon an experimental basis only, conditionally. (B1-LHB-61)
- WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted authority to determine operating power by direct measurement of antenna input. (B3-Z-441)
- KFRU—KFRU, Inc., Columbia, Mo.—Granted modification of construction permit for installation of new transmitter, new antenna, change of frequencies, decrease in power, change

hours of operation, and move of transmitter, for approval of transmitter site at 1200 Broadway, Columbia, Mo. (present licensed location), approval of present licensed antenna, and install new transmitter; frequency **1370 kc.**, 250 watts, unlimited time. (B4-MP-1010)

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover construction permit which authorized changes in transmitting equipment; **1370 kc.**, 250 watts, unlimited time. (B4-L-1190)

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Granted modification of construction permit as modified which authorized change in frequency, increase in power, move transmitter, install new transmitter and antenna, for extension of completion date from August 20, 1940, to October 20, 1940; **590 kc.**, 5 KW, unlimited time. (B-MP-1014)

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted license to cover construction permit which authorized installation of new antenna, increase in power and move of transmitter; **1310 kc.**, 250 watts power, unlimited time. (B3-L-1164)

W2XBU—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate transmitter on **288 mc.** (channels 18 and 19) for preliminary tests and transmission of video signals under construction permit (File No. B1-PVB-54) aboard the Steamship AMERICA at Norfolk, Va., beginning July 20, 1940, and ending not later than July 31, 1940; to operate as above except at New York, N. Y., on or about July 29, 1940, in order to televise view of the arrival of the new Steamship AMERICA arriving in New York.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted construction permit to move transmitter from Walton Bldg., Maine and Esplanade Sts., Lexington, Ky., to off Mason Headley Road, Lexington, and install new antenna; **1420 kc.**, 250 watts, unlimited time. (B2-P-2900)

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST on August 1, 6, 8, 13, 15, 20, 22, 27, and 29, 1940, and from 8:15 p. m. to 9:15 p. m. CST on August 7, 14, 21, and 28, 1940, in order to permit WNAD to remain silent during the summer vacation (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during the above periods in order to observe the summer vacation.

Pensacola Broadcasting Co., Pensacola, Fla.—Granted special temporary authority to operate ship station WFLT on **1622, 2058, 2150 and 2790 kc.** on July 27 and 28, 1940, in order to relay broadcast the annual fishing rodeo from the Gulf to Radio Station WCOA.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning July 17, 1940, and ending not later than August 15, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

NEW—William H. Rines, Portland, Maine.—Construction for a new broadcast station to be operated on **560 kc.**, 1 KW night, 5 KW day, unlimited time, employing directional antenna day and night. Class III-B. Transmitter near Rigby, Me.

KLZ—KLZ Broadcasting Co., Denver, Colo.—Authority to determine operating power by direct measurement.

KLZ—KLZ Broadcasting Co., Denver, Colo.—License to cover construction permit (B5-P-2523) for directional antenna for day and night and increase power.

### 590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Modification of construction permit (B-P-2220) as modified to change frequency, increase power, move transmitter, install new transmitter and antenna, requesting extension of completion date from 8-20-40 to 10-20-40.

### 920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **1330 kc.**

or **1360 kc.** when Havana Treaty goes into effect, 500 watts night, 1 KW day, unlimited time. Amended: To change frequency to **920 kc.**, increase power to 5 KW, install directional antenna for day and night use, and give location of transmitter as Miami Garden Drive & State 149, Town of Ojus, Fla.

### 1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Modification of license to change frequency from **1050 kc.** to **900 kc.**, increase power from 1 KW night, 5 KW day to 5 KW day and night, change time from limited to unlimited time. Amended: To show that the frequency **900 kc.** is requested after the effective date of the North American Regional Broadcast Agreement.

### 1230 Kilocycles

KGGM—New Mexico Broadcasting Co., Inc., Albuquerque, N. Mex.—Construction permit to install new transmitter from West City Limits, Albuquerque, N. Mex. to approximately 5 miles north of business district on North Second Street, Albuquerque, N. Mex., change frequency from **1230 kc.** to **590 kc.**, increase power from 1 KW to 5 KW day and night, and install directional antenna for night use.

### 1310 Kilocycles

WOMI—The Ashland Broadcasting Co., Ashland, Ky.—Modification of construction permit (B2-P-2742) to install new antenna and move transmitter, requesting change in transmitter location from 53rd and Ohio River to 48th St. and Ohio River, Ashland, Ky., and extend commencement and completion dates from 7-18-40 and 1-18-41 to 60 days after grant and 120 days thereafter respectively.

KVSF—New Mexico Broadcasting Co., Inc., Albuquerque, N. Mex.—Construction permit to install new transmitter, new vertical antenna, move transmitter and studio from 759 Cerrillos Road, Santa Fe, N. Mex. to South Cerrillos Road, Santa Fe, N. Mex., change frequency from **1310 kc.** to **1230 kc.**, and increase power from 100 watts to 1 KW. Contingent on granting of KGGM's application B5-P-2918.

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Modification of construction permit (B2-P-2588) for a new broadcast station, requesting approval of antenna and transmitter and studio sites at 6 Fountain St., N. E., Grand Rapids, Mich.

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Construction permit to change frequency from **1310** to **1320 kc.**, increase power from 250 watts to 1 KW, new transmitter and directional antenna for day and night use. Class III-B.

### 1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Modification of construction permit (B4-P-2322) to install new transmitter and antenna, change frequency, decrease power, change hours, move transmitter, for approval of transmitter at present site, approval antenna and new transmitter.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-2851) for changes in equipment.

NEW—J. Leslie Doss, Bessemer, Ala.—Construction permit for a new broadcast station to be operated on **1440 kc.**, 250 watts, unlimited time. Amended: To change frequency to **1370 kc.**, and give location of transmitter as N. E. Corner Bessemer Birmingham Super Highway, near Bessemer, Ala., and studio at First National Bank Bldg., Bessemer, Ala.

WCBI—Birney Imes, Columbus, Miss.—Modification of construction permit (B3-P-2675) for a new broadcast station, requesting approval of antenna and transmitter site at N. W. Corner 1st & Main Sts., Columbus, Miss.

### 1420 Kilocycles

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Modification of construction permit (B3-P-2858) for new station requesting approval of antenna, approval of transmitter and studio site.

### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

## MISCELLANEOUS

- WIBC—Indianapolis Broadcasting Corp., Indianapolis, Ind.—Construction permit to change hours of operation from daytime to unlimited, using 1 KW day and night, directional antenna for day and night use, move transmitter from northeast of Indianapolis to At 59th St. and Hollingsworth Road, near New Augusta, Ind. Class II station. Amended: Geographic location.
- KIIQ—KMTR Radio Corp., area Los Angeles, Calif.—License to cover construction permit (B5-PRY-198) which authorized reinstatement of station.
- KEIL—KMTR Radio Corp., area Los Angeles, Calif.—License to cover construction permit (B5-PRE-331) as modified which authorized construction of new relay station.
- KGKF—KGKL, Inc. (area San Angelo, Tex.)—License to cover construction permit (B3-PRY-206) which authorized new relay broadcast station.
- KEIH—KLZ Broadcasting Co., Portable-Mobile.—Modification of license to change type of equipment from RCA to COMPOSITE (making change in tubes in last radio stage).
- W2XD—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PVB-55) which authorized new television station, for change in frequencies from 15600-162000 to 162000-168000 kc.
- W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Construction permit to install new transmitter, antenna changes, and move transmitter from Carteret, N. J., to 444 Madison Ave., New York, N. Y. Amended re geographic figures only.
- WFME—Monocacy Broadcasting Co., Frederick, Md.—License to cover construction permit (B1-PRY-200) which authorized construction of a new relay broadcast station.
- WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of special temporary authorization (B1-MLIB-38) which authorized the use of 11820 kc. in addition to present licensed frequencies, requesting change in frequency from 11820 kc. to 11890 kc.
- WAII—WIBX, Inc. (area of Utica, N. Y.)—License to cover construction permit (B1-PRY-203) for a new relay station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Arlington Sales Company**—Samuel H. Koolish, trading as Arlington Sales Company, 210 West 8th Street, Kansas City, Mo., was charged in a complaint with the use of lottery methods in the sale and distribution of radios, flashlights, clocks, cameras, and pen and pencil sets to ultimate consumers.

The complaint alleges that the respondent furnished push cards accompanied by order blanks, instructions and other printed matter for use in the sale and distribution of his merchandise by means of a game of chance, gift enterprise or lottery scheme. Such sales plans, the complaint continues, have a tendency to induce the purchasing public to buy the respondent's merchandise in preference to that of competitors who do not use similar methods, and constitute unfair methods of competition in violation of the Federal Trade Commission Act. (4180)

**Bilt-Rite Box Corporation**, and its officers, Jacob Glekel and Jacob Press, 242 West 41st St., New York, were charged in a complaint with the dissemination of misleading representations in the sale of paper boxes.

According to the complaint, the respondents used the word "manufacturers" on letterheads, invoices and other printed mat-

ter, thereby representing that they manufacture the products they sell, when in truth they do not own, operate or control a plant, factory or machinery for the manufacture of their product. (4177)

**Inlaid Optical Company**—Two optical companies were charged in complaints with failure to indicate to purchasers that their lenses or glasses are of Japanese or foreign origin. The respondents are Inlaid Optical Corporation, 1058 Broad St., Providence, R. I., and Lucian V. Segal, trading as Segal Optical Company, 56 West 22nd St., New York.

According to the complaints, the respondents sell eye glasses, including reading glasses and sun glasses, made of lenses having Japanese or foreign origin, without any marking to indicate this fact to purchasers. In this manner, it is alleged, the respondents mislead purchasers into the erroneous belief that the glasses are wholly of domestic manufacture and origin. (4178-4181)

**Interwoven Steeking Company**, New Brunswick, N. J., was charged in a complaint with the dissemination of misleading representations in the sale of men's hosiery.

According to the complaint, the respondent caused certain of its hosiery to be marked as follows:

"MADE ON MACHINERY  
IMPORTED FROM  
ENGLAND  
GENUINE 6X3 RIBBED"

"MADE ON MACHINERY  
IMPORTED FROM  
ENGLAND  
ENTIRELY HAND EMBROIDERED"

It is alleged that the words "Imported from England" are stamped in large conspicuous type inside an oval in such a manner that the words "Imported from" appear immediately above and are read in conjunction with the word "England," and the words "Made on Machinery" appearing inside the top rim of the oval can be read in such a sense as to indicate merely that the hose were made by machinery, or were made by machinery and are "Imported" from "England." In some instances, the complaint continues, the respondent has superimposed above the oval a simulation of the English Crown with the words "Trade Mark" appearing under it and just above the oval, while underneath the oval appear the words "Genuine 6x3 Ribbed."

By such representations, the respondent allegedly misleads the purchasing public into the erroneous belief that the products are machine made and are imported from England. The complaint alleges that use of the word "Genuine" before "6x3 Ribbed" gives the further impression that such hose are imported from England, inasmuch as England was originally the only source through which a "6x3 Ribbed" hose could be obtained, though now machinery has been devised for its manufacture in America.

According to the complaint, the respondent's products so marked are not imported from England but are of domestic manufacture on machinery which was imported from England. (4179)

**Nu-Age Company**—Complaint has been issued against Nu-Age Company, 309 Castle Building, Tulsa, Okla., charging it with the dissemination of misleading representations in the sale of a medicinal preparation, "Nu-Age," also described as "Natural Mineral Extract."

It is alleged that the respondent represents its preparation as being a cure or competent treatment for eczema, athlete's foot, burns, skin diseases, tonsillitis, bleeding gums, enlarged prostate glands and piles. The respondent further allegedly advertises that internal use of "Nu-Age" is a purifier of the blood; constitutes a tonic for run-down anemic conditions; supplies minerals essential to health, vigor or energy, and constitutes a cure or remedy for indigestion, stomach and intestinal disorders, ulceration of the stomach, kidney and bladder disorders, high blood pressure and rheumatism. "Nu-Age" is also allegedly advertised by the respondent as having germicidal, antiseptic and astringent properties and as being beneficial in the treatment of female disorders.

Such representations are false and misleading, the complaint charges, for in truth the respondent's preparation has no therapeutic value other than that of a mild laxative or mild diuretic. The respondent's preparation would have no value in the treatment of high blood pressure, the complaint continues, and would

be contraindicated as being injurious to health under certain circumstances since it is sometimes necessary to restrict rather than augment salt intake as a means of protecting damaged kidneys against further irritation. (4186)

**Segal Optical Company**—See Inlaid Optical Company.

**United Soap Company**—Lawrence L. Keller, trading as United Soap Company, 4726 Ballard Ave., Seattle, Wash., is charged in a complaint with the dissemination of misleading representations in the sale of soap.

According to the complaint, the respondent manufactures soap under the brand names "Hot Springs Mineral Soap," "Hawaiian Rose," "Velvette," and other similar names, each of which is made from the same formula. The respondent allegedly advertises on the boxes of such soaps that they are manufactured by various companies located in different localities including New York, London and Paris. All of the names of such companies, the complaint continues, are fictitious, nor is his soap imported, or manufactured anywhere except at his place of business in Seattle.

Representations by the respondent that his soap is "vitaminized" or medicated are also alleged to be untrue. It is further charged in the complaint that the respondent advertises on boxes of soap that the retail selling price per box is 75 cents, when in truth they are sold for far less than such amount. (4184)

### STIPULATIONS

Following stipulations have been entered into by the Commission:

**Algren Manufacturing Company, Inc.**, 8 Washington Place, New York, was ordered to cease employing the term "gold filled" or any similar term, as a designation for wrist watch buckles, unless such buckles shall have an alloyed gold content of one-twentieth by weight of 10 karat gold. (3200)

**Carter Sales Company**—George C. Huskins, Mina D. Huskins and Howard W. Ellison, trading as Carter Sales Company, 208 West Eighth St., Los Angeles, were ordered to desist from advertising that their drug preparation "Carter's Special Formula" is a cure, remedy or competent treatment for alcoholism or the liquor habit; that its use will eradicate the desire for alcoholic stimulants, or that it is in all cases safe or harmless. (4028)

**Grafize Products**—Bill Reardon, trading as Grafize Products, Peoria, Ill., agreed to cease representing that his product "Bra-Zit" is of itself a metal or that it is a weld or has the same action as welding; or that it saves the cost of welding, effects a permanent seal, or is self fusing. The respondent further agreed to cease using the term "Bra-Zit," or any similar terms, as the trade name for his product or otherwise implying that the action of his product is the same as or equivalent to the brazing process. The respondent Reardon further stipulated that he will cease making any disparaging statement with reference to similar or competing products, and that he will discontinue exaggerating the possible earnings that may be made by prospective agents. In future advertising, the respondent further stipulated, where qualifying words are used in connection with a specific claim of earnings or profits, such words will be made as clear as the words they qualify. (02593)

**Gro: e Laboratories, Inc.**, 2630 Pine St., St. Louis, Mo., was ordered to cease representing that its preparation, "Pazo Ointment," is a cure or remedy for hemorrhoids, or has any therapeutic value in its treatment in excess of affording palliative relief in cases of simple hemorrhoids. The respondent was further ordered to discontinue representations that its preparation, "Dr. Porter's Antiseptic Healing Oil," is an effective or standard treatment for skin diseases caused by infection; is an effective agent in the treatment of dandruff, falling hair or diseases peculiar to the scalp; will promote the growth of hair or prevent baldness, or will destroy

parasites usually associated with dandruff and other diseases of the scalp. (3445)

**Hush Sales Company**—Estelle A. Kirstein, trading as Hush Sales Company, 116 Market St., Philadelphia, in the sale of "Hush Cream Deodorant," "Hush Liquid Deodorants," "Hush Sno," "Hush Powder Deodorant" and "Hush Stick Deodorant," agreed to cease advertising that millions or any fictitious number of persons use her products, or that there is a limitation as to the time during which her products may be purchased, unless the offer is terminated on a specified date. The respondent further agreed to discontinue claims that her products have absolute powers of controlling or stopping body perspiration odors. (02592)

**Lincoln Novelty Company**, 54 Summer Ave., Newark, N. J., manufacturer of hats and caps, agreed to cease representing in any manner that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, or by failure to stamp on the sweat bands, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that such products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat bodies. (2873)

**Rosecliff-Quaker Corporation**, 1239 Broadway, New York, dealer in shirts, hose and other men's apparel, has entered into a stipulation in which it agrees to discontinue certain representations in the sale of its products.

The respondent stipulated that it will cease representing that it manufactures its commodities or owns, operates and controls a factory in which such commodities are made.

The respondent further agreed to cease using the terms "shrunk," "double shrunk," "no allowance need be made for shrinkage," or any similar terms, as descriptive of its goods when they are not in fact shrink proof or non-shrinkable, or have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage remains. If the term "shrunk," or similar words, be used properly to indicate that such goods have undergone the application of a shrinking process and have been shrunk to a substantial extent but as to which there remains a certain amount of residual shrinkage, then such term shall be immediately accompanied by a truthful statement clearly setting forth the percentage of residual shrinkage remaining in both the warp and the filling, or in the warp or filling, whichever has the greater residual shrinkage.

It is further stipulated that the respondent will desist from using the words "Pure Silk" or "Silk" to designate fabrics or merchandise not made wholly of silk, and from using the word "Silk" in any way which may have a tendency to mislead purchasers into the belief that products made in part of other materials are made wholly of silk. If the leg or boot of hosiery is properly represented as "silk" but the top, heel, toe or sole are composed of other materials, then the word "silk" shall be immediately accompanied by suitable phraseology in equally conspicuous type, indicating clearly that such designation does not apply to the top, heel, toe or sole, as the case may be.

Rosecliff-Quaker Corporation also agreed to cease advertising, branding, labeling, invoicing or selling any product composed in whole or in part of rayon, unless full and nondeceptive disclosure of the fiber and other content of such product is made by clearly designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in less than a substantial amount, or in any case less than five per cent. (2871)

**S. & M. Grand Rapids Furniture Factories, Inc.**, 123 Ferry St., Newark, retailer of furniture and house furnishings, agreed to discontinue use of the words "Grand Rapids" and "Factories" as part of its corporate or trade name, or use of the words "Grand Rapids" in any way so as to imply that the respondent corporation is a dealer in "Grand Rapids" furniture or that its furniture is made in or obtained from Grand Rapids, Michigan, when such is not a fact. The respondent further agreed to cease employing the terms "Factory," "Factories" or "From Factory Direct to You," or any similar terms, so as to imply to purchasers that it manufactures the products sold by it or actually owns, operates and controls the plants in which its products are made. It was

further stipulated by the respondent that it will desist from marking its products with any false or misleading price which is in excess of the customary and usual price, or from representing in any manner that its products are offered at wholesale prices, when such is not a fact. The respondent also agreed to discontinue use of the words "Custom Built," or any similar words, as descriptive of "stock" products, that is, products not made upon special orders of a customer. (2872)

**United States Marble & Granite Company**—Asa L. Wooten, trading as United States Marble & Granite Company, Oneco, Fla., was ordered to discontinue representations that his memorials will stand the ravages of time forever, and will never fade, stain or tarnish, or that his marble and granite tombstones and monuments will always retain their original brightness. The respondent was further ordered to cease representing that he had posted a "Gold Bond Guarantee" assuring purchasers of the everlasting quality, durability, and freedom from fading, staining or tarnishing of his products, and that such guarantee protects purchasers if the respondent's claims are not true. (4138)

### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**American Candy & Sales Co.**—See Blue Ribbon Candy Co.

**Blue Ribbon Candy Company, Inc.**, also trading as American Candy and Sales Company, 124 Tenth St., N. E., Atlanta, Ga., has been ordered to discontinue lottery methods in the sale of its candy to ultimate consumers.

The order directs the respondent to cease selling or distributing candy or other merchandise so packed and assembled that sales may be made by means of a lottery; supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards or any other lottery devices which may be used in selling such products to the public; supplying to or placing in the hands of others such lottery devices, either with assortments of merchandise or separately, which devices may be used in selling articles to the public, or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4091)

**Brewster Laboratories**—Jefferson R. Brewster, trading as Brewster Laboratories and Dr. Reece Brewster, 1908 Joe Johnson Ave., Nashville, Tenn., was ordered to discontinue certain misleading representations in the sale of medicinal preparations.

According to the findings, the respondent's preparations are designated as "Brewster's G-D"; "Brewster's T-Z"; "Brewster's Tonic"; "Brewster's Throat Wash"; "Brewster's Thoax-Eaz"; "Brewster's Sinine"; "Brewster's Pain Kill"; "Brewster's Ready Relief"; "Brewster's Pile Ointment."

The Commission's order prohibits representations by the respondent that his preparations are of therapeutic value in the treatment of, among other things, constipation, tuberculosis, hemorrhages, nervousness, disorders of the circulatory system, colds, throat troubles, sinus and mastoid disorders, rheumatism, typhoid fever, cancer, gallstones, goiter or sciatica. The order further forbids representations that any of the respondent's preparations constitute preventives of whooping cough or diphtheria, or are effective germicides.

Use of the word "Laboratories" in his trade name or any other representations that he owns or operates a laboratory are also ordered to be discontinued. (3566)

**G-H-R Electric Dilator Company**—John B. Roche, trading as The G-H-R Electric Dilator Company, and as The Roche Electric Machine Company, 215 North Division Ave., Grand Rapids, Mich., has been ordered to discontinue certain represen-

tations in the sale of devices which he recommends for use in the treatment of various body diseases and disorders.

Under the order, the respondent is prohibited from advertising that his device, Electric Thermitis Dilator, is a cure or effective treatment for impotency, sexual decline, kidney weakness, piles or prostatic disorders; that it has any therapeutic value in the treatment of prostatic conditions in excess of the beneficial effect of heat with relation to congested prostatic conditions; that its use will stop the wasting away of issues and beneficially affect the functioning of glands, or that it will supply or renew so-called vigor or vitality.

The order further forbids representations by the respondent that his device, Roche Electric Hygienic Machine, is a cure or effective treatment for paralysis, locomotor ataxia, apoplexy, rheumatism, gout, high blood pressure or hardening of the arteries; that its use is an effective substitute for exercise, will insure perfect blood circulation, restore health, renew vitality, or that it is of therapeutic value or an effective treatment for any weakness of any of the vital organs. (3772)

**Reva Company**—Cecil Dwight Kitchen, trading as The Reva Company, 4234 Lincoln Ave., Chicago, was ordered to cease advertising that his preparation, "Reva," is not a dye or is anything other than a dye; will supply a substitute for or replace natural pigment in the hair; will restore natural or youthful color to the hair, or will have any effect in stimulating the growth of hair. The respondent was further ordered to desist from claims that his preparation is a cure or remedy for dandruff, scalp eczema, or falling hair, or that it has any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of itching in some instances. Representations that "Reva" is safe or harmless in the treatment of hair or scalp disorders, are also forbidden by the Commission's order. (4158)

**Roche Electric Machine Co.**—See G-H-R Electric Dilator Co.

**Sohn & Company, Inc.**, and its officers and directors, Benjamin, Morris and Isadore Sohn, 1450 West Roosevelt Road, Chicago, have been ordered to discontinue certain representations in the sale of mattresses and bedding.

The Commission finds that the respondents buy old, second-hand, used and discarded cotton and other used materials which they comb by machinery, rework and use in the manufacture of mattresses and bedding which are equipped with new coverings, the finished products having the appearance of new mattresses. These products, the findings continue, are then sold to wholesalers, retailers and other purchasers who resell them to the purchasing public without any marking to indicate that they were made from old and previously used materials. Further findings are that certain of the mattresses so manufactured and sold have stamped on them the phrase "Made of previously used materials," but in illegible and inconspicuous letters than cannot be read by the purchasers.

Under the order, the respondents are prohibited from representing in any manner that mattresses which are composed in whole or in part of old, used, discarded or second-hand materials are new mattresses or are made from new or unused materials. The respondents were also ordered to desist from failing to permanently affix to such mattresses labels or tags which clearly and conspicuously reveal that they are in fact composed of old, used, discarded and second-hand materials, and which tags or labels cannot readily be removed, obliterated, obscured or minimized. (4072)

**Madam Vera**—Veronica Ignatovitch, trading as Madame Vera, Madam Vera, and Mme. Vera, Meigs Building, Bridgeport, Conn., was ordered to cease representing that her preparation, "Madam Vera Hair Grower Salve," is a competent or effective remedy for dandruff or falling hair; that it grows new hair; that it has been used successfully by anyone, or that any price which is the customary and usual price at which such preparation is offered for sale is a special or reduced price. (3906)







**THE WEEK IN WASHINGTON**

Final plans for the NAB convention August 4-7 at the Saint Francis Hotel, San Francisco, are completed. (p. 4441).

The World's Fairs' tribute to radio, August 3, promises to be one of the outstanding broadcasts in radio history. This program is available to every station in the country, whether or not it is a network affiliate. (p. 4442).

The Wage and Hour Administration issues an opinion that the broadcasting industry's outside salesmen are not exempt from the wage and hour provisions of the Act. Other important wage and hour developments are reported. (p. 4443.)

BMI members receive a shipment of transcriptions of 50 compositions. Four more stations join. (p. 4445.)

An overwhelming majority of stations pledge cooperation in the Federal Government's attempt to enlist skilled workers for national defense. (p. 4446.)

Short wave broadcasters report to the State Department that they are spending two million dollars for new and more powerful equipment. Neville Miller commends foreign language broadcasters after their New York meeting. (p. 4449.)

Broadcast time sales increase 10.3 per cent in 1939, the FCC reports. (p. 4449.)

Federal Trade Commission gives radio ads the best bill of health. (p. 4450.)

Three additional television grants are made by the FCC. (p. 4452.)

The Commission also sets up a new investigation unit. (p. 4453.)

**IRNA MEETING**

A meeting of IRNA will be held during the NAB Convention in San Francisco. The time for the IRNA meeting will be Monday, August 5, at 2:15 p. m. at St. Francis Hotel, Chairman Samuel R. Rosenbaum announced.

Strictly speaking, only those affiliates who have paid dues are legally entitled to attend and vote at an IRNA meeting. However, in all that IRNA has done it believes it has been acting in the best interests of all affiliates, regardless of IRNA membership. Therefore most of the IRNA Board feel that all affiliates, regardless of IRNA membership, should be invited to attend the IRNA meeting in San Francisco, Monday, August 5.

**Convention Plans Completed**

Final plans and details for the NAB Convention at the St. Francis Hotel, San Francisco, August 4-7, were shaped up at the District 15 meeting there this week.

Advance reservations were even more numerous than had been expected. Those who have not made reservations should do so immediately by wiring Lincoln Dellar, Station KSFO, San Francisco.

The program was printed in the NAB REPORTS of July 12. James Lawrence Fly, Chairman of the FCC, Louis Johnson, former Assistant Secretary of War, Dr. Frank Kingdon lead the list of speakers on a program that no broadcaster can afford to miss. Copyright, code, labor problems, the industry in the national emergency, and the unit plan of volume measurement are among the many important topics that will be discussed. The convention registration fee is \$10. For ladies it is \$5. These fees include two luncheons and the annual banquet for men and the banquet and a varied entertainment program for the ladies.

Howard Lane, District 15 Director, has named the following Reception Committees:

Committee for James L. Fly: Don W. Thornburgh, Don E. Gilman, Ralph Brunton. Harold La Fount.  
*(Continued on page 4442)*

**YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!**  
**St. Francis Hotel                      San Francisco                      August, 4-5-6-7**



**NATIONAL ASSOCIATION OF BROADCASTERS**  
 1626 K St., N. W. WASHINGTON Phone NAational 2080

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

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

**CONVENTION PLANS COMPLETED**

*(Continued from page 4441)*

Committee for Col. Louis Johnson: John Kennedy, Howard Lane, A. E. Nelson, Lincoln Dellar.

Committee for Dr. Kingdon: Edgar Bill, Earl Glade, C. W. Myers.

Committee for Dr. Drewry: F. M. Borton, Jennings Pierce, Robert W. Dumm (KSFO), Arthur Westlund (KRE).

Committee for Mayor Rossi: Phil Lasky (KROW), Ralph Brunton (KJBS), Wm. D. Pabst (KFRC), S. H. Patterson (KSAN), Chas. A. Whitmore (KTKC).

The following broadcasters attended the district meeting:

William D. Pabst, KFRC; Ernest Finley, KSRO; Marion Walker, KHUB; C. E. Arney, Jr., NAB; Howard Walters, KDON; Wilt Gunzendorfer, KSRO; Will Thompson, Jr., KROY; Philip G. Lasky, KROW; Linc Dellar, KSFO; A. E. Nelson, KPO-KGO; C. L. McCarthy, KQW; William E. Shea, KYA; Gurden Mooser, KYA; W. B. Ryan, KGO-KPO; E. J. Grant, KGO-KPO; F. Fiorilla, KGO-KPO; Bob Seal, KGO-KPO; Clare Patrick, KGO-KPO; E. P. Franklin, KJBS; Lou Keplinger, KSAN; Ralph R. Brunton, KJBS; Chas. P. Scott, KTKC; Chas. A. Whitmore, KTKC; Wm. C. Grove, KSAN; S. W. Warner, KLS; Howard Lane, KFBK.

**Promotion**

**LAST MINUTE NEWS ON NAB-WORLD'S FAIRS BROADCAST FOR AUGUST 3**

One of the outstanding broadcasts in radio history is ready. Projected over all three major networks, and through scores of non-network stations, the program will originate in New York and San Francisco as the World's Fairs convey the thanks of radio's legion of listeners for public service rendered. Special ceremonies dedicated to a free American radio as one of the cornerstones of our democracy will be climaxed by the unveiling of symbolic plaques. The President of the United States is expected to take part in this distinguished event which has attracted the voluntary participation of radio's most famous personalities.

*This program is available to every radio station in the United States—whether network stations or not, whether NAB members or not. Every station should arrange to carry it. Non-network stations may secure the program by contacting the nearest local network affiliate to arrange*

*for lines. NAB is grateful to the networks for making this industry-wide tribute available to all stations.*

Below is given a partial list of those who will take part in the program:

**FAMOUS RADIO PERSONALITIES ON WORLD'S FAIRS-NAB BROADCAST, AUGUST 3**

- |                    |                        |
|--------------------|------------------------|
| James Melton       | H. V. Kaltenborn       |
| Stebbins Boys      | Howard Barlow          |
| Virginia Rea       | Frank Black            |
| Morton Downey      | Alfred Wallenstein     |
| Graham McNamee     | Phil Cook              |
| Margaret Speaks    | Mrs. Gertrude Berg     |
| Ted Husing         | Raymond Gram Swing     |
| Ray Perkins        | San Francisco Symphony |
| Colonel Stoopnagle | Conrad Thibault        |
| The Revellers      | Rudy Vallee            |
| Major Bowes        | Kate Smith             |
| Bill Stern         | Lowell Thomas          |
| Tommy Riggs        | Francia White          |
| Dorothy Gordon     | Lanny Ross             |
|                    | Amos 'n Andy           |

**DISTINGUISHED MEN AND WOMEN**

- Mrs. Harold V. Milligan, President National Council of Women
- Dr. Walter W. Van Kirk, Executive Secretary, Federal Council of the Churches of Christ in America
- Rabbi Jonah B. Wise
- Honorable James Lawrence Fly, Chairman, Federal Communications Commission
- Neville Miller, President, National Association of Broadcasters
- Dr. John W. Studebaker, U. S. Commissioner of Education
- Roger Baldwin, Director, the American Civil Liberties Union
- William Green, President, American Federation of Labor

*(These lists are still incomplete)*

**REMEMBER THE STATION BREAK IDENTIFICATION**

Please have your program department reminded again of the station identification wordage to be used at the half-way point in the World's Fairs program.

At approximately 7:40 EST, the network announcer will say:

*"This is the American System of Broadcasting"*

And the local announcer comes in:

*"Of which Station \_\_\_\_\_, the Voice of \_\_\_\_\_ is proud to be a part."*

*Publicity Now*

Stations are urged to expedite the publicity which is being sent out from World's Fairs headquarters. Announcements should also be used as a build-up for maximum audience.

Where possible, stations carrying the program should underwrite the cost of a spotlight ad in the radio pages of local newspapers.

## Labor

### WAGE AND HOUR ACT

Developments of extreme importance to every broadcaster have occurred in the Wage and Hour field this week.

(1) The Administration issued an opinion that the industry's outside salesmen were not "outside salesmen" within the meaning of the Act, and hence were not exempt from the overtime provisions.

(2) The NAB is of the opinion that the Wage and Hour Administration is wrong about this—that broadcasting's outside salesmen *are* exempt. However, until the courts decide the issue, no one can be sure whether the Administration or the NAB is right; and broadcasters who do not pay their outside salesmen time and one-half for overtime above 42 hours a week are risking prosecution.

(3) The NAB Labor Relations Director appeared at an Administration hearing on Thursday, called to consider proposals for redefinition of "executive," "professional," and "outside salesman." He proposed amendment of the definition of "executive" so that an executive could do work of the same nature as those under him and still qualify for exemption; and amendment of the definition of "outside salesman" in such a way that broadcasting's outside salesmen would be exempt without doubt.

(4) The Administration reapproved compensation for overtime by giving time and one-half off *within a pay period*; and pre-payment of overtime when employees work less than their regular work week. For instance, if an announcer regularly works a 42-hour week for \$42, but works only 36 hours one week, the employer can pay him the regular \$42 and credit himself with \$6 for future overtime. That would cover four hours. Broadcasters interested in either of these plans should write to the Labor Relations Director or consult him at the San Francisco Convention.

Here is the text of the Administration's opinion about outside salesmen:

U. S. Department of Labor, Wage and Hour Division,  
Washington

July 16, 1940

In Reply Refer To:  
LE:KCR:EPC

Mr. Joseph L. Miller,  
Director of Labor Relations,  
National Association of Broadcasters,  
Normandy Building,  
1626 K Street, N. W.,  
Washington, D. C.

DEAR MR. MILLER:

Reference is made to your letter of July 5, 1940, in which you inquire if this office is of the opinion that so-called "outside sales-

men" employed by radio stations in soliciting radio advertising are exempt from the Fair Labor Standards Act by section 13(a)(1) as outside salesmen, as that term is defined in section 541.4 of our regulations. You state that Mr. A. J. Mosby, manager of radio station KGVO, Missoula, Montana, has advised you that the division is of the opinion that radio advertising solicitors are not engaged in making sales within the meaning of our regulations.

Mr. Mosby has correctly advised you of the position of the division. Since section 541.4 of our regulations was originally issued, the division has consistently taken the position that the making of sales must result in the transfer of title to property, tangible or intangible, in order for an employee performing such work to be exempt under section 541.4. An advertising solicitor is not engaged in performing work resulting in the transfer of title to property, but is merely negotiating contracts for the broadcast of prescribed material over the facilities of the radio station. Therefore, in our opinion such advertising solicitor is not exempt as an outside salesman under section 13(a)(1).

Very truly yours,

For the General Counsel,

RUFUS G. POOLE,  
*Associate General Counsel.*

Here is the text of Mr. Miller's statement at the Wage and Hour hearing:

My name is Joseph L. Miller. My address is 1626 K Street, N. W., Washington, D. C. I am Labor Relations Director of the National Association of Broadcasters, trade organization of the broadcasting industry, and I am representing that Association today. The National Association of Broadcasters represents the major networks and 463 of the country's 791 broadcasting stations. Those 463 stations represent about 95 per cent of the industry's income.

We propose, first, that Section 541.1 of the Rules and Regulations be amended to read:

"The term 'employee employed in a bona fide executive (and administrative \* \* \* capacity)' in Section 13(a)(1) of the Act shall mean any employee whose primary duty is the management of the establishment, or a customarily recognized department thereof, in which he is employed, and who customarily and regularly directs the work of other employees therein, and who has the authority to hire and fire other employees or whose suggestions and recommendations as to the hiring and firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight and who customarily and regularly exercises discretionary powers, and who is compensated for his services at not less than \$30 (exclusive of board, lodging, or other facilities) for a work-week."

In other words, we approve of the Administrator's definition of a "bona fide executive" to be exempt from Sections 6 and 7 of the Fair Labor Standards Act, except for that clause requiring a "bona fide executive" to do "no substantial amount of work of the same nature as that performed by non-exempt employees." We think it would be to the best interest of both broadcasting station employers and certain of their employees to have that clause removed from the definition.

The Federal Communications Commission's Report to Congress for the fiscal year ended June 30, 1939, page 234, showed that the networks and 660 commercial stations had 18,359 full-time employees during the week beginning December 11, 1938, and that their average compensation was \$45.20 for that week. I offer a copy of that report as Exhibit One. According to an informal opinion received from the Bureau of Labor Statistics, that average wage is one of the highest, if not *the* highest, paid by any industry. Naturally, it follows that those employees who were considered to be executives before Section 541.1 was issued were paid, on the average, more than \$45.20 a week. The same FCC Report gives the average weekly compensation of station executives as \$78.51. No definition of "executives" is included in that report, however.

We recently asked all stations to inform us how many of their executives, not now exempt under Section 541.1, would be exempt if the section were amended as we proposed. Two hundred and seventy-seven station managers so far have informed us that the total in their stations would be 546. We have divided these into three groups: (1) small stations, with 100-250 watts power; (2) medium stations with 500-5000 watts power; and (3) large stations with 10,000-50,000 watts power. One hundred and twenty-one small stations said that 178 executives, now subject to Sections 6 and 7 of the Act, would be exempt with the change.

Their average compensation is \$39.31 a week. One hundred and thirty-six medium stations said that 317 of their employees now covered would be exempt with the change, and that their average pay was \$50 a week. Twenty large stations reported that the change would exempt 51 of their employees now receiving an average of \$68.67 a week. We believe that this is a typical cross-section. If we are correct, the change we proposed would exempt somewhat less than 1,500 employees who receive an average weekly pay check of \$47.18. Certainly Congress would not find in that group—or in the entire broadcasting industry—I quote from the preamble to the Fair Labor Standards Act—"labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers." The *range*, by the way, in the average weekly pay of the employees which would be exempt by the change of definition is from \$30 to \$167.31.

In considering that the change we recommend would exempt approximately nine per cent of the industry's 18,000 full time employees, it must be remembered that the average broadcasting station has few employees compared with most industrial units. The same 660 stations cited above employed an average of 22 persons on a full-time basis. It appears only natural that an industrial unit producing as varied an output as does a radio station would need more executives than would most industrial units with such a small number of employees per unit. Those 22 employees include technicians, writers, salesmen, announcers, directors of both musicians and actors, auditors, stenographers, janitors, and others. The general manager of a station rarely could find time to give necessary executive direction to all these classes of employees. And yet, under Section 541.1, as it stands, the general manager is often the only "bona fide executive" in the station.

Appended to this statement is a simplified chart of the personnel set-up of the average broadcasting station. Under the general manager are three principal departments—engineering, program production and sales-and-promotion. At the head of these departments are the chief engineer, the program director and the sales manager.

Under the chief engineer, in most medium size and large stations, are the chief transmitter operator and the chief studio operator. These direct the work of the regular operators, engineers and other technicians. The chief engineer and the two chief operators usually meet all the requirements of Section 541.1 except for that which forbids them to do a substantial amount of work of the same nature as that of the regular operators, engineers and technicians. Each often "takes a trick" or does relief work at the transmitter or studio controls.

Under the production director, usually, are the musical director with his musicians; script writers and editors; announcers; various program supervisors, frequently employed on a part time basis; and actors and singers, likewise frequently employed on a part time basis. In large stations, the production director is usually an executive even under Section 541.1; but in medium and small stations, he frequently does some announcing or script writing of the same nature as that done by the announcers and writers under him. Often he does this announcing or script writing by choice because he receives extra fees for it.

The sales manager directs the work of the station's salesmen. He also directs a certain amount of script writing. In small stations he often does some of this writing himself. In most stations, the sales manager handles publicity and promotion as well as time sales. In small stations this work also involves writing—the work of the same nature as writers under him.

The duties, as well as the titles, of all these executives vary somewhat among the 791 stations. In the larger stations there are more departments and more executives.

In a few of the smallest stations, there is only one executive—and would be only one if our proposal for redefinition were adopted.

All of the 277 station managers who have answered our request for information mentioned above assured us that adoption of the Association's proposal would mean no substantial increase in their executives' working time. *Flexibility*, not a longer work week, is what the industry wants.

The broadcasting industry is in the business of furnishing entertainment, information and education for the public. It is a young industry. It is developing. It must continually change its output as public taste changes. It calls for a great deal of experimenting and creative endeavor. That type of work just cannot be confined to a rigid and inflexible number of hours.

For instance, let us take the case of a program director. He meets all the requirements of an executive, under Section 541.1, except the one to which we object. The autumn season of new

programs and new shows is approaching. He spends hours *planning* these programs, interviewing talent, hiring or selecting announcers, rehearsing shows, planning and directing script writing, and making arrangements for news services. For several weeks he may be spending all his waking hours working or planning or thinking. Even if the station could afford to pay him overtime, there would be no way to calculate his working time. During this period, he is announcing one program a day, perhaps because a commercial sponsor requested his services. Perhaps the Wage and Hour Division or the courts would hold that his announcing constituted "a substantial amount of work of the same nature . . ."; therefore, he is not an executive. How in the world would you calculate his overtime!

The industry's general practice in the past was to compensate for long hours during emergencies or busy seasons with time off. Why don't you sleep in tomorrow? Why don't you take a few days off and go fishing next week? That was how stations compensated their executives for long hours. It was the practical way, in an industry where executives could not work by the clock. This system seemed perfectly satisfactory to the executives. They are not just foremen in a factory. They are idea men. And creative endeavor just cannot be turned on at nine and off at five.

I would like to quote from letters I recently have received from broadcasting station managers on this point:

"Bona fide complaints to us deploring the situation, which they rightly contend jeopardizes their opportunity to demonstrate their ability, interest and progress, added to the extreme inconvenience almost invariably caused by the cessation of work in avoiding overtime pay for these better-paid men . . . make the literal application . . . both burdensome and undesirable from practically every viewpoint."

"Placing them (the executives) upon an hourly basis with the payment of time and one-half for overtime would make it necessary for the company to withdraw certain very substantial benefits that are granted to them, in the form of no deductions from their regular salary in case of sickness, life insurance and hospitalization insurance, the premiums for which are paid 100 per cent by the company, two weeks' vacation at full pay and substantial cash bonuses which have been paid to them at the end of each year from 1933 to 1939 inclusive. Management of any successful business cannot punch a clock, and these employees are very definitely a part of management. One of the principal contributing factors in their success in their positions is the feeling that they are members of the executive staff, which feeling would be completely destroyed if they were placed upon strictly an hourly basis."

(The executives this station manager refers to receive weekly salaries ranging from \$69.23 to \$167.31.)

Another station manager notes that it is impossible to determine whether "overtime" on the part of one of his executives is justified because that executive is the one who must decide how long he should work. For instance, the average station manager is not an engineering expert. His chief engineer is the only man in the station who could determine whether he or any of his subordinates should work overtime.

Another fault of the present definition is the difficulty the employer has in determining what constitutes a "substantial amount of work." The other requirements of the definition are not open to question. An employee does or doesn't make \$30.00 a week. He does or doesn't have the right to hire and fire. And so forth. But what is a "substantial" amount of work? Should an employer have to live in fear and trembling of a court decision that he might have been wrong in his determination in the case of each of his executives?

A case in point:

We asked the Wage and Hour Division if a chief engineer who relieved one of his subordinates for lunch five days a week was doing a substantial amount of work. . . .

Also whether a chief engineer who took one eight-hour trick each week at the transmitter was doing a substantial amount of work.

The answer on lunch relief was "no". The answer on one trick a week was "yes".

From these two rulings one might conclude that the dividing line between substantial and non-substantial is somewhere between five and eight hours per week. But we are not sure. Nor is it at all clear that such a dividing line would be upheld by the courts.

The fact that an executive does some work of the same nature as those under him certainly does not alter his executive status from a practical viewpoint. Many a highly paid executive frequently pitches in and does a substantial amount of work of the same nature as that performed by non-executive employees, without

losing his executive status by any common conception of that status. If Mr. Knudsen decided he wanted to work one day a week on the assembly line, would anyone challenge his status as a bona fide executive of General Motors?

It seems to us that the intention of Congress, in placing Section 13 (a)(1) in the Act was to remove any regulation of the hours of those classes of employees whose work was of such a nature that regulation of hours was not consistent with good business practice. Broadcasting executives are in that class, even though they do some work of the same nature as that performed by their subordinates.

And now as to outside salesmen. The 660 commercial stations referred to before employed 1,298 outside salesmen during the week beginning December 11, 1938, according to the Federal Communications Commission. They received an average compensation of \$48.41 a week.

We suggest amending section 541.4 of the Division's Regulations by striking out the words "as defined in Section 3(k) of the Act", because it would appear that the interpretative opinion of the Division's counsel excluding salesmen other than those that make sales resulting in the transfer of title to property may be based on a narrow construction—too narrow we think, however—of the definition of "sell" and "sale" laid down in that section of the Act.

We submit that 3(k) has nothing to do with "outside salesman" in 13(a)(1). Section 13 (a)(1) of the Act exempts from the provisions of sections 6 and 7, among others, any employee employed "in the capacity of outside salesman (as such terms are defined and delineated by regulations of the Administrator)." The Administrator, expressly given authority to define and delimit the term "outside salesman" as it sees fit within the reasonably understood meaning of those words, has done so by adopting as its definition the salesman who sells or makes sales in accordance with its interpretation of those words in Section 3(k). Had that been the intent of Congress it would have been simple draftsmanship so to state in Section 13 (a)(1), in place of "as such terms are defined and delineated by regulations of the Administrator." Obviously, the Administrator has chosen the definition in 3(k) as possibly being the closest thing to Congressional intent on the subject to be found in the Act.

However, we contend that the definition of "sell" and "sale" in 3(k) was provided to define those words as they appear verbatim in Section 15 (a)(1) of the Act—the section on prohibited acts, wherein it is declared unlawful for any person "to . . . sell in commerce, or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any *goods* in the production of which any employee was employed in violation of section 6 or section 7 . . ." Here we find the very words "sell" and "sale" used by Congress, and we submit that it was with the intention of defining these very words that 3(k) was put in the Act, and not as a roundabout way of defining "outside salesman". The Congress chose not to define "outside salesman", but left it to the Administrator to do so.

The construction put on "sell" and "sale" in the interpretative opinion, restricting their meaning to the making of sales resulting in the transfer of title to property, is certainly not unreasonable when applied to the use of those words in section 15(a), where the Congress is prohibiting the transport, shipment, delivery or sale of *goods* produced in violation of sections 6 and 7. There is nothing in the language of 13(a)(1) limiting sales to sale of goods, and that is doubtless why the Administrator was given authority to define those words and 3(k) was not referred to as the definition.

It is our contention, furthermore, that the language of 3(k), in the words "exchange" or "other disposition" is broad enough to cover sales of services such as radio time. Webster's New International Dictionary, Second Edition, Unabridged (1935) gives these definitions:

**SALE.** 1 (*n.*) *Law.* Act of selling.

**SELL.** (*v.*) . . . 7. To transfer (property) for a consideration; to transfer the absolute or general title to (anything, as lands, goods, choses in action) to another for a price or such of money; to give up for a valuable consideration; to dispose of in return for something; to convey.

**SALESMAN.** (*n.*) One whose occupation is to sell, as goods, merchandise, land, securities, *transportation*, etc., either in a store or within a given territory; specif., a commercial traveler.

It seems clear that title to transportation passes in the same sense that title to the right to use radio facilities passes. It is commonly understood that salesmen sell services of various kinds. Furthermore, it is the understanding of the Federal Communica-

tions Commission charged with the regulation of radio broadcasting, as evidenced by that body's reports. We offer page 234 of the "Report of the Federal Communications Commission," wherein in Table X—"Functional employment and pay-roll data for the week beginning December 11, 1938," the classification "outside salesman" appears. If anything further can be adduced to show that outside salesman in both common and administrative understanding should include those employees soliciting radio advertising, we do not know where to look for it.

Finally, the emphasis in section 13(a)(1), of the Act, (and in section 541.4 of the Regulations) should be put on the word "outside" rather than on the word "salesman." This section exempts certain employees from the minimum wage and hour provisions of section 6 and 7, and, we submit, the least common denominator of these exempted employees is the element of the employer's inability to control their time. Inside salesmen, no matter whether they sell goods or services, can punch a time clock; outside salesmen, no matter what they sell, cannot. To be sure, those employed in a "local retailing capacity" do not fit our least common denominator, as do "executives," "administrators" and "professionals"; but this classification was doubtless intended to exempt those employees engaged in intra-state commerce who work for an employer who also does interstate business, and in no wise detracts from the fact that the intention of Congress was to exempt employees whose time from the nature of their employment could not be controlled.

Therefore, we respectfully urge that the words "as defined in Section 3(k) of the Act" be stricken from section 541.4 of the Division's Regulations, and that the Regulation as thus amended be interpreted to exempt employees employed as outside salesmen of radio time, or other services, as well as outside salesmen whose sales result in the passing of title to property tangible or intangible.

## BMI Developments

### BMI FEATURE TUNES

July 29-August 5

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THAT'S FOR ME
4. FOOEY ON YOU
5. DON'T THE MOON LOOK PRETTY?

Four new stations are welcomed to the list of BMI subscribers:

WJTN—Jamestown, N. Y.  
KDYL—Salt Lake City, Utah  
WSFA—Montgomery, Alabama  
WLVA—Lynchburg, Virginia.

BMI members have received this past week a shipment of transcriptions of fifty compositions. In a telegram announcing the shipment, M. E. Tompkins, BMI's General Manager, said, "These recordings, accomplished with cooperation of transcription companies represented, are sent without charge as part of BMI service to subscribers."

Mr. Tompkins states that this shipment is only a beginning and a sample. Similar releases of transcriptions will follow during the coming months which will place 450 additional numbers in transcribed form in the hands of BMI subscribers before the first of the year.

Niles Trammell, President of NBC, recently sent letters to NBC affiliates, to bandleaders performing on NBC sustaining programs, and to advertisers and advertising agencies concerned in NBC commercial programs, advising them of the situation which will make the use of ASCAP music impossible after the expiration of the present ASCAP contracts on December 31, 1940. All the letters were similar in tone and substance. Extracts from the Letter to advertisers and agencies are given below:

"ASCAP has offered to renew our licenses, but only on terms which we considered to be exorbitant. Such a move would add materially and unfairly in our opinion to the cost of broadcast advertising and broadcasting operation. After serious consideration we have definitely decided we cannot accept these terms. Therefore, without an ASCAP license NBC will be unable to broadcast their music after December 31, 1940.

"In order to avoid possible copyright infringements we recommend that advertising agencies and their clients make an immedi-

ate study of their program music problems. Particular care should be taken to check signatures and theme music presently used on your programs to make sure that such music can be broadcast by NBC after the end of the year. We feel that there is much that can be done immediately to accustom yourselves to the new situation which will be in effect on January 1st, 1941. For example, you may want to instruct your orchestra leaders to commence using in the body of your NBC programs music which NBC will be licensed to broadcast.

"This problem will involve not only the NBC network shows but also the local programs, whether live or electrically transcribed, which are broadcast over NBC managed and operated stations. We suggest that if you now have any such programs, or contemplate them in the future, that you check carefully material incorporated in them. Many advertisers who already have on hand electrical transcriptions or who make them before the first of the year may contemplate their use on NBC M&O stations after January 1st. Obviously, such records should be carefully checked to be sure that all musical material will be licensed.

"There will be available for use by all NBC advertisers on programs broadcast over NBC networks or M&O stations, the catalogues of Broadcast Music, Inc.; Society of European Stage Authors and Composers (SESAC); Associated Music Publishers; G. Ricordi & Co.; Milan; A. P. Schmidt Co.; E. C. Schirmer Music Company; Society of Jewish Composers, Publishers and Songwriters and other concerns and individuals. Likewise, there is music available in the public domain which can be arranged from the original sources.

"It is obviously important, therefore," Trammell concludes, "for all of us to lay our plans now covering the operating conditions which will exist after the end of this year."

## National Defense

### 373 STATIONS PLEDGE SUPPORT

Three hundred seventy-three (373) broadcast stations had pledged support to the National Defense program by Thursday noon, July 25. Station executives returning pledges up to Monday, August 1, will be listed in "NAB REPORTS" of August 2.

The promptness with which the industry has responded to the appeal for assistance in locating 100,000 skilled workers has brought cheer to the United States Civil Service Commission as well as to the Army, Navy and other defense agencies. Hundreds of additional station pledges are expected as insufficient time has elapsed to hear from all sections of the country.

Many letters have been received from station executives containing constructive suggestions. These have been forwarded to the Civil Service Commission. Within two to three weeks the Commission is expected to have a more definite knowledge of procurement difficulties.

DISTRICT 1

CONNECTICUT  
 WICC—Bridgeport  
 WDRC—Hartford  
 WTHT " "  
 WTIC " "  
 WNBC—New Britain and Hartford  
 WNLC—New London  
 WBRV—Waterbury

MAINE  
 WCOU—Lewiston  
 WCSH—Portland  
 WAGM—Presque Isle

MASSACHUSETTS

WAAB—Boston  
 WCOP " "  
 WEEI " "  
 WHDH " "  
 WMEX " "  
 WNAC " "  
 WSAR—Fall River  
 WHAI—Greenfield  
 WLAW—Lawrence  
 WLLH—Lowell  
 WNBH—New Bedford  
 WBRK—Pittsfield

WESX—Salem  
 WMAS—Springfield  
 WSPR " "  
 WORC—Worcester  
 WTAG " "  
 NEW HAMPSHIRE  
 WLNH—Laconia  
 WFEA—Manchester

RHODE ISLAND  
 WEAN—Providence  
 WPRO " "

VERMONT  
 WSYB—Rutland

Until this initial period has passed it is believed best to proceed as outlined in the one page bulletin of July 23 which accompanied the three announcements.

According to a July 24 A.P. dispatch from Rock Island, Ill., the Government arsenal there, one of six Government armament plants, has orders for two years full capacity operation. Employment is expected to soar to eight thousand.

United States Civil Service Commission lists indicate that some of the requirements for the Rock Island Arsenal are covered in the announcements mailed to stations.

Also, on July 24, Secretary of the Navy, Knox, according to the *Washington Star*, favors bringing skilled workers to ship building cities.

Again the announcements in the hands of broadcasters covers present employment needs in Navy Yards located at:

Charleston, S. C.  
 Norfolk, Va.  
 Washington, D. C.  
 Bremerton, Wash.  
 Mare Island, Cal.

Stations from which NAB has received National Defense pledges are:

DISTRICT 2

NEW YORK  
 WMBO—Auburn  
 WVFW—Brooklyn  
 WBEN—Buffalo  
 WBNY “  
 WGR “  
 WKBW “  
 WHCU—Ithaca  
 WJTN—Jamestown  
 WKNY—Kingston  
 WGNV—Newburgh  
 WABC—New York City  
 WBNX “  
 WMCA “  
 WNEW “  
 WNYC “  
 WOR “  
 WOV “  
 WQXR “  
 WHDL—Olean  
 WMFF—Plattsburg  
 WKIP—Poughkeepsie  
 WHAM—Rochester  
 WHEC “  
 WGY—Schenectady  
 WFBL—Syracuse  
 WSYR “  
 WHAZ—Troy  
 WTRY “  
 WIBX—Utica  
 WFAS—White Plains  
 WWRL—Woodside, NYC

DISTRICT 3

NEW JERSEY  
 WCAP—Asbury Park  
 WBAB—Atlantic City  
 WSNJ—Bridgeton  
 WCAM—Camden  
 WAAT—Jersey City  
 WHOM “  
 WBRB—Red Bank

PENNSYLVANIA  
 WFBG—Altoona  
 WEST—Easton  
 WIBG—Glenside  
 WHJB—Greensburg  
 WAZL—Hazleton  
 WJAC—Johnstown  
 WKST—New Castle  
 WCAU—Philadelphia  
 WDAS “  
 WFIL “  
 WHAT “  
 WIP “  
 WTEL “  
 WCAE—Pittsburgh  
 WEEU—Reading  
 WRAW “  
 WARM—Scranton  
 WGBI “  
 WKOK—Sunbury  
 WMBS—Uniontown  
 WBAX—Wilkes-Barre  
 WBRE “  
 WRAK—WilliamSPORT  
 WORK—York

DISTRICT 4

DISTRICT OF COLUMBIA  
 WJSV—Washington  
 WMAL “  
 WOL “  
 WRC “

MARYLAND  
 WBAL—Baltimore  
 WCAO “  
 WCBM “  
 WFBR “  
 WJEJ—Hagerstown

NORTH CAROLINA  
 WWNC—Asheville  
 WBT—Charlotte  
 WSOC “  
 WGNC—Gastonia  
 WGBR—Goldsboro  
 WBIG—Greensboro  
 WGTC—Greenville  
 WFTC—Kinston  
 WPTF—Raleigh  
 WEED—Rocky Mount  
 WSTP—Salisbury  
 WMFD—Wilmington  
 WGTM—Wilson  
 WAIR—Winston-Salem  
 WSJS “

SOUTH CAROLINA  
 WCSC—Charleston  
 WTMA “  
 WOLS—Florence

VIRGINIA  
 WCHV—Charlottesville  
 WBTM—Danville  
 WSWA—Harrisonburg  
 WGH—Newport News  
 WTAR—Norfolk  
 WPID—Petersburg  
 WMBG—Richmond  
 WDBJ—Roanoke

WEST VIRGINIA  
 WJLS—Beckley  
 WCHS—Charleston  
 WGKY “  
 WBLK—Clarksburg  
 WSAZ—Huntington  
 WLOG—Logan  
 WPAR—Parkersburg  
 WWVA—Wheeling  
 WBTH—Williamson

DISTRICT 5

ALABAMA  
 WHMA—Anniston  
 WAPI—Birmingham  
 WBRC “  
 WJBY—Gadsden  
 WBHP—Huntsville  
 WALA—Mobile  
 WMOB “  
 WSFA—Montgomery

FLORIDA  
 WMBR—Jacksonville  
 WIOD—Miami  
 WQAM “  
 WKAT—Miami Beach  
 WDBO—Orlando  
 WCOA—Pensacola  
 WFOY—St. Augustine  
 WSUN—St. Petersburg  
 WTSP “  
 WDAE—Tampa  
 WJNO—West Palm Beach

GEORGIA  
 WGPC—Albany  
 WAGA—Atlanta  
 WATL “  
 WGST “  
 WSB “  
 WMOG—Brunswick  
 WMAZ—Macon  
 WMGA—Moultrie  
 WRGA—Rome  
 WSAV—Savannah  
 WPAX—Thomasville

DISTRICT 6

ARKANSAS  
 KLCN—Blytheville  
 KWFC—Hot Springs  
 KBTM—Jonesboro  
 KARK—Little Rock  
 KOTN—Pine Bluff  
 KUOA—Siloam Springs

LOUISIANA  
 KVOL—Lafayette  
 KPLC—Lake Charles  
 KMLB—Monroe  
 WNOE—New Orleans  
 WSMB “  
 KTBS—Shreveport  
 KWKH “

MISSISSIPPI  
 WJPR—Greenville  
 WGRM—Greenwood  
 WFOR—Hattiesburg  
 WSLI—Jackson  
 WAML—Laurel  
 WSKB—McComb  
 WCOC—Meridian  
 WQBC—Vicksburg

TENNESSEE  
 WOPI—Bristol  
 WAPO—Chattanooga  
 WHUB—Cookeville  
 WKPT—Kingsport  
 WNOX—Knoxville  
 WROL “  
 WHBQ—Memphis  
 WMC “  
 WMPS “  
 WSM—Nashville

DISTRICT 7

KENTUCKY  
 WCMI—Ashland  
 WHOP—Hopkinsville  
 WLAP—Lexington  
 WAVE—Louisville  
 WGRC “  
 WHAS “  
 WOMI—Owensboro  
 WPAD—Paducah

OHIO  
 WADC—Akron  
 WJW “  
 WICA—Ashtabula  
 WHBC—Canton  
 WCKY—Cincinnati  
 WCPO “  
 WCLE—Cleveland  
 WHK “  
 WCOL—Columbus  
 WHKC “  
 WOSU “  
 WMAN—Mansfield  
 WPAY—Portsmouth  
 WSPD—Toledo  
 WFMJ—Youngstown  
 WKBN “  
 WHIZ—Zanesville

DISTRICT 8

INDIANA  
 WTRC—Elkhart  
 WFBM—Indianapolis  
 WIRE “  
 WFAM—South Bend  
 WSBT “  
 WBOW—Terre Haute

MICHIGAN  
 WBCM—Bay City  
 WJBK—Detroit  
 WJR “  
 WMBC “  
 WJMS—Ironwood  
 WIBM—Jackson  
 WJIM—Lansing  
 WDMJ—Marquette  
 WKBZ—Muskegon  
 WCAR—Pontiac  
 WHLS—Port Huron  
 WEXL—Royal Oak  
 WSOO—Sault Ste. Marie

DISTRICT 9

ILLINOIS  
 WJBC—Bloomington  
 WDWS—Champaign  
 WAAF—Chicago  
 WEDC “  
 WGN “  
 WIND “  
 WJJD “  
 WLS “  
 WDAN—Danville  
 WTMV—East St. Louis  
 WEBQ—Harrisburg  
 WCLS—Joliet  
 WMBD—Peoria  
 WTAD—Quincy  
 WROK—Rockford  
 WHBF—Rock Island  
 WCBS—Springfield  
 WTAX “  
 WDZ—Tuscola  
 WISCONSIN  
 WHBY—Appleton  
 WTAQ—Green Bay  
 WCLO—Janesville  
 WOMT—Manitowoc  
 WEMP—Milwaukee  
 WTMJ “  
 WRJN—Racine  
 WJMC—Rice Lake  
 WSAU—Wausau

DISTRICT 10

IOWA  
 WOI—Ames  
 WOC—Davenport  
 WGCA—Decorah  
 WHO—Des Moines  
 WKBB—Dubuque  
 KVFD—Fort Dodge  
 KGLO—Mason City  
 KMA—Shenandoah  
 KTRI—Sioux City  
 MISSOURI  
 KFVS—Cape Girardeau  
 KFRU—Columbia  
 KMBC—Kansas City  
 WHB “  
 KDRO—Sedalia  
 KFEQ—St. Joseph  
 KWK—St. Louis  
 WIL “  
 KGBX—Springfield  
 KWTO “  
 NEBRASKA  
 KGFW—Kearney

KFAB—Lincoln  
 KFOR “  
 WJAG—Norfolk  
 WOW—Omaha  
 KGKY—Scottsbluff

DISTRICT 11

MINNESOTA  
 KYSM—Mankato  
 WCCO—Minneapolis  
 WDGY “  
 WLOL “  
 KVOX—Moorhead  
 WCAL—Northfield  
 KFAM—St. Cloud  
 KSTP—St. Paul  
 WMIN “  
 NORTH DAKOTA  
 KRMC—Jamestown  
 SOUTH DAKOTA  
 KABR—Aberdeen  
 KFDY—Brookings  
 KOBH—Rapid City  
 KELO—Sioux Falls  
 KSOO “  
 WNAX—Yankton

DISTRICT 12

KANSAS  
 KGNO—Dodge City  
 KTSW—Emporia  
 KIUL—Garden City  
 KVGB—Great Bend  
 KWBG—Hutchinson  
 WREN—Lawrence  
 KOAM—Pittsburg  
 KSAL—Salina  
 WIBW—Topeka  
 KANS—Wichita  
 KFBI “  
 OKLAHOMA  
 KADA—Ada  
 KVSO—Ardmore  
 KCRC—Enid  
 KOMA—Oklahoma City  
 KTOK “  
 WKY “  
 KHBG—Okmulgee  
 WBBZ—Ponca City  
 KGFF—Shawnee  
 KOMA—Tulsa  
 KTUL “

DISTRICT 13

TEXAS  
 KRBC—Abilene

KFDM—Beaumont  
 KRIS—Corpus Christi  
 KFJZ—Fort Worth  
 KGKO “  
 WBAP “  
 KPRC—Houston  
 KPAB—Laredo  
 KFRO—Longview  
 KFYO—Lubbock  
 KNET—Palestine  
 KPDN—Pampa  
 KPAC—Port Arthur  
 WOAI—San Antonio  
 KTEM—Temple  
 KVWC—Vernon  
 KVIC—Victoria

DISTRICT 14

COLORADO  
 KGHF—Pueblo  
 KGEK—Sterling  
 MONTANA  
 KGHL—Billings  
 KRBM—Bozeman  
 KGCX—Wolf Point  
 UTAH  
 KUTA—Salt Lake City  
 WYOMING  
 KDFN—Casper  
 KVRS—Rock Spring

DISTRICT 15

CALIFORNIA  
 KARM—Fresno  
 KROW—Oakland  
 KFBK—Sacramento  
 KYA—San Francisco

DISTRICT 16

ARIZONA  
 KTAR—Phoenix  
 NEW MEXICO  
 KGGM—Albuquerque  
 CALIFORNIA  
 KHJ—Los Angeles  
 KNX “

DISTRICT 17

OREGON  
 KALE—Portland  
 KEX “  
 KGW “  
 KOIN “  
 WASHINGTON  
 KVOS—Bellingham  
 KJR—Seattle  
 KOMO “

SHORT WAVE BROADCASTERS SPENDING \$2,000,000 FOR NEW EQUIPMENT

Short wave broadcasters in the United States have committed themselves to an additional expenditure of \$2,000,000 for new and more powerful transmission equipment, Neville Miller advised the State Department in a conference Tuesday with Thomas Burke, chief of the Division of International Communications at the State Department relative to the problem of world wide broadcasting, with particular reference to South American coverage.

Representatives of the short wave broadcasters have had conferences with officials of the Federal Communications Commission concerning increased power and applications are now pending for construction permits which it is expected will be granted in the near future.

It was revealed that operating costs for the new and more powerful transmitters would be in excess of one million dollars annually.

While the new equipment will insure wider coverage and bring about better reception in South America, the popularity of broadcasts from the United States is already high. Nearly 10,000 letters a month are written by South American listeners to American short wave broadcasters, it was declared. News broadcasts are highest in popularity. Figures compiled by the NAB show that American short wave stations are broadcasting 13 hours and 19 minutes of news to Latin and South America every day. The broadcasts are given chiefly in Spanish, Portuguese and English, though there are two fifteen-minute periods given in German, French and Italian. These are the regularly scheduled periods and do not



include special events such as speeches or statements by the President, Secretary of State and other officials of government. When the President speaks, for example, his speech is broadcast in English, later translated into Portuguese, Spanish, French, Italian, Polish and German, and broadcast in these languages.

Other programs which have attracted a wide following of listeners in South America include travelogues, lessons in English, talks on new scientific discoveries and developments, stamp collecting programs, and aviation. The South American woman apparently is as much interested in fashion notes and Hollywood gossip as her North American sister, the program analysis indicated. In addition to specially built programs for the Latin American audience, the cream of network programs are also broadcast, especially important symphonies and vocalists, as a reflection of North American culture. Occasionally exchange programs have been done in the past year where, for example, Brazil furnished a series of programs which were heard over an American network, and the network in turn broadcast programs which were heard over the Brazilian network.

Letters from listeners indicate that Latin Americans prefer news broadcasts from the United States. The same policies governing the broadcasts of news on standard stations in the United States also govern the broadcasting of news by short wave. On regularly scheduled periods, a complete coverage of domestic and world wide events is given. News is presented as it happens. It is not slanted, withheld or distorted for propaganda purposes. As a result, South American listeners have learned to place dependence on news broadcast by United States short wave stations, it was declared.

The total amount of broadcasting done by all American short wave stations, including news broadcasts, for South American listeners, is 449 hours per week.

Those attending the conference with Mr. Burke, in addition to Mr. Miller, were Harry C. Butcher, E. K. Cohan, Miss Elizabeth Ann Tucker of the Columbia Broadcasting System; Robert L. Gibson, General Electric Company; Frank Mason, Guy C. Hickok, Frank M. Russell of the National Broadcasting Company; Oswald F. Schuette, Radio Corporation of America; J. G. Leitch, Radio Station WCAB; Kenneth W. Stowman, Radio Station WCAU, Philadelphia, Pennsylvania; J. B. Rock, Walter Evans, Westinghouse Electric & Manufacturing Company; R. J. Rockwell, W. C. Koplovitz, Radio Station WLW, Cincinnati, Ohio; Walter Lemmon, World Wide Broadcasting Corporation; Ed Kirby, Paul Peter, National Association of Broadcasters.

#### FOREIGN LANGUAGE BROADCASTERS COMMENDED BY MILLER

Following a meeting Thursday of representatives of radio stations broadcasting foreign language programs, Neville Miller made the following statement:

"Following a careful study of the foreign language broadcasts over domestic stations, I am happy to say that American broadcasters are rendering a distinctly meritorious and patriotic public service in reaching great groups of our population in the language they understand, and reachable through no other medium.

"Our foreign language broadcasts are not foreign broadcasts; they are American broadcasts in a foreign language. These broadcasts are promulgating Americanism throughout our foreign-born population. Should broadcasts in foreign languages ever be removed, a serious blow would be struck in our own campaign of preparedness and national unity. These groups would then be driven to get their news and their concepts of democracy from government controlled short wave radio stations abroad broadcasting in their own tongues.

"American broadcasters rendering this foreign language service have shown a high degree of responsibility in formulating policies designed to protect the interests of the country. All employees are carefully investigated before hiring, and full personnel records are kept. Foreign language news broadcasts are simply translations of the regular news reports taken directly from the wires of the same press services which supply our daily newspapers and radio stations. Scripts are carefully checked and appraised in light of national defense and Americanism. Trusted and competent linguists are employed to exercise careful supervision of everything said over the air, to eliminate any sinister influence which might be attempted by those unfriendly to our way of life.

"Complete files of programs and continuities are kept for the inspection of proper authorities of government."

Those attending the meeting were:

Quincy A. Brackett, WSPR, Springfield, Massachusetts; Gerald Morey, Edwin J. Morey, Ivon B. Newman, WNLC, New London, Connecticut; Aaron Kronenberg, Brooklyn, New York; Samuel Gellard, WLTH, New York City; M. S. Novik, WNYC, New York City; David Cesem, WOV, New York City; Aristides G. Lazarus, WEVD, New York City; William I. Moore, WBNX, New York City; Emil Dorer, WWRL, Woodside, New York; Frank Mason, National Broadcasting Company, New York; Salvatore D'Angelo, WVFW, Brooklyn, New York; Joseph Lang, WHOM, Jersey City, New Jersey; Arthur Simon, WPEN, Philadelphia, Pennsylvania; Milton Laughlin, WHAT, Philadelphia, Pennsylvania; Alexander W. Dannenbaum, Jr., WDAS, Philadelphia, Pennsylvania; Louis G. Baltimore, WBRE, Wilkes-Barre, Pennsylvania; Martin Antoncic, Carl George, WGAR, Cleveland, Ohio; Edythe F. Melrose, WMBC, Detroit, Michigan; Joseph Hopkins, WJBK, Detroit, Michigan; J. Franklin Viola; Neville Miller and Ed Kirby, NAB.

## Sales

### BROADCAST TIME SALES INCREASE 10 PER CENT IN 1939

Broadcast time sales for the calendar year 1939 amounted to \$129,468,022, which was an increase of 10.3 per cent over the \$117,379,459 reported for 1938, according to figures compiled by the Accounting, Statistical, and Tariff Department of the FCC.

These figures are based on reports by the three major networks—Columbia Broadcasting System, Mutual Broadcasting System, and National Broadcasting Company—together with 705 other stations, including affiliated stations whose time sales were being conducted by Columbia and National at the end of the year.

The total broadcast expenses of the industry for 1939 were \$99,789,920, compared with \$92,503,594 for the previous year, an increase of 7.9 per cent. While the networks and their affiliated 23 stations had 54.1 per cent

of the total business last year, their proportion of the net business (after deduction of commission payments and amounts due to independent stations for network broadcasting) was 38.2 per cent, and the proportion of the 682 other stations was 61.8 per cent. Time sales last year involved commission payments amounting to \$17,405,414 as compared with \$16,487,200 the year previous.

The broadcast-service income (revenue less expenses) of the three major networks was \$5,631,228, or 23.9 per cent of the total. That of their 23 stations was \$5,428,924, or 23 per cent of the total, and that of the 682 other stations was \$12,531,792, or 53.1 per cent of the total.

Aside from sales for the use of Canadian and other extra-territorial stations in major network broadcasts, the sales of major network time were \$61,310,571, and accounted for 47.4 per cent of the total time sales in the United States for 1939. Other classes of time sales and their comparison with the same classes for 1938 are included in the following:

Class of Time	1939		1938	
	Amount	Ratio to total %	Amount	Ratio to total %
Major network time (U. S.)	\$61,310,571	47.4	\$55,114,258	47.0
National non-network time.	30,472,053	23.5	28,109,185	23.9
Local time	36,815,770	28.4	33,402,801	28.5
Regional network time	869,628	0.7	753,215	0.6
Total	\$129,468,022	100.0	\$117,379,459	100.0

The major networks, in addition to their domestic business shown above, had total sales of \$1,311,118 for network broadcasts over Canadian and other extra-territorial stations.

While the foregoing paragraph compares each major class of sales in 1939 with that for 1938, the actual changes within the classes were different, major network total times sales being up \$6,196,313, or 11.2 per cent; national non-network up \$2,362,868, or 8.4 per cent; and local up \$3,412,969, or 10.2 per cent. Receipts from regional networks by stations were about the same for both years.

The 1939 figures include reports from 186 stations which each had revenue for the year in amount less than \$25,000, compared with 175 for the year 1938. The 186 stations had total revenue of \$2,224,807, compared with \$2,520,026 for the 175 in 1938.

The figures released do not include 11 independent stations, reports of which require further correspondence. However, the aggregate amount of revenue involved in these cases is less than \$200,000, which is entirely non-network and consists mostly of local business. Nor do the figures cover 38 non-commercial stations, 11 extra-territorial stations, or 49 stations under construction or otherwise not in operation at the close of the year.

The operating expenses of the nine stations operated by Columbia and National, and designated by them as key stations, are not susceptible of direct allocation to network operations on the one hand or to station

operations on the other. Therefore, the division of the expenses as reported by the networks between network operations and key station operations reflect arbitrary determinations in some instances.

All figures included in the tabulations are compiled from responses made for networks and stations in compliance with Section 1.361 of the Rules of Practice and Procedure of the Commission, except in the case of Mutual, which filed a report as information to the Commission in connection with the industry survey.

Detailed tables covering operations of the broadcast industry for 1939 will be issued in several days.

## FTC RECORDS GIVE RADIO ADS BEST BILL OF HEALTH

95.8% of radio commercial continuities reviewed by the Federal Trade Commission are above suspicion, even by that august body, according to an extensive analysis recently reported by the Commission. The figures show that only 4.2% of 334,532 scripts checked by the FTC during the first half of 1939 were marked for further inquiry. No figures are available on the number of commercials actually proven unacceptable.

The FTC also announced comparable statistics for magazines and newspapers, as well as other media. Of 123,646 magazine advertisements reviewed, 12.1% were marked for further investigation. 124,793 newspaper ads were checked, and 7.9% marked, giving radio the best record on this score.

The entire radio advertising section of the FTC release follows:

### RADIO ADVERTISING

Surveys of radio advertising were carried on during 1939, on a selective and representative basis somewhat similar to the method followed in scrutinizing published advertisements.

Of the total 334,532 commercial radio continuities examined during the first half of the calendar year 1939 (later data not available), 15,390 originated from commercial broadcasts by nation-wide networks. Of these latter continuities, 22.2% were marked and referred for further investigation.

Owing to the obvious interstate appeal of advertisers utilizing the broadcast facilities of nation-wide networks, copies of network commercial continuities are procured on a continuous weekly basis, and the commercial script examined, therefore, comprised all such network announcements.

Commercial radio continuities are procured from individual station broadcasters (for non-network broadcasts) uniformly as to frequency and length of period sampled (and irrespective of transmittal power); with returns being staggered and proportionated throughout the year.

From the total 305,787 commercial continuities examined in script rendered by individual station broadcasters, 150,192 comprised commercial continuities broadcast by medium-powered regional stations. Of these latter continuities, 3.3% were marked for further investigation.

On a whole, it was observed that the average commercial continuities representing nation-wide network broadcasts, were about 7 times the script length of those rendered for individual station commercial announcements.

Commercial continuities covering the built-in commercial portions of electrical transcription recordings intended for radio broadcasts, are procured on a continuous monthly basis direct from the producers of such recordings. (Therefore, while the continuity data presented for this type of broadcast represented all commercial recordings of the producers, there is no data avail-

able to indicate the number, or period of time that copies of such recordings, may have been repeated over the air through the facilities of multiple stations.)

The completed tabulation, showing other particulars representing each group type of broadcaster whose commercial continuities were included in the advertising surveys during the first half of 1939, are given in the data presented below. (Individual broadcasters are grouped according to their respective authorized maximum night transmittal power, prevailing during the broadcast period reported upon.)

Type of Broadcaster	Commercial Continuities		Broadcasters Surveyed	
	Maximum Night Power	Quantity Examined	Per Cent Marked	Script Procured
Nation-Wide Networks . . . . .	15,390	22.2%	100%	3
Regional Networks . . . . .	9,228	6.5%	100%	22
Total All Networks . . . . .	24,618	16.4%	100%	25
<i>Individual:</i>				
Low Local . . . . . (100 watts)	113,927	2.3%	16 $\frac{2}{3}$ %	308
Med. Regional . . . . . (1,000 watts)	150,192	3.3%	16 $\frac{2}{3}$ %	252
High Regional . . . . . (10 kw)	19,736	4.4%	16 $\frac{2}{3}$ %	36
Clear Channel . . . . . (Inc. Special High) (25 kw-300 kw)	21,932	7.0%	16 $\frac{2}{3}$ %	36
Total Individual Station . . . . .	305,787	3.3%	100%	632
Transcriptions . . . . .	4,127	13.4%	100%	—
	334,532	4.2%		

## THE CASE FOR ADVERTISING

The Bureau of Radio Advertising has mailed to all members copies of an article entitled "The Case for Advertising," reprinted from *Nation's Business*, July, 1940. This is a follow-up to "The Case for Distribution," previously sent out, and gives further eloquent answer to the critics of advertising and the American system of free, competitive enterprise. Information contained in the article should be helpful to every station operator in coping with the many problems posed by the so-called consumer movement.

In this same connection, NAB REPORTS publishes herewith the full text of the resolutions adopted by the Advertising Federation of America at their 36th annual convention in Chicago last month:

### I

#### Defense of the Nation

The American people are today faced with new and urgent problems of national defense calling for the unselfish united effort of all Americans. We desire that the Advertising Federation of America, as a clear patriotic duty, offer immediately to the Government of the United States whatever assistance the Federation and its members can render in preparing the nation to meet any threat, and we request the officers of the Federation to communicate such an offer to the Government.

As in a former emergency, when the Federation gave important help to the Government through its national organization and through the local work of its many affiliated Advertising Clubs in helping to unify public opinion, this association now stands ready to undertake a similar task when called upon. The men

and women of this organization can be counted on to devote the coordinated facilities of the Federation to patriotic service, helping to unite the people of this great nation in thought and action, that we shall be prepared to protect our cherished freedom.

### II

#### Advertising and the American Way

The importance of advertising as a social and economic force is crystallized into a single thought by the program theme of this convention: ADVERTISING'S CONTRIBUTION TO THE AMERICAN WAY OF LIVING.

This contribution has been important, for advertising powerfully motivates and stimulates many of those individual acts and group processes which determine the way Americans live. A symbol of free competitive enterprise and of free choice by consumers, advertising arouses the desire and ambition for better living and simultaneously performs an economic service which helps to make better living possible.

The preservation of the American way of free individual enterprise and free consumer choice assumes more than usual importance today in the shadow of perils assailing freemen and free peoples in so many parts of the world.

Therefore we urge advertising men and advertising women everywhere to respect and take pride in the contribution of good advertising to the American way of living, that by the quality and sincerity of their work they may add daily to the value of this contribution, and thus help to safeguard it as a permanent part of American business.

### III

#### Truth in Advertising

On this twenty-ninth anniversary of the historic advertising convention in Boston, when the great crusade for Truth-in-Advertising was inaugurated by this Federation, with wholehearted participation of Advertising Clubs throughout the country, we subscribe anew to the ideals and principles then set up, and re-dedicate ourselves to the unremitting task of making advertising more believable and more reliable in every respect.

With the help of constructive laws, which were passed with the support of the Advertising Federation and its affiliated groups, fraud and deception have largely been eliminated from advertising. Rising standards of service to the buying public now require even greater refinement in advertising practice, and we urge constant effort to improve the quality and to make advertising as fully informative as good advertising can be, to the end that its fullest measure of effectiveness may be realized.

### IV

#### Consumer Education

The Advertising Federation of America heartily approves and welcomes the rising interest in better education of the individual man and woman in the art of buying merchandise. We urge all business leaders and advertising men and women to cooperate with consumers in this activity, for it is self-evident that more intelligent buying will bring opportunities for better selling and more effective advertising.

### V

#### Federation's Educational Program

In view of the great need today for dissemination of reliable information about advertising, we urge all affiliated Advertising Clubs and National Groups to give full cooperation to the national educational program of the Advertising Federation of America, and we invite the participation of all advertising interests not now affiliated.

This program, conducted by the Federation for more than ten years, has been most effective in promoting a better understanding of advertising's contribution to the American way of living, and we call for an expansion of this activity.

We feel that this work is especially important at the present time, to counteract the many misleading statements made about advertising, involving false economic reasoning and distortion of facts. When found in textbooks, such faults should specifically be pointed out and answered, as has been done by the Federation.

We believe that it is one of the most important responsibilities of the Advertising Federation of America to see that the public is informed on the economic functions of advertising and its influence on the improvement of our standards of life.

## Mutuality of Interest

With all advertising subjected to attacks from many sources, a united front is necessary to cement public confidence in advertising, and the Advertising Federation of America urges that each branch of advertising exercise self-restraint, good judgment, and tolerance in its attitude toward other advertising interests and media.

## Miscellaneous

### RECENT PUBLICATIONS

*"National Policy for Radio Broadcasting"* (Harper and Brothers, \$3) gives an up-to-date picture of the broadcasting industry and its problems as seen by C. B. Rose, Jr. The book constitutes a report prepared under the auspices of the National Economic and Social Planning Association.

*Printer's Ink* of June 28 carried an interesting article about the broadcasting industry's scrap with ASCAP, by Eldridge Peterson.

*Editor and Publisher* on July 13 said editorially that cancellation of radio commercials for the political conventions was one reason why sponsors should turn to newspapers.

## Television

### MORE TELEVISION AUTHORIZATIONS

Three additional television grants under its promotional experimental rules were announced Thursday by the FCC. They cover construction permit for a new Philadelphia television station, to be operated by WCAU Broadcasting Co. on television channel No. 5 (84,000-90,000 kilocycles) with 1 kilowatt aural and visual power; construction permit to Purdue University to operate its television station W9XG, at West Lafayette, Ind., on channel No. 3 (66,000-72,000 kilocycles) with 750 watts aural and visual power; and modification of license of the State University of Iowa station W9XUI, at Iowa City, to use channels Nos. 1 and 12 (50,000-56,000 and 210,000-216,000 kilocycles) with 100 watts visual only.

WCAU proposes to experiment with 441 to 729 lines, and 15 to 30 frames; to compare vertical and horizontal polarization as to signal noise ratio, effect of tall buildings, hills, and obstructions, interference from diathermy and ignition systems, and signal strength; to investigate pre-emphasis in the transmitter and de-emphasis in the receiver; and compare FM (frequency modulation) and

AM (amplitude modulation) as the sound component of its proposed station.

Purdue University contemplates experimenting with transmission standards, development of new types of pick-up tubes or iconoscopes, research into the design and construction of side-band filters, development of the transmission line or impedance modulation system, research into new methods of background control, and improvements in wide-band amplifiers, plus possible further experimentation with lines and frames, polarization, and new forms of synchronizing signals.

The State University of Iowa station will test different systems of modulation, conduct experiments concerning frequency stability and band width, measure field intensity to determine results of polarization, and otherwise carry on engineering experimentation tending to develop uniform transmission standards of acceptable technical design, plus training of technical personnel.

Neither Purdue nor the State University of Iowa will engage in public program service.

### FCC AND RMA COOPERATE

Cooperation between the Federal Communications Commission and the Radio Manufacturers Association in organization of a National Television Systems Committee, to function under the auspices of RMA, will include all industry interests, according to President J. S. Knowlson of RMA. Companies active in television development which are not members of RMA as well as those holding Association membership are included in the list announced by President Knowlson of those invited to have representation on the new National Television Systems Committee.

Coincident with the FCC announcement last week of the television development plan, President Knowlson of RMA issued the following statement:

"I don't think there is much to add to the information given out by Chairman Fly of the Federal Communications Commission on the proposed formation of an industry television committee. While not all those interested in television are members of RMA, it seemed quite obvious that as the accredited Association of the industry it was the responsibility of the Association to assume the job of getting everyone together, and with the cooperation of the FCC we assumed that responsibility.

"I am sending out invitations to the following companies to nominate representatives which should be appointed to the National Television Systems Committee functioning under the auspices of the Radio Manufacturers Association; Columbia Broadcasting Systems, Inc., Don Lee Broadcasting System, Allen B. DuMont Laboratories, Inc., Farnsworth Television & Radio Corporation, General Electric Company, Hazeltine Corporation, J. V. L. Hogan, Hughes Tool Company, Institute of Radio Engineers, Philco Corporation, Radio Corporation of America, Stromberg-Carlson Telephone Manufacturing Company, and Zenith Radio Corporation.

"Dr. W. R. G. Baker of Bridgeport, Connecticut, Director of the RMA Engineering Department, has been appointed chairman of the new National Television Systems Committee. The chairman, while correlating the work of the committee, will have no vote. I understand that Dr. Baker plans to call an early meeting of the committee for organization purposes at which meeting Chairman Fly of the FCC will informally discuss the problems with the committee members.

"I think I am safe in saying that both the Commission and RMA feel that in this way we are setting the vexing problem of television standards on a path which will lead to a satisfactory solution. We are both encouraged to feel that by so doing we are serving the interests of all concerned."

## AN ERROR

The July 19 REPORT on p. 4430 erroneously listed the power of the Don Lee Broadcasting System television station W6XAO as 100 watts for the visual channel instead of 1000 watts.

# The Commission

## FCC SETS UP INVESTIGATION UNIT UNDER DAVID LLOYD

An investigation unit has been set up in the Law Department, James Lawrence Fly, Chairman of the FCC, stated at a press conference on Monday of this week. David Lloyd, formerly Assistant Chief Counsel of the Senate Civil Liberties Committee, will be Special Counsel in charge of the unit.

He stated that this has been a great need of the Commission for some time and he expects the unit to get out into the field and investigate transactions and records and interview applicants. He called attention to the fact that ex parte statements are all that the Commission has had to rely on when new applications are filed. He pointed out the fact that the Commission is making many important grants and said that the investigations of the new unit will not be limited to broadcasting.

Mr. Fly expressed doubt that the ex parte presentations which have been made have been sound administration. If the Commission had had an investigation unit in the past, some of the difficult situations which have turned up might have been avoided. The new unit, he told the newsmen, will be generally available for all things under the Commission's jurisdiction. And in addition to legal representation, it will also involve accounting and engineering angles.

Mr. Fly stated that it will be a relatively small unit which can draw on other departments when necessary to meet any special situation.

He expressed the hope that the Commission can get some competent person to deal with labor problems. This, he said, is a separate angle but is more or less related and he explained that there is no one at the Commission at the present time investigating labor situation and problems.

"We have no liaison person," he said, "who can speak the language and reflect the viewpoint of labor."

Chairman Fly stated that he will meet on July 31 with the new television committee which is being sponsored by RMA. He expressed the feeling that the new tele-

vision committee is a good set-up and "that the industry is in a good frame of mind to go ahead and do a good job." The committee, he said, "will not only study existing systems but will plan and coordinate work for further development and improvement."

## FCC RULES REPEALED

Section 4.137 of the FCC Rules Governing Broadcast Services Other Than Standard Broadcast Applying to Non-commercial Educational Broadcast Stations, was repealed and the following substituted therefor:

"Section 4.137 *Frequencies*. (a) The following frequencies are allotted for assignment to non-commercial educational broadcast stations:

Kilocycles
42,100
42,300
42,500
42,700
42,900

"(b) Stations serving the same area will not be assigned adjacent frequencies.

"(c) Frequency modulation shall be employed exclusively unless it is shown that there is a special need for the use of amplitude modulation.

"(d) Only one frequency will be assigned to a station."

## FCC RULE EFFECTIVE DATE EXTENDED

Effective date of the FCC Rules and Regulations Sec. 3.32(b) which prohibits broadcasting of commercial programs on experimental authorizations, was further extended from August 1 to October 1, 1940.

## FCC BROADCAST MEASUREMENTS

During the month of June, experts of the FCC measured 724 broadcast stations, leaving 115 not measured.

Of those measured, 670 stations showed a maximum deviation within 0-10 cycles; 50 stations a maximum deviation within 11-25 cycles; and 4 stations a maximum deviation within 26-50 cycles. No stations showed a maximum deviation within 20 or over 50 cycles.

## FCC APPROVES APPLICATIONS FOR NEW TELEVISION OUTLETS

New television stations for the national capital and New York City are speeded by action of the FCC in confirming previous tentative approval of applications by the Allen B. DuMont Laboratories, Inc., for such outlets. The Commission also authorized DuMont and Columbia Broadcasting System to start television broadcasts under the new promotional rules from their Passaic and New York stations respectively.

DuMont's new Washington station will operate on new television channel No. 1 (50,000-56,000 kilocycles) with 1 kilowatt power for aural and visual transmission, and its New York station will use television channel No. 4 (78,000-84,000 kilocycles) with like power.

DuMont's present television station W2XVT, at Passaic, N. J., is enabled to increase power to 5 kilowatts,

aural and visual, and transmit on channel No. 4. Columbia Broadcasting System station W2XAB, at New York, can use channel No. 2 (60,000-66,000 kilocycles, 7½ kilowatts power, aural and visual).

These new authorizations closely follow Commission action earlier this week in speeding construction of San Francisco's first television station, to be operated by Don Lee Broadcasting System, and, at the same time, giving the "go" signal for Don Lee station W6XAO, at Los Angeles, and National Broadcasting Co. station W2XBS, New York, to use new television channel No. 1 (50,000-56,000 kilocycles), which the proposed San Francisco station will likewise employ.

Opening additional television facilities throughout the country is made possible by the Commission's new rules encouraging experimental operation to promote the art. Approvals in all cases are contingent upon programs to foster research and development.

The DuMont Washington and New York stations, for example, will inquire into the advantages of various types of film projectors, experiment with mobile pick-up utilizing wire links and radio links, and will seek public cooperation on various types of program material. Coaxial cable will be used in transmitting programs between Washington and New York, and the Washington station will test the practicability of providing satisfactory service to Washington and Baltimore from a single transmitter.

The program of research for DuMont's Passaic station embraces tests of various antenna systems utilizing both vertical and horizontal radiators, experiments with systems other than RMA and DuMont, and investigating the effects of phase-shifts, noise, field patterns, etc.; test of transmitter equipment, including power tubes; ultimate experiments in the possible use of FM (frequency modulation) for television broadcasting on the ultra-high frequencies.

In seeking to develop uniform transmission standards of acceptable technical quality, CBS station W2XAB proposes to make comparable investigation of all synchronizing pulses for which generating equipment is available, make comparative study of different combinations of lines and frames, investigate the effect on allocations of using different polarizations in certain adjacent areas, and work with the general public in determining reaction to various changes in program technique.

#### COMMISSION DEFINES REQUIREMENTS FOR CONTOUR MAPS

It has come to the attention of the FCC that uncertainty exists regarding the exact requirements of Section 1(b) of the Standards of Good Engineering Practice concerning High Frequency Broadcast Stations. The following additional information is supplied to avoid unnecessary work on the part of applicants and to insure

that only essential data is included in applications for high frequency broadcast stations.

Section 1(b) of the Standards sets out the procedure to be followed in taking into account the effect of topography on the service areas of proposed high frequency broadcast stations. Profile graphs must be drawn along at least eight radials from the proposed site of the station. These profiles should be equal or greater in length to the radii of the roughly estimated service area. They are divided into not less than ten equal sectors and the average elevation of each sector determined. In no case should the length of a sector be in excess of five miles.

The profile for a sector should be plotted by contour intervals between 40 and 100 feet and where the information permits at least 10 points should be plotted, i.e., the distances should be indicated corresponding to the various contours. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot intervals may be used in this distance. On the other hand, where the terrain is fairly uniform or gently sloping, the smallest contour interval indicated on the topographic map should be used although only a relatively few points may be available in a given sector. After the profile has been charted for a sector, the average elevation therein shall be determined by one of several approximate means. For example, the elevations at equally spaced points in a sector may be averaged or the average determined by means of a planimeter. The median elevation (elevation exceeded for 50% of the distance) in some cases would give more accurate results for the purpose and may be used.

The elevations or contour intervals shall be taken from the U. S. Geological Topographical Quadrangle Sheets for those sections of the Country where such maps are available. If such maps are not published for the area in question, the next best topographic information available shall be used. Such information may be obtained for certain sections of the country from topographical maps available from the Tennessee Valley Authority, Department of Agriculture (Soil Conservation maps), and the Bureau of Public Roads (Highway Planning maps), other U. S. Government departments and state and local governmental agencies. Also railroad depot elevations and highway elevations from road maps may be used. The data from the Sectional Aeronautical Charts will be accepted where no better information is available, although these maps show only the 1000-foot contour intervals. Bench marks indicated on the aeronautical charts can be used to find approximate elevations between 1000-foot intervals at some points along a radial.

The Commission will not ordinarily require the submission of the topographical maps beyond 15 miles from the site, but the maps must include the principal city or cities to be served. However, the source of the topographical information used beyond this distance should be indicated. If it appears necessary, the Commission may require the submission of the detailed supporting information.

Each application shall be accompanied by a map showing the 50- and 1000-microvolt contours of the proposed station. For this purpose, the Sectional Aeronautical Charts or their equivalent, having a convenient scale may be used. This map shall show the radials along which the expected field strength has been determined. In computing the area within the 1000 and 50 microvolt contours large bodies of water should be excluded (oceans, gulfs, sounds, bays, large lakes, etc., but not rivers).

The U. S. Geological Survey Topography Quadrangle Sheets may be obtained from the U. S. Geological Survey, Department of the Interior, Washington, D. C., at a cost of ten cents each. The Sectional Aeronautical Charts are available from the U. S. Coast and Geodetic Survey, Department of Commerce, Washington, D. C., at a cost of forty cents each.

#### WCPO PETITION DENIED

The FCC has denied the petition of Scripps-Howard Radio, Inc., licensee of station WCPO at Cincinnati, for hearing or rehearing on the grant to WCOL, Inc., on June 3, of a license authorizing WCOL, at Columbus, to operate on 1200 kilocycles with 250 watts power, unlimited time, which facilities are also permitted WCPO. On March 29 the Commission denied a similar petition of Scripps-Howard Radio, Inc., in connection with the

grant of WCOL's construction permit October 10 of last year.

The latest denial states:

"The instant petition . . . merely suggests that operation by WCOL under the grant results in interference in petitioner's present service area, but sets forth no facts in any way indicating that the Commission erred in concluding that 'upon a comparison of the benefits and detriments sustained in the respective communities, public interest, convenience and necessity will be served by the grant of the application.' Furthermore, no facts are set forth in the petition upon which the Commission could find that the terms, conditions and obligations set forth in the application and permit of WCOL have not been met, nor has the petitioner brought to the Commission's attention any cause or circumstance, arising since the granting of the WCOL construction permit, which would make the operation of such station against the public interest, convenience or necessity."

### INTERNATIONAL BROADCAST STATIONS AS OF JULY 23, 1940

Licensee and Location	Call Letters	Frequency (kc)	Power	Application
Columbia Broadcasting System, Inc. Near Wayne, New Jersey	WCBX	6120, 6170, 9650, 11830, 15270, 17830, 21570	10	CP 50kw
WCAU Broadcasting Company, Newtown Square, Pennsylvania	WCAB	6060, 9590, 15270, 21520, 25725	10kw	CP 50kw
(Application pending to consolidate WCAB, Philadelphia, operated by WCAU Broadcasting Co. with WCBX, New York, operated by Columbia Broadcasting System, with two 50kw transmitters on Long Island.)				
The Crosley Corporation, Mason, Ohio	WLWO	6060, 9590, 11870, 15270, 17760, 21650	50kw	
General Electric Company, San Francisco, California	KGEI	6190, 9530, 15330	20kw	CP 50kw
General Electric Company, South Schenectady, New York	WGEA	9550, 15330, 21500	25kw	CP 50kw
General Electric Company, South Schenectady, New York	WGEO	6190, 9530, 21590	100kw (Op. at 65kw)	
National Broadcasting Company, Inc.	WNBI	6100, 17780	35kw	CP 50kw
Bound Brook, New Jersey National Broadcasting Company, Inc.	WRCA	9670, 21630, 11890	35kw	CP 50kw
Bound Brook, New Jersey Westinghouse Electric and Manufacturing Company, Millis, Massachusetts	WBOS	6140, 9570, 15210, 21540	10kw CP50kw (Begin op. August)	
(Future application for another 50kw)				
Westinghouse Electric and Manufacturing Company, Saxonburg, Pennsylvania	WPIT	6140, 9570, 11870, 15210, 17780, 21540	40kw	
(The above contemplated application may or may not affect the continuance of this station.)				
World Wide Broadcasting Corp., Scituate, Massachusetts	WRUL	6040, 11730, 11790, 15130, 15250, 21460	20kw CP50kw (Begin op. 30 days)	
World Wide Broadcasting Corp., Scituate, Massachusetts	WRUW	11730, 11790, 15130, 15250, 25600	20kw	CP 50kw

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has announced adoption of an Order granting the application of Harold Thomas for a construction permit to erect a new station at **Bridgeport, Conn.**, to operate on the frequency **1420 kilocycles**, with power of 250 watts, unlimited time, upon condition that permittee shall file an application for modification of construction permits specifying exact transmitter location within two months after the effective date of the order.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral argument in a broadcast case will be heard by the Commission during the week beginning Monday, July 29. It is subject to change.

Thursday, August 1

Oral Argument Before the Commission

Report No. B-108:

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Texas.—In re: Revocation of Station License of KSAM.

### FUTURE HEARING

Following future hearing in a broadcast case has been scheduled before the Commission during the past week. It is subject to change.

September 9

WPAY—Chester A. Thompson (Transferor), The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of Control of Corp., 1370 kc., 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

The Twin States Broadcasting Co., Augusta, Ga.—Granted construction permit for a new Class IV station to operate on **1210 kc.**, 250 watts power, unlimited time, to be located in or near Augusta. (B3-P-2891).

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted authority to transfer control of corporation from KGKO Broadcasting Co., to George B. Dealey, E. M. Dealey, J. M. Moroney and M. M. Donosky, in trust for A. H. Belo Corp.; issued 350 shares of new common stock, for a cash consideration of \$250,000. Station operates on **570 kc.**, 1 KW night, 5 KW day, unlimited time. (B3-TC-217)

John Shepard, Jr., Transferor, John Shepard, III, and George R. Blodgett, Trustees, Transferee.—Granted authority to transfer control of The Winter St. Corp. (parent corporation of the Yankee Network, Inc.), from John Shepard, Jr., to John Shepard, 3rd, and George R. Blodgett, Trustees of the John Shepard 3rd, and The Robert F. Shepard, Trusts. (The Yankee Network, Inc., is licensee of the following stations: WAAB, WEAN, WICC, WNAC, W1XOJ, W1XOY, W1XOV, W1XER, WEOD, WEKX, WEKY, WEKZ). The Commission's action in granting consent to this transfer, shall not be construed as an approval of any future transfer of control of licensee corporation which may result from any change in the parties designated as trustees or which may arise out of any amendment or revocation of the trusts, disposition of assets thereof, or otherwise.

KBST—John Galbraith, Big Spring, Texas.—Granted consent to transfer control of corporation (The Big Springs Herald Broadcasting Co., licensee of KBST) from Joe Galbraith to Howard Barrett, Bonnie Davis, Houston Harta and M. B. Hanks, 250 shares of common stock for a consideration of \$3,750. (Station operates on **1500 kc.**, 100 watts, unlimited time). (B3-TC-232)

WNAC—Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit to increase night power from 1 KW to 5 KW, operating unlimited time on **1230 kc.** (B1-MP-322)

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted construction permit to change frequency from 1240 to 620 kc., and increase power from 1 KW to 5 KW, install new transmitter and make changes in antenna. (B-P-2385)

Purdue University, W. Lafayette, Ind.—Granted construction permit for new television station to operate on frequencies 66000-72000 kc. (Channel No. 3), upon an experimental basis only, using 750 watts power aural and visual.

State University of Iowa, Iowa City, Iowa.—Granted construction permit for new television station to operate on frequencies 50000-56000 kc. and 210000-216000 kc. (Channel Nos. 1 and 12), on an experimental basis only; 100 watts power, visual only.

WCAU Broadcasting Co., Philadelphia, Pa.—Granted construction permit for new television broadcast station to operate on frequencies 84000-90000 kc. (Channel No. 5), on an experimental basis only; power 1 KW aural and visual.

### RENEWAL OF LICENSES

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, for the period August 1 to October 1, 1940:

WGIL, Galesburg, Ill.; WNBZ, Saranac Lake, N. Y.; WSPB, Sarasota, Fla.; KGDM, Stockton, Cal.; KGEK, Sterling, Colo.; KLBK, La Grande, Ore.; KLCN, Blytheville, Ark.; KLPB, Minot, N. Dak.; KMBC and auxiliary, Kansas City, Mo.; KMPC auxiliary, Beverly Hills, Cal.; KOMA, Tulsa, Okla.; KRSC, Seattle, Wash.; KSAN, San Francisco; KTOH, Lihue, T. H.; KVIC, Victoria, Texas; KWAL, Wallace, Idaho; KWJB, Globe, Ariz.; KWOC, Poplar Bluff, Mo.; WAML, Laurel, Miss.; WATW, Ashland, Wisc.; WBBM auxiliary, Chicago; WCAT, Rapid City, S. Dak.; WDAE, Tampa, Fla.; WESX, Salem, Mass.; WFOR, Hattiesburg, Miss.; WHA, Madison, Wisc.; WHLD, Niagara Falls, N. Y.; WJMC, Rice Lake, Wisc.; WMBD, Peoria, Ill.; WMFF, Plattsburg, N. Y.; WNBK, Binghamton, N. Y.; WNOE, New Orleans; WOMT, Manitowoc, Wisc.; WPRO and auxiliary, Providence, R. I.; WRR and auxiliary, Dallas, Texas; WWNC, Asheville, N. C.; WPRA, Mayaguez, P. R.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted renewal of license for the period August 1 to October 1, 1940.

WDSU—WDSU, Inc., New Orleans, La.—Granted renewal of license for the period August 1 to October 1, 1940.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only pending determination upon application for renewal, for the period ending October 1, 1940.

KTW—The First Presbyterian Church of Seattle, Seattle, Wash.—Present license further extended upon a temporary basis only pending determination upon application for renewal, for the period ending October 1, 1940.

WGST and (Aux.).—Georgia School of Technology, Atlanta, Ga.—Present license further extended upon a temporary basis only pending determination upon application for renewal, for the period ending October 1, 1940.

WMC and (Aux.).—Memphis Commercial Appeal Co., Memphis, Tenn.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1940.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1940.

KTBC—State Capital Broadcasting Assn., Inc., Austin, Texas.—The present license of KTBC was extended to September 1, upon a temporary basis, subject to all the terms and conditions of the order of revocation entered February 7, 1940, and subject further to the final determination of the Commission on said order.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authority to operate simultaneously with WTIC, for a period of 2 months, ending no later than October 1, 1940.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Present license extended upon a temporary basis only to September 1, in conformity with and subject to all of the terms and conditions of the order of revocation entered March 22, 1940, and subject further to final determination of the Commission on said order.

WAPI—Ala. Polytechnic Inst., Birmingham, Ala.—Special experimental authority to operate unlimited time using directional antenna after sunset at Tulsa, Okla., was extended for a

period of two months for the period August 1 to October 1, 1940.

W9XG—Purdue University, W. Lafayette, Ind.—The television broadcast station license was further extended upon a temporary basis to September 1, pending receipt and determination upon application for renewal.

W2XDA—General Electric Co., Schenectady, N. Y.—The television broadcast station license was further extended upon a temporary basis to September 1, pending receipt and determination upon application for renewal.

W2XOY—General Electric Co., Albany, N. Y.—The television broadcast station license was further extended upon a temporary basis to September 1, pending receipt and determination upon application for renewal.

### DESIGNATED FOR HEARING

WTNJ—WOAX, Inc., Trenton, N. J.—Application for renewal of license to operate on 1280 kc., 500 watts, S-WCAM, WCAP. (Applicant already has application for modification of license pending, requesting unlimited time of operation.)

Trent Broadcasting Corp., Trenton, N. J.—Application for construction permit to erect a new station to operate on 1330 kc., 1 KW, unlimited time, employing directional antenna.

### MISCELLANEOUS

Onandaga Radio Broadcasting Corp. (area of Syracuse, N. Y.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies 1646, 2090, 2190, 2830 kc., power 100 watts (B1-PRY-225).

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Granted modification of construction permit for new broadcast station to operate on 1200 kc., 250 watts, unlimited time, for approval of transmitter and studio location, approval of antenna, and change in type of transmitting equipment (B3-MP-1008).

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Granted construction permit to install new transmitting equipment (B3-P-2741).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit which authorized increase in power and installation of directional antenna for night use, for extension of completion date from August 5, 1940, to October 5, 1940; 950 kc., 5 KW, unlimited time, directional antenna night (B1-MP-1017).

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted license to cover construction permit as modified for installation of new transmitter and increase in power; 1200 kc., 250 watts, unlimited time (B1-L-1191).

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted license to cover construction permit as modified which authorized local move of transmitter, installation of new transmitter and antenna, increase in power, and change in hours of operation; 1370 kc., 100 watts, 250 watts LS, unlimited time (B3-L-1192).

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted authority to make changes in the automatic frequency control unit (B3-F-150).

South Carolina Broadcasting Co., Inc. (area of WCSC, Charleston), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., power 25 watts (B3-PRY-222).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted motion to accept amendment to application for construction permit so as to request use of 1340 kc. instead of 1390 kc., with 500 watts power night, 1 KW LS, unlimited time (B5-P-2545).

WPAY—Chester A. Thompson, Transferor, The Brush-Moore Newspapers, Inc., Transferor, Portsmouth, Ohio.—Granted petition for continuance of hearing on application for transfer of control of corporation, from August 12, 1940, to September 9, 1940.

Ben J. Sallows, Alliance, Nebr.—Denied as in case of default the application for construction permit for new broadcast station at Alliance, Nebr., to operate on 1210 kc., 100 watts night, 250 watts LS, unlimited time (Docket No. 5882).

KADA—C. G. Morris, Ada, Okla.—Granted license to cover construction permit for changes in equipment and increase in power from 100 watts to 250 watts; 1200 kc., unlimited time (B3-L-1193).

KOIN—KOIN, Inc., Portland, Ore.—Granted license to cover construction permit for installation of directional antenna for night use and increase power from 1 KW night, 5 KW day,



- to 5 KW day and night; 940 kc., (B5-L-1194). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-444).
- WJHP—The Metropolis Co., Jacksonville, Fla.—Granted license to cover construction permit as modified for new broadcast station, 1290 kc., 250 watts, unlimited time (B3-L-1195). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-445).
- WBAB—Press Union Publishing Co., Atlantic City, N. J.—Granted construction permit to make changes in equipment (B1-P-2927).
- WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted modification of construction permit for change of frequency, increase in power, installation of new transmitter and antenna, and move of transmitter, for approval of antenna and transmitter site; 1330 kc., 1 KW power, unlimited time (B3-MP-999).
- KHAS—Nebraska Broadcasting Co., Hastings, Nebr.—Granted modification of construction permit for new station, for authority to install new type transmitter and make changes in vertical antenna; 1200 kc., 250 watts power, unlimited time (B4-MP-1021).
- KEIH—KLZ Broadcasting Co. (area of Denver, Colo.), Portable-Mobile.—Granted modification of relay broadcast license to change type of equipment (B5-MLRE-61).
- WAIY—WIBX, Inc. (area of Utica, N. Y.), Portable-Mobile.—Granted license to cover construction permit for new broadcast station, frequencies 1622, 2058, 2150, 2790 kc., power 100 watts (B1-LRY-201).
- KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Granted license to cover construction permit for changes in equipment and increase in power from 100 watts to 250 watts; frequency 1420 kc., unlimited time.
- WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted special temporary authority to change present directional antenna in accordance with the engineering report submitted and to operate on frequency 560 kc., 500 watts power, using directional antenna unlimited time after changes made and proof submitted to the Commission, in order to obtain relief from the Canadian interference situation, on 640 kc.
- WIEO—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate on regular assignment on board the steamship *America* in conjunction with visual transmitter W2XBU, using relay station WEJA in New York City as cue channel supporting southbound sound channel of Station W2XBS in connection arrival of steamship *America*, for the period July 26, 1940, and ending not later than July 30, 1940, for preliminary testing and program transmission.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, Monday through Friday, inclusive, for the period beginning July 30, 1940, and ending not later than August 28, 1940, in order to broadcast musical program as described in letter dated July 12, 1940 (provided WSVS remains silent). All programs to be sustaining.
- WHXA—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Granted special temporary authority to use the WSM vertical radiator located 6 miles north of Franklin, Tenn., as a support for the high frequency antenna, a single turn-stile element to be mounted at top of structural section of WSM tower, 100 watts to be fed into it from an RCA Type ACT 150 transmitter using crystal control having accuracy of .01 per cent, from July 29, 1940, to not later than August 27, 1940, in order to conduct field intensity surveys on 44500 kc.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.
- KFEQ—KFEQ, Inc., St. Joseph, Md.—Granted special temporary authority to operate from 9 p. m., CST, to 12 midnight, with power of 500 watts on August 6, 1940, in order to broadcast election returns only.
- WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted renewal of license of broadcast station WBHP, 1200 kc., 100 watts, unlimited time (Docket No. 5798).
- The Huntsville Times Co., Inc., Huntsville, Ala.—Designated for hearing the application for construction permit for new Class IV broadcast station to operate on 1200 kc., 250 watts, unlimited time, and requesting facilities of present station WBHP.
- Bellingham Broadcasting Co., Bellingham, Wash., and KVOS—KVOS, Inc., Bellingham, Wash.—Adopted as final the proposed findings of fact and conclusions of the Commission, together with the amendment of May 29, DENYING the application of Bellingham Broadcasting Co. for construction permit for new broadcast station, and GRANTING renewal of license of KVOS (B-92).
- WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted extension of effective date of Provision (3) of Commission's Order of December 5, 1938, for a period of 60 days from July 26, 1940.
- KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Denied petition for rehearing in re the application of Puget Sound Broadcasting Co. (KVI), Tacoma, Wash., for modification of license to increase night power to 5 KW on frequency 570 kc., which was granted by the Commission May 14, 1940.
- WCAB—WCAU Broadcasting Co., Philadelphia, Pa.—Granted petition authorizing extension of the effective dates of Sections 4.43(c) and 4.45 of the rules governing international broadcast stations, for a period of 30 days.
- WMIP—Northwest Airlines, Inc., c/o Aeronautical Radio, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft stations KHCNK and KHCNI on frequency 2790 kc. in order to relay broadcast proceedings of the Minneapolis Aquatennial from 9:45 p. m. to 10 p. m., local time, on July 23, 1940, to Radio Station WCCO.
- WSAJ—Grove City College, Grove City, Pa.—Granted extension of special temporary authority to remain silent for the period August 1, 1940, to not later than September 19, 1940, in order to observe college vacation.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF, with power reduced to 250 watts, from 8 p. m. to 11 p. m., CST, on August 2 and 9, 1940; from 8 to 9:30 p. m., CST, on August 12, 1940, and from 9 p. m. to 11 p. m., CST, on August 14, 1940, in order to broadcast special night games of the St. Louis Cardinals and Browns baseball teams only.
- Helen L. Walton and Walter Bellati, and Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Granted motion for consolidation and continuance of hearing now set for August 5, 1940, to September 4, 1940, on applications for new stations at Jacksonville, Ill.; Walton & Bellati to operate on 1150 kc., 250 watts daytime; Stephenson, Edge & Korsmeyer to operate on 1150 kc., 250 watts, daytime.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

- WGR—Buffalo Broadcasting Corporation, Buffalo, N. Y.—Construction permit for changes in antenna, move transmitter to Lake Shore Road, Township of Hamburg, N. Y. Amended: Change transmitter site designation to Big Tree Road.

### 680 Kilocycles

- WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to install new transmitter; increase power from 5 KW to 50 KW; change hours of operation from limited to unlimited, using directional antenna after local sunset at St. Joseph, Mo., and move transmitter to near Morrisville, N. C. Amended to omit request for move of transmitter, changes in directional antenna for night use only, and request Class II.

### 800 Kilocycles

- NEW—Camden Broadcasting Co., Camden, N. J.—Construction permit for a new station to be operated on 800 kc., 500 watts, daytime.

### 940 Kilocycles

- KOIN—KOIN, Inc., Portland, Ore.—License to cover construction permit (B5-P-2471) for increase in power and installation of directional antenna for night use.
- KOIN—KOIN, Inc., Portland, Ore.—Authority to determine operating power by direct measurement of antenna power.

### 950 Kilocycles

- WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) to increase

power and install directional antenna for night use, requesting extension of completion date from 8-5-40 to 10-5-40.

#### 1080 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to make changes in the automatic frequency control unit.

#### 1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Construction permit to increase power from 1 KW to 5 KW, install new equipment and directional antenna for night use. Amended re changes in directional antenna.

KRSC—Radio Sales Corp., Seattle, Wash.—Transfer of control of corporation from E. W. Andrews to Palmer K. Leberman, 11¼ shares.

#### 1200 Kilocycles

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—License to cover construction permit (B4-P-2785) for changes in equipment.

KHAS—Nebraska Broadcasting Co., Hastings, Nebr.—Modification of construction permit (B4-P-2367) as modified for a new station, requesting authority to install new type transmitter, and changes in vertical antenna.

KOOS—KOOS, Inc., Marshfield, Ore.—Authority to determine operating power by direct measurement of antenna power.

WTHT—The Hartford Times, Inc., Hartford, Conn.—License to cover construction permit (B1-P-2240) as modified for new transmitter and increase in power.

WLOF—Hazlewood, Inc., Orlando, Fla.—Modification of construction permit (B3-P-2394) as modified for a new station, to install a new transmitter.

KADA—C. C. Morris, Ada, Okla.—License to cover construction permit (B3-P-2606) for changes in equipment and increase in power from 100 watts to 250 watts.

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Construction permit to make changes in equipment.

NEW—Worcester Broadcasting, Inc., Worcester, Mass.—Construction permit for a new station to be operated on 1200 kc., 250 watts, unlimited time. Class IV.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

#### 1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Modification of construction permit (B4-P-2537) as modified, for move of transmitter from 4706 S. 48th St., Lincoln, Nebr., to 48th and Vine St., Lincoln, Nebr., make antenna changes, and increase power from 100 watts night, 250 watts day, to 250 watts day and night.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Construction permit to move transmitter from 328 E. Main St., Rochester, N. Y., to Maiden Lane, Greece, N. Y., make changes in transmitting equipment, change frequency from 1210 kc. to 1340 kc., increase power from 250 watts to 1 KW, and install directional antenna for day and night use. Class III-B.

WGCM—WGCM, Incorporated, Gulfport, Miss.—License to cover construction permit (B3-P-2618) for new antenna, increase power and move transmitter.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Authority to determine operating power by direct measurement of antenna power.

#### 1230 Kilocycles

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson, and John W. Boler, a partnership, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Construction permit for a new station to be operated on 1230 kc., 500 watts night, 1 KW day, unlimited time. Class III-B.

#### 1240 Kilocycles

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Construction permit for reinstatement of construction permit (B5-P-2517) to install new equipment, and make changes in authorized equipment.

#### 1250 Kilocycles

WDSU—WDSU, Inc., New Orleans, La.—Construction permit to install new transmitter, move transmitter from Belle Chase

Highway, Gretna, La., to 1/5 mile south of intersection of Verrett and Donner Canals, New Orleans, La., increase power from 1 KW to 5 KW day and night, and install directional antenna for day and night use. Class III-A.

#### 1270 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit to increase power from 500 watts to 5 KW, new transmitting equipment, directional antenna for night use, move studio and transmitter. Requesting Class III-A. Amended: re geographic location.

#### 1280 Kilocycles

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, and install directional antenna for night use. Class III-A.

#### 1290 Kilocycles

WJHP—The Metropolis Co., Jacksonville, Fla.—Authority to determine operating power by direct measurement of antenna power.

WJHP—The Metropolis Co., Jacksonville, Fla.—License to cover construction permit (B3-P-917) as modified, for a new station, and to change location of studio from 125 W. Church St., Jacksonville, Fla. to 500 Laura St., Jacksonville, Fla.

#### 1310 Kilocycles

NEW—Radio Corp. of Annapolis, Annapolis, Md.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Class IV. Amended: To request facilities of WINX, Washington, D. C.

WBRW—McDowell Service Co., Welch, W. Va.—Modification of construction permit (B2-P-2816) for a new station requesting approval of antenna, new transmitter and approval of studio and transmitter site.

#### 1340 Kilocycles

KFRO—Voice of Longview, Longview, Texas.—License to cover construction permit (B3-P-2117) as modified for move of transmitter, directional antenna for night use, new transmitter, change frequency, increase power and hours.

KFRO—Voice of Longview, Longview, Texas.—Authority to determine operating power by direct measurement of antenna power.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Construction permit to install new transmitter and increase power from 500 watts night, 1 KW day to 5 KW day and night, directional antenna night. Amended: To use directional antenna both day and night.

#### 1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from 1350 to 630 kc., changes in directional antenna night, increase power from 1 KW night, 5 KW day to 5 KW day and night, requests facilities of KFRU and WGBF. Amended: To change frequency to 680 kc., increase power to 50 KW, install new equipment and directional antenna for day and night use, move transmitter from Water Works, Conduit & Logan Sts., St. Louis, Mo., to near Merrimac, Ill., and omit request for facilities of WGBF and KFRU.

#### 1370 Kilocycles

KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nevada.—Modification of construction permit (B5-P-2355) which authorized new station, for approval of transmitter site at (The Meadows) N. E. ¼ of Section 1, Township 21S, Range 61E, M. D. B. & M., Las Vegas, Nev., approval of vertical antenna, change in type of transmitter and increase power from 100 watts night, 250 watts day to 250 watts day and night.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Authority to determine operating power by direct measurement of antenna power.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—License to cover construction permit (B3-P-2058) as modified, for move of transmitter, new transmitter, antenna, increase in power and change in hours of operation.

WHUB—WHUB, Inc., Cookeville, Tenn.—Modification of construction permit (B3-P-2298) as modified, for a new station, requesting extension of completion date from 7-27-40 to 9-1-40.

NEW—Rose City Broadcasting Co., Tyler, Texas.—Construction permit for a new station to be operated on 1370 kc., 250 watts, unlimited time.

WKPT—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—License to cover construction permit (B3-P-2616) as modified for a new station.

WKPT—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Authority to determine operating power by direct measurement of antenna power.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Authority to install automatic frequency control equipment.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Construction permit for new transmitter, changes in antenna, change frequency from 1370 to 1350 kc., and increase power from 250 watts to 500 watts night, 1 KW day. Class III-B.

#### 1400 Kilocycles

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

#### 1420 Kilocycles

NEW—Grenco, Inc., Greenwood, S. C.—Construction permit for a new station to be operated on 1420 kc., 100 watts, daytime. Class IV.

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—License to cover construction permit (B5-P-2682) for changes in equipment and increase in power.

#### 1430 Kilocycles

WOKO—WOKO, Inc., Albany, N. Y.—Construction permit to install new transmitter, make changes in vertical antenna and increase power from 500 watts night, 1 KW day to 500 watts night, 5 KW day. Class III.

#### 1440 Kilocycles

KXYZ-KIIS—Harris County Broadcast Co., Houston, Texas.—Transfer of control of corporation from Fred J. Heyne to M. Tilford Jones, 5 shares or 50 per cent.

#### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit to install new automatic frequency control equipment and make changes in transmitting equipment.

#### 1480 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit for new transmitter and directional antenna for day and night use, increase power from 5 to 50 KW, move transmitter to Lake Shore Road, Township of Hamburg, N. Y. Class I-B station. Amended: Change transmitter site designation to Big Tree Road.

#### 1500 Kilocycles

WSSJ—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Modification of construction permit (B-P-2473) which authorized construction of new station, for approval of transmitter site at Monserrate No. 28, San Juan, P. R., studio site at Monserrate No. 30, San Juan, P. R., and approval of vertical antenna.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Authority to determine operating power by direct measurement of antenna power.

NEW—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Texas.—Construction permit for new broadcast station to be operated on 1500 kc., 250 watts, unlimited time. Studio and transmitter to be determined Corpus Christi, Texas.

WMRC—Textile Broadcasting Co., Greenville, S. C.—Modification of construction permit (B3-P-2738) which authorized

new station, for approval of studio and transmitter locations at Mayberry St., Greenville, S. C., approval of antenna and change type of transmitter.

### MISCELLANEOUS

NEW—Marcus Loew Booking Agency, New York, N. Y.—Construction permit for new high frequency broadcast station to be operated on 43500 kc., 12949 square miles, transmitter Cliffside Park, N. J.

W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to move transmitter locally to 500 Fifth Ave., New York, N. Y. Amended: re transmitter location to be 444 Madison Ave., New York, N. Y.

NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on 46,500 kc., 3050 square miles.

NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on 43,100 kc., 9900 square miles.

W1XG—General Television Corp., Boston, Mass.—Modification of license to change frequency from 42000-56000, 60000-86000 kc. to 44000-50000 kc. Amended: Re frequencies 50000 to 56000 kc. Revised Form 318 filed.

NEW—Zenith Radio Corp., area of Chicago, Ill.—Construction permit for a new relay broadcast station to be operated on 133030, 134850, 136810, 138630 kc., 100 watts, special emission for frequency modulation.

Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corp. Period 9-15-40 to 9-15-41.

WAUV—Courier-Journal and Louisville Times Co., Louisville, Ky.—License to cover construction permit (B2-PRY-194 as modified) for new relay station.

NEW—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Construction permit for new high frequency broadcast station to be operated on 44100 kc., 8100 square miles.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Air Conditioning Training Corp.**—A complaint charging misrepresentation in the sale of a correspondence course in air conditioning and refrigeration has been issued against Air Conditioning Training Corporation, and its officers, Benjamin M. Klekner, Morris A. Gluck and Leon J. Knight, 789 Wick Ave., Youngstown, Ohio.

According to the complaint, the respondent corporation misleadingly represented that students who complete its training course are assured of employment in the air conditioning and refrigerating industry; that the air conditioning industry has designated the respondent to train men for employment; that many vacancies exist in the air conditioning and refrigeration industry that are available to students who complete its training, and that representatives of the air conditioning and refrigeration industry actively participate in the conduct of the school and in the giving of instruction, when such are not the true facts.

Further misleading representations alleged in the complaint are that respondent's salesmen are experts in vocational guidance; that students while pursuing its course will be qualified and able to secure part time work in the servicing of air conditioning and refrigeration equipment, and that persons with insufficient background are qualified to pursue its course of instruction, when such are not the facts.

The respondent also allegedly claims that beginning wages in the air conditioning and refrigeration industry are greater than they are in fact; misrepresents the extent and nature of fees payable by students for its course of instruction, and exaggerates the extent of its laboratory and shop equipment. (4182)

**Bauer Manufacturing Company**, 1429 East Bowman St., Wooster, Ohio, has been charged in a complaint with the dissemination of misleading representations in the sale of ladders.

According to the complaint, the respondent advertises that its ladders have proven 30 per cent stronger by actual scientific tests than competitive ladders, and that such strength is due to countersunk rung construction. In truth, the complaint continues, respondent's ladders manufactured with the countersunk rung construction are no stronger or more substantial than ladders manufactured from similar materials by its competitors who do not use countersunk rung construction. (4190)

**A. S. Butler & Company**—A complaint has been issued against Minnin Shapiro and Jack Winkler, trading as A. S. Butler & Company, 667 North Clark St., Chicago, alleging misleading representations in the sale of second-hand fruit jars.

According to the complaint, the respondents buy discarded fruit jars from junk dealers and after cleaning them and supplying new rubber bands and caps for such articles, place them in new cardboard cartons for resale to retail dealers without any label to indicate that they are discarded fruit jars.

It is alleged that the practice of the respondents in failing to disclose that their fruit jars have been previously used misleads retail dealers and members of the purchasing public into the erroneous belief that such jars are new, and because of their lower cost, into the purchase of substantial quantities of such articles, thus unfairly diverting trade to the respondents from their competitors. (4192)

**Helene Curtis Industries**—See National Mineral Company.

**National Mineral Company**—A complaint has been issued against National Mineral Company, trading as Helene Curtis Industries, 3633 South Racine Ave., Chicago, charging misrepresentation in the sale of a hair-waving cosmetic product, "Helene Curtis Duchess Machineless Wave," consisting of an oil preparation, "Helene Curtis Duchess Machineless Oil Solution," and pads designated "Helene Curtis Duchess Machineless Pads."

According to the complaint, the respondent represents that its oil preparation supplies nourishment and imparts strength and vigor to the hair and causes the growth of hair; nourishes and invigorates the hair roots and hair shaft, and is the original machineless oil wave, when such are not the facts.

The respondent further allegedly represents that its pads are equipped with a thermostatic device which controls and regulates heat, when in truth it is only a thermoscopic device which merely indicates changes in temperature.

Representations that the respondent manufactures its products are also alleged to be untrue, as such products are obtained by the respondent from other sources. (4185)

**Ohio Art Company**—Concealing the German origin of reeds within toy musical tops is charged in a complaint issued against Ohio Art Company, Bryan, Ohio.

According to the complaint, the respondent uses materials of both foreign and domestic origin in its toy musical tops. Among such foreign-made parts, it is alleged, are musical reeds which are imported from Germany, and are stamped with the word "Germany". In assembling the tops, the respondent allegedly conceals from view of the prospective purchasers the word "Germany", and sells such products without any marking to inform purchasers that the musical reeds are of German origin.

It is further charged that the respondent imprints on the toy musical tops the legend "Made in U. S. A.", and on the cartons the words "Made by The Ohio Art Co., Bryan, Ohio," when in truth such products are not wholly of domestic origin and manufacture but contain reeds made in Germany. (4183)

**Paulmac Textile Company, Inc.**—A complaint has been issued against the Paulmac Textile Company, Inc., 32 West 38th St., New York, alleging misleading representations in the sale of ribbons and braids.

According to the complaint, the respondent sells ribbons and braids having the appearance and feel of silk, without disclosing the fact that they are not in fact composed of silk but are composed in whole or in part of rayon. It is alleged that typical of such products is a ribbon having the appearance and feel of velvet

but whose constituent fiber is 87 per cent rayon and 13 per cent silk, the pile of such ribbon being entirely of rayon. A further example, the complaint continues, is a ribbon having the appearance and feel of silk but in fact composed wholly of rayon.

It is alleged in the complaint that the practice of the respondent in failing to disclose the rayon content of its products misleads the purchasing public into the erroneous belief that such products are composed entirely of silk. (4191)

**Frank L. Singer Fur Company**—Misleading representations in the purchase of raw furs from trappers is alleged in a complaint issued against Frank L. Singer, trading as Frank L. Singer Fur Company, Peekskill, N. Y.

According to the complaint, the respondent, by means of price lists, circulars, folders and booklets, represents to trappers and dealers in fur that he will pay certain specified prices for designated grades and qualities of furs, when such is not a fact. In truth, the complaint continues, the respondent quotes such fictitious prices only for the purpose of inducing trappers and dealers to ship their furs to him, and without any intention of paying to such shippers the prices mentioned in his advertising matter, but with the expectation that they will dispose of their furs to him for only a portion of the advertised prices because of the difficulty and expense incident to securing a return of the furs shipped to the respondent.

It is also alleged that the respondent makes misleading representations relating to market conditions and the demand for certain of the several grades and types of furs he desires to purchase, thus inducing many trappers and dealers to ship furs to him and accept lower prices than would be realized from other sources. (4189)

**U. S. Air Seal, Inc.**, Girard, Ohio, was charged in a complaint with the dissemination of misleading representations in the sale of a compound, "Air Seal," designed to prevent blow-outs in tires.

The respondent allegedly advertises that its product will cause tires to be safe from blow-outs; will prevent blow-outs caused by large holes; will control a blow-out tire by retaining enough air for safe stopping, and will eliminate friction, when such are not the facts.

According to the complaint, the respondent further misleadingly advertises that its product will extend the life of the tube; will preserve rubber; is superior to similar products used to prevent the escape of air from tubes, and will give 25 per cent or any appreciable increased tire mileage, when such are not the facts. (4187)

**Whitewater Brewing Company** and its manager, Alex Weingart, 200 North Jefferson St., Whitewater, Wis., have been charged in a complaint with misrepresentation in the sale of beer.

According to the complaint, the respondents sell a brand of beer designated "Badger", the containers of which bear the picture of a badger and the legend: "Badger Beer, Whitewater Brewing Company, Whitewater, Wisconsin". Other advertising material allegedly features a picture of a badger holding a plaque on which appeared an outline of the State of Wisconsin with the word Wisconsin written across the outline. It is also alleged that the respondents have used on certain of their advertising material the legend "The Pride of Wisconsin". The complaint points out that the badger is one of the emblems of the State of Wisconsin which is generally known as the "Badger State".

It is alleged that the use by the respondents of such words, legends and pictures without any accompanying words sufficiently disclosing the correct origin of their product, has the tendency to cause the purchasing public to believe that their beer is brewed in Wisconsin, when in truth it is brewed in Chicago by a concern which sells such beer to the respondents.

The complaint also points out that there is a marked preference on the part of the public for beer brewed in Wisconsin and that the misrepresentation as to the origin of respondents' beer serves to unfairly divert trade to the respondents from their competitors. (4188)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Hy-Test Cement Company**, Fox Building, Philadelphia, has been ordered to discontinue certain practices in violation of the Federal Trade Commission Act.

Commission findings are that the respondent, for the purpose of promoting the purchase of its products, published from time to time the results of cement tests made by the National Bureau of Standards, and identified all masonry cements used in such tests. The findings continue that the respondent, one of the companies participating in the tests, violated the established understanding between the Bureau and participants in the tests that such tests were of a confidential nature, were for the purpose of improving the mortars tested, and the results were not to be used for sales promotion.

The Commission's order prohibits the respondent from divulging or assisting the purchasing public in determining the identity of the manufacturer or the brand name of any cement which was tested by the Bureau of Standards of the United States Department of Commerce, the results of which tests were published with cements tested listed under code or symbol numbers by the Bureau of Standards in "Research Paper 683, A Study of the Properties of Mortars and Brick and Their Relation to Bond."

The order further prohibits use by the respondent for sales promotional purposes of any report by a United States agency, where use of such report is violative of any regulation issued by the agency, or where such use implies that the agency has approved or recommended the use of respondent's products. (3779)

**Maple Lawn Hatchery**—See Maple Lawn Poultry Farm.

**Maple Lawn Poultry Farm**—Roy T. Ehrenzeller, trading as Maple Lawn Poultry Farm and Maple Lawn Hatchery, McAllisterville, Pa., has been ordered to discontinue misleading representations in the sale of baby chicks.

Under the order, the respondent is directed to cease representing that the flocks of poultry supplying the eggs from which his baby chicks are produced are owned, controlled, or supervised by him.

The order further forbids representations by the respondent that eggs or chicks hatched from eggs which were obtained from flocks that have not been blood-tested and found free from disease or have not been culled, are from blood-tested and culled flocks or are free from disease. (3941)

**Prostex Company**—George G. Neff, trading as Prostex Company, Miami, Okla., has been ordered to discontinue disseminating misleading representations in the sale of a medicinal preparation known as Glantex.

Under the order, the respondent is directed to cease representing that Glantex will cure, or act as a safe, effective treatment for prostatitis, cystitis, urethritis, sugar diabetes, dropsy, ileocolitis, gastritis, malaria, inflammation of the bladder, acute indigestion, ptomaine poisoning, rheumatism, back and leg aches, or run down feeling.

The order further forbids representations that the respondent's preparation possesses any therapeutic value in excess of that due to its laxative properties. (3291)

**San Pedro Fish Exchange**—A group of California fish and sea food product wholesalers and brokers were ordered to cease entering into any agreement or combination in restraint of trade and paying or receiving illegal brokerage fees in violation of the Federal Trade Commission and Robinson-Patman Acts.

Principal respondents are: San Pedro Fish Exchange, San Pedro, and Southern California Wholesale Fish Dealers Association, Los Angeles, their officers and member wholesaler-distributors, and four purchasing or brokerage agents, Seafood Brokerage, Inc., and its officers, directors and stockholders, San Pedro; Los Angeles Fish Exchange, M. N. Blumenthal and Southern Sea Products Brokerage Corporation and its officers, directors and stockholders, all of Los Angeles. The findings state that Seafood Brokerage, Inc., is controlled and its stock owned by members of San Pedro Fish Exchange or their representatives, and Southern Sea Products Brokerage Corporation is controlled and its stock owned by members of the Southern California Wholesale Fish Dealers Association or their representatives.

Officers of the respondent groups specifically named as respondents are: San Pedro Fish Exchange—Anthony B. Jaconi, Giosue

Di Massa and Albert H. Finch, all of San Pedro; Southern California Wholesale Fish Dealers Association—Charles Rennick, secretary and manager; Seafood Brokerage, Inc.—John Ivancich, Giosue Di Massa, Yoshitsura Kamiya and Hugh Reves, manager; Southern Sea Products Brokerage Corporation—Elmo C. Jack, manager.

Findings are that members of the San Pedro Fish Exchange and Southern California Wholesale Fish Dealers Association as wholesaler-distributors buy from producers and shippers in various States and foreign countries, and together with these two organizations hold a monopoly on the purchase, sale and distribution of certain varieties of fish and sea products in the trade territory extending inland from San Pedro and Los Angeles through California and several States to the eastward.

Further findings of the Commission are that the respondent associations and corporations banded together to promote the business and profits of the two respondent wholesaler-distributor groups and pursued a concerted course of action in establishing, fixing and maintaining the prices at and the conditions upon which their products were purchased and sold by respondent distributors to other dealers and to consumers; in seeking to acquire and maintain a monopoly in the sale and distribution of fish and sea food in their trade area, and in imposing their prices and policies on all dealers in fish and sea products in their trade territory. (3739)

**Silver Service Corporation** and Edwin I. Gordon, 58 East Washington St., Chicago, have been ordered to discontinue misleading representations in their sale of sales promotion plans to retail merchants.

The respondents are ordered to cease representing that they are conducting any special or advertising campaign to introduce or advertise silverware.

The order further prohibits the respondents from representing, or assisting the purchasers of their plan to represent, that any sales promotion plan in which credit vouchers, or so-called prizes are given to the entrants or contestants without regard to the relative correctness of solutions submitted, is a contest. Representations that prizes awarded in connection with such sales promotion plan entitle the recipients to receive a financial advantage based on the usual retail price of merchandise are also forbidden by the order, when such is not the case.

It is also ordered that the respondents cease representing fictitious prices as being regular prices, when, in fact, they are in excess of the prices at which their merchandise is regularly and customarily offered for sale. (3654)

**Sohn Bros.**—Arthur Sohn and Carl Sohn, trading as Sohn Bros., 1709 West Roosevelt Road, Chicago, have been ordered to discontinue certain representations in the sale of mattresses.

The respondents are ordered to cease representing that mattresses which are composed in whole or in part of old, used, discarded or second-hand materials are new mattresses or are made from new or unused materials.

The respondents are further ordered to desist from failing to permanently affix to such mattresses labels or tags which cannot readily be removed, obliterated, obscured or minimized and which clearly and conspicuously reveal that the mattresses are in fact composed in whole or in part of old, used, discarded and second-hand materials. (4073)

**Western Novelty Company**—An order to discontinue misleading representations in the sale of finger rings has been issued against John H. Mulkey, trading as Western Novelty Company, 305 Southwest Third Ave., Portland, Ore.

The respondent is ordered to cease representing directly or by implication that rings set with hematite, or any non-precious crystal or stone, are set with diamonds, "Alaska Black Diamonds," or Genuine Laska Black Diamonds."

The order further forbids representations by the respondent that such rings are set with any precious or semi-precious stones, or that the sets are produced in the territory of Alaska. (4082)

## STIPULATIONS

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

**M. J. Allen Company**—Maurice J. Allen, trading as M. J. Allen Co., 1038 Tenth St., Des Moines, Iowa, stipulates that he will desist from representing by means of the trade name "La Palm Rapid Hair Grow," or in any other manner, that his preparation will grow hair or cause hair to grow more rapidly; will aid in the more rapid growth of hair, or will give new life or life to the hair. (02599)

**H. W. Barker Chemical Company**—H. W. Barker, trading as H. W. Barker Chemical Co. and Barker Laboratories, 500 South Water St., Sparta, Wis., agrees to discontinue representing that "Barker's XZMO" is a competent treatment for eczema, piles, athlete's foot, nerve disorders, weed poisoning or any other skin or flesh troubles; that it has any appreciable therapeutic value in excess of a mild antiseptic and astringent with no keratolytic or penetrating action; that it will destroy the cause of itching, or that the information furnished by him to sufferers of eczema, athlete's foot, piles or skin troubles is reliable. The respondent further agrees to cease using the coined word "XZMO" or any other term that simulates the word "eczema". The respondent also stipulates that he will discontinue employing the word "Laboratories," or any similar word, as part of his trade name, or in any manner representing that he has a laboratory unless that is a fact. (02601)

**Cedar Hill Formulae Company**, New Britain, Conn., agrees to cease representing that "Stanley's Crow Repellent" will afford absolute protection for planted seed corn from molestation by insects or animal pests when such is not the case, or exaggerating the extent such product will protect planted seed from damage by animal pests. The respondent also stipulates that it will discontinue claims that "Stanley's Crow Repellent" is known to be more effective, convenient or economical to use than any other material; is non-poisonous; does not affect germination in any way, or will "insure" a good corn crop. (02594)

**Civil Service Aid Publishers**—Irving Groger and Leo I. Rieff, trading as Civil Service Aid Publishers, 505 Fifth Ave., New York, entered into a stipulation to discontinue certain representations in the sale of manuals designed to prepare persons for Civil Service examinations.

The respondents agree to cease employing the words "Civil Service" as part of their trade name or in other manner implying connection with the Civil Service Commission or with the United States government. The respondents further agree to desist from naming as open to their students any Civil Service positions that are non-existent, or from implying that they have access to the questions contemplated by the Civil Service Commission for any future examination. (2880)

**H. E. Clarke Company**—H. E. Clarke, trading as H. E. Clarke Company, 701 Ridge Ave., Pittsburgh, agrees to cease representing that "H. E. Clarke's Nasal Filter" is of value in the prevention of any case of nasal irritation except when caused by the inhalation of dust or other impurities through the nostrils, or that it will afford complete protection against nasal irritation which might result in such manner. The respondent further agrees to desist from exaggerating the extent to which his device will protect against or lessen the severity of any disease, ailment or condition. It is also agreed by the respondent that he will discontinue advertising that his device is an effective agent in protecting against colds; that it is completely invisible when inserted in the nostrils; that generally physicians have recommended it; that the mat filters used in his device are sterile, or that the patent application covering his product affords complete or full protection. (02600)

**Dog Aid**—Bernice Berner, trading as Dog Aid, Arlington, Va., agrees to cease representing that "Witch's Brew," designed for the relief and cure of skin irritations of dogs, is a competent remedy or effective treatment for sarcoptic mange, eczema, or other skin irritations of dogs; has cured 25,000 such cases; is the only preparation of its kind that carries a money-back guarantee, or has never failed. (02595)

**Exhibitors Products Company**—Alfred LePine, trading as Exhibitors Products Company, Kensington, Ohio, in a stipulation agrees to discontinue certain representations in the sale of a shampoo or liquid soap designated "Sulphasol" and a medication designated "Best in Show Conditioning Capsules," both for use on dogs.

The respondent stipulates that he will cease using the word "Conditioning" as part of the name of his product so as to imply that it is efficacious generally as a conditioner of dogs for show purposes.

It is further agreed that the respondent will cease representing that "Best in Show Conditioning Capsules" is an effective treatment or competent remedy for all maladies, diseases and ailments to which dogs are subject, or that its use will prevent sickness or generally improve the appearance of dogs for show purposes.

The respondent also stipulates that he will discontinue claims that "Sulphasol" is a new product or that it imparts any therapeutic effects other than such as may be due to the action of its sulphur content on certain organisms in the skin and hair, as the sarcoptic mite of scabies and certain fungi. (2878)

**Hays Advertising Agency**, Burlington, Vt., has entered into a stipulation in which it agrees to discontinue certain representations in advertisements concerning cow remedies, disseminated on behalf of Dairy Association Company, Inc., Lyndonville, Vt.

Hays Advertising Agency agrees to cease advertising that "Bag Balm," a stock preparation, is completely antiseptic; is healing, unless limited to its aid to nature in the process of healing; is a competent treatment or effective remedy for acute mastitis or inflamed or caked udders, unless limited to its value as a massage and counter-irritant, or that it cannot taint milk.

The respondent further stipulates that it will desist from advertising that "Kow Kare," a stock preparation, will prepare a cow for freshening or prevent calving disasters, unless limited to such aid as it may afford these conditions when cows are not assimilating or digesting feed properly. (02598)

**LaRue Laboratories**—William S. LaRue, trading as LaRue Laboratories, 2309 Ames Ave., Omaha, Nebr., in connection with the sale of "LaRue's Master Scalp Treatment," agrees to cease advertising that dandruff is caused by germs; that bad nerves are the paramount cause of all gray hair; that use of his product will retard either gray or falling hair, or will stimulate hair growth or help bring back its natural oil and give it brilliant luster. The respondent also agrees to cease employing the words "LaRue Laboratories" as his trade name, when in fact there are no such laboratories, or employing the word "Laboratories" in any way so as to imply that he owns, operates or controls a place devoted to experimental study of any branch of natural science or the application of scientific principles in the preparation of his product. (2874)

**Marcus-Lesoine, Inc.**, L. J. Marcus and John A. Lesoine, 575 Sutter St., San Francisco, dealers in cosmetic products, agree to cease representing that "Lovalon Hair Rinse" is a vegetable product; gives hair more life; or is permanent in effect, or enables one to say goodbye to dull or drab hair. The respondents also agree to discontinue representations that "Lovalon Oil of Lemon Hair Rinse" accomplishes the same results as a lemon rinse; restores natural loveliness of the hair, or invigorates the scalp or hair. (02596)

**Pyramid Metals Company**, 1335 North Wells St., Chicago, agrees to cease representing in any manner that 18-8 metal trim is offered for sale by it when such is not a fact, or quoting prices for 17-7 trim as being prices for 18-8 trim, or in any other manner misrepresenting the type, quality, composition or nature of products which it sells. (2877)

**Relco Drug Company**—See Reliance Drug Company.

**Reliance Drug Company**—George W. Lundgren, one of the co-partners trading as Reliance Drug Company, 326 East 35th St., New York, and the Relco Drug Company, Inc., 2159 Fifth Ave., New York, present owner of Reliance Drug Company, agree to cease representing that "Reliance Double Quinine Hair Grower"

and "Reliance Hair Dressing Pomade". when applied externally, will cause or promote the growth of hair; will stop falling hair, or will remove dandruff in the sense that it will not reappear. (2875 and 2876)

**Smith Manufacturing Company**—Ada G. Smith, trading as Smith Mfg. Company, 107 Underwood St., Fayetteville, N. C., agrees to discontinue advertising that "Smith's instant Hair Grower" and "Smith's Instant Hair Grower Special" grow hair; grow present hair from one to three inches per month, or will grow hair on any bald head or temple in three weeks or less where the roots are living. The respondent also stipulates that she will cease representing that "Smith's Instant Tetter Salve and Scalp Cure" is a competent remedy or an effective treatment for dry scalp, tetter, eczema, dandruff, falling hair, or other scalp disease; heals sores or skin diseases, or would do more than temporarily relieve the itching that may be associated with certain skin diseases and promote the healing of raw surfaces. Ada G. Smith also agrees to discontinue using the word "Cure" as part of the trade name of "Smith's Instant Tetter Salve and Scalp Cure," and the word "Grower" as part of the trade names "Smith's Instant Hair Grower" and "Smith's Instant Hair Grower Special." (02597)

**Sha-Po Manufacturing Co.**—A stipulation has been accepted from Lewis Tanenbaum, trading as Sha-Po Manufacturing Company, 185 Mercer St., New York, in which he agrees to discontinue certain representations in the sale of hats and caps.

The respondent agrees to cease representing that hats and caps which are composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweatbands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that such products are composed of second-hand or used materials, provided that if sweatbands are not affixed to the hats or caps, then such stamp must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (2879)

**Washington Furniture Mfg. Co.**—L. Kenneth Schoenfeld, trading as Washington Furniture Manufacturing Company, 1964 Fourth Ave., South, Seattle, Wash., agrees to cease selling, offering for sale, or supplying to his customers for resale, any products marked with prices which are in excess of the prices for which such products are sold in the usual course of trade. (2881)







### THE WEEK IN WASHINGTON

The NAB won an outstanding victory for the broadcasting industry this week when the U. S. Circuit Court of Appeals in New York decided that broadcasters had the right to broadcast phonograph records without a license. (p. 4465.)

Both CBS and NBC have urged advertising agencies and band leaders to start using music that the networks will be able to broadcast after December 31. Both networks likewise have told their affiliates that they intend to make no deal with ASCAP that would work to the disadvantage of affiliates. (p. 4468.)

ASCAP's request to send a speaker to the NAB convention followed repeated refusals to talk to the NAB about a new contract. (p. 4472.)

Neville Miller urged the FCC to simplify its new FM application Form 319 with the industry's cooperation. (p. 4473.)

Representative Dingell (D-Mich.) introduced a resolution to make August 26 "National Radio Day." (p. 4474.)

Five hundred fifty-seven stations join in the search for man power for the National Defense Program. (p. 4474.)

The FCC announced that briefs in connection with its network investigation must be filed before September 15. (p. 4476.)

Retaining special counsel for this test case, the NAB went to bat for Station WNEW, New York City, and the industry in a suit brought by the RCA Manufacturing Company, Inc., and Paul Whiteman.

Judge Learned Hand handed down the decision July 25. It was a notable victory for the entire industry as well as WNEW.

The text of the decision:

#### UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 357—October Term, 1939

(Argued June 17, 1940; Decided July 25, 1940)

RCA MANUFACTURING COMPANY, INC., *Plaintiff*,  
against

PAUL WHITEMAN, W.B.O. BROADCASTING CORPORATION, AND  
ELIN, INC., *Defendants*.

On appeals by the RCA Manufacturing Company, Inc., W.B.O. Broadcasting Corporation, and Paul Whiteman from a judgment of the District Court for the Southern District of New York, in an action for an injunction forbidding the broadcasting of phonographic records.

Before:

L. HAND, CLARK and PATTERSON, Circuit Judges.

"Crawford & Sprague, of New York City (White & Case, Joseph M. Hartfield and Stuart Sprague, all of New York City, of counsel), for W.B.O. Broadcasting Corporation;

"David Mackay, of New York City (David Mackay, Lawrence B. Morris and Jerome H. Adler, all of New York City, of counsel), for RCA Manufacturing Company, Inc.;

"Maurice J. Speiser, of New York City (Herbert R. Speiser and Nathan Bass, both of New York City, of counsel), for Paul Whiteman."

L. HAND, C.J.:

This case comes up upon appeals by the plaintiff, RCA Manufacturing Company, Inc., and the defendants, Paul Whiteman and

(Continued on page 4466)

## NAB Wins Phonograph Record Decision

The NAB won an outstanding victory for the broadcasting industry this week when the U. S. Circuit Court of Appeals in New York decided that broadcasters have the right to play phonograph records without a license.

## YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!

St. Francis Hotel

San Francisco

August, 4-5-6-7



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAional 2080

Neville Miller, *President*

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

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

## NAB WINS PHONOGRAPH RECORD DECISION

(Continued from page 4465)

W.B.O. Broadcasting Corporation. Before the action was brought Whiteman had filed a complaint against W.B.O. Broadcasting Corporation and Elin, Inc., to restrain the broadcasting of phonograph records of musical performances by Whiteman's orchestra. By leave of court RCA Manufacturing Company, Inc., then filed the complaint at bar, as ancillary to Whiteman's action, asking the same relief against W.B.O. Broadcasting Corporation and Elin, Inc., as Whiteman had asked in his action, and in addition asking that Whiteman be adjudged to have no interest in the records of his performances, because of contracts between him and itself. Whiteman thereupon discontinued his action, leaving only the ancillary action in which the judgment on appeal was entered. The dispute is as to whether W.B.O. Broadcasting Corporation, as the purchaser of phonograph records prepared by RCA Manufacturing Company, Inc., of Whiteman's orchestral performances, may broadcast them by radio. Whiteman's performances took place in studios of RCA Manufacturing Company, Inc., which arranged for their reproduction upon ordinary phonographic disc records, and which, with the consent of Whiteman, sold the records to the public at large. Of the nine records here in question five were sold between November, 1932, and August 15, 1937, during which period every record bore the legend: "Not Licensed for Radio Broadcast". (Apparently the four earlier records did not advise the purchaser of any such limitation.) After August 15, 1937, this notice was changed to read as follows: "Licensed by Mfr. under U. S. Pats. 1625705, 1637544, RE. 16588 (& other Pats. Pending) Only For Non-Commercial Use on Phonographs in Homes. Mfr. & Original Purchaser Have Agreed This Record Shall Not Be Resold Or Used For Any Other Purpose. See Detailed Notice on Envelope." These later records were inclosed in envelopes which even more clearly gave notice of the same limitations. W.B.O. Broadcasting Corporation every week bought from a New York company, Bruno-New York, Inc., such records as it needed; it used them thereafter to broadcast over its radio system. Bruno-New York, Inc., had bought the records in question under a contract with RCA Manufacturing Company, Inc., in which they agreed after its date (August 9, 1937) to resell "only for non-commercial use on phonographs in homes as per the notice appearing on the record labels and envelopes." It may be assumed that W.B.O. Broadcasting Corporation is charged with notice of the legends on the records, and with the contract of Bruno-New York, Inc., and that it broadcasts them on its radio system in disregard of both.

The questions raised below were whether Whiteman and/or RCA Manufacturing Company, Inc., had any musical property at common-law in the records which radio broadcasting invaded; whether Whiteman had passed any rights which he may have had to RCA Manufacturing Company, Inc., under certain agreements, not necessary to be set out; and whether, if either Whiteman or RCA Manufacturing Company, Inc., had any such common-law property, the legends and notice enabled them, or either of them, to limit the uses which the buyer might make of the records. The judge held that all of Whiteman's rights had passed to RCA Manufacturing Company, Inc., which for that reason was entitled to enjoin the broadcasting of these records; and that Whiteman was also entitled to an injunction against W.B.O. Broadcasting

Corporation because it was unfair competition to broadcast his performances without his consent. All parties appealed except Elin, Inc. The RCA Manufacturing Company, Inc., appealed because the judge did not recognize its common-law artistic property, arising out of the skill and art necessary to obtain good recording, and also because of the affirmative relief granted to Whiteman. Whiteman appealed because of the holding that he had lost all his rights to RCA Manufacturing Company, Inc., under its contracts with him. W.B.O. Broadcasting Corporation appealed because any relief was granted against it.

It is only in comparatively recent times that a virtuoso, conductor, actor, lecturer, or preacher could have any interest in the reproduction of his performance. Until the phonographic record made possible the preservation and reproduction of sound, all audible renditions were of necessity fugitive and transitory; once uttered they died; the nearest approach to their reproduction was mimicry. Of late, however, the power to reproduce the exact quality and sequence of sounds has become possible, and the right to do so, exceedingly valuable; people easily distinguish, or think they distinguish, the rendition of the same score or the same text by their favorites, and they will pay large sums to hear them. Hence this action. It was settled at least a century ago that the monopoly of the right to reproduce the compositions of any author—his "common-law property" in them—was not limited to words; pictures were included. *Turner v. Robinson*, 10 Ir. Ch. 121; S. C. 10 Ir. Ch. 522; *Prince Albert v. Strange*, 1 McN. & G. 25. This right has at times been stated as though it extended to all productions demanding "intellectual" effort; and for the purposes of this case we shall assume that it covers the performances of an orchestra conductor, and—what is far more doubtful—the skill and art by which a phonographic record maker makes possible the proper recording of those performances upon a disc. It would follow from this that, if a conductor played over the radio, and if his performance was not an abandonment of his rights, it would be unlawful without his consent to record it as it was received from a receiving set and to use the record. *Arguendo*, we shall also assume that such a performance would not be an abandonment, just as performance of a play, or the delivery of a lecture is not; that is, that it does not "publish" the work and dedicate it to the public. *Ferris v. Frohman*, 223 U. S. 424, 435; *Nutt v. National Institute*, 31 Fed. (2d) 236 (C.C.A. 2); *McCarthy v. White*, 259 Fed. Rep. 364; *Uproar Co. v. National Broadcasting Co.*, 8 Fed. Suppl. 358. Nevertheless, even if Whiteman's "common-law property" in his performances survived the sale of the records on which they were inscribed, it would be very difficult to see how he, or *a fortiori* the maker of the records, could impose valid restrictions upon their resale. Concededly that could not be done (regardless of the present statutory prohibition) if the restriction went to the resale price. *Bobbs-Merrill Co. v. Straus*, 210 U. S. 339. It would also have been impossible if the restriction forbade the buyer to use the article except with other articles bought of the record maker. *Motion Picture Patents Co. v. Universal Film Co.*, 243 U. S. 502. We do not, however, have that question to decide, for we think that the "common-law property" in these performances ended with the sale of the records and that the restriction did not save it; and that if it did, the records themselves could not be clogged with a servitude.

Copyright in any form, whether statutory or at common-law, is a monopoly; it consists only in the power to prevent others from reproducing the copyrighted work. W.B.O. Broadcasting Corporation has never invaded any such right of Whiteman; they have never copied his performances at all; they have merely used those copies which he and the RCA Manufacturing Company, Inc., made and distributed. The putatively protected performances were themselves intended for that purpose and for that alone; the situation was precisely the same as though Whiteman and RCA Manufacturing Company, Inc., had combined to produce an original musical score and inscribe it upon records. The records at bar embodied Whiteman's "common-law property"—his contribution as a conductor—in precisely the same way that the record of such a score would embody his composition. Hence the question is no different from whether he might disseminate a musical score to the public at large, but impose a limitation upon it that buyers

should not use it to broadcast for profit. Whatever might be said of that—if the sale were not a “publication”—it will hardly be argued that if it was a “publication” in the sense that that destroys the “common-law property”, the restriction upon the use of the record would be valid notwithstanding. Restrictions upon the uses of chattels once absolutely sold are at least *prima facie* invalid; they must be justified for some exceptional reason, normally they are “repugnant” to the transfer of title. If “the common-law property” in the rendition be gone, then anyone may copy it who chances to hear it, and may use it as he pleases. It would be the height of “unreasonableness” to forbid any uses to the owner of the record which were open to anyone who might choose to copy the rendition from the record. To revert to the illustration of a musical score, it would be absurd to forbid the broadcast for profit of its record, if any hearer might copy it and broadcast the copy. Thus, even if Whiteman and RCA Manufacturing Company, Inc., have a “common-law property” which performance does not end, it is immaterial, unless the right to copy the rendition from the records was preserved through the notice of the restriction.

As applied to books, where the problem is precisely the same, there is not very much law as to whether such restrictions prevent complete dedication, but the judges who have passed upon the question have declared, at times with much certainty, that they are nugatory. In 1898 the Court of Appeals of New York flatly so decided in *Jewellers Mercantile Agency v. Jewellers Publishing Co.*, 155 N. Y. 241, and that is the leading case. Judge Putnam had held the same in 1896 (*Ladd v. Oxnard*, 75 Fed. Rep. 703, 730) and he was followed by Judge Townsend (*Larrowe-Loisette v. O'Loughlin*, 88 Fed. Rep. 896), Judge Lacombe (*Wagner v. Conried*, 125 Fed. Rep. 798) and Judge Ward (*Savage v. Hoffman*, 159 Fed. Rep. 584). In his dissenting opinion in *International News Service v. Associated Press*, 248 U. S. 215, 256, Mr. Justice Brandeis spoke of the law as “well-settled” to that effect. (See also the reasoning of the court in *Chamber of Commerce v. Wells*, 100 Minn. 205.) It is quite true that if “publication” were merely a question of intent, these decisions are wrong, for the intent is obvious not to dedicate the whole right. The problem is not so simple; in dealing with a monopoly the law imposes its own limits. Certainly when the “common-law property” is in a work which the Copyright Act covers, there can be no doubt; Congress has created the monopoly in exchange for a dedication, and when the monopoly expires the dedication must be complete. If the records were registrable under the act, the restriction would therefore certainly not limit the dedication. The fact that they are not within the act should make no difference. It is indeed argued that by virtue of *Donaldson v. Decket*, 4 Burr. 2408, there is a perpetual common-law copyright in works not copyrightable under the act; we have answered that argument in *Fashion Originators Guild v. Federal Trade Commission*, 112 Fed. (2) —, and need not repeat what we said. That being true, we see no reason why the same acts that unconditionally dedicate the common-law copyright in works copyrightable under the act, should not do the same in the case of works not copyrightable. Otherwise it would be possible, at least *pro tanto*, to have the advantage of dissemination of the work at large, and to retain a perpetual though partial, monopoly in it. That is contrary to the whole policy of the Copyright Act and of the Constitution. Any relief which justice demands must be found in extending statutory copyright to such works, not in recognizing perpetual monopolies, however limited their scope.

It is true that the law is otherwise in Pennsylvania, whose Supreme Court in 1937 decided that such a legend as the records at bar bore, fixed a servitude upon the discs in the hands of any buyer. *Waring v. WDAS Broadcasting Company*, 327 Pa. St. 433. We have of course given the most respectful consideration to the conclusions of that great court, but with much regret we find ourselves unconvinced for the reasons we have tried to state. However, since that is the law of Pennsylvania and since the broadcasting will reach receiving sets in that state, it will constitute a tort committed there; and if an injunction could be confined to those sets alone, it would be proper. It cannot; for even if it be mechanically possible to prevent any broadcasting through the angle which the state of Pennsylvania subtends at the transmission

station, that would shut out points both in front of, and beyond, Pennsylvania. We must therefore choose between denying any injunction whatever—since in our judgment the act is unlawful only in Pennsylvania—or enjoining W.B.O. Broadcasting Corporation from broadcasting throughout the Union and in Canada in order to prevent a tort in Pennsylvania alone. This would be an obvious misuse of the writ which goes only in aid of justice.

Whiteman and the plaintiff also rest their case upon the theory of unfair competition, depending for that upon *International News Service v. Associated Press*, *supra* (248 U. S. 215). That much discussed decision really held no more than that a western newspaper might not take advantage of the fact that it was published some hours later than papers in the east, to copy the news which the plaintiff had collected at its own expense. In spite of some general language it must be confined to that situation (*Cheney Bros. v. Doris Silk Corp.*, 35 Fed. (2) 281); certainly it cannot be used as a cover to prevent competitors from ever appropriating the results of the industry, skill, and expense of others. “Property” is a historical concept; one may bestow much labor and ingenuity which inures only to the public benefit; “ideas”, for instance, though upon them all civilization is built, may never be “owned”. The law does not protect them at all, but only their expression; and how far that protection shall go is a question of more or less; an author has no “natural right” even so far, and is not free to make his own terms with the public. In the case at bar if Whiteman and RCA Manufacturing Company, Inc., cannot bring themselves within the law of common-law copyright, there is nothing to justify *a priori* any continuance of their control over the activities of the public to which they have seen fit to dedicate the larger part of their contribution. We are adjured that courts must adjust themselves to new conditions, and that in the case at bar justice clearly points the way to some relief. We cannot agree; no doubt we should be jealous to execute all reasonable implications of established doctrines; but we should be equally jealous not to undertake the composition of substantial conflicts of interests, between which neither the common-law, nor the statute, has given any clue to its preference. We cannot know how Congress would solve this issue; we can guess—and our guess is that it would refuse relief as we are refusing it—but if our guess were the opposite, we should have no right to enforce it. If the talents of conductors of orchestras are denied that compensation which is necessary to evoke their efforts because they get too little for phonographic records, we have no means of knowing it, or any right to assume it; and it is idle to invoke the *deus ex machina* of a “progress” which is probably spurious, and would not be for us to realize, if it were genuine.

Finally, appeal is made to the doctrine that W.B.O. Broadcasting Corporation is guilty of a tort—or at least that it is a factor in determining its “unfair” competition—because it induces Bruno-New York, Inc., to violate its contract with RCA Manufacturing Company, Inc. Whatever remedies RCA Manufacturing Company, Inc., may have under that contract, they are not before us. As between Bruno-New York, Inc., and W.B.O. Broadcasting Corporation, the contract is a nullity; RCA Manufacturing Company, Inc., had no power to impose the pretended servitude upon the records; and W.B.O. Broadcasting Corporation is free to buy and use them in entire disregard of any attempt to do so. It scarcely seems necessary to discuss the strange assertion that to broadcast the records in some way invades somebody’s “right of privacy”, presumably Whiteman’s: *Sidis v. F-R Publishing Corp.*, 112 Fed. (2) — (C.C.A. 2). Nor need we say that insofar as radio announcers declare, directly or indirectly, that the broadcast of a Whiteman record is the broadcast of a Whiteman performance, that conduct is a tort which Whiteman could enjoin. That would indeed be “unfair competition”.

It follows that the complaint must be dismissed, and for reasons which make it unnecessary to determine how far Whiteman’s contracts with RCA Manufacturing Company, Inc., preserved any common-law copyrights he might have had, if they had survived the sale of the records.

Judgment reversed; complaint dismissed; costs to W.B.O. Broadcasting Corporation.

## CBS, NBC Urge Agencies to Join Music Battle

Both the Columbia Broadcasting System and the National Broadcasting Company have urged advertising agencies and band leaders to start using music that the networks will be able to broadcast after next December 31.

Both networks likewise have told their affiliates that they intend to make no deal with ASCAP that would work to the disadvantage of affiliates. Broadcasters are urged to read every word of the following six letters which clearly state the networks' position.

### NBC to Agencies

NATIONAL BROADCASTING COMPANY, INC.

RCA Building, Radio City  
New York, N. Y.

July 23, 1940.

I am sure you are familiar with the situation which has recently arisen between the National Broadcasting Company and ASCAP (The American Society of Composers, Authors and Publishers). There are, however, some important facts regarding the matter which I am anxious for you to get first hand.

NBC's license agreement with ASCAP covering the use of its music for broadcasting purposes expires on December 31, 1940. ASCAP has offered to renew our licenses, but only on terms which we considered to be exorbitant. Such a move would add materially and unfairly in our opinion to the cost of broadcast advertising and broadcasting operation. After serious consideration we have definitely decided we cannot accept these terms. Therefore, without an ASCAP license NBC will be unable to broadcast their music after December 31, 1940.

There will be available for use by all NBC advertisers on programs broadcast over NBC networks or M&O stations, the catalogues of Broadcast Music, Inc., Associated Music Publishers, G. Ricordi & Co., Milan, Society of European Stage Authors and Composers (SESAC), A. P. Schmidt Co., E. C. Schirmer Music Company, Society of Jewish Composers, Publishers and Song Writers and other concerns and individuals. Likewise, there is music available in the public domain which can be arranged from the original sources.

It is obviously important, therefore, for all of us to lay our plans now covering the operating conditions which will exist after the end of this year.

In order to avoid possible copyright infringements we recommend that advertising agencies and their clients make an immediate study of their program music problems. Particular care should be taken to check signatures and theme music presently used on your programs to make sure that such music can be broadcast by NBC after the end of the year. We feel that there is much that can be done immediately to accustom yourselves to the new situation which will be in effect on January 1st, 1941. For example, you may want to instruct your orchestra leaders to commence using in the body of your NBC programs music which NBC will be licensed to broadcast.

This problem will involve not only the NBC network shows but also the local programs, whether live or electrically transcribed, which are broadcast over NBC managed and operated stations. We suggest that if you now have any such programs, or contem-

plate them in the future, that you check carefully material incorporated in them. Many advertisers who already have on hand electrical transcriptions or who make them before the first of the year may contemplate their use on NBC M&O stations after January 1st. Obviously, such records should be carefully checked to be sure that all musical material will be licensed for broadcast.

It is, of course, impossible to cover in this letter all of the many questions which will arise regarding the new operation and specific problems which may come up. A complete understanding of the changes involved is essential so that we will all be prepared to successfully continue our operations after December 31, 1940.

This is a common problem and it is important that everyone affected give every consideration to its solution.

Cordially yours,

(Signed) NILES TRAMMELL.

### NBC to Affiliates

NATIONAL BROADCASTING COMPANY, INC.

RCA Building, Radio City  
New York, N. Y.

July 17, 1940.

The current licenses held by NBC for the performance of ASCAP music will expire on December 31, 1940. ASCAP has refused to renew such licenses except upon terms which are so onerous that we have concluded that we cannot accept them.

As you have doubtless noted from the plan of licensing which ASCAP proposes to impose upon broadcasters, NBC would be required to pay ASCAP 7½% of the gross amount paid for the use of the broadcasting facilities of the stations over which a network program is broadcast. While the license fees payable by NBC on network business under this plan would vary from year to year, it is sufficient to point out that had the plan applied to 1939 income, NBC would have had to pay to ASCAP fees 5 or 6 times greater than those which it is now paying. This is so exorbitant as to be completely unacceptable.

In rejecting ASCAP's demand, we have given careful consideration to the interests of our affiliates as well as the network. Although the new ASCAP plan of licensing would result in decreased payments by many stations so far as their personal licenses covering only local and national spot programs are concerned, it would require vastly increased payments for NBC network programs. NBC obviously cannot itself bear an increase of 500% or 600% in its payments to ASCAP. The increased cost would, therefore, have to be passed on and the additional burden would seriously affect NBC affiliates. We are not going to make any deals which put an unfair financial burden on NBC affiliates, having in mind the additional expenses which are necessarily being incurred at the present time as the result of the position now taken by ASCAP. We have, of course, no intention of making any arrangement which would benefit NBC at the expense of its affiliates.

Without an ASCAP license, it will be necessary for NBC to discontinue playing ASCAP music as of December 31, 1940. We are actively supporting the efforts of Broadcast Music, Inc., to enlarge its catalog of music. In addition, NBC is working to make available for use, after the expiration of our current licenses, as much music as we possibly can. Having in mind the difficulties attendant upon an abrupt elimination of ASCAP music, we are taking steps at this time to increase the use on NBC programs of music which we will be licensed to perform beyond December 31, 1940, in order to effect a gradual transition.

Despite the difficulties which are inevitable, broadcasting will continue as usual.

Sincerely,

(Signed) NILES TRAMMELL.

## NBC to Band Leaders

NATIONAL BROADCASTING COMPANY, INC.

RCA Building—Radio City

New York, N. Y.

July 17, 1940.

On December 31, 1940, the license agreements between NBC and ASCAP expire. ASCAP has refused to renew them except on terms which are so onerous that we have concluded that we cannot accept them. Without a license it will be necessary for NBC to discontinue playing ASCAP music commencing with the first of next year.

That means that a large part of the popular music which NBC has been using in the past will be unavailable for its use after December 31st, and it is obvious that we must now begin to accustom ourselves and NBC artists to the use of such music as will be available to us after that date.

With this in mind we are taking steps to increase the use on NBC studio sustaining programs of music which we are licensed to perform beyond December 31, 1940. Among the catalogues which are available for use on NBC programs subsequent to that time are those of Broadcast Music, Inc., Associated Music Publishers, G. Ricordi & Co., Milan, Society of European Stage Authors and Composers (SESAC), A. P. Schmidt Co., E. C. Schirmer Music Company, Society of Jewish Composers, Publishers and Song Writers and other concerns and individuals. Likewise, there is music available in the public domain which can be arranged from the original sources.

It is now essential that we increase the use of such music on all NBC programs including our remote control sustaining shows, and commencing July 31, 1940, the policy of NBC will be that all orchestras broadcasting on NBC sustaining programs shall schedule at least one such composition during each of their NBC broadcast periods. The use of such music will necessarily have to be increased as December 31st approaches.

We also suggest, however, that leaders of orchestras broadcasting over NBC make a study of their signatures, having in mind that after December 31, 1940, they will be unable to broadcast over NBC the ones they are currently using if they are in the ASCAP repertoire. It would appear advisable for orchestras which expect to broadcast over NBC subsequent to that time to consider changing their signatures now to numbers which they will unquestionably be able to use next year.

You will note that among the catalogues we will continue to be licensed to use is Broadcast Music, Inc. NBC proposes to popularize the music of BMI by using it wherever it can and we particularly ask your cooperation in this endeavor.

We cannot overemphasize the importance of being prepared in advance to meet the situation which will exist after December 31, 1940. In addition to the problem, NBC has of maintaining proper balance in musical programs, the purely clerical task of checking the availability of music which you may wish to play after the first of the new year will require the training of personnel to handle the additional burden. A gradual start in that direction will be service not only to us but to orchestras and advertisers as well. If our Music Department can be of assistance to you in solving the problems caused by this situation, please do not hesitate to call upon us.

Sincerely,

(Signed) NILES TRAMMELL.

## CBS to Agencies

COLUMBIA BROADCASTING SYSTEM, INC.

485 Madison Avenue, New York

Wickersham 2-2000

Executive Offices

Paul W. Kesten

Vice-President

During the past six months the broadcasting industry has been fighting a \$4,400,000 fight against "ASCAP"—a fight to protect radio advertisers and broadcasters alike from a \$4,400,000 hold-up, over and above an unjustified \$4,300,000 toll paid in 1939 for the privilege of broadcasting music which ASCAP controls.

The fight is going well.

During the next six months, the Columbia network asks that its clients, acting in their own behalf as radio advertisers, take one step which only they can take—to break the strangle-hold which ASCAP has hitherto had upon radio broadcasting, and to win not only this fight against a \$4,400,000 increase in broadcasting costs, but to free radio permanently from the certainty of future intolerable demands.

If this seems to be a strong statement of the basic issue involved, you will find that the facts more than justify it. Some of these facts follow:

\* \* \* \*

Between 1923 and 1931 the bill which broadcasters had to pay to ASCAP (American Society of Composers, Authors & Publishers) for the privilege of broadcasting music controlled by that society increased from \$10,000 to nearly \$1,000,000 per year. But that was only the beginning!

Since 1931 the tribute demanded by ASCAP, and paid by the broadcasters, has more than quadrupled from that million dollar figure. In 1939 ASCAP wrung \$4,300,000 out of the broadcasters. Was this for more music played on more broadcasts? Just the contrary. That increase was accompanied by an actual *drop of over 40%* in the number of musical programs on the air.

The result is that radio paid ASCAP in 1939 *40 times* as much per dollar of revenue as did any other user of music, such as the motion picture industry, the night clubs, dance halls, etc.

Now ASCAP, which has controlled the major portion of music which has been used on commercial and sustaining radio programs, has made further demands upon the radio industry which would increase its present toll on the industry by over 100%, and which would *increase the charge against network programs by over 300%*. These charges would apply to all programs whether or not they used ASCAP music.

These demands by ASCAP are, obviously, impossible of acceptance if radio broadcasting and network broadcasting is to continue to serve the public and the needs of national advertisers on its present economic base. While broadcasters have always been willing to pay a fair amount on a reasonable basis for the privilege of broadcasting music, we are convinced that it is utterly impossible to find any ground for negotiation with an organization which has promulgated these demands as a final ultimatum.

Columbia has therefore decided, for its network and for its owned and operated stations, that it will not and cannot submit to these demands.

The gun ASCAP is pointing at our heads will be fired January 1, 1941, after which no ASCAP music will be available for CBS programs. But by that time, with the work that has been done and which can be done by our advertisers and ourselves between now and then, there should be nothing but a blank cartridge in the breach.

This much has been accomplished:

1. *Organization and operation of "BMI"*.

Determining to defend the interests of the listening public and of advertisers, as well as their own interests, the broadcasters took

steps last fall to implement their supply of non-ASCAP music through the organization of Broadcast Music, Inc. Over 300 stations, representing approximately  $\frac{3}{4}$  of the entire business done by the industry, have together with the networks, contributed over \$1,250,000 to BMI. The primary purpose of this organization is the promotion of the writing of new music and lyrics by giving opportunities to new composers and authors. Broadcast Music, Inc. has now achieved the stature of an outstanding music publishing organization and has attracted talented composers and writers heretofore excluded from the ASCAP inner circle.

BMI is now turning out popular tunes with "hit" potentialities and at the present rate will have 300 popular numbers by the end of the year.

Four of these recently climbed up into the 20 most popular hits as listed by "Variety." BMI is also releasing non-ASCAP arrangements of the most popular public domain music and should have over 1,000 of these available for use by December 31st.

#### 2. Drastic drop in ASCAP music on sustaining programs.

Since April, the use of ASCAP music on Columbia sustaining programs (over 200 quarter-hours per week) has been reduced by 33 $\frac{1}{3}$ %. This has meant the substitution of hundreds of non-ASCAP numbers in our musical selections. This has been effected without the slightest deterioration of any program and without loss of any audience appeal.

#### 3. No special "ASCAP-credits."

Beginning in May on all remote pick-ups of dance bands, CBS eliminated all restricted ASCAP numbers which required special credits.

#### 4. Non-ASCAP numbers on name-band pick-ups.

Effective August 5th, all remote dance bands will be required to include at least one non-ASCAP number. From this start the proportion of non-ASCAP numbers will be steadily increased.

#### 5. Music on its own merit.

Perhaps still more significant to those who know the "high-pressure side" of the music business—Columbia has closed its doors to the professional song pluggers who know that the success of a new number is often in direct proportion to the amount of money appropriated by the Publisher for plugging it on the networks.

We are, you will see, in full stride on making the transition from ASCAP music to non-ASCAP music. Nor are we dependant only on BMI for rich sources of material. The fact is that the potential reservoir of non-ASCAP music is, of course, much larger than the reservoir of ASCAP music. In addition to the music made available through BMI, Columbia has the following supplies of non-ASCAP music:

Music controlled by the Society of European Stage Authors and Composers (SESAC), including the library of A. P. Schmidt Co.

Music controlled by Associated Music Publishers.

Music controlled by G. Ricordi & Co. (Milan).

Music controlled by the Society of Jewish Composers, Publishers and Song Writers.

Music of E. C. Schirmer Music Company.

Special library arrangements of public domain music, as well as music available under special licenses from individual music publishers not members of ASCAP.

Even a superficial study of the question indicates that ASCAP has been able to throttle broadcasters and advertisers largely because of the unintended cooperation of program builders and the activities of ASCAP song pluggers.

Reduced to its plainest terms, only one thing is needed between now and January 1st to free radio broadcasting from ASCAP's \$4,400,000 squeeze-play. This thing is the determination of radio advertisers that they will popularize only the music which will continue to be available to them after December 31, 1940. And that can be accomplished very simply—just by playing this music on the air on commercial programs. If the transition to non-ASCAP music is begun at once, virtually every hit tune in America should lie outside of ASCAP's clutch before January 1.

There have been important issues in radio broadcasting before now in which the interests of radio advertisers and of radio broadcasters were identical. We think it will be evident that there has never been an issue which compares in importance with this one, nor on which the self-interest of our clients and ourselves was so clearly the same.

Members of the CBS sales and service staffs will be at the disposal of each CBS client to facilitate the handling of individual programs during this transition period.

Sincerely,

THE COLUMBIA BROADCASTING SYSTEM.

## CBS to Affiliates

COLUMBIA BROADCASTING SYSTEM, INC.

485 Madison Avenue, New York

Wickersham 2-2000

Office of the Executive Vice President

Edward Klauber

July 18, 1940.

The form of the ASCAP contract which has now been submitted to broadcasters is more burdensome than expected, even when viewed in the light of the "demands" made by ASCAP last March. The NAB has made an analysis of the "single station" proposal which was published in the *NAB Reports* and we have analyzed the "network" proposal. Neither proposal gives the broadcaster any assurance of substantial availability of music as heretofore. Furthermore, the base on which payments are to be computed is substantially broadened, thus tending to dissipate the widely heralded savings to individual stations.

When the ASCAP demands were delivered to the broadcasters last March, we wrote you that Columbia had no intention of acceding to such demands, and advised you that there was then no present possibility that ASCAP music would be heard on the Columbia network after December 31st.

Nothing has happened in the meantime to induce us to change our decision. On the contrary, the wisdom of our decision has been further proved by two developments—first, the intolerably onerous and inequitable provisions in the proposed ASCAP contracts, and second, the definite promise of an increasingly adequate alternate supply of music through BMI.

You realize that any development which adds substantially to the expenses or burdens of network broadcasting operates to the ultimate detriment of both network and affiliate, whether imposed in the first instance on the one or the other. As pointed out in our letter of April 2, without network plugging of ASCAP tunes, the value of an ASCAP license to any station will be greatly diminished. Accordingly, it must be apparent to anyone who has studied the music problems facing our industry that the ASCAP tactics cannot succeed as long as the networks do not play ASCAP music.

We want to repeat that we are in this fight to the finish, not only in the interests of ourselves but in the interests of affiliates and advertisers and that, as a network and for our owned and operated stations, we will go along with any plan, to be worked out through the BMI set-up, for the continuance of its operations and the enlargement of the music available to broadcasters. Further, in order to answer any questions by affiliates as to a possible deal with ASCAP in the unlikely event that ASCAP modifies its present intolerable proposals, our position is that we have no intention of accepting such modifications unless the deal is economically feasible for both networks and affiliates and also is acceptable to representatives of affiliates. We feel that our own best interests, as well as the best interests of our affiliates, can best be served by adhering to this position.

Sincerely yours,

THE COLUMBIA BROADCASTING SYSTEM.

## CBS to Band Leaders

COLUMBIA BROADCASTING SYSTEM, INC.

485 Madison Avenue, New York  
Wickersham 2-2000

Office of the Vice President in Charge of Operations  
Lawrence W. Lowman

July 23, 1940.

On account of the present situation existing with respect to performing rights in musical compositions controlled by ASCAP, with which band leaders and members are familiar, Columbia is proceeding with its plans for the gradual and complete elimination of ASCAP controlled music from its network. As you know, our license with ASCAP expires December 31, 1940, and, because of the impossible demands which ASCAP has made upon us, we do not expect that any ASCAP controlled music will be broadcast over our network after the end of this year.

We have already taken steps achieving a substantial reduction in performances of ASCAP music on our studio sustaining programs. It is now necessary that we reduce ASCAP controlled music in other fields, including remote pick-up dance programs.

Accordingly, effective August 5, 1940, each remote pick-up dance band broadcast by Columbia will be required to schedule and play one non-ASCAP number for each one half hour of broadcasting time. In case of dance bands with programs of fifteen minutes, this means that a non-ASCAP number must be scheduled and played on every other program.

This is the minimum requirement for the time being, and naturally many bands will see that it is to their best interests to exceed this minimum as quickly as possible. Within a short time and from time to time, we expect to increase the requirements for the performance of non-ASCAP numbers so that substantially in advance of the end of the year remote pick-up dance bands will be broadcasting no ASCAP controlled music. We will try to effect this switch-over as gradually and with as little inconvenience as possible. In this connection, bands should take steps at this time to adopt signature numbers not under ASCAP control so that there will be no question as to the use of signatures by bands after the end of the year.

Several sources of non-ASCAP music are at present available and these include special arrangements of public domain music and selections from catalogs of copyrighted music not controlled by ASCAP. Among the latter, Broadcast Music, Inc., has now available in excess of fifty new popular tunes which are available in standard orchestrations.

Our music librarian will be happy to cooperate with band leaders in making available to them titles and copies of numbers which are not controlled by ASCAP. Mr. Roy Passman of our Program Department will be glad to give you such additional information as you may desire.

Sincerely yours,  
THE COLUMBIA BROADCASTING SYSTEM.

## BMI Developments

The first BMI song to appear on a phonograph record for general retail sale will be available in the record shops on August 2. It is Ray Herbeck's recording of *What Good's the Moon* for Okeh Records—Okeh 5659.

Other records of BMI numbers from Okeh, Columbia, and Victor are scheduled for the near future.

## BMI FEATURE TUNES

August 5-12

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. MADAME WILL DROP HER SHAWL
4. SWINGIN' AT THE SEANCE

BMI has appointed Jimmy Cairns as Professional and Sales representative in the mid-west with headquarters in Chicago and Harry Hume in the same capacity on the Pacific Coast with offices in Los Angeles. Additions have also been made to the professional staff in the New York offices.

An open market for music—so that broadcaster and advertiser will have an opportunity to choose what music they wish to play rather than be forced by economic necessity to pay for and popularize the music of a single group of publishers—the ASCAP group—is the ultimate aim of the broadcasters' battle to free the air of monopoly, Sydney M. Kaye, vice president and general counsel of Broadcast Music, Inc., told a group of representatives of advertising agencies at a luncheon held July 31st by BMI at the Hotel Waldorf Astoria. The luncheon was attended by radio program directors, account executives, and officers from virtually all of the leading agencies. After his talk Mr. Kaye answered questions relative to the use of the music which will be available for broadcasting after the first of the year when the current ASCAP contracts expire.

"Under the proposed ASCAP contracts," said the speaker, "the radio industry is being asked to pay eighty times as large a percentage of its revenue for music as ASCAP is now receiving from another industry. We are confronted with a demand for approximately \$45,000,000 or \$9,000,000 a year for the next five years, and for this we have no guarantee whatsoever as to what music will be available. It is manifestly impossible for the industry to absorb such exorbitant demands which are equal to a 100 per cent increase for the industry and, for example if applied to the networks would absorb their combined profits. It is obviously in the interest of the advertiser and advertising agency to protect themselves from an exorbitant increase in costs; to protect their programs from sudden change by substituting now the music which radio will be licensed to play after January 1, 1941, and in opening the door to creative talent struggling for an opportunity to be heard over the air. We urge them to call on the services of Broadcast Music, radio's own music enterprise, to solve their musical problems.

"The entire future of radio and radio advertising is

threatened," said the BMI executive, "unless the advertiser can obtain competitive market for music just the same as he had for everything else that enters into the advertising business. If radio advertisers are willing to go through a short period of readjustment of the musical content of their programs there is no doubt in my mind but that they can obtain an open market for music at reasonable cost. The United States is the only country in the world where such a music situation exists and I am sure it will not exist for long here when the people are acquainted with the facts. There is no objection to a performing rights society in principle but it ought to be a democratic organization open to all who can create music and where payment is made in precise ratio to the utilization of the creator's work and not offer a contract which produces monopoly. Such a society needs only a staff of accountants to properly allocate the proceeds from users of music.

"The radio industry does most emphatically not want music for nothing. It is currently paying at the rate of \$5,000,000 a year and we want to see this money go to those who deserve it after the American public has had an opportunity to hear the music from all talented composers and is not required to select its favorites from just a few."

Mr. Kaye pointed out that the task was not as difficult as it seemed, as a breakdown of radio performance indicated that 388 popular tunes accounted for 47 per cent of the music time on the air and 2500 tunes for 83 per cent. ASCAP music on sustaining programs has been materially reduced to date, without any apparent diminution in interest, he added.

Broadcast Music, Inc., he said in answer to a question, will grant full indemnity to any advertising agent, advertiser or performer who uses numbers from its catalogue. This differs, he explained, from the ASCAP contract which grants a limited indemnity to broadcaster and none at all to advertiser or agency.

In concluding he asked the agencies to select coordinators to work with music specialists at Broadcast Music and at the radio stations in solving the difficulties incidental to the change of theme songs, background music, music of secondary appeal and music of primary appeal.

## ASCAP Asks Place On Convention Program

ASCAP's request to send a speaker to the NAB convention followed repeated refusals to talk to the NAB about a new contract.

Neville Miller pointed this out to John G. Paine, ASCAP's general manager, in a recent letter in response

to Mr. Paine's request for a place on the convention program.

Every broadcaster will read with great interest the following exchange of correspondence:

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS

Thirty Rockefeller Plaza  
New York City

Mr. Neville Miller, President  
National Association of Broadcasters  
Normandy Building  
1626 K Street, N. W.  
Washington, D. C.

MY DEAR MR. MILLER:

The interest shown by your members in the new ASCAP contract, is keenly appreciated by this Society. It indicates to us that the entertainment, cultural, and educational values of music, and its contribution to the progress of radio, is at long last being realized.

In view of this awakened appreciation of music, I believe it will interest the members of your organization who are going to attend your forthcoming Convention, to get some first-hand facts about the plans, purposes and policies of ASCAP, and its desire to contribute to the advancement of radio, particularly as they affect the Public Interest.

We therefore would be pleased to send a representative to San Francisco, at our expense, to address your Convention.

I would greatly appreciate hearing from you at your earliest convenience, so that our speaker can be fully prepared to present a paper worthy of the importance of the occasion.

With all good wishes for the success of your Convention, please believe me to be,

Cordially yours,

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS,

JOHN G. PAINE.

JGP:LN

NATIONAL ASSOCIATION OF BROADCASTERS

Normandy Building, 1626 K St. N. W.  
Washington, D. C.

July 17, 1940.

Mr. John G. Paine, General Manager  
American Society of Composers, Authors and Publishers  
30 Rockefeller Plaza  
New York City

DEAR MR. PAINE:

I have your letter requesting time on the NAB Convention Program. We appreciate your interest in our Convention, and willingness to send an ASCAP representative at your expense to San Francisco, all of which confirms our opinion that the NAB Convention is a most important meeting for broadcasters and will be attended by representative broadcasters from all parts of the country.

I regret that the interest of your Society in the NAB, and your recognition of the fact that it represents the radio industry, comes at such a late date. When I assumed the Presidency of the NAB, I called upon you and the other Officers of your Society, and did all in my power to effect a working arrangement between our two groups, so that the terms of renewal of the present contracts could be discussed by representatives of our groups on a business basis, which would have been mutually advantageous to all concerned. You will recall that I appointed a committee of broadcasters who came to your office a number of times, but our efforts were



thwarted by the refusal of your President to appoint a committee to meet with the broadcasters, even though your Board of Directors had authorized the appointment of such a committee.

Your present contract was drawn up behind closed doors; the broadcasters, from whom you receive approximately two-thirds of your entire revenue, were not consulted regarding its terms; and, you will recall, that when the contract was made public, the NAB was intentionally ignored, and not invited to your meeting.

However, in spite of this attitude on the part of ASCAP, the broadcasters have always been glad to extend every courtesy to your Society, and, as you know, your Mr. Claude Mills has addressed a number of our District meetings. Unfortunately, our program for this coming Convention has been completed for some weeks, and due to recent developments in the radio field, our schedule is very crowded and it is impossible now to include any additional speakers.

In your letter you state that NAB members have shown an interest in the new ASCAP contract. Such interest is natural, but I am positive has been misinterpreted by ASCAP. Broadcasters have long been keenly aware of the value of music and its importance, not only to radio, but in the cultural life of our country. Broadcasters would like to be able to stimulate the creative musical interests of this country, but ASCAP's new contract is merely an attempt to perpetuate the ASCAP monopoly, and to extract for its relatively few members the money which should be divided among all writers, according to their talents and the use of their music.

ASCAP's policy has done more to retard music progress in this country than any other factor, and broadcasters are bitterly opposed to the continuation of this policy.

Broadcasters are interested further in your contract because of the splendid music written by the members of your Society, and would like to continue to use this music, but they are unwilling to contribute all the funds available for the purchase of music to the comparatively few members of your Society and close the door upon the meritorious music of the many young writers who previously have been prevented by the ASCAP contract from finding an audience for their works.

Our industry at this moment pays forty times as much for each dollar of its gross revenue as any other industry which does business with your Society, and not being content with that, you now demand we pay eighty times as much and increase our payments from approximately \$4,500,000 to almost \$9,000,000.

The interest of broadcasters in your contract is accompanied by the strongest condemnation of its terms, and resentment of the injustice which your Society is trying to impose upon the industry by virtue of your present monopolistic power. That interest has not caused any broadcaster to sign your contract, but rather has caused representative broadcasters, who pay over two-thirds of the money your Society receives from all broadcasters, to establish Broadcast Music, Inc., as a means to introduce to the American public the meritorious music of many young writers and to give broadcasters the right to purchase music in a free competitive market the same as they purchase other requirements.

The basic principles in which broadcasters are interested were known to you at the time your new contract was drawn. I believe recognition of these principles and a more cooperative approach would have made any explanation of the contract unnecessary.

Cordially yours,

NEVILLE MILLER,  
*President.*

NM/mmr

## Miller Urges Commission to Simplify Form 319

Neville Miller urged the FCC last week to simplify its new FM application form (319) with the industry's

cooperation. As the form now stands, Mr. Miller said in a letter to the Commission, it not only imposed an "excessive burden" on applicants but also, in some respects, contained ambiguities which made intelligent answers impossible.

Mr. Miller's letter:

July 26, 1940.

Federal Communications Commission  
Washington, D. C.

GENTLEMEN:

We recognize that the Commission has both the right and the obligation under the Communications Act to elicit information regarding an applicant's legal, technical and financial qualifications to operate a broadcast station in the public interest, and in this connection we offer the NAB's fullest cooperation in the development of methods whereby this information may be secured most efficiently.

However, our study of recent revisions of the FCC license application forms and particularly the new form No. 319 for frequency modulation stations indicates that an excessive burden is imposed on applicants by these forms.

Without attempting an exhaustive analysis of any of the Commission's forms, may we direct your attention to such questions as 12 (d), (e) and (f) on Form 319. We assume the purpose of these questions is to cast some light upon the applicant's character and reputation. As phrased, however, they require the submission of certified copies of judgments and decrees arising out of such proceedings as traffic violations, probate matters, divorce actions, and probably even proceedings before the FCC not merely for the applicant but for officers, directors and stockholders of corporate applicants. The task of preparing responses to questions of this sort on behalf of corporate applicants appears to us to necessitate a volume of work not commensurate with the value of the information to the Commission.

Under Question 16 (c) the applicant is required to submit the names and addresses of any "relatives", present or former "associates" of applicant, or, if applicant is other than an individual, of any stockholder, station manager, officer, member of the governing board, director or principal stockholder who have any interest in the application or in any other radio broadcasting station. Is the word "relative" intended to include those related by affinity as well as by consanguinity, and in any event, to what degree of relationship? What is meant by associates? The word "former" in the phrase "former associates", as well as the phrase "has had" appearing in Question 16 (a), are likewise burdensome in the case of corporations having officers, directors and stockholders with extensive business interests extending over many decades since they imply no limitation as to time.

In view of ambiguities of this sort appearing in these application forms, applicants are unable to supply intelligent answers regardless of the amount of effort they devote to the preparation of these forms.

We respectfully suggest that the Commission designate appropriate personnel from its staff to confer with representatives of the NAB in an effort to simplify these forms while retaining their efficacy. Informal conferences on similar matters in the past have produced results that were mutually satisfactory and of definite benefit to the broadcasting industry. It is our belief that such procedure would be equally advantageous in respect of these forms.

Sincerely yours,

NEVILLE MILLER.

NM/hml

## Promotion

### NATIONAL RADIO DAY

Representative Dingell (D-Mich.) has introduced a resolution to make August 26 "National Radio Day." The resolution:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and directed to issue a proclamation designating August 26 of each year as National Radio Day, calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate ceremonies.*

### LISTEN BEFORE YOU VOTE

In spite of heat, NAB convention, war and national defense, the LISTEN BEFORE YOU VOTE campaign is doing all right for itself. Yes sir!

Broadcasters in many states are saying it with orders for the red, white and blue posters while they complete their own plans for exploitation. Quick on the trigger in reporting satisfaction with the plan was Warner C. Tidemann, commercial manager, KATE, Albert Lea at Austin, Minn.:

"I read with growing interest last night the material you mailed us on the new radio promotion, 'Listen Before You Vote.' I think you are to be congratulated, this strikes me as one of the greatest promotions that radio has ever had a chance to make."

And out in Kansas Chester L. Gowen wrote from Salina: "KSAL is happy to announce that it is in complete accord with the NAB suggestion to LISTEN BEFORE YOU VOTE and is enthusiastically completing plans to launch it in this territory."

Major Edney Ridge, director, WBIG, Greensboro, always a keen judge of effective promotions, has expressed approval by nonchalantly forwarding his sizable order.

Iowans, too, are going to see the posters and find out what LISTEN BEFORE YOU VOTE is all about. Orders from F. C. Eighmey, general manager, KGLO, Mason City, and from W. B. Quarton, general manager, WMT, Cedar Rapids, insure that.

The astute Mr. Bissell of WMFF, Plattsburg, N. Y., and hard hitting Mr. Thad Holt, WAPI, Birmingham, will put the posters to work for radio in their respective communities. WROK will take care of the situation in Rockford.

The presses will roll in August. Send orders for posters as soon as you have determined the maximum showing possible.

On the basis of orders received, 8 out of 10 stations say that a minimum of a thousand posters are needed to take full advantage of the opportunity. Whatever your needs, don't delay. Get aboard this "natural" promotion. Four more years before another chance like this!

### MEET MR. JOSLYN

Meet Mr. Joslyn of Rockford, manager of the Broadway Laundry.

He is a patriotic American, willing to spend good money to convince his fellow Americans that the American way of life is best, that foreign "isms" are a snare and delusion.

According to Bill Traum, promotion manager of WROK, Mr. Joslyn came to WROK and said that Rockford people ought to have such a program and that he was going to pay the freight.

Today, WROK broadcasts a weekly 15 minute patriotic program, "The American Way." And believe it or not, there is no commercial on the show, merely an opening and closing credit to Mr. Joslyn.

The program calls attention to the opportunities that exist for men and women in the United States. It features interviews with prominent local citizens who formerly lived in foreign countries who contrast advantages and opportunities in this country with those in their home lands.

## National Defense

### 557 STATIONS JOIN SEARCH FOR DEFENSE MAN POWER

Five hundred fifty-seven (557) broadcasting stations, up to Thursday noon, August 1, had joined together, through NAB in radio's recently announced National Defense program, which seeks to locate man power for the United States Civil Service Commission.

A minimum of 100,000 skilled workers represents the present requirements of the Army, Navy, Civil Aeronautics Authority and other defense agencies for which the Commission procures workers.

The figure of 557 is an increase of 184 over those listed in NAB REPORTS of July 26. Other stations are expected to be heard from this week.

The most recent stations to signify their intentions of cooperating in the National Defense man power search are listed below:

**DISTRICT 1**

CONNECTICUT  
WELI—New Haven  
MASSACHUSETTS  
WBZ—Boston  
WBZA—Springfield  
VERMONT  
WQDM—St. Albans  
WNBX—Springfield

**DISTRICT 2**

NEW YORK  
WABY—Albany  
WOKO “  
WBBC—Brooklyn  
WCNW “  
WENY—Elmira  
WEAF—New York City  
WINS “ “ “  
WJZ “ “ “  
WLTH “ “ “  
WHLA—Niagara Falls  
WSLB—Ogdensburg  
WNBZ—Saranac Lake  
WOLF—Syracuse

**DISTRICT 3**

DELAWARE  
WDEL—Wilmington  
NEW JERSEY  
WTNJ—Trenton  
PENNSYLVANIA  
WKBO—Harrisburg  
WGAL—Lancaster  
KYW—Philadelphia  
KDKA—Pittsburgh  
WJAS “  
WWSW “

**DISTRICT 4**

MARYLAND  
WFBR—Baltimore  
NORTH CAROLINA  
WDNC—Durham  
SOUTH CAROLINA  
WIS—Columbia  
WFBC—Greenville  
VIRGINIA  
WRVA—Richmond  
WEST VIRGINIA  
WMMN—Fairmont

**DISTRICT 5**

FLORIDA  
WFTM—Fort Myers  
WJHP—Jacksonville  
WLAK—Lakeland  
WDLP—Panama City  
PUERTO RICO  
\*WPAB—Ponce  
WKAQ—San Juan

**DISTRICT 6**

ARKANSAS  
KTHS—Hot Springs  
KLRA—Little Rock  
KELD—El Dorado  
LOUISIANA  
WJBO—Baton Rouge  
WJBW—New Orleans  
WWL “ “  
TENNESSEE  
WREC—Memphis

**DISTRICT 7**

KENTUCKY  
WINN—Louisville  
OHIO  
WGAR—Cleveland  
WTAM “  
WHIO—Dayton  
WLOK—Lima

**DISTRICT 8**

INDIANA  
WEOA—Evansville  
WGBF “

WHIP—Hammond  
WIBC—Indianapolis  
WLBC—Muncie  
MICHIGAN  
WWJ—Detroit  
WHDF—Houghton  
WSAM—Saginaw

**DISTRICT 9**

ILLINOIS  
WENR—Chicago  
WMAQ “  
WHFC—Cicero  
WSOY—Decatur  
WISCONSIN  
WKBH—La Crosse  
WIBA—Madison  
WMAM—Marinette  
WDSM—Superior

**DISTRICT 10**

IOWA  
WMT—Cedar Rapids  
WFJB—Marshalltown  
MISSOURI  
WMBH—Joplin  
WDAF—Kansas City  
KFUO—St. Louis  
NEBRASKA  
KOIL—Omaha

**DISTRICT 11**

MINNESOTA  
KDAL—Duluth  
WTCN—Minneapolis  
NORTH DAKOTA  
KFYR—Bismarck  
KDLR—Devils Lake  
WDAY—Fargo  
KFJM—Grand Forks

**DISTRICT 12**

KANSAS  
KCKN—Kansas City  
KFH—Wichita

**DISTRICT 13**

TEXAS  
KFDA—Amarillo  
KTBC—Austin  
KGFI—Brownsville  
WTAW—College Station  
KROD—El Paso  
KTSM “ “  
KLUF—Galveston  
KTRH—Houston  
KOCA—Kilgore  
KIUN—Pecos  
KONO—San Antonio  
KTSA “ “  
KXOX—Sweetwater  
KGKB—Tyler  
KRGV—Weslaco  
KWFT—Wichita Falls

**DISTRICT 14**

COLORADO  
KVOR—Colorado Springs  
KFEL—Denver  
KVOD “  
KIUP—Durango  
KFXJ—Grand Junction  
KFKA—Greeley

IDAHO  
KID—Idaho Falls  
KRLC—Lewiston  
KFXD—Nampa  
KSEI—Pocatello  
KTFI—Twin Falls  
KWAL—Wallace

MONTANA  
KFBB—Great Falls  
KGVO—Missoula

UTAH  
KVNU—Logan  
KLO—Ogden

KOVO—Provo  
KDYL—Salt Lake City  
KSL “ “ “

**DISTRICT 15**

CALIFORNIA  
KRE—Berkeley  
KHSL—Chico  
KIEM—Eureka  
KYOS—Merced  
KTRB—Modesto  
KDON—Monterey  
KLS—Oakland  
KLX “  
KVCV—Redding  
KROY—Sacramento  
KGO—San Francisco  
KJBS “ “  
KPO “ “  
KSAN “ “  
KSFO “ “  
KQW—San Jose  
KSRO—Santa Rosa  
KWG—Stockton  
KHUB—Watsonville

NEVADA  
KOH—Reno

**DISTRICT 16**

ARIZONA  
KWJB—Globe  
KCRJ—Jerome  
KSUN—Lowell  
KOY—Phoenix  
KGLU—Safford  
KVOA—Tucson  
KYUM—Yuma  
NEW MEXICO  
KICA—Clovis  
KWEW—Hobbs

CALIFORNIA  
KERN—Bakersfield  
KPMC “  
KMPC—Beverly Hills  
KFOX—Long Beach  
KFAC—Los Angeles  
KFWB “ “  
KGFJ “ “  
KRKD “ “  
KVEC—San Luis Obispo  
KVOE—Santa Ana  
KTMS—Santa Barbara

**DISTRICT 17**

OREGON  
KAST—Astoria  
KBKR—Baker  
KOAC—Corvallis  
KORE—Eugene  
KUIN—Grants Pass  
KFJI—Klamath Falls  
KLBM—La Grande  
KOOS—Marshfield  
KMED—Medford  
KWJJ—Portland  
KXL “

KRRR—Roseburg  
WASHINGTON  
KXRO—Aberdeen  
KELA—Centralia  
KWLK—Longview  
KGY—Olympia  
KIRO—Seattle  
KOL “  
KRSC “  
KXA “  
KFIO—Spokane  
KFPY “  
KGA “  
KHQ “  
KMO—Tacoma  
KVAN—Vancouver  
KUJ—Walla Walla  
KPQ—Wenatchee  
KIT—Yakima

## FLY BROADCAST MONDAY

The talk by James Lawrence Fly, FCC chairman, at the NAB convention will be broadcast by CBS and MBS at 5.30-6.00 p. m., Eastern Daylight Saving Time, Monday, August 5.

### The Commission

#### COMMISSION WILL RECEIVE BRIEFS ON CHAIN BROADCASTING REPORT

The FCC announced this week that in connection with its investigation of chain broadcasting it would receive briefs filed by interested parties on or before September 15, 1940.

A committee of the Commission composed of Commissioners Brown, Walker and Thompson, submitted their report to the Commission on June 12, 1940, and recommended the promulgation of regulations to eliminate certain practices in chain broadcasting. Copies of the Committee's report, with its Memorandum of Submittal containing the recommendations of the Committee, are being sent to the licensees of all broadcast stations. The Commission invites the submission of their views on the issues raised by the report. Copies will also be supplied upon request to any other interested party desiring to consider submission of a brief or statement.

It was also announced that the Mutual Broadcasting System, Inc., has recently filed a motion with the Commission requesting the adoption of temporary regulation directed toward maintaining the status quo in chain broadcasting pending the promulgation of permanent regulations by the Commission.

Briefs should be directed solely to the accuracy of factual statements contained in the report of the Committee, to the recommendations contained in the Committee's Memorandum of Submittal, and to the advisability of the adoption of the temporary regulation requested by the Mutual Broadcasting System, Inc.

#### ASSISTANT GENERAL COUNSEL RESIGNS

Assistant General Counsel George B. Porter is resigning from the FCC to enter private law practice.

Mr. Porter has been in charge of the legal matters affecting broadcasting since the Commission was created in 1934. Before that time he was Acting General Counsel of the Federal Radio Commission, which he joined in 1931, and was for two years an attorney with the Interstate Commerce Commission.

Born at Centerville, Iowa, October 17, 1900, Mr. Porter was graduated from the University of Iowa, A.B., in 1923, and received his LL.B. degree from George Washington University Law School in 1926. After being admitted to

the Iowa bar in 1927, he spent two years in law practice as junior member of the firm of Porter and Porter at Des Moines.

Mr. Porter intends to engage in local law practice with A. G. Haley under the firm name of Porter and Haley.

"The Commission reluctantly relinquishes to private practice a man ideally qualified by experience and training for the important work which he has so satisfactorily performed," comments Chairman James Lawrence Fly. To which Acting General Counsel Telford Taylor adds: "Mr. Porter's long experience and expertness in the field of radio law has been highly important and invaluable in the performance of the Law Department's duties. I deeply regret that my association with him has been so brief, and extend to him every good wish in his new activities."

#### FCC AMENDS ORDER

On its own motion, the Commission, by a board consisting of Commissioners Fly, Chairman, Walker and Thompson, pursuant to Administrative Order No. 3, reconsidered its action of July 16 in granting the application of the Riverside Broadcasting Co. to construct a new station at Riverside, Calif., to operate on 1420 kilocycles, 250 watts power, unlimited time, and set the application down for simultaneous hearing with three conflicting applications—Broadcasting Corporation of America and Mollin Investment Co., to construct new stations at Riverside to operate on 1390 kilocycles, 1 kilowatt power, unlimited time, and 1390 kilocycles, 500 watts power, daytime only, respectively; and Merced Broadcasting Co., to change frequency and increase power of its existing station at Merced, Calif., to 1390 kilocycles, 1 kilowatt power day, 500 watts power night, unlimited time. These three applications were designated for hearing at the July 16 meeting.

#### FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

*Administrative Order No. 3*

(As amended July 24, 1940)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of June, 1940,

IT IS ORDERED, That, whenever the Chairman or Acting Chairman of the Commission shall determine a quorum of the Commission is not present, he is authorized to place the following provisions in effect for the period during which a quorum of the Commission is not present:

(1) There is hereby assigned and referred to a Board consisting of all members of the Commission present and able to act, all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission assigned and referred to the respective Boards and individual Commissioners as provided in Administrative Order No. 2, as amended; *Provided, however*, that this authority shall not extend to investigations instituted upon the Commission's own motion or, without consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by the Communications Act of 1934, as amended.

(2) The Board created by sub-paragraph (1) acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by said Board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced and enforced in the same manner as if made, or taken by the Commission.

(3) Any party affected by any order, decision or report of said Board may file a petition for rehearing by the Commission, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, and every such petition shall be passed upon by the Commission.

This Order shall become effective on the 1st day of July, 1940.

FEDERAL COMMUNICATIONS COMMISSION

T. J. SLOWIE,

Secretary.

## TWO PLEAD GUILTY TO UNLICENSED RADIO OPERATION

The FCC announced that recent investigation of unlicensed radio operation in San Francisco, resulted in the indictment of Ralph Wildt and Louis F. Books for violation of Sections 301 and 318 of the Communications Act of 1934, as amended. Both defendants pleaded guilty and will be sentenced by the United States District Court on August 9.

Peter Ruggeri, a minor, also charged with operating an unlicensed radio station will be prosecuted under the Juvenile Delinquency Act. His case is set for trial August 5.

## INCOME SHOWS INCREASE FOR 1939

The total revenue of 705 standard broadcast stations reporting to the FCC for the calendar year 1939 amounted to \$89,990,646, as compared with \$79,128,760 for the 660 stations reporting in 1938. This is revealed in figures on broadcast income of stations by class and network announced today by the Accounting, Statistical, and Tariff Department of the Commission.

The tabulation shows that there were 397 stations in major networks compared with 350 in 1938. The 397 stations received \$22,500,941 from the three major networks, compared with \$19,645,447 for the 350 stations in 1938.

There were 519 stations in 1939 each of which had total net time sales in excess of \$25,000 compared with 485 for 1938.

The 519 stations had net time sales of \$80,306,134 for 1939, compared with \$71,082,465 for the 485 stations in 1938.

## FCC FUNCTIONS FOR AUGUST

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

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

Commissioner Thompson: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments are scheduled in broadcast cases before the Commission during the week beginning Monday, August 5.

### FUTURE HEARINGS

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

September 4

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—C. P., 1150 kc., 250 watts, daytime.

NEW—Helen J. Walton and Walter Bellatti, Jacksonville, Ill.—C. P., 1150 kc., 250 watts, daytime.

September 12

Oral Argument Before the Commission

Report No. B-108:

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

Owing to the absence of a quorum this week there was no regular meeting of the Commission.

August 2, 1940 — 4477

## MISCELLANEOUS

- WNBM—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate aboard steamship *America* on shakedown cruise from Newport News, Va., to New York Harbor and to operate on additional frequencies 4797.5, 6425, 9135, and 12862.5 kc., and to use secondarily as sound channel in conjunction with Television Station W2XBU on assigned frequencies and aforementioned experimental frequencies, for the period July 27, 1940, to not later than July 30, 1940 (provided no interference is caused any other radio service).
- KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 9 p. m., CST, to 10:30 p. m., CST, on July 28, 1940, in order to broadcast the final game in the Kansas State Semi-Pro Baseball Tournament only.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 9:45 p. m., local time, to the conclusion of the prize fight between Soose and Overlin on July 24, 1940, in order to broadcast said fight only.
- Roanoke Broadcasting Corp., Roanoke, Va.—Granted construction permit for new broadcast station to operate on the frequency 1500 kc., with 250 watts power, unlimited time; exact transmitter site and antenna system to be determined subject to Commission's approval (B2-P-2879).
- WDAK—L. J. Duncan, Leils A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of transmitter and studio sites at General Tyler Hotel, West Point, Ga., approval of antenna, and install new transmitter; frequency 1310 kc., power 250 watts, unlimited time (B3-MP-992).
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted construction permit to install new automatic frequency control equipment and make changes in transmitting equipment; frequency 1450 kc., 1 KW night, 5 KW LS, unlimited time, directional antenna night (B4-P-2922).
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-439).
- Helen Townsley, Portable-Mobile (area of Great Bend, Kans.).—Granted construction permit for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., power 75 watts (B4-PRY-224).
- KAQY—The Farmers and Bankers Broadcasting Corp., Portable-Mobile (area of Wichita, Kans.).—Granted license to cover construction permit for new relay broadcast station, frequencies 1606, 2022, 2102, 2758 kc., power 40 watts (B4-LRY-193).
- WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted license to cover construction permit (B3-P-2355) for increase in power from 100 to 250 watts, change in hours of operation to unlimited, change in transmitting equipment and antenna, and move transmitter and studio locally; 1370 kc. (B3-L-1099). Also granted authority to install automatic frequency control equipment, and to determine operating power by direct measurement of antenna power (B3-F-149; B3-F-421).
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, to 11:30 p. m., CDST, July 31, in order to broadcast a special softball game only.
- WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 9 p. m., EST, August 14, to 1 a. m., EST, August 15, in order to broadcast the Free Milk Fund Show from the New York World's Fair on August 14.
- KHUB—John P. Scripps, near Watsonville, Calif.—Granted special temporary authority to rebroadcast field day activities July 27 and camp dedication July 28 of the Coast Artillery, California National Guard, encamped at Camp McQuade, to originate through RH 7; 720 kc. (B5-S-916).
- WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Denied special temporary authority to operate simultaneously with Station WWVA from 8:45 p. m. to 9 p. m., EDST, on August 3, 1940, in order to participate in the Three Network Program on "Broadcasting".
- KOAC—Oregon State Agricultural College, Corvallis, Ohio.—Granted extension of special temporary authority to operate from 9 a. m. to 1 p. m., and from 6 to 10 p. m., PST, for the period July 31 to August 29 (instead of unlimited time as licensed), in order to observe the regular vacation period.
- WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, on August 3, in order to broadcast "Special World's Fair Radio Tribute" program.
- WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 10 to 10:30 p. m., EDST, on August 5, 12, 19 and 26, in order to broadcast special Army programs.
- WLOF—Hazlewood, Inc., Orlando, Fla.—Granted modification of construction permit (B3-P-2394, as modified, which authorized construction of a new broadcast station) to install a new transmitter, 1200 kc., 250 watts, unlimited time. This authority is granted upon condition that it shall not be construed as a finding by the Commission upon the application of Radio Corp. of Orlando requesting the same facilities, nor upon application of WLOF for license when construction has been completed, nor upon any of the issues involved therein, nor that the Commission has found that operation of the station is or will be in the public interest beyond the express terms hereof (B3-MP-1020).
- WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Granted license to cover construction permit (B3-P-2616) as modified authorizing a new station to operate on 1370 kc., 250 watts, unlimited time (B3-L-1197). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-446).
- KFRO—Voice of Longview, Longview, Tex.—Granted license to cover construction permit (B3-P-2117) as modified, authorizing move of transmitter, installation of directional antenna for night use, installation of new transmitter, change of frequency to 1340 kc., increase power to 1 KW, and change hours of operation to unlimited (B3-L-1202). Also granted authority to determine operating power by direct measurement of antenna input power (B3-Z-448).
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted special temporary authority to discontinue the operation of Station KSAM for the period August 1, 1940, and ending in no event later than September 1, 1940, pending a decision on the revocation proceedings of the license.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted license to cover construction permit (B4-P-2785) authorizing changes in equipment; 1200 kc., 250 watts, unlimited time (B4-L-1199).
- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted authority to determine operating power by direct measurement of antenna input power (B5-Z-447).
- WGCM—WGCM, Inc., Gulfport, Miss.—Granted license to cover construction permit (B3-P-2618) which authorized installation of new antenna, move of transmitter, and increase in power to 250 watts; 1210 kc. (B3-L-1198).
- National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast program material received from U. S. Coastguard cutters *Spencer* and *Northland* out of New York, the cutter *Taney* out of San Francisco, and a Coastguard plane of the New York Division over the NBC Network on August 4, in connection with the U. S. Coastguard Show.
- WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit as modified for installation of directional antenna for day and night use, and move of transmitter, for changes in equipment; frequency 660 kc., 50 KW power, unlimited time. (B1-MP-1009).
- WMRC—Textile Broadcasting Co., Greenville, S. C.—Granted modification of construction permit for new station, for approval of transmitter and studio location, approval of vertical antenna and change in type of transmitter (B3-MP-1025).
- WPID—Petersburg Newspaper Corp., Petersburg, Va.—Granted license to cover construction permit as modified for new broadcast station; 1210 kc., 250 watts, unlimited time, except when WBBL operates S. H. on Sunday (B2-L-1167). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-413).
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-450).
- WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-443).

- WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-449).
- The Brockway Co., Watertown, N. Y.—Granted construction permit for new broadcast station to operate on **1270 kc.**, 500 watts, daytime only; exact transmitter site and antenna to be determined subject to Commission approval (B1-P-937).
- Watertown Broadcasting Corp., Watertown, N. Y.—Granted construction permit for new broadcasting station to operate on **1210 kc.**, 250 watts, unlimited time; tower to be marked in accordance with Section 3.45(d) (B1-P-809).
- WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to operate from 7:30 p. m. to 8:00 p. m., EST, August 3, 1940, in order to broadcast the World's Fair Tribute to Radio.
- W2XOR—Bamburger Broadcasting Service, Inc., New York, N. Y.—Granted special temporary authority to operate high frequency experimental transmitter at 444 Madison Avenue, New York, N. Y., for a period not to exceed 30 days, pending action on formal application (File No. B1-PHB-281) for such authority.
- WSUN—City of St. Petersburg, Fla.—Granted special temporary authority to rebroadcast program material received from Coast Guard Plane V176 from 12:30 p. m. to 12:45 p. m., EST, on August 4, 1940, in order to broadcast Coast Guard Program.
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Continued oral argument originally scheduled for August 1, 1940, until September 12, 1940, in re revocation of license of station KSAM (Docket No. 5838).
- KAWM—A. W. Mills, Gallup, N. Mex.—Granted extension of license upon a temporary basis only, pending determination upon the application for renewal of license, in no event longer than October 1, 1940.

## APPLICATIONS FILED AT FCC

### 740 Kilocycles

- WSB—Atlanta Journal Co., Atlanta, Ga.—Transfer of control of corporation from Springfield Newspapers, Inc., Miami Daily News, Inc., and The Evening News Publishing Co. to James M. Cox.

### 1110 Kilocycles

- WRVA—Larus & Bro Co., Inc., Richmond, Va.—License to cover construction permit (B2-P-2680) to use old Western Electric transmitter as auxiliary transmitter and use directional antenna day and night, with power of 5 KW, emergency use only, move transmitter to site of new transmitter.

### 1120 Kilocycles

- NEW—J. M. West, J. Marion West, T. H. Monroe, & P. M. Stevenson, near Austin, Texas.—Construction permit for a new broadcast station to be operated on **1120 kc.**, 1 KW, specified hours. Class III-B station. Requesting facilities of Station KTBC. Amended: To specify transmitter site as near Austin, Texas.

### 1200 Kilocycles

- KWSC—State College of Washington, Pullman, Wash.—Construction permit to make changes in equipment and install automatic frequency control equipment.
- WAIM—Wilton E. Hall, Anderson, S. C.—Construction permit to install new transmitter, erect a new antenna, and increase power from 100 watts to 250 watts.

### 1210 Kilocycles

- NEW—John Memolo, Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time, facilities of WBAX, if WBAX license revoked, transmitter to be located at West of Wilkes-Barre, Pa., on south bank of Susquehanna River. Amended: To give transmitter site as at foot of Carey St., Wilkes-Barre, Pa.

### 1310 Kilocycles

- WCLS—WCLS, Inc., Joliet, Illinois.—Involuntary transfer of control of corporation from L. W. Wood (deceased), to Robert W. Thomas, Administrator.

### 1330 Kilocycles

- KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Construction permit to install new transmitter, increase power from 500 watts to 1 KW. Amended: To request move of transmitter from Ocean Drive, Corpus Christi, to East side Water Street, Bluff Beach, between Aubrey and Belden Sts., Corpus Christi, Texas.

### 1340 Kilocycles

- KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified for a new station, to increase power from 500 watts to 1 KW, change hours of operation from daytime to unlimited, install directional antenna for night use, give location of studio as 346 Eighth Ave., Dubuque, Iowa, and extend commencement and completion dates from 8-22-40 and 2-22-41 respectively to 60 days after grant and 180 days thereafter. Class III-B.

### 1370 Kilocycles

- WHUB—WHUB, Inc., Cookeville, Tenn.—License to cover construction permit (B3-P-2298) as modified for a new station.
- WHUB—WHUB, Inc., Cookeville, Tenn.—Authority to determine operating power by direct measurement of antenna power.
- NEW—Herald Publishing Co. of Klamath Falls, Ore.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time, Class IV station.
- NEW—Ralph L. Lewis, Greensboro, N. C.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time, Class IV. Amended: Re: antenna.

### 1420 Kilocycles

- KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Construction permit to install new transmitter; make changes in antenna; change frequency from **1420 kc.** to **940 kc.**; increase power from 250 watts to 1 KW; and move transmitter from 341 Ambler Ave., Abilene, Tex., to site to be determined, Abilene, Tex. Amended to give transmitter site as 1 mile north of Tye, Tex., and install directional antenna for day and night use.
- NEW—Edward E. Reeder, Seattle, Wash.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Class IV. Request **1450 kc.** under Havana Treaty.
- NEW—Butler Broadcasting Corp., Hamilton, Ohio.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time, Class IV.
- KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Modification of construction permit (B4-P-2521) as modified for increase in power, changes in equipment and antenna system, and move of transmitter, requesting extension of completion date from 8-20-40 to 12-20-40.
- KVAK—Carl Latenser, Atchison, Kans.—Voluntary assignment of license from Carl Latenser to W. H. Reitz.

### 1450 Kilocycles

- WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Construction permit to change frequency from **1450** to **590 kc.**; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; install new equipment and directional antenna for night use; and move transmitter from 399 Clifton St. (between Memorial and Glenwood Drives), Atlanta, Ga., to between Gun Club Rd. and Sweat Drive, N. W., of Atlanta, Ga. Class III-B.

## MISCELLANEOUS

- NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new high frequency broadcast station on **43100 kc.**, 12,400 square miles coverage, transmitter to be located at 1035 Barnet Road, Columbus, Ohio.
- NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for a new high frequency broadcast station on **43900 kc.**, 15,300 square miles coverage, transmitter to be located at R. D. No. 1, Addison, Ill.
- NEW—WGN, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station on **44300 kc.**, 16,822 square miles coverage, transmitter to be located at Rohlwing Road, 2½ miles southeast of Schaumburg, Ill.

**NEW**—Zenith Radio Corp., area of Chicago, Ill.—Construction permit for a new relay broadcast station on 133030, 134850, 136810, 138630 kc., 100 watts, special emission for frequency modulation. Amended to change frequencies to 156750, 158400, 159300, 161100 kc.

**NEW**—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new high frequency broadcast station on 43900 kc., 15,642 square miles, transmitter to be located at RFD No. 1, Hubertus, Town of Richfield, Wis.

**KENO**—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Modification of construction permit (B5-P-2355) which authorized new station for approval of transmitter site at (The Meadows) NE ¼ of Section 1, Township 21 S, Range 61 E, M.D.B. & M., Las Vegas, Nev., approval of vertical antenna, change in type of transmitter, and increase power from 100 watts night, 250 watts day, to 250 watts day and night. Amended to change type of transmitter.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Aemie Premium Supply Corp.**, 3139 Olive St., St. Louis, Mo., is charged with selling aluminum ware, enamel ware, smoker sets, cigarette cases, lamps, glassware and fishing tackle by means of lottery schemes. The respondent allegedly uses push card and punch board devices and Bingo sets to enable it to sell merchandise to the consuming public by means of lot or chance. (4198)

**American Drug and Chemical Company**, 420 South Sixth St., Minneapolis, allegedly misrepresents that its drug product, "Ardanol", is a cure or remedy for sterility in both sexes, will restore fertility of the generative organs, and is a reliable preventive of abortion. According to the complaint, the respondent further misrepresents that its drug products, "Chloro-Zol" and "Germ-I-Tabs", constitute competent and effective antiseptics and germicides and are a reliable means of feminine hygiene, when in truth they possess antiseptic properties of a low toxicity and are not effective antiseptics or germicides. Further alleged misleading representations are that "Chloro-Zol" is a competent and effective treatment for bromidrosis, tetter, Cuban itch, itching between the toes, blisters on the feet, skin irritations, acne, boils, halitosis and body odors. (4200)

**American Institute of Business Administration, Inc.**, and Paul Kline, 126 Liberty St., New York, are charged in a complaint with the dissemination of misleading representations in the sale of correspondence courses in accounting, business law and federal taxation. It is alleged in the complaint that the respondent Kline directs and controls the policies and practices of the corporate respondent.

According to the complaint, the corporate respondent by means of the name "American Institute of Business Administration, Inc." misleadingly represents that it is a national organization of business executives, administrators or accountants, or that it is the medium of such an organization through which instruction or training is given as a public service. The corporate respondent, it is alleged, further misleadingly implies that it is the parent head of nationally organized local groups of special representatives of business and comprises an organized "Institute".

It is also charged in the complaint that the corporate respondent represents that it has organized groups of students in all parts

of the United States, and that they are international in scope with students in various foreign countries, when actually, the activities of such school have not been national in extent nor have groups of students been organized in all parts of the United States at any one time, and the number of students in foreign countries have been comparatively few. (4195)

**Associated Sales Agency**—B. T. Clifton, trading as Associated Sales Agency, 108 North 17th St., Birmingham, Ala., allegedly sells clocks, knives, fountain pens, pipes, watches, tie sets, cigarette cases and cigarette lighters by means of a game of chance. According to the complaint, the respondent employs punch boards to enable him to distribute his merchandise to the consuming public wholly by lot or chance. (4201)

**Kongo Chemical Company, Inc.**, 66 East 131st St., New York, allegedly misleadingly represents that "Kongolene," a hair cosmetic, is a pure vegetable product; that its use will straighten the hair, will stop hair from falling out, will promote the growth of hair, and will cure and permanently remove dandruff; that it is the greatest discovery of the age; that its use will benefit the offspring of its users, and that it is safe and harmless, when such are not the true facts. (4193)

**Prinifit Textile Company**, 128-130 West Fourth St., Cincinnati, is charged in a complaint with dissemination of misleading representations in the sale of men's hosiery.

According to the complaint, the respondent misleadingly represents that its "Jerks" hose is the original garterless sock and that it is a manufacturer of hosiery. In truth, the complaint points out, the respondent is a jobber and distributor of the hosiery which it sells and neither owns, operates nor controls any factory, plant or mill for the manufacture of hosiery. (4199)

**Sterling Products**, 170 Varick St., New York, and Vita-Ray Corporation, 176 Middle Ave., Lowell, Mass., allegedly misrepresent that their Vita-Ray cosmetic cream, by means of local application, supplies the need of the skin for Vitamins A and D, and serves to stimulate and nourish the skin. The respondents further misleadingly represent that dryness, lines, wrinkles and coarse pores may be symptoms of vitamin deficiency and that such deficiency may be relieved through the use of their cosmetic cream containing Vitamins A and D. According to the complaint, the respondents' cosmetic cream will have no beneficial or therapeutic effect beyond the soothing, emollient and cleansing effects inherent in any cold cream. The complaint further points out that the skin does not require Vitamins A and D by means of local application. (4197)

**Walker & Woodward**—J. Lawrence Walker and T. Klye Woodward, trading as Walker & Woodward, and Nick A. George, Walker & Woodward, Inc., and John G. Brown, Casper, Wyoming, are charged with misleadingly advertising that their medicinal preparation, "George's Compound," is a cure and effective treatment for numerous ailments, diseases and conditions of the human body, including rheumatism, appendicitis, general run-down condition, neuritis, lumbago, high blood pressure, kidney trouble, streptococcus infection, paralysis, diphtheria, piles, sinus trouble, low blood pressure, pneumonia, black widow spider poisoning, ulcers and ptomaine poisoning. The respondents are further charged with representing that their preparation possesses substantial therapeutic value in the treatment of all ailments of the human body except cancer and diabetes. In truth, the complaint continues, respondents' preparation possesses no therapeutic value in the treatment of any ailment, disease or condition of the human body, in excess of such slight temporary and palliative relief for minor aches and pains as may be afforded by its analgesic properties. (4194).

**D. Wroblewski & Company**—A group of Brooklyn, N. Y., dealers in various medicinal and cosmetic preparations have been charged in a complaint with the dissemination of misleading representations in the sale of their products. The respondents are D. Stefan Wroblewski, Margie Wroblewski and Norman Hartman, trading as D. Wroblewski & Co., as D. S. Wroblewski, Inc., as



Daferu Drug Company, Ltd., as Wroblewski Drug Company, Inc., as Kalwaryjskie Laboratories, Inc., and as D. Wroblewski & Company, Ltd.; D. Wroblewski & Company; D. S. Wroblewski, Inc.; Daferu Drug Company, Ltd.; Wroblewski Drug Company, Inc., Kalwaryjskie Laboratories, Inc., and D. Wroblewski & Company, Ltd., all of 55 Keap St., Brooklyn, N. Y.

According to the complaint, the respondents misleadingly advertise the therapeutic value of their medicinal and cosmetic preparations among which are the following: a so-called medicinal wine designated as "Kalwaryjskie Wino Lecznice"; "Ampo-Lin," a liniment; "Reginol," a preparation for corns; "Maso Ratunek," a salve; a cough syrup called "Kalwa"; "Wuzi-Wuzi," a purported fever reducer and headache powder; "Krople-Kobiece" or "Women's Drops," represented as a remedy for ailments peculiar to women; "Sparoton," a tablet represented as a treatment of fever and grippe; "Dunski Wyskok," intended for use as a shampoo and for various scalp diseases; facial creams called "Krem Mlodosci No. 1," "Krem Mlodosci No. 2," and "Vitamin F Krem"; and a face powder called "Puder Ksiazecy."

It is further charged in the complaint that the respondents fail to reveal that use of "Wuzi-Wuzi" under the conditions prescribed in their advertisements or under customary or usual conditions, may cause injury to the health of the user. (4196)

### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**Atlantic Commission Company**, a wholly owned subsidiary of The Great Atlantic & Pacific Tea Company of America, 102 Warren St., New York, has been ordered to discontinue accepting brokerage allowances and discounts in lieu of brokerage upon purchases made for its own account, in violation of the Robinson-Patman Act.

Commission findings, based on a stipulation entered into between the Atlantic Commission Company and the Federal Trade Commission, are that the Atlantic Commission Company is engaged in the business of buying, selling and distributing fresh fruits and vegetables on and for its own account and that of The Great Atlantic & Pacific Tea Company (and its subsidiaries) and also as a broker and on consignment as a commission merchant for the accounts of other buyers and sellers of such products.

Further findings are that the Atlantic Commission Company has purchased fresh fruits and vegetables at a net price reflecting a reduction from the prices at which sellers were currently selling commodities to other buyers, of an amount reflecting in whole or in part, the amount of brokerage which was being paid by such sellers to brokers representing them in effecting sales of their commodities to buyers other than the Atlantic Commission Company.

Other findings are that with many who did not sell to the Atlantic Commission Company at a net price or on a net basis, the Atlantic Commission Company, in connection with purchases for its account, negotiated "quantity discount agreements," which provided for the payment to the Atlantic Commission Company of an amount to be computed on the basis of the rate at which the contracting seller was currently paying brokerage to his brokers representing him in effecting sales of commodities to buyers other than the Atlantic Commission Company.

Under the order, the Atlantic Commission Company is to cease making purchases of commodities for its own account at a so-called net price or on a so-called net basis, and at any other price and on any other basis which reflects a deduction from the prices at which sellers are selling commodities to other purchasers, of any amount representing, in whole or in part, brokerage being paid by sellers to their brokers on sales of their commodities.

The order further prohibits the Atlantic Commission Company from accepting from sellers on purchases of commodities made for its own account any so-called quantity discounts and payments of all kinds reflecting in whole or in part, brokerage being paid by sellers to their brokers on sales of their commodities.

It was further ordered that the Atlantic Commission Company cease accepting from sellers directly or indirectly on purchases of commodities made for its own account, any brokerage and any allowances and discounts in lieu of brokerage in any manner whatsoever. (3344)

**Berwick Pen Company**—See Howard Sales Company.

**Howard Sales Company**—William and Benjamin Vorunion, trading as Howard Sales Company and as Berwick Pen Company, 17-19 William St., Newark, N. J., and 726 Lyons Ave., Irvington, N. J., have been ordered to discontinue certain misleading representations in the sale of fountain pens and pencils.

The order prohibits the respondents from falsely representing certain prices as being the usual and customary prices charged for their fountain pens and pencils. The order further forbids representations that the respondents' pens and pencils are of a quality and character superior to those sold by competitors at comparable prices.

Further representations ordered discontinued are that the sum of 25 cents charged purchasers for replacement of broken or unsatisfactory pens covers only the cost of handling, postage and insurance; that their fountain pens hold 200 per cent more ink than any ordinary fountain pen on the market, or that certificates cut from newspaper advertisements of their pens and pencils are worth \$4.41 or any other sum in connection with the purchase of such products.

The respondents were also ordered to cease representing through the use of the symbol "14K," or any other symbol, that the point or nib of their pens is composed of 14-carat gold or gold of the fineness indicated by such symbol, when such is not a fact. (3514)

**Perfect Manufacturing Company**, trading as R. E. Engineers, Madison Road, Cincinnati, has been ordered to discontinue the dissemination of misleading representations in the sale of an electrical and mechanical device for attachment to radio receiving sets.

Under the order, the respondent is directed to cease representing that its device, "Add-A-Tube," when attached to a radio receiving set, gives to it the effect of an additional tube; adds life to the tubes; improves reception from foreign and domestic stations; brings the set up to date, or gives to such set additional sharpness, tone and selectivity.

The order further forbids use by the respondent of the term "Add-A-Tube," or any similar term, when the device does not perform the functions of an additional tube in a radio receiving set. (4163)

### STIPULATIONS

Following stipulations have been entered into by the Commission:

**Cowen Bros.**—David F. Cowen and Raymond Cowen, trading as Cowen Brothers, 36 John St., New York, agree to cease using the word "Sweatproof" to describe their wrist watch straps, or representing in any way that their leather products have been rendered impervious to the penetration of perspiration. The respondents also agree to desist from representing that their merchandise customarily sells for sums in excess of the prices actually charged. (2882)

**Ferguson Company, Inc.**, Liberty Bank Building, Dallas, Tex., in connection with advertisements disseminated on behalf of Morten Laboratories, Inc., Dallas, Texas, agrees to cease representing that "Hay-No," a medicinal preparation, is a competent remedy or effective treatment for hay fever, or that it has any therapeutic value in excess of affording symptomatic relief for hay fever. The respondent further agrees to cease advertising that the results to be achieved by the use of "Hay-No" in the treatment of sinus irritations, head colds, cold-clogged air passages, distress of nose-blowing and sneezing, stuffiness or other symptomatic conditions are amazing, wondrous or quick, or that the preparation is a discovery. (02605)

**O. M. Franklin Blackleg Serum Company**—See O. M. Franklin Serum Co., Inc.

**O. M. Franklin Serum Company, Inc.**, trading as O. M. Franklin Blackleg Serum Company, Denver, Colo., agrees to discontinue claims that "Franklin Concentrated Blackleg Bacterin" gives positive life immunity against blackleg; always brings positive life immunity with one dose; has a fifteen year untarnished record of positive life immunity with one dose, or that it is invariably effective or 100 per cent efficient for the purpose intended. The respondent further agrees to cease representing that its product contains in one dose more than double the immunizing potency of the usual large 5cc dose of whole culture. (2892)

**Barbara Gould, Inc.**, 35 West 34th St., New York, stipulates that it will cease representing that "Firma-Tone," a cosmetic preparation, is a competent treatment for conditions of relaxed facial contours, heaviness of the jaw line, or flabby skin; enables the user to "hold the clean, firm contours of youth" or to have "youthful" contours of face and neck; stimulates, exercises, tones or strengthens the muscles of the face and neck, or gives "lasting results." The respondent further agrees to cease using the designation "Firma-Tone" for its product or to represent that use of such product may be relied upon either to "firm" the facial or neck contour of the user, or to "tone" the skin or muscles. (2888)

**Grecian Chemical Company**, trading as Zala Perfumery Company and as The Olivo Company, 2030 East Willard St., Philadelphia, in connection with its sale of barber and beauty preparations, agrees to cease using the words "scalp food" as descriptive of its products, or the words "Feed the scalp what it needs" so as to imply that its products act as nutriment for the scalp. The respondent also agrees to cease representing that use of any of its products will replace or restore natural oil in the scalp. (2886)

**A. Marshall & Sons**—Adam Marshall, Frank Marshall and Rudolph Marshall, trading as A. Marshall & Sons, 698 Bergen St., Newark, N. J., have entered into a stipulation in which they agree to discontinue certain representations in the sale of arch supporters.

The respondents agree to cease representing that use of their arch supporting devices will permanently end foot troubles; will permanently remove callouses regardless of their nature, or, unqualifiedly, assure instant and permanent relief in cases of weak arches.

It is also stipulated that the respondents will desist from claims that their devices are made to order, that is, fashioned from a positive cast made from a negative impression of the individual customer's foot through the use of some plastic materials; that their devices are or will remain sanitary when used for the purposes for which they are intended, or that shoes with insoles padded, haphazardly, exercises and treatments are only temporary, impractical and expensive substitutes. (2893)

**M. Mintz, Inc.**, 247 West 35th St., New York, agrees to discontinue use of the word "Alpacas" as descriptive of dresses which are not made of fabric composed of the wool of the Alpaca, and to cease representing that his products, which are made of rayon, are not rayon or are something other than rayon. The respondent also stipulates that he will desist from failing to clearly disclose the fact that the material of which his products are made is rayon, such disclosure to appear in all invoices and labeling and in all advertising matter, sales promotional schemes, descriptions or representations. (2890)

**Nash-Kelvinator Corporation**, 14250 Plymouth Road, Detroit, agrees to desist from the use of the statement "Nothing to get out of order" as descriptive of its refrigerator, or the cooling element, which contains moving parts that may, in fact, get out of order. (2884)

**Niagara School, Inc.**, Cleveland, Ohio, entered into a stipulation in which it agrees to discontinue certain representations in the sale of resident and correspondence courses in vocabulary, public speaking, voice and memory.

The respondent agrees to cease misrepresenting the usual and customary price or the nature and quality of its instruction. It is also stipulated by the respondent that it will discontinue representing an offer as "Special" or "Introductory" when it is in fact a regular offer; representing an offer to be limited as to time or otherwise when such is not the fact, or representing any commodity or service as "Free" when in fact such commodity or service is regularly included as part of the course of instruction or service. (2894)

**Nutritional Service**—Janet Warfel, trading as Nutritional Service, 162 North State St., Chicago, entered into a stipulation in which she agrees to discontinue certain representations in the sale of foods designated "Wyd-E-Wake Silicon Tea," and "Vitamin B Food Cons."

The respondent stipulates that she will cease representing that "Wyd-E-Wake Silicon Tea" is a health beverage; an excellent source of calcium, silicon and manganese; an antiseptic, or an invigorating agent of the generative system. The respondent also

agrees to desist from claims that "Wyd-E-Wake Silicon Tea" performs many important functions in the body; has any influence on the body's resistance to disease, or possesses qualities conducive to mental peace, contentment or contemplative pleasure.

Further representations which the respondent agrees to discontinue are that "Vitamin B Food Cons" supply the body with mineral elements; bring one vigor or youthful zestfulness, or are highly potent or readily assimilated into the system.

Janet Warfel also agrees to cease advertising that the human body is deficient in silicon; that mental lethargy or dullness are symptomatic of silicon scarcity; that silicon is helpful in all cases where eyes, hair or nails are in poor condition, or that pimples or boils are cleared up when silicon lacks have been restored to the body. (02603)

**Olivo Company**—See Grecian Chemical Company.

**Poulides Brothers**—Themis Poulides, trading as Poulides Brothers, 80 Washington St., New York, stipulates that he will cease stating in any manner that he has a depot or branch at Cavalla, Macedonia, Greece, or that the cigarettes sold by him are made at and imported from such locality. The respondent also agrees to desist from placing in the hands of his customers for their use any printed matter bearing the name of such customer in conjunction with the words "Manufacturers of," when such cigarettes are not manufactured by the customer; any printed matter bearing the phrase "Blended from our own Direct Importation of Choice Turkish Tobacco," when the customer does not import such tobacco; or printed matter containing the words "Branches at Cavalla, Macedonia," when in fact the customer has no such branch. (2883)

**Shifman Brothers**, Mott St., Newark, N. J., agrees to cease using the word "Doctor" or "Dr." in connection with its products so as to imply that the products so referred to contain special or scientific features resulting from medical determination or services. The respondent further stipulates that it will cease supplying customers for resale mattresses to which are affixed a price purporting to be the retail selling price of such products, when in fact it is in excess of the price at which they are customarily offered for sale in the usual course of business. (2891)

**Smith & Bull Advertising Agency**—V. R. Smith, trading as Smith & Bull Advertising Agency, 553 South Western Ave., Los Angeles, in connection with advertisements disseminated on behalf of Otto Wise, trading as Medical Tea Company of California, Inc., Los Angeles, stipulates that he will desist from representing that "Cento Tea," a medicinal herb tea, is of value in the treatment of gall, liver or kidney ailments; possesses healing or analgesic properties; helps eliminate poisons and foreign matter from the system, or is capable of bringing about a proper distribution of body liquids. The respondent further agrees to cease advertising that every ingredient in "Cento Tea" possesses therapeutic value; that its ingredients are carried to the affected parts; that it is not a laxative or that its hypericum content stimulates the appetite. (02606)

**Zala Perfumery Company**—See Grecian Chemical Company.

**Zenith Products Company**—Earl Ewing, trading as Zenith Products Company, 423 Main St., Wellsville, Ohio, agrees to desist from use of the word "conditioning" as part of the name of his product designated "Best-in-Show Conditioning Capsules," so as to imply that it is efficacious generally as a conditioner of dogs for show purposes or otherwise. The respondent further agrees to discontinue representing that his product is an effective treatment or competent remedy for all diseases or ailments to which dogs are subject, or that its use will prevent sickness and improve the appearance of dogs for show purposes. Further representations which the respondent agrees to discontinue are that "Sulphasol" is a new or revolutionary product; is a skin tonic; will end skin and coat troubles, or imparts any therapeutic effects other than such as may be due to the action of its sulphur content on certain organisms in the skin and hair, as the sarcoptic mite of scabies and certain fungi. The respondent also stipulates that he will discontinue employing the word "guarantee" in his advertising, unless clear disclosure is made of exactly what is offered by way of security. (2887)

This week's issue of the NAB Reports consists of the officers' and committees' reports to the annual convention in San Francisco this week, along with a brief resume of what happened at the convention.

Next week's Reports will include a more complete report of the convention, as well as the FCC and other official material covering a two weeks' period.

#### CONVENTION HIGHLIGHTS

Unanimous approval of the BMI program for licking the ASCAP music monopoly was voted by shouting delegates this week at one of the most enthusiastic sessions in NAB convention history. Theodore Streibert, vice president of the Mutual Broadcasting System, touched off one of the several demonstrations at the session when he announced that none of the principal key stations of that network intended to use ASCAP music after next December 31. Enrollment to use ASCAP music after next December 31, enrollment of the Don Lee originating stations, the H. K. Carpenter and Glen Snyder stations and WOW, Omaha, was also announced. During the convention 51 new stations in all joined BMI, bringing the total membership to 362. A complete list of the new members will be published in next week's REPORTS.

The BMI Board of Directors approved a new form of contract to become effective next April 1. It calls for a sliding scale of payments, depending on the amount of income, ranging from one and one-half per cent on less than \$15,000 to two and one-half per cent on \$100,000 or more. Details will be reported in next week's issue.

The total registration of 661 was one of the largest in the history of NAB conventions. More than 600 at-

tended the banquet on Treasure Island Wednesday night and laughed at "The Greener Pastures," a satirical musical comedy staged by the Dodo Club.

Mark Ethridge, WHAS; Harold Hough, WBAP; George W. Norton, WAVE; Don Searle, KOIL; Harry R. Spence, KXRO; John Elmer, WCBM; Edward Klau-ber, CBS; Fred Weber, MBS, and Frank M. Russell, NBC, were elected to the Board.

As its first act, the newly elected Board took recognition of the services of President Neville Miller. The present contract of Mr. Miller, as President, due to expire next year, was extended for a one year period, being a new two-year contract. As an additional recognition, a substantial increase in his annual salary, effective immediately, was authorized.

The convention received the following telegram from the San Francisco Local of the American Federation of Musicians:

"Inasmuch as the members of the Musicians Union have suffered irreparable harm because of what we regard as excessive license fees collected from employers of music by ASCAP we wish to let you know that the officers and Board of Directors of this Local hereby offer our assistance in whatever form possible to break this stranglehold on employers and musicians alike."

The delegates and their wives and friends danced to BMI music exclusively at the banquet.

From both James Lawrence Fly, FCC Chairman, and Stephen P. Early, secretary to President Roosevelt, the industry received assurance that the Government had no intention of taking over the Broadcasting Industry in event of war. "I see no occasion for any sort of extraordinary measures as far as radio is concerned," said Mr. Early. "Alarmists with absolutely no factual basis to support them have conjured up the bogey man of the Government operating the broadcasting systems or of

the complete curtailment of broadcasting in the event the security of this country were threatened," said Mr. Fly. Next week's REPORTS will contain the texts of these speeches.

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The Executive Committee approved a resolution adopted by the Labor Committee, directing the NAB to take appropriate action to obtain reversal of the Wage and Hour Administration's opinion that broadcasting's outside salesmen were not outside salesmen within the meaning of the Wage and Hour Act.

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Sherwood Brunton, KJBS, won the *Broadcasting* magazine trophy at the Annual NAB Golf Tournament.

The plan for unit measurement of broadcast advertising was approved by both the Board of Directors and the convention.

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The Code of Program Standards was unanimously endorsed after Dr. Frank Kingdon and others had praised its operation during the past year.

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Louis Johnson, former Assistant Secretary of War, urged the industry to join with all the power at its command in the National Defense Program. Next week's REPORTS will include the names of stations newly pledged to support this program. The NAB has received 579 pledges.

## The President

With this Eighteenth Annual Convention, the National Association of Broadcasters rounds out another twelve months of activity. It has been radio's greatest year. The trend which has heretofore existed in all phases of radio continued throughout the year and gives promise of continuing far into the future. A constant growth in listening audience is evidence of the public's confidence and approval, and broadcasters have responded by steady improvement in the scope and quality of programs.

During the past year, more than 9,000,000 radio sets were sold, increasing the total number of sets in American homes and automobiles to over 45,000,000. With less than 7% of the world's population, our country has nearly a half of all broadcasting stations and receiving sets, and a greater percentage of radio equipped homes than any other nation. The American people want radio sets more than they want anything else in the line of electrical equipment, for more sets were sold than electric irons or toasters, or washing machines, or vacuum cleaners, or any other electrical device. In various polls, radio has won first place time and again in the preference of the American family. The American radio industry has grown faster—in units, in dollar volume and in public service—than has the radio industry of any other country.

Naturally, there is a reason for this continued development and improvement, and it is not hard to find. Radio has a tremendously intimate effect upon American life. Today it is impossible to conceive of our way of life without radio. Annihilating space and distance, American radio has in a short span of two decades commanded the largest single audience of listeners ever gathered in the history of mankind, over 100,000,000 men, women and children. Today we receive the last minute bulletins directly from Europe as an everyday occurrence. New cultural avenues have been opened and educational features developed; new technical frontiers have been broken through in frequency modulation and television. However, a brilliant future surpassing all the achievements of the past lies before us. It is our task to consolidate our advances along many fronts and to lay a firm foundation upon which the future structure of public service broadcasting and television may soon be built.

I am sure that broadcasters realize that radio, although mighty as a force for good, can do equal evil. The experiences abroad of the past year have all too clearly proved this fact and have stirred us to still greater efforts to keep radio in America free, free for all to speak, for all views of all sides, and from breakfast to bedtime to fill the day of the American people with entertainment, education and news reflecting our culture and aspirations, impossible in any nation where democratic principles do not flourish.

The broadcasters have borne well their part of radio's responsibilities of the past year. Your Association has experienced a busy and most satisfactory year. You will find in the report of each Staff Director, detailed information concerning the activities of his Department. I urge you to read these reports, because by so doing you will secure an excellent idea of the varied and manifold activities of the NAB Staff and by reason of this knowledge will make in the future more and constant use of the services which

are available to you in the way of assistance by Staff members. I shall not duplicate those reports, but shall review briefly the larger aspects of the work of this Association.

The value of trade associations to industries has resulted in rapid growth of associations over a period of years. Today trade associations occupy a definite place in business life and perform a useful social and economic function sanctioned by law. The work of your Trade Association divides itself roughly into two divisions—one—tangible services rendered to our members, and the other—intangible services, which occupy the greater portion of our time.

Without minimizing the importance of our tangible assets, may I emphasize the necessity for protecting our intangible assets, such as, freedom of speech, public confidence, the basic value of advertising as a force in developing industry and employment and freedom from unnecessary and burdensome government regulation. No one individual can alone protect these, but united we can—and to unite the industry, to organize the common effort, to promote a working together of competing units, to encourage a broader outlook based on research and facts, and to mobilize the best experience and opinion in the industry—this is one of the major tasks of the NAB.

Persistent effort has been maintained throughout the year to perfect the united front of the radio industry. With the enthusiastic cooperation of the Directors and members who served as membership Chairman in the various states and areas, it is gratifying to report a gain in membership from 427 at the time of our last Convention, to 462 as of today. I cannot emphasize too strongly the need of continued and everlasting effort to bring into membership every radio station in the United States.

The District Meetings have become forums of practical usefulness and of great value in promoting discussion of our problems on an informal basis. I believe these meetings can be developed to even greater usefulness. Together with the meetings of the Board of Directors, the Executive Committee, and the various other committees they have enabled us to develop an industry consciousness and unification greater than has ever existed before within the industry.

May I here express our appreciation to the Directors, to those who served on the various committees and to the entire membership for so generously giving of your time and energy to the work of the Association. Without your assistance, it would have been impossible to carry on the affairs of the NAB during the past year.

I am happy to report that for the first time in the history of either major political party, the platform of each party this year contains a radio plank. This is not only a well deserved recognition of the importance of radio but indicates that the leaders of Congress are well aware of our problems and encourages us to believe that helpful legislation may be enacted in the not too distant future, giving to American radio by law the dignity and protection that has already been given by public opinion.

### LEGISLATION

The Johnson Bill prohibiting the advertising on the radio of alcoholic beverages and the Thomas Resolution for adherence to the International Copyright Union were the two major legislative threats during the present session of Congress. We are pleased to report that neither of these pieces of legislation, nor any other legislation adversely affecting broadcasters, was enacted. The

Association's Staff scrutinized all national and state legislation, did not blindly oppose all legislation, but in cooperation with other organizations helped steer the legislation into constructive channels.

Following our custom of being represented by special counsel in litigation involving matters affecting the entire industry, the Association retained special counsel in the *RCA v. Whiteman* case and has kept in close touch with all phases of the problems dealing with the playing of phonograph records. We are happy to report that we have been successful in our fight to prevent the levy of an additional burden on stations through another license system. On July 25 the United States Circuit Court of Appeals in New York reversed the decision of the District Court and held that broadcasters had the right to play records without a license.

Radio must not be content to fight a purely defensive legislative battle. We must take the initiative. The present Copyright Law was passed in 1909, prior to the advent of commercial broadcasting. It has many antiquated provisions, such as, the statutory minimum damage provision. The Law should be revised and brought down to date.

The libel law as it applies to broadcasters is unsatisfactory. Broadcasters should either be given the right to eliminate libelous matter, or they should be exempted from liability. The decision in *Summit Hotel v. Jolson*, in which case the NAB was represented by special counsel, was a decision favorable to broadcasters, and was a step in the right direction, but many phases of the subject justify further study, to the end that this troublesome question may be correctly solved.

The present conception of the functions of administrative agencies leaves much to be desired. Granting that administrative agencies should be free of supervision by the courts, certainly some procedure should exist for the testing of the legality of an agency's rules and regulations, without requiring the applicant to first violate them.

In all quasi-judicial proceedings, before the FCC, we believe that there should be an opportunity for facts to be judicially found by an independent examiner or some independent quasi-judicial or judicial tribunal. Some such separation of the powers of the Commission as recommended by the President's Committee on Administrative Procedure would be an acceptable solution. In particular, in those cases which involve revocation of or failure to renew broadcast licenses, and where the licensee's entire business is at stake, we have urged that there be provided a separate judicial determination of the facts as well as of the law. Our views on these matters have been submitted to the Attorney General's Committee on Administrative Procedure, which is at present considering the entire subject.

These are but a few of the many legislative problems which we face and which I am sure with assured industry-wide cooperation we can solve.

## PUBLIC RELATIONS

In our community life today there are propagandists about and we in radio, like many other businesses, are in the line of fire. Public opinion is the controlling factor in our Democracy, and therefore we have a legitimate interest in the public's knowing the real facts about radio in all its manifold branches. To do the job right, it must be done both nationally and locally. During the past year, with your help, we have endeavored to do it nationally, and to supply you with the tools, the weapons and the ammunition to do it locally.

Our public relations activity has covered a broad field. We have worked closely with the United States Office of Education through the Federal Radio Education Committee, and have taken a leading part in the Ohio State Institute on Radio and Education, and in many other conferences. There has been a marked change in the attitude of educators generally with reference to radio and radio relationship. The idea that education needed more time on the air has been abandoned because of the realization that educational radio needs not more, but less time on the air, and more time in preparation and rehearsal. Pressure for legislation to set aside specific time for educational programs has therefore been eliminated.

For some time, advertising has been under attack from several angles. It has been charged that advertising is wasteful and

burdensome to the consumer and that it gives an undue advantage to large companies and thereby fosters monopoly. These attacks are not directed against abuses in the use of advertising, but against advertising as a business tool. This is a serious threat to radio and to all media. We have believed it important that consumers, educators and public officials should be convinced of the specific economic benefits and social improvements gained through advertising. We have taken an active part in the work of the Committee on Consumer Relations in Advertising, Inc., through which, in cooperation with other media, agencies and advertisers, the public will be given the real story of advertising's contribution to our standard of living. We have been represented at every consumers relations conference held in the last two years. We are working closely with such organizations as the Association of National Advertisers, the American Association of Advertising Agencies and the Advertising Federation of America, all of which are giving serious attention to the consumer movement. The preparation is under way of a program to demonstrate the contribution made by advertising to better consumer service and lower consumer costs.

Our relations with the press have steadily improved. In this connection, we report a most cordial attitude on the part of J. S. Gray, Radio Chairman of the American Newspaper Publishers Association, whose friendly report on radio was a feature of the recent ANPA convention. In passing, it is well to observe that much of the change toward friendliness in the attitude of the newspapers is attributable to the excellent manner in which radio has acquitted itself in the war crisis and the use by radio of newspaper war correspondents, and the cooperation between these and the radio correspondents constitutes a noteworthy chapter in this relationship. Still another factor in bringing about better relationship with the press has been the affirmative manner in which the NAB Bureau of Radio Advertising has been conducted. Its purpose has been to sell radio as a medium of advertising by constructive methods rather than through negative belittling competition. We proceed upon the theory that there is room for both the radio and the newspaper advertising dollar.

In cooperation with committees of the American Bar Association, the American Newspaper Publishers Association and the Newspaper Editors Association, the reporting of judicial proceedings has been studied to the mutual advantage of all groups.

The list of outstanding national organizations with which we have worked during the past year is too long to include here, but you may be sure we have overlooked no opportunity to tell the story of the American System of Broadcasting and to make friends for radio. The efforts of the year were brought to a fitting close in the unprecedented radio ceremonies of last Saturday, when the New York World's Fair of 1940 and the San Francisco Golden Gate Exposition joined hands to convey the thanks of our listeners for public service rendered and to dedicate plaques symbolic of American free radio.

## CODE

The widespread acceptance and endorsement of the Code bespeaks the regard in which it is held not only by broadcasters generally but by women's organizations, labor groups, religious groups, civil liberties groups and the public at large. It has been said, "When all think alike, no one thinks very much." The discussions which have taken place during the past year have emphasized the fact that broadcasters have been thinking a lot and the Code has rendered a real service in stimulating this thinking. We all realize that many times right and wrong dress in shades of gray and that, although we have much of which to be proud, we must not be smug or refuse to listen to criticism. Also, we must be careful not to be more concerned with profits than prestige lest the result be that we lose both. Although our action may be attributed partly to enlightened self-interest, may I emphasize that broadcasters have learned a great deal through experience; they, better than any other group, know what the public prefers and it certainly is in the public interest to prevent the kind of legislation which would mean that pressure groups would succeed in ramming down the throats of the public that which we know from our study and experience the public does not want.

I believe the adoption of the Code was a distinct step forward; that it has proved its value during the past year and that it will

continue to grow in usefulness. To the Code Committee and its able chairman, we owe a debt of gratitude. It is especially pleasing to mention that the American Trade Association Executives bestowed a certificate of Honorable Mention on the NAB for its Code, citing the "achievement of instituting a system of self-regulation designed to make further government regulation or control unnecessary, and which would deserve and earn public confidence."

### LABOR RELATIONS

For another year the industry has operated without any major labor trouble, and, generally speaking, the relationship between our industry and organized labor is friendly. Our employees are well paid; our average weekly pay check of \$45.20 is believed to be the highest in the country. Without surrendering our rights, we have complied with both the spirit as well as the letter of the various laws enacted in recent years, and both labor officials and government officials dealing with labor problems have publicly praised the policy and activity of the NAB Labor Relations Department. Labor is a friend of the American System of Broadcasting.

### RESEARCH

The activities of the Research Department have been many and varied, in the form of supplying facts and information for the work of the various departments and committees; in working with the FCC, the Census Bureau, the FREC and other governmental agencies, and with various groups and associations in assisting in analyzing the music copyright problem; in the preparation of a master station file, primarily designed for research purposes, but of immeasurable value to the entire industry; and, in taking a leading part in the preparation of the Program Log and Accounting Manual.

The Program Log Recommendation, and the Transmitter Log Recommendation prepared by the Engineering Department, furnish excellent examples of what can be accomplished by cooperation between the staffs of the FCC and the NAB.

We believe the recently issued FCC Forms 301 and 319—the new forms for application for construction permit or modification thereof for standard broadcast stations and high frequency broadcast stations—impose an excessive burden upon applicants. Although we are in sympathy with the Commission's desire to secure on these forms full information regarding the applicant's qualifications, we believe that many of the questions can be so modified as to relieve the applicants of considerable burden in supplying information without unduly increasing the work of the Commission. We hope that by cooperative effort the excellent result which was obtained with respect to the Log Recommendations can be duplicated with respect to these forms.

A Plan for Unit Volume Measurement has been prepared in detail and will be submitted to this Convention for consideration, and we believe this is but the first of many very definite accomplishments which we believe will be achieved in the very near future.

### BUREAU OF RADIO ADVERTISING

The Bureau of Radio Advertising was placed in full time operation on September 1st, to assist members in sales and promotion problems. Trade studies, sales manuals covering specific selling problems, together with other material, have been issued and many members report having secured tangible results with the material. The Bureau is getting at the true facts in fields where resistance in radio advertising has existed and has given the commercial managers not only an impetus to get together, discuss their problems and exchange ideas, but has also given sales data with the aid of which many contracts were closed.

In cooperation with the Sales Managers' Division, the Bureau has taken an active part in AFA and NRDGA conventions, and has cooperated with the ANA and AAAA. It has done a good job in promoting the use of radio as an advertising medium.

### PROMOTION

The relationship with the RMA has been most friendly and cooperative and the Joint RMA-NAB Promotion Campaign has

produced very satisfactory results. A continuous campaign has been carried on to increase the number of listeners, to increase the hours of listening per day, to increase the appreciation of the American radio programs and to spread an understanding of the American system of broadcasting. During the past year, it has sponsored such nationwide events as the "Curtain Raiser," "Radio Christmas," the "National Radio Festival," "Listen While You Ride," and "Listen While You Play," and now has in active swing the "Listen Before You Vote" campaign. Under the theme, "Your Electric Utility Can Be Your Best Local Account," a campaign for utility advertising has been conducted.

This department has also worked in cooperation with the radio servicemen and the set manufacturers to reduce the number of inoperative or partially inoperative set and much progress has been made.

### ENGINEERING

In an industry such as radio, it is but natural that engineering is fundamentally first and foremost. This past year has been one of great activity due to the development of television and frequency modulation. Also the ratification of the Havana Treaty by Mexico brings to the front not only the problem of changing the frequency of most of the stations in the country but also other problems in connection with the public and the receivers. I wish to here express the hope that the difficulties which have arisen in connection with the Havana Treaty will be solved, and that the Treaty will become effective at an early date. In addition to keeping in close touch with all these problems, in working with the FCC and the NAB members, our Director of Engineering took a leading part in the preparation of the Transmitter Log and has under preparation a revision of the Engineering Handbook which should be of real value to the industry.

### INFORMATION POOL

Before ending the report on the work of the various Staff members, may I mention a service of the Association Staff, the value of which I do not believe is fully appreciated by NAB members. Each Staff member has collected a pool of information for the use of members—labor statistics, legal authorities, research methods, engineering data, information for speeches, for promotional activities, and data on various other subjects.

We urge you to use this for two reasons: First, because we know it will be of value to you; and second, by using it instead of diminishing its value, you increase its value by testing its usefulness, adding your results to the pool, and thereby making it of greater value to the industry.

### MUSIC COPYRIGHT

Broadcasters have always been willing to pay a fair and equitable price for the use of music. They are the first to acknowledge the cultural value of music, and that music has played a prominent part in the development of radio. However, they demand the right to purchase music in a free and competitive market the same as they purchase their other requirements. They are unwilling to pay ASCAP on news broadcasts, on sports broadcasts, and on other programs using no music. They are also unwilling to pay ASCAP on programs which use non-ASCAP music. They are unwilling to be required to pay the entire price for music to a relatively few composers merely because those composers have secured a monopolistic control of the means of exploitation of their output. They believe the cultural life of America would be greatly benefited by encouraging the creative genius of young and able composers whose works are at present never played because of the character of ASCAP's present contracts. Today, broadcasters pay forty times as much per dollar of their gross as any other customer of ASCAP, and the new ASCAP contracts now demand they pay eighty times as much, increasing their payments from \$4,500,000 to nearly \$9,000,000. This we will not do!

A year ago, a sincere and honest attempt was made to sit across the table from representatives of ASCAP to negotiate a renewal of the contracts on a business basis. This effort was thwarted by the refusal of the President of ASCAP to appoint a committee

to meet with the broadcasters; even though ASCAP's Board of Directors had authorized the appointment of such a committee. In accordance with the mandate of the NAB convention held last year, a final positive effort was made to reach an agreement with ASCAP, upon the failure of which, the special convention was called last September in Chicago. In accordance with the practically unanimous vote of that convention, Broadcast Music, Inc. was organized for the purpose of developing a pool of non-ASCAP music and to assure the broadcasters of the right to purchase their music in a free competitive market. BMI has passed through the organization stage and today is a well-staffed organization, with a membership of over 300 stations. These BMI member stations pay over two-thirds of the revenue which ASCAP receives from the entire industry. Complete information concerning BMI will be given you Tuesday and plans for the future will be discussed at length. Suffice it here to say that today broadcasters have it within their power for once and all to end ASCAP monopoly, to solve this most troublesome question, to give the young composers a chance, and to stimulate creative effort in the United States. Moreover, the solution of this problem by a united industry will have a very salutary effect upon a number of our other pressing problems. Now is a most critical time for broadcasters. We must not fail! Let this Convention send out the word that San Francisco is to be no Munich! We are in this fight to win!

### CONCLUSION

What of the future? Today we meet in a very different world from that which existed this time last year. It would be a bold man indeed who would attempt to prophesy under what conditions we shall meet this time next year. There is need for much long-range thinking, realizing as we must that radio will have a most influential and material effect upon the future of this country. It is not our job to decide for the citizens the questions which must be decided, but it is our task to fairly, adequately and honestly bring them the facts. In so doing, we perform a service in assisting people to govern themselves. We must do it courageously, fearlessly and effectively.

Our part in the world picture today is to do our job—and it is a most important job—well and right in the hope and confidence that in the scheme of things the many stones which form the mosaic we call the American way of life will fit together. We must be sure that, regardless of what may happen, radio's pillar in the temple of Democracy will be sound and will not crumble. The foundation of that pillar must be a free radio. There must not only be no censorship, but no threat of censorship. For, as the U. S. Supreme Court recently said, "It is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

The foundation of free radio must be good broadcasting. The American public is the only champion radio needs. So long as our thinking is dominated by intelligence and common sense, there will be no serious threat to free speech, a free press or to a free radio. The American broadcasting industry has good reason to be proud of its record. Its position is one to be treasured and guarded from any hands within and without, which may threaten to destroy it. The American public we serve is marching with us.

Respectfully submitted,

NEVILLE MILLER, *President,*

*National Association of Broadcasters.*

## The Secretary-Treasurer's Office

This is the Annual Report for the fiscal year 1939-1940 of the Office of Secretary-Treasurer of the National Association of Broadcasters.

### PERSONNEL

Effective April 1, 1940, the undersigned assumed the duties of the office of Secretary-Treasurer under the title of Assistant to the President. This arrangement was made pending the action of the Board of Directors in filling the position following the resignation, effective May 1, 1940, of Edwin M. Spence.

Upon leaving, Mr. Spence submitted a properly audited statement of the Association accounts which has been accepted and approved by the Board and the surety bond of Mr. Spence discharged.

### HEADQUARTERS PERSONNEL

During the course of the past year the headquarters staff of the Association has been completed in accordance with the provisions of the By-Laws. On November 24, 1939, Russell P. Place was named Counsel and placed in charge of the Law Department. On December 1, 1939, Lynne C. Smeby was chosen Director of Engineering. With these appointments the several departments contemplated in the NAB Reorganization Plan are completely manned. In addition to these Directorships, Samuel J. Henry, Jr., joined the Association staff in August, 1939, as manager of the Bureau of Radio Advertising. At approximately the same time, Arthur Stringer assumed charge of the Radio Promotion or Circulation activity, a work supported jointly by NAB and RMA.

We thus find ourselves at the conclusion of this fiscal year with a full and complete staff at headquarters equipped and working efficiently to serve the needs of the industry.

The reports of the various Department Directors contain all essential information relating to their activities.

The total of full and part-time employees of the Association, including stenographic and kindred office help, numbers 26. The Secretary-Treasurer coordinates the activity of this staff and cares for all general correspondence.

The weekly NAB REPORTS are the means of regular periodic contact with the membership. The task of assembling and editing the material going into these REPORTS has been very ably discharged by Joseph L. Miller. We welcome suggestions from the membership regarding the REPORTS.

### Board Meetings

The Secretary-Treasurer acts, under the By-Laws, as Secretary of the Board of Directors and of the Executive Committee as well as of all Standing Committees of the Association. Following is a list of Board, Executive and Standing Committee meetings held during the year:

#### Meetings of Board of Directors

September 13, 1939—Chicago, Illinois  
 September 14, 1939—Chicago, Illinois  
 September 15, 1939—Chicago, Illinois  
 November 2-3, 1939—Chicago, Illinois  
 February 19-20, 1940—Washington, D. C.  
 June 21, 1940—New York, N. Y.  
 June 22, 1940—New York, N. Y.

#### Meetings of Committees

Executive Committee	August 22, 1939	New York, N. Y.
	February 19, 1940	Washington, D. C.
	April 1, 1940	Washington, D. C.
	May 28, 1940	New York, N. Y.
Accounting Committee	November 16, 1939	New York, N. Y.
	March 19-20, 1940	New York, N. Y.
Code Compliance Committee	July 8, 1939	Atlantic City, N. J.
	September 14, 1939	Chicago, Ill.
	October 2, 1939	Washington, D. C.
	November 28, 1939	Washington, D. C.
	April 11, 1940	Washington, D. C.
Committee on Press, Radio and Bar	March 26, 1940	New York, N. Y.
Committee on Licensing of Records	August 24, 1939	New York, N. Y.



Copyright Committee	August 2, 1939 August 9, 1939 August 23, 1939 September 14, 1939	New York, N. Y. New York, N. Y. New York, N. Y. Chicago, Ill.
Engineering Committee	January 11, 1940 March 16, 1940 June 28, 1940	New York, N. Y. Columbus, Ohio Boston, Mass.
Legislative Committee	February 20, 1940 May 9, 1940 June 15, 1940	Washington, D. C. Washington, D. C. Washington, D. C.
Research Committee	June 18, 1940 July 10, 1940	Washington, D. C. Washington, D. C.
Sales Managers Committee	April 15, 1940	Chicago, Ill.
Wage and Hour Committee	March 25, 1940	Washington, D. C.

Class	Number of Members	
	April 1, 1940	July 15, 1940
A.....	66	93
B.....	79	81
C.....	60	63
D.....	43	44
E.....	38	40
F.....	29	28
G.....	20	20
H.....	26	26
I.....	18	18
J.....	6	6
K.....	4	4
L.....	6	6
M.....	2	2
N.....	2	2
O.....	2	2
NBC.....	13	15
CBS.....	8	8
Associate.....	3	3
	<hr/>	<hr/>
	425	461

### DISTRICT MEETINGS

The duty of cooperating with the District Directors in the holding of meetings of the membership is a natural incident to the work of the Secretary-Treasurer. During the year just closed, the following District meetings have been held:

District	Date	Place
1	December 6, 1939	Boston, Massachusetts
2	November 28, 1939 June 22, 1940	New York, N. Y. Rochester, New York
3	January 4, 1940	Camden, New Jersey
4	December 16, 1939 June 1-2, 1940	Washington, D. C. Greensboro, North Carolina
5	January 18-19, 1940	Columbus, Georgia Orlando, Florida
6	January 3, 1940 June 20, 1940	New Orleans, Louisiana Memphis, Tennessee
7	December 5, 1939	Dayton, Ohio
8	December 6, 1939	South Bend, Indiana
9	December 6, 1939	South Bend, Indiana
10	December 8, 1939 June 8, 1940	Omaha, Nebraska St. Louis, Missouri
11	December 13, 1939	Minneapolis, Minnesota
12	December 11, 1939 June 9, 1940	Tulsa, Oklahoma Wichita, Kansas
13	January 5, 1940	Dallas, Texas
14	December 9, 1939 June 12, 1940	Denver, Colorado Salt Lake City, Utah
15	January 10, 1940	San Francisco, California
16	January 9, 1940 June 17, 1940	Los Angeles, California Los Angeles, California
17	October 6, 1939 January 12-13, 1940	Portland, Oregon Portland, Oregon Seattle, Washington

### MEMBERSHIP

It is gratifying to report that the membership of the Association stands today at the highest point in its history. The Secretary-Treasurer's report at the membership meeting last year disclosed a total of 425 members. The present membership of the Association totals 461.

The ten weeks membership campaign which ended just prior to this convention proved measurably successful and in this connection we desire to express to the District Directors, the state and area membership chairmen, as well as many individual member broadcasters, our grateful appreciation for the helpful assistance rendered. The following table discloses the gain in membership by dues classification in the period April 1, 1940, to July 15, 1940:

A further analysis of membership distribution follows:

Operating Commercial Stations:	Total Stations	NAB Members	Percent
	July 1, 1940	July 15, 1940	
Network affiliates.....	414	297	72%
Independents.....	338	149	44%
Total.....	752	446	59%
Non-Commercial stations.....	39	3	8%
Construction permits.....	56	8	14%
Grand total.....	847	457	54%

74% of all NBC affiliates are NAB members.  
79% of all CBS affiliates are NAB members.  
64% of all MBS affiliates are NAB members.  
65% of all newspaper owned are NAB members.

(Members are invited to inspect the exhibit of the material used in the membership campaign displayed at the convention.)

Respectfully submitted,

C. E. ARNEY, JR.,  
Assistant to the President.

### FINANCIAL

Since the resignation of Mr. Spence the direct control over Association finances has been exercised by Mr. Miller through the undersigned and through Everett E. Revercomb, Auditor. The following Financial Statement discloses in detail the operations of the Association during the fiscal year, July 1, 1939, to June 30, 1940:

National Association of Broadcasters  
Statement of Receipts and Disbursements  
For the Period July 1, 1939, to June 30, 1940

### RECEIPTS

Cash on Hand, July 1, 1939 (As Reported at Last Convention).....	\$52,556.59
Receipts during period.....	245,502.62
	<hr/>
	\$298,059.21

### DISBURSEMENTS

Annual Convention (Partially recovered).....	\$8,916.84
Board of Directors Meetings.....	9,666.33
Broadcast Music, Inc. (Entirely recovered).....	6,061.33
Committee Expenses.....	17,279.09
Dues and Publications.....	1,141.93
Furniture and Fixtures.....	2,126.64

Legal, Engineering and Accounting Fees.....	\$21,666.77	
Miscellaneous.....	14,517.95	
NAB Reports.....	10,036.94	
NAB-RMA Expenses (Partially re-covered).....	6,919.96	
Office Supplies.....	2,645.69	
Postage.....	3,643.50	
Printing.....	9,669.10	
Rent.....	8,499.96	
Salaries.....	94,572.07	
Telephone and Telegraph.....	4,896.28	
Travel.....	12,273.75	\$234,534.13

Cash on Hand, June 30, 1940..... \$63,525.08

Respectfully submitted,

C. E. ARNEY, JR.,  
Asst. to the President.

## Engineering Department

At the beginning of the year, July 10, 1939, a number of work projects were before the Engineering Committee. Among these were:

- A—Formulation of Field Measuring Standards.
- B—Improving relations with the Civil Aeronautics Authority concerning antenna installations.
- C—Revision of the Engineering Handbook.
- D—Insurance Committee.
- E—Federal Communications Commission's method of rating interference.
- F—Co-operation with the Radio Manufacturers Association on matters of mutual interest.
- G—Co-operation with Radio Servicemen.

The present status of these subjects is as follows:

- A—The Field Measuring Standards have been formulated.
- B—The attitude of the CAA toward radio tower installations has changed to a more favorable one.
- C—The Engineering Handbook revision will be released this fall.
- D—Mr. Miller has appointed an Insurance Committee for the purpose of co-operating with insurance companies concerning broadcast station insurance and the Director is co-operating with the Committee.
- E—A detailed study of the FCC method of rating interference has been made and conferences have been held with the FCC Engineering Department.
- F—Conferences held by Mr. Hogan with RMA Engineers have paved the way for cooperation on matters of mutual interest.
- G—"Recommended Qualifications for Radio Servicemen's Organizations" has been formulated and submitted to the Board with a recommendation that it be adopted as a guide for NAB members to use in their cooperative efforts with the servicemen.

Other principal subjects engaging the attention of the Department during the past year are:

- a—Television.
- b—Frequency Modulation.
- c—Facsimile.
- d—Havana Treaty.
- e—Sample Transmitter Log.
- f—Matters pertaining to the FCC.

It is anticipated that the main subjects of attention by the Engineering Committee during the next year will be:

- 1—Television.
- 2—Frequency Modulation.
- 3—Facsimile.
- 4—Reallocation due to Havana Treaty.
- 5—The Broadcast Engineering Conference at Ohio State University.
- 6—Cooperation with RMA.
- 7—Cooperation with Institute of Radio Engineers.

- 8—Cooperation with Radio Servicemen.
- 9—FCC matters pertaining to engineering.
- 10—Revision of the Engineering Handbook. It is intended that the Handbook be revised each summer for release in the fall.

### NAB DIRECTOR OF ENGINEERING

The reorganization of NAB provided for a Director of Engineering. Mr. Raymond M. Wilmotte carried on the duties of the office until a fulltime Director was appointed on December 1, 1939. Mr. Wilmotte was retained for a period of six months, after the appointment, in a consulting capacity in order to assist the new Director.

### ENGINEERING COMMITTEE

It was decided that the Engineering Committee of 15 should be expanded to 21 in order that broader representation might be had and in order that there might be a representative from each district. Following this pattern, the 1940-41 Engineering Committee will have a member from each district, a member representing each of the three National Networks and a Chairman. To follow the pattern of other departments of NAB, the Engineering Committee was supplemented by an Executive Engineering Committee of six members appointed by President Miller on December 28, 1939, to serve until the 1940 Convention. These men were selected geographically so that the expense of bringing the Committee to meetings would be a minimum.

This has been a year of interesting technical developments that may have an important bearing on the future of broadcasting. Frequency Modulation, Television, Facsimile and the reallocation plan have held the spotlight.

### TELEVISION

Two important hearings on television were held on January 15 and April 8 and these were attended by the Director and reported for NAB REPORTS.

### FREQUENCY MODULATION

Frequency Modulation was the subject of an article written for the January 26 REPORTS. A hearing on Frequency Modulation was held by the FCC on March 18 and this was attended and reported for NAB REPORTS. A summary and analysis of Frequency Modulation was written for the April 5 REPORTS.

### HAVANA TREATY

With the Mexican ratification of the Havana Treaty on December 28, 1939, the way was cleared for putting the agreement into effect. Many United States broadcasting stations have received serious interference in the past from Cuban and Mexican stations. The Havana Treaty provides channels of their own for the Cuban and Mexican stations, thus eliminating this source of interference. Beside the problem of changing the frequency of most of the stations in the country there are several problems in connection with the public and the receivers. There are four problems in connection with the receivers; these are, resetting the push-buttons on the receivers, extending the tuning range to 1600 kc. where necessary, realigning the intermediate frequency amplifier of the receivers in cities where stations will move to 910 kc., and changing the call-letters on push-buttons and on dials. These problems are being worked out with an organization of servicemen known as the Radio Servicemen of America and RMA, and plans for proper publicity are being formulated, with the cooperation of the Director, by the Headquarters Staff. The reallocation was tentatively set for August 1. Other countries, parties to the Havana Conference, have made a number of exceptions to the original agreement, bringing up a doubt as to whether the agreement will go into effect at all. In any event, the agreement probably cannot be put into effect earlier than December 1.

### FIELD MEASUREMENTS

Due to various methods of taking field measurements and interpreting the results, there has been confusion as to the meaning of

field intensity maps and it has been difficult to compare the claims of one station with those of another. A "Recommended Practice for Field Intensity Surveys for the purpose of estimating field strength contours of a broadcast station in the regular broadcast band" has been formulated and turned over to the Research Department, and it is hoped that the recommended practice may find general acceptance and bring about a uniformity in coverage work.

### INTERFERENCE RATING

There has been considerable controversy over the FCC's method of rating interference. Conferences have been held with the FCC Engineering Department with a view towards performing a series of experiments to determine what is the proper law to use. The Director of Engineering has prepared for the Engineering Committee an analysis of the present method of determining interference. This matter is being pursued and it is hoped that it may be cleared up in the near future.

### RECEIVING SET REPAIRS

Realizing that station circulation can be increased if listeners will keep their sets in repair and therefore that it is to the broadcasters' advantage to cooperate with radio servicemen, the Committee has formulated "Suggested Qualifications for Radio Servicemen's Organizations" and this can be used by a station in determining if a radio servicemen's organization is worthy of cooperation. Conferences were held with servicemen before formulating the standards.

### OHIO STATE ENGINEERING CONFERENCE

One of the most important educational sources for keeping broadcast engineers up-to-date is the "Broadcast Engineering Conference" held annually in February at Ohio State University. The Conference is held under classroom conditions and treats with current engineering developments in a practical way. NAB officially cooperated in this year's Conference. Mr. Wilmotte and the Director attended as representatives of NAB and participated in the Conference. Two discussion groups dealing with receivers and FCC regulations were led by Mr. Wilmotte. Of the 248 engineers in attendance at the Conference, 140 were from broadcast stations and of these, 127 were from NAB members. Realizing the importance of the Conference to the broadcasting engineers, NAB plans to expand its activity in connection with next year's conference.

### SAMPLE TRANSMITTER LOG

The Director prepared a sample transmitter log and instructions on how to use it, with the cooperation of the FCC Engineering Department, and this log form has been distributed to the membership as a sample log which would meet the FCC requirements.

### BROADENING NAB MEMBERSHIP

The Engineering Committee has discussed the membership requirements of the NAB BY-LAWS which specify that the scope of NAB is in the band (550 to 1600 KC). In view of the developments in FM, television, etc., and the hearings held on these subjects by the FCC, this was brought to the attention of Mr. Miller and he appointed the Director as one member of a Headquarters Committee of three to investigate and report on a proposed By-laws revision. The Revision Committee took the matter under advisement and presented to Mr. Miller, for consideration by the Board and the membership, a proposed revision which would make possible the inclusion of new broadcasting services, both aural and visual as they develop.

### ENGINEERING HANDBOOK

The NAB Engineering Handbook has not been revised since 1938. The Director, under the guidance of Mr. Wilmotte and the Engineering Committee, is revising the Handbook and it is hoped that a revised edition will be ready for distribution early this fall. New sections are to be added on subjects such as frequency modulation and television.

### COOPERATION WITH RMA

The Engineering Committee is cooperating with RMA on problems arising out of the reallocation slated for this fall or early winter and on the matter of push-button receivers having too few push-buttons to allow inclusion of all stations in some localities and on the matter of loop receivers, which are sometimes installed to the detriment of stations with low field strengths.

### SERVICE TO MEMBERS

Many minor projects have been carried on, and the Director has assisted many stations with their individual engineering problems. The membership should feel free to call on the Director of Engineering for assistance on engineering matters on which they might think that he can be of service.

The Director wishes to acknowledge the splendid assistance rendered him by the Headquarters Staff and the Engineering Committee in assuming his new duties. Particular mention is due Mr. John V. L. Hogan, Chairman of the Engineering Committee, and Mr. Raymond M. Wilmotte, advisor to the Director, for their splendid advice and counsel during the first months of the new work.

### EXECUTIVE ENGINEERING COMMITTEE

The members of the Executive Engineering Committee for 1939-40 were: John V. L. Hogan, WQXR, Chairman; J. R. Poppele, WOR; O. B. Hanson, NBC; E. K. Cohan, CBS; Albert E. Heiser, WLVA; Paul A. de Mars, Yankee Network; R. M. Wilmotte, Consultant, ex-officio, and Lynne C. Smeby, Director, ex-officio.

### ENGINEERING COMMITTEE

The members of the Engineering Committee for 1939-40 were: John V. L. Hogan, WQXR, Chairman; John E. Fetzer, WKZO; J. H. DeWitt, Jr., WSM; John T. Schilling, WHB; J. R. Poppele, WOR; Paul A. Loyet, WHO; William G. Egerton, KTSA; O. B. Hanson, NBC; E. K. Cohan, CBS; Carl J. Meyer, WGN; Albert E. Heiser, WLVA; William H. West, WTMV; Porter Houston, WCBM; Paul de Mars, Yankee Network; Herbert Hollister, KFBI; Raymond M. Wilmotte, Consultant, ex-officio; and Lynne C. Smeby, Director, ex-officio.

Respectfully submitted,

LYNNE C. SMEBY,  
*Director of Engineering.*

## Legal Department

Since assuming the position of NAB Counsel on November 24, 1939, the work of the Legal Department has divided itself into the following categories:

**LEGISLATION.** Of prime importance to broadcasters is the study and analysis of all bills introduced in the Congress and the State Legislatures affecting them directly or indirectly. This work, together with the incidental correspondence, conferences and follow-up of hearings, has been carried out with unceasing vigilance. No measures adversely affecting broadcasters have been enacted.

**CONGRESS.** Below are the principal pending bills affecting Radio:

*Thomas Bill:* Introduced by Senator Thomas (D-Utah) on the basis of the report of the so-called Shotwell Committee for revision of the copyright laws looking to adherence to the International Copyright Convention, this bill drastically revises the copyright law. Space does not permit of detailed analysis, but numerous provisions, particularly the retention of minimum statutory damages for infringement, make the bill unacceptable to the industry. NAB is opposed to passage of this measure, and will actively voice its opposition when it is set for hearing.

*McGranery Bill:* Introduced by Representative McGranery (D-Penna.), this measure would also drastically revise the copyright law contrary to the interests of broadcasters. Its outstanding feature is to grant copyright in recorded renditions of musical performances. NAB is opposed to the bill and will fight it. According to present indications, hearings will not be held at this session on these copyright bills.

*Johnson Bill:* Introduced by Senator Johnson (D-Colo.), this bill seeks to ban the advertisement of alcoholic beverages over the radio. Because the NAB Code bans advertising of hard liquor, and beer of some alcoholic content is legal in all States, and because we believe the bill is an unwarranted interference with program content and discriminates against radio in favor of other media, NAB has actively opposed this bill. At the moment it is believed to be stymied by the introduction of an anti-lynching amendment by Senator Clark of Missouri. Numerous broadcasters have registered their disapproval with their Senators and Congressmen. Still on the Senate Calendar, although repeatedly passed over as objected to, it remains a threat. The best opinion is that it may pass the Senate if put to a vote, but would be killed in the House.

*Ditter Bill:* Introduced by Representative Ditter (R-Penna.), this measure would amend the Communications Act in the interests of broadcasters. It provides for a minimum license term of three years, for hearings on new applications if the grant would adversely affect an existing station, and requires that no license shall be revoked or renewal denied because of the character or contents of any program, unless such program matter is expressly forbidden by specific provision of the Act or by regulation of the Commission authorized by the Act, and then only after the licensee has been adjudged guilty by a Federal Court of violation of such provisions. The bill would curb the President's emergency powers over broadcast stations. There is small likelihood of hearings on this bill at this session. The Bailey Bill in the Senate, introduced by Senator Bailey (D-North Carolina) is a companion bill. The Directors, as well as the Legislative Committee, have given consideration to NAB's position on these measures.

*Pepper Bill:* Introduced by Senator Pepper (D-Fla.), this bill would require hearings on any application at the instance of any person. It is unlikely to be set for hearing at this session. The Ditter, Bailey and Pepper Bills tie in to some extent with the Walter-Logan Bill to revise administrative procedure, and to amendments to the Communications Act which the NAB has suggested to the Attorney-General's Committee on Administrative Procedure. It is expected that the entire subject will come to a head at the first session of the next Congress, when NAB will seek to promote major improvements for the benefit of the industry.

*Walter-Logan Bill:* This measure, which has passed the House by a vote of about three to one, seeks to improve and standardize administrative procedure in most of the government agencies and commissions. The Legislative Committee voted not to take any action with respect to it. NAB, with approval of the Board of Directors, filed suggestions for improvement of FCC procedure with the Attorney General's Committee on Administrative Procedure, recommending particularly independent examination into the facts, and quasi-judicial review or judicial review on the facts and law by a tribunal independent of the administrative body. In most particulars the NAB endorsed the suggestions of the Federal Communications Bar Association.

## STATE LEGISLATURES

NAB cooperated with New York broadcasters with reference to the Perry Bill introduced in the New York Legislature, and the most burdensome threat to radio to come before a State legislature this year. This bill would have required broadcasters to secure the written consents of all performers on a broadcast program, a literal impossibility in many cases such as parades, football games and the like. It passed the Senate but was killed in the Rules Committee of the Assembly. No other legislation of importance is pending. Legislatures have been in session this year in only thirteen States.

## LITIGATION

*RCA v. Whiteman*, now pending decision in the U. S. Circuit Court of Appeals in New York, has engaged NAB attention for

the protection of broadcasters' interests in the use of phonograph records. The lower court's decision, unfavorable to radio in finding common law rights in performing artists in their recorded renditions, has been appealed, briefs have been filed and oral argument had. Decision on appeal has not yet been handed down. NAB employed special counsel in New York to represent the interests of the industry.

## LEGAL ASSISTANCE TO MEMBER STATIONS AND THEIR ATTORNEYS

Specific information and advice has been given upon request concerning the Commission's Rules and Regulations, and on matters pertaining to performing rights licenses, the playing of phonograph records, lotteries, treatment of political candidates, defamation, income tax, Social Security and Wage-Hour rulings, misleading advertising and other topics of importance to members. In all of this work care has been exercised to avoid conflict with the services rendered by private counsel in radio matters.

Counsel has been in touch with government agencies and commissions, has attended hearings before the Commission on television and FM, and on administrative procedure before the Attorney General's Committee. Counsel has acted as secretary to the Radio Committee of the Committee on Cooperation between Press, Radio and Bar, which has worked to bring about a basis of mutual understanding between the three groups in their relations with one another and the public.

A radio plank was submitted to the Resolutions Committees of the Republican and Democratic National Conventions at Philadelphia and Chicago.

In addition to routine study of court decisions, special study of the Federal anti-trust laws as they affect the NAB was made and submitted to the Board of Directors.

## LEGAL ASSISTANCE TO NAB STAFF AND COMMITTEES

Analysis of statutes, contracts, forms, the drafting of resolutions and proposed amendments, and general assistance to members of the NAB staff was rendered from time to time as problems presented themselves.

*Sanders Brothers Case.* The decision of the United States Supreme Court in *FCC v. Sanders Brothers Radio Station*, decided March 25, 1940, is the most outstanding of the year in its effect on broadcast licensees. In accordance with a resolution of the Board of Directors, Counsel has analyzed the decision and submits his analysis below:

*Federal Communications Commission v. Sanders Brothers Radio Station*, U. S. (decided March 25, 1940, rehearing denied April 22, 1940.)

The Supreme Court of the United States granted a writ of certiorari in this case to determine whether an order of the FCC granting an application for a construction permit to erect a radio broadcasting station is defective because the Commission did not make findings as to economic injury to an existing station in the same area, due to competitive conditions in that area, which had intervened before the Commission to oppose the application; and whether, assuming that findings on this subject are not essential, the intervening rival station is authorized by Sec. 402 (b) of the Communications Act to appeal to the Court of Appeals for the District of Columbia as "a person aggrieved, or whose interests are adversely affected, by any decision of the Commission granting or refusing any such application".

The Court's opinion, by Mr. Justice ROBERTS, holds that economic injury to an existing station is not a separate and independent element to be taken into consideration by the Commission in determining whether it shall grant or withhold a license, although the question of competition between a proposed station and an existing one may have an important bearing upon the ability of the applicant to serve his public, and on the question of whether both stations will go under and leave a portion of the public without adequate service, or by a division of the field whether both stations will be compelled to render inadequate service.

Thus economic injury to an existing station as such, and apart from considerations of public interest, convenience or necessity,

need not be weighed separately by the Commission. But on the question of whether the grant to the applicant will be in the public interest, competition is relevant. It would seem that a showing that resulting competition would cause both stations to go under, or both to render inadequate service to the public, or make it unlikely that the applicant can adequately serve his public, would defeat the grant.

The opinion also concludes that although a licensee cannot resist the grant of a license on the sole ground that the resulting competition may injure him economically, yet he is entitled to appeal under Sec. 402(b) of the Act, since one likely to be financially injured by the issuance of the license might be the only person having sufficient interest to bring to the attention of the appellate court errors of law in the action of the Commission in granting the license.

Thus, it would seem clear that an existing station which is adequately serving its public, can appeal from an order granting a license to a new applicant which will result in a competitive situation which will prevent either from adequately serving the public for whose attention they would compete. If, on appeal, the existing station can show that the Commission failed to consider the effects of competition on the ability of either station to operate in the public interest, convenience or necessity, or if it can show that the grant of the new license will render it impossible for either station adequately to serve the public, then the decision of the Commission would be reversed for lack of substantial evidence to support the Commission's finding that the new grant would be in the public interest, convenience or necessity.

In deciding that economic injury to an existing station in and of itself and apart from considerations of public interest, convenience or necessity is not a subject on which the Commission must make separate findings, the Court said that the purpose of the Act in respect of broadcasting is the allocation and regulation of the use of radio frequencies by prohibiting such use except under license; that the Act recognizes that broadcasters are not common carriers and are not to be dealt with as such, but that the field of broadcasting is one of free competition; that the Act does not essay to regulate the business of the licensee, and that the Commission is given no supervisory control of the programs, of business management or of policy; that the field of broadcasting is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the channel; that nothing in the nature of a property right vests in the licensee as the result of the granting of a license; and that it is not the purpose of the act to protect a licensee against competition but to protect the public.

Thus, assuming the grant of a new license on substantial evidence that it would be in the public interest, convenience or necessity, both stations, the old and the new must compete for the economic support of their service areas; and the corollary of free competition in broadcasting is freedom from regulation of competition, whether regulation of rates, business management, policy or program content. Stations that must, in the words of the Court, "survive or succumb according to their ability to make their programs attractive to the public" must remain unfettered by the regulatory body in the exercise of their discretion as to how best to compete successfully.

Respectfully submitted,

RUSSELL P. PLACE, JR.,  
*Counsel.*

## Labor Relations Department

The broadcasting industry's progressive labor policy continues to pay dividends.

Greatest of these has been organized labor's continued friendship, goodwill and respect. Broadcasting needs organized friends. It

now has a good one in labor. This relationship should be preserved and fostered.

More tangible are those dividends the industry has received as a result of its policy in its day-to-day dealing with its employees and their representatives.

Broadcasting demands a high standard of workmanship. In return it pays well. The industry's average weekly pay check of \$45.20 is believed to be the highest in the country. Although it is extremely difficult for broadcasting employees to keep those regular hours possible in a factory, the average work week in the industry was decreasing toward 40 hours even before federal wage and hour legislation was enacted. Vacations with pay have been the rule rather than the exception for years. Likewise, few broadcasters have ever thought of making pay deductions for sick-leave, time off for fishing trips and the like. Complaints against general working conditions have been few, scattered and minor.

The industry, as a whole, has accepted collective bargaining as a normal and permanent part of its relationship with its employees. Only two stations in the last two years have been accused by the National Labor Relations Board of violating the Wagner Act. During a period when broadcasting employees were rapidly organizing, this is a record of which the industry may well boast.

Nine broadcasting strikes have been called to the attention of the association during the past year. Six of these resulted from failure of stations to agree with technicians' unions on the terms of first contracts. Inexperience with collective bargaining and its technique on the part of station managers undoubtedly was a factor. Those stations which utilized the service of the association's labor relations director in making first contracts fared better.

The other three strikes resulted from failure to agree on terms for the employment of staff musicians. All three were settled by compromise.

To the best of its ability, the industry has complied to the letter of the Wage and Hour Act, even though there is a widespread feeling among broadcasters that Congress had no intention of placing any burdens on such a well-paid industry when it adopted a measure to eliminate sweatshops. I say the industry has complied "to the best of its ability" advisedly. So many rules, regulations and opinions have necessarily been issued to implement the broad terms of the Act that what appeared to be compliance one day turned out to be violation the next.

The law specifically exempted executives, administrative employees, professionals and outside salesmen from both wage and overtime provisions. At first glance, it appeared that 90 per cent of all broadcasting station employees fell into those classifications and that the law would mean little to the industry. The administration's definitions of executive, professional, etc., were so narrow, however, that, in the ordinary small station, only the station manager was exempt. The association is making efforts to remedy this situation.

A great deal of the labor relations director's time during the past year has been devoted to advising station managers to apply the Wage and Hour Act to their employees. His success may be judged by the fact that only three stations have been found to have violated the Act. Settlements without prosecution were arranged in all of these cases.

Personal friendships are as valuable in labor relations as in business. The labor relations director's many friendships among both labor leaders and governing officials dealing with labor have been extremely valuable to the industry. To increase their number, the director has attended practically all the major labor meetings in the country during the past year. At both the A. F. of L. and C. I. O. national conventions, he discussed broadcasting problems with labor leaders, and assisted in arranging convention broadcasts. This was much appreciated.

There has been a tendency during the past year for a few scattered individual broadcasters to allow themselves to be carried away from the industry's general labor policy by the wave of reaction which followed certain labor excesses of the past five years. Since broadcasters were the victims of at least one of those excesses, and since broadcasters are businessmen, this tendency has been entirely natural. Any general feeling on the part of Business is bound to be reflected in the broadcasting industry. But an individual broadcaster should think twice before departing from

the industry's labor policy. He should think about the long-range effect of his departure upon his station as a part of a public service industry, as well as about the immediate effect upon his individual operation. Compliance with the industry's labor policy certainly does not mean that the individual broadcaster must make himself an easy mark for any labor union that comes along. He would lose labor's respect if he did.

On a dollars-and-cents basis, however, it will pay to get along with labor. By avoiding strikes and futile labor litigation, the industry already has saved an incalculable amount during the two years since the NAB was organized.

In pursuing this policy, both the industry and individual broadcasting stations have at their command the services of a well-trained labor relations director and a well-equipped labor relations department. The director knows labor leaders and how they think. He knows the technique of collective bargaining. He knows how to conciliate disputes. At his disposal he has a store of labor information that can be invaluable to any member encountering a labor problem.

The director's only complaint, after two years of service, is that individual members have not made more use of him. Most of the few labor difficulties which stations have encountered during the past two years could have been averted if the NAB had been consulted in time.

Following is a topical review of the principal labor developments in the industry during the past year.

### WAGE AND HOUR ACT

Compliance with the Wage and Hour Act has turned out to be one of the most severe of the industry's many headaches. Rules, regulations and official opinions are so many and complicated that half of the labor relations director's time during the past year has been devoted to trying to keep member stations out of Wage and Hour trouble. These efforts have been quite successful. Three stations were compelled to settle for back-pay, due under the act, after inspection by the Wage and Hour Administration. But the vast majority of broadcasters have done everything they could to comply to the letter of the law, the rules and the regulations. Approximately 500 inquiries about how to comply have come to the NAB Labor Relations Department. The information sent out in return has been supplemented by talks at district meetings in Seattle, Portland, San Francisco, Los Angeles, Boston, Philadelphia, Greensboro, N. C., and Memphis. Information about the act also has been given to the entire membership almost weekly through the NAB REPORTS.

The broadcasting industry's average weekly pay check of \$45.20<sup>1</sup> is believed to be the highest of any industry in the country. When the Wage and Hour Act was approved in the summer of 1938, it seemed that the industry would need to make few adjustments—that it already was complying with any law designed to eliminate sweatshops. But the overtime provisions of the law affected not only sweatshop workers but highly paid craftsmen as well. Only executives, professionals and outside salesmen were exempted. And such stringent definitions of "executive" and "professional" were drawn up by the Wage and Hour Administration that the average broadcasting station found it had only one executive and no professionals at all, except musicians and actors. If any employee worked more than 42 hours a week, he had to be paid time and one-half for his overtime. That, of course, tended to make broadcasters limit their employees workweek to 42 hours, and this limit often was as distasteful to the employees as it was to the employers. In most stations, 40 hours is the standard work week. Broadcasters have been free, too, in giving time off for fishing trips, ball games, funerals, and the like without docking employees. But a broadcasting station just isn't a factory; and its employees cannot and do not like to work by the time clock. With all this in mind, the NAB Labor Relations Director appeared at a Wage and Hour hearing July 25 to propose amendment of the administration's definition of "executive" to make possible exemption of the ordinary station's chief engineer, program director and other executives from any hours limitation. The administration's decision is expected late this summer.

<sup>1</sup> Federal Communications Commission figure for the week of December 11, 1938.

When the act was approved, the labor relations director appointed a special Wages and Hours Committee to advise and consult on problems growing out of the act. This committee has met in Washington several times, and has been consulted by letter and telephone on numerous occasions. The committee's last meeting directed the labor relations director to attempt to have the Wage and Hour Administrator reverse a subordinate's opinion that talent charges should be added to base salary of announcers in determining their overtime rate. The Administrator refused this request. Some leading broadcasting attorneys are of the opinion that these talent charges need not be added to base pay in determining overtime when the sponsor is the announcer's employer under Bureau of Internal Revenue rulings.

Efforts have been made in Congress to exempt *all* employees who are paid \$150 or more a month. These efforts have failed so far, but there is now talk that the Administration, by regulation, may exempt all making \$175 or \$200 or more. Even a \$200 exemption would relieve most stations of almost all of their Wage and Hour pain.

The NAB Labor Relations Director succeeded in having the Wage and Hour Administrator revise a rule which required wage and hour records for transmitter engineers to be kept at the transmitter.

### A. F. OF M.

The industry is currently at peace with the American Federation of Musicians (A. F. of L.). Although neither the industry nor the union is completely satisfied with the present arrangement, it appears to be working out reasonably well and to have been the best practical adjustment of a difficult problem.

The networks and their affiliates since January 17, 1940, have continued to employ, generally speaking, staff musicians, and to pay these staff musicians the same total annual salary that they paid under the national agreement which expired January 17.

As a result of this general policy, the A. F. of M. has dropped its demand of last November 2 for a new national agreement with a \$1,500,000 increase.

A large group of non-network stations is continuing to operate under a national agreement which calls for "quota" expenditures for staff musicians until September, 1940. It seems doubtful that the union will press for renewal of this agreement if the non-network stations continue to employ staff musicians as they have for the past two years.

The opinion of Thurman Arnold, assistant attorney general, that it was illegal for labor unions to compel business to employ unnecessary labor was generally believed to have influenced the musicians to drop their demand for a new national agreement with the networks and affiliates. This opinion has yet to have a final test in the courts. When the courts hand down a final and applicable opinion, the future relationship between the industry and the musicians union can be predicted with far more certainty than it can be today.

Most local agreements between the musicians and the affiliates expired simultaneously with the national agreement, and there have been a few scattered disputes in arriving at new local contracts. Most of these were settled without even any serious local trouble, but two had national repercussions. When Stations KSTP and WRVA failed to reach an understanding with their locals, the union asked NBC and CBS to quit sending them name-band sustaining programs. The networks turned down this request. The union then ordered name-bands to quit network broadcasting. Within ten days, the local disputes were adjusted by compromise, and the name-bands were back on the air.

Joseph N. Weber, president of the A. F. of M. for 40 years, retired at the union's Indianapolis convention in June, on orders from his physician. He was succeeded by James Petrillo, for many years president of the Chicago local. Much-loved in his union, Joe Weber was highly regarded by all who dealt with him. His word was his bond. He was kindly and understanding. He was working first, last and always for his members, but he had a long-range viewpoint that won him much respect from the broadcasters. He was never too busy to hear their complaints and suggestions, and was always ready to try to adjust knotty problems to the best interest of all concerned.

## ASSOCIATED BROADCAST TECHNICIANS

The International Brotherhood of Electrical Workers (A. F. of L.) has led the pack of unions trying to organize broadcasting employees during the past year. The I. B. E. W. takes in only technicians. For the past year it has been enrolling them in the Associated Broadcast Technicians, an affiliated union which once confined its membership to Columbia Broadcasting System technical employees. The I. B. E. W. says it now has more than 200 contracts with radio stations, and is talking about trying to get a national agreement within a few years.

A great many stations have used the services of the NAB Labor Relations Director in making their first contracts, or renewing old ones, with the I. B. E. W. The NAB labor contract pool has been of invaluable assistance in these cases. The personal friendly relationship between the labor relations director and the officers of the I. B. E. W. and ABT has proved extremely valuable, too. Both Daniel W. Tracy, president of the I. B. E. W.,<sup>1</sup> and D. J. Dunlop, business manager of the ABT, are keen admirers of the NAB labor policy in general, and have called on the labor relations director to help clear up misunderstandings almost as often as the broadcasters have. This relationship has served the industry well. It should be kept and developed.

The NAB, in its advisory capacity, and the I. B. E. W. are approaching common ground on the general form for a contract to cover station technicians. There have been no direct negotiations along this line, and none is contemplated for the immediate future. It is proving helpful to stations negotiating with a union for the first time, however, to find that at least some provisions of the union's proposal are unobjectionable.

## AFRA

The American Federation of Radio Artists has continued to concentrate its activity in the larger production centers. Although the union has obtained a few new contracts during the past year, it struck a snag when it demanded extra fees for staff announcers for reading commercial announcements. This issue arose almost simultaneously in St. Louis, Chicago, Cincinnati, Philadelphia and Schenectady. In only one instance did a station capitulate to the union's demand. That was in Cincinnati. In St. Louis, there was a compromise. A station there agreed to pay extra fees for commercials only when the announcer was called in to read commercials on his normal days-off. In Philadelphia and Schenectady, stations agreed to turn over talent charges if and when the stations collected them from sponsors. In Chicago, the issue was put to arbitration. There was some difference of opinion as to what the arbitration award meant, when it was rendered just a few weeks ago.

This summer, AFRA approached the major transcription companies with a proposal for an agreement (or "code") to cover wages, hours and working conditions of announcers, actors and singers. From an industry viewpoint, the AFRA proposal was of great interest for two reasons. First, its acceptance would have materially increased the cost of transcriptions to broadcasting stations. Second, it would have forbidden the transcription companies to furnish transcriptions to any station which AFRA declared "unfair." The NAB advised both AFRA and the companies that the industry considered application of such a clause would be illegal. Negotiations were still in progress when this report was prepared.

## ACA

The American Communications Association, the C. I. O. union which takes in all broadcasting employees except artists, has obtained a few new contracts during the past year, but its expansion has not compared with that of rival A. F. of L. unions. The ACA membership is still confined almost entirely to Washington, Baltimore, Philadelphia, New York and Buffalo. Philadelphia and Baltimore are its strongholds. The leadership of the union has been accused numerous times of having Communistic leanings, but this has always been denied. The ACA has continued to concentrate on ship and telegraph operators, messenger boys and other

<sup>1</sup> Mr. Tracy has resigned his union office, probably temporarily, to become second assistant Secretary of Labor.

telegraph employees, and radio communications employees. No great effort has been made to organize broadcasting employees away from the Atlantic seaboard.

## AMERICAN NEWSPAPER GUILD

The Guild, the other C. I. O. union in the broadcasting field, continues to hold a few contracts covering writers, announcers and some technicians in radio stations, although the Guild was organized as a newspaper employees' union. Expansion has been slow. Internal friction has been a great hindrance to the Guild, especially since the death of its first president, Heywood Broun.

## STRIKES

Of the nine strikes in broadcasting stations reported to the NAB during the past year, five were called by the I. B. E. W., three by the A. F. of L., and one by the ACA. All of the I. B. E. W. strikes resulted from a disagreement on terms for a first contract. The closed, or union, shop was a leading issue in each case. The three musicians' strikes resulted from failure to agree on the amount the stations were to spend for staff musicians during the year. Disagreement over terms for a first contract led to the single ACA strike. Stations faced with a strike might well call in the NAB Labor Relations Director. His experience in dealing with labor unions might avert a nasty situation.

## JURISDICTIONAL DISPUTES

In his report to last year's convention, the labor relations director pointed out that the industry faced the possibility of numerous jurisdictional disputes between various unions—disputes over which union's members should do a particular job. Only one of these has materialized during the year. It is between the I. B. E. W. and the Stagehands' Union over which should operate television cameras and handle the electrical equipment for television shows. There has been no show-down fight as yet.

## LABOR ON THE AIR

Owing largely to the increased liberality of the networks during the past winter in giving national labor leaders time on the air, both the A. F. of L. and the C. I. O. are pretty happy just now about the broadcasting situation. The NAB Labor Relations Director arranged for an increase in the number of labor talks last fall when the C. I. O. was looking with a wary eye at the Code of Program Standards. They felt it would be used to keep labor off the air and, at their San Francisco convention, instructed their national officers "to exercise constant vigilance over the availability of radio facilities to organized labor and if necessary to press for appropriate legislation assuring the fundamental right of full and free access to radio facilities for organized labor." Only the labor relations director's personal appearance before the C. I. O. Resolutions Committee kept the resolution this moderate. In a few instances, unfortunately, the Code has been used to keep local labor leaders off the air, but by and large it has worked to labor's advantage. The A. F. of L. is enthusiastic about it. In a program arranged by the NAB Labor Relations Director, Matthew Woll, A. F. of L. vice-president, last fall said the Code's adoption was a big step toward true democracy. By arrangement with both A. F. of L. and C. I. O., neither makes any complaint to the Federal Communications Commission without first consulting the NAB. During the past year, only one complaint went to the Commission; dozens of others were amicably adjusted.

Respectfully submitted,

JOSEPH L. MILLER,  
*Director of Labor Relations.*

## Public Relations Department

In the past year the relations of the broadcasting industry with the public it serves may be described in one word: excellent.

This is not the result of any one person's activity or of any one radio operation. It is the combined result of program service delivered by the entire industry which immediately affects the social and economic life of more than twenty-eight million American homes every day and night in the year.

The public relations policy of radio and its program policy are, inescapably, one and the same thing. Here no middleman stands between producer and consumer. What we transmit goes directly to the living-room of the home. If we please, we please instantly. If we displease, the displeasure is deep and widespread. No mobilization of so-called public relations tactics—*nothing* can regain the confidence and the goodwill of the listener except a good program, a better program, a more balanced program service.

It is clear from the very nature of things, therefore, that public relations and program policies are interwoven and interchangeable. If there has been one significant and sharply defined development in radio in the past year, this is it. The industry's policies for war coverage, for example, proceeded as much from a consideration of public relation factors as from a consideration of program techniques and availabilities. The same holds true in the adoption of policies for handling political broadcasts in the current presidential election year. For this reason the program thinking of the industry has been drawn into public relations thinking, and public relations has been drawn into the program department. The two cannot remain apart. What is good programming ought to be good public relations. What is good public relations *ought* to be translatable into good programming. To have the two welded in every unit of programming, commercial and sustaining, is our major operating job in 1940-41. The finest guide for this is found in the industry's own Code.

It has been the purpose of NAB public relations activities in the past year to seek out as much pertinent information as possible from all segments of the listening audience, and from all political, social and economic developments which would be most helpful to management and program policy makers. Equally serious and important has been liaison and contact work between the industry and outside groupings of the public who, because of the universal coverage of radio, find themselves and their interests affected. These include the field of women, religion, education, labor, the consumer movement, philanthropy, propaganda, national defense, and others. Below is given a detailed accounting.

### Radio and Religion

The service of American radio in projecting the voice from the pulpit to every home, is acknowledged by every thoughtful churchman. With few exceptions, most representatives of the 207 denominations carrying on their missions in the United States readily appreciate the soundness of the industry's position as expressed in the Code: "Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion." And with few exceptions, the overwhelming majority of radio stations in the United States and their clerical speakers have lived up to this self-imposed standard by radio and church. Where these few exceptions have occurred, in a day when both the motives and inspiration may well be questioned, the resultant and growing condemnation of both public and clergy is such as to bring about self-correction, or, failing this, eventual commercial self-destruction.

In the past year, the NAB has had the most helpful and sympathetic cooperation and support of most of the church organizations of the country. We are particularly grateful to Dr. Frank Goodman, executive secretary of the Department of National Religious Radio of the Federal Council of the Churches of Christ in America, and to Edward J. Heffron, executive secretary of the National Council of Catholic Men. Stalwart religionists both, they have brought to the problem a decade or so, each, of practical broadcasting experience.

### Radio and the Women's World

There has been a marked and measurable improvement in the relations of broadcasting with those organizations which represent the millions of club women throughout the country. This is in direct contrast to the situation which existed two or three years ago. At this time, caused chiefly by what the club women felt was an indifferent attitude on the part of radio about the character and quality of children's programs, there existed for them a strong temptation to follow those outside zealots looking for a cause and a mission who promised the relief they sought through pressure tactics and eventual government decree. It is a tribute to the

common sense of the American club women that they did not respond to the voice of false prophets. It is also fortunate that at this time the foundations for the NAB Code were being laid, and through this vehicle we were able to provide them the hearing they deserved but hitherto had been unable to receive. As a result of these consultations, many of their views were found to be practical, meritorious and desirably translatable into our program structure. There has followed, upon the recommendation of national club officers, a campaign of self-education on radio by various state and local club units. The NAB has been called upon again and again to send out literature for local use and study. At no time in our contacts with them have we found their interest in broadcasting to stem from anything save a wholesome concern about influences in the home, and especially during the past year, a concern for those influences subversive to our American way of life. It can safely be said that the American system of privately operated, competitive radio has no stronger bulwark of organized public support than that bestowed upon it voluntarily by the club women of the nation with whom NAB has been in contact. The one or two anti-radio blasts which were prominently played in the press last fall relative to afternoon programs in one case, and the handling of the war in another, are not representative of the organized club women of the country, nor typical of their constructive attitude and cooperation. These organizations, on November 29 last, accepted the invitation of the NAB to attend a luncheon conference to outline a year-round program for more practical cooperation. Distinguished club leaders from all over the country came to Washington. We are particularly grateful to Mrs. Saidie Orr Dunbar, president of the General Federation of Women's Clubs, and Mrs. Luella Laudin, executive director of the National Council of Women, for their generous cooperation in making this the successful meeting it was. There follows a list of those attending:

#### Those Attending

Miss Helen W. Atwater American Home Economics Assn.	Miss Bess Furman National League of Women Voters
Mrs. Henry Baker Service Star Legion	Mrs. E. Richard Gasch Second Vice President, American Federation of Soroptimist Clubs
Miss Miriam Birdseye Association of Women in Public Health	Mrs. Joseph E. Goodbar President, National Federation of Press Women
Mrs. Charles E. Bolling President-General United Daughters of the Confederacy	Miss Bess Goodykoontz National Council of Administrative Women in Education
Mrs. Frederick H. Brooke Girl Scouts	Miss Dorothy Gordon National Council of Women
Mrs. Leonard J. Calhoun Mississippi Federation of Women's Clubs	Miss Frances Grant, President Pan American Women's Association
Mrs. Robert W. Cornelison Radio Chairman, New Jersey State Federation of Women's Clubs	Miss Rebekah S. Greathouse National Woman's Party
Mrs. William H. Corwith President, American Legion Auxiliary	Mrs. Robert J. Green Catholic Daughters of America
Mrs. Saidie Orr Dunbar President, General Federation of Women's Clubs	Mrs. Otto Hammerlund National Society of New England Women
Miss Elizabeth Eastman Young Women's Christian Assn.	Dr. O. Latham Hatcher President, Alliance for Guidance of Rural Youth
Miss Ethel Evans Young Women's Mutual Improvement Association	Miss Alice Howard National Association of Deans of Women
Miss Jane Evans Executive Director, National Federation of Temple Sisterhoods	Mrs. Thomas Howerton Osteopathic Women's National Assn.
Miss Catherine Fitzgibbon Secretary, Women's International League for Peace and Freedom	Mrs. W. Chapin Huntington President, Society of Women Geographers
	Mrs. K. D. Jacob P. E. O. Sisterhood



Dr. Alice Keliher  
Progressive Education Association

Mrs. John Morrison Kerr  
National President, Children of the American Revolution

Mrs. Benjamin F. Kraus  
Radio Chairman, Massachusetts State Federation of Women's Clubs

Mrs. Luella Laudin  
Executive Director, National Council of Women

Miss Mary E. Leeper  
Executive Secretary, Association for Childhood Education

Mrs. Edwin C. Lewis  
National Radio Chairman, National Society of New England Women

Mrs. Blanche C. Lewton  
Chairman of Marketing, Woman's National Farm and Garden Association

Miss Dorothy L. McFadden  
Executive Director, Junior Programs

Mrs. Harold V. Milligan  
Radio Chairman, General Federation of Women's Clubs

Miss Bertha Nienberg  
International Association of Altruistic Clubs

Mrs. Moe Offenber  
President of Washington Chapter, Hadassah

Mrs. J. K. Pettengill  
President, National Congress of Parents and Teachers

Miss Constance Roach  
National League of Women Voters

Mrs. Henry M. Robert, Jr.  
President-General, Daughters of the American Revolution

Miss Josephine Schain  
Chairman, Executive Committee, National Committee on the Cause and Cure of War

Mrs. Nathaniel Singer  
Radio Chairman, United Parents Associations

Miss Izora Scott  
National Woman's Christian Temperance Union

Mrs. Sina H. Stanton  
Council of Women for Home Missions

Mrs. Victoria Faber Stevenson  
League of American Pen Women

Mrs. James Austin Stone  
National Women's Trade Union League

Mrs. Marion Hines Taylor  
Zonta International

Mrs. Mary Logan Tucker  
United States Daughters of 1812

Mrs. Arthur Vandenberg  
Camp Fire Girls

Mrs. R. Gordon Wagenet  
Women's International League for Peace and Freedom

Dr. Lulu Waters  
Osteopathic Women's National Assn.

Mrs. James Watson  
League of American Pen Women

Mrs. Roy C. F. Weagley  
Secretary, Associated Women of the American Farm Bureau Federation

Mr. Sterling Wheelwright  
National Federation of Music Clubs

Miss Earlene White  
National Federation of Business and Professional Women's Clubs

Mrs. Robert Clark Wiggins  
Pennsylvania Federation of Women's Clubs

### Radio and Children's Programs

Perhaps the finest example of the active condition of cooperation between the industry and women's groups was evidenced last year when nationally known organizations and leaders voluntarily set up the Radio Council on Children's Programs to implement that section of the children's section of the NAB Code which reads:

"To establish acceptable and improving standards for children's programs, the National Association of Broadcasters will continuously engage in studies and consultations with parent and child study groups. The results of these studies will be made available for application to all children's programs."

The Council is headed by Mrs. Harold V. Milligan, radio chairman of the General Federation of Women's Clubs and president of the National Council of Women. The vice chairmen and the fields which their interest and influence cover are: Mary Gould Davis, American Library Association, public libraries and librarians; Miss Rita Hochheimer, National Education Association, schools; Dr. Alice V. Keliher, Progressive Education Association, teachers' organizations; Mrs. Dorothy Lewis, New England Colony of Women, patriotic women's organizations; Mrs. Dorothy L. McFadden, founder-director of Junior Programs, Inc., children's program producers; Mrs. Nathaniel Singer, United Parents' Associations, parents' groups.

Last February the NAB Board of Directors authorized a survey to be jointly conducted by NAB and the Radio Council on Children's Programs. The RCPP named Mrs. Dorothy Lewis as its field representative. She will visit radio stations, advertisers,

agencies, contact club women, hold meetings and complete surveys in 44 states. She has already visited the South Atlantic and mid-western sections of the country. Her itinerary this fall, taking her to the far west, Pacific Coast, southwest and deep south will be completed in late December. Mrs. Lewis has made a splendid impression wherever she has been. She has never failed to bring about a broader appreciation of American radio and the difficulties of programming, especially in the children's field. Her findings will be made available to the industry and to advertisers in 1941. We are indeed indebted to her for her prodigious self-sacrifice which caused her to be separated from her family the better part of a year, to travel the highways and byways, because she desired to be useful in a cause in which the welfare of so many and so much is at stake. Likewise our appreciation to others in the Council and to Miss Dorothy Gordon, whose rich experience in children's entertainment has aided so much, and to Mrs. Milligan, whose kindly and influential leadership is bringing about a new and more cordial understanding between radio and its largest group of listeners: the women.

It is significant to record here that in her remarks announcing the formation of the RCPP, Mrs. Milligan said the following:

"The Council is prepared to undertake practical measures for the attainment of this end (better children's programs) even to encouraging the purchase of products of sponsors providing approved children's programs."

(A detailed report of the Radio Council on Children's Programs is given elsewhere.)

### Radio and the Press

Since Munich there has been a growingly mature and better understanding between press and radio. Certainly no appeasement, in the Chamberlain manner, has brought this about, for competition in the origination and publication of news continues vigorous and wholesome. But the dramatic impact of Munich and what followed served to force an outline of the area radio was to occupy in the transmission of news. The subsequent European war and the current national emergency have given a still sharper outline: because of its instantaneous coverage, radio must broadcast news as immediately as it is available. This is its duty to the public. To the credit of both this is realized, and superb examples of press-radio cooperation may be summoned from both the European and the domestic front.

It can be successfully demonstrated, we believe, that the greater amount of coverage of important spot news by radio, the greater number of newspapers sold, and conversely, as more newspapers are sold as a result of spot news developments, the more radio news listening results. In this we have found common ground. But to thoughtful publishers and broadcasters there is yet more important ground commonly shared: the concept and the parallel operation of a free press *and* a free radio in the American democracy. The press cannot live free and radio trammelled; nor can a free American radio continue if a free press is gone. Should one go, the other is next.

We believe that NAB has eliminated an erroneous concept in some sections of the newspaper world which felt that radio wished to live at the expense of the press. This was brought to public attention when NAB Headquarters challenged the propriety of an advertising agency placing a large volume of radio business to conduct a merchandising contest among the stations broadcasting its clients' programs, to be based chiefly on the amount of newspaper publicity obtained, with extra credits allowed for cuts in connection therewith. It was pointed out that radio's rates are based upon delivered radio audiences at minimum cost, not upon incidental newspaper publicity.

The NAB's position has always been that if radio makes news, it should be treated in the news columns accordingly. And in this category it places the listing of radio schedules as a reader service beyond question, as the new newspaper *PM* has recognized, though many other representative dailies have been doing this for years. But this is not what we sell the advertiser. Radio's economic justification is in its ability to reach the ears of buyers intimately and immediately via radio, *not* through newspaper columns. Obviously, the counterpart is that the newspapers' economic justification is their ability to reach the eyes of buyers regularly and effectively. Neither press nor radio can be sold at the expense

of the other for long. Each has its field of service. A paper or a radio station will "survive or succumb" as it serves the public and therefore the advertiser. Selling a medium on the basis of what some other media won't or can't do—and not upon what *you will and can do*—is poor selling. No schedule so sold, will long stick.

In the past year the NAB relationship with the ANPA has continued friendly and pleasant.

### Radio and Education

There has been a steady improvement in the quality and scope of educational broadcasting in the last twelve months. The year has been featured also by the increase in the number of educational directors appointed by commercial stations and in the number of schools and colleges offering courses in radio broadcasting technique. The Office of Education reports that there are now 345 schools and colleges offering radio instruction.

Throughout the year the NAB has enjoyed close cooperation with the Federal Radio Education Committee which, it is recalled, is jointly financed by the industry and two educational foundations, having been set up in 1934 at the request of Congress to bring about a better relationship between education and radio. FREC studies, group conferences and advisory services have contributed tremendously to the advances made this year.

There was a serious setback given to educational radio this spring when Congress failed to provide the necessary funds for the Office of Education with which to carry on its radio script exchange, transcription service, cooperative educational programs and advisory services. Unless necessary funds are forthcoming, this important work will have to be abandoned. Scores of stations throughout the country and hundreds of schools have found the Office of Education's material has enabled them to render a year-round educational radio service with wide public appeal. It is sincerely hoped that this work will not have to be abandoned.

There has been an increase in the number of important national and regional meetings where both educators and commercial broadcasters met to discuss their common problems. At the 11th Institute for Education by Radio at Ohio State University, some 500 attended. Some 70 commercial stations sent representatives, at NAB's request. This was the largest representation of the industry ever to attend the Ohio State meeting, generally regarded as the most important radio educational conference in the country. Several panel discussions and large group meetings were conducted by NAB staff men and by commercial station personnel. The general tone of the meetings indicated a very healthy condition in the relationship between education and broadcasting.

One recommendation is made. Consideration may well be given by station management to the damaging effects and loss of audience and goodwill as the result of unannounced moving of established educational programs, especially where these programs have an in-school listening following. Should it become necessary to move an established educational feature, good practice indicates that the transfer to the new time should be made so as to give the audience an opportunity to make plans to listen at the new hour.

### Radio and the Advertiser: Bureau of Radio Advertising

In conformity with the outline of duties set up under the NAB reorganization plan, it will be recalled that among other things, the Director of Public Relations was charged with the duty to "promote the use of radio as an advertising medium."

Pursuant to this mandate, and in close collaboration with the Sales Managers Committee and the NAB Director of Research, there was organized last year the *Bureau of Radio Advertising* whose functions are as follows:

"The Bureau is designed to promote radio as an advertising media; to conduct research and studies in all commercial, industrial and marketing fields requiring the use of advertising; to collect from the industry basic information, in usable form, for the industry; to place in the hands of commercial radio men effective presentations, sales stories and data especially adapted for use in auditions, divisional dealer and salesmen meetings; to develop closer relationships with advertisers, advertising agencies, trade bodies and the trade press.

"One of the Bureau's important functions will be to examine proposals from publicity-seeking groups to uncover any hidden commercial interest; and to divert as many of these as possible

into commercial users of radio; to stop the free-radio-ride abuse.

"The Bureau also will act as a buffer for radio stations who are the victims of undue pressure from advertising agencies or advertisers in the demand for unusual merchandising service or concessions not provided for in the rate card."

Brought forth from the Bureau have not only been trade studies, radio media presentations, and industry-wide representation at all important advertising business-placing meetings, but also the involvement of the unit plan of radio advertising which places radio on a parity with other media as to comparative classification figures.

Through the cooperation of the NAB Research Director, Paul Peter, the foundation and continuing fact-finding life blood of the Bureau was made possible.

Because of the wide acceptance of the Bureau's services by stations the demands for time and information on the then NAB staff reached a point where it was necessary to retain a full time experienced person for essential follow-through work. NAB chose Samuel J. Henry, Jr., formerly sales promotion manager of the World Broadcasting System for the job. His work, reports and presence at all important advertising meetings have made him known to all. Because of the details involved, the report of the Bureau of Radio Advertising will be found separately reported.

### Radio and the Consumer Movement

In the past year, there has been an accelerated growth in the so-called consumer movement. At the present writing it is difficult to give a clear picture of the consumer movement for the reason that groups within it find themselves at cross purposes and conflicting objectives, socially and politically. NAB has kept the membership notified of all developments in the weekly Reports and in special notices.

Inasmuch as certain elements within the consumer movement desire to destroy advertising of all kinds, newspaper, periodical and radio, the NAB has not been hesitant in lending its cooperative effort in the establishment of the Committee on Consumer Relations in Advertising, Inc., which has been created by advertisers, agencies and media for the purpose of examining the merit of the charges made and to carry on a program of consumer education on a factual and fair basis. Neville Miller, NAB president, serves on its Board, representing the broadcasting industry.

It may be observed that examination of and contact with consumer groups reveals an astonishing lack of understanding relative to the social mission the advertising dollar plays, in addition to its mission in stimulating mass demand, commerce, and wide-scale employment. While there will always be room for improvement in advertising as in other human activity, it should be noted by consumer groups and others that without the advertising dollar a free press and a free radio would not be possible in this or in any other country where these democratic privileges are permitted.

### Radio and Reallocation

When it was originally anticipated that reallocation of stations in accord with the Havana Treaty was to be made about August 1, a plan to educate the public was developed by NAB so that the switch-over might be made in an orderly, industry-wide, simultaneous basis, without loss of listeners, time or money. The plan included a proposed tie-up with reputable servicemen's organizations such as the Radio Servicemen of America, who, in conjunction with stations, would make the necessary adjustments on push button sets at minimum cost and with guaranteed results. This plan is ready to become operative the minute a definite reallocation date is announced.

Certainly we acknowledge our thanks to Lynne Smeby, NAB Director of Engineering, and his NAB Engineering Committee for assistance and advice.

### Radio Institutional and Circulation Promotion

Shortly after it was reorganized, NAB, through its public relations department, in answer to the demand by stations that *radio be promoted via radio* inaugurated a year-round institutional campaign designed to sell the American System of Broadcasting

through our own media. National backgrounds were provided against which local and regional efforts might be projected. Literature, speeches, facts, figures, and ideas were collected and dispersed industry-wide. The project grew to a point where it was necessary to bring in additional help. For this purpose Mr. Arthur Stringer was retained by NAB. His intelligent and enthusiastic work is known to all members. His report is given separately. This work has not only emphasized the need of individual station "grass roots" promotion to its area of listeners, it has also pointed the way toward an enlargement of station audiences through circulation promotion; the extra set, as well as the new set in new homes.

Just ahead is the new NAB institutional promotion "Listen Before You Vote," calculated to dramatize radio's role in the presidential election, and therefore the national life of the country. The campaign slogan has drawn support from Republicans and Democrats, and from representative non-partisan groups who have realized that radio today is the New England Town Hall of yesterday where people and ideas are fairly presented and evaluated.

In conjunction with this promotion NAB has revised its pamphlet "Is Your Hat in the Ring", helpful suggestions to any candidate of any party about to approach a cold microphone, the "ABC of Radio," which lives up to its name and other literature, available at cost to member stations.

Many stations have requested promotional program material packaged in transcription form. Up until recently the expense involved has been a detriment to the execution of this idea. However, it is confidentially believed that a concrete proposal along these lines will be presented to the San Francisco convention in acceptable form.

#### Radio and Labor on the Air

This is a matter which has always been referred to the NAB Director of Labor Relations with satisfactory results. His report is found separately which includes this subject.

#### Radio and Its Support of National Defense

The entire industry has good reason to be proud of its spontaneous support to the government in the national emergency. No station has failed to give time, talent and facilities in this hour of national need.

Cooperating with the Civil Service Commission, NAB is sending out properly prepared announcements to all stations for the purpose of locating quickly the 100,000 skilled workers needed in preparedness industries. You recall the yellow page bulletins and the follow-up copy.

The NAB has also been in consultation with the War Department in its current recruiting campaign via radio.

#### The George Peabody Awards for Public Service Broadcasting

At the San Francisco convention there will be announced the establishment of the George Peabody Awards for Public Service Broadcasting which, through a distinguished Board to be announced then, is designed to exercise an influence in radio which the Pulitzer Prize awards exercise in the newspaper field.

Dr. John E. Drewry, Director of the School of Journalism and Radio of the University of Georgia, which will administer the Peabody radio fund, will appear on the NAB Convention program to make the announcement.

The Peabody Foundation was greatly persuaded by Lamhdin Kay, now Director of Public Service at WSB, to launch this undertaking. At a meeting held last spring with the Board of Regents of the University of Georgia, NAB successfully backed up Mr. Kay's proposal. It is confidently felt that from this will come a new and impartial yardstick for the evaluation of American broadcasting in the "public interest, convenience and necessity."

#### Radio Report of The American Civil Liberties Union

It will be of interest to note the following excerpts from the annual report just recently released by the American Civil Liberties Union with reference to radio:

"Freedom on the radio has shown marked improvement during the year. The new personnel of the Federal Communications Commission has refrained from the pronouncements concerning programs which marked the Commission a year ago. In the summer of 1939 an issue arose before the Commission under its former chairman on which the Union lodged a formal protest against an order that international broadcasting stations 'reflect the culture of this country and promote international goodwill, understanding and cooperation.' The Union held that this contravenes the provisions of the Communications Act prohibiting interference with free speech. The Commission ordered a public hearing on petition of the Union and at the hearing suspended the order. It has not been put into effect.

"Station program managers, under the influence of the new code adopted by the National Association of Broadcasters, have shown a far greater appreciation of radio's function in presenting all sides of controversial issues. Under the code, no time can be sold for a discussion of public issues, and equal facilities must be granted to all sides of a controversy. The public forum type of discussion has become widespread.

". . . . An examination of the working of the code was made by the representatives of the National Council on Freedom from Censorship on all types of stations with the net conclusion that the code has promoted a far larger and fairer degree of discussion of public issues. The National Association of Broadcasters represents radio stations reaching about ninety per cent of the listeners in the country.

"With the declaration by the President of a national emergency in September 1939 some fear was felt that he might act under the law to take over and operate radio stations. The Union, therefore, prepared a bill to take from the President that power. Though a bill was introduced in Congress it has made no headway, and there has been no indication that the power granted the President will be so used.

"The Union appeared before the Federal Communications Commission in behalf of the technical improvement in broadcasting known as frequency modulation, under which the number of wave lengths will be greatly increased, thus expanding the market for free speech."

#### NAB FIELD WORK

In conjunction with public relations activity of the NAB, the director attended and spoke at the following meetings during the past year:

##### November

Chicago—Illinois Federation of Women's Clubs.  
Peoria—Peoria Advertising and Selling Club.  
Springfield, Mass.—Radio Council of Western Massachusetts.  
Indianapolis, Ind.—Indianapolis Advertising Club.

##### December

New York City—Civil Liberties Union Dinner.  
New York City—New York Women's City Club.  
Chicago—Third School Broadcast Conference.

##### January

Boston—Radio Division of Massachusetts Federation of Women's Clubs.

##### February

Baltimore—Convention of National Association of Cleaners and Dyers.

##### March

Columbia, Mo.—Stephens College, Consumer Educational Conference.

##### April

New York City—New School for Social Research.  
New York City—Broadcasters' Bull Session.  
Des Moines, Iowa—American College Publicity Association.  
Columbus, Ohio—Eleventh Institute for Education by Radio.

##### May

New York City—Business-Consumer Relations Conference, National Association of Better Business Bureaus.

##### June

Chicago—Advertising Federation of America Convention.

#### PUBLIC RELATIONS OBJECTIVES AHEAD

On August 3rd there occurred a milestone in American radio history. The New York World's Fair of 1940 and the San Fran-

cisco Golden Gate Exposition joined hands to convey to the industry the thanks of a hundred million listeners for public service rendered. Plaques were unveiled in dedication to the American system of free radio. In them the sculptor visualized this line written by Walt Whitman: "The liberties of the people will be preserved so long as there are tongues to speak and ears to hear." Here is the kernel of American democratic radio.

Representatives of the press, religion, education, labor and other groups were on hand to bear testimony to the importance and solemnity of the occasion. It is to be hoped that from now on there will instantly occur in the mind and heart of the average American a parallel concept of "freedom of radio" when "freedom of the press", "freedom of religion", "freedom of assembly" are mentioned in speech or print. The phrase and the concept "freedom of radio" deserves to and will find currency in the everyday language and feeling of the American people.

Respectfully submitted,

ED KIRBY,  
*Director of Public Relations.*

## Research Department

During the course of the last year, since the Atlantic City Convention in July 1939, substantial progress has been made in developing the research activity of the National Association of Broadcasters.

The work started by the Research Director in assembling basic industry data has been continued and the Research Department was better able to fulfill requests for information from the membership and the general public. Much of the Department's time has been devoted to the collection of information and the performing of special analyses for President Neville Miller and the various Administrative Directors of the Association needed in conjunction with their work. The Research Department has worked, also, with various NAB committees in developing the factual material needed to fulfill their functions.

### PROGRAM LOG—FOR ACCOUNTING COMMITTEE

In conjunction with the revised Rules and Regulations Governing Broadcast Stations, issued August 1, 1939, by the Federal Communications Commission, the NAB Accounting Committee undertook the task of evolving a Program Log Recommendation. Many stations called upon the Association to assist them in the matter of interpreting the Program Log requirements of the Commission and also asked for a form suitable for the keeping of such a log. The Accounting Committee called on the NAB Research Department for assistance in this undertaking.

After the form had been evolved and instructions for the use of the log prepared, it was decided to check with the Commission to determine whether the recommendation met the requirements of the Commission Rule. A sub-committee of the FCC Rules Committee was appointed to consider the NAB Proposed Program Log Recommendation. Andrew D. Ring, Assistant Chief Engineer, served as chairman of the sub-committee with George B. Porter of the Legal Department, de Quincy V. Sutton and Frank Utter of the Accounting Department and William P. Massing of the License Bureau, serving on the committee. Mr. D. H. Deibler of the Legal Department substituted, on occasion, in Mr. Porter's absence. The Secretary-Treasurer and the Director of Research of the Association, at the direction of the Accounting Committee, represented the NAB in the discussions.

After a number of conferences with the FCC sub-committee, the Program Log Recommendation was completed, with slight revision, to the satisfaction of that committee. On recommendation of the sub-committee, the Program Log was then submitted to the FCC Rules Committee. That committee, in turn, expressed verbal approval with the request that the Program Log Recommendation be submitted formally to the Commission for its review.

After deliberation, the NAB Accounting Committee instructed the Secretary-Treasurer to submit the recommendation to the

Commission. This was done by letter to the Commission's secretary, March 30, 1940, in which the Commission was asked to review the recommendation to determine whether the form and instructions for the keeping of the Program Log would satisfy the requirements of the FCC Rule. A reply was received from the Commission May 8th and appropriate notice appeared in the FCC Report No. 928 B "Decisions of the Commission" on the same date. The Commission's decision as stated in their letter is as follows: "The Commission has determined that the log form submitted by you makes provision for the keeping of log entries as required by the Rules now in effect applicable to standard broadcast stations, and that the instructions submitted by you for keeping the log are appropriate under the Rules."

The Program Log Recommendation represents a valuable contribution in that controversy on interpretations of the requirements of the Rule has been cleared up. Stations and FCC field inspectors now have a clear conception of the log specified in the Rules. Adherence to the Rule as set forth in the recommendation which is designed to meet the minimum requirements of the Rule with minimum effort, should end the frequent citations issued by FCC inspectors, in the past, for improperly keeping the program log.

### ACCOUNTING MANUAL—FOR ACCOUNTING COMMITTEE

The NAB Accounting Committee reviewed the "System of Accounts for Broadcast Stations" prepared by the Association in 1935 in the light of numerous requests from member stations on details of accounting systems. The developments since issuance of the "System of Accounts for Broadcast Stations," particularly the financial reports required by the Federal Communications Commission, necessitated a complete revision. The Accounting Committee called upon the NAB Research Department to assist in preparing a revised accounting manual for broadcast stations. On recommendation of the Research Department, the manual was prepared in loose-leaf form. This provides the facility for current revision without necessitating complete reprinting on the occasion of each change arising as improvement in accounting procedure or caused by developments within the industry.

The "Accounting Manual for Broadcast Stations" as prepared by the Research Department (at the direction of the Accounting Committee), was approved in meeting in March, 1940, and was mailed to the membership April 5, 1940. The manual is a simple workable system which meets the everyday needs of station management. The annual financial report required by the Federal Communications Commission created the principal need for the revised manual. Particular attention was paid to the aligning of accounts to provide a direct and inexpensive means of preparing the FCC financial report eliminating the necessity for costly and time consuming special analyses. Equal attention was given accounting requirements for Federal and State income tax purposes. Lastly and most important, particular attention was paid to the matter of providing a system which would produce the vital financial facts needed in conducting the business of broadcast advertising.

### ON THE CALENDAR—FOR ACCOUNTING COMMITTEE

The American Association of Advertising Agencies has expressed the desire to standardize invoice forms used in billing for radio advertising service rendered. The Research Director, after consultation with the chairman of the Accounting Committee, has indicated NAB's desire to cooperate with the 4 A's in evolving a recommendation on the detail of information to be included on the face of invoices which will satisfy the needs of advertising agencies, broadcasters and advertisers.

Through this cooperative undertaking, effort will be made to eliminate affidavits required by some advertising agencies. The official status of the program log, as required by the FCC, is an unimpeachable "proof of performance" document held in the files of the station. When that document is quoted on the face of the invoice and advertising agencies are acquainted with the nature of the program log, affidavit requirements should be held superfluous. This subject, upon conclusion of the cooperative undertaking with the 4 A's, will be handled as a revision of the accounting manual.

In such a revision, there will be a recommendation concerning invoices and also recommendations concerning expansion of the program log as an accounting document. With reference to the latter, the program log can be used as a sales journal. Also, it will be shown that with some modification the program log can be improved as a "proof of performance" record.

The Accounting Committee will, undoubtedly, be represented in another cooperative undertaking with the American Association of Advertising Agencies. John Benson, President of the 4 A's, has discussed with NAB President, Neville Miller, the subject of revising the Standard Order Blank for Spot Broadcasting. The present form was evolved by NAB in cooperation with the 4 A's in 1933. Developments in the industry since that time have introduced agreement stipulations not included in the standard conditions.

Mr. Miller has indicated the industry's desire to cooperate and will appoint a committee to represent NAB.

#### 1940 CENSUS—RESEARCH COMMITTEE

The Director of Research and the Research Committee were instrumental in having a question on radio ownership included in the 1940 Census. Numerous conferences were held with Census officials and the Director attended many meetings and hearings held by the Bureau of the Census and the Central Statistical Board. During January of this year, in making final appeals to the Census Bureau, the Director of Research joined with the Department of Commerce, the Office of Education, the State Department, the Federal Communications Commission, the Radio Manufacturers Association, the United States Army and the United States Navy. This group set forth the questions on radio it desired included in the Census and the purposes to be served by information thus obtained.

The Census Bureau decided to exclude the subject, radio, from the Population schedule but included a single radio question in the Census of Housing which was ordered by Congress to be conducted in conjunction with the 1940 Population Census. Continued efforts are being made to impress upon the Census Bureau the social significance of radio and, therefore, the justification for including the subject in population censuses in the future.

The single question included in the Housing schedule of the Census is as follows: "Is there a radio in this dwelling?" The Census answers to this question will revise the industry figure of the number of radio families in the United States. There will be no information as to the number of radios in each home. Nor will there be a count of automobile radios, sets in places of business, hotels, institutions, etc.

It is hoped that the Census Bureau will grant the request that the radio question be analyzed against the Census question on family income. The importance of this undertaking should not be underestimated. It has been pretty well established through surveys that radio advertising has a more universal circulation as to income classes than any other advertising media. In the 1940 Census, with the inclusion of that much discussed question on income, there exists the means of developing, through this authenticated source, the positive proof of radio's universal appeal.

#### FUTURE RADIO SET COUNTS AND LISTENING HABITS—FOR RESEARCH COMMITTEE

The Research Department, at the direction of the NAB Research Committee, is preparing plans for developing annual estimates of the number and distribution of radio sets in the country. The point of primary interest naturally will be that of annually bringing up to date the figure of radio families in the country. In addition to that information, there is the desire to establish the number of radio sets in homes, in automobiles, in sub-homes (summer cottages, etc.), and portable sets in order to establish a measure of the increased radio circulation afforded by multiple sets. If it is financially feasible, an effort will be made, also, to determine the number of radios in institutions, places of business, hotels, and so on.

At the direction of the Research Committee, plans are being drawn for a continuous survey which will include questions to procure information on radio set ownership in homes. In addition to these receiving set data, plans include questions on listening habits in an effort to establish:

1. Available Audience—that is, when family individuals are available to radio receiving sets and therefore able to listen. This information is of prime scientific value in gauging potential listening for industry to shape program policies by individual hour of the day.
2. Radio Set Use—that is, when each radio set within the home and in automobiles was in operation on the day prior to the interview.

In addition to these broad objectives, it is planned to develop data revealing the age and condition of receiving sets, the age and sex composition of radio families, ownership of automobiles, auto radios, the presence of telephones in the home, the occupation of the head of the family, and allied information. Data on available audience and radio set usage will be developed in detail by hour for each day of the week and tabulated by economic groups, geographic areas and by population as to city size and farm area.

The plan as being developed employs very much the same method as that used by the Joint Committee on Radio Research in its study of "Rural Radio Ownership and Use in the United States."

An urban survey, patterned after the Joint Committee's Rural Survey has been conducted jointly by CBS and NBC during 1938 and 1939. Through this experience, some improvement of the method has been made carrying on the objectives of the Joint Committee on Radio Research.

The Research Committee is recommending to the NAB Board of Directors that NAB publish the findings of the 1938 and 1939 surveys as a Bureau of Radio Advertising undertaking.

#### BROADCAST ADVERTISING VOLUME REPORTING

At the request of the NAB Board of Directors, the Director of Research and the Research Committee have evolved a plan for reporting broadcast advertising volume by month in terms of time units. No dollar figures will be released. In the report to be submitted to the Board of Directors at its meeting, August 4th in San Francisco, it is recommended that the information obtained from stations on business carried shall be interpreted in terms of time units—one unit shall equal one minute of program time. Announcements shall be interpreted in terms of average time represented but tabulated separately from program units. Monthly reports of broadcast advertising volume will be presented in the following detail:

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. By source of business               <ol style="list-style-type: none"> <li>A. National network</li> <li>B. Regional network</li> <li>C. National non-network</li> <li>D. Local</li> </ol> </li> <li>2. By city size—population               <ol style="list-style-type: none"> <li>2,500,000 and over</li> <li>1,000,000 to 2,500,000</li> <li>500,000 to 1,000,000</li> <li>250,000 to 500,000</li> <li>100,000 to 250,000</li> <li>50,000 to 100,000</li> <li>25,000 to 50,000</li> <li>10,000 to 25,000</li> <li>Less than 10,000</li> </ol> </li> <li>5. By type of sponsoring business               <ol style="list-style-type: none"> <li>A. Retail Advertising                   <ol style="list-style-type: none"> <li>1. Amusements</li> <li>2. Book Stores</li> <li>3. Boots and Shoes</li> <li>4. Building supplies and contractors</li> <li>5. Clothing Stores                       <ol style="list-style-type: none"> <li>a. Men's</li> <li>b. Women's</li> <li>c. Men's and Women's</li> </ol> </li> <li>6. Department Store</li> <li>7. Drug Store</li> </ol> </li> <li>B. General Advertising                   <ol style="list-style-type: none"> <li>1. Agriculture</li> <li>2. Alcoholic Beverages</li> <li>3. Amusements</li> <li>4. Automobile</li> <li>5. Confections</li> <li>6. Educational</li> <li>7. Financial</li> <li>8. Groceries                       <ol style="list-style-type: none"> <li>a. (by 9 classes)</li> </ol> </li> <li>9. Hotels and Resorts</li> <li>10. Housing Equipment and supplies</li> </ol> </li> </ol> </li> </ol> | <ol style="list-style-type: none"> <li>3. By type of rendition               <ol style="list-style-type: none"> <li>A. Live talent programs</li> <li>B. Electrical transcriptions</li> <li>C. Records</li> <li>D. Announcements</li> </ol> </li> <li>4. By class of station               <ol style="list-style-type: none"> <li>Clear channel</li> <li>Unlimited</li> <li>Part-time</li> <li>Regional                   <ol style="list-style-type: none"> <li>High Power</li> <li>Unlimited</li> <li>Limited and Day</li> <li>Part-time</li> </ol> </li> <li>Local                   <ol style="list-style-type: none"> <li>Unlimited</li> <li>Day</li> <li>Part-time</li> </ol> </li> </ol> </li> </ol> |
|---|--|

8. Educational	a. (by 8 classes)
9. Electrical Appliance and Supply	11. Industrial
10. Furniture and Household	12. Insurance
11. Grocers	13. Jewelry and Silver-ware
12. Heating and Plumbing	14. Medical
13. Hotels and Restaurants	15. Miscellaneous
14. Insurance	16. Professional and Service
15. Jewelers	17. Publications
16. Liquor Store	18. Public Utilities
17. Miscellaneous	19. Radio
18. Musical Instruments	20. Sporting Goods
19. Professional	21. Tobacco
20. Radio	a. Cigars
21. Real Estate	b. Cigarettes
22. Sporting Goods	c. Tobacco
23. Stationers	d. Miscellaneous Tobacco
24. Toilet Goods and Beauty Shops	22. Toilet Requisites
	a. (by 5 classes)
	23. Transportation
	a. (by 6 classes)
	24. Wearing Apparel
<b>TOTAL</b>	<b>TOTAL</b>

Monthly reports will consist of significant tables showing the amounts of program, announcement, and total units in detail by source of business, type of rendition, city size, station classification and type of sponsoring business with as much cross tabulation of this information as is possible under the funds available for the work.

In addition to the above detail of reporting, the Research Department will maintain a complete file by advertiser to serve as a reference source for the industry.

The Research Director and the Research Committee are urging the adoption of the plan by the Board of Directors and the membership in convention.

#### COPYRIGHT

During the course of the year, the Research Department has devoted much time to the development of information on the subject of music copyright. This material was developed for the Board of Directors, the Copyright Committee, and President Neville Miller, during the negotiation stages with ASCAP. Later numerous special studies were made in conjunction with the formation of Broadcast Music, Inc.

#### FEDERAL RADIO EDUCATION COMMITTEE

During the course of the past year, the Director of Research has served, at the direction of President Neville Miller, in the work of the Federal Radio Education Committee. Constant contact has been maintained with Dr. Leonard Power, Research Coordinator of the FREC. The NAB Research Department has reviewed the various surveys and reports prepared by the FREC prior to publication.

#### DEPARTMENT STORE QUESTIONNAIRE

On May 15, 1940, the NAB Research Department sent out a Department Store questionnaire to all stations. The questionnaire was designed to develop information as to the extent of Department Store use of radio, case histories of successful Department Store campaigns and detailed information as to points of questions existing in the minds of Department Store heads which must be answered in successful sales approach. The survey was conducted in the interest of the Bureau of Radio Advertising to fulfill numerous requests from member stations, and to cooperate with the National Retail Dry Goods Association in preparing a report on—How Radio Advertising can be Used in Department and Dry Goods Store business.

With the material developed from this survey, it is planned that the NAB Bureau of Radio Advertising will prepare a Manual of Sales Approach to Department Stores, designed to sell new business, improve present campaigns and expand store use of radio. This aid to station Department Store approach coupled with the

report of the National Retail Dry Goods Association on the use of radio advertising, should result in increased Department Store business.

#### FOREIGN LANGUAGE QUESTIONNAIRE

At the direction of the Board of Directors and President Neville Miller, the Research Director prepared a questionnaire which was sent to every radio station, on the subject of foreign language programs broadcast. Information obtained from this questionnaire will be used in conjunction with the industry's study of radio's position with regard to national defense.

#### WAGE AND HOUR—QUESTIONNAIRE

The Research Department has cooperated with the Labor Relations Director in the matter of analyzing the questionnaire addressed to all stations on the subject of the Wage and Hour Act and its application to station employees.

#### RESEARCH METHODS

At the direction of the NAB Research Committee, the Research Department is preparing reports of research methods which may be employed in developing reliable information on program audience. These reports will be available in manual form to assist those stations who are conducting their own research. To those stations employing outside research agencies, it will serve as an aid in understanding and evaluating the methods employed.

The Research Committee and the Research Department are studying methods for determining station service area. In this connection, the Research Committee called upon the NAB Engineering Committee to prepare a report on "Recommended Practices for Field Intensity Surveys for the Purpose of Estimating Field Strength Contours of a Broadcast Station in the Regular Broadcast Band". This report has been completed and is being studied currently by the Research Committee in the light of its usefulness in evolving a recommended standard of station service claims. It will be recalled that the Joint Committee on Radio Research worked on this problem and developed a great deal of useful information. This material is available to the NAB Research Committee and it is hoped that with some additional studies, a recommendation can be evolved which will be satisfactory to the broadcast industry, advertisers, and advertising agencies.

#### STATION ANALYSES

As of July 1, 1940, the stations in the United States and possessions number 847. An analysis of these by class of station is presented in the following table together with the count of NAB member stations within each classification. These classifications agree with those used by the Federal Communications Commission in analyzing financial data furnished by stations. For purposes of comparison, figures as of June 1, 1939, are also presented.

	NAB		NAB	
	Stations as of June 1, 1939	Member-ship June 1, 1939	Stations as of July 1, 1940	Member-ship July 15, 1940
Clear Channel:				
Unlimited (50kw)....	32	31	33	32
Part-time (50kw)....	4	4	4	4
Unlimited (5 to 25kw)	14	8	11	9
Part-time (5 to 25kw)	4	2	5	1
Regional Channel:				
Unlimited (High Power).....	8	6	8	6
Unlimited (Other)....	199	143	212	156
Limited and Day....	70	41	67	35
Part-time.....	37	19	30	16
Local Channel:				
Unlimited.....	242	126	330	168
Day and Part-time...	77	32	40	15
Total.....	687	412	740	442
Non-commercial.....	38	3	39	3
Territorial.....	10	3	12	4
Construction permits...	38 (2-Ter.)	4	56 (2-Ter.)	8
Grand Total.....	773	422	847	457

Metropolitan Districts	Operating Commercial Stations		Non-Commercial Stations		Territorial Stations		Construction Permit Stations		Total Stations	
	Total	NAB	Total	NAB	Total	NAB	Total	NAB	Total	NAB
2,500,000 and over.....	52	27	3	1	0	0	0	0	55	28
1,000,000 to 2,500,000.....	59	41	3	0	0	0	1	0	63	41
500,000 to 1,000,000.....	43	37	3	0	0	0	3	1	49	38
250,000 to 500,000.....	92	68	4	1	0	0	3	0	99	69
100,000 to 250,000.....	99	70	2	0	4	3	6 (1-T)	1	111	74
<b>City and Town</b>										
50,000 to 100,000.....	54	31	2	0	1	1	4 (1-T)	0	61	32
25,000 to 50,000.....	98	59	1	0	1	0	7	1	107	60
10,000 to 25,000.....	149	76	8	0	1	0	14	3	172	79
Less than 10,000.....	94	33	13	1	5	0	18	2	130	36
<b>Total.....</b>	<b>740</b>	<b>442</b>	<b>39</b>	<b>3</b>	<b>12</b>	<b>4</b>	<b>56 (2-T)</b>	<b>8</b>	<b>847</b>	<b>457</b>

The second analysis of radio broadcast stations by population of metropolitan district or city appears in the above table. The information presented here shows the total number of stations in each classification as of July 1, 1940, and NAB member stations as of July 15, 1940. The nine population classifications agree with those employed by the FCC in their financial analyses.

The Research Department is currently studying the new classification of stations as set forth in the revised Rules and Regulations Governing Broadcast Stations, issued by the FCC, August 1, 1939. When the provisions of the North American Agreement are put into effect, NAB will revise the above analyses of stations in terms of Class I, II, III.a., III.b. and IV stations as defined in the Rules and Regulations.

Your Research Director feels that the Association has advanced in matters of research during the past year. He has enjoyed his work for the industry and is looking forward to further progress during the coming year.

Respectfully submitted,

PAUL F. PETER.

July 17, 1940.

## Promotion

The Promotion Department of the National Association of Broadcasters is specifically interested in the:

1. Maintenance of the American System of Broadcasting.
2. Increase of radio homes.
3. Increase of secondary sets in homes.
4. Increase of hours of listening per day.
5. Creation of the widest appreciation of the fullness and diversity of the American program service.

Implementation of these aims divides activities into two parts: institutional promotion and circulation promotion; though, in most instances, a single activity encompasses both phases.

The success of this NAB activity depends entirely upon the voluntary and aggressive cooperation of member stations. This statement is made a part of the record for the purpose of pointing out that the hundreds of stations which participate in NAB promotions must profit thereby and think them beneficial.

Every effort is made to gear promotions with individual station activity. Though stations are urged to cooperate, the admonition is always included: "Write your own ticket." This policy has built up a group of loyal member-promoters. It has caused competing stations in many multi-station cities to join hands in industry promotion and thus present a united front to the public.

### UTILITY PROMOTION

Utility sales promotion is also assigned to the Promotion Department. Service is conveyed through personal correspondence and by bulletin. The position taken is that "your power company can be your best local customer."

From the figures of radio ownership, it is apparent that every domestic utility customer is the owner of at least one radio set. According to tabulations appearing in the February issue of the Edison Electric Institute Bulletin,\* these radios have an impressive influence on the net income of all power companies. As a current-consuming device, the Bulletin reveals, the radio set is fourth in importance. Radio sets account for 14 per cent of the entire domestic appliance load. Consequently, the increased interest in radio which has been promoted by broadcasters has a sound basis in fact.

Whatever a utility does to increase radio listening, to its own programs, or to the programs of others, has the same effect as putting additional appliances on the line—with one exception. The exception is that the consumer is not required to make any capital investment whatsoever.

Since January additional power companies have been converted to the use of broadcasting. Others have increased their schedules. By experience, broadcasting is being found the most economical method of reaching the power companies' customers, either to induce the purchase of current-consuming appliances, or to increase the use of appliances now in the home.

The pendulum is swinging in favor of broadcasting. The prediction is made that the coming twelve months will find the increase proceeding at an accelerated rate, provided broadcasters intelligently and aggressively cultivate this great potential utility field.

### NATIONAL RADIO FESTIVAL

The grass roots promotion, NATIONAL RADIO FESTIVAL, held the stage during May and June with several stations deciding to feature the event later, during participation in State and County Fairs in August and September.

More stations participated in Radio Festival than in previous promotions. For the first time a state registered 100 per cent participation of all its stations. That honor goes to Connecticut. For the purpose of the record these stations were:

WATR, Waterbury  
WBRY, Waterbury  
WDRC, Hartford  
WELI, New Haven

WICC, Bridgeport  
WNBC, New Britain  
WNLC, New London  
WTHT, Hartford

WTIC, Hartford

### 9 GOVERNORS PROCLAIM FESTIVAL

Nine Governors who issued Radio Festival proclamations were:

California—Gov. Culbert L. Olson  
Colorado—Gov. Ralph L. Carr  
Kansas—Gov. Payne Ratner  
Louisiana—Gov. Samuel Houston Jones  
New Jersey—Gov. A. Harry Moore  
New Mexico—Gov. John E. Miles  
Oklahoma—Gov. Leon C. Phillips  
Virginia—Gov. James H. Price  
West Virginia—Gov. Homes A. Holt

Countless mayors of cities likewise proclaimed Radio Festival Week.

\* The Institute is the power companies' trade organization.

Limited space does not permit inclusion of more than a geographical sampling of letters commending Radio Festival but excerpts which follow are typical:

Marshall B. Shantz, Jr., program director, WJTN, Jamestown, N. Y.:

"We would like to take this opportunity to express our gratitude to NAB for fostering National Radio Festival Week. We have received many definite indications that it has done us a lot of good from a number of angles, and we're looking forward to a repeat performance next year."

Howard Lane, manager, KFBK, Sacramento:

"Radio Festival Week in Sacramento was a terrific success and opened new avenues of promotion for us that we intend to utilize throughout the year. Our work in the schools met with such widespread approval of school authorities that an extensive schedule of cooperative school broadcasts, entirely different from what we have done in the past, has already been tentatively outlined to start this fall."

Joseph T. Connolly, promotion director, WCAU:

"From our standpoint Radio Open House Week in Philadelphia was a great success. Some 30,000 people toured the eight floors of the WCAU building."

Arch L. Madsen, manager of the nine months old station, KOVO, Provo, Utah:

"We made central Utah Radio Festival conscious and have received many compliments on the special programs. . . . we are already making plans for next year's celebration."

Dr. H. E. Fowler, head of the Department of English, State Teachers College, New Britain, Conn., over WTIC:

"It was a grand idea to promote the study of American broadcasting methods in our schools. Teachers and pupils alike (to say nothing of the judges of the contest) have been enlightened as to the remarkable development of radio in this country, and its many points of superiority to old-world broadcasting. And we have all learned more about the ways whereby radio may serve with the schools, to create a more intelligent citizenship in our democracy."

Allen Haid, program director, WHIZ, Zanesville, Ohio:

"Thank you for all past cooperation. Again may we wish you the very best of luck for the greatest Radio Festival of all times."

Ivan Streed, production manager, WHBF, Rock Island, Ill.:

"The week was very successful so far as the Quad-Cities was concerned. We received a lot of response from our listeners. The mayors of the seven cities, attorneys and ministerial alliances were enthusiastic and responded to all our requests. It was quite an event in itself for the two radio stations to broadcast something simultaneously." (WHBF and WOC, Davenport, Iowa, cooperated during Radio Festival Week.)

Alfred J. McCosker, president, WOR, New York:

"It is a pleasure to be able to cooperate with the work you are doing, as I feel that the more radio makes the public conscious of its efforts as a solidified industry, the more we, within the industry, will be able to do in mutually evaluating our problems and our subsequent gains."

Mrs. John R. Morris, WGBR, Goldsboro, N. C.:

"The Festival really went over in a big way and we were very happy over it. A record of visitors during the week was kept and we had an amazing number. We thank you very, very much for your suggestions and for your excellent cooperation at all times."

### "LISTEN WHILE YOU RIDE" "LISTEN WHILE YOU PLAY"

To raise the plateau of summer listening many stations are participating in the twin promotion—"Listen While You Ride" and "Listen While You Play." Listeners are told that it's no longer necessary to miss favorite programs when away from home. Auto radios and portable sets will do the trick.

This approach to the problem of increasing listener availability to programs is bearing fruit. One student of the question attributes a large part of this summer's 15% increase in the amount of listening to the growing ownership of auto radios and portable sets.

Many stations accompanied their decision to participate in these campaigns with the statement that they would be on all summer.

### "RADIO CHRISTMAS"

Last fall NAB suggested participation in "Radio Christmas." One phase emphasized circulation entirely; the other featured good will, with circulation secondary. Relative to the campaign an over enthusiastic article in a trade publication stated:

"With practically every major station in the country cooperating and with every market thoroughly canvassed via radio and newspaper campaigns, more than 50,000 old radios were collected by stations, repaired and distributed to under-privileged families by the stations, with local dealers and distributors tying in drive."

### "CURTAIN RAISER"

Last year's autumn time change was ushered in with "Curtain Raiser," an industry-wide promotion, credited with contributing substantially to circulation increases. A four-page rotogravure piece, newspaper size, containing photos of typical participations was mailed the membership.

As for radio set ownership, which is the basis of radio circulation, the NAB research department estimates that a total of 44,000,000 active radio sets were in operation in the United States at the first of the year. Twenty-eight million radio families have at least one set. But in those homes are 7,500,000 extra sets and 6,500,000 auto sets. Two million additional receivers are located in offices, stores, institutions, apartments, etc.

The Promotion Department is aggressively interested in adding to the 7,500,000 extra or "secondary sets" in homes throughout the nation. It is interested also in the replacement of primary sets BY "primary sets," rather than by "secondary sets"—because of the superior quality of reproduction.

### RMA RECOMMENDS RADIO ADVERTISING

The Radio Manufacturers Association, in a bulletin to its members, has recommended that set makers supply dealers with broadcast material, thus placing stations on an equal basis of competition with newspapers, for the solicitation of cooperative business.

The RMA bulletin reads:

"Action by RMA members, especially large companies, is recommended by the RMA Board of Directors for further cooperation in the joint radio promotion campaign of the National Association of Broadcasters and RMA.

"The broadcasters of NAB, local stations as well as networks, have been and now are giving splendid service to the radio industry with many special programs, spot announcements, promotion features and other activities—all aiding manufacturers, distributors and dealers to sell more radio sets and also increase the unit of sale.

"Local broadcasters desire to be placed at least on an equal basis of competition with newspapers, in respect to the cooperative advertising allowances of manufacturers to their distributors and dealers. The RMA committee in the joint promotion campaign, and also our officers and directors who have held conferences with the NAB, agree that we should assist local stations to solicit part of the cooperative advertising allowances of distributors and dealers. This can be accomplished if RMA members will supply to their distributors advertising material, such as forms of spot announcements, continuity, etc., similar to the advertising material furnished to distributors for newspaper use. This is recommended so that local broadcast stations may better solicit such local advertising from radio distributors and dealers.

"Also it would be effective if you would send your distributors a letter reiterating your company's faith in the power of radio broadcast advertising, especially for replacement sales. Such a letter might well point out the close community of interest existing between radio distributors and dealers and the local broadcast stations, together with the necessity of their working closer together for their mutual interests. Such an expression would be in accordance with the views expressed by members of the RMA committee and RMA Board of Directors who were appointed to work out the joint national campaign of industry cooperation with NAB. If you will send your distributors (or so interest your advertising agency), samples of the suggested distributor-dealer spot announcements, continuity, etc., and suggest their use on broadcasting stations, it would be most helpful.



"It is now desired that RMA members demonstrate to NAB and its members that they are doing their part by encouraging their distributors and dealers to place cooperative advertising with local stations. The broadcasters are helping your sales. Please do your part to help them."

### SERVICE

An essential part of maintaining radio circulation is maintenance of radio sets in first class operating condition. Partially operative radio sets reduce the number of listening hours and the number of listeners.

Adequate service, legitimately and expertly rendered, remains one of the most perplexing problems in broadcasting. Aggressive station managements are keenly aware of the problem and are handling it with foresight. Generally speaking, however, cooperation between stations and local servicemen could be greatly improved with mutual benefit.

Radio Servicemen of America, the only national organization of servicemen in the United States, continues to cooperate wholeheartedly with NAB. It is being urged to establish more chapters. RSA's guaranteed service plan, with qualification of local chapter members, is operating in some forty cities. Refinements in the plan were suggested by NAB's Engineering Department.

Minimum standards for servicemen have been worked out by the Engineering Department and will be mailed members as a guide to judge the qualification of individuals in the service business.

Both the Promotion Department and the Engineering Department agree that the engineering staff of member stations can be most helpful in the improvement of local servicing.

### INTERNATIONAL ASSOCIATION OF ELECTRIC LEAGUES

This organization has appointed, as its official NAB contact representative, J. S. Bartlett, managing director, The Electric Institute of Washington. The cooperation has proven most beneficial.

### RADIO'S RICHES

Several hundred thousand copies of the sixteen page rotogravure booklet, "Radio's Riches," were purchased by member stations with delivery in April. This institutional promotion piece, telling radio's story in picture and print, proved an appreciated station gift in every part of the country.

### NATIONAL DEFENSE COOPERATION

On July 19, this department issued a special supplement to NAB REPORTS which announced and outlined a plan for recruiting 100,000 trained workers for national defense agencies.

The assignment was gladly accepted from the United States Civil Service Commission by NAB, on behalf of all broadcasting stations in the United States. The imperative need of the national defense agencies for assistance in securing their man power requirements is confidently expected to bring widest cooperation from broadcasters.

### "LISTEN BEFORE YOU VOTE"

As a means of capitalizing on the intense national interest in the presidential election, LISTEN BEFORE YOU VOTE was offered to the membership as the fall promotion, on July 18. This is a combination institutional and circulation-building campaign. A delayed, yet pronounced effect will carry over into the field of sales promotion.

And the reason is not hard to find. The political campaign is to be fought out over the airways. It is to be a radio campaign. When votes are counted, the lay public and the business public are going to realize that it was the POWER OF RADIO that put the next man in the White House, whoever he may be.

September 16 is the suggested date for the public launching of the LISTEN BEFORE YOU VOTE campaign.

Respectfully submitted,

ARTHUR STRINGER,  
*Promotion and Circulation Department.*

## Bureau of Radio Advertising

The NAB Bureau of Radio Advertising is one of several aggressive moves which the broadcasting industry through NAB has made since reorganization.

Authorized by the Board of Directors in May, 1939, the Bureau was placed in full-time operation September 1. Under the combined guidance of the NAB Departments of Public Relations and Research, and cooperating closely with the NAB Sales Managers' Division, which was largely responsible for its creation, the Bureau reports considerable progress in its efforts to serve the members on sales and promotion problems. Stated in the simplest possible terms, the Bureau's objectives are two-fold:

1. To provide the entire industry with usable, well-organized facts and figures of a promotional nature, through industry cooperation, to open up and develop untapped sources of radio advertising, and in other ways to assist stations in selling more time.

2. To cooperate with broadcasters, advertisers, agencies and others in increasing the effectiveness of radio as an advertising medium.

### "RESULTS FROM RADIO"

In seeking to sell time, the Bureau agrees with recognized media promotion experts that nothing succeeds like success stories. A keystone, therefore, in the Bureau's work has been the series of advertising trade studies entitled "Results from Radio." The experience of stations who have used the studies bears out the belief that success is contagious. Over 300 stations have ordered and are using over 3,000 copies of the case histories and success stories, of which seven have been released to date. Though faced with a serious problem in collecting complete, accurate and useful information, especially in the spot and local fields, the Bureau has provided the members with complete trade studies in the following classifications:

Department Stores	Ice Cream and Confectionery
Laundries	Garden and Field
Jeweler-Optician	Light and Power
Furniture Stores	

Many members report tangible, direct sales results from this material, which is provided them at actual cost of printing and production only. Many more such studies, covering other important local and national advertising accounts, are on the way.

For the first year, the major effort of the Bureau was directed to the local sales problems of stations, since it was felt that here was the next great opportunity for expansion of radio volume. However, in July, 1940, an announcement letter accompanied by a special Bureau file folder and sample copies of the "Results from Radio" studies were sent out to 1100 advertising agencies in the national and regional field. This was the first official announcement of the Bureau of Radio Advertising, outside the broadcasting industry, and met with an enthusiastic response from many agencies.

This response was not unexpected, after the fine support which NAB member stations have given the Bureau since its inception. The point is: Here is a trade association service much needed and appreciated by broadcasters, agencies and advertisers alike. Alike, they benefit from information collected direct from the industry, organized by the Bureau and available from no other source. Attached to station's letterhead, or with call letters imprinted on back cover, each trade study provides a complete, self-sufficient mailing piece. Designed to help stations sell more time, the studies are also designed to help advertisers make more effective use of radio, to answer their questions about programs, methods, commercial copy, merchandising, results, etc. Completeness, it is agreed, counts heavily if the success stories are to serve the two-fold purpose for which the Bureau was established. Apparently, the "Results from Radio" studies are performing that service.

### MANY OTHER SALES AIDS

In addition to the printed trade studies, the Bureau has made every effort to help stations with their personal selling problems.

Many special sales manuals, reports, bulletins and reprints have been issued free of charge to all members. Released in loose-leaf folder form, the manuals include:

Outline and Suggested Script for a Station Sales Presentation.  
A Report of the Hettinger Survey on Station Sales Administration.  
A Sales Manual for the Building Field, in cooperation with FHA.

Special articles written by the Bureau and reprints of other pertinent material include the following:

What the Bureau Means to Members—reprinted from Variety Anniversary Number.  
Dealers and Radio Advertising—reprinted from Broadcasting Magazine.  
Radio for Retailers—by Kenneth Taylor, reprinted from The Retail Executive.  
Ed Kirby's Speech at National Cleaners & Dyers Convention.  
The Case for Distribution—reprinted from Nation's Business.  
The Case for Advertising—reprinted from Nation's Business.

Late in 1939, an informal bulletin service was begun by the Bureau to provide members with additional facts and figures of a selling nature. These are issued frequently.

### FIELD ACTIVITY

The foregoing covers the actual promotion phases of the Bureau's activities. At present, these constitute the major part of the Bureau's service to stations. However, in answer to the increasing demands of many members, the Bureau has made an effort to represent the industry in the fields of national spot and dealer-cooperative advertising. This work has been carried on in two ways, by direct mail and personal solicitation. Limited appropriation and personnel have necessarily confined the Bureau's missionary sales efforts on behalf of the industry to attendance at the major advertising conventions, such as ANA, 4-A's and AFA. A certain amount of direct mail and other educational work has been done in a few key industries, through their trade groups and to the individual companies, where indicated by the demands of the members.

Radio was invited to participate actively in the annual and semi-annual conventions of the National Retail Dry Goods Association. The problem of department store radio advertising is of paramount interest to every commercial broadcaster, and the Bureau is glad to report that the radio panel discussions arranged at both NRDGA meetings were well attended and enthusiastically received. Printed transcripts of the complete sessions have been made available by the NRDGA to all NAB members, and it is felt that definite and decided progress has been made in getting radio on all NRDGA convention programs. In other ways, the Bureau has and will continue to give special attention to department stores. The Bureau hopes to publish very soon the results of the department store survey recently conducted by the NAB Research Department, preliminary returns from which indicate an increasing activity and interest in radio by retail advertisers.

Special studies have also been made in such prospect fields as motion pictures, building and allied trades, dyers and cleaners, food stores and chain druggists, and in the furniture, clothing, radio set and other fields which use dealer-cooperative advertising. The results of these special efforts will be made available to the members, and the information used in further developing these fields for radio. Already, some progress is noted in breaking down past prejudice, and in improving radio's relations in fields where discrimination has existed. In some cases, definite results in increased time sales, or in the complete reversal of an anti-radio policy, have been achieved.

In cooperation with the NAB Sales Managers' Division, the Bureau took an active part in the annual convention of the Advertising Federation of America. In addition to the usual Sales Managers' business meetings, which were well attended, Chicago stations and networks cooperated with the Bureau and the Sales Managers' Division in putting on an elaborate "Broadcasters'

Cabaret Party" in compliment to the AFA and its members. A souvenir program, with brief, pertinent facts and figures on radio as an advertising medium, was printed by the Bureau and distributed to everyone attending the affair. Though less than a thousand were expected, 1,500 attended and the party was voted a huge success, not only as entertainment, radio's stock in trade, but as a promotion effort in which the entire broadcasting industry, through the Sales Managers' Division, shared. Sincere thanks are due William R. Cline, WLS, Chicago, Sales Managers' national chairman, and his committee of Chicago broadcasters for arranging and carrying out a most successful program, which it is hoped can be made a regular feature each year.

The Bureau was also represented at the annual conventions of the Association of National Advertisers, and the American Association of Advertising Agencies. Radio developments of interest at these important meetings have already been reported in full to the members. Both conventions placed special emphasis on the so-called consumer movement, and in connection with this problem, the Bureau in June and July, 1940, mailed to NAB members reprints of two pertinent articles which appeared in Nation's Business. Entitled "The Case for Distribution" and "The Case for Advertising," these reprints served to give stations an accurate up-to-date picture of the consumer problem as it affects radio and other advertising media. The Bureau, in cooperation with the NAB Public Relations Director, will continue to study and interpret this movement in relation to what it means and may mean to broadcasting.

### A MEDIA RECORDS FOR RADIO

At two meetings of the Sales Managers' Steering Committee held during the year, the immediate adoption of a complete "media records for radio" was urgently and unanimously recommended. This is the so-called Unit Plan of Volume Measurement now being perfected by the NAB Research Department. The Bureau agrees that the value of such a service cannot be overestimated, and urges that every effort be made to place such a yardstick in operation as soon as possible.

### FREE OFFERS

During the past year, the Bureau has devoted considerable time and effort to the problems of free offers and percentage advertising. The effort has been made to convert as many of these as possible into regular advertisers, while at the same time lessening the flood of chiseling attempts which plague the lives of station managers. According to many stations, a good deal of progress has been made in both directions. The Bureau is much encouraged by these reports, and will continue to work along similar lines in handling this problem.

\* \* \* \*

In conclusion, it becomes evident that there has been a genuine need for a Bureau of Radio Advertising within the NAB. In spite of budget restrictions and the problem of gathering information, which only the Unit Plan can solve, every effort has been made to answer this need. Judging from the development of similar services established by our competitors before us, a great deal is yet to be done. If the Bureau is properly and effectively to develop new sources of radio advertising, expand present fields, and combat the unceasing claims of competing media, it is a job that will require the whole-hearted support and cooperation of every member and all phases of the industry. This cooperation the Bureau has enjoyed during the past year, for which it is deeply grateful. It is our sincere hope and firm belief that the coming years will see an even greater usefulness for the Bureau.

Respectfully submitted,

SAMUEL J. HENRY, JR.







**THE WEEK IN WASHINGTON**

By unanimous vote the NAB Convention pledged the Association's continued support of BMI as a permanent organization and urged completion of the Federal Government's monopoly suit against ASCAP as soon as possible. (p. 4485.)

Fifty-four more stations subscribed to BMI, bringing the total membership to 364. (p. 4485.)

The Mutual Broadcasting System notified all Mutual stations and advertising agencies that its key stations do not intend to accept the terms proposed by ASCAP for renewal of their existing licenses. (p. 4486.)

Advertising agencies are reported to be ready to go along with the broadcasting industry in the copyright fight. (p. 4486.)

Some of the principal convention speeches, including James Lawrence Fly's assurance that the Federal Government has no intention of taking over the industry in event of war, are printed in this issue. (p. 4488.)

The NAB now has 473 members, the largest membership in the Association's history. (p. 4501.)

The American Federation of Musicians has banned such noted musicians as Heifetz, Iturbi and Zimbalist from broadcasting. (p. 4501.)

Total number of stations now pledged to support the national defense campaign is 603. The industry is asked to assist in the alien registration program. (p. 4501.)

The "Listen Before You Vote" promotion campaign is in full swing. (p. 4502.)

Free offers and cost per inquiry propositions continue to clutter up broadcasters' desks. (p. 4503.)

The FCC has extended for one month time for compliance with an order calling for all licensed operators to submit proof of citizenship. The Commission has listed approved frequency monitors. (p. 4503.)

San Francisco public schools received the first construction permit for an FM station in the non-commercial educational field. (p. 4505.)

**Convention Backs BMI**

Determination to break the chains of the music monopoly for all time was unanimously voiced by delegates

to the NAB's Eighteenth Annual Convention in San Francisco. After a rousing copyright session, the convention adopted two ringing resolutions without dissent.

(1) That the NAB pledged its continued support of BMI as a permanent organization and unalterably declared its intention of refusing to yield to the demands of the music monopoly.

(2) That the NAB should support the Federal Government's monopoly suit against ASCAP and urge that it be completed as soon as possible.

Enthusiasm for BMI was, perhaps, best displayed by the addition of 54 stations to the list of subscribers. At the close of convention the total membership was 364, representing more than 85 per cent of the dollar volume of business done by the broadcasting industry. Elsewhere in the REPORTS is a list of the stations which signed at the convention.

Another high spot was the announcement by Theodore Streibert, Vice President of the Mutual Broadcasting System, that none of the key stations of MBS intended to accept the terms proposed by ASCAP for the renewal of their existing ASCAP license. The text of a letter sent by Fred Weber, General Manager, to all Mutual stations and advertising agencies is printed elsewhere in this issue.

Good BMI tunes are becoming increasingly popular with radio audiences—so popular, indeed, that they are being recorded by the phonograph companies.

From both the action and spirit of the convention it appears very definitely that the battle of many years to free the industry of the music monopoly yoke is turning in favor of the industry.

**New BMI Subscribers**

KHJ	Los Angeles, Calif.	MBS
KFRC	San Francisco, Calif.	MBS
KGB	San Diego, Calif.	MBS
KDB	Santa Barbara, Calif.	MBS
KYOS	Merced, Calif.	MBS
KMYC	Marysville, Calif.	IND
KVCV	Redding, Calif.	MBS
KHSL	Chico, Calif.	MBS

(Continued on page 4486)



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

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

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

**NEW BMI SUBSCRIBERS**

*(Continued from page 4485)*

KWLK	Longview, Wash.	MBS
WHK	Cleveland, Ohio	NBC
WCLE	Cleveland, Ohio	MBS
WHKC	Columbus, Ohio	MBS
KTSM	El Paso, Texas	NBC
KVRS	Rock Springs, Wyo.	IND
KYAN	Rock Springs, Wyo.	IND
KVI	Tacoma, Wash.	CBS
WWSW	Pittsburgh, Penna.	MBS
KITE	Kansas City, Mo.	IND
WINN	Louisville, Ky.	IND
KTUL	Tulsa, Okla.	CBS
KOMA	Oklahoma City, Okla.	CBS
WLS	Chicago, Ill.	NBC
KOY	Phoenix, Ariz.	CBS
KORE	Eugene, Ore.	MBS
KIDO	Boise, Idaho	NBC
WHBY	Appleton, Wisc.	IND
KTUC	Tucson, Ariz.	CBS
KSLM	Salem, Ore.	MBS
KVEC	San Luis Obispo, Calif.	MBS
KDON	Monterey, Calif.	MBS
KWEW	Hobbs, N. Mex.	IND
KGFL	Roswell, N. Mex.	IND
KONO	San Antonio, Texas	IND
WOW	Omaha, Nebr.	NBC
WHIP	Hammond, Ind.	IND
WSMB	New Orleans, La.	NBC
KMPC	Beverly Hills, Calif.	CBS
KXL	Portland, Ore.	IND
WLAC	Nashville, Tenn.	CBS
KVOE	Santa Ana, Calif.	MBS
KFXM	San Bernardino, Calif.	MBS
KGGM	Albuquerque, N. Mex.	CBS
KVSF	Santa Fe, N. Mex.	CBS
WELL	Battle Creek, Mich.	NBC
KHUB	Watsonville, Calif.	IND
KARM	Fresno, Calif.	CBS
KSRO	Santa Rosa, Calif.	IND
WAPI	Birmingham, Ala.	CBS
KMMJ	Grand Island, Nebr.	IND
KTRB	Modesto, Calif.	IND
KVNU	Logan, Utah	IND
WXYZ	Detroit, Mich.	NBC
WOOD-WASH	Grand Rapids, Mich.	NBC

**Mutual's Letter**

August 2, 1940.

To all Mutual Stations and Advertising Agencies:

Stations associated with, and agencies and clients utilizing facilities of, the Mutual Broadcasting System have requested information as to the position this network intends to take on January 1, 1941, with reference to ASCAP licenses.

In the past, as you know, network companies have not been required to maintain ASCAP licenses for their network operations, but only for the operations of the individual stations managed or owned by them. Inasmuch as Mutual Broadcasting System, Inc., does not own or manage any stations, it has not heretofore been necessary for it to have an ASCAP license.

Mutual does not originate programs, but merely makes available to members and affiliates programs originated by other members and affiliates. Accordingly, questions involving music copyrights in connection with such programs must ultimately be decided by the member and affiliate stations.

We wish to advise you that we have been informed by the following key originating stations that they definitely do not intend to accept the terms proposed by ASCAP for the renewal of their existing ASCAP licenses: WAAB, key station of Colonial Network; WKRC, Cincinnati; WHK-CKLE, Cleveland; WGN, Chicago; WOR, Newark; and KHJ, KFRC, KGB, KDB, key stations of the Don Lee Network. This means, of course, that without an ASCAP license none of those stations will be able to originate any programs containing ASCAP music or to broadcast any such programs transmitted to them from other stations.

This information is reported to you at the earliest moment it became available.

Inasmuch as the Mutual Broadcasting System is a station owned, financed, and operated network, you may be sure that the best interests of all the member and affiliate stations will be the paramount consideration in any decision by Mutual member stations.

Very truly yours,

FRED WEBER.

**Other BMI Developments**

*Billboard*, amusement trade weekly, questioned some of the leading advertising agencies on their feelings about the radio music matters. It headlined the answer across

# NAB BOARD OF DIRECTORS, 1940

President and Chairman of the Board  
Neville Miller

## District Directors

- Paul W. Morency, WTIC, Hartford.  
(District 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island.)
- Clarence Wheeler, WHEC, Rochester, N. Y.  
(District 2: New York.)
- Clifford M. Chafey, WEEU-WRAW, Reading, Pa.  
(District 3: Delaware, New Jersey, Pennsylvania.)
- John A. Kennedy, WCHS, Charleston, W. Va.  
(District 4: D. C., Maryland, North Carolina, South Carolina, Virginia, West Virginia.)
- W. Walter Tison, WFLA, Tampa.  
(District 5: Alabama, Florida, Georgia, Puerto Rico.)
- Edwin W. Craig, WSM, Nashville.  
(District 6: Arkansas, Louisiana, Mississippi, Tennessee.)
- J. Harold Ryan, WSPD, Toledo.  
(District 7: Kentucky, Ohio.)
- John E. Fetzer, WKZO, Kalamazoo.  
(District 8: Indiana, Michigan.)
- Wm. H. West, Jr., WTMV, East St. Louis, Ill.  
(District 9: Illinois, Wisconsin.)
- John J. Gillin, Jr., WOW, Omaha.  
(District 10: Iowa, Missouri, Nebraska.)
- Earl H. Gammons, WCCO, Minneapolis.  
(District 11: Minnesota, North Dakota, South Dakota.)
- Herb Hollister, KFBI, Wichita.  
(District 12: Kansas, Oklahoma.)
- O. L. Taylor, KGNC, Amarillo  
(District 13: Texas.)

- Gene O'Fallon, KFEL, Denver.  
(District 14: Colorado, Idaho, Utah, Wyoming, Montana.)
- Howard Lane, KFBK, Sacramento.  
(District 15: California, excluding San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial counties; Nevada, Hawaii.)
- Harrison Holliday, KFI, Los Angeles.  
(District 16: Arizona, New Mexico, California, including counties excepted in District 15.)
- C. W. Myers, KOIN-KALE, Portland, Ore.  
(District 17: Alaska, Oregon, Washington.)

## Directors at Large

### Large Stations

- Mark E. Ethridge, WHAS, Louisville.  
Harold V. Hough, WBAP, Fort Worth.

### Medium Stations

- George W. Norton, Jr., WAVE, Louisville.  
Don Searle, KOIL, Omaha.

### Small Stations

- John Elmer, WCBM, Baltimore.  
Harry Spence, KXRO, Aberdeen, Wash.

## Network Directors

- Edward Klauber, executive vice-president, CBS.  
Fred Weber, general manager, MBS.  
F. M. Russell, vice-president, NBC.

a full page of the August 10th issue: NOT WORRIED ABOUT ASCAP . . . "We Can Get Along Without You Very Well," Sing Ad Agencies. . . .

One agency executive expressed his lack of worry with a reason in a masterpiece of terseness—"We can readily substitute BMI and other catalogues."

Nearly all the agencies indicated that they are laying plans for carrying on their programs after January 1 without ASCAP music. A few named certain programs which might face some difficulties but added, "We are not worried . . . we can manage . . ."

Agencies handling those programs which are most likely to face difficulties have been among the first to call on BMI for the purpose of working out solutions of their problems. The whole tenor of *Billboard's* report on its inquiries confirms the evidence received by BMI directly from advertisers and agencies alike. The conclusion is

clear—the advertising industry is giving solid support to the broadcasting industry and to BMI.

*There I Go*, one of BMI's new songs, grabbed a comet by the tail, climbed into the saddle, and went off for a ride all by itself. It appeared on the "sheet" in *Variety* last week although it had never yet been listed among BMI feature tunes and had not received any special promotion. Because it had already gone so far alone, it was added to the list of feature tunes and this week is on the "sheet" for the second time.

Three other BMI songs also are on the list. "Practice Makes Perfect" is in 5th place with 29 network plugs—the highest being 41. "The Same Old Story" also appears and "We Could Make Such Beautiful Music" is there for the sixth week. The list in the *Enquirer*, which is taken from a slightly different period, carries another of BMI's earliest hits, "Here In The Velvet Night."

## BMI FEATURE TUNES

August 19-26

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. MADAME WILL DROP HER SHAWL
4. SWINGIN' AT THE SEANCE
5. THERE I GO

We have been getting some letters that are both pleasing and full of good ideas. Here's one from Paul Vincent of WMBG, Richmond, Virginia:

We'd like to express our appreciation for the fine manner in which you're going about this business of building up BMI. The extra orchestrations you've been submitting have contributed to a wider distribution of your tunes, and consequently, to a greater appreciation of their worth.

At least five musical groups on WMBG (including two popular dance bands) are highlighting BMI numbers regularly on the air and they report excellent audience reception at their dance spots.

We haven't had occasion to actually use your classical arrangements yet, but they're being catalogued for the future. Needless to say, these public domain favorites are highly appreciated at any time, but when so well arranged and so neatly distributed their value doubles.

As to publicity, be assured that BMI gets plenty of "plugs" here. We're even contemplating the setting aside of several minutes on one of our most popular dance music shows, to interviews on BMI music and its popularity with the viewing-room audience.

So keep up the good work, fellows, and remember our willingness to cooperate to whatever extent we may that BMI might go sky-high.

Walter Haase of WDRC, Hartford, Connecticut, writes:

Perhaps you'd be interested in what we're doing currently to promote BMI:

Each of our local recorded programs contains two BMI tunes. This will be in effect during August and September. During October, we will use 25% of BMI music. During November 50%—December 75%.

Our string ensemble starting for the fall season early in September will be kept exclusively on BMI music for one program a day on WDRC, and two on FM station W1XPW.

Before each BMI tune, the announcer says "Here is another of those BMI song hits." We announce the title afterwards. We are using this method to build up curiosity among our listeners as to what BMI is and also to familiarize them with these letters. Later when they specifically inquire about BMI, we shall tell them that *this is a new music publishing concern sponsored by the industry to give new and unheard song writers a chance for fame and fortune.*

We'll be glad to hear what other stations are doing, so that we may augment our own plans if we find other worthwhile suggestions.

John Cleghorn of WMC in Memphis announces receipt of a long list of BMI numbers and after signing it he adds with pen and ink:

"P. S. They're swell!"

More phonograph records of BMI music for general retail sale will be issued as follows:

*Madame Will Drop Her Shawl* recorded by Al Donahue for OKEH—record number, OKEH 5704—August 8;

*The Same Old Story* recorded by Freddie Martin for Victor—record number, B-10830—August 23;

*The Same Old Story* recorded by Frankie Masters for OKEH—record number, OKEH 5716—August 23;

*Practice Makes Perfect* recorded by Bob Chester for Victor—record number, B-10838—August 30;

*I Give You My Word* recorded by Al Kavelin and his Cascading Chords for OKEH—record number, OKEH 5734—August 30.

## Convention Speeches

Some of the principal convention speeches are printed in full below. Broadcasters who were unable to attend will want to read all of them. Those who heard them will want them for future reference.

The entire convention was recorded. Any member wishing to purchase any or all of the records should communicate with the NAB. A corrected text of John Elmer's BMI speech will be published in the convention issue of *The Advertiser*.

### JAMES LAWRENCE FLY

(Chairman of the Federal Communications Commission)

It is a genuine pleasure to meet with you for the mutual consideration of radio and the problems which it meets today. This is a healthy type of meeting. Only through joint discussions of this kind can we promote the free exchange of ideas so necessary to effective cooperation between government and industry. At no time in our history has cooperative endeavor been more essential to the welfare of the public and the industry alike. I have the feeling that as we meet face to face, dope-story conflicts and phantom crises will move out under the veil of the first fog retreating over the bay.

Before moving to the discussion of one vital problem of the broadcasters I think we ought to utter a word of tribute to those great engineers whose scientific genius and tireless efforts created radio broadcasting. To a great extent their names are unsung, yet it is they whose research developed radio in the laboratory and continued from year to year for almost a quarter of a century to lift radio broadcasting to successively higher planes of technical efficiency. They have given us the equipment to do a splendid job. We are assured of even greater things on new frontiers. That leaves the task to us as broadcasters.

Grave problems confront us in the policies to be pursued in the public service. But in the outset some of the supposed problems may be dispelled. For example, you may be concerned about the effect on you of the present emergency. Alarmists with absolutely no factual basis to support them have conjured up the bogeyman of the government operating the broadcasting systems or of the complete curtailment of broadcasting in the event the security of this country were threatened. I have said that these disturbing rumors are completely without substance and I want to reiterate that as forcefully as I am able. The whole trend today of governmental planning to meet any emergency is toward minimizing, as far as possible, dislocations of our normal way of life. I can assure you that broad plans for the shutting down of broadcasting or for governmental operation have existence only as hobgoblins in the minds of idle gossips. There is no such plan afoot.

I should like to touch upon the stories occasionally spread about that the Commission is about to destroy rural radio service. I



should like to make it clear that it is the Commission's constant aim to do exactly the opposite—to expand rural service. It is our duty to provide for the people of the United States—and that means all the people, not merely the city dwellers—the best and most widespread radio service possible. To that end the designation of classes of stations and the uses of channels are constantly under study. I can assure you that no move making for a general curtailment of rural service is being planned or even considered. If anything, steps in the other direction may be anticipated.

There are many comparable ghosts which I shall not take the time to belabor here. Needless to say the radio broadcasting industry has reached its majority. It is even wearing shoes. It should no longer believe in ghosts.

In a graver mood I would turn to a real problem. Amid a world in conflict I venture to pause at this important juncture to stress one significant phase of American idealism which has become such a vital force in the practical conduct of radio broadcasting: Freedom of Speech.

Radio, in the past twenty years, has grown from a dream of its sponsors into a primary means of reaching the American people. The realization of that dream has fortunately come in time to aid in the struggle for the preservation of the ideals on which all American industry and particularly your own is founded.

You who have come into the broadcasting industry have dedicated yourselves to the service of the American people. You have been granted the privilege of sharing in the administration of a limited public facility and in turn have assumed an obligation to conduct your operations in the manner required by the public interest.

The public interest in broadcasting derives from two chief sources. It stems from the great force which radio exerts over the customs, the opinions and the very lives of the people as a whole. Not a public utility, it is indeed more than a public utility—more than an ordinary convenience made available to all alike. The public force of broadcasting places it in a uniquely important and novel class of public service. The manner in which that great force is wielded necessarily is a matter of great public concern in fact.

Another source of public interest in broadcasting is that the radio spectrum is public domain. Radio waves are not the subject of private ownership. The public has every right to insist that, in the private exploitation of this public facility, the public interest shall be served. Where private operation runs counter to public interest, the Federal Communications Commission as the servant of the Congress and of the people is under a duty to repossess the wave length in the name of the people. It is a rare tribute to the radio industry that this duty has seldom been exercised because of the character of the public service rendered. That duty must never be performed in a capricious manner. Nor should it ever be used as leverage to control program conduct.

Under the law there cannot be any governmental censorship of radio. This is another ghost which seems to have taken on substance by the repeated whippings it has taken.

It is important to observe that no government official directs you to maintain particular programs or to delete any particular program. Great latitude must exist in the conduct of a broadcasting station. And under our American way it is entirely proper that broad discretion in the conduct of the station is vested in the private operator. At the same time the public does and should urge that certain basic principles be preserved. But the greatest of these very principles requires that neither I nor any other particular person or interest shall utilize this great force to impose one's own ideas upon the public.

Radio must remain as an instrument of freedom and for the preservation of freedom. That being true we must not be deluded

into the thought that such an instrument is under no obligation to the public.

On day before yesterday at the World's Fair, there was presented to the radio industry an impressive plaque symbolizing freedom. On it were inscribed, in words of Walt Whitman, "I say there can be no safety for these states—without free tongues, and ears willing to hear the tongues."

As I sat there in the spell of Treasure Island I could not but ponder upon the significance of that plaque. To the broadcasting industry, it was the message—the deserved message—well done.

But there were grouped on this plaque the images of such men as Lincoln, Washington, Jefferson, Henry, Franklin. Theirs was the struggle to create in the first instance, to secure and finally to defend our democratic institutions.

To me, in a deep emotional sense, freedom of speech is a basic right. But sitting there I began to wonder if the fathers were deeply concerned with my own interest in speaking my mind or in forwarding my own special purpose or in your own selfish interest in getting somebody told. If that be true, then freedom of speech were well nigh illusory and devoid of useful function. With what then were they really concerned? What is the substance of freedom of speech—what is the basic interest protected?

Let us again turn to the plaque. Whitman's words are significant. His concern was not in free tongues for the sake of the tongues but, in haec verba, "safety for these states." "I say there can be no safety for these states without free tongues." To him as with us today free tongues were essential, not merely as a part of our democratic customs and conveniences but rather as an actual instrument for the preservation of our democracy.

Every one of these great statesmen aided in creating, securing, or preserving the Bill of Rights, including freedom of speech. The principle of self government was at stake. The capacity of a people to govern itself was being tested. Democratic institutions were in the crucible. These men like Whitman were concerned with the safety of the states and the permanence of the democratic form of government they symbolized.

Education—the diffusion of knowledge and information—have long been deemed essential to the American scheme of things. No people without adequate knowledge of the true facts involved are capable of intelligent self government. The American people properly informed are best capable of self government. Washington himself in the Farewell Address emphasized the need to "promote—as an object of primary importance—institutions for the general diffusion of knowledge."

The role of facts and knowledge in enabling a democracy to attain the heights of which it is capable can never be over-emphasized.

In that light, freedom of speech begins to take on substantial meaning—as an instrument dedicated to the service of a free people.

Let us turn again to this plaque—this symbol of the broadcasting industry as an instrument of freedom. In Whitman's words there is a further requisite for the safety of our system of government, that is, listeners who were ready, able and willing to hear. Whitman's dream has now come true—the radio at last has provided the great audience. And so, appropriately it will serve as the guardian of our institutions.

It must be borne in mind that however much the individual has personally enjoyed his freedom of speech there were always serious limitations. How many people could he reach by speech—how many by leaflets—over what distances—through what machinery—and at whose expense? Whatever the mental relief he may have enjoyed, there were various limitations in the means of achieving his own purposes as an individual. But there has always been the important need of the democratic nation to

create and maintain an enlightened and informed public opinion based, as it must be, upon the facts—fully and fairly presented.

This means, of course, that where vehicles of public discussion are under private control there must be balanced and two-sided—not biased or one-sided—presentations.

The Supreme Court recently said:

“Freedom of discussion, if it would fulfill its historic function in this nation, must embrace all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period. \* \* \* Those who won our independence had confidence in the power of free and fearless reasoning and communication of ideas to discover and spread political and economic truth. Noxious doctrines in those fields may be refuted and their evil averted by the courageous exercise of the right of free discussion.”

The handicap of the individual is still grave. Radio is a limited facility. Only the few may talk. The millions will listen. But there again we are driven back to the paramount concern of the broadcaster—his duty to the public. Since he cannot supply to all individuals the right to speak, he must render his service to the public and to the democracy by acceding that public the overwhelming benefit which can come from free discussion and full exposition. Neither Washington nor Henry nor Jefferson could be other than happy at the creation and use of such an important public facility for the preservation of our democratic institutions.

It must follow that the broadcaster owes to the public whose facility he occupies—and to the democracy he is bound to preserve the inescapable duty of full and fair reporting, balanced treatment, and honest and impartial comment on all facts and information of public concern; and adequate coverage on all public issues by two sided discussion and equality of facility and representation. The responsibility for this service rests with the licensee. It is inconceivable that control of the radio as an instrument of freedom should be delegated to any special interest with the liberty to control news, information and comment services. So soon as this service is rendered on behalf of a special interest or political party the radio ceases its most important function in the public interest.

The world too well knows, and will long remember, outstanding instances where the instruments of free speech have been utilized by particular individuals and special groups to serve their own individual purposes. The radio not merely follows the trend in government but it too often implements those trends. Where the radio has fallen as the voice of the people self-government has disappeared.

Broadcasting is all the more important in places where the other vital source of public information and opinion has on occasion utilized its basic freedom to promote its own or other special interests and causes. In the press we have long respected the traditional role of the editorial, however much we might deplore it in the radio—yet one cannot but view with concern the instances where “News” is handled in such manner as to give the public what the newspaper owner, in the light of his interest, wants the public to receive.

“News” can be colored. Headlines can be slanted. Spacing can be contracted or expanded; emphasis supplied or extracted by artful placing; important events or responsible views can be overlooked, yet John Doe can send a telegram and become a national character overnight. All this may appear momentarily to be good business; but it would not be democracy. It would overlook the real function of our basic freedom; and we should have an instrument of freedom devouring itself and the democratic structure which nourished it.

Let me not be deemed to criticize the American system of broadcasting. I am here to praise it. These are trying times and I have thought it beneficial frankly to discuss the great principle. Frankness is essential in these discussions, and those which I hope will follow on other problems of mutual concern. You will know that I am proud to observe the great public service rendered by the broadcasters in the midst of a tremendous conflict.

Their general news, informational and commenting service have been of a high order. News has been searched out and brought to us from the four corners of the earth. The networks have rendered particularly valuable public service in this regard. And so have the many broadcasters moved across a vast field of public service with creditable results. I face the future with confidence in radio and believing in it as a great and permanent institution. There can be no real fear that, conscious of your great privilege and its attendant responsibility, you would ever let the torch fall.

Need I add, gentlemen, as domestic issues compete with foreign events, that I am not asking for special favors. It is basic in this speech that I oppose and shall always oppose special favors in the conduct of radio broadcasting.

It is of greatest importance that neither I nor any other government official or group of officials shall endeavor to bend radio to our own special causes. That is fully as important as that radio shall not bend to other special interests. Yours is the discretion to be exercised in the conduct of the station, which, after all, is constantly under the effective scrutiny of the listening public. No government official or group can or should undertake to substitute its judgment for your own. Your decisions are many—your problems difficult. But they are yours, not mine. Such is the American system of broadcasting as it rounds into its third decade of public service.

Radio is a tremendous achievement. Its future is one of continually greater strength in the affairs of mankind and in the service of the public. These are troublesome days for all of us. But radio is not and must not be imperiled. To radio, time is endless.

Wars may come and nations may go. Tomorrow's political campaigns will pass into yesterday, as brief events in the life of a free people. The years like great black oxen will thunder down the trail of unending time. But, as the great bulwark of our great democratic institutions, radio must stand—till kingdom come.

## LOUIS JOHNSON

(Former Assistant Secretary of War)

Members of the National Association of Broadcasters:

Three years ago I became a radio commentator. For my subject, I took “National Defense.” For sponsors, I chose the American people. Since then I have come to the microphone on an average of almost once a week to discuss my theme.

In 1937, America was not awake to the needs for adequate preparedness. Too many of us lived with a false sense of security. We had begun to look upon our oceans as impregnable Maginot lines. It was such a state of mind that I felt it my duty to correct.

As a World War veteran with overseas service, as a former National Commander of the American Legion, and as a patriotic American citizen, I realized the importance of national defense. As soon as I joined the War Department I made it my responsibility to go out and to convince the American people that national defense was a basic consideration in the life of our country. To gain the cooperation of our citizens, I visited every state in the union at least once, and, many of them, several times. Altogether I made more than two hundred public addresses on the subject of national defense.

With the aid of radio facilities, with the support of the press, and with the cooperation of military and civic leaders everywhere, I was able to awaken a great deal of enthusiasm for our defense program. Some skepticism, I did encounter; and, here and there, I ran into what radio advertising men call "sales resistance" to the "commodity" I was advertising. Persistence, time, and especially events in Europe and in Asia at last made our people national defense conscious.

It is no longer necessary to advertise national defense to the American people. Today, every loyal citizen, regardless of party affiliation, wants an America sufficiently well fortified on land, on sea, and in the air, as to command the respect of the world. To reach our objective, every citizen must be willing to make all necessary sacrifices of time, of money and of effort toward achieving such an objective. He must be ready, nay, anxious, to serve at the bench, the lathe, the loom, the plough, or in the armed forces, if need be, to gain the desired goal.

National defense in its broadest phases, however, includes not only a strong army, an unsurpassed navy and an invincible air corps, not only an industry geared to produce munitions of war in time, in quality and in quantity as required, but also a united nation, a nation spiritually aroused to its grave responsibilities and ready at all costs to work for a common end.

You broadcasters of America, who are expert phrase and slogan makers, I urge to coin a national motto to keep constantly before the American people as a reminder, every day, in every way, of the necessity for national teamwork. In your bulletins, in your advertising script, when you open your program and when you sign off, let there come forth an urgent and effective appeal to all Americans for national unity.

We are a people unique in the annals of civilization. Alone among nations, we always have made the most of the present, and always have looked toward a future of even greater promise. With the past that was gone, we concerned ourselves but little. Unlike European nations, we gave no thought to a glory that once was ours, to an empire that once we possessed, or to a place in the sun that once we held. These were the concerns of an older world whose governments continually strove to win back lost provinces and departed prestige.

We were a young nation with a future, a virile people of energy, character and enthusiasm, with an eye on the forward horizon. Early in our history, we broke the shackles that chained us to the past, never to return to bondage. For more than one hundred and fifty years ours has been the promised land, the land of tomorrow. Regardless of origin, of race, or of creed, our forefathers worked together, fought together, and bled together in the name of liberty. Let us keep that spirit alive today.

Not only as a nation, but as individuals, we looked forward and not backward. Yes, there were obstacles, human and physical, but to our forefathers nothing was insurmountable. War, depression and panic ran their cycles, but always the individual American emerged with new courage, unbounded enthusiasm and the will to succeed. He had no use for quitters, trouble-makers, gossipers and whisperers. He had no patience with those who worshipped the idols of the past. He had a job ahead. To him a man was a man.

What mattered it whether he was born in the north or in the south, in Europe or in America? What difference did it make that he belonged to one political party or another, that he chose to worship his God in a cathedral, a church, or a synagogue? The test for admission to the communal life of America was simple. When a newcomer arrived the question was not "Who are you?"—"Where did you come from?" but, "What can you do?" or "What can you contribute to American life?"

Immigrants came to us from every European nation. We did not ask their origin. We did not look into their social status.

If they had the character, the diligence and, most of all, the determination to work and get ahead, they got ahead; and in their progress up the ladder towards success they carried with them the respect and the admiration of their neighbors. They were welcomed into American citizenship; and they continued to work and work hard.

All of our people worked hard so that our great natural resources might be developed to their fullest advantage for the benefit of all. They worked that their lives might be made fuller and more worthwhile. Every loyal citizen felt the responsibility that it was up to him to help transform the new world into an earthly paradise where free people could live in peace, happiness and prosperity.

Today, alas, non-American doctrines that cowered in the darkness of the past and dared not face the bright sun of the future, have raised their ugly heads. They do not ask, is this man a useful citizen? They are not concerned whether he walks humbly with his God or not. They do not demand credentials of ability, of courage, of fairness or even of efficiency.

Instead, they blare forth with blatant generalities. They prejudice character by external standards. They pit native-born against foreign-born. They breed misunderstandings between capital and labor. They create confusion toward our foreign and domestic policies. They sow seeds of hate among sects and creeds. In brief, they spread discord at a time when union is essential to our existence as a free people.

Yes, we always have had honest differences of opinion. We are not and never have been a society of automatons that bent its knees before self-constituted authority or sat in adulation before self-anointed rulers. We always spoke our minds freely. We always dared to disagree. The time has come, however, when we must place less emphasis upon individual likes and dislikes, and think more and more in terms of the public good.

Our individual tastes, our individual ambitions, to be sure, are important to us. In time of peace and tranquillity, we live for them. When there are no external dangers we strive to realize them; but in times of crisis we must be willing and ready to forego them. When the fate of our nation is at stake is not the time for the cultivation of individual aspirations.

Today we must think and act not as industrialists, not as laborers, not as civilians, not as governmental workers, not as anything but Americans determined to protect our nation against all hostile threats.

Our forefathers put into practice the ideals of America toward which every citizen, native and foreign born, should reach—justice, freedom, democracy and loyalty. These principles are a sacred trust. We must take them to our hearts. We must maintain them. We must perpetuate them. We must live for them. If necessary, we must be prepared to die for them. They are the cornerstone of America. They are the foundation of all civilization.

Life in America is not perfect, but do you know of anything that is better anywhere in the world? To be an American in the world of today! What a privilege! Compare the blessings we are enjoying this very minute right here in this room with what other countries have to offer. While we assemble without fear in a large body, there are few places across the seas where men may meet even in small groups without arousing suspicion. While we speak freely, others must padlock their lips or whisper in guarded undertones. While lights may brighten these walls, others live in black-out darkness. While we breathe God's own pure air, others are adjusting gas masks. While we live peacefully among ourselves, others stand in terror of their nearest neighbors.

In Europe, there may be a stigma attached to one's origin which may taint the life and business of a whole family, even a whole people. Here, men are measured by their own conduct. Each is free to live his own life in his own way so long as it does not encroach upon the similar rights of others. While we may dial

our radio to any program anywhere in the world, others must deafen their ears to the outside and listen only to the voice of self-anointed masters. While we may think, write and say what we please, the lives of others are circumscribed to the minutest detail.

If we lose this cherished liberty, our dreams and our plans for a better and happier life will be destroyed. A time will come, and may it come soon, when again we can emphasize our personal hopes and our individual desires. But until we achieve a strong armor of protection for our country they must take second place. Unless we become strong, we may be thrown back into a darker age when the simplest of rights that we now take for granted will be lost perhaps for generations.

We must therefore acquire national unity. We must achieve without delay a cohesion into one pattern of all American dreams and aspirations lest they be forever denied. I therefore urge upon you the need for a revival of the spirit of American unity and as broadcasters, to keep the ideal in the forefront in all your radio activities.

In addition to a slogan for national unity, we need one for hemisphere solidarity. Too often in the past we looked upon the Monroe Doctrine as a unilateral self-imposed obligation upon the part of the United States for the protection of the new world. Hemisphere solidarity today, however, means something more. It is a multilateral understanding among all American peoples that we are one for all and all for one; that we have a necessity for common defense, and that we must all work together for a common goal.

Those who would disparage our efforts toward a united American front usually point out the cultural differences that separate the Anglo-Saxon from the Latin peoples. Such a distinction is not an obstacle toward hemisphere solidarity. There is a deeper sense of solidarity in our common aspiration for freedom that transcends language or custom.

We in the United States in whose veins flow the blood streams of Europe's many peoples have shown that character, not origin, is the true basis for understanding.

Here in California, Anglo-Saxon and Spanish cultures have merged into an American way of life which has been enriched by the contributions of men and women of other national origins. Everywhere on the Western Hemisphere we have American character. It manifests itself principally in a passion for independence. It is a common bond that must bring us more closely together.

Let me remind you that in 1776 the people in Massachusetts had much less in common with those in Virginia than we do today with our neighbors to the south. Let no misunderstandings nor recriminations arise between us. Let us regard each other with patience and with tolerance. Let us forget our differences and think only of our common ties. Let us act, talk, and think in terms of hemisphere solidarity.

We must move closer and closer toward each other. We must visit each other more frequently and exchange our goods more freely. This is no time to think of bargains and profits. In the world of today we in this continent must work together.

Again, I turn to you radio broadcasters to translate this ardent desire into a popular formula that will remind us every day of our duty and responsibility.

Besides national unity and hemisphere solidarity we need a resurgence of respect for the dignity of labor. I have touched upon that subject a number of times in my drive for recognition of the need for skilled labor as a major national defense measure. With your indulgence I shall repeat a few of my observations, which I believe are still applicable.

In modern battle we demand not only a disciplined fighter, but a skilled mechanic. He must have a firm grasp of the powers and capabilities of his weapons as well as the strength and the courage

to use them intelligently and efficiently. Guns, tanks, planes, and the other numerous battle accessories today call for craftsmen skilled in handling machines, as well as fighters bred in discipline. Any ordinary chauffeur can drive a car, but the pilot of a heavy tank who must traverse varied terrain, climb over steep hills, drive through thick forests, wade across deep gullies and speed along wide open fields while planes from above and artillery from the flank shower him with a deadly spray, must indeed be a mechanic in arms; and behind the pilot are the army maintenance men who must keep the wheels rolling.

This is only one side of the demand for skill. Behind our planes, our tanks, our trucks and all of our modern, delicate engines of war is the manual dexterity of our industrial mechanics. For the production of our war equipment and our munitions in our civilian factories we must look to deft hands.

In our pioneer days, we boasted of our manual dexterity. We seemed to have an inexhaustible supply of skilled mechanics. Today, many of us wonder whether we shall have enough to meet the expanding needs of armament.

In the first place, the training of apprentices in our industrial plants was reduced or entirely eliminated as a result of the 1929 depression. So long as there were mechanics out of work, industry saw no reason for the training of apprentices.

In the second place, there has grown up a tendency on the part of our young men to look upon manual labor with disdain. They have been encouraged to seek white collar careers. Our public high schools have overemphasized that importance as a preparation for college and have neglected their value as a training for a job. As a result, we have thousands upon thousands of young men looking for work in overcrowded fields but possessing none of the manual dexterity required of skilled mechanics for whom jobs are available in reasonable numbers.

We must change our whole attitude toward secondary school education. We must pay more attention to those who have little aptitude for college and train them in our high schools for useful occupations. Our young men must be encouraged to seek careers in the mechanical trades and arts where better prospects for jobs may await them. We must give a dignity to manual labor which heretofore has been lacking or, in many cases, entirely absent.

The future of America rests largely upon the courage, the character, the discipline, the level-headedness, the poise and the balance of the young men who are now of high school age. Their lives, their jobs and their careers depend on the training we give them today. We must develop in them a loyalty to their family, their community and their country. We must instill in them a spirit of tolerance and understanding and a devotion to our American ideals and institutions. With their enthusiasm and their cooperation, we shall keep America happy, wholesome and free.

In the post World War era, America's spiritual life has suffered from false standards of which the attitude toward manual labor was but one manifestation. All of them stem from the debunking philosophy that swept over America after the Armistice.

There are real values in life, sentimental ones, if you will, that are at the foundation of our American way of life. They are our loyalties—our loyalties to our home, to our family, to our church, to our community, to our country. They were, are, and shall be our inspiration and our refuge. I appeal to you as radio broadcasters to put new life and meaning into them, to extol them before the youth of our country, to recall them to the minds of our mature and our aged.

Yes, let us have a revival of our traditional mode of life. Let us advertise the homely virtues of our fathers of charity, of integrity, of sympathy, of courage, of understanding, of work, and of common purpose. Let us think as Americans, act as Americans, and work as Americans. Let us rekindle our hopes and look to

the horizon before us. The future is still bright. Let us strive to keep it so for ourselves and for our children.

We must build up our armaments, tighten up our belts, give unstintingly, sacrifice, work, work, and work more to get this job done. An unprepared America may mean the end of civilization. We have a sacred trust. We dare not fail.

## DR. FRANK KINGDON

(Executive Director Citizenship Educational Service)

The organization with which I am presently connected is the creature of national, social, youth, labor and welfare agencies that have an enrolled membership of thirty million men, women, and young people. They have joined together to ask one question: How can we most effectively cooperate to teach the true principles of American democracy and to perpetuate in this country conditions of life that will assure the maximum happiness and prosperity of all our people? We are acutely aware of the penetrating part played by the radio in the experience of our fellow citizens. We are also conscious of the power of the radio in influencing national attitudes and in affecting the human relationships of our people.

It is this very appreciation of the power that radio represents that makes us sensitive to its activities. Undoubtedly, you have from time to time had evidence of this sensitiveness in correspondence from our agencies criticizing some programs or incidents within programs. Such criticism is in no sense querulousness. It may at times seem to you to be mistaken, but it is always the expression of a profound and honest concern for the best interests of the actual people who make up the United States and for the creation of the most creative possible attitudes among them.

We gladly recognize that you yourselves have seen the implications of your medium and have accordingly established the NAB code to guide your practices. No intelligent men and women can look upon the present world situation or contemplate the disintegration of nations without a sobering realization that current events call for action designed with the utmost care to conserve and extend the ties that bind men for good purposes. The price of carelessness is today nothing less than disaster. The dimensions of disaster are such that all of us, rich and poor, employer and employee, are engulfed in it when it comes. We must all govern ourselves with a realization of the good of the whole or else we shall each lose all we have in the collapse of all. Your code is an expression of your realization that the art of the radio draws its strength from the people and will keep its vitality only as it serves all the people. In this spirit the common sense and common idealism that it represents should be further extended rather than curtailed.

It is one of the paradoxes of freedom that liberty can be maintained only by those who willingly accept the necessary disciplines of social control. Freedom is not an absolute. It cannot be. Each person's right to do or say what he likes is limited by two boundaries.

The first limitation comes at the point where his action impinges on another person's rights. Freedom of speech obviously does not give anyone the right to slander another. Freedom of assembly does not mean that someone can call a meeting in somebody else's house without his permission. It is childish to speak of freedom without this realization of its relative application to conduct. When we speak of a democracy we mean a society that so balances rights one against another as to provide the maximum possible degree of freedom to all on as nearly equal a basis of distribution as ingenuity can devise. This implies more than a merely legal definition. It calls for a mutual respect of each other's rights on the part of individuals. It also demands the voluntary self-regulation of interest groups based on a recognition of their mutual interdependence; this is what gives meaning to codes of ethics

established by various industries for their own regulation; they are more than expressions of good intentions, they are essential definitions of practices that make a society of free men possible. In this sense, freedom does not mean the absence of government, it means self-government, that is, the rational exercise of the moral will.

Self-reverence, self-knowledge, self-control.

These three alone lead life to sovereign power. The only alternative to them in a complexity of laws rigidly enforced, and every gain of force is a loss to liberty.

The second limitation upon freedom is not so simple and has never been as fully explored in our national political literature. We have the measure of freedom that we enjoy because we are citizens of a country that guarantees these liberties to us. The United States of America, as a sovereign entity, one of the nations of the world, is the fact that makes our freedom possible. If the United States should be destroyed our freedom would be lost. This means that we must defend the United States. In our contemporary world mere love of liberty is not enough. The Scandinavian nations had that, but they were not prepared to defend their national states and so they lost their independence. On the other hand, Switzerland has combined the practice of democracy with a vigorous defense policy, and so, in spite of multiple languages and many minorities, it has maintained a degree of liberty unequalled among the small nations of Europe. To keep our freedom we must protect our country. Therefore, we have to accept enough of a limitation on our freedom to assure the continuance of the institutions that guarantee it in the first place. Freedom must not be used to destroy freedom. If any one says that this principle is a denial of the logic of liberty, I answer that it is an appeal to a higher court than logic, it is an appeal to the principle of self-preservation. No man can claim in the name of freedom the right to destroy the nation and its institutions that guarantee his freedom to him. Put into plain words, this means that we, as a nation, must outlaw all parties and organizations that serve first and principally the interests of some other nation than our own. Such people have no rights, theoretically or in justice, in our country for they do not accept the rules of our democracy. Disloyal to the fundamental ideals of America, they are traitors and they should be treated as such. If we do not handle them vigorously our softness will bring us to the same sort of disaster as overwhelmed the Weimar Republic and the Republic of France.

These are serious words, but their implications are justified by the fact that we are confronted by a new kind of attack upon our way of life. Hitherto, our canons of freedom of speech have had to govern differences of opinion among men who accepted the promises of our democratic philosophy. For example, Franklin Roosevelt, Wendell Willkie and Norman Thomas differ extremely, even bitterly, on matters of public policy, but they are all honest supporters of the American way of liberty. It is comparatively easy to handle the techniques of a non-partisan presentation of issues between them within the democratic framework. Every tenet of eighteenth century liberalism can be applied to this situation, and all of us can and must insist that they be so applied.

The tragic experiences of other democratic nations, however, have made inescapably plain the fact that we are now dealing in the twentieth century with a kind of propaganda for which the traditional dogmas of democratic debate are not adequate. If we fail to recognize this, we shall follow other peoples into the dark shadow of division and disintegration. Democracy must control its own weapons to protect itself or they will be turned against it, and it will die of its own indulgence.

We are a unique nation. This is not a patriotic boast. It is a statement of historical fact. We are the only people in recorded history who began our national life and have continued it as a

free society of free men. When Abraham Lincoln said that we were conceived in liberty he spoke a historical truth and he was saying what could not be said of any other people in all the story of mankind. For a hundred and fifty years the forces that gave us birth have been pushing the extension of democracy throughout the world. With all its faults the nineteenth century must be counted as one of the superb epochs of human history; it saw human emancipation march steadily forward, and discovery, invention and knowledge make unprecedented advances. Now, for the first time since we won our independence we find ourselves in an age when the tide of opinion is surging in the opposite direction. Powerful voices are flatly asserting that democracy is dead. Acting on this premise, resolute men are actively at work seizing and enlarging their personal power. They are aggressive. They are unscrupulous. They fight with any weapons they can find. They are unhampered by any considerations of truth or morality. And they are confessedly bent on world domination.

These men are not limiting their activities to lands outside our own. They have their agents and representatives in our own midst, some of them drawn from among our own people. They speak our language and use our slogans. With complete cynicism, they are fomenting every latent prejudice among our people and are skillfully producing contradiction and confusion in our body politic for the purpose of creating a condition of indecision that will precipitate panic in an emergency. In our country at this moment these men greedy for power stand not only ready to undermine our freedom but deliberately planning to do so. They intend to take America over and to make it into something it has never been, and I am convinced will never be under its native impulses, a totalitarian country in which liberty has no place and human dignity is reckoned a romantic illusion.

In the face of such facts we cannot afford to be merely patronizing or indulgent. We have to take stock of an actual situation and plan our social strategy in such a way as to safeguard the patterns of life to which we are devoted. The primary issue is not the definition of limitations upon freedom of speech, but whether as a nation we are going to survive or whether we are going to surrender ourselves to forces that will destroy our independence, and thus wipe out the very possibility of our continuance as a free people. The process we are facing is a subtle undermining of our whole confidence in our national life, the breaking down of our faith in decency and in human respect, the substitution of cynicism for fair dealing, the fomenting of group hatred and the destruction of cooperation and national unity. This profounder issue of the perpetuation of democracy itself calls for clear judgment and for action as effective as that of its enemies.

There is a new weapon in this war. It has already been used effectively in other lands. It paralyzes men's wills. It is propaganda artfully disseminated through every medium of communication. The design it carries has been explicitly stated by the head of the German Reich. In his own words, he seeks to create "contradiction, confusion, indecisiveness of will, and panic." This weapon is now being used in this country. Naziism and Communism are invading our land with it. If they should attack our shores in a military way none of us would hesitate a moment to resist them and to go on a war footing to do so. Yet we seem unable to make up our minds that this new weapon is as real and as dangerous as explosives. We have seen Norway, Denmark, Holland, Belgium and France split and rendered impotent by it. We have seen Finland stand out because it was not vulnerable to it. Yet we are comparatively indifferent while day after day the enemies of this country use it here, and blackmail certain of our fellow-citizens into paying its costs.

As a matter of fact, we, above all nations, must take account of this weapon, because we are a peculiar people. A German

is a German, a Frenchman is a Frenchman, an Englishman is an Englishman, because each is born that way and has ties knit by generations of common blood and soil to unite him to his fatherland. Here, we are a nation drawn from many countries and traditions. That which unites us is an idea, a common love of freedom. We ask no man his ancestry. We ask him only if his heart is for liberty, and if he swears it is, we give him our hand. Some who look upon us from afar scoff at us and say that we are no nation, but a mere conglomerate of bloods having no unity. They do not know the ties that bind us. Their very skepticism, however, must be our warning. They will attack us, they are attacking us, where they think we are weakest. They seek to exploit our differences to disunite us. Our answer must be to recognize their attack, to make the necessary sacrifices, economic and social, to disarm them, to mobilize our brains and resources to outmaneuver them at their own game and to rededicate ourselves to that love of liberty which is our boast and our bond.

In such a campaign, the broadcasters have a real part to play in defending America. The radio is a means of communication that has almost immeasurable penetrating power. The dictators of totalitarian countries have realized this, and have risen to power by using it to the utmost. Once in power, they have taken it over and have monopolized it absolutely, visiting drastic punishments, even death itself, upon those who listen to programs other than their own. They have transformed a magnificent instrument of enlightenment into a tool of ignorance and tyranny.

Using it to the limit, they have launched an imperialistic revolution in which the whole pattern of private property, contract, and free labor is being replaced by a gigantic and absolute state monopoly. It combines the worst features of both nationalism and socialism. And now its leaders are dreaming of it as a worldwide regime.

You stand at one of the points where its attack on our way of life centers. In your hands, therefore, to a large extent rests the protection of the American mind against its poison. The minions of totalitarianism in all its forms are besieging you in the name of free speech to let them talk. Soberly, and in the full blaze of public discussion, you must establish the standards of good sportsmanship in democratic discussion, as organized groups have to lay down the rules in any area of human relationships, and you must abide by those rules and outlaw all who play foul, regardless of their influence or their position. The radio is itself a wonderfully democratic instrument, bringing all its programs to all kinds of homes throughout the country. A broadcaster betrays the genius of his own medium when he allows it to be used to break down the very democracy it exemplifies.

In advertising commercial products you have a simple rule. No one shall be allowed to use the radio to advertise harmful products. The radio is not accessible to peddlers of poison. This same rule applies to purveyors of ideas. A man may say fairly harmless things over the radio, yet in his program overtly or tacitly advertise a magazine or a book that is definitely anti-social. One program having a wide hearing is given in the name of religion, but the literature of the group represented is viciously anti-Catholic. Another program claims high patriotism as its motive but the magazine associated with it is demonstrably anti-Semitic and turned to totalitarian views. Ideas are no less poisonous than physical toxins. Your responsibility is as great for these products as for any others sold by radio.

There is another danger here. Vicious controversy feeds on itself. One man preaches hatred. Soon another answers him in the same spirit. The air waves become an arena of the kind of vituperation, of charge and counter-charge, that appeals only to prejudice and aggravates groups into militant antagonists. We have already seen riots in our cities resulting from such con-

ditions. It is the antithesis of democracy when passion displaces reason.

Controversy at this level has another serious effect. It colors all legitimate discussion with its evil temper and beclouds other issues in the minds of men. There are basically important questions before us as a people, questions involving the whole adjustment of economic and political power. These should be thrashed out with seriousness and dignity they deserve. Candidates and makers of opinions should be judged by their programs on these issues. Instead of this, the general level of argument is dragged down to competition in cheap emotional appeals. And candidates are judged on the single question of some overrated demagogic issue. Thus our whole public life is muddled up with false appeals. Radio cannot be held responsible for all the cheapness of political exhibitionism. It can, however, guard against letting itself be exploited by the fomenters or false antagonisms, and to this extent the nation and the decent people in it will hold radio responsible.

There are some attitudes that are so fundamentally American that any attack upon them is clearly undemocratic and cannot lay claim to the facilities of broadcasting by appealing to freedom of speech. Let me name some of them:

### 1. Human Brotherhood

It is written in the foundation document of our independence that "All men are created equal, and are endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness." Notice that it says, "all men." Our Constitution opens with the phrase: "We the people of the United States." It is inclusive, taking in all people. Therefore, any doctrine of race that asserts that one group is superior or inferior to another, is completely and inescapably un-American, so un-American as to be anti-American. The racialism now being taught in Germany is a blasphemy against the deepest religious convictions of all who believe in the Fatherhood of God and the brotherhood of man. If possible, it is even more distorted heresy than the monstrous nationalism that supports it. And it violates every premise of democracy. Therefore, the man who incites anti-Semitism here is false to the very nature of our Society. He may call himself an American and praise democracy but in his soul he has denied humanity and lost his right to call himself by the name of American. The whole racial emphasis of Naziism is a lie born of a lie. It is a refusal to accept our common humanity, the blood that flows in all our veins, and it is a denial of the scientific spirit that knows no such pseudo-races as it describes. Those who echo it here are servants of a falsehood. They have no claim upon a freedom they would twist into a means of ignorance and intolerance.

### 2. Religious Freedom

When the Bill of Rights was added to the Constitution (and without it the Constitution would not have been adopted) the first principle guaranteed was that of religious freedom. Thus was its preeminent importance emphasized. It is a cornerstone in the structure of our American life. Every man has a right to worship at the altar he chooses, or not to worship at all if that be his conviction. By the same token, everyone has a right to teach and spread his religious belief, provided its practice does not violate laws established for the maintenance of public morality. No man, however, has the right in the name of his religion to prevent, or to incite others to prevent, the practice of another religion. The teaching of religious prejudice, therefore, is un-American, so un-American as to be anti-American. This means that a man who preaches anti-Catholicism or anti-Protestantism or any other form of religious bigotry is an enemy of our way of life. It is an unreasoned and prejudiced approach to a human

relationship and so is at the opposite pole of thought from the essential thinking of which we are an expression. It is sheer absurdity in the name of freedom of the Spirit to deny spiritual freedom to those who worship at other altars than our own. Freedom does not have to prove its integrity by making itself ridiculous. The deniers of freedom can assert no valid claim upon their rights under it.

### 3. The Dignity of the Individual

One emphasis that runs all through the Constitution and that is made explicit in the Bill of Rights is the safeguarding of the dignity of the individual against the power of the state. Democracy puts a limitation upon absolute state power. It asserts that there is an area of individuality so sacred that no power may invade it. Even though a majority of citizens may vote a certain measure it cannot enforce its decision against the conscientious scruple of one who resists it at this deep level. This is the safeguard of minorities. It is the alternative to totalitarianism. He, therefore, who advocates the extension of unlimited power to the state, making the individual a tool of the state, rather than the state the servant of the individual, is false to a basic characteristic of America. To say that we must extend full radio freedom of speech to a group that advocates totalitarianism because as a minority it has a right to freedom is the kind of casuistry that betrays its own premise. Communists, for example, are ardent supporters of civil liberties in this country. They support them, however, as a minority within a democracy. As Communists they do not believe in them at all. Even as a minority they are the agents of a foreign power, taking their orders from a foreign government. In spirit and in practice they are opposed to our American way of life. Yet they ask us not only to countenance them but to encourage them. In a similar way all totalitarians cynically prey upon our good intentions. France has proved conclusively that their pretended caress of democratic principle is a kiss of death. We have to pay a price for maintaining democracy—but not the price of life itself. A free government deserves better of history than to win the epitaph that it was expert at suicide.

### 4. The Home

No single fact more brightly illuminates the essential struggle of our generation than the fate of the home under the rival systems of dictatorship and freedom. From the beginning our nation has safeguarded the family. At this point, if at no other, the Judaeo-Christian teaching has definitely moulded our practice. From the pioneer days to the present, families have had to face economic hardship, and in some cases it has been unnecessarily severe, but the home has actually been protected by two principles recognizing its sacredness—our moral code and our respect for its privacy. America would certainly cease to be America in the profoundest sense imaginable if the home as we know it should be undermined. Yet current totalitarian philosophies strike at the citadel of the home—both at its morality and its privacy. I do not need to recount the abysmal tale of denial of ethics, of children set to spy upon their parents, of hidden dictaphones, of sudden invasions, seizures and murders. The melancholy story is too familiar to us all. What I do need to stress is that no principle of freedom implies the moral right of any teacher of this disruption to demand that we must magnify his voice. Freedom is ill-served in the house of its friends when it enlists the loudspeaker to blast the family. Eccentricity has its prerogatives in a free state but they do not necessarily include a microphone. A home-breaker, even a housebreaker, we send to jail; yet we are blithely told that we must help the smasher of the whole home idea to broadcast his aberrations. We cannot claim elemental sanity if we confuse a license to freedom as freedom for license. Freedom presupposes

intelligent discrimination and we prove our fitness for liberty by discriminating in our use of its privileges.

I have no right to speak officially for the organization whose servant I am. I can, however, act as their interpreter. They are born of the American community. They are themselves at once the spontaneous expressions of its will to freedom and instruments to perpetuate and serve that freedom. They include in their membership the people who are the backbone of America and who have a deep and moving concern for America. Therefore, I have no hesitation in saying that they will not sit quietly when voices inimical to our way of life are lifted. And I say confidently that they will support every sincere and intelligent effort that you make to defend America by keeping broadcasting an active and aggressive agent of liberty. We join hands with you to guard the land we love and with you we hold aloft the light of freedom that the feet of our people may not stumble in the quest for happiness.

## ED KIRBY

(Secretary of NAB Code Committee)

What has the NAB Code done for me? This is the question which practical minded broadcasters are asking in this convention. The Code has been in effect just short of a year. In the results which have already been accomplished, the Code Committee hopes the broadcaster has the answer.

The development of the Code as a means of industrial self-regulation began two years ago when Mr. Miller called to determine if such a step were needed, or desirable. It was immediately apparent that in few fields of endeavor could it possibly be as important to clarify and codify for the benefit and guidance of the entire industry those practices and standards which had proved in actual practice the soundest means of fully discharging that obligation to serve the best interests of the public assumed by the broadcasters by the very terms of the licenses empowering them to operate. At that time the industry determined to do for itself from the inside what others proposed or longed to do from the outside. The wisdom of self-regulation is reflected in a statement of Mr. Justice Frankfurter who said, "Government as a rule undertakes no services or regulation except after private agencies have proved themselves incapable or unwilling." The broadcasting industry has proven itself both capable and willing.

What have been the results? Real value may be determined only by comparison and contrast. Two years ago, there was an effort emanating from two sources which would impose upon radio stations program regulation by law, requiring that fixed periods of time be set aside for the discussion of all public questions. The operating hardship which such a regulation would impose, the inability of the broadcaster to retain control over his program structure with reference to balance and listener interest, the dangerous political implications which attend an interpretation of what constituted a "public question" are obvious to all. Today, through the industry's policy for the handling of controversial public issues, this danger no longer exists. The demand for such regulation was withdrawn simultaneously with the announcement of the Code. The Code Committee declares with confidence that there will be no restrictive legislature imposing the allotment of fixed periods of time for particular program categories so long as we continue to pursue the same policy we are now following. Thus, the Code not only saved the broadcaster a complex operating problem in bringing about a new order of public confidence, but it has also saved him needed dollars and cents.

Two years ago there existed a situation involving the goodwill of the millions of organized women in this country. Caused chiefly through a misunderstanding on the part of club women about the industry's attitude on children's programs and by isolated instances of ill-considered programs, they were exposed to the influence of

those outside zealots looking for a cause and a mission who promised the relief they sought through pressure tactics and legislation. It is a tribute to the common sense of the American club women that they did not respond to the voice of false prophets. It is also fortunate that at this time the foundations of the NAB Code were being laid. Through this vehicle we were able to give them the hearing they deserved and the information and understanding they had not hitherto received. The result: Whereas two years ago the attitude of the club women was such as to invite the interest of those who sought to change the basis of the American System of Broadcasting through arousing a widespread, unfavorable public opinion, today the American system of privately operated and competitive radio has no stronger bulwark of organized public support than that bestowed upon it voluntarily by American club women. The Code Committee can announce with complete confidence that there is no significant large body of women's clubs in the nation which has not supported and which will not fail to continue to support the present Code and American Radio.

Perhaps the finest example of the active condition of cooperation between the industry and these groups was evidenced last year when nationally known women leaders representative of every strata of women's activity, such as patriotic societies, library, teacher and parent groups and the like, voluntarily, and at their own expense, set up the Radio Council on Children's Programs to cooperate with the NAB in the implementation of the children's section of the Code. At the present time there is a survey jointly sponsored by the Council and NAB. Mrs. Dorothy Lewis, its field representative, is travelling through forty-four states, visiting local club leaders and radio stations, bringing about not only a remarkably better understanding of your program problems, but also uncovering a wealth of valuable information which later will be released to the industry, advertising agencies and their clients. It is significant here to record the remarks of Mrs. Harold V. Milligan, Chairman of the Council.

"The Council is prepared to undertake practical measures for the attainment of improving children's programs even to encouraging throughout the women's world the purchase of products of sponsors providing acceptable children's programs which live up to the standards set out by the NAB Code."

No other advertising medium has ever received such important support from the representatives of the purchasing agents of the American home. We must thank the Code for this.

## RADIO AND RELIGION

The service of American radio in projecting the voice from the pulpit to every home is acknowledged by every thoughtful churchman. With few exceptions, most representatives of the 207 denominations carrying on their missions in the United States readily appreciate the soundness of the industry's position as expressed in the Code: "Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion." And with few exceptions, the overwhelming majority of radio stations in the United States and their clerical speakers have lived up to this self-imposed standard by radio and church. Where these few exceptions have occurred, in a day when both the motives and inspiration may well be questioned, the resultant and growing condemnation of both public and clergy is such as to bring about self-correction, or, failing this, eventual commercial self-destruction.

In the past year, the NAB has had the most helpful and sympathetic cooperation and support of most of the church organizations of the country. We are particularly grateful to Dr. Frank Goodman, executive secretary of the Department of National Religious Radio of the Federal Council of the Churches of Christ



in America, and to Edward J. Heffron, executive secretary of the National Council of Catholic Men. Stalwart religionists both, they have brought to the problem a decade or so, each, of practical broadcasting experience.

There has been a steady improvement in the broadcasters' relations with the educational world. Not long ago, it will be recalled, there were those who felt the problem of educational broadcasting would be solved only by the allotment of more time on the air, with a slice ranging from 15 to 25 per cent of all facilities assigned exclusively to non-commercial educational operation by schools and colleges. Through collaboration which has been accelerated by the Code, educators now know that the answer is not to be found in more time on the air, but more time in preparation and rehearsal. A closer understanding between radio and teachers has characterized the year just closed.

From its very start, the Code Committee has endeavored to be of service to each member as well as to the industry at large. It has not sought to assume the responsibility to accept or to reject program material delegated solely to the licensee. It has sought to be a clearing house of information and experience for the benefit of all. It has sought to formulate industry policy as it develops from station operating experience. Indeed, the Code itself is but the composite best judgment of all the stations. Of necessity the Code must be a continuous evolution of interpretation and policy to suit the ever-changing social and economic problem of broadcasting.

In order to preserve its proper function, the Committee follows one line of procedure in the handling of requests for Code interpretations; the request or inquiry must come direct from a broadcaster before the Committee undertakes action.

A political campaign lies ahead. The law is explicit in its regulations for political broadcasting. The broadcasting industry will of course continue to live up to the spirit and letter of the law governing political broadcasting. But the law does not cover the use of radio of those groups and their leaders who are not members of major contending political parties, but who desire to express political convictions about candidates or matters subject to ballot. The Committee points out that during political campaigns, when leaders of these groups desire to secure radio time on behalf or in opposition to candidates or issues, the facilities of radio stations are open to them, subject to provisions of law and the Code. The Committee has always preached the doctrine of fairness and consistency in the handling of such matters. Should a station sell time to such groups, it should of course hold available an equivalent amount of time so that the opposition may have a fair and equal opportunity to reach the ear of the public.

When the political campaign is over in November, the classifications of such groups who have secured radio time for political purposes reverts to their original classification as provided in the public controversial issue, religious, or other section of the Code. When the opportunity to buy time expires at the end of the campaign, radio stations are again prepared to extend a microphone neither bought nor paid for in accord with the public interest, with adequate provision that equal opportunity will be given their opposition.

The Code Committee feels that in these days of national emergency, when challenges to our national safety exist within and without our borders, the wisest possible amount of discussion should freely and fairly be accorded the many important questions affecting our American way of life. The Committee feels that the injection of emotionalism and sensationalism into discussions of politics, public controversies, religious or social questions would seriously affect the public welfare and prevent the American people from gaining a quick and clear access to the facts upon which our future course of action must be determined. In following a policy

of objective and fair-sided presentation of the issues, radio stations are making outstanding contributions to the American democratic process.

The commercial section of the Code becomes fully effective October 1. Complete details and announcements of this were sent to all agencies and advertisers by both stations themselves and by NAB headquarters on July 1, and has been generally well received. Linked as we are in common concern with all media and advertising, in both a social and economic relationship, the Code has been well received by the four A's, the Association of National Advertisers, the National Association of Better Business Bureaus and the Advertising Federation of America. It has brought about a strengthened industry position with reference to the so-called Consumer Movement.

The business of broadcasting is the only business where a public pledge to serve the public interest is mandatory as prelude to the right to operate. Radio stations have since the beginning made and continue to make sincere and eager effort to discover in what areas of programming lies the best public interest. The impact of public opinion is a far more potent enforcement power than could possibly be wielded by any industry policeman. Public opinion, and it alone, governs American radio and enforces the code. This is the American system of broadcasting.

The popularity and the prestige of American radio is at its highest peak. Certainly this is a tribute to the stewardship of the individual station and network management in adhering to a code of conduct which has won for radio the largest audience in the history of the world. The Committee knows that every broadcaster wants to and will keep it so. Last Saturday we had an index to the standing of broadcasting among those we serve, when on the World's Fairs broadcasts there appeared representatives of every segment of our American life—labor, religion, education, youth, women, civil liberties and government, conveying thanks and pledging full support to a system of free American radio. Standing side by side were a Jewish rabbi, a Catholic priest, and a Protestant minister in tribute to a system of democratic radio which tries to bring people together in bonds of understanding. Those for whom these eminent men and women spoke last Saturday number in the tens of millions. No other industry, whether it be in the entertainment, educational or communications field has ever received such an eloquent tribute. With a united industry and with the people of the nation united in its support, surely radio has reached a new level of self confidence and of public confidence. The Code Committee pledges that it will continue to be of service to the industry at large and to each individual member.

BY JOHN E. DREWRY

(Dean, Henry W. Grady School of Journalism, the University of Georgia)

The story of the George Foster Peabody Radio Awards is largely an account of and a tribute to the imagination and enterprise of Lambdin Kay, for years director of Radio Stations WSB and WAGA of the Atlanta (Ga.) Journal, and now director of public service for WSB.

Last fall—less than a year ago—Mr. Kay asked me to come to Atlanta for a conference, during which he made a suggestion out of which grew the action of the Board of Regents of the University System of Georgia in setting up these awards. At this time, Mr. Kay explained to me that although there were miscellaneous prizes and distinctions in the radio field, there was nothing comparable to the Pulitzer awards in journalism and literature. He said that the industry had been so busy "growing up" that its leaders had not given sufficient attention to the public service implications of radio. He felt that the time had come to remedy

this situation, and so, as a member of your committee on awards for distinguished service, he was turning to us for possible assistance. He mentioned the fact that the Pulitzer awards are administered by the School of Journalism of Columbia University, and suggested that perhaps we of the University of Georgia School of Journalism might be interested in administering similar awards for radio. He also proposed that the radio awards bear the name of George Foster Peabody, a distinguished patron and life trustee of the University of Georgia.

Needless for me to say, I was interested in his proposal, and assured him that I would pursue the matter with officials of the University and the Peabody estate. This I did, and at the May 1940 meeting, our Board of Regents officially approved and set up the George Foster Peabody Radio Awards. This action was the result of a series of conferences participated in by Dr. S. V. Sanford, Chancellor of the University System of Georgia; Marion Smith, chairman of the Board of Regents of the University System of Georgia; Dr. Harmon W. Caldwell, president of the University of Georgia; Mrs. Marjorie Peabody Waite, Saratoga Springs, New York, daughter of George Foster Peabody; Harry Hodgson, Athens, personal friend of the late Peabody; Ed Kirby, director of public relations of the NAB; and Mr. Kay.

All of these are entitled to the appreciation of this group.

I am assuming that all of you are familiar in a general way with the distinguished career and generous philanthropies of Mr. Peabody. Perhaps, however, at this point I should interpolate a little biographical data about this very fine friend of high education and social betterment. In the interest of brevity, I shall merely quote some of the high points in the sketch of Mr. Peabody as it appeared in "Who's Who in America":

"GEORGE FOSTER PEABODY, banker; born in Columbus, Georgia, July 27, 1852; received A.M. Harvard, LL.D., Washington and Lee, the University of Georgia. In banking many years. Treasurer, Democratic National Committee; chairman, State of New York Reservation Committee at Saratoga Springs; trustee, American Christian Institute for Negroes, Hampton Normal and Agricultural Institution, Pennsylvania Normal and Industrial School, Fort Valley High and Industrial School, Colorado College, the University of Georgia, Skidmore College, Lake Placid Education Foundation, National Council on Religion in Higher Education, Georgia Warm Springs Health Foundation. He was a member of the Southern Society, National Institute Arts and Sciences; a member of the following clubs: Century, Cosmopolitan, Down Town, Reform, National Arts, City, Hamilton, Lake George County Club. His home was at "Yaddo" in Saratoga Springs, New York."

To these bare facts, I may add that Mr. Peabody devoted much of his fortune to education and social enterprises. He was especially interested in the state university of his native Georgia, and has been referred to as the "best friend the University of Georgia ever had." Far visioned as he was, as early as 1905, he saw the necessity of a chair of forestry in the College of Agriculture of a state in which the pine tree is of no small consequence. Today our School of Forestry bears his name. Democrats in this audience possibly will recall, or may be interested to learn, that Mr. Peabody was a close personal friend of Franklin D. Roosevelt, and was largely responsible for interesting the President in the Georgia Warm Springs Foundation, near which is located the "Little White House."

The resolution providing for these Peabody Radio Awards, as approved by the Regents, reads as follows:

A PLAN WHEREBY THE OLDEST CHARTERED STATE UNIVERSITY WOULD RECOGNIZE AND ENCOURAGE THE SOCIAL RESPONSIBILITIES OF THE YOUNGEST OF THE MEDIA OF COMMUNICATION—AND ALSO HONOR A DISTINGUISHED AMERICAN:

Recognizing that the radio is an important medium of information, entertainment and public service, comparable to the

press, The University of Georgia (chartered 1785), through the Henry W. Grady School of Journalism and a Board of Adversers, in conjunction with the National Association of Broadcasters, will confer annually, beginning in 1940,

THE GEORGE FOSTER PEABODY RADIO AWARDS for the most disinterested and meritorious service rendered by each of three American radio stations, representing the three major types of stations (local, regional and national), and also by a national broadcasting chain, said awards to be given to perpetuate the memory of George Foster Peabody, benefactor and life trustee of The University of Georgia and friend of educational progress everywhere.

These awards will be announced and bestowed publicly by the Regents of the University System of Georgia, upon recommendation of the Advisory Board set up and maintained jointly by the University of Georgia, through the Henry W. Grady School of Journalism, and the National Association of Broadcasters.

The membership of this Advisory Board shall consist of the Chancellor of the University System of Georgia, and eleven other outstanding American citizens who have demonstrated in a notable degree their interest in public affairs, and who also by position and achievement are prepared to evaluate in an impartial and detached manner the contributions of radio stations and chains in connection with these awards. The Board is to be self-perpetuating, subject to the approval of the Board of Regents. Nominations for membership are to be made through the office of the Dean of the Henry W. Grady School of Journalism. (The initial personnel of the Advisory Board will be announced at an early date. An explanation on this point will be made on the floor.)

Nominations of candidates for these awards shall be made in writing to the Dean of the Henry W. Grady School of Journalism, The University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration for one of these awards. Program subjects, program outlines, program transcripts, recordings, letters, and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.

Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940.

The closing date for entries will be January 15.

When informed of these awards, Neville Miller, president of the National Association of Broadcasters, made a statement which cheered us very much. It read:

"American broadcasters are honored that under such distinguished and impartial auspices, annual awards will be bestowed for the most outstanding contributions rendered in the public interest which they are dedicated to serve.

"Without question, the George Foster Peabody Radio Awards to be selected by a group of outstanding Americans representing a cross section of the religious, cultural and economic life of the nation, will become a new and noteworthy standard by which the public service contributions of the broadcasters will be gauged and measured.

"We welcome this new and wholesome influence in broadcasting. Our thanks go out to those individuals and to The University of Georgia whose public spiritedness has combined to bring about this worthy means through which to further perpetuate the noble memory of a great American, George Foster Peabody."

We of The University of Georgia School of Journalism feel that radio is very much a part of our educational program. For a number of years, the following statement has appeared in the annual bulletin of the Henry W. Grady School of Journalism, The University of Georgia:

"To the average person, the term *journalism* means newspaper work, perhaps reporting. Important as is the newspaper, and essential to the welfare of a democracy as is accurate and truthful reporting, journalism embraces a great deal more than the daily and weekly press.

Journalism, in the broad sense, includes metropolitan dailies, small town dailies and weeklies, press associations and syndicates, certain phases of the radio, specialized magazines and trade journals, general magazines, various aspects of book publishing, advertising and publicity, much of the production and promotion work in motion pictures and the theatre, and editorial, instructional, and research work for schools, colleges and various social agencies."

The creation of the George Foster Peabody Radio Awards was but the next and largest step in our efforts to be of educational assistance to an important agency of communication. We expect to do all we can to make these Peabody Awards of the maximum usefulness to radio. But a large part of the responsibility for the success of the project rests with you members of the National Association of Broadcasters. Your representative, Mr. Kay, initiated the plan! Your members, by entry, participation, and publicity, can make these Peabody Awards a real stimulus to that meritorious, public service which has already reflected so much credit on radio. We of The University of Georgia are counting heavily on your support, just as we expect to give you ours in every way possible.

## Resolutions

The convention adopted the following resolutions:

1. **THANKS.** The National Association of Broadcasters hereby extends its hearty thanks to those who have participated in its deliberations and who aided so materially in the success of its 18th Annual Convention.

Especially do we wish to thank Mr. Stephen B. Early, secretary to the President of the United States, the Hon. James Lawrence Fly, Chairman, Federal Communications Commission, the Hon. Louis Johnson, former Assistant Secretary of War, Dr. Frank Kingdon, and Dr. John E. Drewry for their valuable contributions to our deliberations.

In addition, our thanks go to the St. Francis Hotel, the Mark Hopkins Hotel, the San Francisco Convention and Tourist Bureau (which arranged the excellent entertainment program for the ladies), the Golden Gate International Exposition, Mayor Angelo J. Rossi, and those other individuals and groups from the city of San Francisco who have been so generous with their time and talents.

Our most hearty congratulations and thanks to the local convention committee, especially to the Chairman, Howard Lane, to Ralph Brunton and Lincoln Dellar, and to those other local broadcasters whose cooperation made possible the presentation of the banquet and the show, "The Greener Pastures," directed by J. Kenneth Jones.

The association also extends its hearty thanks to the directors of Treasure Island Press Building for their entertainment Sunday afternoon at the San Francisco Press Club.

2. **NEVILLE MILLER AND STAFF.** The National Association of Broadcasters hereby extends its thanks to its President,

Neville Miller and to the members of his staff for their generous efforts and extremely commendable work during the year just completed.

3. **APPROVAL OF ACTS OF OFFICERS.** The 18th Annual Convention of the National Association of Broadcasters hereby approves the official acts performed since the last annual convention by its duly qualified officers.

4. **MEMBERSHIP EXTENSION.** The Association takes this opportunity to thank District Directors, the State and Area Membership Chairmen for their enthusiastic and unremitting efforts which have resulted in the attainment of the highest membership in the history of NAB, namely, 464.

5. **EDUCATION.** The Association looks with regret to the probable discontinuance of the splendid non-partisan efforts of the Federal Office of Education, which have brought so many educational programs, such as "Smithsonian Institute" series, "The World Is Yours" and "Immigrants All—Americans All," which have been so favorably accepted by the United States.

6. **CHILDREN'S PROGRAMS.** The Association desires to express its appreciation to the Radio Council on Children's Programs which has brought about such splendid cooperation and understanding between parents and teacher groups, and American broadcasters, in the improved standards of children's programs.

7. **ACCEPTANCE OF CODE OF ETHICS.** Our Association expresses its gratitude to those representatives of the various segments of our American life in the field of labor, education, religion, youth, civil liberties and Government who have expressed their complete confidence in the American system of free radio as exemplified in the Code of Ethics of the National Association of Broadcasters. This was dramatically brought forth in the tribute to American radio by both the New York World's Fair of 1940 and the Golden Gate International Exposition in a broadcast of unprecedented proportions which was carried by all networks and many non-affiliated stations on Saturday, August 3, 1940.

8. **B. M. I.** The National Association of Broadcasters wishes to take this opportunity to commend the work of those responsible for the organization of Broadcast Music, Inc., and its unprecedented development. The Association feels that the scope and magnitude of the work accomplished in such a brief time not only reflects the outstanding ability of the leaders of the industry, but the unanimity among broadcasters when faced by a common vital problem.

9. **MUTUALITY OF INTEREST.** The National Association of Broadcasters joins with other advertising media, and organizations interested in advertising, in the presentation of a united front to cement public confidence in advertising. We join with others in urging that each branch of advertising exercise self-restraint, good judgment, and tolerance in its attitude toward other advertising interests and media.

10. **ADVERTISING AND THE AMERICAN WAY.** The Advertising Federation of America at its 1940 National Convention in Chicago made a distinct contribution by the development of the theme of the convention—"Advertising's Contribution to the American Way of Living."

"Advertising powerfully motivates and stimulates many of those individual acts and group processes which determine the way of American life. A symbol of free competitive enterprise and of free choice by consumers, advertising arouses the desire and ambition for better living and simultaneously performs an economic service which helps to make better living possible.

"The preservation of the American way of free individual enterprise and free consumer choice assumes more than usual importance today in the shadow of perils assailing free men and free peoples in so many parts of the world."

The National Association of Broadcasters joins with the Advertising Federation of America in urging "Advertising men and

women everywhere to respect and take pride in the contribution of good advertising to the American way of living, that by the quality and sincerity of their work they may add daily to the value of this contribution, and thus help to safeguard it as a permanent part of American business."

11. DEFENSE OF THE NATION. Since the American people are today faced with new and urgent problems of national defense calling for the unselfish united effort of all Americans, the National Association of Broadcasters, recognizing the vital duty and responsibility of the American radio broadcasting industry to bend every effort in the organization of plans for national defense, hereby instructs the President of the National Association of Broadcasters to appoint a committee, of which he shall be one, to represent the industry and to be known as the Advisory Radio Committee on National Defense, which will still further implement the cooperation which the industry has already extended, and is still extending.

The Association instructs this Committee to advise the President of the United States, the Secretary of War, the Secretary of the Navy and the Chairman of the Federal Communications Commission of the desire and purpose of the American Radio Broadcasting Industry to cooperate fully in the organization of defense plans.

And the Association further instructs this Committee to place its services at the disposal of all departments of the Federal Government in coordinating and promoting the defense work; and in order to anticipate possible calls from the Federal Government, that the Committee undertake a survey of the Industry to determine requirements in the event of national emergency, and the qualifications of all employees for defense service.

12. AMERICAN WAY OF LIVING. The American Radio Industry is fully conscious of the vital inter-dependence of a free radio and a free people, and has long been dedicated to the preservation and the promotion of the American way of life, with its democratic liberties and free institutions.

Our greatest hope for the preservation of the American way of life rests fundamentally with the preservation of the stout and unconquerable unity of the American people which in the past has permitted us—though drawn from every race, creed and nation of the world—to live together in peace and harmony.

Malevolent forces, active today in this country of ours, are seeking to undermine the faith of Americans in democracy, to weaken our will to defend ourselves and to fan into burning hatreds the differences of race, creed, class and descent of which we are now composed.

In the face of these attacks, the American radio industry is bound not only to continue, but to intensify its efforts to promote the American way of life and thus protect its own freedom and the freedom of the people it serves.

The National Association of Broadcasters does solemnly re-dedicate the American radio industry, with whose freedom it is entrusted, to the promotion of the American way of life, and to preservation of the unity and morale of the American people.

Submitted by the Resolutions Committee,

EDGAR H. TWAMLEY—WBEN

W. CAREY JENNINGS—KEX

H. K. CARPENTER, *Chairman*—WHK

## Fair Broadcast

Tributes to the American System of Broadcasting from representatives of virtually every major organized group in the country were heard on the World's Fairs broadcast

August 3. All will be printed in pamphlet form. Below are the remarks of James Lawrence Fly, FCC chairman, and Stephen Early, secretary to President Roosevelt.

### CHAIRMAN FLY

I am happy to participate in this tribute of the two great World Fairs to the radio industry—both in an official capacity, as Chairman of the Federal Communications Commission, and as just another listener who has found many enjoyable hours by the side of his radio.

First, let me say a word about the government's interest in this field. The Federal Communications Commission was created by Congress to protect the public interest in radio and related fields of communication. It was set up to carry into effect the policies which you, the American people, want. The members of the Commission are your representatives.

No less are the broadcasters your servants. As trustees of the radio frequencies which are public domain, the broadcasters are eager to learn what the public desires. They spend large sums of money in making surveys to learn the type of programs which meet with your approval. They are always sensitive to public reactions once they are made known.

Those in the broadcasting industry know, for example, that so far as public issues are concerned you want an opportunity to learn all the facts. They realize that other sources are open to those who want, or who may be willing to tolerate, the partisan presentation of information—with its unbalance and the insinuation of prejudice into factual reporting. They are aware of their great opportunity to establish radio as the completely reliable, impartial medium. Idealism is a practical influence in the conduct of radio broadcasting.

That, in large measure, is because you have made it clear that you do not want the magic of radio bent under the yoke of selfish interests; that you want this public facility left completely free to serve the interests of the public. It is entirely appropriate that you make your wishes known to the broadcasters, and for that matter, to the Commission. All of us want radio to continue its great strides for the benefit of the whole race. Its great force we all want exercised, in this country, to maintain American radio, in the future as in the past, the finest and freest on the face of the globe.

In the last analysis, the best radio, the freest radio, is that most responsive to the wishes of the people. That is democracy in flower.

### MR. EARLY

It is singularly fortunate that, at a time when the freedom of mankind is at stake throughout much of the world, we can assemble here to participate in a ceremony which symbolizes liberty in America. These words "freedom" and "liberty" are so much discussed in these days that, I sometimes wonder, if we maintain a constant appreciation of their real significance. So long have we enjoyed these blessings there is temptation for the words to become abstractions. Yet today there are millions of men who, perhaps, can hear these words over shortwave transmitters—men who are suffering the tyranny and slavery that follow the loss of their freedom.

Expression of opinion in parts of this world of ours is a felony, punishable by death. It is, likewise, a crime, according to the credo of the tyrants, for men to listen to the opinions of others if such opinions differ with those of their dictators. Yes, there are men who are fighting and dying to maintain that freedom for themselves and—perhaps for us all. And, this freedom cannot be maintained without sacrifice. The old truism: "eternal vigilance

is the price of liberty" has no boundaries in the world today. When free men become slaves in any part of the globe, vigilance requires that we prepare to make certain that encroachment on liberty cannot happen here. This nation is now engaged in such preparation. Industry, labor, agriculture and other groups are being mobilized into this great effort to make America invulnerable against whatever the future may hold as a threat to our freedom. This is being done by democratic procedures, and, with a real sense of national unity.

Broadcasters, in common with many other groups in America, no doubt are concerned with the contribution they can make to the program of national defense. I can only give you a personal opinion. Broadcasters, it would seem, have a unique responsibility and a privileged opportunity. The dependence of our people upon radio as an important source of information calls for the highest degree of care in presenting facts impartially and without distortion. In the event of an even more extreme emergency, it seems to me, radio can and should continue to make its important contribution to the maintenance of the morale of our people.

I see no occasion for any sort of extraordinary measures so far as radio is concerned. I am convinced that broadcasting will continue to function in accordance with the public interest and, in a democratic way, during any emergency. Your duty, as American citizens, is the best standard of conduct in times of crises, as well as under more normal circumstances.

To the broadcasters and to the listeners to this program, I bring greetings and best wishes from the President. You broadcasters know the President's views on the relationship of radio to government. Recently, he pointed out that while the government long ago had to set up essential controls of radio operation, to prevent complete confusion on the air, in all other respects, radio is as free as the press.

I bring to you a new expression of hope that this freedom will endure forever. Likewise, I offer congratulations to the radio industry for its great record of progress and service. The American system of free radio, as symbolized by these plaques, is actually a living symbol of the freedom of us all.

I thank you very much.

## NAB MEMBERSHIP NOW 473

Six new members brought the total NAB membership this week to 473, the largest number of members in the history of the Association. The new members are:

WAGA—Atlanta, Georgia  
WAIM—Anderson, South Carolina  
WAJR—Morgantown, West Virginia  
KGA—Spokane, Washington  
KHQ—Spokane, Washington  
KVEC—San Luis Obispo, California

## Labor Notes

The American Federation of Musicians, in a jurisdictional squabble with the American Guild of Musical Artists, has banned such noted musicians as Heifetz, Iturbi and Zimbalist from both broadcasting and recording. These artists belong to the Guild. Mr. Petrillo says that they play instruments and, therefore, should belong to the A. F. of M. Both unions are A. F. of L. At the same time the A. F. of M. banned the Boston

Symphony, last of the major non-union orchestras, from broadcasting and recording. The Boston orchestra has not broadcast for a long time.

The cost of living for wage earners and lower-salaried workers in the larger cities increased 0.7 per cent during the three months ended June 15. The increase during the year ended June 15 was 1.9 per cent. Atlanta, Birmingham and Houston were the only cities to report decreases during the quarter. The greatest increase was 1.7 per cent in Chicago.

A case to test the constitutionality of the Wage and Hour Act has finally reached the Supreme Court. It was brought by the Opp Cotton Mills, Inc., of Alabama.

The Wage and Hour Administration has issued a new set of regulations governing employment of learners at less than the minimum wage "if such employment is in connection with a bona fide vocational training program." Since in no case is the learner's wage to be less than 75 per cent of the minimum specified by the law, it would scarcely be worth while for broadcasters to take the necessary steps to obtain learners' permits.

A great many broadcasters at the San Francisco Convention were interested in the new plan for pre-payment of overtime for certain employees. (See NAB REPORTS, page 4443.) Any questions about application of this opinion will be answered by the NAB Labor Relations Department.

## National Defense

### NATIONAL DEFENSE TOTAL 603

Forty-six (46) more broadcasting stations have pledged their support to the National Defense campaign. The total to noon, August 15, is 603.

Several pledge blanks, not filled out, have been received in the mail. Consequently stations which mailed them cannot be listed.

Station executives who detect errors or omissions in this or in the listings of July 26 and August 2 are requested to register corrections with Arthur Stringer, NAB headquarters, 1626 K Street, N. W.

An example of extra cooperation with the National Defense Program was offered by Grover C. Crilley, general manager, WJEJ, Hagerstown, Md., on Monday evening,

August 5. The 15-minute program presented W. H. Rempe, district manager of the Ninth Civil Service District, St. Louis, who is now detailed as liaison officer to the War Department. An open forum was held after the broadcast when the large studio audience asked numerous questions about the positions that are to be filled under the National Defense Program. C. C. Hathaway, chief of the Information and Recruiting Division,

of the United States Civil Service Commission, and other Commission personnel expressed themselves as highly pleased with results.

Generally speaking, the Man Power campaign is making progress according to the United States Civil Service Commission. The situation will be covered in more detail on a memo by mail to all broadcasters at an early date.

The additional 46 cooperating stations appear below:

**DISTRICT 1**

MAINE  
WABI—Bangor  
NEW HAMPSHIRE  
WHEB—Portsmouth  
RHODE ISLAND  
WJAR—Providence

**DISTRICT 2**

NEW YORK  
WNBF—Binghamton

**DISTRICT 3**

PENNSYLVANIA  
WSAJ—Grove City (College)

**DISTRICT 4**

MARYLAND  
WTBO—Cumberland  
NORTH CAROLINA  
WISE—Asheville  
WRAL—Raleigh  
VIRGINIA  
WBTM—Danville  
WLVA—Lynchburg

**DISTRICT 5**

ALABAMA  
WSGN—Birmingham  
WJRD—Tuscaloosa  
FLORIDA  
WRUF—Gainesville  
WSPB—Sarasota  
GEORGIA  
WRBL—Columbus  
WTOC—Savannah

**DISTRICT 6**

ARKANSAS  
KFPW—Fort Smith

**DISTRICT 7**

KENTUCKY  
WLBK—Bowling Green  
OHIO  
WLOK—Lima

**DISTRICT 8**

INDIANA  
WGL—Fort Wayne  
WOWO " " "  
MICHIGAN  
WFDF—Flint  
WASH—Grand Rapids  
WOOD " " "  
WKZO—Kalamazoo

**DISTRICT 9**

WISCONSIN  
WHBL—Sheboygan

**DISTRICT 10**

IOWA  
KFNF—Shenandoah  
MISSOURI  
KMOX—St. Louis  
KXOK " " "  
NEBRASKA  
KMMJ—Grand Island

**DISTRICT 11**

MINNESOTA  
KGDE—Fergus Falls

**DISTRICT 12**

KANSAS  
KVAK—Atchison  
KGGF—Coffeyville  
OKLAHOMA  
KVOO—Tulsa

**DISTRICT 13**

TEXAS  
WRR—Dallas  
KXYZ—Houston

**DISTRICT 14**

COLORADO  
KOA—Denver

**DISTRICT 15**

CALIFORNIA  
KMJ—Fresno  
KTKC—Visalia

**DISTRICT 16**

CALIFORNIA  
KGER—Long Beach  
KMTR—Hollywood  
KFSD—San Diego

**DISTRICT 17**

ALASKA  
KINY—Juneau  
OREGON  
KBND—Bend  
WASHINGTON  
KWSC—Pullman  
KVI—Tacoma

**ALIEN REGISTRATION**

The Immigration and Naturalization Service asks stations to make as much use as possible of the following announcement before August 27:

Are you an American citizen? If not this message means you. The Alien Registration Act requires all aliens to register between August 27 and December 26, 1940. Anyone who is not a citizen and who fails to register will be liable to fine or imprisonment, or both. The Government is confident that all loyal aliens will cooperate by registering as early as possible. Ask your postmaster for a sample form of the registration questions, and remember the date—August 27th.

**Promotion**

**LISTEN BEFORE YOU VOTE**

Many conversations with broadcasters as well as letters lead to the belief that LISTEN BEFORE YOU VOTE is already over the top.

But what is done from now on is going to determine whether radio is to get the maximum possible benefit out of this industry-wide, country-wide promotion.

This is the time to make and perfect plans; not to execute them. Best results will undoubtedly be produced by concentrating effort in the interval from September 16 on.

In the original LISTEN BEFORE YOU VOTE release, July 18, it was suggested, among other things, that the LISTEN BEFORE YOU VOTE story be told to members of local organizations, and that dates be arranged well in advance.

On August 2 this idea received impetus from Rotary. Rotary International News Letter, distributed to presidents and secretaries of 5,073 clubs, carried the following:

**"LISTEN BEFORE YOU VOTE"**

"Listen Before You Vote" is the theme adopted by the (U.S.A.) National Association of Broadcasters, and approved by the national committees of the two major political parties and by minority political groups, under which political speeches, addresses, and discussions are to be presented to the public over

the radio stations of the U.S.A. during the presidential campaign of 1940. Some idea of the growing importance of radio in the public and political life of the U.S.A. is understood through the increased number of radio sets in use today (44,000,000) as compared with the number of sets in use in the presidential year of 1920 (400,000).

The Association of Broadcasters are hopeful that U.S.A. Rotary clubs and Rotarians will avail themselves of the opportunity to listen to the radio broadcasts during the presidential campaign which constitutes "a parade of ideas from which the U.S.A. voter can receive information upon which to base his judgment in casting his ballot."

In advance of September elections in South Carolina, WCSC, Charleston, is now promoting LISTEN BEFORE YOU VOTE, using announcements and movie trailers in 11 theatres throughout its service area.

One hundred red, white and blue LISTEN BEFORE YOU VOTE posters will be distributed to member stations, free, next week. Distribution is automatic. No order is necessary.

Several hundred stations, at least, will find it advantageous to distribute larger quantities in their service area. Many orders for extra quantities have already been received.

Station managers are urged to forward such orders at an early date, because it is an advantage to have the posters on the premises in advance of actual use. A convenient order blank was enclosed with a one page letter to members August 14.

## FAIR SALUTE PROMOTION

"1940's biggest broadcast," the salute to American radio, August 3, received powerful air and newspaper promotion in many cities.

In Philadelphia, WCAU used 250 lines of copy in the "Bulletin" and "Inquirer". The top line was: "Hear It on WCAU Tonight."

WDBJ, Roanoke, Va., sponsored six inch-two column copy in both the Roanoke *Times* and the Roanoke *World-News*. On August 3 the latter newspaper published an editorial on the broadcast. Its concluding statement, agreeing with the industry's position in the matter of freedom of radio, said:

"In a democracy, the avenues for communication of information and ideas must be kept open and free."

WJTN, Jamestown, N. Y., ran 250 lines of copy in one ad and 84 lines in another. The display of the former read: "A Must on Your Radio Calendar! The biggest parade of radio stars in the history of the industry on one and the same program."

## Advertising

### FREE OFFERS

The Bureau of Radio Advertising has invited the following concerns to use radio on a regular basis in promoting their various interests:

*The Glycerine Producers' Association*, who have sent to stations dessert recipes calling for the use of glycerine.

*Ringling Brothers, Barnum and Bailey Circus*, who ask stations to broadcast recordings dealing with "educational material on circus history, circus life in general, etc."

*Lawrence H. Selz Organization*, who are currently issuing publicity on behalf of insulating materials and carbonated beverages.

*Pan American Society for Tropical Research*, who have a very interesting proposal offering station managers a Panama hat in

return for free time telling about the rare and exotic flora of Ecuador.

*Ziff-Davis Publishing Company* (Pets Magazine) who have devised a plan to bring refugee dogs from Great Britain and find homes for them in America. Radio is asked to broadcast the plea, which was turned down as impracticable by the English Kennel Club.

*The Woman Magazine*, who would be glad to have stations offer their listeners a special subscription rate, as an audience test.

*Your Life Magazine*, who are submitting as news matter publicity scripts calling attention to articles in their forthcoming issue.

### Cost-per-Inquiry

In addition, the following have recently made percentage proposals to member stations, and have been advised by the Bureau that such methods are not acceptable to reputable broadcasters:

Huber Hoge & Sons, on behalf of Velva-Tize;

Playcrafters, on behalf of Foot Master Balm.

Benton & Bowles, Inc., has asked stations to broadcast plans for a National Certo Jelly Making Contest. The rules of the contest state that only jellies and jams made with Certo are eligible. In view of this, the Bureau believes that time should be paid for on the regular basis, and has advised the agency accordingly.

## AIR CONDITIONING TRAINING CORP.

Many stations may be interested in the following FTC complaint:

A Federal Trade Commission complaint charging misrepresentation in the sale of a correspondence course in air conditioning and refrigeration has been issued against *Air Conditioning Training Corporation*, and its officers, Benjamin M. Klekner, Morris A. Gluck and Leon J. Knight, 789 Wick Ave., Youngstown, Ohio.

According to the complaint, the respondent corporation misleadingly represented that students who complete its training course are assured of employment in the air conditioning and refrigerating industry; that the air conditioning industry has designated the respondent to train men for employment; that many vacancies exist in the air conditioning and refrigeration industry that are available to students who complete its training, and that representatives of the air conditioning and refrigeration industry actively participate in the conduct of the school and in the giving of instruction, when such are not the true facts.

Further misleading representations alleged in the complaint are that respondent's salesmen are experts in vocational guidance; that students while pursuing its course will be qualified and able to secure part time work in the servicing of air conditioning and refrigeration equipment, and that persons with insufficient background are qualified to pursue its course of instruction, when such are not the facts.

The respondent also allegedly claims that beginning wages in the air conditioning and refrigeration industry are greater than they are in fact; misrepresents the extent and nature of fees payable by students for its course of instruction, and exaggerates the extent of its laboratory and shop equipment.

Twenty days are granted for filing answer to the alleged violation of the Federal Trade Commission Act.

## Engineering

### ENGINEERS' CITIZENSHIP

The FCC has extended for one month—to September 15—the time for compliance with its Order No. 75 calling upon each licensed

radio operator, commercial or amateur, to submit proof of citizenship.

Many communications have been received showing delayed receipt of information regarding the order, and indicating further delay in responding to it as a result of absence or other causes. It is not contemplated, however, that a further extension will be granted except where unusual circumstances exist.

Inquiries have also been received concerning the basis of the order and the penalties which might follow non-compliance. Under Section 303 of the Communications Act of 1934, as amended, the Commission is given authority "to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified." It should be noted that the act limits such licenses to citizens of the United States and under existing conditions it is necessary to obtain additional evidence of citizenship in respect to those persons licensed by the Commission. The Commission likewise is authorized to suspend the license of any operator, among other causes, for violation of any regulation made by the Commission. Failure to respond to Order No. 75, accordingly, would be grounds for suspension of the operator's license.

Instances have been reported to the Commission in which an operator having theretofore believed himself to be a citizen of the United States and having so affirmed, discovered, upon endeavoring to secure the information required for compliance with Order No. 75, that he was in fact an alien and was not and had never been entitled to the license which he held. Under such circumstances the only proper course of action is to submit his license to the Commission for cancellation, advising the Commission at the same time of the circumstances. The license document which has been issued by the Commission to such an operator is null and void. Continued operation under such a condition would be unlicensed operation in violation of the Communications Act. Furthermore, continued reliance upon a false claim of citizenship would subject such persons to penalty by imprisonment and fine under Section 79 of the United States Criminal Code which provides in part that such penalties shall be imposed upon "whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship."

Operators holding more than one license, such as a radiotelegraph and radiotelephone, or a commercial and an amateur class, have inquired whether it is necessary to submit a separate response for each such license. This is not necessary. A single response to the order is required from each individual affected, whether he holds one or more licenses or holds one and is applying for another.

The order does apply to the holder of a radio operator's license or permit of any class. Thus, a person holding only a restricted radiotelephone operator permit or radiotelephone third class should respond. Service in the military forces, police departments, or other organizations, does not exempt a licensee from compliance.

Inquiries relating to the submission of valuable personal papers such as birth or baptismal certificates, naturalization certificates, passports, marriage certificates, etc., have also been received. Whenever possible original certificates and records should be submitted to the Commission by registered mail. They will be returned when they have served their purpose. When certified copies may be obtained, such copies may be submitted in lieu of the original.

It should be noted, however, that it is unlawful to make any copy of any certificate of naturalization or of derivative citizenship. When it is impracticable or undesirable to forward original naturalization or derivative citizenship certificates, they may be presented for examination to any office of the Commission together with the completed questionnaire and all other documents necessary for a complete response to the order. In the alternative,

where the operator has been issued a certificate of naturalization or of derivative citizenship in his own name, the response may be accompanied by the certification of the notary public or other duly authorized official before whom the response has been affirmed, stating over his seal that he has examined the original certificate and found it to be accurately described in the response to the questionnaire and that he believes the affiant to be the person named in such certificate.

Certificates of derivative citizenship may be obtained by persons qualified therefor upon proper application to the Department of Justice, Immigration and Naturalization Service, Washington, D. C. It is unquestionably to the advantage of any person who claims citizenship through the naturalization of parent or husband to obtain such a certificate. Although the possession of a certificate does, the filing of an application for such a certificate *does not* relieve the operator from submitting to the Commission the other documentary evidence required for the complete response to Order No. 75.

In every case a person responding to the order should submit completed forms 735 and 735A, including fingerprints taken by appropriate officials as the form provides. It is not acceptable to refer to fingerprints already on file in some other Federal or State agency. Postmasters at county seats or post offices of the first or second class may take fingerprints. In Alaska, the postmaster may also serve as a notary public. For the purpose of this order, fingerprints may also be taken by a military officer who is authorized to take fingerprints for enlistment purposes, as well as by local or State police officials. When appearing for fingerprints the operator should exhibit the completed form 735 as a means of identification to the official taking the fingerprints.

The nature of the documentary evidence of citizenship is suggested in Form 736. When a certified copy of public record of birth does not name the child, or if a different name is shown, additional identifying data must be submitted. Such identifying data may be a certified copy of the baptismal record, affidavits of parents, or other methods of proof suggested in Form 736.

Where original certificates or records other than fingerprints have been presented to and are now in the possession of other departments of the United States Government, it will be sufficient if reference is made to that fact, in response to Form 735 provided the documents relied on are described in detail.

## FREQUENCY MONITORS

The Chief Engineer of the Federal Communications Commission acting under and by virtue of the authority conferred upon him by Section 2(h) of Administrative Order No. 2 has approved the following frequency monitors for use by standard broadcast stations as complying with the requirements of Section 3.60 of the Rules and Regulations and the provisions of Section 15 of the Standards of Good Engineering Practice:

<i>Manufacturer's Name</i>	<i>Type</i>	<i>Approval Number</i>
General Radio Company	Type 25A (Formerly Oscillator, Type 475-C, Deviation Meter, Type 681-B, Quartz Plate Type 376-L) .....	1461
General Radio Company	Type 25-AB (Oscillator Type 475-B and Deviation Meter 681-A modified) .....	1463
RCA Manufacturing Co.	Type 311-A .....	1462
Western Electric Co.	Type I-C (Type I-A modified) ..	1464

The above monitors are the only frequency monitors approved at the present time as complying with Section 3.60 of the Rules and Regulations, effective August 1, 1940. These are the only monitors which may be employed by new stations (original construction permit granted on or after August 1, 1939). However, several other manufacturers have submitted, or have advised that they propose to submit data showing that with certain modifications, monitors that were formerly approved under Section 21



of the Standards of Good Engineering Practice are capable of compliance with Section 3.60 of the Rules and Regulations and Section 15 of the Standards of Good Engineering Practice.

If and when these modified monitors are approved, they will be assigned approval numbers and will be listed with the above units as approved frequency monitors under Section 21 of the Standards of Good Engineering Practice.

In the event existing stations (original construction permit granted prior to August 1, 1939) do not choose to have the present monitors modified after the modifications in the monitor are approved by the Commission or have other than approved modifications made, they may continue to use the formerly approved monitors. However, no explanation of a frequency deviation in excess of that permitted by Section 3.59 can be accepted where it is evident or claimed that the deviation was due to the failure or inaccuracy of the monitor.

## MORE POWER FOR INTERNATIONAL BROADCAST STATIONS

Five additional international broadcast stations have been authorized by the Federal Communications Commission to increase power to 50 kilowatts. This makes nine such stations which are now using or are authorized to use the maximum power deemed by Commission rules necessary for satisfactory international service.

The five stations just granted construction permits for this purpose are National Broadcasting Company's stations WRCA and WNBI at Bound Brook, N. J.; Columbia Broadcasting System's station WCBK near Wayne, N. J.; and General Electric Company's station WGEA, at Schenectady, N. Y., and KGEI at San Francisco.

The National Broadcasting Company's stations had been using 35 kilowatts, the Columbia Broadcasting System's station 10 kilowatts, the General Electric Company's Schenectady station 25 kilowatts and its San Francisco station 20 kilowatts. WRCA operates on 9670 and 17780 kilocycles; WMBI on 6100 and 21630 kilocycles; WCBX on 6120, 6170, 9650, 11830, 15270, 17830 and 21570 kilocycles; WGEA on 6190, 9550, 15330, 21500 and 21590 kilocycles (6190 and 21590 frequencies having just been authorized), and KGEI on 6190, 9530 and 15330 kilocycles.

Two stations were previously authorized to go to 50 kilowatts—Westinghouse Electric & Manufacturing Company's station WPIT, which is moving to Hull, Mass., and World Wide Broadcasting Corporation's WRUL, at Scituate, Mass.

Two stations are already complying with the minimum power requirement—General Electric Company's station WGEO, South Schenectady, N. Y., 100 kilowatts, and Crosley Corporation's station WLWO, Mason, Ohio, 50 kilowatts. Incidentally, the Crosley station has just been granted special experimental authorization to operate a 1 kilowatt transmitter on the frequency 6080 kilocycles, for identification only.

Three other international broadcast stations have until January 1 next to bring their power to the required minimum—WCAE, operated by the WCAU Broadcasting Company, Newton Square, Pa., now using 10 kilowatts; WDJM, Isle of Dreams Broadcasting Corporation, Miami, Florida, 5 kilowatts, and WBOS, Westinghouse Electric & Manufacturing Company, Millis, Mass., 10 kilowatts.

## The Commission

### SAN FRANCISCO PUBLIC SCHOOLS GET FM PERMIT

First use of FM broadcast in the non-commercial educational field is proposed by the Board of Education of

the San Francisco Unified School District as a result of being granted a construction permit by the FCC for a new station at 22nd and Bartlett Streets, to operate on 42,100 kilocycles with 1 kilowatt power, unlimited time.

It intends to use radio for instructional, administrative, supervisory, and other functions in the local schools. Thirteen studios are planned for high schools and colleges in that area. They will be connected with the broadcast station by means of leased wires. In this manner it is expected that a greater number of teachers and pupils will be enabled to participate with less effort and expense of transportation.

The broadcast programs will cover nearly all of San Francisco as well as the East Bay area which includes the cities of Alameda, Oakland, Berkeley, El Cerrito and Richmond. The Board of Education, which is the governing body of the San Francisco Unified School District, has allocated \$9,000 for the station, and an additional amount of \$42,000 has been made available.

Three other institutions were previously licensed to use AM (amplitude modulation) on the channels set aside for non-commercial educational purposes. They are the New York City Board of Education, the Cleveland Board of Education, and, more recently, the University of Kentucky.

## 857 STATIONS

During the month of July, 1940, the FCC issued operating licenses to eight stations and granted ten permits for the construction of new stations. A comparative table by months follows:

	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	April 1	May 1	June 1	July 1	Aug. 1
Operating . . . . .	738	739	743	751	755	765	769	771	775	779	783	791	799
Construction . . . . .	56	59	57	58	57	49	48	51	48	47	53	56	58
	794	798	800	809	812	814	817	822	823	826	836	847	857

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled to be heard before the Commission during the week beginning Monday, August 19.

### FUTURE HEARINGS

Following future hearings and oral arguments in broadcast cases have been scheduled by the Commission during the past week. They are subject to change.

September 19

Oral Argument Before the Commission

Report No. B-110:

KGKB—East Texas Broadcasting Co., Tyler, Texas.—In re: Revocation of station license of KGKB.

NEW—George F. Meyer, Medford, Wis.—C. P., 1500 kc., 100 watts night, 100 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted construction permit to install new transmitter, move transmitter site, install directional antenna for day and night operation, and increase day power from 1 KW to 5 KW; frequency 550 kc., 1 KW night, unlimited time (B5-P-2422).
- WFDF—Flint Broadcasting Co., Flint, Mich.—Granted construction permit to change frequency from 1310 kc. to 880 kc., increase power from 100 watts to 1 KW, move transmitter site, install new transmitter, and install directional antenna for day and night use (B2-P-2451).
- WOV—Greater New York Broadcasting Corp., New York, N. Y.—Granted construction permit for new transmitter, directional antenna, and increase power from 5 KW day and night to 10 KW employing directional antenna day and night; frequency 1100 kc., unlimited time (B1-P-2753).
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted construction permit to change frequency from 1180 kc. to 1100 kc.; increase power from 1 KW night, 5 KW LS, to 5 KW night, 10 KW LS; increase hours of operation to unlimited; install new transmitter and directional antenna for night use (B4-P-2720).
- WMOB—S. B. Quigley, Mobile, Ala.—Granted modification of license to increase power from 100 watts to 250 watts; frequency 1200 kc., unlimited time (B3-ML-997).
- Van Curler Broadcasting Corp., Schenectady, N. Y.—Granted construction permit for new broadcast station to operate on 1210 kc., 250 watts, unlimited; exact transmitter site and type of antenna to be determined subject to Commission approval.
- J. W. Birdwell, Knoxville, Tenn.—Granted construction permit for new broadcast station to operate on 1210 kc., 100 watts night, 250 watts LS, unlimited time; exact transmitter site, studio site, and antenna system to be determined subject to Commission approval (B3-P-2840).
- KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted modification of license to increase night power from 100 watts to 250 watts; frequency 1310 kc., 250 watts day, unlimited (B3-ML-946).
- WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted construction permit to increase power from 100 watts to 250 watts, make changes in transmitter, move transmitter, and install vertical radiator; frequency 1370 kc., unlimited (B2-P-2685).
- WFMD—Monocacy Broadcasting Co., Frederick, Md.—Granted construction permit for increase in operating hours from daytime to unlimited hours and install directional antenna; frequency 900 kc., power 500 watts.
- W2XD—General Electric Co., Schenectady, N. Y.—Granted modification of construction permit for television relay broadcast station to change frequency assignment from 156000-162000 kc. to 162000-168000 kc.; power 40 watts night, 40 watts day visual; A5 emission (B1-MPVD-21).
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted modification of license to increase power from 1 KW night, 5 KW LS, to 5 KW unlimited time; frequency 900 kc. (B3-ML-1002).
- KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted construction permit to increase power from 1 KW night, 5 KW LS, to 5 KW day and night; install directional antenna for day and night use; make changes in equipment, and move transmitter; frequency 900 kc. (B5-P-2843).
- WBEN—WBEN, Inc., Buffalo, N. Y.—Granted construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 5 KW unlimited time, and move transmitter to new location; frequency 900 kc. (B-1-P-2757).
- Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Granted construction permit for new

non-commercial educational broadcast station at San Francisco, Calif., to operate on 42100 kc., 1 KW power, unlimited time, special emission for frequency modulation (B5-PED-14).

- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted construction permit to increase power from 100 watts to 250 watts, unlimited time, and install new equipment; frequency 1500 kc. (B5-P-2892).
- W10XKT—Allen B. DuMont Laboratories, Inc. (area of New York City), Portable.—Granted construction permit for new television relay broadcast station to operate on frequencies 258000 to 270000 kc., 50 watts visual power only, A-5 emission only, time of operation in accordance with Section 4.4(a) (B1-PVB-70).
- W2XBT—National Broadcasting Co., Inc., New York, N. Y., Portable-Mobile.—Granted modification of license for television relay station to change frequency from 156000-162000 kc. to 162000-168000 kc.; power 400 watts visual night and day, 100 watts aural night and day; A1, A2, A3, A5 emission (B1-MLVB-24).
- W2XBU—National Broadcasting Co., Inc., New York, N. Y., Portable-Mobile.—Granted modification of construction permit for new television relay station W2XBU to delete the frequency band 312000-324000 kc., A3 emission and aural transmitter.
- WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Granted modification of construction permit to increase power from 100 watts night, 250 watts day, to 250 watts unlimited; change transmitter and studio sites, and change type of transmitter; frequency 1370 kc. (B3-MP-988).
- Star Printing Co., Miles City, Mont.—Granted petition to reconsider Commission action of October 31, 1939, in designating application for construction permit for new broadcast station for hearing, and granted said construction permit for new broadcast station to operate on 1310 kc., with 250 watts power, unlimited time, subject to the condition that permittee shall file an application for modification of construction permit specifying the exact transmitter location and antenna system, within two months after date of order (Docket No. 5792).
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted petition for reconsideration and granted application for authority to operate station WTAD unlimited time on frequency 900 kc., with 1 KW power, using a directional antenna at night, thus setting aside Commission's Statement of Facts of March 30, 1939, and dismissing petition for rehearing.

### DESIGNATED FOR HEARING

- Mohawk Radio, Inc., Schenectady, N. Y.—Designated for hearing application for construction permit for new broadcast station to operate on 1210 kc., 250 watts, unlimited time (B1-P-2732).
- Western Gateway Broadcasting Corp., Schenectady, N. Y.—Designated for hearing application for construction permit for new broadcast station to operate on 1210 kc., 250 watts, unlimited time (B1-P-2690).
- Columbia Broadcasting System, Inc., Brentwood, N. Y.—Application for construction permit for new international broadcast station to operate on 6060, 9590, 11830, 15270, 17830 and 21520 kc., 50 KW, A3 emission, sharing time on 6060, 9590, and 21520 kc. with WCAB, 11830 and 17830 kc. with WCBX, and 15270 kc. with WCAB, WCBX and WLWO (B1-PIB-26).
- Caribbean Broadcasting Assn., Inc., San Juan, P. R.—Application for construction permit for new broadcast station to operate on 1500 kc., 250 watts, unlimited time (B-P-2777).
- WSAR—Doughty and Welch Electric Co., Inc., Fall River, Mass.—Application for voluntary assignment of license of Station WSAR from Doughty & Welch Electric Co., Inc., to the Fall River Broadcasting Co., Inc.; station operates on 1450 kc., with 1 KW night and day, unlimited time, directional antenna night and day (B1-AL-280).

### MISCELLANEOUS

- W9XA—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on a frequency of 26300 kc., using maximum power of 1000 watts, special emission (frequency modulation) in coopera-

- tion with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on 26300 kc., employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.
- WNYC—City of New York Municipal Broadcasting System, New York City.—Granted special temporary authority to operate until 10 p. m., EDST, for the period August 1, 1940, to not later than August 31, 1940, in order to broadcast programs as set forth in letter dated July 31, 1940.
- W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate 50-watt transmitter on the old No. 1 channel in the Plattsburg, N. Y., area, in order to pick up signals from mobile transmitter W10XKT and rebroadcast pictures in the area, for the period August 4, 1940, to not later than August 24, 1940, in connection with tests in cooperation with the U. S. Army.
- W10XKT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate in the Plattsburg, N. Y., area for the period August 4, 1940, to not later than August 24, 1940, in order to make tests in cooperation with the U. S. Army.
- World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—Granted petition to accept additional material as part of the record in re application for construction permit for new developmental broadcast station to operate on 1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc., 10 watts power night, 10 watts LS, emission A, A1, A2, A3, unlimited time (Docket No. 5851).
- WRUW—World Wide Broadcasting Corp., Boston, Mass.—Granted request for dismissal without prejudice of application for modification of license to add frequency 6080 kc. to 11730, 15130 kc., 20000 watts night, 20000 watts LS, A3 emission, unlimited time (Docket No. 5887).
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 7:15 to 8 p. m., EST, August 3, in order to broadcast special NAB program (B2-S-835).
- WIBG—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate from 6:45 to 7 p. m., CST, on August 3, in order to broadcast a special network program to be presented with the cooperation of the NAB (B4-S-985).
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, N. C.—Granted special temporary authority to operate from 7:15 p. m., EST, August 3, to 8 p. m., to broadcast the special program to be broadcast at that time as a tribute to the American System of Broadcasting (B3-S-775).
- WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted special temporary authority to operate from 7 to 8 p. m., EST, August 3, in order to broadcast NAB World's Fair program (B1-S-713).
- WNBI—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimentally on frequency 11890 kc., for the period August 8 to September 6, pending action on application for modification of license.
- WCBI—Birney Imes, Columbus, Miss.—Granted modification of construction permit (B3-P-2675) which authorized a new station, for approval of antenna and transmitter site at northwest corner of 1st and Main Streets, Columbus, Miss.; 1370 kc., 250 watts, unlimited time (B3-MP-1016).
- KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted modification of construction permit (B4-P-2370) for new broadcast station, authorizing installation of new transmitter, antenna changes and approval of transmitter site and studio at Willmar (1310 kc., 100 watts, unlimited time) (B4-MP-1011).
- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted construction permit for reinstatement of application (B5-P-2517) to install new equipment and make changes in authorized equipment; 1240 kc., 1 KW, unlimited time (B5-P-2946).
- WLBj—The Bowling Green Broadcasting Co., Inc., Bowling Green, Ky.—Granted license to cover construction permit (B2-P-2194) as modified, authorizing new broadcast station to operate on 1310 kc., 250 watts power and unlimited hours of operation, studio and transmitter to be located at Cemetery Pike and Lehman Avenue, near Bowling Green, Ky. (B2-L-1185). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-436).
- KRCC—Southern Minn. Broadcasting Corp., Rochester, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-425).
- WBAF—L. B. Wilson, Inc., Portable-Mobile (area of Cincinnati, Ohio).—Granted license to cover construction permit (B2-PRY-218), authorizing a new relay broadcast station, frequencies 1646, 2090, 2190, 2830 kc., 25 watts power. To be used in connection with applicant's standard broadcast station WCKY (B2-LRY-198).
- WCBN—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay transmitter aboard the "USS Wyoming" en route from Guantanamo, Cuba, to New York City, using additional frequencies 4800, 6430, 12862.5 and 17310 kc., for the period August 3 to August 11, in order to rebroadcast the report of the Captain of the "USS Wyoming" to the Secretary of the Navy, which is to be a part of the "We the People" program on the CBS network from 8 to 8:30 p. m., EST, and from 11 to 11:30 p. m., EST, on August 6.
- Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate a 50-watt portable mobile FM unit and a 25-watt mobile FM unit as described in letter of August 2, for the period August 4 to 24, in order to establish an order circuit in connection with the television demonstration during Army maneuvers in the Plattsburg area.
- National Broadcasting Co., Washington, D. C.—Granted application for construction permit to erect a new television station to operate on frequencies 60000-66000 kc. (Channel No. 2), on an experimental basis; power 1 KW aural and visual, A3 and A5 emission (B1-PVE-58).
- Balaban & Katz Corp., Chicago, Ill.—Granted application for construction permit to erect a new television broadcast station, frequencies 60000-66000 kc. (Channel No. 2), on an experimental basis; power 1 KW aural and visual, A3 and A5 emission (B4-PVB-50).
- The Television Productions, Inc., Los Angeles, Cal.—Granted construction permit for a new television broadcast station to use frequencies 78000-84000 kc. (Channel No. 4), on an experimental basis, conditionally; power 1 KW aural and visual (B5-PVE-33).
- National Broadcasting Co., Philadelphia, Pa.—Granted construction permit for a new television broadcast station to use frequencies 102,000-108,000 kc. (Channel No. 7), on an experimental basis only, conditionally; power 1 KW aural and visual. This application is granted in lieu of the tentative grant for a television station in Chicago, as it appears that the Philadelphia station will make possible a more concentrated study of television systems by the entire RCA research organization (B2-PVB-59).
- W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted modification of television station license Channel No. 1 (50000-56000 kc.), on an experimental basis only, to be used for carrying on research; power 1 KW aural and visual (B4-MLVB-8).
- Zenith Radio Corp., Portable-Mobile, area of Chicago.—Granted construction permit for new special relay broadcast station; 156750, 158400, 159300, 161100 kc., 100 watts; to be used in connection with applicant's high frequency broadcast station W9XER in Chicago (B4-PRE-358).
- WHUB—WHUB, Inc., Cookeville, Tenn.—Granted license to cover construction permit as modified, authorizing a new station to operate on 1370 kc., 250 watts, unlimited time (B3-L-1204). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-452).
- WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of construction permit as modified, which authorized a new station to operate on 1210 kc., 250 watts, unlimited time, extending completion date from August 1 to October 1, 1940 (B1-MP-1032).
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted license to cover construction permit (B4-P-2744) to move auxiliary transmitter to St. Paul, and use directional antenna as authorized, with auxiliary transmitter (B4-L-1114).

- KGKB—East Texas Broadcasting Co., Tyler, Texas.—Scheduled for oral argument on September 19, the matter of revocation of license for station KGKB.
- The Metropolis Co., Portable-Mobile, area of Jacksonville, Fla.—Granted construction permit for new relay broadcast station; 1622, 2058, 2150 and 2790 kc., 40 watts; to be used in connection with applicant's standard broadcast station WJHP (B3-PRY-219).
- KGEI—General Electric Company, San Francisco, Cal.—Granted construction permit to make changes in equipment and increase power of international broadcast station from 20 KW to 50 KW (B5-PIB-24).
- WGEA—General Electric Company, Schenectady, N. Y.—Granted construction permit to install new equipment and increase power of international broadcast station from 25 KW to 50 KW. (B1-PIB-25).
- WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted construction permit for international broadcast station to use frequencies 9670 and 17,780 kc., with 50 KW power; share time on frequency 17,780 kc., with WPIT; unlimited time on 9670 kc. (B1-PIB-29).
- WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted construction permit for international broadcast station to use frequencies 6100 and 21630 kc., 50 KW power, unlimited time (B1-PIB-28).
- WCBX—Columbia Broadcasting System, Inc., New York City.—Granted construction permit for international broadcast station to use frequencies 6120, 6170, 9650, 11830, 15270, 17830 and 21570 kc., 50 KW power (B1-PIB-27).
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted special experimental authorization to operate a 1 KW transmitter on the frequency 6080 kc., for identification only, sharing with WLWO (B2-SAIB-1).
- WGEA—General Electric Co., Schenectady, N. Y.—Granted modification of international broadcast station license to add frequencies 6190 and 21590 kc., to present assignment of 9550, 15330 and 21500 kc. (B1-MLIB-36).
- First Baptist Church, Pontiac, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada, through the facilities of the Mich. Bell Telephone Co., for the period August 13, 1940, to August 13, 1941.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 10:30 to 11:30 a. m., MST, on August 6, 9, 13, 16 and 20, in order to broadcast "Homemakers Program" only (B5-S-120).
- WBRW—McDowell Service Co., Welch, W. Va.—Granted modification of construction permit which authorized construction of a new station to operate on 1310 kc., 250 watts, unlimited time, for approval of transmitter and studio sites, antenna, and change in type of transmitter (B2-MP-1002).
- KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted modification of construction permit as modified, which authorized increase in power, changes in power, changes in equipment and antenna system and move of transmitter for extension of completion date from August 20 to December 20, 1940 (B4-MF-1029).
- WRVA—Larus & Broder Co., Inc., Richmond, Va.—Granted license authorizing use of old transmitter as an auxiliary for emergency use only, with power of 5 KW, employing directional antenna both day and night, and move of transmitter (B2-L-1203).
- W2XJI—Bamberger Broadcasting Service, Inc.—Granted construction permit to move transmitter of high frequency broadcast station from 1450 Broadway, to 444 Madison Ave., New York City (B1-PHB-183).
- W2XUP—Bamberger Broadcasting Service, Inc.—Granted construction permit to move transmitter of high frequency broadcast station from 1450 Broadway, to 444 Madison Ave., New York City (B1-PFB-19).
- Greenville Broadcasting Co., Greenville, S. C.—Denied as in case of default, the application for a new broadcast station to operate on 1500 kc., 250 watts, unlimited time (B3-P-2807).
- W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Granted modification of television broadcast station license to use frequencies 66000-72000 kc. (Channel No. 3), on an experimental basis only; power 1 KW visual and aural (B2-MLVB-9).
- Helen L. Walton & Walter Bellatti, Jacksonville, Ill.—Granted petition for order to take depositions in re application for a new station to operate on 1150 kc., 250 watts, daytime only.
- WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted petition for leave to intervene in the hearing on the application of The Huntsville Times Co., Inc., for a new station to operate on 1200 kc., 250 watts, unlimited time—the facilities of WBHP.
- Broadcasting Corp. of America, Riverside, Cal.—Petition to intervene in the hearing on application of KUJ to change frequency from 1370 to 1390 kc., and increase power from 100 watts to 1 KW, was withdrawn at request of petitioner.
- WHAM—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Denied petition to intervene and enlarge issues in re application of Helen L. Walton and Walter Bellatti, for a new station at Jacksonville, Ill., and the application of Stephenson, Edge and Korsmeyer, for a new station at the same location to use 1150 kc., 250 watts, daytime only. Issues to be enlarged later on Commission's own motion.
- Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Granted petition for order to take depositions in re their application for a new station.
- Helen L. Walton & Walter Bellatti, Jacksonville, Ill.—Granted supplemental petition for order to take depositions in re application for new station.
- George F. Meyer, Medford, Wisc.—Granted petition to continue hearing now scheduled for August 19, for a period of 30 days, in re application for new station to operate on 1500 kc., 100 watts, unlimited time.
- WNBI—National Broadcasting Co., Inc., New York City.—Granted modification of special experimental authorization to change frequency from 11820 to 11890 kc., subject to condition that no interference is caused to any other international broadcast station having priority of registration on the same or adjacent frequencies (B1-MSAIB-1).
- WGEO—General Electric Co., Schenectady, N. Y.—Granted modification of license to add the frequency 15330, and delete the frequency 21590 kc.; frequencies 6190, 9530 kc.; hours of operation: 6190 and 15330 kc., share with KGEI and WGEA and 9530 kc. with KGEI. No other changes (B1-MLIB-37).
- KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted license to cover construction permit (B3-P-2673), authorizing changes in transmitting equipment and increase in power from 100 to 250 watts, on 1500 kc. (B3-L-1207).
- WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-459).
- WTAX—WTAX, Inc., Springfield, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-458).
- WEIX—Memphis Commercial Appeal Co., Portable-Mobile.—Granted construction permit to increase power in relay broadcast station from 5 to 22 watts, and install new equipment (B3-PRE-352).
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8 to 9 p. m., EST, on August 13th in order to broadcast official opening of the 43rd Annual Fair of the Carroll County Agricultural Fair Assn. (B1-S-675).
- WELL—Enquirer News Company, Battle Creek, Mich.—Granted assignment of construction permit (B2-P-2669), covering increase in power from 100 to 250 watts, installation of new transmitter and changes in equipment and antenna, to Federated Publications, Inc. (B2-AP-32).
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted license to cover construction permit for installation of new transmitter and increase in power from 100 watts to 250 watts; 1210 kc.; shares WGBB and WBRB (B1-L-1208).
- WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted license to cover construction permit for new broadcast station (B1-L-1201). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-451).
- WGOV—E. D. Rivers, Valdosta, Ga.—Granted license to cover construction permit as modified for new broadcast station; frequency 1420 kc.; power 100 watts, 250 watts-LS; unlimited time (B3-L-1205). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-453).
- WSB—Atlanta Journal Co., Atlanta, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-457).

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-454).

WCLO—Gazette Printing Co., Janesville, Wis.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-462).

KOOS—KOOS, Inc., Marshfield, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-442).

WABE-WFYA—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted special temporary authority to use relay stations WFYA and WABE to relay broadcast the semi-finals and finals of the New York Women's State Golf Tournament on August 9 and 10, 1940, to Radio Station WTRY.

KWSC—State College of Washington, Pullman, Wash.—Granted construction permit to make changes in equipment and install automatic frequency control equipment (B5-P-2911).

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of antenna, approval of transmitter site at corner 8th & Mulberry Streets, Macon, Ga., and studio site at First National Bank Building, 2nd & Cherry Streets, Macon, Ga.; 1420 kc.; 250 watts; unlimited time (B2-MP-1015).

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit which authorized installation of new transmitter, move of transmitter and increase in power to 5 KW, using directional antenna day and night, for extension of required date of completion from July 27, 1940 to January 27, 1941 (B1-MP-1033).

KYAN—J. Cecil Bott, Matilda Lannon and Nettie Bott, d/b as the Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of vertical antenna and approval of transmitter location; 1370 kc.; power 250 watts; unlimited time (B5-MP-1004).

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted license to cover construction permit for changes in equipment and increase in power from 100 watts to 250 watts; 1210 kc.; unlimited (B2-L-1200).

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted extension of special temporary authority to operate a 50 watt television transmitter on the frequencies 60000-86000 kc. at 515 Madison Avenue, New York City, for the period August 12, 1940, to not later than September 10, 1940, in order to conduct field tests.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted extension of special temporary authority to operate from 9 a. m. to 1 p. m. and from 6 p. m. to 10 p. m., PST, for the period August 30, 1940, to not later than September 28, 1940 (instead of unlimited time as licensed), in order to observe the regular vacation period.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate from 1:30 p. m. to 6 p. m., LST, on August 11, 1940, in order to broadcast a special baseball game only.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted construction permit to make changes in transmitting equipment; frequency 1330 kc.; 1 KW power, unlimited time (B5-P-2940).

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Granted modification of construction permit for new broadcast station, for approval of antenna and transmitter and studio sites at 6 Fountain St., N. E., Grand Rapids, Mich.; frequency 1310 kc.; power 250 watts; unlimited (B2-MP-1018).

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted modification of construction permit for changes in directional antenna and increase in power from 1 KW night, 5 KW day, to 5 KW day and night, for authority to use daytime directional antenna at night; 1330 kc. (B4-MP-1027).

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Granted license to cover construction permit as modified for new broadcast station; frequency 1500 kc.; 250 watts power; unlimited time (B5-L-1209). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-460).

W6XEG—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate high frequency broadcasting transmitter on 250 watts, 43200 kc., as described in telegram dated August 9, 1940, in order to demonstrate fre-

quency modulation at the IRE Convention for a period not to exceed 30 days.

WBOS—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted special temporary authority to remain silent for a period not to exceed 30 days in order to permit removal of certain equipment to the new site of International Station WPIT.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through High Frequency Station W2XOY the frequency modulated programs of High Frequency Station W2XMN, for the period August 14, 1940, to not later than September 1, 1940.

The Commission (by Walker, Commissioner) on August 13 took the following action:

KLCN—Fred O. Grimwood, Blytheville, Ark.—Granted special temporary authority to operate from local sunset (August 6:45 p. m., CST) to midnight, CST, on August 13 and 27, 1940, in order to broadcast election returns.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted modification of construction permit for installation of new transmitter, changes in directional antenna, and increase in power from 500 watts night, 1 KW day, to 5 KW day and night, using directional antenna at night, for installation of new type transmitter; frequency 1390 kc. (B4-MP-1035).

The Mayflower Broadcasting Corp., and Yankee Network, Inc., Boston, Mass.—Scheduled for reargument the application of The Mayflower Broadcasting Corp. for a new broadcast station to operate in Boston, Mass., on 1410 kc., 500 watts night, 1 KW LS, unlimited time, and the application of Yankee Network, Inc. (WAAB) for renewal of license.

Herald Publishing Co., Albany, Ga.—Denied petition for stay of issuance of construction permits to Station KGBX and Station WFBM to increase their power to 5 KW day and night, employing directional antennas at night, and denied petition for rehearing or reconsideration of the partial grant of the application of Herald Publishing Co. for a new broadcast station issued by Commission on June 25, 1940.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Construction permit to make changes in directional antenna system and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended re antenna system.

### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-1927) as modified, for new transmitter, directional antenna day and night use, and increase in power, also move of transmitter.

### 630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-2475) for move of transmitter, installation of new transmitter and increase in power to 5 KW, using directional antenna day and night, requesting extension of completion date from 7-27-40 to 1-27-41.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Authority to determine operating power by direct measurement of antenna power.

### 690 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 1 to 5 KW; install new transmitter and directional antenna for night use; move transmitter from S. Coffeyville to north of Coffeyville. Request Class III-A station (1010 kc.). Amended to request 690 kc. and Class II if and when North American Regional Agreement is effective.

### 740 Kilocycles

WSB—Atlanta Journal Co., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter; make changes in vertical antenna; change frequency, power and hours from 1040 kc., 250 watts, daytime, to 1390 kc., 500 watts night, 1 KW day, unlimited time (contingent on KOY going to new frequency B5-ML-525). Amended to change frequency from 1390 to 1340 kc.

### 1200 Kilocycles

- KFXD—Frank E. Hurt, Nampa, Idaho.—Construction permit to change frequency from 1200 to 990 kc.; increase power from 250 watts to 1 KW; equipment changes; move transmitter; install new antenna; request Class II station (1200 kc.). Amended to specify transmitter site as to be determined.
- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—License to cover construction permit (B2-P-2561) for changes in equipment and increase in power.
- WTHT—The Hartford Times, Inc., Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.
- KMLD—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to change frequency from 1200 to 1410 kc., increase power from 250 watts to 1 KW, make changes in equipment, install directional antenna for night use, and move transmitter. Class III Station.
- WDLP—Panama City Broadcasting Co., Inc., Panama City, Fla.—Transfer of control of corporation from W. J. Cook to Bay County Publishers, Inc.
- WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Modification of license to change name from The First Methodist Protestant Church of Lapeer to The Liberty Street Gospel Church of Lapeer.
- WCLO—Gazette Printing Co., Janesville, Wisc.—Authority to determine operating power by direct measurement of antenna power.
- KODL—Western Radio Corp., The Dalles, Ore.—Modification of construction permit (B5-P-2838) for new station, requesting approval of antenna system, approval of studio and transmitter site.

### 1210 Kilocycles

- NEW—Lester Q. Krasin & Otto A. Krutzner, d/b as Krasin and Krutzner Broadcasting Co., Tucumcari, N. Mex.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time. Class IV station.
- WTAX—WTAX, Inc., Springfield, Ill.—Authority to determine operating power by direct measurement of antenna power.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—License to cover construction permit (B1-P-2786) for a new transmitter and increase in power.
- WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140) as modified for a new station, requesting extension of completion date from 8-1-40 to 10-1-40.

### 1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Construction permit to install new transmitter, directional antenna for night use, change frequency from 1250 to 710 kc., increase power from 1 KW night, 5 KW day to 10 KW day and night, and move transmitter. Amended: To give location of transmitter and make changes in directional antenna.

### 1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Construction permit to install directional antenna for night use and request Class III-A Station.

### 1270 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Voluntary assignment of license from King-Trendle Broadcasting Corp. to WOOD Broadcasting Corporation.

### 1310 Kilocycles

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Modification of construction permit (B2-P-2552) for a new

broadcast station, requesting approval of antenna system, change in type of equipment and approval of transmitter and studio sites.

- NEW—T. B. Gillespie, Palatka, Fla.—Construction permit for a new broadcast station to be operated on 1310 kc., 250 watts, unlimited time. Class IV station. Vertical antenna.
- KMYR—F. W. Meyer, Denver, Colorado.—Modification of construction permit (B5-P-2067) for a new broadcast station for approval of antenna and transmitter and studio sites and install new transmitter. Amended: To give location of transmitter as 1525-41 Stout St., Denver, change type of transmitter and make antenna changes.
- KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts night and day.
- WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Modification of construction permit (B2-P-2411) for a new station, requesting approval of antenna, transmitter and approval of studio and transmitter sites.
- NEW—R. B. Terry, D. A. Rawley, Staley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Construction permit for a new broadcast station to be operated on 1420 kc., 100 watts, daytime. Amended re antenna and requesting 1310 kc., unlimited time.

### 1320 Kilocycles

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Modification of license to increase power from 500 watts night, 5 KW day, to 1 KW night, 5 KW day.

### 1330 Kilocycles

- KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Construction permit to install new transmitter, increase power from 500 watts to 1 KW, and move transmitter. Amended re antenna.
- WTAQ—WHBY, Inc., Green Bay, Wis.—Modification of construction permit (B4-P-2332) as modified for changes in directional antenna and increase in power, requesting authority to use daytime directional antenna system at night.
- KGB—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to make changes in transmitting equipment.

### 1340 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for night use.

### 1350 Kilocycles

NEW—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth, J. S. McBeath, Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Construction permit for a new broadcast station to be operated on 1350 kc., 500 watts, unlimited time. Amended re corporate structure by deleting name of Wm. J. Lawson and adding names of B. P. Bludworth and J. S. McBeath.

### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install new transmitter and vertical antenna, increase power from 500 watts to 1 KW, change hours from S-WSBT to unlimited, and move transmitter (contingent on WSBT going to 930 kc.) (1360 kc.). Amended to omit request for increase in night power and request 500 watts night, 1 KW day, and Class III-B.

### 1370 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from 1370 to 1040 kc. (1080 kc. if North American Regional Agreement becomes effective prior to action); increase power from 250 watts to 1 KW night, 5 KW day; install new transmitter and antenna and move studio from New Albany, Ind., to Louisville, Ky., and move transmitter locally. Requests Class II station (1370 kc.). Amended to specify transmitter site, New Albany, Ind., change type of transmitter, increase night power to 5 KW, and install directional antenna for day and night use.

- WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Transfer of control of corporation to Mutual Savings Life Insurance Co. (1370 kc.). Amended to name transferor Bryan McAfee.
- NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited time. Class IX Station. (Request facilities of WLOF.) Amended: to omit request for facilities of WLOF.
- NEW—Paducah Broadcasting Company, Inc., Clarksville, Tenn.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited time.
- NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new broadcast station to be operated on 1300 kc., 250 watts, unlimited time. (Request facilities of WLOF.) Amended: to request 1370 kc., Class IV station.

#### 1380 Kilocycles

- WING—WSMK, Inc., Dayton, Ohio.—Construction permit to install new transmitter, frequency monitor and make changes in directional antenna system for night use and increase power from 250 watts night, 500 watts day to 5 KW day and night. Amended: to move transmitter.

#### 1390 Kilocycles

- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of construction permit (B4-P-2625) for new transmitter, changes in directional antenna system and increase in power requesting authority to install new type transmitter.

#### 1410 Kilocycles

- KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to increase power from 250 watts night, 1 KW day to 1 KW day and night. Amended: re antenna.

#### 1420 Kilocycles

- WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of construction permit (B-P-2377) which authorized new transmitter, move transmitter, change frequency, increase power and hours of operation, requesting change in equipment, approval of transmitter site and approval of antenna.
- WGOV—E. D. Rivers, Valdosta, Ga.—License to cover construction permit (B3-P-2586) as modified for a new broadcast station.
- WGOV—E. D. Rivers, Valdosta, Ga.—Authority to determine operating power by direct measurement of antenna power.
- NEW—Blanfox Radio Co., Harlan, Ky.—Construction permit for a new broadcast station to be operated on 1420 kc., 240 watts, unlimited time, class IV station. Amended: to change location of transmitter and make changes in antenna system.
- KLOW—The Lamar Broadcasting Co., Lamar, Colo.—Modification of license to change hours of operation from daily 7 a. m. to 6 p. m. and 9:30 p. m. to 12 midnight, MST, to daily 7 a. m. to 7 p. m., MST.
- WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Authority to determine operating power by direct measurement of antenna power.
- WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—License to cover construction permit (B1-P-2333) as modified, for a new station.
- NEW—R. G. LeTourneau, Toccoa, Ga.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended: To specify transmitter site and studio site to be determined and vertical antenna.
- KFUN—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Modification of construction permit (B5-P-2374) for a new station, requesting approval of transmitter, increase in power from 100 watts night, 250 watts day, to 250 watts day and night, approval of antenna and approval of transmitter site.

#### 1460 Kilocycles

- KSTP—KSTP, Inc., St. Paul, Minn.—License to cover construction permit (B4-P-1828) as modified, for move of transmitter, install new equipment and directional antenna and increase in power.
- KSTP—KSTP, Inc., St. Paul, Minn.—Authority to determine operating power by direct measurement of antenna power.

#### 1500 Kilocycles

- KYCA—Southwest Broadcasting Co., Prescott, Ariz.—License to cover construction permit (B5-P-865) as modified for new broadcast station.
- NEW—James Freeman Holmes, Valdosta, Ga.—Construction permit for a new broadcast station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time. Class IV station. Amended: to change location of transmitter, make changes in equipment and antenna and increase power from 100 watts night, 250 watts day. to 250 watts day and night.
- NEW—South Florida Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on 1500 kc., 250 watts, unlimited time. Vertical antenna. Class IV station.
- KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—License to cover construction permit (B3-P-2673) for changes in transmitting equipment and increase in power from 100 to 250 watts.
- KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Authority to determine operating power by direct measurement of antenna power.

#### 1530 Kilocycles

- WBRY—American Republican, Inc., Waterbury, Conn.—Construction permit to install new transmitter, directional antenna for day and night use and increase power from 1 to 5 KW. (1530 kc.) Amended: To make changes in directional antenna.

#### MISCELLANEOUS

- WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PRE-340) for move of transmitter, requesting to change location of transmitter, add A-1 emission and extend commencement and completion dates to 90 days after date of grant and completion date from 12-8-40 to 180 days thereafter.
- NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 43900 kc.; coverage 16,880 square miles.
- W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Construction permit to install new transmitter, antenna changes, and move transmitter from Carteret, N. J., to New York, N. Y. Amended re type of equipment.
- NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44100 kc.; coverage 18,000 square miles.
- NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on 43900 kc.; coverage 35,500 square miles.
- NEW—The Travelers Broadcasting Service Corp., Hartford, Conn.—Construction permit for a new high frequency broadcast station to be operated on 43.9 mc.; coverage 14,768 square miles.
- NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit via RCA Communications, Inc., programs which originate in NBC's studio at 30 Rockefeller Plaza, N. Y., or any points in U. S. where network programs may originate, to CMX, Havana, Cuba.
- WFLR—Pinellas Broadcasting Co., Portable-Mobile.—License to cover construction permit (B3-PRE-341) for a new relay broadcast station.
- WEGP—Berks Broadcasting Co., Mobile.—License to cover construction permit (B2-PRE-353) for increase in power and installation of new transmitter.
- NEW—R. B. Eaton, Des Moines, Iowa.—Construction permit for a new television broadcast station to be operated on 44000-50000 kc., 100 watts for both visual and aural, emission A3 and A5. Amended to request 65000-72000 kc., 46 watts visual, 100 watts aural.
- NEW—Evansville on the Air, Inc., Evansville, Ind.—Construction permit for a new high frequency broadcast station to be operated on 43700 kc.; coverage 8,398 square miles.
- NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit for a new high frequency broadcast station to be operated on 43300 kc.; coverage 3.025 square miles.
- NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on 46500 kc.; coverage 3,050 square miles. Amended: Section 12(e).

WEOY—South Carolina Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B3-PRY-222) for a new relay broadcast station.

NEW—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc.; coverage 2,995 square miles.

NEW—WJJD, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc.; coverage 3,700 square miles.

WFME—Monocacy Broadcasting Co., Portable-Mobile.—License to cover construction permit (B1-PRY-200) for a new relay broadcast station. Amended: Section 5 of application.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Altman Neckwear Corporation**, 333 Fifth Ave., New York, is charged in a complaint with the dissemination of misleading representations in the sale of neckties.

One of the respondent's necktie styles is allegedly described as made of "Cherokee Indian Homespun Wool" and bears the likeness of an Indian, when in truth it is not woven or manufactured by Cherokee Indians or any other Indians. Another style, the complaint charges, is described by the respondent as "Duo-Silk-All-O Lined Throughout," when actually the material consists of a mixture of silk and rayon, the rayon predominating, the lining being rayon and the interlining cotton. (4226)

**Baltimore Macaroni Company**—See King Foods Company.

**Baltimore Sales Service Co.**—See King Foods Company.

**Bigelow-Sanford Carpet Company, Inc.**—Two New York companies are charged in complaints with misrepresentations in the sale of rugs. The respondents are Sol. Raphael, Inc., an importer and distributor, of 333 Seventh Ave., and Bigelow-Sanford Carpet Company, Inc., 140 Madison Ave., which also has plants at Thompsonville, Conn., and Amsterdam, N. Y.

It is alleged that Sol. Raphael, Inc., in the sale of certain of its rugs, designates them by names such as "Khandah", "Aristan", "Karachi", "Numdah" and others indicating Oriental origin. The complaint charges, however, that these rugs, although simulating Oriental or Chinese Oriental rugs so closely as to be indistinguishable therefrom by many buyers, do not possess all the characteristics of true Oriental or Chinese Oriental rugs. They are neither made by hand nor in the distinctive manner of the true Oriental or Chinese Oriental rug, the complaint continues, but are woven on power looms, in French and Belgian factories and from cotton or jute or both combined.

Bigelow-Sanford Carpet Company, Inc., allegedly sells rugs closely resembling true Orientals under names indicating Oriental origin, such as "Persiamar" and "Kashamar", when in fact they do not have all the characteristics of true Oriental rugs and are woven on power looms in the United States. The respondent company also allegedly advertises certain of its rugs as being "true copies of Sarouks, Kirmans and Persians", and as "amazing reproductions from the original Orientals", when in fact, according to the complaint, they are not exact copies or reproductions of true Orientals in structure or method of manufacture, but merely simulate Orientals in appearance. (4205-4207)

**Harry M. Bitterman, Inc.**—Charging violation of the brokerage paragraph of the Robinson-Patman Act, a complaint has been issued against Harry M. Bitterman, Inc., 151 West 40th St., New York, which acts as intermediary for certain buyers in their purchases of fur garments from the sellers.

Also named as respondents are Harry M. Bitterman, Herman Bitterman and Irving Dash, officers of Harry M. Bitterman, Inc., and four selling concerns which the Commission considers typical of a large number of fur garment manufacturers engaged in selling garments to retail buyers by means of similar practices. The four selling concerns named as respondents are: I. and A. Berger, Inc., 150 30th St., B. Ordovery & Sons, Inc., 150 West 30th St., Arthur Petras, Peter Petras and George Alveras, trading as Petras, Petras & Co., 249 West 29th St., and Morris Minsk, 352 Seventh Ave., all of New York.

According to the complaint, Harry M. Bitterman, until 1938, received, and since that time Bitterman, Inc., has received and now receives orders from retail buyer customers in several States to purchase fur garments, such orders being executed with the four respondent selling companies and other sellers. Estimated annual purchases so negotiated by Harry M. Bitterman or by Bitterman, Inc., the complaint continues, amounted to \$200,000 in each of the years 1937, 1938 and 1939.

The seller respondents, it is alleged, have paid the respondent Bitterman, and have paid and now pay to Bitterman, Inc., brokerage fees and commissions amounting customarily to 5 per cent of the sales price of goods sold by the seller respondents to the retail buyers, and the respondents Bitterman and Bitterman, Inc., while acting as intermediary for the buyers, allegedly accepted, and Bitterman, Inc., now accepts, such brokerage fees and commissions, in violation of section 2 (c) of the Clayton Act as amended by the Robinson-Patman Act. (42291)

**Brabant Needle Company, Inc.**—Concealing the foreign origin of needles is charged in a complaint issued against The Brabant Needle Company, Inc., 47 Great Jones St., New York.

According to the complaint, the respondent imports needles in pads or flaps from Germany, with the name "Germany" stamped on the back of each pad or flap. In marketing certain of its products, the complaint continues, the respondent combines various pads or flaps of needles into booklets, sometimes in combination with other articles in such a manner as to entirely conceal the printing which indicates the foreign origin of such needles.

Pointing out that a substantial number of purchasers prefer products manufactured in the United States or England to articles made in Germany or other foreign countries, the complaint alleges that the respondent further misrepresents that its needles are of domestic or English origin and that it owns, operates or controls factories located in England and in the United States, wherein the needles are manufactured. In truth, it is charged, none of these needles are manufactured in the United States or England, and the respondent has not owned, operated or controlled any factory in which such needles sold by it were manufactured either in England, the United States or elsewhere. It is further charged that all of the needles are imported by the respondent from foreign countries other than England for the purpose of resale. (4212)

**Cohen Drug Company**—Louis, Sol and Marvyn Cohen, trading as Cohen's Cut Rate Drug Store, as Cohen Drug Co., and as Cohen's, 905 Virginia St., East, Charleston, W. Va., allegedly misrepresent that their preparation, designated as "Soluble Gelatine Capsules No. 5, Apiol and Ergotin Compound" and advertised and sold as "Lady Lydia Capsules," is a competent, safe and effective treatment for delayed menstruation. In truth, the complaint continues, the respondents' preparation is not an effective treatment for delayed menstruation, and is not safe as it contains the drugs apiol green, ergotin, oil of savin, and aloin, in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual. Such use of the preparation, it is further alleged, may result in a toxic condition and excessive purgation, and may give rise to abortion, resulting in uterine infection with extension to other pelvic and abdominal structures, and even the blood stream, causing the condition known as blood poisoning or septicemia. The complaint charges that the respondents' advertisements are also false in that they fail to reveal that the use of their preparation under the prescribed conditions or under such conditions as are customary or usual may result in serious and irreparable injury to health. (4202)



**Deniston Company**, 4856 South Western Ave., Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of lead head roofing nails designated as "drive screw" and as "ring shank".

The respondent allegedly misleadingly advertises that the holding power of its "drive screw" and "ring shank" nails is approximately four times that of the straight shank nail; that a nail provided with the "drive screw" shank will afford greater holding power than any other type of lead head nail and that both the "drive screw" and "ring shank" nails possess a substantial superiority in holding power over all competitive products. In truth, the complaint charges, the comparative superiority and holding power claimed by the respondent for both types of its nails is greatly in excess of any superiority that does exist between either of such types of nails and straight shank nails and other competitive nails. (4219)

**Isaac S. Dickler**, 370 Seventh Ave., New York, buying agent in the purchase of fur garments in behalf of approximately 17 fur garment dealers located in several States, is charged, in a complaint with violation of the brokerage paragraph of the Robinson-Patman Act.

The complaint alleges that the respondent receives from various retail fur stores, for whom he acts as agent, requests to purchase fur garments. He contacts various fur garment manufacturers and places the orders at the most advantageous prices from the standpoint of the buyer. The manufacturers are located in New York, the respondent acting on behalf of buyers in San Francisco, Baltimore, Washington, and other cities.

In the course of the purchasing transactions by the respondent, the complaint continues, sellers have, since June 19, 1936, paid to the respondent commissions based on a certain percentage of the sales price agreed upon, and the respondent has received and accepted such commissions on purchases of merchandise by retail buyers in whose behalf he has been and is in fact acting. These acts and practices, the complaint declares, are in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4231)

**Do-Ray Lamp Company, Inc.**, 1458 South Michigan Ave., Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a fog lamp known as "Bright Ray Crest Driving Lamp."

According to the complaint, the respondent misleadingly represents that its fog lamp, when attached to an automobile or truck, develops 40 thousand candle power, which produces sufficient illumination to have "revealing power" at 1,500 feet ahead of the location of the vehicle so as to enable the driver to determine objects on the road at that distance under any and all conditions. The respondent also allegedly misrepresents that the beam of light produced by its lamp provides sufficient illumination to penetrate fog and furnish adequate visibility under fog, rain or snow conditions when used on an automobile or truck operated on the highway. (4218)

**Ely & Walker Dry Goods Company**, 1520 Washington Ave., St. Louis, Mo., is charged in a complaint with the dissemination of misleading representations in the sale of men's robes.

According to the complaint, the respondent represents by means of advertisements featuring the words "Camel Suede Robe," and through the use of labels or bands marked "Camel Suede" and bearing illustrations of a camel, that its men's robes are made of camel's hair or camel's wool, or have a predominant composition of camel's hair or camel's wool. In truth, the complaint charges, such robes are not composed in any part of the hair of the camel, but are made wholly of rayon. (4216)

**A. M. Florman & Bro.**—Acceptance of commissions in violation of the brokerage paragraph of the Robinson-Patman Act, is charged in a complaint issued against a firm of New York commission residents buyers of millinery. The respondents are Arthur M. Florman and Leo Florman, trading as A. M. Florman & Bro., 134 West 32nd St., New York.

It is alleged that the respondents act as purchasing agents for approximately 40 retail millinery and department stores located in various States, and place their clients' orders with 25 or more New York manufacturers of millinery. The respondents allegedly receive and accept from the seller manufacturers commissions which

represent a certain percentage of the sales prices agreed upon between the seller manufacturers and the respondents on purchases of merchandise by their 40 retail millinery and retail department store principals who are the actual purchasers in such transactions. (4227)

**Franco-Belgian Importing Co., Inc.**, 41 East 28th St., New York, is charged in a complaint with the dissemination of misleading representations in the sale of rugs.

It is charged in the complaint that the respondent describes certain of its rugs by means of Oriental names such as "Kazhak," "Tebriz," "Rajah" and "Garnastan" and attaches to such products labels with depictions of an Oriental scene and of the familiar Turkish star and crescent, thus creating the belief that they are true hand-made Oriental rugs. The respondent further allegedly represents that its rugs are in all respects, including material, reproductions and copies of true Oriental rugs.

Actually, the complaint continues, the respondent's rugs are woven on power looms in factories in Belgium and are not exact copies or reproductions of true Orientals in structure, material or method of manufacture, but merely simulate them in appearance. (4223)

**Joseph Gluck & Company, Inc.**, 305 Seventh Ave., New York, allegedly designates certain of its rugs which closely resemble true Oriental rugs in appearance, by names which are the same as or similar to the names of true Oriental rugs, and attaches labels depicting Oriental scenes to such products, thus tending to induce the erroneous belief that they are made in the Orient by hand. In truth, the complaint charges, the respondent's rugs are woven on power looms at factories in France. (4221)

**Grand Rapids Furniture Show Rooms**—See Zisblatt Furniture Co., Inc.

**Hoosier Candy Sales Company**—Two candy dealers are charged in complaints with the use of lottery devices in the sale of merchandise to ultimate consumers. The respondents are Louis Talesnick, trading as Hoosier Candy Sales Company, 426 South Meridian St., Indianapolis, Ind., and Pelican State Candy Company and its officers Max J. Pinski, formerly trading as Pelican State Candy Company and Royal Chocolates, 1301 North Rampart St., New Orleans, La.

The complaints allege that the respondents sell certain assortments of candy so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold and distributed to ultimate consumers. (4209-4210)

**King Foods Company**—Violation of the brokerage paragraph of the Robinson-Patman Act is alleged in a complaint issued against H. Stanley Jones, H. Edwin Jones and Maurice C. Berkeley, of 206 South Broadway St., Baltimore, who are co-partners trading under the firm names of Howard E. Jones & Co., King Foods Company, Baltimore Sales Service Company, Baltimore Macaroni Company, and Ocono Company.

The complaint points out that the co-partners trading principally under the name of Howard E. Jones & Co., have acted as brokers in the sale of food products, particularly canned fruits and vegetables, and that they have also engaged in the business of buying and selling that class of products for their own account, principally under the name King Foods Company but also under the names and styles of Howard E. Jones & Co., Baltimore Sales Service Company, Baltimore Macaroni Company, and Ocono Company.

It is alleged that in the course and conduct of their business of buying food products for their own account the respondents, doing business under their respective firm names, have been and are now receiving and accepting from numerous sellers brokerage fees, or allowances or discounts in lieu thereof, on many of the purchases made for their own account, in violation of section 2(c) of the Clayton Act, as amended by the Robinson-Patman Act. (4215)

**D. J. Mahler Company, Inc.**, 3124 Pawtucket Ave., East Providence, R. I., is charged in a complaint with the dissemination of misleading representations in the sale of a device recommended for use in the electrolytic removal of superfluous hair from the human body.

According to the complaint, the respondent misleadingly represents that its "Mahler Electrolysis Apparatus" or the "Mahler Method" is an efficient, effective and safe device and method for the permanent removal of superfluous hair from the human body and that its device can be successfully operated by an unskilled layman with ordinary care and skill. In truth, the complaint continues, use of the device as recommended by the respondent may result in local infections, erysipelas, skin burns, scars, metallic tattoo marks, pitting and permanent disfigurement. It is further charged that in certain cases when infection occurs as a result of the use of respondent's device, there may follow serious injury to health.

The respondent's advertisements are also alleged to be misleading in that they fail to reveal that use of its device under conditions prescribed in such advertisements or under customary or usual conditions may result in serious physical injury, permanent disfigurement and in serious irreparable danger to health.

Upon petition of the Federal Trade Commission, the respondent was recently restrained by a United States District Court from further dissemination of certain false advertisements with respect to this preparation pending issuance of a complaint and final disposition of the case under the Federal Trade Commission Act. (4228)

**Manshire Mills**—See Siegel-Kahn Company, Inc.

**Memorial Granite Company, Inc.**, 159 Hancock St., Quincy, Mass., is charged in a complaint with the dissemination of misleading representations in the sale of tombstones and monuments.

According to the complaint, the respondent misleadingly advertises that its monuments and tombstones were produced or quarried in the Barre, Vt., district, the Westerly, R. I., district, or manufactured from imported Red Granite; that the price at which such products are offered for sale saves 30 per cent to 50 per cent more to the purchasers than if they bought similar products sold by competitors; that its indicated price includes such items or expenses as the cost of lettering, delivery and erection of such products; that the tombstones and monuments are polished on all sides, including the front, back, top, sides and base, and that its place of business is of the size pictured in its advertisements.

In truth, the complaint continues, the respondent's tombstones and monuments are manufactured from Rygate, Vt., granite which is a cheaper grade than that represented; its products are not offered for sale for less than the customary and usual price, and additional charges are required for lettering, delivery, erection, finishing and polishing of its products. It is also charged that the pictorial representation of the respondent's place of business is a composite of two different views of the plant, formed by combining two or more pictures in such a manner as to convey an untrue impression to purchasers with respect to the size of the business conducted by the respondent. (4214)

**Michigan Merchandising Company**—Charles D. Brown, trading as Michigan Merchandising Company, 31 Allison St., Pontiac, Mich., is charged in a complaint with the dissemination of misleading representations in the sale of a small electric water heater, called "Wonder Electric Water Heater".

According to the complaint, the business as conducted by the respondent is a scheme to extract money from persons in need of employment by misrepresenting to them, through "Help Wanted" sections of newspapers, the character of work to be performed, the purpose of an initial payment of \$100 by the applicant for work, the terms of the employment, the salary to be paid, the price for which his heater is regularly sold, and the extent and nature of the guaranty on the heaters.

Among such alleged misrepresentations made by the respondent are that prospective distributors who answer his "Help Wanted" ads, are only to make deliveries of and collections for his heaters; that the respondent will establish the required number of dealers to handle his heaters on a consignment basis without any sales effort on the part of the distributor; that the initial payment of \$100 required of each distributor is in the nature of a temporary bond and will be refunded as soon as the routine matter of securing and approving the list of dealers has been accomplished by the respondent, and that he will pay to the distributor a weekly salary of \$25, commencing on the day the contract is signed, plus a commission of 50 cents per heater for every heater over two sold each week by each established dealer in the distributor's territory.

In truth, the complaint continues, no salary or commission has ever been paid by respondent to any distributor: no quota of dealers has ever been established which met the number necessary to be established to entitle the distributor to a refund. salary or commission; the initial payment of \$100 was not in the nature of a temporary bond, but is applied by the respondent as payment for forty-eight of the electric water heaters, and the distributor, under the respondent's plan, becomes a mere purchaser of the heaters without any adequate outlets for their disposal or established dealers to handle them. (4207)

**Ocono Company**—See King Foods Company.

**Oxol Laboratories**—W. S. McClymonds and G. L. McClymonds, trading as Oxol Laboratories, 1042-48 Santa Fe Drive, Denver, Colo., are charged in a complaint with the dissemination of misleading representations in the sale of a drug preparation known as "Trolox Tablets".

According to the complaint, the respondents represent that their preparation is a cure, remedy and effective treatment for various diseases and ailments of the kidneys and of the prostate gland, when in truth it has no value with respect to relieving any such conditions. (4208)

**Pelican State Candy Company**—See Hoosier Candy Sales Co.

**Queen City Candy Company, Inc.**, 531 Bruns Ave., Charlotte, N. C., is charged in a complaint with the use of lottery methods in the sale of candy to ultimate consumers.

According to the complaint, the respondent sells certain assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when such candy is sold and distributed to consumers. One of such assortments, the complaint continues, consists of a number of bars of candy together with a device commonly called a push card. (4220)

**Sol. Raphael, Inc.**—See Bigelow-Sanford Carpet Company, Inc.

**Reed's Cut-Rate Drug Store**—Lenard and Sarah Gotlieb, trading as Reed's Cut-Rate Store and as Fountain Cut-Rate Stores, 127 South Fourth St., Clarksburg, W. Va., are charged in a complaint with the dissemination of misleading representations in the sale of a medicinal preparation.

According to the complaint, the respondents misleadingly represent that their preparation designated as "Prescription Female Capsules," and as "Lady Lydia Female Capsules," also designated as "Prescription Female Capsules—Double Strength," "Prescription Female Capsules—Triple Strength," and as "Lady Lydia Female Capsules—Double Strength" and "Lady Lydia Female Capsules—Triple Strength," is a competent and efficient treatment for delayed menstruation and that it is safe and harmless. In truth, the complaint charges, the respondents' preparation is not an efficient treatment for delayed menstruation, and is not safe in that it contains the drugs apiol green, ergotin, oil of savin and aloin, in quantities sufficient to cause serious and irreparable injury to health if used under the conditions described in the advertisements or under such conditions as are customary or usual.

The respondents' advertisements are also false, the complaint continues, in that they fail to reveal that use of their preparation under the prescribed or customary conditions, may result in injury to health.

Upon petition of the Federal Trade Commission, the respondents were recently restrained by a United States District Court from further advertisement of this preparation pending issuance of complaint and final disposition of the case under the Federal Trade Commission Act. (4211)

**Schmidt Brewing Company**, 1995 Wilkins St., Detroit, Mich., is charged in a complaint with the dissemination of misleading representations in the sale of beer.

According to the complaint, the respondent advertises that its beer contains no fattening substances, and such advertisements bear the statement "No Sugar," "No Glucose," "No Fattening Syrups Added" and "Schmidt's affords peace-of-mind to 'weight

watchers' because a brimming glass equals no more calories than three soda crackers!" In truth, the complaint continues, the respondent's beer does contain sugars and other fattening substances.

Charging that such misrepresentations mislead the purchasing public into buying substantial quantities of the respondents' products in preference to that of its competitors, the complaint grants the respondent 20 days for filing answer to the alleged violation of the Federal Trade Commission Act. (4225)

**Seboeen Laboratories, Inc.**—A group of Illinois dealers in medicinal and cosmetic preparations is charged in a complaint with the dissemination of misleading representations in the sale of its products. The respondents are Seboeen Laboratories, Inc., 6912 Ravenswood Ave., Chicago; Federal Cosmetic Sales Corporation, 126 North 7th St., Springfield; and Fred E. Schon, Lloyd M. Wendt, Ethel Cronson and Evelyn Schon, Chicago; and Henry M. Schoen, Virginia L. Cook and William Horsley, Springfield. Federal Cosmetic Sales Corporation sells and distributes the medicinal and cosmetic preparations manufactured by Seboeen Laboratories, Inc.

The respondents allegedly misrepresent that their preparation "Sebrone" is a new, scientific discovery; is a cure or remedy for dandruff; will remove scar tissue; will prevent baldness and will stimulate the growth of hair.

It is further charged in the complaint that the respondents misleadingly represent that their preparation "Waft" is a new, scientific discovery; is a cure or remedy for athlete's foot; will reduce excessive sweating to normal; will remove and kill foot and body odors and will remove room and closet odors. (4230)

**Snugintucks Mills**—See Siegel-Kahn Company, Inc.

**Stephen Rug Mills**—Nathan E. Herzfeld and Saul S. Herzfeld, trading as Stephen Rug Mills, 135 Madison Ave., New York, allegedly describe certain of their rugs, which closely resemble true Oriental and Chinese Oriental rugs, by the names "Bombay" and "Manchu" and attach thereto labels with the depiction of an Oriental scene, when in truth such rugs are made on power looms in factories in Belgium and Italy. According to the complaint, the respondents further describe their "New Avalon" rugs as "Chinese Ovalette Replica" and depict an Oriental scene on labels attached to such rugs, when actually they are not exact copies or reproductions of true Chinese Orientals in structure, method of manufacture or material, but merely simulate them in appearance.

Certain of the respondents' other rugs which are manufactured in Europe are allegedly designated as "New Bedford," thus misleadingly representing that such wares are made in the United States. By the use of the words "Rug Mills" in their firm or trade name, the complaint continues, the respondents represent that they manufacture the rugs they sell, when such is not the case. (4222)

**Diamond Candy Company**—Curtis C. Walker, trading as Diamond Candy Company, 219 North Graham St., Charlotte, N. C., is charged in a complaint with the use of lottery methods in connection with the sale of candy.

According to the complaint, the respondent sells certain assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when such candy is sold and distributed to consumers. One of such assortments, the complaint continues, consists of a number of bars of candy together with a device commonly called a push card. (4224)

**Siegel-Kahn Company, Inc.**, trading as Manshire Mills and as Snugintucks Mills, 93 Worth St., New York, is charged in a complaint with the dissemination of misleading representations in the sale of women's undergarments.

According to the complaint, the respondent represents that certain of its products designated "Snugintucks" contain 30 per cent and 15 per cent wool, respectively, when in truth neither of such products contains the specified percentage of wool, the actual fiber content being 88 per cent cotton, 9 per cent rayon and 3 per cent wool.

The respondent further is alleged misleadingly to represent that its products designated "Dr. Ames Treat Yourself Woollywarms

Multi-Ply Crotch, 30 per cent Pure Wool," and "Dr. Ames Treat Yourself Woollywarms Multi-Ply Crotch, 15 per cent Pure Wool," contains 30 per cent and 15 per cent wool, respectively, when in truth the product represented as containing 30 per cent wool is composed of 85 per cent cotton and only 15 per cent wool, while the product represented as containing 15 per cent wool contains 90 per cent cotton and only 10 per cent wool.

Through the use of the word "Woollywarms" in designating "Dr. Ames Treat Yourself Woollywarms Multi-Ply Crotch, Full Combed," unaccompanied by any specific designation of the fiber content, the respondent allegedly represents that such product contains a substantial percentage of wool, when in fact it contains no wool whatsoever, but is composed entirely of cotton. It is further alleged in the complaint that the respondent sells undergarments composed in part of rayon, without disclosing the rayon content of such products.

The complaint continues that through use of the word "Mills" in its trade names Manshire Mills and Snugintucks Mills, the respondent represents that it owns or operates a mill where its products are manufactured and that it is the manufacturer of such products, when in truth it purchases all of its products from other parties.

Through use of the term "Dr. Ames," the respondent also allegedly misrepresents that its products are designed, recommended or approved by a physician. (4204)

**Sun Cut-Rate Drug Company**—Howard Deckelbaum, trading as Sun Cut Rate Store, Huntington, W. Va., is charged in a complaint with the dissemination of misleading representations in the sale of a medicinal preparation.

According to the complaint, the respondent misleadingly represents that his preparation advertised as "Harmless Prescription Capsules" and as "Special Prescription Capsules" otherwise designated as "Prescription Female Capsules—Double Strength" and as "Prescription Female Capsules—Triple Strength," is a competent and efficient treatment for delayed menstruation and that it is safe and harmless. In truth, the complaint charges, the respondent's preparation is not an efficient treatment for delayed menstruation, and is not safe in that it contains the drugs apiol green, ergotin, oil of savin and aloin, in quantities sufficient to cause serious and irreparable injury to health if used under the conditions described in the advertisements or under such conditions as are customary or usual.

The respondent's advertisements are also false, the complaint continues, in that they fail to reveal that such use of his preparation under the prescribed or customary conditions may result in injury to health.

Upon petition of the Federal Trade Commission, the respondent was recently restrained by a United States District Court from further advertisement of this preparation pending issuance of complaint and final disposition of the case under the Federal Trade Commission Act. (4213)

**Wain's Laboratory, Inc.**, 4687 Hollywood Boulevard, Hollywood, Calif., allegedly misrepresents that its preparation, "Wain's Compound," formerly designated as "AMA-GON," is an effective and competent treatment for bronchial asthma and bronchial coughs; that its use gives immediate or prompt relief from the paroxysms of asthma, and that it is entirely safe and may be used without danger of ill effects upon the health of the user. In truth, the complaint continues, the respondent's preparation has no therapeutic value in the treatment of such conditions in excess of furnishing temporary symptomatic relief from the paroxysms of asthma and bronchial irritations. It is further charged in the complaint that "Wain's Compound" is not in all cases safe as it contains potassium iodide in quantities sufficient to cause in some instances injury to health if taken under the prescribed conditions or under such conditions as are customary or usual. It is alleged that the respondent's advertisements are also false in that they fail to reveal that use of its preparation under the conditions prescribed in its advertisements or under such conditions as are customary or usual, may result in injury to health. (4203)

**Zisblatt Furniture Company, Inc.**, trading as Grand Rapids Furniture Show Rooms, and Morris, Meyer, Sam and Lillian Zisblatt, and A. Maccia, 4132 Park Ave., New York, are charged in a complaint with the dissemination of misleading representations in the sale of household furniture.

According to the complaint, the respondent corporation misleadingly represents that furniture sold by it is manufactured in Grand Rapids, Mich.; that it owns, operates or controls a factory at Grand Rapids; that the furniture is sold direct from the factory to the purchasers without the addition of a middleman's profit; that the prices at which the furniture is sold are wholesale prices; that it does not ordinarily sell at retail, and that it occupies a large, seven-story building. In truth, the complaint charges, the respondent's sales are in fact resales, at retail, of furniture purchased by it from factories or from wholesalers; its place of business is not a factory show room, but a retail store; the prices which it charges for its wares are higher than the usual, current wholesale prices, and the building which it occupies is not correctly represented on its business cards and stationery, but is in fact a run-down building of only three stories. (4206)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**J. E. Bernard & Company**—Sales to dealers in foreign countries of reconditioned spark plugs not properly designated as such, are prohibited in an order issued against J. E. Bernard & Company, Inc., 27 Pearl St., New York.

Commission findings are that substantially all of the spark plugs sold by the respondent are used and discarded spark plugs which originally were manufactured and sold by the Champion Spark Plug Company and AC Spark Plug Company under the brand names "Champion" and "AC". The articles, the findings continue, were repaired and reconditioned by The Perfect Recondition Spark Plug Company, from whom the respondent purchases such products for resale to dealers in foreign countries without proper disclosure that they were used and defective articles and had been repaired and reconditioned.

The respondent was ordered, in connection with its sale of spark plugs to foreign countries, to cease selling or delivering to others for sale to the public, any spark plug which has been used and thereafter reconditioned in any manner unless the words "used", "second-hand" or "reconditioned", or some similar words, have been permanently stamped or fixed on each plug in a color in contrast to the surface to which it is applied and of a size and in such location as to be clearly legible to purchasers after the spark plugs shall have been installed, and unless there has been plainly printed or marked on containers a notice that they are used, second-hand or reconditioned. (3534)

**Consolidated Sign Letter Company, Inc.**, 416 South Dearborn St., Chicago, has been ordered to discontinue certain misleading representations in the sale of metallic sign letters and numbers.

Under the order, the respondent is prohibited from representing, through the use of the terms "genuine gold leaf sign letters" or "genuine gold leaf," or any similar words, that sign letters or numbers composed of a combination of gold and silver leaf on a backing of lead and tinfoil are composed of gold, gold leaf, or genuine gold leaf.

The order further prohibits representations by the respondent that the gold leaf used in the manufacture of its products is 24 karat fine gold; that such leaf contains an amount of gold in excess of its actual content, or that the leaf is made exclusively from gold and does not contain an alloy.

The respondent was also ordered to cease representing, through the use of the word "silver" in the trade name or in any other manner, that letters or numbers manufactured from a combination of lead and tinfoil contain, or are composed of, silver metal. (3539)

**Hardwood Charcoal Company**—Price-fixing agreements tending to eliminate competition in the hardwood charcoal industry and other practices deemed to be in restraint of trade, are prohibited under an order issued against producers of approximately 65 per cent of the Nation's output of that product which is used principally as a fuel.

Among the respondents are Hardwood Charcoal Company, Memphis, Tenn., and Manufacturers Charcoal Company, Bradford, Pa., which are exclusive sales agents for groups of char-

coal producers, and Tennessee Eastman Corporation, Kingsport, Tenn., and Cliffs Dow Chemical Company, Marquette, Mich., hardwood charcoal producers.

Commission findings are that some or all of the respondents entered into various agreements having the effect of preventing price competition; that the Hardwood Charcoal Company and Manufacturers Charcoal Company, from 1932 to 1937, exchanged price and other information and in 1933 agreed to allot territories among themselves on a quota basis, the Hardwood company paying the Manufacturers company brokerage for handling the product of members of the Hardwood company's group, and that members of the Manufacturers' Charcoal Company group, from November, 1936 to January, 1937, purchased the entire output of Canadian charcoal entering the United States so as to prevent its competition with their product.

The Commission order directs that Hardwood Charcoal Company, Manufacturers Charcoal Company, Cliffs Dow Chemical Company, Tennessee Eastman Corporation, and their officers, directors and employees, directly or indirectly, or while the Hardwood and Manufacturers companies are acting on their own behalf or that of the members of their groups or other charcoal producers, are to cease and desist from fixing or maintaining, pursuant to agreement, understanding or combination, identical delivered prices at which hardwood charcoal is to be sold by them to distributors or dealers at any destination. The Manufacturers and Hardwood companies are directed, pursuant to agreement or understanding, to cease (1) fixing or maintaining identical or uniform resale prices; (2) allotting territories for sale of products of the members of their respective groups; (3) limiting severally and reciprocally the respective quantities of hardwood charcoal which each sells to its respective customers; (4) refusing to solicit customers of each other; (5) limiting the number of distributors or dealers to whom each shall sell, and (6) exchanging information as to delivered prices, sales policies and other matters for the purpose of effectuating agreements to fix identical or uniform delivered prices.

Hardwood Charcoal Company, while acting on behalf of itself or members of its group, and Tennessee Eastman Corporation, and their officers or representatives, are ordered to discontinue, pursuant to agreement or understanding, filling orders for hardwood charcoal for each other from dealers or distributors throughout the United States in bags or receptacles bearing the trade-mark or trade name of the seller without a statement on such containers that the contents thereof were packed for the seller. The respondent producer members of the Manufacturers Charcoal Company group, are directed to cease, by means of contract, agreement or understanding, from constituting that company as their exclusive sales agent during any specific period and also from acting by any means or method to purchase the entire or a substantial proportion of Canadian hardwood charcoal shipped into the United States so as to eliminate competition therewith.

The Commission dismissed as to Tennessee Products Corporation, Forest Products Chemical Company, and Crossett Chemical Company, certain allegations in its amended complaint pertaining to an alleged understanding and agreement among those three companies to eliminate and suppress competition through formation of the Hardwood Charcoal Company, such dismissal being without prejudice to its right to issue a new complaint containing such allegations should future facts warrant that procedure in the public interest. (3670)

**Industrial Plants Corporation**, 90 West Broadway, New York, has been ordered to discontinue the dissemination of misleading representations in the sale of pliers.

Commission findings are that the respondent advertised that its "Nickel plated pliers are ground and polished all over, heavily nickel plated and buffed to a high lustre," when in truth such pliers are not nickel plated.

The order prohibits the respondent from representing that pliers or any other tools which are not plated with the metal nickel are nickel plated. (3835)

**Luxor, Ltd.**, a manufacturer of toilet articles and cosmetics, with its place of business at 1355 West Thirty-first St., Chicago, has been ordered to discontinue violations of the Robinson-Patman Act in the sale of certain of its products.

The respondent company, according to findings, furnished some of its most popular cosmetics in "junior" or ten cent size packaging to novelty, variety, syndicate and five and ten cent stores and refused to supply such packaging to competing purchasers such as retail druggists.

Commission findings are that the "junior" or ten cent size is preferred by many customers because it is easier to carry, aids in the retention of fragrance and freshness, and reduces waste; that this size of packaging facilitates the resale of products, and that retail druggists endeavoring to obtain the junior size could get only the larger or forty-nine cent size which could not be conveniently divided into smaller quantity units for resale.

The Commission order directs the respondent company to cease and desist from furnishing any of its commodities packaged in containers of a certain size and style unless all purchasers competing in the resale of such articles are accorded the facility of packaging in containers of like size and style, on proportionally equal terms. (3736)

**Sales Promoting Company**—Charles Polk, trading as Sales Promoting Company, 160 Fifth Ave., New York, has been ordered to discontinue the use of lottery methods in the sale of watches, clocks, leather goods, electric lamps, quilts, blankets, waffle irons, radios, toilet sets and tourist sets.

The order prohibits the respondent from selling or distributing any merchandise so packed and assembled that sales to the general public are to be made by means of a lottery; supplying others with merchandise together with lottery devices which may be used in selling or distributing such merchandise to the general public by means of a lottery scheme; supplying others with lottery devices either with merchandise or separately which may be used in selling such merchandise to the general public by means of a game of chance, or selling any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4175)

**Seaboard Paint & Varnish Company**—Samuel Swimmer, trading as Seaboard Paint and Varnish Company, 275 Russell St., Brooklyn, N. Y., has been ordered to discontinue certain misleading representations in the sale of reconditioned paint known as "Spray Booth Off Fall".

Commission findings are that the respondent misrepresents that the regular price of his paint is \$2.65 per gallon and that it is being offered at a sacrifice price of \$1.55 per gallon; that it was manufactured for use on surfaces exposed to the weather; that he has, in a warehouse located in the vicinity of his prospective customer, some one hundred or other specified number of gallons of such paint, which accounts for the sacrifice he is reputedly making in the price; that the paint is of clean, fresh stock, and that it is of extremely high quality and lasts practically a lifetime.

The order prohibits the respondent from representing that the customary price per gallon of his paint is any sum in excess of that at which it is usually sold; that he has a quantity of such paint warehoused at any point other than at his place of business in Brooklyn, N. Y.; that his paint was manufactured for use on outside or exposed surfaces, or that it is clean, fresh stock and will last practically a lifetime. (4014)

**Union Fountain Pen Company**, 79 Fifth Ave., New York, and three of its officers, has been ordered to discontinue misrepresentations in the sale of fountain pens. The officers named as respondents are Pauline Joab, Isadore Sandrow and Louis Morrison.

The respondents are found to have represented that pens ordinarily selling at prices ranging from 89 cents to \$1 have a regular value of \$3.75, and, through use of the term "Custom-Built," to have misleadingly represented that their "Tourist" brand pens are hand-made. The respondents, according to findings, used the phrase "Guaranteed Lifetime Service" in connection with the sale of their pens, which in fact will not last a lifetime, and misled purchasers into believing that any necessary repairs would be made by the respondents without cost to the buyers. (3522)

## STIPULATIONS

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

**Akron Lamp & Mfg. Co.**, 600 South High St., Akron, Ohio, engaged in selling stoves using gasoline for fuel, designated "Diamond Radiant Heaters," agrees to cease representing that the heater burns 96 per cent air, or that the liquid transforms ordinary air into heat, or that it burns air at all, or that it burns only 4

per cent fuel; that the heat produced is a new kind of heat and is the kind that experts recommend; that the heat is almost like that from the sun itself or that it produces infra-red or ultra-violet rays, or the same penetrating or health-giving rays as are produced by the sun. The respondent also agrees to desist from representing that the heater will relieve lumbago and other ailments; is a competent treatment for colds, flu or pneumonia, or that it has healing qualities or is valuable for checking diseases or for the promotion of health, and that the method of heating is endorsed by physicians or leading health authorities. The respondent also agrees to discontinue representations that prospective agents, salesmen or distributors can make earnings or profits, within any specified period of time, of any amounts which are in excess of the average earnings within like periods of time made by a substantial number of its active, full-time agents or distributors in the ordinary and usual course of business and under normal conditions and circumstances. (02619)

**Beutalure, Inc.**, 14 Ashley Place, Wilmington, Del., stipulates that it will cease advertising that "Beutalure Hair Tonic" (now designated "Beutalure Hair Lotion") will bring hair back to its original shade; contains no dye; relieves dandruff, unless the assertion is limited to its aid in the temporary removal of dandruff; checks or stops excessive falling hair; reveals the natural hidden beauty of the hair, or is a competent treatment for gray, dull, faded or streaked hair. The respondent also agrees to desist from describing its product as a tonic and will not use the word "tonic" as a part of the trade name for the product. (02609)

**Chicago Musical Instrument Co.** and its subsidiary The Tonette Company, both of 30 East Adams St., Chicago, entered into a stipulation in which they agree to discontinue certain representations in the sale of a musical instrument designated "Tonette."

The respondents agree to cease representing that anyone, though unable to read musical notes, and without regard to knowledge of music, musical training or aptitude for music, can in just a few minutes' time learn to play on the Tonette, song hits, classics or "old favorites." (02614)

**Cluff Fabric Products, Inc.**, 300 West 19th St., New York, entered into a stipulation in which it agrees to discontinue certain representations in the sale of auto and marine fabric equipment, including life preserver cushions or vests.

Under the stipulation, the respondent agrees to cease advertising that its life vests have an individual total weight of 36 ounces or more or that the weight of the filling used in the construction of such products is 24 ounces or more, when in fact, the actual total weight and the actual weight of the filling is less than that indicated.

The respondent further stipulates that it will cease representing that its device has a designated total weight or is equipped with a filling of a designated weight, the effect of which tends to convey the belief to purchasers that it has a buoyancy commensurate with such designated weights, when in fact, the weights are less than that represented.

Cluff Fabric Products, Inc., also agrees to cease representing that the buoyancy of its life vests is such as to comply with the requirements of Section 5 of the Act of Congress approved June 9, 1910, for Motor Boats not Carrying Passengers for Hire, when in fact, such is not the case. (2895)

**Curtiss Candy Company**, 622 Diversey Parkway, Chicago, stipulates it will cease advertising that "Baby Ruth" candy will avoid fat. The respondent further agrees to cease representing that "Baby Ruth" candy will avoid fatigue; sustains body activity; reinforces body resistance to avoid ill health, or will snap one out of spring fever, unless it is clearly stated that it is intended to help overcome fatigue and temporarily increase energy when eaten between meals. The respondent also agrees to discontinue representing that it is necessary to eat dextrose to secure the energy building and sustaining foods, or that people who need energy need dextrose or "Baby Ruth" bars. (02608)

**Eagle-Picher Lead Company** and its subsidiary, Eagle-Picher Sales Company, Temple Bar Building, Cincinnati, Ohio, agree to cease advertising that all insulation using paper as a base, or

that insulation such as that sold by their competitor, Insul-Wool Insulation Corporation of Wichita, Kans., is inflammable or that its thermal conductivity compares unfavorably with that of rock wool or is higher than that of sawdust. The respondents further agree to discontinue claims that insulation having a paper base is susceptible to moisture or will settle when properly placed in the stud of a building. The respondents also stipulate that they will cease representing, through the use of excerpts from newspapers concerning a fire which occurred at the plant of a competitor, that the material which was burned was the finished product, when in fact, the burned material was only raw material which had not been placed in the completed form in which it was customarily sold by the competitor in the usual course of trade. (2900)

**Herb Products Company**—A. P. Durham, trading as Herb Products Company, Anderson, S. C., agrees to cease representing that this medicinal preparation, "Vim Herb," will strengthen or build up the system; will rid the system of poisons; will completely cleanse the intestinal walls; will act as a tonic for the blood; will benefit everyone; will relieve pain; will clear the skin of eruptions, or will afford immediate, lasting, or positive relief from any disease, disorder or ailment. The respondent further agrees to desist from representing that his preparation is a tonic; that it has benefited thousands, or that the preparation is harmless, without at the same time clearly indicating that its use may be injurious where there are present acute inflammatory conditions of the gastro-intestinal tract. The respondent also stipulates that he will cease representing that his preparation is guaranteed, without at the same time clearly indicating the nature and scope of the guarantee. (02604)

**Hoffman Health Products Company**—A stipulation has been accepted from Albert H. Hoffman, trading as Hoffman Health Products Company, 5912 Lynn Ave., Tampa, Fla., in which he agrees to discontinue certain representations in the sale of honey designated as "El Panel Cuban Wonder Honey."

The respondent agrees to cease advertising that his honey has a natural lubricating effect that helps to eliminate waste and thus promotes better appetite and consequently better assimilation; that it has nine mineral elements which have special virtues in supplying mineral needs of the body, or that it vitalizes, alkalizes and affords special virtues in the treatment of anemia and poor appetite.

The respondent further stipulates that he will desist from claiming that his product assists in relieving and overcoming attacks of asthma, bronchitis, colds, hay fever, sinus trouble, or coughs other than local throat irritations, possesses remedial powers in the treatment of gastric ulcers and disorders of the bowels and colon, or differs essentially from domestic varieties of honey in the matter of nutritional or therapeutic value. (2902)

**K-R-O Company**, Springfield, Ohio, engaged in selling a rat-killing preparation designated "K-R-O (Kills Rats Only)," agrees to cease representing that the preparation is a sure killer and will make rats go outside to die, unless their burrows or habitats are outside of the homes and other buildings, or that it will drive rats out of homes or other buildings once and for all, or that it will protect homes or farm buildings, or livestock or supplies from damage by rats, or that K-R-O is the most effective rat-killer on the market. (02618)

**McCoy Drug Company**—Paul V. McCoy and L. E. Goursmen, trading as McCoy Drug Company, 311 French St., Santa Ana, Calif., have entered into a stipulation in which they agree to discontinue certain representations in the sale of a compound known as "McCoy's Little Tablets."

Under the stipulation, the respondents agree to cease representing that use of their product will correct the elimination of any organ or will effect other than temporary relief from constipation. The respondents further agree to discontinue claims that when constipation is overcome through use of their product, it ends, or often ends, nine-tenths or any other specified numerical estimate of other ailments with which a sufferer may be afflicted when in fact such claim is not based upon statistical or other competent evidence.

Further representations which the respondents agree to discontinue are that their product does not contain harsh laxatives

or ingredients that depend upon irritating the bowels for their effect, or that it will act as a tonic for every part of the digestive tract and will sweeten the stomach. (2897)

**Medical Tea Company of California**, 823 East Seventeenth St., Los Angeles, agrees to discontinue representing that its "Sylphide (or Cleo) Tea," a preparation consisting of various herbs, is safe to use for weight reducing purposes, except when such use is moderate or employed over short periods of time, or that it is a competent and effective remedy or treatment for obesity, except to the extent that it may reduce weight by increased elimination. The respondent also stipulates that it will cease representing that some of the ingredients of Sylphide Tea possess certain therapeutic properties which they do not in fact possess. (02615)

**Mellquist Reducing & Cosmetic Salons, Inc.**, a New York corporation, Mellquist Reducing & Cosmetic Salons, Inc., an Illinois corporation, and Erik W. Mellquist, individually and as officer and director of both corporations, 550 Fifth Ave., New York, in connection with the sale and distribution of "Mellquist Massage Balm," agree to cease and desist from use in their advertisements and advertising matter, or in any other way, of statements or representations the effect of which tends or may tend to convey the belief to purchasers that use of the product in and of itself will break down fat cells and strengthen tissues, or in any way reduce the user's weight or otherwise solve the user's reducing problems. (2903)

**Milks Emulsion Company**, Terre Haute, Ind., agrees to desist from representing that its "Milks Emulsion" is a competent treatment for constipation, or will do more than aid in temporarily relieving constipated conditions; is "Nature's Remedy"; would free one from constipation for all time; is sold under the "strongest" guarantee of any medicine, or that thousands of mothers have testified as to what "Milks Emulsion" has done for their children. The respondent also stipulates that it will cease using the word "Emulsion" or any letters that simulate emulsion in sound or spelling to designate its preparation as compounded and manufactured prior to May 13, 1940. (02610)

**Robert E. Miller, Inc.**, 35 Pearl St., New York, has entered into a stipulation in which it agrees to discontinue certain representations in the sale of tacks and upholstery nails.

The respondent agrees to cease marking its imported commodities with the words "Made in U.S.A.," or otherwise representing that such products are of domestic origin. If commodities of foreign origin are treated in the United States to improve their appearance or for other purposes and reference is made to such treatment, then in that case, suitable words shall be used to indicate clearly that they are merely treated or processed in this country, according to the stipulation. (2904)

**Morris Paint & Varnish Company**—Leo Sophir, Jack J. Sophir and Alfred Sophir, trading as Morris Paint & Varnish Company, 5161 Easton Ave., St. Louis, Mo., have entered into a stipulation in which they agree to discontinue certain representations in the sale of paints, varnishes and lacquers.

Under the stipulation, the respondents agree to cease representing through use of the word "Manufacturers", or in any other manner, that they own, operate or control the factory in which their products are manufactured.

The respondents further agree to desist from use of the phrase "100% Pure White Lead" as descriptive of paint, the pigment content of which is not composed wholly of white lead, and from use of the words "White Lead" either alone or in conjunction with any other words so as to imply that the pigment content of such paint is composed wholly of white lead. If the pigment content of the paint is composed in substantial part of white lead, and in part of other ingredients and the words "White Lead" are used to describe such white lead content, then in that case, the words "White Lead" shall be immediately accompanied by some other words printed in equally conspicuous type so as to indicate clearly that the pigment content is not composed wholly of white lead but is composed in part of some other ingredient. (2885)

**Hewett P. Mulford & Company**—Hewett P. Mulford and M. R. Mulford, trading as Hewett P. Mulford & Company, Lebanon, Ohio, stipulate that they will discontinue use of the phrase "Holland Potted Bulbs" as descriptive of bulbs not grown in and imported from Holland, or use of the word "Holland" so as to convey the belief to purchasers that their bulbs were grown in and imported from Holland, when in fact such bulbs were grown elsewhere. (2901)

**Musebeck Shoe Company**, Danville, Ill., agrees to desist from representing that its "Health Spot Shoes" will relieve the wearer of foot trouble; will enable the wearer to get rid of foot trouble, sick, sore, tired or aching feet; are perfect foot health and comfort insurance; will keep the feet healthy, or will control the bones of the feet.

The respondent also agrees to cease representing that "Health Spot Shoes" keep the whole body in good posture and are fitted by people who have taken a course in scientific shoe fitting. (02612)

**National Briar Pipe Company, Inc.**, 41 Morris St., Jersey City, N. J., agrees to discontinue using punch boards or other lottery devices in the sale of its pipes to ultimate consumers. (2898)

**Neah Laboratories**—E. A. Hartman, Ezra Hartman and R. J. Jeffries, trading as Neah Laboratories, 326 East Wayne St., Fort Wayne, Ind., agree to cease representing that their preparation, "Sinus-Aid," affords a new or effective method for treating sinus infections, colds, asthma, hay fever, or other disturbances of the respiratory tract, or that the fumes of their preparation are effective without carrying the infection to other parts of the respiratory tract. The respondents further stipulate that they will discontinue use of the word "Laboratory," or any similar word, as any part of their trade name, or representing in any manner that they own, operate or control a laboratory. The respondents also agree to cease using the word "Sinus," or any similar word, as part of the trade name of any medicinal preparation which is substantially similar to "Sinus-Aid." (02613)

**Per-Mo Mothproof Company**—O. S. Schaffer, trading as Per-Mo Mothproof Company, 3729 Virginia Ave., Kansas City, Mo., agrees to cease using the words "Permanent Mothproof Liquid" as descriptive of his product "Per-Mo", or using the word "permanent", or any similar term, so as to convey the belief to purchasers that the moth immunizing effect of his product will endure indefinitely or that its use will assure constant, equal efficacy against moths throughout the years and that such efficacy will not be impaired by dry cleaning, exposure, or use. (2899)

**Henry J. Pinkston Laboratories**—Henry J. Pinkston, trading as The Henry J. Pinkston Laboratories and as The Pinkston Laboratories, 54 West Randolph St., Chicago, agrees to desist from advertising that his preparation, "Pinkston's Corn and Callous Remover", is one of the greatest discoveries of modern times or is a discovery at all; that it will remove corns or callouses by the roots, or that corns or callouses have roots. The respondent also stipulates that he will cease representing that "Pinkston's Bunion Reducer" will do more than temporarily relieve the pain caused by inflammation of the skin over the bunion, and will cease using the word "Reducer" as part of the trade name of his product, or in any other manner representing that it will reduce bunions.

It is further agreed by the respondent that he will cease using the word "Laboratory" as part of his trade name, or in any other manner representing that he owns, operates, or controls a laboratory. (02616)

**James M. Piwonka**—A stipulation from James M. Piwonka, Cleveland, Ohio, has been accepted in which he agrees to dis-

continue certain representations in the sale of booklets, folders, formulas and health information designated "Gaining Weight Rapidly," "Body-Cleansing Diet System," "Guide to Beauty Culture," "Nature's Health Food Laxative" and "Drawsit."

Under the stipulation, the respondent agrees to cease representing that he is a qualified or licensed health director; that human ailments, diseases or old age are caused by acids or wastes; that the health is ruined by constipation, or that the phrases "internal cleanliness" and "clean blood" are of therapeutic or scientific significance.

The respondent further agrees to desist from representing that the information in the folios "Gaining Weight Rapidly," "Body-Cleansing Diet System" and "Guide to Beauty Culture" will benefit or improve the health or that such folios sell for other than their actual price; that "Nature's Health Food Laxative" is of any therapeutic value in excess of a mild laxative to temporarily aid evacuation of the intestine, or that "Drawsit" is a competent remedy or effective treatment for boils, old running sores, abscesses, corns, scaly skin, or chronic ulcers. (02611)

**Red Seal Beverage Company**, trading also as Zip Company, 2338 West Erie St., Chicago, entered into a stipulation in which it agrees to discontinue certain representations in the sale of a carbonated water beverage known as "Zip."

The respondent agrees to cease representing that "Zip" is an alkalizing beverage; is a health factor of proven value; keeps one physically fit; is a sure relief for indigestion; corrects any physical condition whatsoever, or renews energy. The respondent also agrees to desist from representations that its beverage helps burn up surplus flesh or adipose, or has any therapeutic properties or any appreciable effect on bodily conditions beyond such degree of refreshment as may properly be attributed to a carbonated water beverage. (2889)

**Superior Brands, Inc.**, 420 Lexington Ave., New York, entered into a stipulation in which it agrees to discontinue certain representations in the sale of cereal flour and rye bread soups.

The respondent agrees to cease representing that its flavoring concentrate "Ry-Taste," is the only 100 per cent pure rye culture or that it actually is 100 per cent pure; is a natural rye product devoid of any artificial sour acids or adulterations; contains in concentrated form "all" of the aromatic flavors, color or germ of the rye berry; may be considered as part of the rye flour for labeling purposes, or that no additional labeling would be necessary on brands flavored with "Ry-Taste" concentrate. (2896)

**Dr. Ward's Medical Company**, Winona, Minn., stipulates that in connection with the sale of flavors, imitation flavors, extracts, spices and beverages designated as "Ward's Summer Drinks" or "Summer Coolers", it will cease advertising that its representatives can earn more money by selling products of the Dr. Ward's Medical Company than they can earn in any other business or occupation, or that its salesmen can make profits within a specified period of time which are in excess of those which have been consistently earned by its active, full time representatives in the usual course of business under normal circumstances. The respondent also agrees to discontinue representing that its soft drinks are composed wholly of the natural fruit or juice of the fruit. (02607)

**Zip Company**—See Red Seal Beverage Company.

#### FTC CASE CLOSED

The Federal Trade Commission has closed its case against National Hops Co., 664 North Michigan Ave., Chicago, without prejudice to its right to resume proceedings should the facts so warrant. The respondent corporation, which is now dissolved and its charter forfeited, had been charged with unfair competition in promoting the sale of hops, in violation of the Federal Trade Commission Act.







## THE WEEK IN WASHINGTON

The NAB has arranged with the National Defense Advisory Commission for the NAB to act as the clearing house for member stations in furnishing information and advice relative to requests from government agencies seeking time for "national defense" programs (p. 4521).

The Code Compliance Committee discusses the proposed Father Coughlin series (p. 4522).

Neville Miller discusses foreign language broadcasts (p. 4523).

The New BMI license form, effective next April 1, and the text of the court decision in the Florida ASCAP case are included in this series (p. 4525).

Summer promotion at two stations and the progress of the LISTEN BEFORE YOU VOTE campaign also are reported (p. 4529).

## National Defense

As a result of its consultations with the National Defense Advisory Commission this week, the NAB will act as a clearing house for member stations in furnishing information and advice relative to requests from government agencies seeking time on the air in the name of national defense.

In addition, the National Defense Advisory Commission will aid NAB in securing factual information with which to guide radio advertisers in presenting claims of possible price advances due to possible demands upon industry and raw materials in the present emergency period. In addition, the National Defense Advisory Commission, beginning this coming Sunday, August 26, will issue a weekly Radio Release to all press services giving a statistical week-to-week report on the progress of national defense. It is planned to issue this report at 6 P. M. each Sunday. It is anticipated that the full report—a three to four minute statement—will be carried in full by all press wires serving the news rooms of radio stations, enabling Sunday night radio audiences to have a week-to-week, factual, non-political accounting of defense preparations.

In the past two weeks there has been a tremendous increase by various departments of government, both from Washington and regional offices, in requests for programs, announcements and time on the air to promote various aspects of national defense.

In many stations the requests for such purposes reached a point where it became almost impossible to find adequate time to take care of all requests received. Many requests were duplications.

In an effort to clarify the situation for members, NAB this week called upon the National Defense Advisory Commission, which is the central government organization responsible for the coordination of all elements of the national defense program.

The Commission expressed its appreciation for the support the broadcasting industry has already given, and extended its cooperation to NAB in its effort to eliminate unnecessary multitudinous and duplicating requests for radio time in the name of national defense.

Upon receipt of an inquiry from a member station, NAB will check directly with the National Defense Advisory Commission to determine whether or not the requested time is needed and coordinated with the central national defense effort. Naturally, the National Defense Advisory Commission has neither the authority or desire to advise on requests from government departments for radio time, except those made on behalf of national defense.

## Question of Rising Consumer Prices and National Defense

Attention of the NAB has been directed to the copy by some advertisers warning consumers of impending skyrocketing prices advising "buy now". The American Retail Federation was among those calling it to our attention.

NAB has expressed its willingness to cooperate in making available all possible information, but it has also pointed out the primary responsibility of retailers, advertisers and their own trade associations in handling the matter.

According to information from the National Defense Advisory Commission, there is no present basis for state-

*(Continued on page 4522)*



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

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

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

### NATIONAL DEFENSE

(Continued from page 4521)

ments that prices of consumer goods and merchandise are due for skyrocketing or unseasonal advances due to the effect of the national defense program.

### 609 STATIONS COOPERATE

Total number of stations now known to be cooperating in recruiting 100,000 skilled workers for national defense jobs is 609. Cooperating stations not listed in NAB REPORTS of July 26, August 2 and 16 are urged to register the fact with Arthur Stringer at headquarters.

According to the United States Civil Service Commission, these men are wanted, for the most part, to build guns and equipment in government arsenals and ships and equipment in government navy yards.

Bringing qualified men to these vital jobs stands at the very pinnacle of the country's defense needs. Soldiers and sailors without weapons are powerless.

Stations cooperating in the man power search, not previously listed, are:

#### DISTRICT 3

PENNSYLVANIA  
WPEN—Philadelphia

#### DISTRICT 5

PUERTO RICO  
WNEL—San Juan

#### DISTRICT 6

TENNESSEE  
WDOD—Chattanooga

#### DISTRICT 7

OHIO  
\*WING—Dayton

#### DISTRICT 13

TEXAS  
KGNC—Amarillo

#### DISTRICT 17

ALASKA  
KFAR—Fairbanks

\* Reported by U. S. C. S. C.

### WAR DEPARTMENT PRAISES RADIO

Declaring "because of the patriotism and wonderful cooperative spirit of the broadcasting companies the War Department has never been called to purchased radio time to disseminate to the public information of general interest," the Department praised radio and expressed its thanks for the resolution adopted at NAB Convention pledging the industry's support to national defense.

The letter follows:

Mr. Ed. Kirby,  
The National Association of Broadcasters,  
Normandy Building,  
1626 K Street, N. W.,  
Washington, D. C.

MY DEAR MR. KIRBY:

I desire to take this opportunity to express to you and to all our good friends in the National Association of Broadcasters the appreciation of the War Department for the splendid resolution adopted in San Francisco, California, on August 7, 1940, in placing its services at the disposal of all departments of the Federal Government in behalf of National Defense.

The War Department appreciates the great power of radio in reaching, effectively, the great mass of the people of the country with any message or program in a minimum of time. Radio broadcasting is a tremendously efficient force that can be applied to all problems of interest to the country whether it be a commercial sales campaign, or one of public service in the interest of National Defense. It is noteworthy to state that because of the patriotism and wonderful cooperative spirit of the broadcasting companies the War Department has never been called upon to purchase radio time to disseminate to the public information of general interest.

The loyal and wholehearted cooperation of the broadcasters of the country in assisting to build up our Army is of great value and is greatly appreciated by the War Department.

Very truly yours,

(Signed) E. S. ADAMS,  
*Major General,*  
*The Adjutant General.*

## Code

### FATHER COUGHLIN SERIES

In reply to several informal inquiries from stations, the Code Committee advises as to the status under the NAB Code, of the proposed broadcasts on a commercial basis by Father Charles E. Coughlin which we understand are being offered in a series of fifty-two weekly programs to begin October 10. This advice must necessarily be limited to our interpretation of the code in relation to the proposed broadcasts, and in no sense preempts or replaces the authority or responsibility of station licensees for programs broadcast.

It is also to be borne in mind that such advice must, at this time, be based on certain assumptions, since final judgment on our part as advisers—or on the part of station licensees—requires actual knowledge of the content of such broadcasts. Not until the programs are read or heard in advance can final determination of their status under the code be made. We are, however, assuming as a fact what we believe has been represented or implied by the agency seeking to order time for these broadcasts in its statement that the broadcasts would comply with the code—that is, that they will necessarily be political in nature. On that premise, the question clearly falls under that phase of the code which deals with political broadcasts as a part of the general section devoted to the broadcasting of "controversial public issues." The follow-

ing paragraphs from this section seem to be directly pertinent:

"As part of their public service, networks and stations shall provide for the presentation of public questions, including those of controversial nature. Such time shall be allotted with due regard to all the other elements of balanced program schedules and to the degree of public interest in the question to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy.

"Time for the presentation of controversial issues shall not be sold, except for political broadcasts.

"The political broadcasts excepted above are any broadcasts in connection with a political campaign in behalf of or against the candidacy of a legally qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject to ballot. This exception is made because at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away."

Surely it is evident that the adoption of these principles, by which broadcasters willingly assume their basic obligation to the public to provide time without charge for the discussion of all controversial public issues, clearly reflects the spirit of a free, democratic medium of information, properly serving a free, democratic people. And it is noteworthy that it is only during the brief campaign periods when broadcasters cannot possibly afford to give away the properly required amounts of political time that the single exception is made to charge for broadcasters in this specific category.

Under the provisions of the Code for this single exception, it seems clear to us that time could properly be sold for the proposed broadcasts, or any other broadcasts of a strictly political nature during the current political campaign, provided that equal opportunity be afforded for the presentation of opposing views. To maintain this scrupulous fairness in public debate, which is not only the essence of this section of the Code but is so vital an element of democracy itself, it is logical and necessary that stations should know, before making any commitment for time, what side of what issues the broadcasts will support, and which candidacy, or candidacies will be advocated.

We call this to your particular attention in relation to your program schedule, because it is a problem which does not arise in the usual sale of time to political parties whose positions on issues and candidates is self-evident in advance. The need for such information is even more necessary in making commitments for a series of broadcasts during consecutive weeks, because the problem of time for opposing viewpoints is multiplied by the number of such broadcasts.

The foregoing interpretation of the Code is limited, as stated, to the duration of the current political campaign, since the Code clearly specifies that all broadcasts on controversial public issues are to be made on unpaid time, except when they are for or against a legally qualified political candidate, or an issue subject to ballot during political campaign periods.

In this connection it is disquieting to the committee

to learn that the proposed broadcasts are being offered for a 52-week series. We know of no interpretation of the Code which would permit the sale of time for broadcasts on controversial national public issues beyond the period of the national campaign. We believe stations therefore, should limit any commitments which are made to reflect the principles of the Code in this respect.

For the Code Committee,

EDGAR BILL,  
*Chairman.*

## Foreign Language Broadcasts

Foreign Language Broadcasts proved an interesting subject at the Convention and a large group attended the two breakfast round table sessions on Tuesday and Wednesday, at which the subject was discussed. Chairman James Lawrence Fly was the guest of honor at the Wednesday morning session and participated in the discussion. President Miller recently made the following statement concerning these programs:

Foreign language broadcasts are of real value to the nation, especially under conditions which exist today; and the said broadcasts properly programmed strengthen our national unity and defense. It is recognized that some members of the public are critical of the broadcasts, but it is believed that this is due to lack of knowledge concerning the broadcasts, inability to understand the language, and failure to realize the true purpose and need for the broadcasts. I suggest that stations, as occasions permit, explain to the public that the foreign language broadcasts are not foreign broadcasts, but are American broadcasts in a foreign language. The reason these broadcasts are not in English is that in many areas as much as two-thirds of the population falls into foreign language classifications, that is, the inhabitants themselves or their parents were born in a foreign country. In order to talk to these millions of people, it is necessary to use the language they understand best, and in carrying these foreign language broadcasts the stations do so in the knowledge and certainty that they are performing a necessary and vital task, i.e., of bringing to these people a message of Americanization which they can get in no other way; and, if this work is not done by the American stations, it would be tantamount to turning over vast segments of our population to the very forces we are combating, in that these groups would be driven to securing their news and their conception of democracy from foreign government controlled short wave stations abroad broadcasting in their own tongues. If we are to have a united nation, we must realize that a large number of people in the United States understand other languages better than English, and it is necessary to talk to them in their language if we desire to build loyalty among them. It is worth noting that many stations are carrying on interesting Americanization programs in connection with the foreign language broadcasts, and distribute copies of the Constitution and pamphlets on Americanization subjects upon receipt of requests from listeners to these programs.

It is agreed that every effort should be made to continually impress upon all connected with the foreign language broadcasts that the station has a special trust to perform in the public service, and that special efforts should be exercised to scrutinize these programs to see that they express only the highest ideals of Ameri-

canism and that we continue to take definite steps to guard against and eliminate any influences which may be trying to use our American System of Broadcasting to inculcate foreign isms or ideologies. It is further thought wise that a committee be appointed to consider ways and means of working with various groups in the community interested in Americanization programs, to arrange for speakers, etc., and to report the result of the committee's activity to stations carrying foreign language broadcasts. Therefore the following Committee has been appointed:

- Joseph Lang, WHOM, Jersey City, N. J., *Chairman*;
- Samuel Gellard, WLTH, New York City;
- M. S. Novik, WNYC, New York City;
- W. C. Alcorn, WBNX, New York City;
- David Casem, WOV, New York City;
- Arthur Simon, WPEN, Philadelphia, Pa.;
- A. W. Dannenbaum, Jr., WDAS, Philadelphia, Pa.

I wish to stress the importance of continued vigilance regarding the programs to insure their integrity. Among the precautions believed indispensable are the following:

- a) All scripts in foreign languages should be carefully read and appraised in the light of American national defense;
- b) After the station's approval of such scripts, adequate and capable linguists in whom complete confidence may be reposed, should be utilized to supervise active presentation on the air to prevent possible ad lib insertions or deviations from the scripts;
- c) A complete file of continuity and script of all foreign language broadcasts should be kept.

Many stations are making recordings of the programs and I believe this is an excellent additional precaution. I recommend

to all stations that detailed information concerning all personnel connected in any way with any foreign language program should be kept up to date, and further, that copies of the questionnaire which is used to secure this information be kept on hand for delivery to any government official or other person who desires to know what steps are being taken to insure the integrity of the programs.

Although it is recognized that there are circumstances where commentators were doing a splendid job, the majority of broadcasters report that they are limiting news broadcasts to translations of recognized news services, and every effort is being made to impress upon the listener the authenticity of the news.

Many stations have adopted a policy prohibiting announcements over the radio of picnics and other meetings of racial groups.

I believe that it is of extreme importance that we maintain intimate contact and understanding with the foreign groups in our communities, and I am sure that the licensees of broadcasting stations operating in the foreign language field are capable of handling this problem intelligently. I am further sure that it is to the best interests of broadcasters that they voluntarily continue to take all definite and positive steps necessary to protect the integrity of the foreign language broadcast programs.

The NAB will continue to gather information upon all aspects of the subject and will keep all stations advised of developments.

Ninety-three stations carrying foreign language broadcasts recently returned a questionnaire sent out by the NAB. Although it does not present the complete picture, a detailed tabulation by NAB Districts of the languages used in the programs of these 93 stations is printed below, and I believe it will be of interest. Stations which have not returned the questionnaires are urged to do so.

#### LANGUAGES USED IN CURRENTLY BROADCAST FOREIGN LANGUAGE PROGRAMS

LANGUAGE	NAB DISTRICTS																	Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Italian.....	8	5	8	0	1	0	2	2	3	1	1	1	0	0	1	2	0	35
Polish.....	8	5	7	1	0	0	4	2	8	1	0	0	0	0	0	0	0	36
French.....	3	1	0	0	0	1	0	0	2	0	0	0	0	0	0	0	0	7
Hebrew.....	1	4	3	0	0	0	0	1	4	0	0	0	0	0	0	2	0	15
Greek.....	1	4	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	8
Arabic.....	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2
Hungarian.....	0	3	2	1	0	0	4	2	1	0	0	0	0	0	0	0	0	13
Ukranian.....	0	2	1	0	0	0	0	1	4	0	0	0	0	0	0	0	0	8
Chinese.....	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Spanish.....	0	3	0	0	0	0	0	0	1	0	0	1	2	0	1	9	0	17
Swedish.....	0	3	0	0	0	0	0	1	3	0	2	1	0	1	0	0	3	14
German.....	0	3	3	0	0	0	1	3	6	1	0	0	0	1	0	0	0	18
Czech.....	0	2	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	6
Armenian.....	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	2
Gaelic.....	0	1	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	4
Danish.....	0	1	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	3
Dutch.....	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	2
Slovak.....	0	0	3	0	0	0	2	0	0	0	0	0	0	0	0	0	0	5
Lithuanian.....	0	0	2	0	0	0	0	0	3	0	0	0	0	0	0	0	0	5
Roumanian.....	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	4
Finnish.....	0	0	0	0	0	0	1	1	0	0	2	0	0	0	0	0	0	4
Bohemian.....	0	0	0	0	0	0	1	0	5	1	0	0	0	0	0	0	0	7
Croatian.....	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Slovene.....	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	2
Serbian.....	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	2
Yugoslavic.....	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	3
Norwegian.....	0	0	0	0	0	0	0	0	1	0	4	0	0	0	0	0	0	5
Russian.....	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Portuguese.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	0	3
Japanese.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2
Total.....	22	39	30	2	1	1	20	19	52	6	12	3	2	3	5	15	4	236

# BMI Developments

## NEW BMI LICENSE

Below is the new BMI licensing agreement form, to be used after next April 1. It calls for a graduated scale of payments, ranging from 1.5 per cent for stations with income of \$15,000 or less to 2.5 per cent for stations with income in excess of \$100,000.

### BROADCAST MUSIC, INC.

#### FIRST RENEWAL PERFORMING RIGHT LICENSE AGREEMENT

AGREEMENT made this ..... day of ....., 194.., between BROADCAST MUSIC, INC., a corporation organized under the laws of the State of New York (hereinafter called Music) with principal offices in New York New York, and .....  
Strike out inapplicable lines { A corporation organized under the laws of the State of .....  
A partnership .....  
An individual residing at .....  
(hereinafter called Broadcaster) with offices located at ..... City of ....., State of .....

#### WITNESSETH:

I. The parties hereto have heretofore entered into a performing right license agreement for a term expiring not earlier than March 31, 1941 and desire to extend the term of said license on the terms and conditions of this agreement, hereinafter called First Renewal Agreement.

II. Music hereby grants to Broadcaster a non-exclusive license to perform by radio broadcasting over Station.....all musical works the copyrights or rights to grant broadcasting performing licenses of which Music may, during the term hereof, own. Music agrees to deliver to Broadcaster from time to time during the term hereof lists of musical works covered by this license. The rights granted hereby shall include the right to broadcast dramatic performances of each such musical work unless Music at any time shall have given notice to Broadcaster that it does not own the dramatic performing rights thereof.

III. Broadcaster agrees to pay to Music, as a license fee hereunder, such sum not in excess of \$..... as Music may require Broadcaster to pay, payment to be made in instalments as and when required by Music, each such instalment being payable within ten (10) days after the date specified by Music in a written demand therefor, provided that no demand or demands shall be made for the payment during any consecutive thirty (30) day period of any instalment or instalments aggregating in excess of 15% of the foregoing maximum total license fee. Broadcaster represents and warrants that the broadcasting station licensed hereby falls into category.....of Schedule "A" hereto annexed, and that the said maximum total license fee represents the applicable percentage of Broadcaster's 1939 station income as defined in said schedule. In the event that Broadcaster shall fail to make any payment under this agreement or under the initial performing right license agreement between the parties hereto, when and as due, Music may, in addition to any and all other remedies which it has at law or in equity, terminate this license upon ten (10) days' notice in writing. (It shall be a condition precedent to the licensing hereunder of any broadcasting stations managed or operated by National Broadcasting Company, Inc., or Columbia Broadcasting System, Inc., that such companies shall agree to make the additional special network payments set forth in said Schedule "A".)

IV. Music agrees to indemnify, save and hold harmless and to defend Broadcaster, its advertisers and advertising agencies, from and against all claims, demands and suits that may be made or brought against Broadcaster, its advertisers and advertising agencies, with respect to the performance under this license agreement of any material licensed hereunder, provided that this indemnity

shall not apply to broadcasts of any composition performed by Broadcaster after written request from Music to Broadcaster that Broadcaster refrain from performance thereof. Broadcaster agrees to give Music immediate notice of any such claim, demand or suit, and agrees immediately to deliver to Music all papers pertaining thereto. Music shall have full charge of the defense of any such claim, demand or suit, and Broadcaster shall cooperate fully with Music therein.

V. The term of this license shall commence on the day following the date of the expiration of the term of the initial performing right license agreement between the parties hereto and shall continue for such period of time, not less than one (1) year, as may be designated in writing by Music. This license shall be non-assignable except to the person, firm or corporation legally acquiring the Federal Communications Commission license of the broadcasting station designated in Article II hereof.

VI. Broadcaster, on written request made on not less than one (1) week's notice, agrees to furnish to Music weekly lists of Broadcaster's performances of musical compositions under this license, indicating the compositions performed, by title and composer or by such other convenient method as may be designated by Music.

VII. In the event that the Federal Communications Commission revokes or fails to renew the broadcasting license of Broadcaster, or in the event that the Governmental rules and regulations applicable to the broadcasting station referred to in Article II hereof are suspended or amended so as to forbid the broadcasting of commercial programs by Broadcaster, Broadcaster may notify Music thereof, and Music, within ten (10) days of the receipt of such notice, shall, by written notice to Broadcaster, at Music's option, either terminate this license, or shall suspend this license and all payments and service hereunder for the period that such condition continues. In the event that Music elects to suspend this license, such suspension shall not continue for longer than six (6) months, and this license shall automatically terminate at the end of six (6) months' suspension. In the event that the condition giving rise to the suspension shall continue for less than six (6) months, Music, at its option, and on written notice to Broadcaster, may reinstate this license at any time within thirty (30) days after the cessation of such condition.

VIII. Music agrees, (a) that all First Renewal Agreements between Music and its stockholders shall (except as to terminations for breach) terminate simultaneously, (b) that Music shall not demand the payment of any instalment of the license fee hereunder unless Music simultaneously demands from all other stockholders of Music with whom Music has made First Renewal Agreements the payment of an instalment of the license fee in the same percentage and payable on the same date, (c) that all First Renewal Agreements between Music and stockholders shall require the payment of a maximum license fee in accordance with Schedule "A" hereto annexed, except that in the discretion of Music a different license fee may be specified in a First Renewal Agreement made with any stockholder if the broadcasting station named in such agreement was not in operation during the entire calendar year 1939 or if there was a material change in the power or hours of operation or in the network affiliation status of the broadcasting station named therein subsequent to January 1, 1939, and prior to the execution of the First Renewal Agreement, and except that Music shall have the discretion to specify in First Renewal Agreements with broadcasting stations forming part of the Mutual Broadcasting System in 1939, different license fees with respect to the network income of such stations received from Mutual Broadcasting System, Inc. so as to tend to equalize the basis of payment made by stations on such income with the combined payments made for stations and networks with respect to income from the sale of network time by National Broadcasting Company, Inc. and Columbia Broadcasting System, Inc.

IX. The term "stockholder-licensee" as hereinafter used shall include only such stockholders as have held the initial performing right license agreements for the term expiring not earlier than March 31, 1941, and the First Renewal Agreements and all subsequent performing right license agreements of Music available to such stockholders. For the purpose of this Article IX, stockholder-licensees are hereby divided into the following categories: (1) stockholder-licensees whose broadcasting stations have no network affiliations; (2) stockholder-licensees operating both broadcasting stations and national networks; and (3) stockholder-licensees operating broadcasting stations affiliated with, but not operated by, national networks. In the event that Music, with respect to performing right license agreements for any period subsequent to the expiration of the license hereby granted, shall propose, (a) the alteration of material terms of licenses or the method of fixing or allocating performing right license fees, so

as to effect a change discriminatory against any of the foregoing categories of stockholders-licensees, or (b) the denial of licenses to stockholder-licensees, or (c) the omission from future performing right license agreements with stockholder-licensees of provisions to the same effect as any of those contained in this Article IX, then Music shall give notice of such proposal to all stockholder-licensees in any category which contains adversely affected stockholder-licensees, and, in the event that notice of objection to such proposal shall not, within thirty (30) days, be given to Music by stockholder-licensees to whom such notice was given, and whose annual license payments to Music under the license agreements with stockholder-licensees in effect at the time of such proposal shall aggregate one-third or more of the annual license payments made by all stockholder-licensees in the same category, such proposal may be put into effect.

X. This Agreement shall become effective as a license agreement upon the execution and delivery of a copy hereof by Music. In consideration of Music using its best efforts to obtain the signature of First Renewal Agreements by other broadcasters, and in consideration of the signature of First Renewal Agreements by other broadcasters, Broadcaster agrees that this instrument shall constitute a continuing offer which cannot be revoked by Broadcaster for forty (40) days from the date of the receipt hereof by Music.

XI. All notices required or permitted to be given hereunder shall be duly and properly given if mailed to the party to whom such notice is required or permitted to be given, by United States mail, postage prepaid, addressed to said party at its main office for the transaction of business. This agreement constitutes the entire understanding between the parties and shall be construed in accordance with the laws of the State of New York.

**BROADCAST MUSIC, INC.**

By .....  
 .....  
 (Corporations or partnerships sign here)

By .....  
 .....  
 (Individuals sign here)

(This agreement should be executed in duplicate by the licensee of the station named in Article II hereof. If such licensee is a corporation, the title of the officer signing the agreement should be stated.)

The National Broadcasting Company and the Columbia Broadcasting System have declared their approval of the principle of clearance at the source when an economically and legally feasible method of so clearing can be devised which is not more burdensome to the said networks than the basis of increased payments set forth in Schedule "A" of the foregoing agreement and they have agreed that at an appropriate time the said networks will make an earnest cooperative effort with the network affiliates to work out such a feasible plan of clearance at the source.

The Board of Directors of Broadcast Music, Inc., in adopting the foregoing form of First Renewal License, by unanimous resolution expressed its recognition of the broadcasting industry's desire to pay for music in accordance with use, and reaffirmed its statement that such basis of payment was the ultimate objective of BMI and its determination to put such basis into effect at the earliest time that the establishment of a free competitive market in the field of popular music will, in the opinion of the Board, make such basis of payment practicable.

**SCHEDULE "A"**

Station income shall mean the gross income from sales by Broadcaster of time on the air over the station named in Article II of the foregoing agreement, including station payments by networks, made or accrued during the calendar year 1939, less only advertising agency commissions not in excess of 15% and time discounts, actually allowed and paid or accrued. The maximum license fee to be inserted in Article III of the foregoing agreement shall be determined by applying to such station income the applicable percentage figure set forth below opposite the applicable station income category.

Categories of Station Income for Calendar Year 1939	Applicable Percentage of Station Income
a. Not in excess of \$15,000 .....	1.5 %
b. In excess of \$15,000 and not in excess of \$20,000 .....	1.55%
c. In excess of \$20,000 and not in excess of \$25,000 .....	1.6 %
d. In excess of \$25,000 and not in excess of \$30,000 .....	1.65%
e. In excess of \$30,000 and not in excess of \$35,000 .....	1.7%
f. In excess of \$35,000 and not in excess of \$40,000 .....	1.75%
g. In excess of \$40,000 and not in excess of \$45,000 .....	1.8 %
h. In excess of \$45,000 and not in excess of \$50,000 .....	1.85%
i. In excess of \$50,000 and not in excess of \$55,000 .....	1.9 %
j. In excess of \$55,000 and not in excess of \$60,000 .....	1.95%
k. In excess of \$60,000 and not in excess of \$65,000 .....	2.0 %
l. In excess of \$65,000 and not in excess of \$70,000 .....	2.05%

m. In excess of \$70,000 and not in excess of \$75,000 .....	2.1 %
n. In excess of \$75,000 and not in excess of \$80,000 .....	2.15%
o. In excess of \$80,000 and not in excess of \$85,000 .....	2.2 %
p. In excess of \$85,000 and not in excess of \$90,000 .....	2.25%
q. In excess of \$90,000 and not in excess of \$95,000 .....	2.3 %
r. In excess of \$95,000 and not in excess of \$100,000 .....	2.4 %
s. In excess of \$100,000 .....	2.5 %

The maximum license fees to be payable by National Broadcasting Company, Inc. and Columbia Broadcasting System, Inc. in respect of all stations managed or operated by them, shall be computed on the basis of the above formula, and the 1939 income of such stations from the broadcasting of network programs shall be deemed to be the compensation which would have been payable upon the application to each such station of the 1939 NBC standard form of station contract. In addition to such payments in respect of stations managed or operated by them, National Broadcasting Company, Inc. and Columbia Broadcasting System, Inc. shall each pay to Music such sum as Music may require not in excess of one half of 1% of the gross income during 1939 received from the sale of time on the air in network broadcasting less only advertising agency commissions not in excess of 15% and time discounts actually allowed, and paid or accrued, and less station payments to affiliated stations actually paid or accrued, and less the amounts credited to managed or operated stations on the basis set forth in the preceding sentence of this paragraph. Such payments shall be made in instalments at the same time and in the same proportion as the payments made for individual stations.

**FLORIDA MUSIC MONOPOLY LAW HELD UNCONSTITUTIONAL**

Below is the complete text of the final decree and the findings of a three-judge federal court in the Florida ASCAP case, in which the court enjoined state officials from enforcing the state's music monopoly law as unconstitutional:

**UNITED STATES DISTRICT COURT  
 Northern District of Florida  
 Gainesville Division**

Filed August 5, 1940

**GENE BUCK**, Individually and as President of the American Society of Composers, Authors and Publishers, etc., *et al.*, Complainants,

v.

**GEORGE COUPER GIBBS**, Individually and as Attorney General of the State of Florida, *et al.*, Defendants.

**FINAL DECREE**

This cause came on to be heard at this term, under Section 380, Title 28, U. S. C. A. (Jud. Code Sec. 266) on the 15th, 16th and 17th days of April, 1940, and the Court sat as provided therein; and the cause was tried and testimony taken and argument heard; thereupon, the Court having made its Findings of Fact and Conclusions of Law, upon consideration thereof, it is ORDERED, ADJUDGED AND DECREED, as follows, viz.:

1. The temporary injunction order awarded herein on April 5, 1938, against enforcement of the 1937 Act, be and the same hereby is made permanent and perpetual.

2. The temporary injunction order awarded against the enforcement of the 1939 Act, be and the same is hereby vacated and dissolved as to the whole act and all of its sections except Section 4-a and 4-c, and as to these sections, the order is made permanent and perpetual.

3. That Defendants George Couper Gibbs, individually and as Attorney General of the State of Florida; R. A. Gray, individually and as Secretary of the State of Florida; J. M. Lee, individually and as Comptroller of the State of Florida; E. Dixie Beggs, Jr., individually and as Sate Attorney for the First Judicial Circuit of Florida; O. C. Parker, Jr., individually as State Attorney for the Second Judicial Circuit of Florida; A. K. Black, individually and as State Attorney for the Third Judicial Circuit of Florida; William A. Hallowe, individually and as State Attorney for the Fourth Judicial Circuit of Florida; J. W. Hunter, individually and as State Attorney for the Fifth Judicial Circuit of Florida; Chester B. McMullen, individually and as State Attorney for the

Sixth Judicial Circuit of Florida; Murray Sams, individually and as State Attorney for the Seventh Judicial Circuit of Florida; T. A. Duncan, individually and as State Attorney for the Eighth Judicial Court of Florida; Murray W. Overstreet, individually and as State Attorney for the Ninth Judicial Circuit of Florida; L. Grady Burton, individually and as State Attorney for the Tenth Judicial Circuit of Florida; G. A. Worley, individually and as State Attorney for the Eleventh Judicial Circuit of Florida; Clyde H. Wilson, individually and as State Attorney for the Twelfth Judicial Circuit of Florida; J. Rex Farrior, individually and as State Attorney for the Thirteenth Judicial Circuit of Florida; D. McRae, individually and as State Attorney for the Fourteenth Judicial Circuit of Florida; Phil O'Connell, individually and as State Attorney for the Fifteenth Judicial Court of Florida, and the respective agents, servants and employees of each of them, and all other persons acting under or through the authority of each of them or by virtue of the authority of the office of each of them, be and they are, each of them, severally, enjoined and restrained permanently from bringing directly or indirectly, and from permitting to be brought, directly or indirectly, any proceeding at law or in equity, for the purpose of enforcing or executing the Statute of Florida, known as Chapter 17807, Laws of Florida, 1937, enacted June 9, 1937, and Secs. 4-a and 4-c, of Chapter 19653, Laws of Florida, 1939, enacted June 12, 1939, against the Complainants and others similarly situated, their representatives, employees, agents or any of them, and from threatening to enforce against any citizens or residents of the State of Florida the penalties of the 1937 State Statutes, or those of the 1939 Act for violation of Sections 4-a and 4-c, and from prosecuting criminally the Complainants, their representatives, or agents, or any of them or others similarly situated, under the 1937 State Statutes or Sections 4-a and 4-c of the 1939 Act, for doing any legal act to enforce their respective rights under the Copyright Act in the Federal Courts of the State of Florida, or elsewhere, and generally from doing any act or thing to carry out or enforce any of the provisions of the 1937 State Statute or Sections 4-a and 4-c of the 1939 Statute.

4. Cost to be taxed against Defendants.

Dated August 5, 1940.

BY THE COURT:

(S) J. C. HUTCHESON, JR., U. S. Circuit Judge.  
 (S.) AUGUSTINE V. LONG, U. S. District Judge.  
 (S) WILLIAM J. BARKER, U. S. District Judge.

UNITED STATES DISTRICT COURT  
 Northern District of Florida  
 Gainesville Division

GENE BUCK, Individually and as President of the American Society of Composers, Authors and Publishers, etc., *et al.*, Complainants,  
*against*

GEORGE COUPER GIBBS, Individually and as Attorney General of the State of Florida, *et al.*, Defendants.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This suit having been duly commenced on February 7, 1938, by filing a subpoena and Bill of Complaint in this Court, and personal service of copies thereof having been duly made upon all the Defendants, and the Supplemental and further supplemental Bills of Complaint herein having been duly filed thereafter, and personal service of copies thereof having been duly made upon all the Defendants herein, and this Court having duly granted a temporary injunction on April 5, 1938, and the same having been affirmed by the Supreme Court of the United States April 17, 1939, and this Court having duly granted a further temporary injunction on October 30, 1939, and Defendants having duly filed their answers to said bills on June 21, 1939 and November 15, 1939 respectively, and this case having come on for trial on the 15th, 16th and 17th days of April, 1940, in the District Court of the United States, Northern District of Florida, Gainesville Division, at the Court House thereof in the City of Gainesville, Florida, and Complainants having appeared by Frank J. Wideman, Manley P. Caldwell, (Louis D. Frohlich and Herman Finkelstein, of Counsel), and Defendants having appeared by George Couper Gibbs, Attorney General, (Thomas J. Ellis, Assistant Attorney General, and Lucien H. Boggs, Special Assistant Attorney General, and Andrew W. Bennett of Counsel), and evidence having been adduced upon the merits of this case, and due deliberation having been had, and the Court having filed its opinion, hereby makes the following Findings of Fact and Conclusions of Law:

1. The State of Florida enacted Chapter 17807 General Laws of Florida which became effective June 9, 1937. Said Statute is hereinafter referred to as the "1937 Act." The State of Florida enacted Chapter 19653 which became effective on June 12, 1939. Said Statute is hereinafter referred to as the "1939 Act." Both Statutes are hereinafter referred to collectively as the State Statutes.

2. The plaintiff American Society of Composers, Authors and Publishers, is a voluntary unincorporated association organized in 1914 under the General Associations Law of New York. Its membership consists of a substantial number of persons, firms and corporations who own or control copyrighted vocal or instrumental musical compositions, as authors, composers and publishers. It brings this suit through Gene Buck, its President, who has been duly authorized to bring this suit on behalf of the Society and all its members. Other plaintiffs are certain individuals and corporations who are members of the Society and are interested in copyrighted musical compositions. They are all citizens of the United States and citizens and residents of States other than Florida.

3. The Attorney General, the Secretary of State, and the Comptroller, all of the State of Florida, as well as the State Attorneys of the fifteen Judicial circuits of Florida, all citizens and residents of Florida, are the Defendants.

4. There are approximately 1,425 composers and author members of the American Society of Composers, Authors and Publishers, hereinafter referred to as the Society, in the United States, and 131 publisher-members who constitute the principal music publishers of the country. Each member has assigned to the Society the exclusive right of public performance for profit of his copyrighted musical compositions for periods of five years at a time, the present contracts between the Society and its members expiring December 31, 1940. The Society has issued and still does issue only blanket licenses to the users of its copyrights by which such users are permitted publicly to perform at any time all of the musical compositions owned, written or composed by members of the Society without requiring further consent of the owner of the particular composition performed. These blanket licenses include not only the right to perform the works of the members of the Society, but also grant the right to perform the works of some 45,000 members of other similar societies in foreign countries throughout the civilized world, with which foreign societies the Society has exclusive contracts authorizing the Society to grant such licenses. The management of the Society is vested by its Articles of Association exclusively in a self-perpetuating Board of Directors of 24 members consisting of 12 directors representing publisher-members of the Society and 12 directors representing composer and author members. The Board has absolute control over the fixing of prices to be charged for performance licenses, the expenditures of all moneys received, including distribution to members, the admission of a composer, authors and publishers to membership, the prosecution of infringements and all other activities engaged in by the Society.

5. At the time the 1937 Act was passed, there were in existence 410 signed contracts between the Society and establishments in the State of Florida engaged in the business of publicly performing copyrighted musical compositions for profit. For that year, these licenses paid the Society \$61,347.94 pursuant to such contracts. Among such licenses of the Society were the owners of 188 motion picture theatres, 12 radio broadcasting stations, and 210 hotels, restaurants, dance halls and miscellaneous establishments. Among the 12 radio stations in Florida licensed by the Society, six are affiliated with the Columbia Broadcasting System and four with the National Broadcasting Corporation. Part of the programs broadcast by the eleven affiliated stations emanate from points outside of the State and the remaining part initiate in the studios of such Florida broadcasters or elsewhere within the State. There were on January 1, 1939, 308,900 radio receiving sets in private homes in the State of Florida. No license fees are paid by the owners of these receiving sets inasmuch as they do not engage in public performances for profit. In 1937 and 1939 respectively the Society's net income from motion picture theatres, broadcasting stations, hotels, restaurants, cabarets and miscellaneous establishments in the State of Florida was approximately \$46,623.00 and \$71,316.00. When the 1937 Act was passed, the following annual license fees were paid by users of various types in the State of Florida to the Society as follows:

- 39 Restaurants paid fees totalling \$3,988.50, such fees ranging from \$15 to \$300 per year, the majority paying less than \$100.
- 22 Dance halls paid fees totalling \$2,166.00, such fees ranging from \$15 to \$180.

69 Miscellaneous establishments paid fees totalling \$8,671.50 or an average of \$125.

80 Hotels paid fees totalling \$6,580.79 or an average of \$82.

188 Motion picture theatres paid fees totalling \$15,343.71, such fees ranging from \$1.91 to \$463, many paying less than \$25 annually.

The cost of operation of the Society is approximately 20% of the gross amount received.

The Society is given by its members the exclusive right to make collections, fix prices for blanket licenses, and otherwise carry on the licensing of the right of public performance for profit of all the musical compositions copyrighted by its members. Some \$6,000,000 was received for public performance rights by the Society from such licensing in the entire United States during 1938, of which approximately 20% was used to defray all expenses, the balance being distributed among its members. 50% of such net income was divided among the composer- and author-members and the other 50% was divided among the publisher-members, in accordance with a method of classification defined in the Articles of Association of the Society.

7. Prior to the organization of the plaintiff Society, authors, composers and publishers who had obtained copyrights for their productions had no practical means of enforcing the exclusive right given them by the Copyright Act. They were not so equipped nor organized to discover violations of their rights, and it would require much time and a large amount of money to detect infringement and to enforce their rights by means of litigation. None of them secured any revenue from the public performance for profit of their copyrighted musical compositions. Users of music, on the other hand, who wished to obtain the rights of public performance for profit, were unable to ascertain who the copyright owner was and to whom to go and could not economically obtain individual licenses for the separate performance of the large numbers of works required by them daily. It was for the purpose of protecting the legal rights of its members in their copyrighted musical compositions against infringement by public performance for profit and to give users ready access to a substantial repertoire of music for such purposes that the Society was organized.

8. The Society and its members, including the other complainants, come within the purview, and regulative provisions of the State Statutes.

9. Complainants are jointly interested in the subject of the action and in obtaining the relief demanded; the questions raised by the Bill of Complaint, the supplemental Bill of Complaint and further supplemental Bill of Complaint are of common and general interest to all the members of the Society who constitute a class so numerous as to make it impracticable to bring them before the Court; Complainants herein are suing on their own behalf and on the behalf of all the members of the Society.

10. The value of the matter in dispute herein between Complainants and Defendants is in excess of the sum of \$3,000.00 exclusive of interest and costs.

11. The repertoire of music controlled by the Society is sufficiently diversified and substantial to furnish a comprehensive and instantaneously available reservoir upon which licensees may draw at will. Indeed it is so complete and comprehensive that users of music in the public entertainment industry find it very difficult, if not impossible, to conduct their businesses without a license from the Society.

12. The Society's practice has been to grant blanket licenses to theatres according to their seating capacity, to radio broadcasting stations according to their income, power and coverage, and to hotels, cabarets and dance halls according to their respective size, business done, number and size of orchestras, methods of performance, income and standing. Certain of such users have for many years consistently refused to pay license fees to the Society or its members, until investigations were made by the Society, infringements ascertained and suits brought.

13. The radio broadcasting stations in the State of Florida are members of the National Association of Broadcasters, which association on behalf of its members, for many years last past, has acted and presently acts collectively in dealing with the Society.

14. Under the contracts between the Society and said foreign societies, the latter are not required to, and never have, filed with the Society or with any State Authority, copies of the respective compositions copyrighted by their respective members.

15. Many thousands of the copyrighted musical compositions owned and published by Complainants, as well as others similarly situated, have been recorded under the compulsory license provision of Section 1(3) of the Copyright Act by manufacturers of phonograph records, music rolls and electrical transcriptions. Such manu-

facturers have paid to copyright owners not more than two cents for each record and said copyright owners have no right to demand any further sums from such manufacturers; Complainants and others similarly situated have no control over the sale or disposition of such phonograph records, music rolls or electrical transcriptions and they cannot compel the manufacturers thereof to affix any price upon them or to collect a price for the public performance for profit thereof, or if collected, to remit or give to them the sums so collected respectively for the public performance for profit thereof.

16. The requirements of Section 2 of the 1939 Act with reference to the disclosure of information concerning the identification and ownership of musical copyrights to be licensed for public performance in the State of Florida are not unreasonable or difficult of compliance.

17. There are a great number of separate performing rights with separate owners of each of such rights. The 1939 Act implies to both dramatico-musical works and musical compositions. A dramatico-musical composition (an opera, operetta or musical comedy) usually includes a great number of separate musical compositions. The entire work is copyrighted as a dramatico-musical composition under Section 5(e) of the Copyright Act and that copyright protects each of the separate musical compositions under Section 3 of the Copyright Act. With respect to compositions included in dramatico-musical works, the Society licenses the performance of separate numbers from such composition when such performances are given in non-dramatic form. The dramatic rights are not granted to the Society. Such rights are usually owned by a number of different persons, each of whom has an interest in the rights of the others. The producer of a musical show owns the stage rights for performances in first class theatres where the play is originally presented and "on the road" where performances are given by so-called "road show companies." The place where the performance may be given is solely within the discretion of the producer, but the price to be paid cannot be fixed without the consent of the author. The stock rights are usually owned by an entirely different person, who, together with the authors, licenses performances by "stock companies." The amateur dramatic rights are owned by still another person.

18. The rights granted to the publisher and the rights reserved by the composer and author may not be exercised in such manner as to conflict with the dramatic rights for this reason: it is necessary that the composer, author and publisher from whom the Society derives its so-called "small performing rights," shall reserve the right to restrict the performance of the musical compositions in good faith, such restrictions usually being made for the purpose of protecting the investment of the producer of a stage show or motion picture in which the separate musical compositions restricted are incorporated. The right to restrict numbers is the most valuable right certain composer- and publisher-members of the Society have. All these rights are constantly being licensed in the State of Florida. In many cases, the publisher has an interest in the dramatic rights and will fix a price for dramatic uses in collaboration with the composer.

19. Complainants and others similarly situated are not willing to permit their musical compositions to be performed within the State of Florida publicly for profit on any basis wherein the price for such performance would be included in the price paid for a copy of the sheet music, phonograph records, music roll, electrical transcription or sound track thereof.

20. The musical compositions of the Society's members and Complainants have been for many years last past, and are presently being performed within the State of Florida in hotels, dance halls, taverns, motion picture theatres and broadcasting stations.

21. Defendants have threatened to and will enforce such State Statutes against these Complainants and others similarly situated in the event that such Complainants and others similarly situated refuse to comply with said State Statutes or do any of the acts made unlawful by said State Statutes.

#### CONCLUSIONS OF LAW

1. The 1937 Statute is not a reasonable exercise of the police power of the State of Florida, and the penalties and confiscatory provisions provided for therein are not reasonably necessary to meet any alleged evil; enactment of the said Statute was not necessary to protect, nor does it serve the public interest of the State of Florida; the object, purpose and effect of the said Statute is to take the copyrighted musical compositions of the Complainants, and others similarly situated, for a private purpose, to wit: to benefit the 410 users within the State of Florida; the said Statute discriminates against, and in fact, confiscates the Complainants' copyrighted musical compositions as well as those of others similarly



situated; it is contrary to and hinders carrying out the purpose of Article 1, Section 8 of the Constitution of the United States, and will deter composers, authors and publishers from securing copyright registration of their works.

2. The 1937 Statute is an invasion of Complainants' constitutional rights in the following respects:

- (a) It interferes with and destroys the patterns of the Copyright Law by which Congress has endeavored to carry out the purpose of the Constitution to insure uniformity and certainty in the field of copyright.
- (b) It denies to Complainants' equal protection of the laws, and by making them presumptively guilty of the criminal provisions therein deny to the Complainants due process of law.

3. Complainants have no adequate remedy at law and are reliable only in this Court of Equity, and if Complainants are not afforded the equitable relief prayed for in the Bill of Complaint and supplemental Bills of Complaint, but are required to resist, when criminal prosecutions and other suits or proceedings are instituted under said State Statutes, it will result in such a multiplicity of suits and entail such delay and so jeopardize and injure Complainants in their persons and property as to make the remedy at law grossly inadequate, and unless an injunctive order is issued, Complainants will be irreparably damaged.

4. Complainants are entitled to an injunction perpetually enjoining and restraining the Defendants and each of them individually and in their capacity as officials of the State of Florida, charged by said State Statute with the enforcement of the provisions thereof, from bringing directly or indirectly any proceeding at law or in equity for the purpose of enforcing said State Statute against the Complainants and others similarly situated, their representatives, employees, agents or any of them, and from interfering with all existing contracts entered into by the Complainants and others, including the Society and citizens and residents of the State of Florida, and from threatening to enforce against any citizen or resident of the State of Florida the penalties of said State Statute, in the event such citizens and residents desire to carry out their contracts with the American Society of Composers, Authors and Publishers, or Complainants, or others similarly situated, and from prosecuting criminally the Complainants, their representatives or agents of any of them or others similarly situated for doing any act or thing to detect infringements and to enforce their respective rights under the Copyright Act in the Federal Court of the State of Florida or elsewhere, and generally from doing any act or thing to carry out or enforce any of the provisions of said State Statutes.

5. The said Statute constitutes an attempt to restrict and to regulate the right of Complainants to the full enjoyment of the exclusive rights granted them by the laws of the United States, generally known as the Copyright Laws.

6. The Court has jurisdiction of this suit.

7. The 1939 Act, based as it is upon the purpose to compel disclosure as to the ownership of copyrighted compositions is, except as to Section 4-a and 4-c, which are not germane to the purpose of the act, for the reasons set out in the opinion, a valid exercise of the police power of the state. Sections 4-a and 4-c of that act are, for the reasons set out in the opinion, invalid as an arbitrary interference with liberty of contract and with the rights granted under the copyright laws. Complainants should have their decree, making the temporary injunction awarded on April 5, 1938, against the 1937 Act, permanent and perpetual and the temporary injunction awarded them October 30, 1939, against the enforcement of the 1939 Act, modified and made permanent and perpetual as to Sections 4-a and 4-c of that act.

As to the balance of the 1939 Act, the decree should deny plaintiffs the injunction prayed.

Let decree be entered accordingly.

Dated August 5, 1940.

By the Court:

(Signed) J. C. HUTCHESON, JR.,  
*U. S. Circuit Judge*

(Signed) AUGUSTINE V. LONG,  
*U. S. District Judge.*

(Signed) WILLIAM J. BARKER,  
*U. S. District Judge.*

Filed August 5, 1940.

## Promotion

### SUMMER STUNT AT WBIG

A poster, "Enjoy Your Radio More Than Ever This Summer," and, by proximity to a WBIG banner, over that station, recently graced an island window in Belk's, Greensboro, N. C. Radio sets and listing of WBIG and CBS broadcast features completed the display.

Major Edney Ridge, managing director of WBIG, arranged the window as part of his summer-long campaign to raise the listening level. More people pass this island display every day, he said, than any other window in North Carolina.

### GOVERNOR OF NORTH DAKOTA SPEAKS AT WDAY'S RADIO WEEK

John Moses, Governor of North Dakota, was the headline opener of Radio Week over WDAY, Fargo, Sunday afternoon, August 18. He spoke from the station's Red River Valley fairground studios.

The week's events were planned by Bill Dean, WDAY publicity director, as a combination Radio Festival and celebration for WDAY's grant of increased nighttime power to 5,000 watts. New equipment is to be installed.

Incorporated in Radio Week were LISTEN BEFORE YOU VOTE and LISTEN WHILE YOU DRIVE campaigns.

Included in the opening program were a series of pickups from fairground locations with the station's new ultra-modern mobile unit and pack transmitter. The entire WDAY program and technical staff took part.

Among special daily programs were "Meet Your Neighbor" and "Do You Know Your Radio?" which covered every department in radio.

All buses throughout Fargo and Moorhead carried big bumper signs calling attention to Radio Week. These were augmented by window displays, street signs and lobby banners.

### LISTEN BEFORE YOU VOTE

LISTEN BEFORE YOU VOTE posters are now en route to all NAB members. Shipments included the additional orders which were placed by members up to Tuesday, August 20.

With much earlier than announced delivery, station managers will have an ample supply of samples to solicit poster sponsorship. Tens of thousands of additional posters will thus be displayed. Orders are now accumulating for a second run of posters.

Peter Lyman, public relations director, KOMO and KJR, Seattle, called a meeting of all local broadcasters

for Thursday, August 22, to arrange the details of city wide cooperative efforts behind the "Listen Before You Vote" campaign.

"In addition," wrote Mr. Lyman, "we are keeping in contact with NAB stations throughout the state, and have so far received encouraging results from them to make this a state wide campaign."

What people hear over their home radio sets between now and November is going to decide the presidential issue. It will pay every station to capitalize on the tremendous national interest which the forthcoming election has generated. Radio, the medium employed to determine the man to lead this nation for the next four years, is the medium for every prospective business concern to use in its own behalf. Because of this angle the campaign is applicable to southern states as well as to east, west and north.

Such realization will be speeded by broadcasters promoting the campaign. There is ample time for everyone to complete their plans along the general lines as discussed in the LISTEN BEFORE YOU VOTE bulletin of July 18. There is also time for stations to get additional supplies of posters needed for a complete tie-in job.

## Miscellaneous

### AFRA CERTIFIED AT KXOK

The Labor Relations Board has certified AFRA as the sole collective bargaining agency selected by a majority of the staff and free-lance actors, singers, and announcers employed by Star-Times Publishing Company at radio station KXOK, St. Louis, Missouri.

Board action was based upon a secret ballot election held July 31, resulting in an 11 to nothing count in favor of the AFL union.

### PUBLIC SERVICE OPPORTUNITY

The United States Committee for the Care of European Children, headed by Marshall Field, is sending out announcements for use in connection with its drive to obtain American homes for European children for the duration of the war.

## Complete Convention Register

### NAB MEMBERS

Akerberg, Herh, WABC, New York, New York.  
 Alcorn, W. C., WBNX, New York, New York.  
 Allen, Preston D., KLB, Oakland, California.  
 Allen, Riley H., KGMB, Honolulu, Hawaii.  
 Allen, Walter H., KALB, Alexandria, Louisiana.  
 Anderson, H. Vernon, WJBO, Baton Rouge, Louisiana.  
 Anthony, Earle C., KF1-KECA, Los Angeles, California.

Amoux, Campbell, WTAR-WPID-WRTD, Norfolk, Virginia.  
 Atteberry, Ellis, KCKN, Kansas City, Kansas.  
 Baldwin, John M., KDYL, Salt Lake City, Utah.  
 Ballou, David S., KYOS, Merced, California.  
 Bannister, Harry, WWJ, Detroit, Michigan.  
 Bard, Dick, WNEW, New York City.  
 Barker, Ed L., KGO-KPO, San Francisco, California.  
 Barrett, Neal, KOMA, Oklahoma City, Oklahoma.  
 Barroll, Hope H., WFBR, Baltimore, Maryland.  
 Bauriedel, John G., KUIN, Grants Pass, Oregon.  
 Benson, Harvey S., KOIN-KALE, Portland, Oregon.  
 Beville, Jr., H. M., NBC, New York City.  
 Bill, Edgar L., WMBD, Peoria, Illinois.  
 Bishop, Edward E., WGH, Norfolk-Newport News, Virginia.  
 Bishop, Lee, KMED, Medford, Oregon.  
 Bishop, Frank L., KFEL, Denver, Colorado.  
 Bitner, Harry M., WFBM, Indianapolis, Indiana.  
 Blatterman, Headlee L., KF1-KECA, Los Angeles, California.  
 Bockoven, Leslie F., Western Electric Co., New York City.  
 Bohn, John W., KMOX, St. Louis, Missouri.  
 Bookwalter, L. S., KOIN-KALE, Portland, Oregon.  
 Borton, F. W., WQAM, Miami, Florida.  
 Brewer, Clarence D., WWJ, Detroit, Michigan.  
 Bright, Arthur L., KFPY, Spokane, Washington.  
 Brown, Charles, NBC, Los Angeles, California.  
 Brunton, John, KQW, San Francisco, California.  
 Brunton, Mott Q., KJBS-KQW, San Francisco, California.  
 Brunton, Ralph R., KJBS-KQW, San Francisco, California.  
 Brunton, S. B., KJBS, San Francisco, California.  
 Buckendahl, Harry H., KOIN-KALE, Portland, Oregon.  
 Bullen, Reed, KVNU, Logan, Utah.  
 Burk, Reverend Wallace A., WEW, St. Louis, Missouri.  
 Burtland, Carl J., WCCO, Minneapolis, Minnesota.  
 Butcher, Harry C., CBS, Washington, D. C.  
 Butler, Burrige D., KOY, Phoenix, Arizona.  
 Caley, Charles C., WMBD, Peoria, Illinois.  
 Calkins, John T., WENY, Elmira, New York.  
 Campbell, Martin, WFAA, Dallas, Texas.  
 Campbell, Pat, World Broadcasting System, Hollywood, California.  
 Caraway, John B., WGBF, Evansville, Indiana.  
 Carpenter, Kenneth H., WHK-WCLE, Cleveland, Ohio.  
 Carr, Eugene, WGAR, Cleveland, Ohio.  
 Cartwright, Wm. H., Edward Petry & Co., Inc., Detroit, Michigan.  
 Cavey, F. A., WWL, New Orleans, Louisiana.  
 Chafey, Clifford M., WEEU, Reading, Pennsylvania.  
 Church, Arthur B., KMBC, Kansas City, Missouri.  
 Cisler, Stephen A., WGRC, Louisville, Kentucky.  
 Clark, Plez S., KFH, Wichita, Kansas.  
 Cobb, Wilton E., WMAZ, Macon, Georgia.  
 Cohan, Edwin K., CBS, New York City.  
 Collins, Keith B., KMJ, Fresno, California.  
 Connell, Richard A., WJBK, Detroit, Michigan.  
 Corhin, Charles Paul, K1EM, Eureka, California.  
 Coshy, Clarence G., KXOK-KFRU, St. Louis, Missouri.  
 Coulson, W. Lee, WHAS, Louisville, Kentucky.  
 Cox, H. Q., KEX, Portland, Oregon.  
 Craig, Edwin M., WSM, Nashville, Tennessee.  
 Crandall, George, CBS, New York, New York.  
 Craney, Ed., KGIR, Butte, Montana.  
 Cranston, George, KGKO, Fort Worth, Texas.  
 Cunniff, Ed., WKBH, La Crosse, Wisconsin.  
 Damm, W. J., WTMJ, Milwaukee, Wisconsin.  
 Davis, Don, WHB, Kansas City, Missouri.  
 Dellar, Lincoln, KSFO, San Francisco, California.  
 de Mars, Paul A., WNAC, Boston, Massachusetts.  
 Dohyns, C. Merwin, KGER, Long Beach, California.  
 Dohyns, J. Alden, KGER, Long Beach, California.  
 Dolberg, Glenn R., KGO-KPO, San Francisco, California.  
 Dolph, William B., WOL, Washington, D. C.  
 Dorais, S. P., KGO-KPO, San Francisco, California.  
 Dumm, Wesley I., KSFO, San Francisco, California.  
 Dumm, Robert W., KSFO, San Francisco, California.  
 Dunville, R. E., WSAI, Cincinnati, Ohio.  
 Egner, C. Lloyd, NBC, New York City.  
 Eickelberg, Wilbur, KHJ, Los Angeles, California.  
 Ekrem, T. C., KVOD, Denver, Colorado.  
 Elias, Don S., WWNC, Asheville, North Carolina.  
 Ellsworth, Harris, KRNR, Roseburg, Oregon.  
 Elmer, John, WCBM, Baltimore, Maryland.  
 Elvin, Ralph G., WLOK, Lima, Ohio.  
 Enns, Ted, KRNT, Des Moines, Iowa.  
 Ethridge, Mark F., WHAS, Louisville, Kentucky.  
 Evans, Ralph, WHO, Des Moines, Iowa.  
 Falknor, Frank B., WBBM, Chicago, Illinois.  
 Fellows, Harold E., WEEI, Boston, Massachusetts.  
 Feltis, Hugh M., KOMO-KJR, Seattle, Washington.  
 Fetzer, John E., WKZO, Kalamazoo, Michigan.  
 Fiebig, H. O., KQW, San Jose, California.  
 Finley, Ernest L., KSRO, Santa Rosa, California.  
 Fisher, Bennett, KOMO-KJR, Seattle, Washington.  
 Fisher, Birt F., KOMO-KJR, Seattle, Washington.  
 Fisher, O. D., KOMO-KJR, Seattle, Washington.  
 Fitzer, Dean, WDAF, Kansas City, Missouri.  
 Fitzpatrick, Leo J., WJR, Detroit, Michigan.  
 Fitzsimonds, F. E., KF1R, Bismarck, North Dakota.  
 Flanigan, Ed, WSPD, Toledo, Ohio.  
 Fletcher, Henry H., KSEI, Pocatello, Idaho.  
 Fox, S. S., KDYL, Salt Lake City, Utah.  
 Franklin, Ed. P., KJBS, San Francisco, California.  
 Fuerst, George W., KGO-KPO, San Francisco, California.  
 Fuld, Steve, WABC, New York, New York.  
 Gale, Phebe, WRC, Washington, D. C.  
 Gammons, Earl H., WCCO, Minneapolis, Minnesota.  
 Gander, Harold, KORE, Eugene, Oregon.  
 Garher, Milton B., KCRC, Enid, Oklahoma.  
 Gardner, John E., KTF1, Twin Falls, Idaho.  
 Gartland, William C., NBC, New York, New York.

Gentling, Gregory, KROC, Rochester, Minnesota.  
Gillin, John, WOW, Omaha, Nebraska.  
Gilman, Don E., KPO, Hollywood, California.  
Glade, Earl J., KSL, Salt Lake City, Utah.  
Goldman, Harry L., WOKO-WABY, Albany, New York.  
Gonce, Chet L., KFJI, Klamath Falls, Oregon.  
Graham, Donald, KOMO-KJR, Seattle, Washington.  
Graham, Richard H., NBC, Los Angeles, California.  
Grant, E., KGO-KPO, San Francisco, California.  
Groves, Willice, KSL, Salt Lake City, Utah.  
Gray, Gilson, CBS, New York, New York.  
Grove, William C., KSN, San Francisco, California.  
Gunzendorfer, Wilt, KSRO, Santa Rosa, California.  
Hacker, Les, KVEC, San Luis Obispo, California.  
Hager, Kolin D., WGY, Schenectady, New York.  
Hagman, Clarence T., WTCN, St. Paul, Minnesota.  
Half, Hugh, WOAI, San Antonio, Texas.  
Hamilton, G. C., McClatchy Broadcasting Co., Sacramento, California.  
Hanson, O. B., NBC, New York, New York.  
Hayes, Arthur Hull, WABC, New York, New York.  
Haymond, Carl E., KMO, Tacoma, Washington.  
Heath, Dick, KTAR, Phoenix, Arizona.  
Hedges, William, WEFW, New York, New York.  
Herman, A. M., WBAP, Fort Worth, Texas.  
Hickox, Sheldon, WEFW, New York City.  
Hill, Edward E., WTAG, Worcester, Massachusetts.  
Hill, Frank L., KORE, Eugene, Oregon.  
Hirsch, Oscar, KFVS, Cape Girardeau, Missouri.  
Hoffman, Phil, WNAX, Yankton, South Dakota.  
Hollister, Herb, KFBI-KANS, Wichita, Kansas.  
Holliday, Harrison, KFI-KECA, Los Angeles, California.  
Holt, Thad, WAPI, Birmingham, Alabama.  
Honea, B. N., WBAP, Fort Worth, Texas.  
Hopkins, James, WJBK, Detroit, Michigan.  
Horn, C. W., NBC, New York, New York.  
Horton, Kingsley F., WEEI, Boston, Massachusetts.  
Hough, Harold, WBAP-KGKO-KTOK, Fort Worth, Texas.  
Hubbard, Stanley E., KSTP, St. Paul, Minnesota.  
Hurt, Frank E., KFXD, Nampa, Idaho.  
Inman, Don E., WMT, Waterloo, Iowa.  
Irwin, Earl, KVI, Tacoma, Washington.  
Jackson, Henry M., CBS, San Francisco, California.  
Jacobson, Christina, KVEC, San Luis Obispo, California.  
Jarvis, Leo P., KPBC, Bakersfield, California.  
Jayne, Dan, WELL, Battle Creek, Michigan.  
Jennings, W. Carey, KEX, Portland, Oregon.  
Johnson, G. W., K TSA, San Antonio, Texas.  
Johnson, Les, WHBF, Rock Island, Illinois.  
Jones, Marle S., KMOX, St. Louis, Missouri.  
Joscelyn, A. E., WBT, Charlotte, North Carolina.  
Kapner, L., WCAE, Pittsburgh, Pennsylvania.  
Karol, John J., CBS, New York, New York.  
Kelchner, Orville J., WMMN, Fairmont, West Virginia.  
Kemp, Arthur J., CBS, Berkeley, California.  
Kendrick, A. J., World Broadcasting System, New York City.  
Kennedy, John A., WCHS-WSAZ-WBLK-WPAR, Charleston, West Virginia.  
Keplinger, Lou, KSN, San Francisco, California.  
Kesten, Paul W., CBS, New York City.  
Kettler, S. P., WHIZ, Zanesville, Ohio.  
Kilgore, T. H., KARM, Fresno, California.  
Knight, W. T., WTOG, Savannah, Georgia.  
Knowland, J. R., K LX, Oakland, California.  
Kobak, Edgar, NBC, New York, New York.  
Koessler, Walter, WROK, Rockford, Illinois.  
Lafount, Harold, WCOP, Boston, Massachusetts.  
Landis, DeWitt, KFYO, Lubbock, Texas.  
Lane, Howard, KFBK, Sacramento, California.  
Laubengayer, R. J., KSAL, Salina, Kansas.  
Lawrence, Craig, KSO-KRNT, Des Moines, Iowa.  
Lee, J. C., KFXM, San Bernardino, California.  
Leich, Martin L., WGBF, Evansville, Indiana.  
Leuschner, Frederick, NBC, Los Angeles, California.  
Lewis, Dick, KTAR, Phoenix, Arizona.  
Lewis, Ray M., KQW, San Jose, California.  
Lindblade, Vern, KFAC, Los Angeles, California.  
Locke, C. B., KFDM, Beaumont, Texas.  
Lodge, William B., WABC, New York, New York.  
Loeb, Howard M., WFDF, Flint, Michigan.  
Loeb, L. A., KDYL, Salt Lake City, Utah.  
Loggan, Frank H., KBND, Bend, Oregon.  
Lounsbury, I. R., WGR-WKWB, Buffalo, New York.  
Loyet, Paul A., WHO, Des Moines, Iowa.  
Ludy, Ben, WIBW, Topeka, Kansas.  
Luther, Clark A., KFH, Wichita, Kansas.  
Lyman, Peter, KOMO-KJR, Seattle, Washington.  
Lynn, Roland A., NBC, New York City.  
McAndrews, R. J., KGO-KPO, San Francisco, California.  
McCarthy, C. L., KQW, San Jose, California.  
McCaw, Robert S., KELA, Centralia, Washington.  
McClung, Hugh, KYOS, Merced, California.  
McCullough, Clair R., WGAL-WILM, Lancaster, Pennsylvania.  
McCracken, H. L., K VRS, Rock Springs, Wyoming.  
Macy, J. Noel, WFAS, White Plains, New York.  
Maland, Joseph O., WHO, Des Moines, Iowa.  
Maslin, Robert S., Jr., WFBR, Baltimore, Maryland.  
Matson, Chester G., Edward Petry & Co., Inc., Los Angeles, California.  
Merino, John C., KTUC, Tucson, Arizona.  
Meyer, P. J., KFV, Bismarck, North Dakota.  
Meyers, Carl J., WGN, Chicago, Illinois.  
Milbourne, Lewis W., WCAO, Baltimore, Maryland.  
Mills, Byron, KPO, San Francisco, California.  
Mitchell, L. S., WDAE, Tampa, Florida.  
Morency, Paul W., WTIC, Hartford, Connecticut.  
Moroney, James M., WFAA, Dallas, Texas.  
Mosby, Art J., KGO, Missoula, Montana.  
Moskovic, George L., KNX, Los Angeles, California.  
Mullen, Frank E., NBC, New York, New York.  
Murphy, James A., KMO, Yakima, Washington.  
Musselman, B. Bryan, WSN, Allentown, Pennsylvania.  
Myers, Chuck, KOIN-KALE, Portland, Oregon.  
Myers, Robert P., WJZ, New York, New York.  
Nelson, A. E., KPO-KGO, San Francisco, California.  
Newkirk, Van, KHJ, Los Angeles, California.  
Nicol, Paula, MBS, New York City.  
Norton, George W., WAVE, Louisville, Kentucky.  
Norton, John H., WJZ, New York City.  
O'Fallon, Gene, KFEL, Denver, Colorado.  
O'Kane, Don, KIEM, Eureka, California.  
Olsen, Tom, KGY, Olympia, Washington.  
O'Neil, Bill, WJW, Akron, Ohio.  
Pack, Eugene, KSL, Salt Lake City, Utah.  
Palmer, Col. B. J., WHO, Davenport, Iowa.  
Palmer, Fred A., KOY, Phoenix, Arizona.  
Patt, John F., WGAR, Cleveland, Ohio.  
Patterson, S. H., KSN, San Francisco, California.  
Peck, Curtis, KPO-KGO, San Francisco, California.  
Pendra, Marshall, KRNR, Roseburg, Oregon.  
Petry, Edward, Edward Petry & Co., Inc., New York, New York.  
Phillips, C., KIDO, Boise, Idaho.  
Pierce, Jennings, KGO-KPO, San Francisco, California.  
Pribble, Vernon, WTAM, Cleveland, Ohio.  
Priebe, Robert, KRSC, Seattle, Washington.  
Quarton, S. D., WMT, Cedar Rapids, Iowa.  
Quarton, Wm. B., WMT, Cedar Rapids, Iowa.  
Randall, J. Clayton, WTIC, Hartford, Connecticut.  
Rawlings, Calvin W., KDYL, Salt Lake City, Utah.  
Read, H. B., KSLM, Salem, Oregon.  
Ream, Joseph, WABC, New York, New York.  
Rees, David H., KMED, Medford, Oregon.  
Ricketts, Leo, KFBK, Sacramento, California.  
Robertson, Dale, KGGM, Albuquerque, New Mexico.  
Robinson, King H., KTRH, Houston, Texas.  
Rodgers, James W., WROK, Rockford, Illinois.  
Rosenbaum, Samuel R., WFIL, Philadelphia, Pennsylvania.  
Roth, Eugene J., KONO, San Antonio, Texas.  
Ruess, William, WOW, Omaha, Nebraska.  
Russell, Frank M., WRC, Washington, D. C.  
Runyon, Mefford R., WABC, New York, New York.  
Ruppel, Louis, CBS, New York, New York.  
Ryan, John H., WSPD, Toledo, Ohio.  
Ryan, William B., KGO-KPO, San Francisco, California.  
Samuel, Milton N., KGO-KPO, San Francisco, California.  
Sandeberg, David H., KFBK, San Francisco, California.  
Saumenig, J. Dudley, WIS, Columbia, South Carolina.  
Scales, John F., KARM, Fresno, California.  
Schamblin, L. A., KPBC, Bakersfield, California.  
Schuetz, William A., Columbia Recording Corp., New York, New York.  
Schuetz, Robert F., NBC, Hollywood, California.  
Scott, Charles P., KTKC, Visalia, California.  
Scott, Clyde, KFI-KECA, Los Angeles, California.  
Scott, Duncan A., KJBS, San Francisco, California.  
Scripps, William J., WWJ, Detroit, Michigan.  
Searle, Don, KOIL-KFAB-KMMJ, Omaha, Nebraska.  
Shannon, Tenny, WNAC, Boston, Massachusetts.  
Sharp, Ivor, KSL, Salt Lake, Utah.  
Sharp, Thomas E., KFSD, San Diego, California.  
Shepard, John, 3rd, WNAC, Boston, Massachusetts.  
Shouse, J. D., WLW, Cincinnati, Ohio.  
Sibson, Ken Lowell, KRGV, Westlake, Texas.  
Smith, Calvin J., KFAC, Los Angeles, California.  
Smith, Earl H., Edward Petry & Co., Inc., San Francisco, California.  
Smith, George W., WWVA, Wheeling, West Virginia.  
Smith, J. Kelly, WBBM, Chicago, Illinois.  
Smith, Vernon H., KOWH, Omaha, Nebraska.  
Smullin, Wm. B., KIEM, Eureka, California.  
Snyder, Glenn, WLS, Chicago, Illinois.  
Soule, O. P., KTFI-KSEI, Salt Lake City, Utah.  
Spence, Harry R., KXRO, Aberdeen, Washington.  
Spencer, Ernest L., KVOE, Santa Ana, California.  
Stanton, Frank, CBS, New York City.  
Stoddard, Robert, KERN, Bakersfield, California.  
Stone, Harry, WSM, Nashville, Tennessee.  
Storer, George, WSPD, Toledo, Ohio.  
Street, Robert, WCAU, Philadelphia, Pennsylvania.  
Streibert, Theodore C., WOR, New York, New York.  
Strotz, Sidney, WMAQ-WENR, Chicago, Illinois.  
Summerville, William H., WWL, New Orleans, Louisiana.  
Symons, T. W., Jr., KXL, Portland, Oregon.  
Symons, III, T. W., KXL, Portland, Oregon.  
Taft, H., WKRC, Cincinnati, Ohio.  
Tapp, Jay, KGER, Long Beach, California.  
Taylor, Ted, KGNC, Amarillo, Texas.  
Thomas, Lloyd C., KGFV, Kearney, Nebraska.  
Thompson, Griff, KYW-WOWO, Philadelphia, Pennsylvania.  
Thompson, Roy F., WFBG, Altoona, Pennsylvania.  
Thompson, W., KROY, Sacramento, California.  
Thornburgh, Donald W., KNX, Los Angeles, California.  
Thurston, E. W., Western Electric, Kearny, New Jersey.  
Tincher, Robert R., WNAX, Yankton, South Dakota.  
Tips, Kern, KPRC, Houston, Texas.  
Torge, George R., WBEN, Buffalo, New York.  
Trammell, Niles, NBC, New York, New York.  
Twamley, Edgar H., WBEN, Buffalo, New York.  
Tyson, Leo B., KMPC, Beverly Hills, California.  
Uridge, Owen F., WSR, Detroit, Michigan.  
Voynow, Edward E., Edward Petry & Co., Chicago, Illinois.  
Wagner, James A., WHBY-WTAQ, Green Bay, Wisconsin.  
Wagstaff, W. E., KDYL, Salt Lake City, Utah.  
Wailles, Lee B., WGL, Philadelphia, Pennsylvania.  
Wall, H. G., WIBC, Indianapolis, Indiana.  
Wallace, Forrest P., WWJ, Detroit, Michigan.  
Wallace, James W., KVI, Seattle, Washington.  
Walters, Howard V., KDON, Monterey, California.  
Ward, J. T., WLAC, Nashville, Tennessee.  
Warner, E. N., KLS, Oakland, California.

Wasmer, Louis, KHQ, Spokane, Washington.  
 Warner, Stafford W., KLS, Oakland, California.  
 Warren, Selleck B., KTSW, Emporia, Kansas.  
 Warren, William W., KOMO-KJR, Seattle, Washington.  
 Warrick, Dupuy, KMBC, Kansas City, Missouri.  
 Watson, Loren, WBAL, Baltimore, Maryland.  
 Webb, Frank, KTMS, Santa Barbara, California.  
 Weber, Fred, MBS, Chicago, Illinois.  
 Welland, Jonas, WFTC, Kinston, North Carolina.  
 Weiss, Lewis, KHJ, Los Angeles, California.  
 West, William H., WTMV, East St. Louis, Illinois.  
 Westlund, Art, KRE, Berkeley, California.  
 Wetzel, Maurice, NBC, New York City.  
 Wheelahan, Harold, WSMB, New Orleans, Louisiana.  
 White, Paul, WABC, New York City.  
 Whitmore, Charles, KTKC, Visalia, California.  
 Whitmore, W. E., KGFL, Roswell, New Mexico.  
 Wilder, Harry C., WSYR, Syracuse, New York.  
 Willets, H. N., Western Electric Co., Kearney, New Jersey.  
 Williams, R. B., KVOA, Tucson, Arizona.  
 Wilson, L. B., WCKY, Cincinnati, Ohio.  
 Wooten, Hoyt B., WREC, Memphis, Tennessee.  
 Wyler, Karl O., KTSM, El Paso, Texas.  
 Wylie, Cole, KVOS, Bellingham, Washington.  
 Yocum, Ed., KGHL, Billings, Montana.  
 Yoder, Lloyd, KOA, Denver, Colorado.  
 Young, George, WDGY, Minneapolis, Minnesota.  
 Zimmerman, Ed., KARK, Little Rock, Arkansas.

## NON-MEMBERS

Allen, Edwin C., Reynolds-Fitzgerald, Inc., Chicago, Illinois.  
 Azcarraga, Emilio, XEW, Mexico City, Mexico.  
 Baker, I. R., RCA Mfg. Co., Inc., Camden, New Jersey.  
 Bates, William H., KTRB, Modesto, California.  
 Bedell, Eugene D., Allied Phono. & Record Mfg. Co., Hollywood, California.  
 Belknap, Paul C., Allen Kander & Co., New York, New York.  
 Bennitt, Russell, KXOX, Sweetwater, Texas.  
 Blair, John, John Blair & Co., Chicago, Illinois.  
 Blink, Milton M., Standard Radio, Chicago, Illinois.  
 Brandeburg, F. C., Pacific Telegraph & Telephone Co., San Francisco, California.  
 Bruck, Franklin, Franklin Bruck Adv. Corp., New York, New York.  
 Caldwell, Louis, Kirkland Fleming Green Martin & Ellis, Washington, D. C.  
 Callahan, Dave, SESAC, New York, New York.  
 Campeau, Ted, J. E., CKLW, Detroit, Michigan.  
 Charbneau, Jules, Jules Charbneau Miniatures, San Francisco, California.  
 Chase, Frank, Superman, Inc., New York City.  
 Coffin, Frank H., Golden Empire Broadcasting Co., Redding, California.  
 Conrow, Jos. W., Printers' Ink, Los Angeles, California.  
 Courier, G. F., Hammond-Calumet Broadcasting Corp., Hammond, Indiana.  
 Coveny, Charles E., John Blair Company, Los Angeles, California.  
 Cronise, Ralph R., Central Willamette Broadcasting Co., Albany, Oregon.  
 David, William R., General Electric Company, Schenectady, New York.  
 Denny, Herbert, Standard Radio, Dallas, Texas.  
 Dillard, Everett L., Commercial Radio Equipment Company, Kansas City, Missouri.  
 Dirks, Dietrich, Sioux City Broadcasting Co., KTRI, Sioux City, Iowa.  
 Dorrance, Dick, FM Broadcasters, Inc., New York City.  
 Eaves, Augustus J., Graybar Electric Company, New York, New York.  
 Edmonds, A. L., General Electric Company, Los Angeles, California.  
 Finney, C. M., Associated Music Publishers, Inc., New York, New York.  
 Fisher, Ben S., Washington, D. C.  
 Foreman, Edwin G., Jr., The Foreman Company, Chicago, Illinois.  
 Fowler, L. Dean, General Electric Company, Los Angeles, California.  
 Fox, J. Leslie, Paul H. Raymer Company, Los Angeles, California.  
 Freitag, Willis O., Radio Broadcasters, Inc., Los Angeles, California.  
 Gates, S. Niles, C. P. MacGregor, Hollywood, California.  
 Gillenwaters, T. R., Memorox, Inc., Los Angeles, California.  
 Gillett, Glenn D., Glenn D. Gillett Consulting Radio Engrs., Washington, D. C.  
 Godley, Paul F., Montclair, New Jersey.  
 Gross, Jack O., Warner Bros. Broadcasting Corp., Los Angeles, California.  
 Gunther, Frank A., Radio Engineering Labs., Inc., Long Island, New York.  
 Haley, A. G., Washington, D. C.  
 Hall, Glad, KRKD, Los Angeles, California.  
 Haverlin, Carl, BMI, New York City.  
 Headley, Frank M., Headley-Reed Company, New York, New York.  
 Hollingbery, George P., George P. Hollingbery, Chicago, Illinois.  
 Hooper, C. E., C. E. Hooper, Inc., New York City.  
 Imeson, Thomas C., City of Jacksonville, Jacksonville, Florida.  
 Ingram, Ward D., KFRC, San Francisco, California.  
 Jacobus, Melvin S., Photo & Sound, Inc., San Francisco, California.  
 Jassohn, Kurt A., SESAC, New York, New York.  
 Jansky, C. M., Jr., Jansky & Bailey Consulting Radio Engrs., Washington, D. C.  
 Kaye, Sydney M., Broadcast Music, Inc., BMI, New York, New York.  
 King, Gerald, Standard Radio, Hollywood, California.  
 Langlois, Cy, Lang-Worth, Inc., New York, New York.  
 Lasky, Philip G., Educational Broadcasting Corp., San Francisco, California.  
 LeFerne, Bob, Minneapolis, Minnesota.  
 McCosker, David, Warner Bros. Broadcasting Corp., Hollywood, California.  
 McIntosh, Frank H., Greybar Electric, San Francisco, California.  
 MacGregor, C. P., C. P. MacGregor, Los Angeles, California.  
 Maizlish, Harry, Warner Bros. Broadcasting Corp., Hollywood, California.  
 Martin, Harry, Harry Martin Enterprises, Chicago, Illinois.  
 Miller, James A., Miller Broadcasting System, Inc., New York, New York.  
 Morris, Edmund T., Jr., Westinghouse Electric & Mfg. Co., Baltimore, Maryland.  
 Morrison, John F., Bell Telephone Labs., New York, New York.  
 Morse, George H., The Pacific Telegraph & Telephone Co., San Francisco, California.  
 Nelson, Linnea, New York, New York.  
 Norman, J. Clinton, Radio Station KTHS, Hot Springs, Arkansas.  
 Pabst, William D., KFRC, San Francisco, California.  
 Paul, W. L., Northwest Radio Advertising Company, Seattle, Washington.  
 Pearce, Harold E., Standard Radio, Seattle, Washington.  
 Power, Ralph L., Los Angeles, California.  
 Prosser, John I., KTHS, Hot Springs, Arkansas.

Radner, Roy, WIBM, Inc., Jackson, Michigan.  
 Raymer, Paul H., Paul H. Raymer Company, Chicago, Illinois.  
 Read, H. C., American Telegraph & Telephone Co., New York, New York.  
 Reed, Dwight S., Headley-Reed Company, Chicago, Illinois.  
 Reiniger, Gustavus, Radio Engineering Labs., New York City.  
 Rogers, Naylor, Keystone Broadcasting System, Los Angeles, California.  
 Rollo, Reed T., Kirkland, Flemming, Green, Martin & Ellis, Washington, D. C.  
 Ross, Cecil C., Greybar Electric Company, Dallas, Texas.  
 Ross, George, McClatchy Broadcasting Company, Stockton, California.  
 Runchev, O. A., KOL, Seattle, Washington.  
 Ryan, Hazel L., Radio Broadcasters, Inc., KRKD, Los Angeles, California.  
 Schuebel, R., The Biow Company, New York City.  
 Sherman, Dean F., Radio Station KINY, Seattle, Washington.  
 Singleton, Harold C., Consulting Radio Engineers, Portland, Oregon.  
 Sleeper, George E., San Francisco, California.  
 Spector, Raymond, Raymond Spector Co., Inc., New York, New York.  
 Spight, Lindsen, John Blair & Company, San Francisco, California.  
 Stone, Carl A., Boonton Radio Corp., Los Angeles, California.  
 Sutton, G. O., Washington, D. C.  
 Taranto, Alman J., William Esty & Company, New York City.  
 Tenney, Walter I., Radio Advertising Corp., New York, New York.  
 Thomson, Roy H., Northern Broadcasting Co., CKGB, Timmins, Ontario, Canada.  
 Thorwald, John, Park Cities Broadcast Corp., Dallas, Texas.  
 Tibbals, Walter A., Biow Co., Inc., New York City.  
 Tompkins, Merritt E., Broadcast Music, Inc., New York City.  
 Townsend, Edward S., Edward S. Townsend Company, San Francisco, California.  
 Tozier, Cliff, Commercial Radio Equipment Co., Kansas City, Missouri.  
 Vance, Harold C., RCA Mfg. Company, Camden, New Jersey.  
 Walker, M. S., KHUB, Watsonville, California.  
 Weed, Joseph J., Weed & Company, New York, New York.  
 Weed, Neal, Weed & Company, Chicago, Illinois.  
 Wentworth, Ralph C., Lang-Worth, Inc., New York, New York.  
 Whitehead, Ed. A., General Electric Company, San Francisco, California.  
 Williams, Edna, Columbia Pictures Corp., Los Angeles, California.  
 Wilson, Howard H., Howard H. Wilson Co., Chicago, Illinois.  
 Wolcott, C. Frederick, Silfills Bros., Inc., Los Angeles, California.  
 Woodling, M. F., KHSL, Chico, California.

## LADIES AND CHILDREN

Allen, Charlotte B., Alexandria Broadcasting Co., Inc., Alexandria, Louisiana.  
 Allen, Ed (Mrs.), Chicago, Illinois.  
 Anderson, Sara M., WJBO, Baton Rouge Broadcasting Co., Inc., Baton Rouge, Louisiana.  
 Arney, C. E., Jr. (Mrs.), Washington, D. C.  
 Arnold, Ruth, C. E. Hooper, Inc., Los Angeles, California.  
 Arnoux, Campbell (Mrs.), WTAR, Norfolk, Virginia.  
 Atteberry, Mona, KCKN, Kansas City, Kansas.  
 Ballinger, Grace, Seattle, Washington.  
 Barroll, H. H. (Mrs.), WFBK, Baltimore, Maryland.  
 Bauriedel, J. G. (Mrs.), Southern Oregon Broadcasting Co., Grants Pass, Oregon.  
 Bennett, Andrew W. (Mrs.), Washington, D. C.  
 Bennett, Lucie, Washington, D. C.  
 Bernstein, S. R. (Mrs.), Advertising Age, Chicago, Illinois.  
 Beville, H. M., Jr. (Mrs.), New York, New York.  
 Blair, W. H. (Mrs.), Guest, Dallas, Texas.  
 Bohn, John W. (Mrs.), KMOX, St. Louis, Missouri.  
 Borton, Frances, WQAM, Miami, Florida.  
 Borton, Fred, Jr., WQAM, Miami, Florida.  
 Bright, Arthur L. (Mrs.), Spokane, Washington.  
 Brunton, Dorothy (Mrs.), KJBS, San Francisco, California.  
 Brunton, Mott Q. (Mrs.), KJBS-KQW, San Francisco, California.  
 Bullen, Kathryn, KVNU, Logan, Utah.  
 Campbell, Martin (Mrs.), WFAA, Dallas, Texas.  
 Carr, Eugene (Mrs.), Cleveland, Ohio.  
 Chafey, Clifford M. (Mrs.), WEEV, Reading, Pennsylvania.  
 Church, A. B. (Mrs.), KMBC, Kansas City, Missouri.  
 Clark, Ione, KFH, Wichita, Kansas.  
 Connell, Richard A. (Mrs.), WJBK, Detroit, Michigan.  
 Cranston, George (Mrs.), Fort Worth, Texas.  
 de Mars, Paul A. (Mrs.), Boston, Massachusetts.  
 Denny, Herbert (Mrs.), Standard Radio, Dallas, Texas.  
 Dunville, R. E. (Mrs.), WLW, Cincinnati, Ohio.  
 Elias, Don S. (Mrs.), Asheville Citizen-Times Company, WVNC, Asheville, North Carolina.  
 Ellsworth, Harris (Mrs.), KRNR, Roseburg, Oregon.  
 Elmer, John (Mrs.), Baltimore, Maryland.  
 Enns, Carolyn, KRNT, Des Moines, Iowa.  
 Ethridge, Mark F. (Mrs.), WHAS, Louisville, Kentucky.  
 Evans, Audrey L., Des Moines, Iowa.  
 Evans, Betty, KGER, Long Beach, California.  
 Fjebig, H. O. (Mrs.), KQW, San Jose, California.  
 Fitzpatrick, Leo (Mrs.), WJR, Detroit, Michigan.  
 Fletcher, Ruthe A., KSEI, Pocatello, Idaho.  
 Gardner, John E. (Mrs.), KTFI, Twin Falls, Idaho.  
 Gay, Helen, KJBS, San Francisco, California.  
 Gillett, Mary U. (Mrs.), Long Beach, California.  
 Gilman, Sara E., Hollywood, California.  
 Goddard, Ann, Chicago, Illinois.  
 Goldman, Martha, Albany, New York.  
 Greaves, V. Ford (Mrs.), FCC, Oakland, California.  
 Grove, Eva R., KSAN, San Francisco, California.  
 Groves, W. E. (Mrs.), KSL, Salt Lake City, Utah.  
 Gunzendorfer, Wilt (Mrs.), KSRO, Santa Rosa, California.  
 Haymond, C. E. (Mrs.), Tacoma, Washington.  
 Hedges, W. S. (Mrs.), New York City.  
 Hedges, Helen, New York City.  
 Hedges, Peggy, New York City.  
 Hill, Estelle M., WTAC, Worcester, Massachusetts.  
 Hirsch, O. C. (Mrs.), KFUS, Cape Girardeau, Missouri.  
 Hobby, Ovett C. (Mrs.), KPRC, Houston, Texas.  
 Hoffman, Phil (Mrs.), WNAX, Yankton, South Dakota.  
 Hollister, Herb (Mrs.), Wichita, Kansas.  
 Irwin, Vernice (Mrs.), KVI, Tacoma, Washington.

Jansky, C. M., Jr. (Mrs.), Washington, D. C.  
 Jansky, Curtis M., Washington, D. C.  
 Jansky, Marguerite, Washington, D. C.  
 Jayne, Lola (Mrs.), Battle Creek, Michigan.  
 Jennings, Connie A., Portland, Oregon.  
 Johnson, Les (Mrs.), WHBF, Rock Island, Illinois.  
 Knight, W. T., Jr. (Mrs.), Savannah, Georgia.  
 Knisely, Philip (Mrs.), NAB, Oakland, California.  
 Lafount, H. A. (Mrs.), WCOP, Boston, Massachusetts.  
 Landis, DeWitt (Mrs.), KFYP, Lubbock, Texas.  
 Lane, Howard (Mrs.), Sacramento, California.  
 Lasky, P. G. (Mrs.), KROW, San Francisco, California.  
 Lawrence, Craig (Mrs.), KSO-KRNT, Des Moines, Iowa.  
 Lewis, Grace, KQW, San Jose, California.  
 Lodge, William B. (Mrs.), New York, New York.  
 Loeb, Ruth O., WFDF, Flint, Michigan.  
 Luther, Clark A. (Mrs.), KFH, Wichita, Kansas.  
 McCarthy, C. L. (Mrs.), KQW, San Jose, California.  
 McClung, Hugh (Mrs.), KYOS, Merced, California.  
 McCollough, Clair (Mrs.), WGAL, Lancaster, Pennsylvania.  
 McIntosh, Frank H. (Mrs.), San Francisco, California.  
 MacGregor, C. P. (Mrs.), C. P. MacGregor, Los Angeles, California.  
 Maland, Jos. (Mrs.), WHO, Des Moines, Iowa.  
 Morrison, Susan H., Bell Telephone Labs., Boonton, New Jersey.  
 Mosby, Aline, Missoula, Montana.  
 Mosby, Marry Jane, Missoula, Montana.  
 Mullen, Frank E. (Mrs.), National Broadcasting Company, New York, New York.  
 Murphy, J. A. (Mrs.), KMO, Yakima, Washington.  
 Musselman, B. Bryan (Mrs.), WCBA, Allentown, Pennsylvania.  
 Newkirk, Marion H., Don Lee Broadcasting, Los Angeles, California.  
 Pack, Lucile, KSL, Salt Lake City, Utah.  
 Park, Alice E., WCCO, Minneapolis, Minnesota.  
 Patt, John F. (Mrs.), WGAR, Cleveland, Ohio.  
 Pengra, Eve, KRNR, Roseburg, Oregon.  
 Rexer, Thelma, KALB, Alexandria, Louisiana.  
 Ross, Cecil C. (Mrs.), Dallas, Texas.  
 Roth, Eugene J. (Mrs.), KONO, San Antonio, Texas.  
 Roth, Jack, KONO, San Antonio, Texas.  
 Ryan, John H. (Mrs.), WSPD, Toledo, Ohio.  
 Samuel, Marie E., NBC, San Francisco, California.  
 Sandeberg, David H. (Mrs.), KFBK, San Francisco, California.  
 Shouse, James (Mrs.), WLW, Cincinnati, Ohio.  
 Singleton, Rose, Consulting Radio Engineer, Portland, Oregon.  
 Smeby, L. C. (Mrs.), NAB, Washington, D. C.  
 Smullin, Wm. B. (Mrs.), Redwood Broadcasting Co., Inc., KIEM, Eureka, California.  
 Snow, Ellen (Mrs.), Western Electric, New York, New York.  
 Soule, O. P. (Mrs.), KSEI, Salt Lake City, Utah.  
 Spector, Raymond (Mrs.), New York, New York.  
 Stanton, Frank (Mrs.), CBS, New York, New York.  
 Sutton, L. S., George O. Sutton, Washington, D. C.  
 Taishoff, Sol (Mrs.), Broadcasting Magazine, Washington, D. C.  
 Tompkins, Florence A., New York, New York.  
 Uridge, Owen F. (Mrs.), WJR, Detroit, Michigan.  
 Warner, Florence, Lewis Warner, Inc., Spokane, Washington.  
 Welland, Lenore, WFTC, Winston, North Carolina.  
 Williams, R. B. (Mrs.), KVOA, Tucson, Arizona.  
 Wylie, Margaret, J. Walter Thompson Company, Chicago, Illinois.  
 Yocum, Ed. (Mrs.), Billings, Montana.  
 Yoder, Lloyd E. (Mrs.), Denver, Colorado.  
 Zimmerman, Ed. (Mrs.), Little Rock, Arkansas.

## GUESTS

Drewry, John E., Henry W. Brady School of Journalism, Athens, Georgia.  
 Early, Stephen B., Washington, D. C.  
 Fly, James L., Chairman, FCC, Washington, D. C.  
 Greaves, V. Ford, FCC, San Francisco, California.  
 Johnson, Louis, Clarksburg, West Virginia.  
 Nielsen, Arthur C., A. C. Nielsen Company, Chicago, Illinois.  
 Sykes, Judge Eugene O., Washington, D. C.

## PRESS

Allen, Irwin, Radio News Reel, Los Angeles, California.  
 Baue, Clayton, Examiner, San Francisco, California.  
 Befeler, Murray, Associated Press, San Francisco, California.  
 Bernstein, Sidney R., Advertising Age, Chicago, Illinois.  
 Bodec, Ben, Variety, New York City.  
 Bowerman, Dan, United Press, San Francisco, California.  
 Calton, Phoebe June, NBC, Portland, Oregon.  
 Cavagnaro, Bob, The Associated Press, San Francisco, California.  
 Clements, Maurice, Radio Today, New York City.  
 Crain, Edith W., Western Advertising Magazine, San Francisco, California.  
 Curran, Phil R., United Press, Seattle, Washington.  
 Dean, Lorraine, The Advertiser, Chicago, Illinois.  
 Delaplane, Stanton, Chronical, San Francisco, California.  
 Duckett, Othello C., Transradio Press Service, San Francisco, California.  
 Farhman, N. R., S. F. Examiner, San Francisco, California.  
 Foster, Thomas H., Shipping News, San Francisco, California.  
 Fry, Richard J., The Associated Press, San Francisco, California.  
 Gagos, Hubert K., United Press, Sacramento, California.  
 Gard, Thomas L., The Associated Press, San Francisco, California.  
 Glickman, Dave, Broadcasting Magazine, Hollywood, California.  
 Goodwin, Fritz, San Francisco Examiner, San Francisco, California.  
 Gordon, Frank, San Francisco Chronicle, San Francisco, California.  
 Gross, Ben, N. Y. Daily News, New York City.  
 Guckenheimer, Sims, Transradio Press Service, New York, New York.  
 Hall, Boh, Call-Bulletin, San Francisco, California.  
 Harrison, A. F., United Press, New York, New York.  
 Hauser, Carrol, Radio News Reel, Los Angeles, California.  
 Hellman, J., Daily Variety, Hollywood, California.  
 Heroux, Harold, International News, San Francisco, California.  
 Hilliard, Jay G., Pacific Coast Record, Los Angeles, California.  
 Holland, Miller, United Press, San Francisco, California.  
 Hunter, Maxwell J., Simpson-Reilly, Ltd., San Francisco, California.

Johanesen, Harry, International News Service, San Francisco, California.  
 Kirsch, Marvin, Radio Daily, New York, New York.  
 Long, Maury, Broadcasting Magazine, New York City.  
 Mattox, E. Tilden, The Argonaut, San Francisco, California.  
 Murphy, Edward V., Press—NAB, San Francisco, California.  
 Myers, J. Clarence, Broadcasting Magazine, San Francisco, California.  
 Peterson, Eldridge, Printers' Ink Publication, New York, New York.  
 Pickens, William H., Transradio Press Service, New York, New York.  
 Reddy, Jack F., Transradio Press Service, San Francisco, California.  
 Rosenberg, Manuel, The Advertiser, Cincinnati, Ohio.  
 Rosenthal, F. L., Radio Varieties, Inc., Chicago, Illinois.  
 Rubino, Aaron L., Wide World Photos, San Francisco, California.  
 Sanders, Wilbur A., The Associated Press, San Francisco, California.  
 Smith, Y., Call-Bulletin, San Francisco, California.  
 Stroupe, Phil, Broadcasting Magazine, San Francisco, California.  
 Taishoff, Sol, Broadcasting Magazine, Washington, D. C.  
 Watson, Campbell, Editor & Publisher, Correspondent, Berkeley, California.  
 Weiser, N., Radio Daily, New York, New York.  
 Werner, Willis, Variety, San Francisco, California.  
 White, Nate R., The Christian Science Monitor, San Francisco, California.  
 Winter, Hal, Radio Daily, New York, New York.

# FEDERAL COMMUNICATIONS COMMISSION

## FINAL ORDER

FCC has adopted an Order granting the application of Sharon Herald Broadcasting Company (WPIC), **Sharon, Pa.**, for authority to install a new transmitter and increase power from 250 watts to 1000 watts, operating daytime only on **780 kilocycles**.

## NEW INTERNATIONAL STATION

Columbia Broadcasting System, Inc., has been granted construction permit by the FCC for a new international broadcast station to be located at Brentwood, N. Y., and use 50 kilowatts, the minimum power ruled by the Commission necessary for satisfactory international service.

The new station, using A3 emission, will operate on 6060, 9590, 11830, 15270, 17830 and 21520 kilocycles, sharing time on 6060, 9590 and 21520 kilocycles with international broadcast station WCAB, now operated by the WCAU Broadcasting Co., Newton Square, Pa.; also sharing 11830 and 17830 kilocycles with WCBX, another Columbia international broadcast station, near Wayne, N. J., and 15270 kilocycles with the stations mentioned as well as with WLWO, Crosley Corp. international broadcast station at Mason, Ohio. The construction permit is granted subject to certain engineering requirements as to directional antenna and frequency control. The application has previously been designated for hearing.

Columbia has application pending to move WCBX to Brentwood, and increase the power of that station from 10 to 50 kilowatts. It also has understanding with its affiliate WCAB that the latter, now operating on 10 kilowatts, will transfer facilities to Columbia and discontinue operation. Stations WCAB and WCBX have had a working arrangement to provide simultaneous program service to Europe and South America. While one station directed programs to Europe the other delivered programs to South America. It is intended to continue this plan by the use of two stations at the Brentwood location.

## FROM THE FCC MAIL BAG

(No. 13 of a series)

Numerous persons requesting the 1300-page report on chain broadcasting made by a committee of the Commission are informed that only a limited number of copies were mimeographed, and the supply has long since been exhausted. The official record, however, is open to public inspection at the Commission's Washington offices.

The Commission has sent a note of appreciation to the Ohio Power Co. for its interest and cooperation in eliminating interference to radio reception in a community in that State.

A committee for the care of refugee children seeks Commission permission to solicit funds by radio. Such permission is not

required under provisions of the Communications Act or the Commission's rules. Decision rests with the individual station or the network.

It is mostly in the matter of complaints with reference to broadcasting that the Commission has to advise lack of jurisdiction. The following current cases are typical:

A Toronto, Canada, woman objects to radio commentators who "spread terror by inuendo."

A San Francisco man dislikes the "hysterical broadcasting" of war news by a particular commentator.

A Macon, Ga., man would prohibit networks from carrying news reports originating in Germany.

A Philadelphia man suggests censorship of news and comment by radio and press during "continuation of the present unsettled world conditions."

A New Yorker asks the Commission to make radio stations broadcast a song he has written.

A Bismarck, N. Dak., man wants the Commission to require a network to carry a particular religious broadcast.

An Asheville, N. C., man would require newspapers owning radio stations to publish the programs of competing broadcast stations.

A Philadelphia man thinks he is entitled to a prize from one of the radio contest programs.

## BROADCAST MEASUREMENTS

In July FCC officials measured 705 broadcast stations, leaving 144 not measured.

Of the total 642 stations showed a maximum deviation within 0-10 cycles; 57 stations maximum deviation within 11-25 cycles; 4 stations maximum deviation within 26-50 cycles; no stations showed a maximum deviation over 20 cycles, while 2 stations showed a maximum deviation over 50 cycles.

## FCC BILL PASSES HOUSE

The House this week passed H. R. 10205 to amend section 4 (f) of the Communications Act of 1934 as amended to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. There was no discussion.

## FCC RULES OF PRACTICE AMENDED

FCC has amended Section 1.38 of its Rules of Practice and Procedure by designating the existing rule as subsection (a) and by adding an additional subsection reading as follows:

"(b) No member, officer or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled before the Federal Communications Commission for the week beginning Monday, August 26. It is subject to change.

Monday, August 26

NEW—God's Bible School and College, Cincinnati, Ohio.—C. P., 11710, 21610 kc., 60 KW night, 60 KW LS, Emission A-3, shares time on 11710 kc., unlimited on 21610 kc.

## FUTURE HEARINGS

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

September 26

Reargument Before the Commission

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, 1410 kc., 1 KW, unlimited time; and auxiliary, 1410 kc., 500 watts, 1 KW LS. Time: Auxiliary purposes only.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no regular meeting of the Commission this week.

## MISCELLANEOUS

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted modification of construction permit for new station, for approval of antenna system, new transmitter, and approval of studio and transmitter site; 1310 kc., 100 watts, unlimited time (B2-MP-1056).

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted modification of license to change name of licensee from The First Methodist Protestant Church of Lapeer to The Liberty Street Gospel Church of Lapeer; 1200 kc., 250 watts, specified hours (B2-ML-1018).

WEGP—Berks Broadcasting Co. (area of Reading, Pa.), Portable-Mobile.—Granted license to cover construction permit for increase in power to 2 watts and installation of new transmitter (B2-LRE-319).

KFAS—Midnight Sun Broadcasting Co. (area of Fairbanks, Alaska), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies 30820, 33740, 35820, 37980 kc., 2 watts power (B-LRE-314).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 6:45 p. m. to 8:30 p. m., CST, on August 15, 1940, in order to broadcast a political speech by Abit Nix, candidate for Governor.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate W2XOY with 1000-watt amplifier from August 14, 1940, to not later than September 12, 1940, pending completion of manufacturing and installation of the Model 4AF2A1 amplifier as stipulated in construction permit (File No. B1-PNB-112).

WPAY—Chester A. Thompson and The Brush-Moore Newspapers, Inc., Portsmouth, Ohio.—Granted petition to take depositions in re hearing on application for transfer of control of the Vee Bee Corp., licensee of station WPAY; 1370 kc., 100 watts night, 100 watts LS, unlimited time (B2-TC-199).

The Huntsville Times Co., Inc., Huntsville, Ala.—Passed over to August 23 the petition to accept amendment to application for construction permit for new broadcast station to request the facilities of station WBHP; applicant requests 1200 kc., 250 watts night, 250 watts LS, unlimited time (B3-P-2784).

WAUV—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted license to cover construction permit as modified for new relay broadcast station, frequencies 1646, 2090, 2190, 2830 kc., power 50 watts (B2-LRY-203).

WINX—Lawrence J. Heller, Washington, D. C.—Granted modification of construction permit for new broadcast station, for

approval of antenna, approval of transmitter and studio sites, and approval of synchronous amplifier site, and change in type of transmitter; 1310 kc., 250 watts, unlimited time, with 50-watt synchronous amplifier (B1-MP-1045).

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted modification of construction permit for local move of transmitter, to change transmitter location from 500 Fifth Ave. to 444 Madison Ave., New York City; add A1 emission and extend commencement date from June 8, 1940, to 90 days after grant, and completion date from December 8, 1940, to 180 days thereafter (B1-MPRE-45).

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit as modified for move of transmitter, installation of directional antenna, and changes in equipment, for extension of completion date from September 6, 1940, to November 6, 1940.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted license to cover construction permit for changes in equipment and increase in power from 100 to 250 watts.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 p. m. to 5 p. m., MST, on August 20, 21, and 22, 1940, in order to broadcast programs incident to the Fair only.

The Mayflower Broadcasting Corp. and The Yankee Network, Inc., Boston, Mass.—Scheduled for reargument on September 26, 1940, in re applications of The Mayflower Broadcasting Corp. for construction permit for new broadcast station and The Yankee Network, Inc., for renewal of license of station WAAB.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construction permit to increase power from 500 watts night, 1 KW day, to 5 KW day and night, and install new equipment and directional antenna for day and night use. Class III-A station.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter, installation of directional antenna, equipment changes, requesting extension of completion date from 9-6-40 to 11-6-40.

### 690 Kilocycles

NEW—Fred Jones, Mary Eddy Jones, and W. E. Hightower, d/b as Fred Jones Broadcasting Co., Tulsa, Okla.—Construction permit for a new broadcast station to be operated on 690 kc., 50 KW, unlimited time. Class II station (contingent on Havana Treaty), directional antenna day and night.

### 890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter; make changes in antenna; change hours of operation from specified to unlimited time; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; move transmitter from West Lafayette to north of Romney, Wea Twp., Inc., directional antenna for night use; request Class III-B station. Amended to change type of transmitter.

KTKC—Tulare-Kings Counties Radio Associates (Chas. A. Whitmore, Pres.), Visalia, Calif.—Modification of license to change the licensee from an unincorporated association to a partnership. No change in name. Amended to give name of partnership as J. E. Richmond, Percy M. Whiteside, Homer W. Wood and Visalia Publishing Co., d/b as Tulare-Kings Counties Radio Associates.

WJAR—The Outlet Co., Providence, R. I.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna (directional antenna day and night use), and move transmitter. Amended re antenna changes.

### 930 Kilocycles

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station.

### 1120 Kilocycles

WKPA—Allegheny-Kiski Broadcasting Co., New Kensington, Pa.—Modification of construction permit for a new station (B2-P-2770) requesting approval of antenna, new transmitter, and approval of transmitter and studio sites.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of construction permit (B3-P-2714) for new vertical antenna and move of transmitter, further requesting authority to install new transmitter, increase power from 500 watts to 1 KW, Class III-B station, and extension of commencement and completion dates 60 and 180 days respectively.

### 1200 Kilocycles

NEW—Worcester Broadcasting, Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on 1200 kc., 250 watts, unlimited time. Class IV station. Amended: To give location of transmitter site, install vertical radiator and construct two 100 watt booster stations, one S. W. corner Main and Florence Sts., Marlborough, Mass., and the other at S. W. corner Main and Douglas, Whitinsville, Mass.

### 1210 Kilocycles

WGGA—Henry Estes, Austin Dean and L. H. Christian, d/b as Gainesville Broadcasters, Gainesville, Ga.—Modification of construction permit (B3-P-2627) for a new broadcast station, requesting approval of antenna and approval of transmitter and studio sites.

WGAC—The Twin States Broadcasting Co., east of Augusta, Ga.—Modification of construction permit (B3-P-2891) for a new broadcast station, for approval of antenna, and approval of transmitter and studio sites.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct measurement of antenna power.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—License to cover construction permit (B2-P-2817) for changes in equipment and increase in power.

### 1250 Kilocycles

WGBF—Evansville On The Air, Inc., Evansville, Ind.—Modification of construction permit (B4-P-2321) for new transmitter and directional antenna for night use, change frequency, increase power, move transmitter and change hours of operation, requesting change in type of transmitter and slight change in location of transmitter. (Same designation.)

### 1300 Kilocycles

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Construction permit to install directional antenna for day and night use, increase power from 1 to 5 KW, install new transmitter and move transmitter from Brooklyn to New York City.

### 1310 Kilocycles

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—License to cover construction permit (B3-P-2442) as modified, for a new broadcast station.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—License to cover construction permit (B5-P-2779) for changes in equipment and increase in power.

NEW—J. C. Kaynor, Ellensburg, Wash.—Construction permit for a new broadcast station to be operated on 1310 kc., 250 watts, unlimited time. Amended: re equipment.

WINX—Lawrence J. Heller, Washington, D. C.—Modification of construction permit (B1-P-2546) for a new station requesting approval of antenna, approval of transmitter and studio sites at 8th and Eye Sts., N. W., Washington, D. C., also synchronous amplifier site at American University Grounds, Mass. and Nebr. Aves., N. W., Washington, D. C., and change in type of transmitter.

KSUB—Leland M. Perry & Harold Johnson, d/b as Johnson and Perry, a partnership, by Leland M. Perry & May Weight Johnson, adm., Cedar City, Utah.—Voluntary assignment

of license from Leland M. Perry & Harold Johnson, d/b as Johnson & Perry, a partnership, by Leland M. Perry and May Weight Johnson, Adm. to Southern Utah Broadcasting Co.

WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Modification of construction permit (B4-P-1902) for a new station requesting approval of antenna system, new transmitter, studio site and transmitter site.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WDRG—WDRG, Incorporated, Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.

WDRG—WDRG, Incorporated, Hartford, Conn.—License to cover construction permit (B1-P-2223) as modified, to install directional antenna for day and night use, and increase power.

### 1340 Kilocycles

WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—License to cover construction permit (B-P-2389) as modified, for a new broadcast station.

WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Authority to determine operating power by direct measurement of antenna power.

WSPD—The Fort Industry Co., Toledo, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WSPD—The Fort Industry Co., Toledo, Ohio.—License to cover construction permit (B2-P-2470) as modified, for increase in power, installation of directional antenna for night use.

### 1370 Kilocycles

NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited time. Class IV station.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Modification of license to change hours of operation from shares with KRKO to unlimited time. Re facilities of KRKO when vacated.

### 1500 Kilocycles

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Authority to transfer control of corporation from John T. Alsop, Jr., to News-Journal Company, 101 shares.

WLSL—Roanoke Broadcasting Corp., Roanoke, Va.—Modification of construction permit (B2-P-2879) for a new station, requesting approval of antenna system and approval of transmitter site.

KSAL—KSAL, Inc., Salina, Kans.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and make changes in directional antenna system. Amended: To make changes in directional antenna system and request Class III-A station.

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Modification of construction permit (B1-P-2713) for a new station requesting approval of antenna and approval of transmitter and studio sites at U. S. Route No. 13, outside city limits of Salisbury.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Modification of construction permit (B3-P-2384) as modified for a new station, requesting change in type of transmitter.

### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Modification of construction permit (B2-PSB-14) as modified, for changes in transmitter, antenna, and move of transmitter, approval of studio site, extend commencement date to date of grant and completion date to 60 days thereafter.

## FM APPLICATIONS

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new high frequency broadcast station to be operated on 43900 kc.; coverage, 15,642 square miles; population coverage, 2,168,091. Amended to change frequency to 43100 kc.

NEW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 8,400 square miles; population coverage, 2,100,000.

NEW—John Lord Booth, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on 44100 kc.; coverage, 4,400 square miles; population coverage, 2,514,753.

NEW—The Evening News Assn., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on 43100 kc.; coverage, 25,280 square miles; population coverage, 5,641,981.

NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 43900 kc.; coverage, 16,030 square miles; population coverage, 1,560,000.

NEW—Zenith Radio Corp., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 10,760 square miles; population coverage, 4,500,204.

NEW—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 6,589 square miles; population coverage, 967,733.

NEW—The Outlet Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on 44300 kc.; coverage, 16,370 square miles; population coverage, 6,263,346.

NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc.; coverage, 623 square miles; population coverage, 194,102.

## MISCELLANEOUS

NEW—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on Channel 3, 66000-72000 kc., 1000 watts visual and aural. Emission A3 and A5.

NEW—Television Productions, Inc., Portable-Mobile (area of Los Angeles, Calif.)—Construction permit for a new relay television broadcast station to be operated on Channels 9 and 10, 180000-186000 and 186000-192000 kc., 200 watts visual, Emission A5 (to be used with new television station B5-PVB-33, granted 8-5-40).

NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for new relay broadcast station to be operated on 156750, 158400, 159300, 161100 kc., special emission for frequency modulation.

NEW—University of Illinois, South of Champaign, Ill.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., power 20 watts, A3 emission.

NEW—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Construction permit for a new international broadcast station to be located in Brentwood, N. Y., power 50,000 watts; 6060, 9590, 21520 kc. sharing with WCAB, 11830, 17830 kc. sharing with WCBX, 15270 kc. sharing with WCAB, WCBX and WLWO; A3 emission. Amended to show sharing time with stations WLWO and WCAB on 6060 and 9590 kc.

WBOE—Cleveland City Board of Education, Charles H. Lake, Supt., Cleveland, Ohio.—Construction permit to change frequency, power and emission, and install new transmitter, from 41500 kc., 500 watts power, A3 emission, to 42500 kc., 1000 watts power, and special emission for frequency modulation.

NEW—Courier-Journal and Louisville Times Co., Louisville, Ky.—Construction permit for a new relay broadcast station to be operated on 156750, 158400, 159300, 161100 kc., 50 watts, special emission for frequency modulation.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for a new (relay) television broadcast station to be operated on Channels 11 and 12, 204000-210000 and 210000-216000 kc., power 250 watts visual, emission A5, area Chicago, Ill. (To be used with new television station B4-PVB-50, granted 8-2-40.)

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new television broadcast station to be operated on Channel 3, 66000-72000 kc., 1000 watts visual and aural, emission A3 and A5.

NEW—Press Union Publishing Co., Portable-Mobile (area of Atlantic City, N. J.)—Construction permit for a new relay



broadcast station to be operated on 30820, 33740, 35820, 37980 kc., power 2 watts, A3 emission.

NEW—The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.)—Construction permit for a new relay broadcast station to be operated on 31220, 35620, 37020, 39260 kc., 0.2 watts, emission A3.

WIEO—National Broadcasting Co., Inc., Mobile.—Modification of license to add A1 and A2 emission, and change in description of transmitter from Western Electric 8-A to NBC Composite Serial No. 2.

KEHV—The Associated Broadcasters, Inc., Portable-Mobile.—License to cover construction permit (B5-PRY-221) for a new relay broadcast station.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on 50000-56000 kc., power for visual and aural, 1000 watts, emission A3 and A5. Amended: Request frequencies 96000-102000 (Channel 6), and give location, also submitted revised 318 form.

W2XI—General Electric Co., New Scotland, N. Y.—License to cover construction permit (B1-PVB-51) for a new relay television broadcast station.

KEHS—WDAY, Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-345) for a new relay broadcast station. Amended: Section 7(a) re monitor.

KAQV—Central States Broadcasting Co., Portable-Mobile.—License to cover construction permit (B4-PRY-208) for a new relay broadcast station. Amended: Section 7(a) re monitor.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Associated Denver Tailors**—See Associated Tailors.

**Associated Tailors**—Harry Hindlemann, trading as Associated Tailors and as Associated Denver Tailors, 1745 Champa St., Denver, Colo., is charged in a complaint with the dissemination of misleading representations in the sale of men's suits and coats.

The respondent, by means of radio broadcasts, circulars, letters, folders and samples of material, allegedly misrepresents that he sells custom made men's suits; that the suits are carefully cut and tailored to individual measurements and made with up-to-date patterns of imported fabrics and up-to-date linings and finishings, and that the quality of his materials and tailoring is equal to that obtained in custom made suits of high quality and price.

It is further charged in the complaint that the respondent misleadingly represents that the suits which he sells are made by expert tailors; that such suits are offered for the one price of \$15.50 and that such offer and price are made possible by virtue of his purchase of fabrics and materials from foreign mills and manufacturers which are prompted to sell at sacrifice prices because of fear and uncertain business conditions.

The complaint also alleges that by means of statements on advertising literature and through the use of the trade names "Associated Tailors" and "Associated Denver Tailors," the respondent misrepresents that his business is that of an association, combination or group of tailors or tailoring establishments; that he maintains branch offices or plants in New York and Chicago, and that his business is "a national institution of quality tailoring." (4239)

**R. F. Bemporad & Company, Inc.**, 102 Madison Ave., New York, allegedly misrepresents through the use of Chinese names such as "Hong Kong," "Canton" and "Kina," that certain of its

rugs are made in China, by hand, and are in all respects Chinese Oriental Rugs. The respondent further allegedly misrepresents, by means of designations such as "Mahah," "Kirma," "Orienta" and "Bagdad," that other of its rugs are true Oriental rugs. In truth, the complaint charges, the respondent's "Hong Kong," "Mahah," and "Bagdad" rugs are made in Italy, and the "Canton," "Kirma" and "Oriental" rugs are made in Belgium, of cotton and on power looms.

It is further alleged in the complaint that the respondent furnishes its dealers with circulars bearing representations that certain of its rugs are reproductions and copies of true Oriental and Chinese Oriental rugs, when in truth they merely simulate them in appearance.

By designating certain of its rugs with the names "Old Cabin" and "Boston," the complaint continues, the respondent represents that such products were made in the United States when in truth they were made in Europe. (4238)

**Lambert Pharmacal Company**, St. Louis, Missouri, is charged in a complaint with the dissemination of misleading representations in the sale of Listerine Antiseptic.

In advertising its product, the respondent allegedly represents that dandruff is of an infectuous type caused by a particular germ, and that Listerine Antiseptic is effective in killing this germ.

In truth, the complaint declares, dandruff is not recognized as having an infectuous origin nor as being caused by the germ claimed by respondent. The complaint charges that Listerine Antiseptic is not a cure or remedy for dandruff, and that its therapeutic properties are limited to a temporary removal of scales and the mitigation of the symptoms of itching.

According to the complaint, respondent likewise misrepresents that its product will effectively prevent colds and sore throats; that it will keep colds from progressing; that it quickly kills all mouth or throat germs, and that it reaches deeper into the throat than most gargles. These claims for Listerine Antiseptic are untrue, the complaint alleges.

Through the dissemination of its advertising, the complaint continues, respondent misleadingly represents that halitosis, or bad breath, is usually caused by the fermentation of food particles in the mouth and that Listerine Antiseptic quickly halts such food fermentation.

Actually, the complaint charges, comparatively few offensive breath odors arise from decayed food particles in the mouth and that Listerine Antiseptic in no way affects the usual sources of halitosis. (4232)

**Maine Spinning Company**—A manufacturer of yarns and a manufacturer of sweaters are charged in a complaint with misleadingly representing the constituent fiber of their products. The respondents are Maine Spinning Company, Skowhegan, Me., and Old Colony Knitting Mills, Inc., Hingham, Mass.

According to the complaint, the Maine Spinning Company represents that certain of its yarns are made of material imported from the British Isles, and are made in whole or in part of genuine Shetland wool. Such representations have been allegedly made to the Old Colony Knitting Mills, Inc., among others, in connection with the sale to it by the Maine Spinning Company of certain yarn which is used in the manufacture of sweaters. These sweaters are then allegedly represented by the Old Colony Knitting Mills, Inc., to be manufactured from imported yarns made of a blend of Scotch wool and Shetland wool, and from yarn made of genuine Shetland wool.

In truth, the complaint charges, the yarns sold by the Maine Spinning Company are not made of material imported from the British Isles, and are not made in whole or in part from genuine Shetland wool; and that sweaters sold by Old Colony Knitting Mills, Inc., are not manufactured from nor do they contain Scotch and Shetland wool. (4236)

**Masterkraft Guild Weavers, Inc.**, Asia Mohi Company, Ltd., and C. James Garofalo, president of both corporations, 295 Fifth Ave., New York, allegedly misrepresent, by means of designations such as "Hong Kong" and "Canton," that certain of their rugs are true Chinese Oriental rugs, and by designations such as "Mahah," "Kirma," "Numda," "Orienta" and "Bagdad" that other of their rugs are true Orientals or the true Indian "Numdah." In truth, the complaint charges, the respondents' "Hong Kong," "Mahah" and "Bagdad" rugs are made in Italy, and their "Canton," "Kirma," "Numda" and "Orienta" rugs are made in Belgium, of cotton, and on power looms.

The respondents further allegedly represent that certain of their rugs are reproductions and copies, except as to material, of true Oriental, Chinese Oriental, and Indian "Numdah" rugs, when in truth such rugs merely simulate them in appearance.

The complaint further charges that the respondents, by naming certain of their rugs "Chatham," "Dixie," "New Cape Colony" and "Old Cabin," represent that such products were made in the United States, when in truth they are of foreign origin.

Further alleged misrepresentations made by the respondents are that certain of the rugs sold by them were manufactured by the Masterkraft Guild Weavers, Inc.; that the Masterkraft Guild Weavers, Inc., is an association of weavers established for mutual aid in carrying out a common purpose; that certain of their rugs have been approved and accepted by a disinterested, independent agency qualified to pass judgment on such matters, and through use of the name "Wool-Tex," that other of their rugs are composed wholly of wool. (4237)

**Old Colony Knitting Mills, Inc.**—See Maine Spinning Company.

**Parr Sales Company**—Mitchell F. Brice, trading as Parr Sales Company, Vidalia, Ga., buying agent in the purchase of general merchandise, particularly foodstuffs, on behalf of the Tanner-Brice Company, Inc., is charged in a complaint with violation of the brokerage paragraph of the Robinson-Patman Act. Mitchell F. Brice allegedly owns and controls 83 per cent of the outstanding capital stock, and actively manages and conducts the business of the Tanner-Brice Company, Inc.

According to the complaint, Tanner-Brice Company, Inc., places orders for its merchandise with sellers through the Parr Sales Company. Since June 19, 1936, the Parr Sales Company has accepted from the sellers brokerage fees and commissions which represented a certain percentage (usually from 2½ per cent to 5 per cent) of the sales prices of such purchases.

It is charged in the complaint that the payment of brokerage fees and commissions by sellers to the respondent Mitchell F. Brice as a member of the brokerage firm trading as the Parr Sales Company, and the acceptance of such brokerage fees and commissions by the respondent upon the purchases of the Tanner-Brice Company, Inc., is in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4233)

**Stetson Felt Mills**—Meyer Dorfman and Arthur Cohler, trading as Stetson Felt Mills, 223 East 4th St., St. Paul, Minn., are charged in a complaint with the dissemination of misleading representations in the sale of felt rugs and felt pillows.

According to the complaint, the respondents misleadingly represent that they are affiliated with the John B. Stetson Company of Philadelphia and that their rugs and pillows are made from felt trimmings obtained from this widely known felt hat manufacturing concern.

The respondents further allegedly misrepresent that their rugs and pillows are fire-proof; that they are hand-made; and that the rugs and pillows shipped to purchasers will be of the grade and quality of the samples displayed.

It is further charged in the complaint that the respondents and their salesmen have adopted the practice of "padding" orders given them orally by purchasers by stating in the written order blank a quantity of goods greatly in excess of that actually contracted for by a particular purchaser, and then have attempted to collect larger sums of money than such purchasers originally agreed to pay, by threats to sue and other forms of intimidation. (4234)

**Wood & Hyde Company**, Gloversville, N. Y., is charged in a complaint with the dissemination of misleading representations in the sale of capeskin and cabretta glove leathers.

According to the complaint, the respondent company specializes in the tanning and manufacture of capeskin and cabretta glove leathers produced from sheepskins and sells the skins to various glove manufacturers. Formerly capeskin and cabretta leathers, the complaint alleges, due to the inferior methods of processing and tanning, had a heavy and coarse appearance, but about five years ago, the respondent began tanning such skins by an improved and secret process which produces a leather so similar in appearance to that of kid that only experts can distinguish gloves made of such leather from those made of genuine kid.

Each piece of leather sold and shipped to a glove manufacturer allegedly bears the label "KinKid", and glove manufacturers using the respondent's glove leathers are supplied with KinKid transfer stamps to be used in stamping the name "KinKid" on the inside of gloves manufactured from such products. It is further charged that KinKid leathers and gloves are marketed with no indication that they are produced from sheepskins and are not true kidskins.

The complaint alleges that the use of the trade name "KinKid" by the respondent in describing its leathers and gloves produced from the skins of sheep misleads the consuming public into the erroneous belief that such gloves are made from genuine kid-skin. (4235)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Anthony Brice**—H. S. Bird, trading as Anthony Brice, 179 Sidney St., Cambridge, Mass., agrees to cease representing that his device known as "Vac-U-Massage Cup," "Vacu-Bell No. 1" and "Vac-Bell No. 2," enables one to massage all parts of the scalp; is a competent remedy or effective treatment for baldness or falling hair; has any therapeutic value in excess of a massage medium resulting in increased cutaneous circulation, or aids in the removal of surplus fat from the body. (02621)

**Bridgewater Workers Cooperative Association, Inc.**, Bridgewater, Mass., has entered into a stipulation in which it agrees to discontinue certain representations in the sale of shoes to cancellation shoe stores.

The respondent agrees to cease designating its product with the name or private brand of well-known advertised products of shoe manufacturers or shoe dealers so as to convey the belief to purchasers that the product is in fact such a well-known advertised article.

The respondent further stipulates that it will discontinue use of the words "Lord Kent English Custom Shoes" as descriptive of domestically made, machine-manufactured shoes so as to imply that they are of English make or are English custom shoes; from use of the words "Slater's Bench Made" as descriptive of machine-made products; and from use of the words "J. W. Stetson Quality Shoes" or the word "Stetson" so as to convey the belief to purchasers that its shoes are products made by or for or in accordance with the standards and specifications of the Stetson Shoe Co., Inc.

It was also stipulated by the respondent that it will desist from use of a price figure, the amount of which purports to be the retail selling price of shoes, when in fact, such indicated retail selling price is fictitious or much in excess of the price customarily asked for the shoes in the usual course of retail trade. (2906)

**El Dorado Hatchery**—J. M. Atkinson, trading as El Dorado Hatchery, El Dorado Springs, Mo., agrees to desist from stating directly or by implication, that chicks which are lost within 14 days after delivery will be replaced without cost to the purchaser, when such is not the fact. (02622)

**Embassy-Fairfax Dairy, Inc.**, 530 Seventh St., S. E., Washington, D. C., agrees to cease using the word "Guernsey" either alone or in connection with the word "milk" so as to imply that their product has been obtained exclusively from Guernsey cows. If, according to the stipulation, its product is composed in substantial part of milk obtained from Guernsey cows and in part of milk obtained from other cows, and the word "Guernsey" is used, then the fact that such milk is composed in part of milk obtained from other than Guernsey cows shall be made to appear conspicuously. (2905)

**James & Harwell, Inc.**, 1513 Chapman St., Houston, Tex., agrees to cease representing that polished rice is without substantial food value; that the nutritional value of its Uncle Ben's Rice is far superior to that of polished rice and contains all necessary food properties; that the nutritive elements of Uncle Ben's Rice are more nearly those of brown than polished rice, and that due to "Natural Milling," its rice has more nourishment. (02617)

**Treasure Research**—Findley Haile, trading as Treasure Research, San Bernardino, Calif., has entered into a stipulation with the Federal Trade Commission in which he agrees to discontinue certain representations in the sale of an instrument known as Aztec Mercuroid Earth Needle recommended for locating gold, gold ore, silver, silver ore and buried treasure.

According to the stipulation, the respondent agrees to cease representing that his device will enable one to locate gold, gold ore, silver, silver ore, other veins of ore, and buried treasure. (02620)

**Wonder Products Company**—Werner Walter, trading as Wonder Products Company, 334 Sixth St., N. E., Canton, Ohio, stipulates that he will discontinue representations that his cleaner and water softener known as "Wonder Glo" is manufactured by himself; contains no caustic soda or lye; is a most excellent anti-septic or germ destroyer; will eliminate the necessity of rubbing clothes when used in a tub of wash, or has any particular value as a shampoo other than to soften hard water. (2907)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**Lambert Pharmacal Company**, St. Louis, has been ordered to cease and desist from violating the Robinson-Patman Act in the sale of its "Listerine Antiseptic" and allied products by allowing to certain customers compensation for sales services or facilities furnished by them without making such payments available on proportionally equal terms to all other competing buyers of the Lambert products.

Commission findings are that the respondent company granted to certain wholesalers and retailers compensation for either carrying warehouse stocks or furnishing selling services and facilities, or both, as follows:

To one group of wholesalers, a sum equal to 10 per cent of the respondent's net billing prices of Lambert products sold by such wholesalers during the previous month.

To another group of wholesalers, five per cent of the previous month's purchases.

To a group of retailers, 10 per cent of the previous month's purchases.

To another group of retailers, for services and facilities less extensive than those supplied by the 10 per cent retailers, a sum equal to five per cent of the previous month's purchases.

It was found that the respondent corporation failed and refused to make available or pay compensation for similar services and facilities offered by other wholesalers and retailers competing with those dealers receiving the Lambert company's compensations. It was further found that some of the respondent corporation's customers who received compensation equal to five per cent of the previous month's purchases claimed that they were able and willing to furnish services and facilities for which the Lambert company paid their competitors 10 per cent of their previous month's purchases, but that the respondent corporation refused to accept their offers or to pay them the 10 per cent compensation.

In failing and refusing to pay the compensation requested in these instances, the respondent corporation, according to findings, failed to make such compensation available to all of its customers competing in the distribution of its commodities, on proportionally equal terms, thereby violating section 2 (d) of the Clayton Act, as amended by the Robinson-Patman Act.

The Commission's order specifically forbids the granting or allowing of the 10 and 5 per cent compensations to the wholesale and retail groups aforementioned unless such payments are made on proportionally equal terms to all competing buyers. The order also generally prohibits the allowing of any compensation to any customer for services or facilities furnished, unless such payments are made on proportionally equal terms to all competing buyers.

The Commission's case relates to operation of the respondent corporation's plan as it was in effect on March 29, 1939, the date of the Commission's complaint. (3749)

**Monarch China Company**—R. Frank Yancey, trading as The Monarch China Company, 703 Chestnut St., Greensboro, N. C., has been ordered to discontinue the dissemination of misleading representations in the sale and distribution of earthenware products including dinnerware sets designated by the respondent as "china-ware".

The Commission's order prohibits the respondent from representing that he is a manufacturer, or that he manufactures any of the products sold by him.

The order further forbids representations by the respondent that the prices at which his products are offered for sale constitute special or reduced or "clearance sale" prices, when they are in fact the customary and usual prices at which such products are sold in the normal course of business.

The respondent was also forbidden to represent, by the use of purported samples or otherwise, that his products are of a quality or value different from the actual quality or value of such products. (3410)

**Stromberg Ignition Company**—Henry O. Striker, trading as Stromberg Ignition Company, 14819 Charlevoix Ave., Detroit, has been ordered to discontinue the dissemination of misleading representations in the sale of an automotive device designated as "Stromberg' Condenser" and as "Stromberg' Master Condenser."

Findings of the Commission are that the respondent uses the word "Stromberg" as a trade name or brand for his product, such name being used without the authority or consent of the favorably known Stromberg Carburetor Company and Bendix Stromberg Carburetor Company who since 1907 have built up and enjoyed a valuable good will in the name "Stromberg" with respect to its automobile devices.

Further findings are that the respondent misleadingly represents that his device is capable of increasing the power of the motor; that its use eliminates spark plug trouble and saves the user oil and gasoline; that its users are able to drive up to 2,500 miles or more on a change of oil; that the use of his device reduces carbon and makes easier starting for the motor; that manufacturers of automobiles and gasoline motors have neglected the advancement and development of the ignition systems and that his product puts the ignition system in keeping with the other improvements made in motors; that an offer made to purchasers and prospective purchasers is a special thirty day offer which will expire at the end of that time and is more advantageous than that generally made, and that his device is approved and endorsed by a recognized automotive association which is equipped with laboratories for testing and approving various automotive equipment.

The Commission's order prohibits the respondent from making these representations and from using the name "Stromberg" or any other name similar in spelling or phonetic sound, as a trade name for doing business or as a brand name in designating his product. (4064)

**Trippe Manufacturing Company**, 564 West Adams St., and Trippe Sales Company, 600 West Jackson Boulevard, Chicago, were ordered to discontinue certain misleading representations in the sale of an electric auxiliary light known as "Trippe Safety Light" and "Trippe Speed Light."

The order forbids representations by the respondents that their light will penetrate and conquer fog, regardless of its density; that fog close to the ground is thin and less dense in all cases, or that their light cuts under and stays under the fog blanket in all cases.

Further representations forbidden by the order are that the respondents' light gives adequate illumination in fog, rain, mist or snow, regardless of the density, or that it affords the user 1,000 feet of visibility ahead under all conditions.

The order also prohibits the respondents from making claims that their light has been purchased or used by the United States Coast Guard officially, or by any other agency of the United States Government. (4037)

**Trippe Sales Company**—See Trippe Manufacturing Company.





**THE WEEK IN WASHINGTON**

Senator Tobey (R-N. H.) introduced a resolution calling for a Senate investigation of the FCC and the broadcasting industry, after long hearings on confirmation of Thad H. Brown for reappointment to the FCC. Confirmation of the Brown reappointment is still in the Senate Interstate Commerce Committee. (p. 4541.)

The House approved and sent to the Senate an excess-profits tax bill which the chairmen of the NAB legislative and accounting committees are studying. (p. 4542.)

A BMI tune made the Hit Parade last week. Name bands are making increased use of BMI music. (p. 4542.)

The NAB-Radio Council Survey of children's programs is continuing. Mrs. Lewis is starting on a trip to the West Coast. (p. 4543.)

The Code Committee has advised two New Orleans stations that the Code does not require acceptance of "better business bureau" advice. (p. 4543.)

The American Civil Liberties Union asks that all foreign language broadcasts be transcribed. (p. 4546.)

The Radio Manufacturers Association is cooperating with the NAB in obtaining set advertising for radio. (p. 4545.)

Chairman Fly of the FCC discusses movies, television and his proposed Defense Committee at a press conference. (p. 4547.)

or any phase thereof or in the production, sale, or distribution of radio receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation, to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

"For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

Introduction of the resolution followed the hearing on the confirmation of Thad H. Brown's reappointment to the FCC. No vote was taken on a report on confirmation at a meeting Thursday of the Interstate Commerce Committee. The committee adjourned subject to the call of Chairman Wheeler (D-Mont.) after an hour and a half's discussion.

**Legislation**

**TOBEY ASKS BROADCASTING INVESTIGATION**

Senator Tobey (R-N. H.) has introduced S. Res. 300 calling for an investigation "of any monopoly in radio broadcasting" and also of the FCC.

The resolution, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

"Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting

**TOBEY QUESTIONS FCC**

A letter was sent last week to each member of the FCC by Senator Tobey (R-N.H) asking for specific information as follows:

In going into the matters in connection with the hearing pending before the Interstate Commerce Committee regarding radio matters, there has come to me information that some members of the Federal Communications Commission have in the past received perquisites, gifts, favors or emoluments of one kind or another from either a radio station, one or more of the broadcasting

(Continued on page 4542)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

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

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

## TOBEY QUESTIONS FCC

(Continued from page 4541)

companies or systems, or R.C.A., or from officials of the foregoing, these sometimes taking the form of expenses being paid to different places, sometimes gifts of radio or television instruments, and other things.

I now write to ask if you will kindly advise me whether or not you have received any such favors, perquisites or gifts, and if so, will you kindly state the nature of these and the number in detail.

I am writing this letter to each member of the Commission in an entirely impersonal way, but to the end that this information may be secured.

Senator Tobey also sent a separate letter to Chairman Fly asking for substantially the same information about employees of the Commission.

## EXCESS PROFITS TAX

Chairman Doughton (D-N.C.) of the Ways and Means Committee, introduced a bill in the House Tuesday, August 27, which provides for (1) Excess Profits Tax, (2) 5-year amortization of plant and facilities occasioned by national defense activities, (3) suspension of profit limiting provision of the Vinson Act, and (4) amendments to Internal Revenue code.

The report of the Ways and Means Committee on the bill was read to the House on August 28 and the House approved the bill on August 29. It then went to the Senate.

The portion of the bill of interest to broadcasters is that of the Excess Profits Tax. The purpose of the tax is to eliminate during the period of national defense activities the amassing of war profits as was experienced in connection with the last war.

In applying the tax, corporations may select either of two methods in determining normal profits as a credit against excess profits. The first of these is the use of incorporate earnings during the period 1936 through 1939 to determine average profits. Earnings above this average would be subject to the Excess Profits Tax. The second method would be based on invested capital in the corporation, allowing a maximum of 10 per cent profit but mode definitely the per cent to invested capital which average earnings represent for the period 1936 through 1939. In both cases, an exemption of \$5,000 increase in earnings will be permitted. In the case of corporations

beginning operations after 1936, the invested capital method must be used. The rates of tax on the two methods are as follows:

Amount of Excess Profits	Rates of Tax	
	* Average Earnings Method	Invested Capital Method
First \$20,000 .....	25%	20%
Next \$30,000 .....	30	25
Next \$50,000 .....	35	30
Next \$150,000 .....	40	35
Next \$250,000 .....	45	40
All over \$500,000 .....	50	45

\* In addition to the higher tax rate on the average earnings method, there is also an increase of 4.1 per cent in the normal corporation tax.

John Kennedy, Chairman of the NAB Legislative Committee, and C. T. Lucy, Chairman of the NAB Accounting Committee, are studying the provisions of the Excess Profits Tax Bill to determine whether it will be necessary for the NAB to take part in the Senate hearings which Senator Pat Harrison, Chairman of the Senate Finance Committee, has announced will be held next week after the bill is sent to the Senate.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

September 2-9

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. MADAME WILL DROP HER SHAWL
5. SWINGIN' AT THE SEANCE
6. WE COULD MAKE SUCH BEAUTIFUL MUSIC

The first BMI song to appear on the Lucky Strike Hit Parade was *Practice Makes Perfect* (August 24th). It is thus stamped as one of the ten most popular tunes in the country. It is being further buttressed in popularity by Kay Kyser's "Kollege of Musical Knowledge" and Ted Weems' "Beat the Band" program and other hit-spotting schedules.

This week it is tied for first place on Variety's list of the numbers most often played with a score of 36. *The Same Old Story* appears a little further down with 21, followed by *We Could Make Such Beautiful Music*, showing up for the eighth week, with 19, and *There I Go* with 16. Because the latter has taken such a grip on the public it has been moved up into third place on BMI's own feature list, and because *Beautiful Music* is holding on so remarkably it is once more added to the list.

*Madame Will Drop Her Shawl* and *Swingin' at the Seance*, two of the newer numbers, are beginning to make talk about themselves and they are destined for the hit lists along with the rest of the current feature tunes.

"Don Roberts," who is credited with the words for *Practice Makes Perfect*, is a mythical person, a combination of Don McCray and Robert Sour, who have written so many other successful BMI songs. Bob Sour is not a newcomer in the ranks of leading hits. He wrote the lyrics for the sensational success, *Body and Soul*, a few years ago.

BMI subscribers will also recognize the name of Ernest Gold, the composer of *Practice Makes Perfect*, who also wrote *Here In the Velvet Night*, *Pied Piper, Jr.*, and a number of other BMI tunes. He is the brilliant young nineteen-year-old whose first song was published this spring by BMI.

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Still they come! BMI welcomes to its list of subscribers two more stations:

WSIX, Nashville, Tennessee.

KAND, Corsicana, Texas.

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Tommy Dorsey has been creating a sensation with his Amateur Songwriters' Contest. The conditions of the contest provide that each song submitted must be written by persons who have never before written words or music of a professionally published song. Three songs each week are being performed by Tommy Dorsey and receive prizes of \$25, \$15, and \$10 respectively. In addition, the first prize song of each week is to be published by BMI, which has the right to publish any song submitted if it so desires.

Manuscripts have poured in by thousands from every State in the Union. In response to requests, more than 3,000 application blanks have been mailed out in a single day. Twenty-five people examining the manuscripts have not been able to keep up with the incoming mail.

The program, which has been on WEAJ on Saturdays from 5 to 6 p. m., has been so remarkably successful in attracting interest that it has now acquired a sponsor, the Lewis Howe Co. of St. Louis, Missouri. Beginning on October 3rd it will be carried by NBC at 9 p. m., following the *Pot of Gold* program. In its new spot the program is to be known as *Fame and Fortune*.

The winning songs for the first five weeks, which will be published by BMI, are the following:

*Why Am I Still Dreaming*, by Mabel Toole,

*At Last a Little Love*, by Charles O'Neil and Joseph L. Peluso,

*Falling in Love*, by Jack Simmons and John Antrim,

*Often*, by Arnold Sucherman,

*The Thoughtless Things I Do*, by Judy Park.

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RCA-Victor releases on August 30, a recording by Dick Todd of *We're All Americans*, *All True Blue*, by James T. Mangan (record number, B-10840). This number is

published by the Bell Music Company, but BMI has acquired the performance rights. Mr. Mangan is Director of Advertising and Merchandising for the Mills Novelty Company of Chicago, one of the large manufacturers of automatic phonographs, and is well known throughout the industry. His song is the first popular number of the patriotic type to go into the BMI catalogue.

BMI has received strong and welcome evidence of the concern of the automatic phonograph industry in the effort to create an open and competitive market for music and of the desire of phonograph operators to have BMI music made available to them in record form. The number of such records is now growing every week and will be greatly strengthened by this new patriotic number.

A list of all phonograph records of BMI music obtainable in the retail shops is to be given out shortly for the information of BMI subscribers.

## The Code

### NAB RADIO COUNCIL SURVEY OF CHILDREN'S PROGRAMS

Continuing the field survey in 44 states begun last spring in conjunction with the Radio Council on Children's Programs, Mrs. Dorothy Lewis, vice chairman, former advertising agency writer, and nationally known club woman, starts on a journey September 9 that will take her to stations through the mid-west, far west, Pacific Coast, Texas and the southwest, returning through the southern states to complete her trip December 20 reporting to NAB headquarters.

The Radio Council on Children's Programs was set up voluntarily last year by the outstanding women's, teacher and library organizations to cooperate with NAB in the improvement of children's programs as outlined in the NAB Code. Stations visited are very high in their praise of Mrs. Lewis and her work. She is interested in securing from each station a report on their experience with children's programs, especially from the standpoint of the children's own reaction. She is likewise interested in merchandising tactics which have been successful in this field. The result of her findings will be made available next winter to advertising agencies and clients. The Radio Council, a non-profit, public service organization, is prepared to throw its full support to commercially sponsored radio programs which conform to the standards for children's programs set up in the NAB Code. Further information about the Council may be found in the NAB Code Manual.

Where local women and civic clubs have not already set up luncheon meetings or conferences, stations in the same city have found it most helpful to arrange such

luncheons themselves. This is a matter, of course, subject to individual station desires.

Below we publish the itinerary of Mrs. Lewis which has just come to us from the RCCP:

#### SCHEDULE—FALL TRIP—1940—RADIO SURVEY

NOTE: Where conferences are indicated, it is expected that all Radio Chairmen of women's organizations, educators, children's librarians, representatives of advertising agencies and nearby Radio Stations, sponsors and prospect sponsors of children's programs, will attend. A local club woman will act as chairman and cooperate with the local station managers in arranging the meeting. Each person should pay for his own luncheon or dinner, except where the station makes it a practice to hold such meetings and might wish to use this occasion for one of them, acting as host.

*September 9, Monday.*—Noon Luncheon, Syracuse, N. Y. P. M. to Rochester, Evening Conference.

*September 10, Tuesday.*—Buffalo. Noon Conference. P. M. to Cleveland.

Buffalo Conference Chairman, Mrs. Frank Messenger, Town Club, Town Club, Buffalo, N. Y., cooperating with the New England Women.

*September 11, Wednesday.*—A. M. Survey stations in Cleveland. P. M. Meeting with address, D. A. R. Chapter.

Cleveland Conference Chairman, Mrs. Charles Dickey Dyer, 2581 Berkshire Road, Cleveland Heights, Ohio, and New England Women's Society.

*September 12, Thursday.*—A. M. Survey, continued. Noon Conference—Representatives from stations in Akron, Canton and Youngstown. P. M. to Toledo.

*September 13, Friday.*—A. M. Survey stations, Toledo. Noon Conference. P. M. to Columbus.

Toledo Conference Chairman, Miss Alice Kinsey, 4150 Overland Park; Mrs. Floyd Dcwey, 2021 Shenendoah Road; and Mrs. Helen Buchanan Bruyers, 539 Winthrop Street, Toledo, Ohio.

*September 14, Saturday.*—A. M. Columbus. Noon Conference—Representatives from Zanesville station. P. M. Survey, continued. Columbus Conference Chairman, Mrs. D. C. Bryant, 2053 Iyka Ave., Columbus.

*September 15, Sunday.*—Dayton, Noon. P. M. to Cincinnati.

*September 16, Monday.*—A. M. Cincinnati. Noon Conference. P. M. Survey, continued.

Cincinnati Conference Chairmen, Mrs. M. Y. Newcomb, 1722 Fairfax Ave., Walnut Hill, Cincinnati, Ohio, and Mrs. L. F. Hobart, 3130 Fairfield Ave.

*September 17, Tuesday.*—A. M. to Indianapolis. Noon Conference. P. M. Survey, Indianapolis.

Indianapolis Conference Chairman, Mrs. George Jacqua, 203 E. Washington, Winchester, Indianapolis, Indiana.

*September 18, Wednesday.*—A. M. Survey, continued. Noon to Elkhart.

Mail Address: Mr. R. R. Baker, Station WTRC, Elkhart, Indiana.

*September 19, Thursday.*—A. M. Survey Elkhart. Noon Survey South Bend and Gary. P. M. to Chicago.

*September 20, Friday.*—A. M. Chicago. Noon Conference. P. M. Survey, continued.

Chicago Conferences Chairmen: Mrs. William Bruckner, 307 S. Lincoln, Hinsdale, Illinois; Mrs. Willis Grant Murray, Kenwood Hotel, Chicago; Miss Lavinia Schwartz, Station WBBM, Chicago.

*September 21, Saturday.*—Chicago Survey, continued.

*September 23, Monday.*—Chicago Survey, continued.

*September 24, Tuesday.*—A. M. Chicago Survey, continued—Survey Joliet Representatives from Aurora.

*September 25, Wednesday.*—Peoria. Noon Conference. Representatives from Bloomington, etc.

Peoria Conference Chairman, Mrs. MacFarland, Station WMBD, Peoria.

*September 26, Thursday.*—Springfield. 11 A. M. Conference. Representatives Stations, Champaign, Decatur, Quincy, Tuscola and Danville.

*September 27, Friday.*—A. M. Survey St. Louis. Noon Conference. Representatives from East St. Louis, Illinois; Poplar Bluff; Cape Girardeau.

St. Louis Conference Chairman, Mrs. G. Brandt Leitch, 6113-A Pershing Ave., St. Louis.

*September 28, Saturday.*—Columbia. P. M. Survey.

*September 30, Monday.*—Noon Conference. Representatives from Kansas City, Kansas; Sedalia, Missouri; Pittsburgh, Pennsylvania, and Lawrence, Kansas.

Kansas City Conference Chairman, Miss Helen Smith, c/o Mrs. Truitt (see above address) and Mrs. J. H. States, 3308 E. 60th St., Kansas City.

*October 1, Tuesday.*—Topeka. 10 A. M. Conference and Survey Topeka. Representatives from Salina. Noon Emporia. P. M. to Wichita.

*October 2, Wednesday.*—A. M. Survey Wichita. Noon Conference. Representatives from Great Bend. P. M. to Dodge City.

*October 3, Thursday.*—A. M. Dodge City to Lamar, La Junta and Pueblo, Colorado.

*October 4, Friday.*—A. M. Pueblo to Denver. Noon Conference, Denver.

*October 5, Saturday.*—A. M. Denver. P. M. Boulder.

*October 7, Monday.*—Cheyenne, Wyoming. Noon Conference. Representatives from Scottsbluff and North Platte, Nebraska, and Casper, Wyoming.

Cheyenne Conference Chairman, Mrs. J. L. Jordon, Cheyenne, Wyoming.

*October 8, Tuesday.*—Evening Conference, Rock Springs.

Rock Springs Conference Chairman, Mrs. Herbert Webster, Rock Springs.

*October 10, Thursday.*—A. M. Salt Lake City survey. Noon Conference, Representatives from Provo and other nearby stations, Ogden.

Salt Lake City Chairman, Mrs. Walter Hassler, Provo, Utah, and Mrs. H. A. Dittman, 608 Harrison Ave., Salt Lake City; Mr. Earl Glade, KSL, Salt Lake City.

*October 11, Friday.*—Ogden. Noon Conference with Mrs. J. H. Pecenbaugh, 2827 Van Buren Ave., Ogden, Utah. P. M. to Logan and Pocatello, Idaho.

*October 12, Saturday.*—P. M. to Idaho Falls.

Conference Chairman, Mrs. B. S. Arrington, Pocatello, Idaho.

*October 15, Tuesday.*—A. M. Butte Survey. P. M. to Helena, Montana.

*October 16, Wednesday.*—A. M. Helena, Representatives from Great Falls. Noon to Missoula.

Helena Conference Chairman, Mrs. Dolly D. Burgess, Helena, Montana.

*October 17, Thursday.*—A. M. Wallace. At 11 o'clock to Spokane, Washington. P. M. Dinner Conference and survey.

Spokane Conference Chairmen, Mrs. P. H. Brady, 1725 W. Pacific Ave., Spokane, and Mrs. H. E. Doelle, Vista Court Apartments, Spokane.

*October 18, Friday.*—A. M. to Seattle, Wenatchee survey enroute.

*October 19, Saturday.*—A. M. Seattle survey. Noon Conference. Seattle Conference Chairman, Mrs. Ruth Haller Ottaway, Gainsborough Apartments, Seattle, Washington.

*October 21, Monday.*—A. M. Seattle to Tacoma. Noon Conference. Representatives from Olympia.

Tacoma Conference Chairman, Mrs. Walter M. Snell, 810 South G Terrace, Tacoma, Washington.

*October 22, Tuesday.*—A. M. Tacoma to Portland, Oregon.

*October 23, Wednesday.*—A. M. Survey Portland. Noon Conference. Representatives from Vancouver, Washington.

Portland Conference Chairmen, Mrs. Sue K. Woodward, 1831 N. E. Hancock; Mrs. Kletzer, PTA, National President; Mrs. Sadie O. Dunbar, President, General Federation of Women's Clubs.

*October 24, Thursday.*—A. M. Portland to Medford. Survey stations in Salem, Eugene, Roseberg and Grants Pass.

*October 25, Friday.*—A. M. Survey Medford; Chico, California.

*October 26, Saturday.*—Sacramento. Noon Conference. P. M. survey Sacramento 2 stations.

Sacramento Conference Chairman, Mrs. Ralph Parker, 2100 Marshall Way, Sacramento, California.

*October 28, Monday.*—Berkeley. Noon survey Oakland. Luncheon Conference with Mrs. Kathleen D. Thompson, 2140 27th Ave., Oakland. P. M. to San Francisco.

*October 29, Tuesday.*—A. M.—P. M. Survey.

*October 30, Wednesday.*—Noon Conference. Representatives from San Jose, Monterey and Santa Rosa.

San Francisco Conference Chairman, Mrs. Alice May Baker, 285 Oak Street, San Francisco, California.

*October 31, Thursday.*—Merced survey. P. M. to Yosemite.

*November 2, Saturday.*—A. M. to Fresno survey. Noon to Sequoia.

*November 3, Sunday.*—A. M. to Los Angeles via Visalia and Bakersfield.

*November 4, Monday.*—A. M. Optional from Sequoia to Los Angeles as scheduled on November 3 or Los Angeles.

*November 6, Wednesday.*—Southern California Conference Chairmen, Mrs. W. H. Boyd, 1255 E. 2nd Street, Long Beach, Calif.;



Director of Radio, Mrs. Elizabeth Goudy, L. A. County; New England Colony, Radio Chairman, S. California.

*November 9, Saturday; 10, Sunday; 11, Monday.*—Conferences to be set up by different groups.

*November 12, Tuesday.*—Mail Address: Mr. Don Gilman, National Broadcasting Company, Hollywood, Calif.

*November 14, Thursday.*—Mr. Calvin J. Smith, Station KFAC, Los Angeles, Calif.

*November 15, Friday.*—Dr. Henry A. Hoit, 1244 N. Michigan Ave., Pasadena, Calif.

*November 16, Saturday.*—A. M. Pasadena to San Diego. P. M. Tea Conference and survey.

Tea Conference Chairmen, Dr. Vera George, 1530 Fort Stockton Dr.; Mrs. R. A. Potter, 822 Santa Clara Pl., Mission Beach; Mrs. Cool, President, N. E. Women.

*November 18, Monday.*—A. M. El Centro. P. M. to Yuma.

*November 19, Tuesday.*—Phoenix.

Phoenix Conference Chairmen, Mrs. Walter Johannessen, 917 W. Moreland; Mrs. W. H. Timmerhoff, 116 S. Mt. Vernon, Prescott.

*November 20, Wednesday.*—A. M. Phoenix. Noon Conference. Representatives from Prescott and Globe. P. M. Safford.

*November 21, Thursday.*—El Paso, Texas.

El Paso Dinner Conference Chairman, Mr. Karl O. Wyler, Station KTSM.

*November 22, Friday.*—El Paso to Albuquerque, N. Mex.

*November 23, Saturday.*—Albuquerque. Noon Conference. P. M. to Santa Fe survey.

*November 25, Monday.*—Santa Fe to Amarillo. Dinner Conference.

Conference Chairman, Mrs. J. E. Griggs, 1417 Harrison Street, Amarillo.

*November 26, Tuesday.*—Oklahoma City. Dinner Conference.

Dinner Conference Chairmen, Mrs. Winnie Sanger, Key Building, Oklahoma City; Mrs. I. L. Huff.

*November 27, Wednesday.*—Wichita Falls, Texas. Noon Conference. P. M. to Fort Worth.

Conference Chairman, Mrs. Grace C. Johnson, Iowa Park Road, Wichita Falls.

*November 28, Thursday.*—Fort Worth and Dallas.

*November 29, Friday.*—Fort Worth and Dallas.

Conference Chairmen, Mrs. James E. Gardiner, 1917 Ashland Ave., Fort Worth; Mrs. Joseph Perkins, Eastland, Texas; and Dr. Minnie L. Maffett, Dallas, Texas.

*December 1, Sunday.*—A. M. Fort Worth to Austin, Waco en route. P. M. Tea Conference, Austin.

Tea Conference Chairman, Mrs. George Cox, 2200 Parkway, Austin, Texas.

*December 2, Monday.*—Austin Survey. P. M. to San Antonio Survey.

Noon Conference Chairman, Mrs. W. H. Barker.

*December 3, Tuesday.*—Houston.

*December 4, Wednesday.*—P. M. to Beaumont.

*December 5, Thursday.*—Beaumont to New Orleans, La. Survey en route Lake Charles.

*December 6, Friday.*—A. M. Survey New Orleans. Noon Conference. Representatives from Alexandria and Baton Rouge.

Noon Conference Chairman, Mrs. J. E. P. Wilkinson, 1224 St. Charles Ave.

*December 9, Monday.*—A. M. Jackson. Conference 10 A. M. Representatives from Vicksburg, Laurel and McComb. 11 A. M. to Tuscaloosa, Ala. Dinner Conference and Survey.

Chairman P. M. Conference, Mr. John Carlile, University of Alabama, Tuscaloosa.

*December 10, Tuesday.*—A. M. Tuscaloosa to Birmingham. Noon Conference. Representatives from Montgomery. P. M. Survey, continued.

Conference Chairmen, Mrs. M. E. Moreland, 3410 Norwood Blvd., Birmingham; Mrs. Woolsey Jones, 3525 S. 8th Ave., Birmingham; and Mrs. H. G. Tew, 914 S. Lawrence St., Montgomery, Ala.

*December 11, Wednesday.*—Birmingham to Decatur. P. M. to Nashville, Tennessee.

*December 12, Thursday.*—Nashville. Noon Conference. P. M. Survey, continued.

Conference Chairman, Mrs. Arch Trawick, 2501 Ashwood Ave., Nashville, Tenn.

*December 13, Friday.*—A. M. Nashville to Louisville, Ky., Bowling Green en route.

*December 14, Saturday.*—Louisville. Noon Conference. Representatives from Lexington, Ky.

Conference Chairmen, Mrs. John Heil, 1623 S. 3rd St., Louisville; Mrs. A. R. MacEldowney, 1309 Richmond Road, Louisville.

*December 15, Sunday.*—Lexington and Ashland Survey.

*December 16, Monday.*—A. M. Ashland to Huntington, W. Va. Noon to Charleston.

*December 17, Tuesday.*—Charleston. Noon Conference. Representatives from Huntington.

Conference Chairmen, Mrs. Nelson Webster Turner, 615 Dixie St.; Mrs. George McAlpin, 1584 Virginia St., Charleston; and Mr. John A. Kennedy, Station WCHS.

*December 18, Wednesday.*—A. M. Charleston to Clarksburg, Parkersburg en route.

*December 19, Thursday.*—A. M. Clarksburg Survey, 1 station. Noon Informal Conference. Representatives from Wheeling and Fairmount.

Conference Chairman, Mrs. George M. West, 315 Washington Ave., Clarksburg.

*December 20, Friday.*—Clarksburg to Washington.

*December 21, Saturday.*—Washington.—NAB Headquarters.

## ADVERTISING PROBLEM

The Code Committee last week was asked by stations WSMB and WWL, New Orleans, for an opinion regarding a type of advertising claim made by a local furniture store in its radio continuity. The letter from the stations outlining the case was as follows:

"Gentlemen:

The Better Business Bureau and ourselves are having an honest difference of opinion regarding certain radio continuity now being used by a furniture store here. The continuity reads:

' . . . is neither a finance company nor a corporation, but an individually owned store that does its own financing. When you buy from . . . , you pay no exorbitant interest rates or hidden charges.'

The BBB admits that all this is true, but say that other furniture stores object to that type of advertising, and that by inference it is derogatory to competitors; therefore they have ruled that it is contrary to the advertising code.

We contend that it is hard to refuse truthful copy, that it borders on censorship, and that it would be inconsistent for us to allow advertising on network programs and refuse substantially the same type of copy to our local advertisers. The networks regularly broadcast "contains no harmful ingredients" and a certain cigarette "contains no harsh irritants". Also that "They are toasted" and are "Kind to your throat", which infers that some others are not.

The ruling we would like to get from you is:

1. Whether the advertising given above by . . . is a violation of the present Broadcasters' Code.
2. If not, does our Code stipulate that we should abide by local rulings on the Advertising Code or Furniture Rules of Ethics, etc.

Hoping to hear from you, and with kind regards, we are

WWL DEVELOPMENT CO., INC.,

W. H. Summerville, Manager.

WSMB, INC.,

H. Wheelahan, Manager"

The Code Committee's reply:

"Gentlemen:

In considering the application of the Code to the radio continuity of this advertiser, the Code Committee has based its opinion upon the copy submitted in your letter of August 15:

' . . . is neither a finance company nor a corporation, but an individually owned store that does its own financing. When you buy from . . . , you pay no exorbitant interest rates or hidden charges.'

The Committee finds that there is nothing in the NAB Code to prevent a statement of fact or truth in advertising copy. The burden of deciding what the facts are rests clearly on the broadcaster. The Committee feels that a statement of fact cannot be

construed as constituting an unfair attack upon competitors, competing products or upon other industries, professions or institution" as provided for in the Code.

There is nothing in the Code that stipulates that radio stations should or should not abide by local rulings on the Advertising Code or Furniture Rules of Ethics, etc. Their opinion might well be taken into account in resolving questions of judgment and in developing wholesome trade practices. However, in any difference of opinion the broadcaster must be the final judge because as the licensee, he and he alone is held accountable for what is broadcast over his station.

Sincerely,  
ED KIRBY, *Secretary*,  
Code Compliance Committee".

## Foreign Language Broadcasts

Headquarters has received a copy of the following letter addressed to Commander T. A. M. Craven, FCC, by Quincy Howe, of the American Civil Liberties Union:

"August 22, 1940.

Mr. T. A. M. Craven  
Federal Communications Commission  
New Post Office Building,  
Washington, D. C.

Dear Mr. Craven:

We understand that Station WHIP has banned the German Hour Program of the Einheits Front. In cancelling the commercial broadcast, the Station stated that such action was taken "because the German Hour as now being presented is of such controversial nature as to make it unacceptable to many Americans."

The Council disapproves of the discussion of controversial matters on commercial programs. Such programs, as under the NAB Code, should be handled on sustaining time with opportunity of discussion for other views.

The difficulty in dealing with foreign language broadcasts, however, is that it is often impossible to ascertain or prove what in fact has been said. Thus in the case of Station WHIP it is alleged that the German Hour, in advising the audience of the Chicago "Keep America Out of War" meeting twice broadcast:

"I bring a pressing summons to all members and to all listeners to the United Front Radio Hour to do their duty by attending the great mass meeting in Soldiers Field. Entrance is free and the speakers are Col. Lindbergh and Senator Bennett Champ Clark. None dare or should fail."

Whether the above quotation is an accurate report or translation cannot, as a practical matter, be conclusively proved even if scripts are supplied, since there is always the possibility of interpolation. It would seem to us that one way to meet the problem of foreign language broadcasts is by a regulation requiring stations to have recordings made of all such programs. Such a requirement would very likely, in our opinion, provide all interested persons and government agencies with a record of what was in fact broadcast.

Because we deem this a vital matter, we sincerely request that hearings be held by the Commission to ascertain both the advisability and practicability of requiring recordings of foreign language broadcasts.

Sincerely yours,  
(Signed) QUINCY HOWE,  
*Chairman.*

## Promotion

### RMA COOPERATION

Following the recent Radio Manufacturers Association bulletin to members urging that distributors and dealers

be supplied with broadcast copy, Bond Geddes, executive vice president, reports that the request has already been complied with by a number of companies.

This voluntary action by the Radio Manufacturers Association automatically places broadcast salesmen on an equal competitive basis with newspaper salesmen for the dealers' 50-50 cooperative advertising allotment.

### NATIONAL DEFENSE

Three broadcasting stations which have been using man-power announcements from the beginning, not previously reported, are:

#### DISTRICT 3

PENNSYLVANIA  
WPIC—Sharon

#### DISTRICT 5

ALABAMA  
WHBB—Selma

#### DISTRICT 10

MISSOURI  
KSD—St. Louis

This brings to 612 the number of stations that are banded together to locate skilled workers for national defense.

The United States Civil Service Commission last week distributed 10,000 "Men Wanted" posters. Five thousand were sent to police stations to enlist the aid of patrolmen, who, in a great many instances, know heads of families out of work who may be competent to handle some of the jobs that are open. The second 5,000 will be displayed in the 5,000 first and second class post offices throughout the United States.

### SERVICEMEN'S QUALIFICATIONS

Suggested qualifications for Radio Servicemen's organizations, formulated by the NAB engineering committee, were approved by the NAB Executive Committee at the 18th annual convention in San Francisco.

The committee's findings, forwarded by John V. L. Hogan, chairman, were adopted without change.

The qualifications were prepared only as a guide to stations for use in determining whether a radio servicemen's organization is reliable enough to warrant the station entering into a cooperative plan for encouraging the public to keep sets in proper repair.

The suggestions cover five general subjects:

- 1—Code of ethics and by-laws.
- 2—Standards of admission.
- 3—Standards of conduct.
- 4—Guaranteed service plan.
- 5—Method of self-policing.

The recommended requirements for each are discussed in the complete document which will be mailed direct to member stations.

## NEW BUSINESS POSSIBILITIES

Two "free offers" and four cost-per-inquiry proposals have been reported to the NAB Bureau of Radio Advertising by members during the past month. Surprisingly enough, several well-known advertising agencies are included among the concerns seeking free time for commercial purposes, or asking for guaranteed advertising, and the Bureau has written them pointing out that such requests hardly serve to further the mutual interests of agencies and media.

The Bureau has invited the following concerns to use radio advertising on a regular basis:

M. Barrows & Company, Inc., 286 Fifth Avenue, New York (Toll House Cook Book)

Hays, MacFarland & Company, 333 N. Michigan Ave., Chicago (United Wall Paper Factories, Inc.)

H. C. Morris & Company, Graybar Bldg., New York (The Book-a-Week Club)

National Classified Advertising Agency, Youngstown, Ohio, (Air Conditioning Training Corp.)

Arthur Rosenberg Company, 570 Seventh Ave., New York

Weinberg-Weinberg-Alpern, 1400 Broadway, New York (Sensibly Young Fashions)

Member stations may wish to have their representatives follow up all these companies for possible new business, since they have shown themselves interested in the power and influence of radio advertising.

## NOTICE TO MANAGERS

The Burns Detective Agency and two Seattle radio stations are looking for a young man who appeared in Seattle several months ago, and obtained temporary radio work, leaving town with many unpaid bills, and some of the station's property. The young man gave his name as Jack MacDonald and gave WLW as a reference. He is unknown at WLW.

His description: five feet ten inches tall, dark brown straight hair, dark eyes, dark complexion, suave appearance and manner, wears English tweeds, has good knowledge of radio and fine announcing voice.

Any station knowing of this person is asked to communicate with NAB headquarters.

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Any station approached by a person who represents himself as Graham Grigg, President of the Grigg Brothers Company, a packing house near Salisbury, Md., will be interested to know the following: There is no such company in Salisbury, Md. A Washington, D. C., bank given as reference never heard of him. In Philadelphia recently this gentleman secured dental service in the amount of \$50.00 on his representation that he was a client of a radio station there.

## MILLER TO GEORGIA

Neville Miller will attend a meeting of the Georgia Association of Broadcasters scheduled for September 10 in Macon.

## FEDERAL COMMUNICATIONS COMMISSION

### FLY TALKS ON TELEVISION AND DEFENSE COMMITTEE

James Lawrence Fly, FCC chairman, at a press conference on Monday discussing the communications defense committee which has been on the fire for a long time expressed the opinion that this committee might materialize within "a week or so."

Mr. Fly too told the newsmen that he had been looking into the defense committee since his return from the NAB convention and has the impression that no serious question has developed. He said that in the early days of the talk of this committee some of the broadcasters of the country were alarmed but they have now been reassured that this is not primarily a broadcast matter but largely a communications matter involving relationship of all services to national defense. The matter is now before the President, Mr. Fly said, for his action.

Chairman Fly told the correspondents that he had been much impressed by his visit to motion picture producing lots when he was on the West Coast recently, particularly with the possible coordinated relationship between motion pictures and television. Mr. Fly said that he now thinks that conceivably too little emphasis may have been laid on the production of television and he said that he had not appreciated all the motion pictures offer from that point of view.

Mr. Fly's thought is apparently that there is a tremendous lot of equipment, personnel and materials in the hands of motion picture producers which can and should be drawn into television production. He said that he feels sorry that there are not more applications for television stations from the motion picture industry on file at the FCC.

Mr. Fly said that he was impressed most of all on the motion picture lots with the manner in which the movies are prepared to move in and do a job as compared with the lack of facilities at television studios. In some way, the chairman said, television could and should utilize some of the things that the movies have to offer.

### FCC LABOR RELATIONS ADVISER

Sidney D. Spear, assistant to the legal adviser of the State Department, has been appointed to the Law Department of the FCC to advise on matters involving employment and labor problems in relation to the regulation of communications.

Mr. Spear's background is labor economics and research, and he is completing a chapter on international communications for the Digest of International Law.

Born in Seattle March 16, 1909, Mr. Spear was graduated from the University of Washington, magna cum laude, with A.B. degree in 1931. He had graduate work in psychology and sociology and was Assistant Dean of Men at the University of Washington until 1934. He received his LL.B from Harvard in 1937.

In his service with the State Department, since 1937, Mr. Spear has specialized in the legal aspects of electrical communications.

### TELEVISION STATION FOR CROSLY

The Crosley Corporation, Cincinnati, Ohio, has been granted a construction permit by the FCC for a new television broadcast station in that city. The proposed station, at Vine and Fifth Streets, will operate experimentally on television channel No. 1 (50,000 to 56,000 kilocycles) with 1 kilowatt aural and visual power, A3 and A5 emission.

It was among the applications tentatively approved in June subject to proper showing of programs of research and development, including engineering experimentation tending to develop uniform transmission standards of acceptable technical quality. The Crosley station intends to work with a transmitting system in which the picture is composed of 30 frames per second interlaced. Tests will be conducted with 441 and 507 lines as well as an intermediate number of lines. It also contemplates research on wave forms, and experimentation on various types of antennas and the effect of vertical and horizontal polarization.

The initial cost of the station is estimated to exceed \$100,000.

### FCC ASSIGNMENTS

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

- Commissioner Payne: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
- Commissioner Craven: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, September 2. They are subject to change.

### Wednesday, September 4

- NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—C. P., 1150 kc., 250 watts, daytime.
- NEW—Helen J. Walton and Walter Bellatti, Jacksonville, Ill.—C. P., 1150 kc., 250 watts, daytime.

### FUTURE HEARINGS

Following future hearings and oral arguments in broadcast cases have been scheduled by the Commission during the past week. They are subject to change.

### September 19

#### Oral Argument Before the Commission

- Report No. B-110:  
KGKB—East Texas Broadcasting Co., Tyler, Tex.—In re: Revocation of Station License of KGKB.
- Report No. B-108:  
KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.
- Report No. B-99:  
WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—C. P., 1220 kc., 1 KW night, 5 KW LS, shares time with KFKU.

### September 26

#### Reargument Before the Commission

- Report No. B-107:  
NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).
- WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, 1410 kc., 1 KW, unlimited time; and auxiliary, 1410 kc., 500 watts, 1 KW LS. Time: Auxiliary purposes only.

#### Oral Argument Before the Commission

- Report No. B-99:  
WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—C. P., 1220 kc., 1 KW night, 5 KW LS, shares time with KFKU.

### September 30

- NEW—George F. Meyer, Medford, Wis.—C. P., 1500 kc., 100 watts night, 100 watts LS, unlimited time.
- WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, 1140 kc., 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

### October 7

- KDKA & Auxiliary—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Renewal of license, and auxiliary, 980 kc., 50 KW night, 50 KW LS, unlimited time.
- WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Renewal of license, 990 kc., 50 KW night, 50 KW LS, unlimited when synchronized with station WBZA.

WBZA—Westinghouse Electric & Mfg. Co., Boston, Mass.—Renewal of license, 990 kc., 1 KW night, 1 KW LS, unlimited when synchronized with station WBZ.

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Renewal of license, 1020 kc., 10 KW night, 10 KW LS, unlimited time.

October 15

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, 1310 kc., 100 KW night, 250 KW LS, unlimited time.

October 21

WGY & Auxiliary—General Electric Company, Schenectady, N. Y.—Renewal of license, and auxiliary, 790 kc., 50 KW night, 50 KW LS, unlimited time.

October 23

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 1 KW night, 1 KW LS, unlimited time (DA night).

October 28

WHCU—Cornell University, Elmira, N. Y.—Renewal of license, 850 kc., 1 KW, daytime.

November 12

WWL—Loyola University, New Orleans, La.—Renewal of license, 850 kc., 50 KW night, 50 KW LS, specified hours.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Crosley Corp., Cincinnati, Ohio.—Granted construction permit for new television broadcast station to operate on the frequencies 50,000 to 56,000 kc. (television Channel No. 1), on an experimental basis only, conditionally, with power of 1 KW aural and visual, A3 and A5 emission (B2-PVB-23).

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted construction permit to install new transmitter, change frequency from 1420 kc. to 590 kc., increase power from 250 watts unlimited to 1 KW unlimited, and install directional antenna for night use (B2-P-2711).

The Tribune Company, Tampa, Fla.—Granted construction permit for new broadcast station to operate on 940 kc., 1 KW night, 5 KW day unlimited time, using directional antenna at night; granted with conditions (B3-P-2866).

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit to change hours of operation to unlimited and reduce night power from 5 KW to 1 KW with directional antenna; 1050 kc., 5 KW power day (B4-MP-896).

WLOK—The Fort Industry Co., Lima, Ohio.—Granted construction permit to increase power from 100 watts to 250 watts, unlimited as a Class IV station; frequency 1210 kc. (B2-P-2506).

Midwestern Broadcasting Co., Traverse City, Mich.—Granted construction permit for new broadcast station to operate on 1370 kc., 250 watts power, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval (B2-P-2565).

W. Montgomery Harison, Augusta, Ga.—Granted construction permit for new broadcast station at Augusta, Ga., to operate on frequency 1420 kc., 250 watts power, unlimited time (B3-P-2872).

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to CKLW and other Canadian stations owned and operated by the Canadian Broadcasting Corp., and to stations named in the application licensed by the Canadian Minister of Transport as the Canadian Broadcasting Corp., deems advisable, to be transmitted through the facilities of the American Telephone and Telegraph Co., for the period from September 1, 1940, to September 1, 1941 (B4-FP-81).

Columbia Broadcasting System, Inc., New York, N. Y.—Granted extension of authority to transmit programs to Canadian Stations CFRB and CKAC, and to stations under supervision of the Canadian Broadcasting Corp., by means of wire line facilities furnished by the American Telephone and Telegraph Co., for the period from September 15, 1940, to September 15, 1941 (B1-FP-82).

### DESIGNATED FOR HEARING

WCSC—South Carolina Broadcasting Co., Charleston, S. Car.—Designated for further hearing the application to install vertical antenna, and increase power from 500 watts night, 1 KW LS to 1 KW night, 1 KW LS, unlimited time. (Docket No. 5492.)

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer, transferors, Florida West Coast Broadcasting Co., Inc., transferee, Lakeland, Fla.—Application for transfer of control of station WLAK from J. P. Marchant, D. J. Carey, and Melvin Meyer to Florida West Coast Broadcasting Co., Inc.; 1310 kc., 250 watts, unlimited time (B3-TC-216).

WGST—Georgia School of Technology, Atlanta, Ga.—Application for renewal of license for main and auxiliary transmitters (B3-R-441).

### RENEWAL OF LICENSES

KTW—First Presbyterian Church of Seattle, Seattle, Wash.—Granted renewal of license of broadcast station KTW for the period ending October 1, 1940; 1220 kc., power 1 KW, sharing time with KWSC (B5-R-64).

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted extension of present license to October 1, 1940, upon temporary basis only, subject to the terms and conditions of the order of revocation entered March 22, 1940, and subject further to the final determination of the Commission on said order (B3-S-401).

KTBC—State Capital Broadcasting Association, Inc., Austin, Tex.—Granted extension of present license to October 1, 1940, upon a temporary basis only, subject to the terms and conditions of the order of revocation entered February 7, 1940, and subject further to the final determination of the Commission on said order (B3-S-1007).

W2XOY—General Electric Co., Albany, N. Y.—Granted further extension upon a temporary basis only, of station license, pending receipt and/or determination upon application for renewal of license, to not longer than October 1, 1940 (B1-SHB-32).

### MISCELLANEOUS

WWJ—The Evening News Association, Detroit, Mich.—Granted special temporary authority to operate from 10:15 p. m. to 11:15 p. m. EST, with power of 5 KW on August 20, 1940, in order to permit more coverage for the 20th Anniversary Program only.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:15 p. m. EST, to the conclusion of American Legion programs only, August 23, 1940.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate with amplitude modulation in addition to frequency modulation on 4260 kc. on August 20 and 21, 1940, in order to demonstrate amplitude versus frequency modulation at the meeting of the NBC engineers.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted motion to postpone oral argument in re revocation of station license to September 19, 1940. (Docket No. 5838.)

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Scheduled for oral argument the Proposed Findings of Fact (B-99) in re application of the Wren Broadcasting Co. (WREN), for a construction permit to move the station transmitter, install directional antenna for day and nighttime use, and establish the main studio in Kansas City, Mo.

The Huntsville Times Co., Inc., Huntsville, Ala.—Granted petition to accept amendment to application for construction permit to operate on 1200 kc., 250 watts night, 250 watts LS, unlimited time, requesting facilities of station WBHP (B3-P-2784).

The Huntsville Times Co., Inc., Huntsville, Ala.—Dismissed petition to vacate order of intervention in re above application (B3-P-2784).

- WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Continued from September 19 to September 26, the oral argument on Proposed Findings (B-99) in re application for construction permit to move the station's transmitter, install directional antenna for day and nighttime use, and establish the main studio in Kansas City, Mo.
- WAKR—Summit Radio Corp., Akron, Ohio.—Granted modification of construction permit for move of transmitter, approval of studio site, changes in transmitting equipment and in directional antenna system; towers to be painted and lighted in accordance with Specifications "B" (B2-MP-1044).
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted modification of construction permit which authorized installation of new transmitter and directional antenna for night use, change in frequency, increase in power, move of transmitter, and change in hours of operation for change in type of transmitter, and slight change in location of transmitter (same designation); 1250 kc., 1 KW, 5 KW LS, unlimited time, directional antenna night (B4-MP-1031).
- WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted modification of construction permit which authorized new station, for approval of antenna and transmitter site; 1500 kc., 250 watts, unlimited time (B2-MP-1041).
- WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Granted license to cover construction permit as modified for new station; frequency 1340 kc., 1 KW power, unlimited time (B-L-1211). Also granted authority to determine operating power by direct measurement of antenna input (B-Z-464).
- WDRC—WDRC, Inc., Hartford, Conn.—Granted license to cover construction permit as modified which authorized installation of directional antenna for day and night use, and increase in power; 1330 kc., 5 KW, unlimited time (B1-L-1213). Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-465).
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-456).
- National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit via RCA Communications, Inc., programs originating in NBC's studio at 30 Rockefeller Plaza, New York City, or any points in the United States where network programs may originate, to station CMX, Havana, Cuba, for the period beginning August 20, 1940, and ending August 20, 1941.
- W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madison Ave., New York City, for the period August 29, 1940, to not later than September 27, 1940, pending action on formal application for such authority.
- WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from local sunset (Aug. 7:15 p. m., EST) to 9:30 p. m., EST, on August 28, 1940, in order to broadcast the 100th Anniversary of Ira David Sankey program only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 8 p. m. to midnight, CST, on August 26, 1940, in order to broadcast baseball game only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast baseball game only.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 7:15 p. m., EST, August 26, 1940, to the conclusion of election information and civic programs, in order to broadcast said programs only; to operate unlimited time August 27, 1940, in order to broadcast election returns only.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7 p. m. to midnight, PST, August 26, 1940, in order to broadcast a local political program only, and to operate from 7 p. m. to midnight, PST, August 27, 1940, in order to broadcast election returns only.
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (Aug. 7 p. m., PST), August 27, 1940, to 2 a. m., PST, August 28, 1940, in order to broadcast election returns only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, for the period August 20, 1940, to not later than September 8, 1940, in order to broadcast sustaining musical programs as described in letter dated August 14, 1940, only (provided WSVS remains silent).
- WAUJ—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate the equipment of relay broadcast station WAUJ on the frequency 44.1 mc. at the transmitter site of standard broadcast station WHAS, for a period not to exceed 30 days, in order to conduct tests to determine antenna requirements for a forthcoming application for a high frequency FM station.
- KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted special temporary authority to rebroadcast Forest Service fire messages to be received from forestry stations serving Siskiyou National Forest, for a period not to exceed 30 days.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 6:30 p. m., EST, to the conclusion of a religious program by the Holy Name Society on September 8, 1940, in order to broadcast said programs only.
- KEHS—WDAY, Inc., Fargo, N. Dak.—Granted special temporary authority to operate equipment described in construction permit (File No. B4-PRE-345) with larger tubes and power of 5 watts, on 133030 kc., on August 24, 1940, in order to conduct tests, and from 3 p. m. to 4 p. m., CST, August 25, 1940, in order to relay broadcast programs entitled "American Way of Broadcasting" to radio station WDAY.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 9 p. m. to approximately 11 p. m., CST, on September 4, 1940, and from 8 p. m. to approximately 11 p. m., CST, on September 20, 1940, in order to broadcast baseball games only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.
- WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted special temporary authority to operate from local sunset (Sept. 6:45 p. m., EST) to 9 p. m., EST, September 6, 1940, in order to broadcast speech by Senator Josh Lee at Roosevelt Neely Democratic Dinner only.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, on September 3, 5, 10, 12, 17, and 19, 1940, and from 8:15 p. m. to 9:15 p. m., CST, on September 4, 11, and 18, 1940, in order to permit WNAD to remain silent during the summer vacation (provided WNAD remains silent).
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during above periods in order to observe the summer vacation.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 11:30 p. m., MST, on August 30, 1940, in order to broadcast a special Musical Festival only.
- WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:15 p. m. to 12 p. m., CST, on August 29, 30, and 31, 1940, in order to broadcast Barron County Fair Event only.
- WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted extension of special temporary authority to operate the equipment of international broadcast station WPIT, authorized in construction permit, File No. B1-PIB-23, with a power of 35 KW, using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit, for a period beginning August 31, 1940, and ending not later than September 28, 1940.
- Broadcasting Corp. of America.—Dismissed petition for rehearing directed to Commission's action of July 16, 1940, granting application of Riverside Broadcasting Co., Riverside, Calif., for construction permit for new broadcast station, inasmuch as the Commission, on July 26, 1940, on its own motion, reconsidered its action of July 16 granting without hearing the application of Riverside Broadcasting Co. and designated same for hearing.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit to move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to approximately 3 miles west of Columbia, Ill., install new transmitter and new directional antenna for night use, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 590 Kilocycles

NEW—West Publishers, Inc., Corpus Christi, Tex.—Construction permit for a new broadcast station to be operated on 590 kc., 500 watts night, 1 KW day, unlimited time. Class III-B station. Amended to give transmitter site as north of Corpus Christi, Texas, and change requested power from 500 watts night, 1 KW day, to 1 KW day and night.

### 610 Kilocycles

NEW—West Publishers, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on 610 kc., 250 watts night, 1 KW day, unlimited time, Class III-B. Amended to change requested power from 250 watts night, 1 KW day, to 1 KW day and night, install directional antenna for night use, and give transmitter site as 3.2 miles northeast city limits, U. S. Highway 90, Houston, Tex.

### 620 Kilocycles

KGW—Oregonian Publishing Co., Portland Ore.—Construction permit to install directional antenna for day and night use, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 630 Kilocycles

KOH—The Bee, Inc., Reno, Nev.—Authority to determine operating power by direct measurement of antenna power.

KOH—The Bee, Inc., Reno, Nev.—License to cover construction permit (B5-P-2279) as modified for change of frequency and power, install directional antenna for night use, and move transmitter and studio.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Modification of construction permit (B4-P-2323) for new equipment, changes in antenna, change of frequency, increase in power, employing directional antenna day and night, and move of transmitter, requesting change of type of transmitting equipment.

### 700 Kilocycles

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2460) as modified for changes in equipment, requesting extension of completion date from 10-22-40 to 4-22-41.

### 810 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Authority to determine operating power by direct measurement of antenna power (main transmitter).

### 970 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction permit to install new transmitter and directional antenna for day and night use, increase power from 5 KW to 10 KW, and change hours of operation from unlimited time experimentally to unlimited time.

### 1000 Kilocycles

NEW—Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—Construction permit for a new broadcast station to be operated on 1000 kc., 1 KW, daytime. Amended: To change transmitter site from Carter Hotel, 1020 Prospect Avenue, Cleveland, Ohio, to East 49th Street at NYC RR, Cleveland, Ohio, and make changes in vertical antenna.

### 1010 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Construction permit to install new transmitter and directional antenna for day and night use, change frequency from

1010 to 1050 kc., increase power from 1 KW night, 5 KW day to 50 KW, and move transmitter from 20th Ave. and 31st St., Astoria, Long Island, N. Y., to Rural, East Rutherford, N. J. Amended: re directional antenna system.

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Construction permit to install directional antenna for night use, increase power from 1 KW, 5 KW LS to 5 KW day and night. Amended: To make antenna changes and request 990 kc., 10 KW power under N. A. agreement.

### 1120 Kilocycles

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Modification of license to change power from 1 KW night, 2½ KW day to 2½ KW day and night.

### 1190 Kilocycles

WSAZ—WSAZ, Incorporated, Huntington, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use, change in frequency from 1190 to 900 kc., change hours of operation from limited to unlimited time, and move transmitter from Pleasant Heights, West Virginia, to near Burlington, Ohio. Amended: To move transmitter 1 mile west, near Burlington, Ohio.

### 1200 Kilocycles

NEW—Worcester Broadcasting Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on 1200 kc., 250 watts, unlimited time. (Class IV station.) To construct two 100 watt Booster Stations, one at S. W. corner of Main & Florence Sts., Marlborough, Mass., and the other at S. W. corner of Main & Douglas, Whitinsville, Mass. Amended: To change location of Booster Station from S. W. corner of Main & Douglas, Whitinsville, Mass., to 11 Main St., Whitinsville, Mass., and make changes in vertical antenna.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on 1200 kc., 250 watts, unlimited time. Transmitter and studio at Worcester, Mass. (Class IV station). To operate three amplifier stations at sites to be determined, Auburn, Whitinsville and Marlboro, Massachusetts, using 100 watts power.

WLOG—Clarence H. Frey & Robert O. Greever, Logan, W. Va.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power day and night.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) for a new station, requesting approval of transmitter site near Charleston Ave., and Summers St., Morgantown, W. Va., and approval of vertical antenna.

WAYX—Jack Williams, Waycross, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—License to use old main transmitter for auxiliary purposes only, using 100 watts power.

WSIX—WSIX, Inc., Nashville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time (Class IV station).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license to request change in hours of operation from shares with WGBB and WBRB to shares with WGBB and simultaneous operation with WBRB.

### 1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Authority to install automatic frequency control equipment.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corporation, Keene, N. H.—Modification of construction permit (B1-P-2415) as modified for changes in directional antenna for day and night use, move of studio and transmitter, requesting extension of completion date from 9-10-40 to 12-10-40.

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna for day and night use; move of transmitter and studio; install new transmitter; increase power from 1 KW to 1 KW night, 5 KW day; and extend commencement and completion dates 30 and 180 days respectively. Requests Class III-B station. Amended to request 5 KW day and night.

#### 1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to change frequency from 1280 to 1230 kc.; increase power from 500 watts to 1 KW; change hours of operation from share WCAM and WCAP to unlimited time; install directional antenna for day and night use; and move transmitter from Falls Twp., one mile south of Morrisville, Pa. (U. S. Route 1) to Edgewood-Yardley Road, Yardley, Pa., Class III-B.

#### 1370 Kilocycles

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to change frequency from 1370 kc. to 1050 kc.

#### 1420 Kilocycles

KNET—John Calvin Welch, Wm. J. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Tex.—Voluntary assignment of license from John Calvin Welch, Wm. J. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Association, to Bonner Frizzell.

WGOV—E. D. Rivers, Valdosta, Ga.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended re corporate structure, equipment changes, and requesting 100 watts power only.

#### 1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license to move studio from 846 Flatbush Ave., Brooklyn, N. Y., to 101 Park Ave., New York, N. Y.

### FM APPLICATIONS

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 6,944 square miles; population, 2,604,104.

NEW—The A. S. Abell Co., Baltimore, Md.—Construction permit for a new high frequency broadcast station to be operated on 44300 kc.; coverage, 15,489 square miles; population, 3,308,983.

### MISCELLANEOUS

NEW—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit for a new relay broadcast station to be operated on 156750, 158400, 159300, 161100 kc., 50 watts, special emission for frequency modulation, to be located at 408 State St., Schenectady, N. Y.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada, licensed to operate by the Canadian Government, which may be heard consistently in the United States, for the period beginning 9-15-40.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to station CFCF and CBL (formerly CRCT) and the Canadian Broadcasting Corp., for the period beginning 9-15-40.

WDAC—State of Wisconsin, University of Wisconsin (area of Madison, Wis.)—Construction permit to increase power from 10 watts to 30 watts and make changes in equipment.

NEW—Racine Broadcasting Corp., Racine, Wis.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 10 watts, A-3 emission, transmitter to be located at corner Kentucky Ave. and Victory St., Racine, Wis.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Allred Brothers Candy Company**—See Consumers Mercantile Service.

**Lee Boyer's Candy**—Complaints have been issued charging Lee Boyer's Candy, a Portland, Oreg., corporation, and Hugh C. Mitchum and Carl B. Tucker, trading as Southern Candy Company, Charlotte, N. C., with the sale of assortments of candy so packed and assembled as to involve the use of a lottery when sold and distributed to the consuming public.

Use of the respondents' sales methods, the complaints charge, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair practice under the Federal Trade Commission Act. (4265-4266)

**J. T. Carlton Candy Company**—See Dixie Candy Company.

**Central Buying Service, Inc.**—See Jack Herzog & Company.

**Clito Company**—Rene P. Balditt, trading as Clito Company, 325 North Frio St., San Antonio, Tex., allegedly misrepresents that his preparation designated as "Clito" and as "Clito Emmenagogue Capsules" is a competent treatment for delayed menstruation and that it is harmless. The complaint further alleges that the respondent misleadingly represents that his preparation known as "Rayo de Sol" is a competent and effective cure for cataracts, cloudiness of vision, ulcers and inflammation of the eyes. It is further charged that the respondent has disseminated false advertisements in that his advertisements of "Clito Emmenagogue Capsules" fail to reveal that use of this preparation, under the conditions prescribed in such advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health. (4262)

**Colonial Drug Company**—See Colonial Sales Company.

**Colonial Sales Company**—M. A. Younkman and Alice Younkman, trading as Colonial Sales Company and as Colonial Drug Co., 21 E. First St., Tulsa, Okla., are charged in a complaint with the dissemination of misleading representations in the sale of a medicinal product known as "Natural Mineral Extract."

The complaint alleges that while this preparation has no therapeutic value other than that of a mild laxative and mild diuretic, the respondent advertises and recommends it for use both internally and externally as a cure, remedy and competent treatment of a large number of diseases and ailments for which it has no therapeutic value.

The complaint further charges that the respondent falsely represents that the preparation supplies minerals essential to health, that it has therapeutic value in the treatment of female diseases, and is an effective treatment for ill-nourished, backward or defective children. (4260)

**Consumers Mercantile Service**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against John J. Schocket, trading as Consumers Mercantile Service,



64 West Randolph St., Chicago, dealer in cameras, silverware, broilers, fishing tackle, clocks, pens and pencils; Candymasters, Inc., 3-5 North Fifteenth St., Minneapolis, dealer in candy and confectionery products, and Jesse W. Allred and Robert A. Allred, trading as Allred Brothers Candy Co., 515 West Palmer St., Charlotte, N. C., dealers in candy.

According to the complaints, the respondents use push cards to sell their merchandise wholly by lot or chance. (4242-4243-4244)

**Dixie Candy Company**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against Dixie Candy Company, Inc., 732 East Seventh St., Charlotte, N. C., dealer in candy; J. T. Tarlton, trading as J. T. Tarlton Candy Company, Marshville, N. C., dealer in candy, and L. & H. Stern, Inc., 56-64 Pearl St., Brooklyn, N. Y., dealer in pipes.

According to the complaints, the respondents sell certain assortments of merchandise so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when such merchandise is sold and distributed to consumers thereof (4255-4256-4258)

**Hamilton, Harris & Company**—See Trinidad Creamery Company.

**Jack Herzog & Company**—Two New York firms acting as commission resident buyers of fur garments and of millinery, respectively, are charged in complaints with violation of the brokerage section of the Robinson-Patman Act. The respondents are Jack, Michael, George and Louis Herzog, trading as Jack Herzog and Company, 337 7th Ave., New York, and Central Buying Service, Inc., 101 West 37th St., New York.

According to the complaints, the respondents receive and accept from sellers commissions on purchases made in behalf of the respondents' buyer clients, in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act (4257-4259)

**Jacks Chemical Company**—Lambert Agin, trading as Jacks Chemical Company and as Jacque Chemical Company, pleasant Ridge Station, Cincinnati, allegedly represents that his medicinal preparation called "JACKS" and "JACQUE" constitute a cure or remedy for gall, kidney and bladder stones, diabetes, rheumatism, swollen limbs, hives, excess acid and excess uric acid, when in truth it is wholly incapable of effecting any of the results claimed by the respondent. (4247)

**Lessing Hat Company, Inc.**, and Joseph Loring, trading as Loring Hat Company, Third and Mercer Sts., New York, are charged in a complaint with the dissemination of misleading representations in the sale of caps and hats.

The complaint alleges that the respondents buy second-hand, old, worn and previously used felt hats, and recondition them for sale to retailers and wholesale dealers without any adequate designation to indicate to the purchasing public that they are manufactured from old, worn and previously used hat bodies. It is further charged that on some part of the sweat band or size labels are stamped the words "Made of castaway hats" but that jobbers, wholesale dealers and retailers can readily and easily remove this designation, and such designation does not adequately inform the purchasing public that such hats are made of old, worn and previously used hat bodies.

Such practices by the respondents, the complaint continues, tend to create the mistaken belief that their hats are made from new and unused materials. (4245)

**Loring Hat Company**—See Lessing Hat Company.

**Helena Rubinstein, Inc.**, 715 Fifth Ave., New York, is charged in a complaint with the dissemination of misleading representations in the sale of certain cosmetic preparations.

The respondent allegedly misrepresents that ordinary powder particles swell within the pores and cause enlarged pores, blackheads and blemishes; that its "Town and Country Face Powder" because of a pre-expanded quality or balsamizing process is

moisture-proof, prevents and removes enlarged pores, blackheads and blemishes; that its "Eye Lash Grower Cream" has special properties which will be effective in causing eye lashes to grow, and that its "Eye Lash Cream and Darkener" makes the lashes dark, silky and luxuriant looking and has special properties which will be effective in preventing eye lashes from breaking.

It is also charged in the complaint that the respondent misrepresents that its "Egg Complexion Soap" will benefit the complexion through the presence of eggs therein and that such products purifies the skin. (4254)

**Kuhn Remedy Company**, 1855 North Milwaukee Ave., Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a medicinal preparation formerly described as "Kuhn's Rheumatic Fever Remedy," and now known as "Kuhn's Remedy."

According to the complaint, the respondent misleadingly represents that its preparation is a cure or remedy for rheumatism, rheumatic fever, gout, neuralgia and lumbago, and for muscular and joint aches and pains generally, and that it possesses substantial therapeutic value in the treatment of such ailments and conditions.

The complaint points out, however, that the preparation possesses no therapeutic value in the treatment of rheumatism, rheumatic fever, gout, neuralgia or lumbago in excess of affording, in some instances, temporary symptomatic relief from aches and pains associated with such disorders.

The respondent further is alleged to misrepresent that its preparation is entirely safe and harmless and may be used without danger of ill effects.

It is also charged that the respondent's advertisements are false because they fail to reveal that use of its preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual may result in injury to health, in that such advertisements do not contain any cautionary statement to the effect that its preparation should be used only as directed on its label. (4264)

**Progressive Laboratories**—See Progressive Medical Company.

**Progressive Medical Company**—Blanche Kaplan, trading as Progressive Medical Company, Progressive Laboratories, Ladies Aid Company, Ladies Aid, and as Ladies Aid Products, 330 South Wells St., Chicago, allegedly misrepresents that "Ladies Aid No. 1 H.Y.G. Tablets" is a competent antiseptic and reliable germ destroyer; that it is an effective prophylactic and dependable contraceptive; that "Ladies Aid No. 4" is an effective treatment for certain conditions peculiar to women; that "Promeco Cod Liver Oil Compound Tablets" is an effective remedy for every condition for which physicians might prescribe cod liver oil, and that "Ladies Aid Reducing Tablets" is a safe and effective treatment for obesity. The complaint declares that the respondent also has disseminated false advertisements in that they fail to reveal that use of "Ladies Aid Reducing Tablets," under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health. (4261)

**Scholl Manufacturing Company, Inc.**, 211 West Shiller St., Chicago, allegedly misrepresents that the use of "Dr. Scholl's Zino-Pads" stops pain instantly; constitutes a cure or remedy for corns, callouses and bunions; has healing properties, and abolishes shoe pressure and friction. The respondent further allegedly misleadingly represents that the use of "Dr. Scholl's Kurotex Foot Plasters" instantly relieves the pain caused by corns, sore toes, callouses, bunions, and tender spots on the feet and toes caused by new or tight shoes. (4241)

**Shaw's Jewelry Company**—Complaint has been issued against Shaw's Jewelry Company and Shaw's, 1618 Main St., Dallas, Tex., alleging misleading representations in the sale of jewelry and silverware.

According to the complaint, the respondents misrepresent that their silverware is of genuine Rogers Brothers silverplate; is guaranteed for a lifetime by the International Silver Company, manufacturer of Rogers Brothers silverware; that the diamonds

in their "Miss Centennial" and "His Majesty" rings are certified perfect diamonds, and that their watches are made wholly of gold or solid gold. (4250)

**Southern Candy Company**—See Lee Boyers' Candy.

**Spors Company**—Frank Spors, trading as The Spors Company, Le Center, Minn., is charged in a complaint with the dissemination of misleading representations in the sale of various drugs, cosmetics, fountain pens, mending tissue, and household accessories.

It is charged in the complaint that the respondent misleadingly represents that his "Electro-Heat-Kwik" water heater is capable of heating substantial quantities of water; that it may be used with entire safety; that it heats substantial quantities of water more quickly than gas, coal or wood, and that it has been approved by the Underwriters' Laboratories.

The respondent further allegedly misrepresents that the product "Savarip" is of substantial value in the prevention of runs, snags and breaks in silk and rayon hosiery and lingerie; that it renders such garments rainspot proof; prevents shrinking and fading, and prolongs the life of such garments.

The complaint further alleges that the respondent represents that his "Super-Pure Laxative Bromide Quinine Tablets" constitute a cure or remedy for colds, when, in truth, they may afford only partial and temporary relief for the symptoms of colds.

The respondent also allegedly misrepresents that his fountain pens are comparable to those retailing for sums up to \$5 each; that the flow of ink from such pens is unusually even and steady, and that agents and salesmen reselling his pens are enabled to make a profit of 300 per cent. (4246)

**L & H Stern, Inc.**—See Dixie Candy Company.

**Style & Merit Buying Service**—Violation of the brokerage section of the Robinson-Patman Act is charged in a complaint issued against the Style & Merit Buying Service, a buying agent in the purchase of ladies' and children's ready-to-wear, leather goods, furs and fur coats. Lewis Block, Frank Block, Mac Goldberg, Otto Langer, Morris Block and Dora Block are co-partners trading as Style & Merit Buying Service, 225 West 34th St., New York.

According to the complaint, the co-partnership has charged and received from various sellers and manufacturers commissions on purchases made in behalf of the respondents' buyer clients.

It is charged in the complaint that the payment of the brokerage fees and commissions by the various sellers and manufacturers to, and the receipt and acceptance thereof by, the respondents is in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4249)

**Terpezone Incorporated**, 738 Washington Boulevard, Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a device called "Terpezone Generator," which produces a vapor designated as "Terpezone" for use in the treatment of various bodily conditions.

According to the complaint, the respondent misleadingly represents that its device generates a vapor known as "Terpezone," the inhalation of which will increase vitality, and constitutes a remedy for anemia, hardening of the arteries and heart disease.

The respondent further allegedly misrepresents that the inhalation of "Terpezone" will kill disease germs; constitutes a remedy for colds, hay fever, tonsillitis, pneumonia and tuberculosis; neutralizes toxins, and is a competent treatment for all diseases having a toxic origin.

The complaint declares that under the conditions of use, "Terpezone" is of no therapeutic value in the treatment of such ailments in excess of possibly loosening the congestion of mucous in some cases of respiratory disorders. (4248)

**Trinidad Creamery Company**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against Trinidad Creamery Company, 328 Commercial St., Trinidad, Colo., dealer in butter; H. M. Williams, trading as Williams Candy Company, 2819 Monroe Road, Charlotte, N. C., dealer in

candy, and Hamilton, Harris & Co., 302 W. South St., Indianapolis, Ind., dealer in fishing tackle, pipes, robes and cameras.

According to the complaints, the respondents employ various games of chance, gift enterprises or lottery schemes to sell their merchandise to consumers thereof. (4251-4252-4253)

**Union Concession Company**, 456 South State St., Chicago, engaged in the manufacture and distribution of candy, is charged in a complaint with the sale to dealers of assortments of candy and other merchandise to be sold and distributed to the consuming public by means of a game of chance, gift enterprise or lottery scheme.

Use by the respondent of these sales plans or methods, the complaint charges, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair practice under the Federal Trade Commission Act. (4263)

**David M. Weiss**—A New York buying agent in the purchase of garments in behalf of approximately sixty retail fur outlets, is charged in a complaint with violation of the brokerage paragraph of the Robinson-Patman Act. The respondent is David M. Weiss, 370 Seventh Ave., New York.

The complaint alleges that the respondent receives from various retail fur stores, for whom he acts as agent, requests to purchase fur garments. He contacts various fur garment manufacturers and places the orders at the most advantageous prices from the standpoint of the buyer. The manufacturers are located in New York, and the client buyers are located in Detroit, South Bend, Memphis and Atlanta, and elsewhere.

In the course of the purchasing transactions by the respondent, the complaint continues, sellers have, since June 19, 1936, paid to the respondent commissions based on a certain percentage of the sales price agreed upon, and the respondent has received and accepted such commissions on purchases of merchandise by retail buyers in whose behalf he has been and is in fact acting. These acts and practices, the complaint declares, are in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4240)

**William Candy Company**—See Trinidad Creamery Company.

## STIPULATIONS

During the week the Commission has entered the following stipulations:

**Farmington Shoe Manufacturing Company**, Dover, N. H., agrees to cease and desist from the use of words "J. W. Stetson Quality Shoes" or word "Stetson" in conjunction with other words, or arranged within a triangle so as to simulate the brand or label or name heretofore used by the Stetson Shoe Company, Inc., the effect of which may tend to convey the belief that its shoes are products made by or in accordance with the standards and specifications of the Stetson Shoe Company, Inc. The respondent further agrees to desist from the use of the name or private brand of well-known advertised products of shoe manufacturers or dealers so as to convey the belief to purchasers that the respondent's shoes are in fact such well-known advertised products. It was also agreed by the respondent that it will cease representing a fictitious or excessive price to be the price customarily asked for shoes in the usual course of retail trade. (2911)

**Federal Raw Fur Exchange**—See Leo M. Goldberg Fur & Wool House, Inc.

**Leo M. Goldberg Fur and Wool House, Inc.**, and Leo M. Goldberg, trading as The Federal Raw Fur Exchange, 1040 Helena St., Helena, Mont., in connection with their buying and selling of furs, agree to cease and desist from quoting any fictitious or exorbitant prices which trappers or fur dealers may expect to receive from them for their furs; representing that they pay a higher price for furs than do any other fur buyers; conveying the impression or belief that they are in a position to control the

## CEASE AND DESIST ORDERS

resale prices of furs; using the word "Guaranteed" in connection with prices offered for furs, or representing that such prices are guaranteed unless they actually pay the prices quoted during the period of time for which such price lists are effective or in force. (2909)

**Mechanix Universal Aviation Service Company**—J. A. Vaughan, trading as Mechanix Universal Aviation Service Company, Wayne County Airport, Detroit, entered into a stipulation in which he agrees to discontinue certain representations in the sale of correspondence school courses for bome study intended to assist students to obtain employment in the aviation industry and to qualify for airplane mechanic's licenses.

The respondent agrees to cease and desist from representing that persons answering his advertisements or applying for registration will or may receive employment; that his courses of instruction include apprenticeship work or practical training either with or without compensation; that students completing his home study courses will or may be qualified for aviation mechanic's licenses issued by the former United States Bureau of Air Commerce, or that his courses have the endorsement of such agency or any other agency of the Federal Government.

The respondent also agrees to desist from using on his stationery or in his advertising, illustrations of the Wayne County Airport buildings in conjunction with the letters "M U A S" or the phrase "Home of M.U.A.S." so as to convey the belief to students that the school conducted by him is situated in such buildings or that they are occupied in their entirety by him. (2908)

**Tyson & Company, Inc.**, Paris, Tenn., has entered into a stipulation in which it agrees to discontinue certain representations in the sale of medications and cosmetics.

The respondent agrees to cease and desist from representing that J & T Tried and True Vegetable Compound is a dependable or competent remedy for ailments peculiar to women; is a competent remedy for nervousness, malnutrition or dysmenorrhoea, or is scientifically compounded.

The respondent further agrees to desist from representing that La Dainty Hair Dressing & Grower, La Dainty Special Hair Grower, La Dainty Temple Grower, La Dainty Pressing Compound, La Dainty Quinine Pomade, or La Dainty Sheik Cream makes hair natural; restores natural color to the hair; prevents baldness; overcomes deficiencies of the skin and scalp, and eliminates the cause of dandruff.

It is further agreed that the respondent will cease using the words "Hair Grower," "Special Hair Grower" or "Temple Grower" so as to imply that its products will cause hair to grow or will restore a growth of hair.

Further representations which the respondent agrees to discontinue are that La Dainty Cold Cream, Mme. Carue Tissue Cream, Mme. Carue Cleansing Creme, La Dainty Lucky Lovin' Cream, Tyson's Ideal Bleaching Creme, La Dainty Vanishing Cream or any similar preparation, is a skin food or skin invigorator; makes skin beautiful or makes the skin lighter.

The respondent also agrees to cease representing that La Dainty Bleaching Ointment gives youthful beauty and glow to the skin; that La Dainty Beauty Bar nourishes and stimulates the skin; that La Dainty Special Face Soap will cause skin to become young looking; that its products are compounded by skilled and experienced cosmeticians, beauty experts or chemists, or that its products are "Guaranteed" unless clear and unequivocal disclosure is made of exactly what is offered by way of security, as for example, refund of purchase price. (2910)

The Commission has issued the following cease and desist orders:

**Air Conditioning Textiles, Inc.**, 1441 Broadway, New York, is ordered to cease and desist from certain misleading representations in the sale and distribution of a soap designated as "Air Conditioning the Human Body" soap and as "Air Conditioning" soap.

The respondent is ordered to cease and desist from using the term "Air Conditioning" or "Air Conditioning the Human Body," or any other similar term, to describe its soap, or otherwise representing that its soap possesses air-conditioning properties; representing that its soap reduces body temperature, reduces humidity or eliminates perspiration objections, or representing that the human body breathes through the pores of the skin. (3974)

**L. Hoffman**—Louis Hoffman, trading as L. Hoffman, 459 Broadway, New York, is ordered to cease and desist from the dissemination of misleading representations in the sale and distribution of desk pads and other office accessories.

The respondent is ordered to cease and desist from using the phrase "Grecian Gold Tooled Border" or "Genuine Gold Tooled Border" or any other phrase containing the word "gold," or the word "gold" alone to refer to borders of desk pads which borders are not in fact manufactured from gold leaf, or using pictorial representations of desk pads not offered for sale and sold by respondent as representative of the desk pads offered for sale and sold by him.

The order to cease and desist further directs the respondent to cease representing, through the use of the words "Flexbide," "Top Grain," "Leather," or in any other manner, that desk pads manufactured in whole or in part from the under layer or flesh side of hides, known as split leather, are made from the outside or surface layer of the hide.

The respondent is also ordered to cease and desist from representing that his business was established at any date prior to the time that it was in fact established, or through the use of statements, pictures, or otherwise, that his desk pads or other office accessories are of a grade, quality and value greater than that which actually exists. (4165)

**Imogene Shepherd, Ltd.**, 100 East Ohio St., Chicago, has been ordered to discontinue certain misleading representations in the sale of its "Baby Skin Oil" and "Baby Skin Oil Soap."

The respondent is directed to cease and desist from representing that its preparations are remedies or effective treatments for dryness, roughness of the skin, eczema and acne; will prevent and correct skin disfigurements; will rejuvenate the texture of the skin, or restore to adults the soft and silken texture of baby skin.

The order further directs the respondent to cease representations that its products will nourish or cause permanent benefit to the skin on account of their Vitamin E and so-called "Vitamin F" content; that they will restore essential lipids to the skin, or that they are amazing discoveries and the outstanding development in beauty culture of the present day. (3625)





## THE WEEK IN WASHINGTON

*Practice Makes Perfect*, BMI tune, stands at the head of the list of numbers most played on the air and also has climbed into the list of best sheet music sellers. Four more stations join BMI. Only two sections of Florida's 1939 Copyright Law are unconstitutional. (p. 4560.)

CBS demonstrates television in color to James Lawrence Fly, FCC Chairman and the press. Mr. Fly says he is much impressed. (p. 4558.)

Samuel J. Henry, Jr., NAB director of the Bureau of Radio Advertising, will address the Associated Chain Druggists on the "Why and How of Radio for Chain Drug Stores." (p. 4562.)

The "Listen Before You Vote" promotion campaign is proving highly successful. (p. 4563.)

Westinghouse licenses for four stations formerly programmed by NBC are renewed, but the FCC says that "its action must not be interpreted as a precedent for subsequent approval of broadcast station licensees disposing of their rights and privileges through contract." (p. 4563.)

## Miscellaneous

### STAR-SPANGLED BANNER

The NAB has received the following letter from John J. Gillin, Jr., manager of Station WOW, and asks all members to cooperate:

I believe it is true that a great many stations—perhaps a majority of them—are opening and closing each broadcast day with our national anthem "The Star-Spangled Banner."

Because it is playing such an important role in Americanization work, the Americanization Committee of the United States Junior Chamber of Commerce would like to have a full report on just how many stations are doing this.

They have come to me, as Chairman of the Radio Committee of the US JCC, and if we may clear the matter through the NAB I shall appreciate it very much.

Will all stations that are signing on and off with "The Star-Spangled Banner," and those that plan to do so, please be so kind as to advise NAB headquarters to that effect?

### EDDIE CARTER

Station managers contemplating hiring Mr. Eddie Carter, marathon piano player, should write W. W. Behrman, radio Station WBOW, Terre Haute, Indiana.

## ANALYSIS OF CONVENTION ATTENDANCE

Members will be interested in the following facts relative to attendance at the Eighteenth Annual Convention at San Francisco, August 4 to 7. The total attendance was 661.

A breakdown of this total figure discloses the following:

The 15th District, embracing northern California, Nevada and Hawaii, had a 100 per cent record of NAB attendance—20 NAB members, 20 convention attendants.

From a sectional standpoint, NAB member stations were represented as follows:

Pacific Coast stations (California, Oregon, Washington, Nevada, New Mexico, Arizona and the territories of Hawaii and Alaska) had over 90 per cent.

Rocky Mountain states (Idaho, Montana, Utah, Wyoming and Colorado), over 65 per cent.

Mid-west (Ohio, Kentucky, Missouri, Oklahoma, Wisconsin, Kansas, Nebraska, Iowa, Minnesota, Michigan, North Dakota, South Dakota, Illinois and Indiana) had over 47½ per cent.

Northeast and New England (Pennsylvania, New York, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont and Maine) over 45 per cent.

East Central and South Atlantic (Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia) 48 per cent.

South (Georgia, Florida, Alabama, Louisiana, Tennessee, Arkansas, and Mississippi) had 25 per cent.

Texas, 66 per cent.

In addition to these NAB member stations attending, 64 non-member stations had representatives on hand. This is almost 20 per cent of the non-member stations.

These figures reflect what we believe to be the universal opinion that the Eighteenth Annual Convention marks a high point in the radio industry. It can be truly said that the radio broadcasters now present a united front in both numbers and in spirit.



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

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

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

## NAB SEAL

Arrangements are now being made through which the Association hopes to fulfill the requests for cuts of the NAB seal. It will be helpful if member stations desiring cuts will so advise headquarters.

## Engineering

### COLORED TELEVISION

On Wednesday, September 4, Columbia Broadcasting System demonstrated its new television in color to a group of about 50 representatives of the press. A prelude to this demonstration was the private showing tendered James L. Fly, Chairman of the FCC, on Thursday, August 29.

Colored motion pictures were used for the demonstration and Columbia announced that it hoped to have live pick-up equipment by the first of the year. CBS explained the operation of the color system as follows:

"An attempt to detail the technical phenomena in not too technical language follows:

1. A color motion picture is run through a film scanner. Between the film and an electronic pickup tube there is a rotating disc containing red, green, and blue filters in that order. When the red filter is in front of the tube only those parts of the picture which contain red register in the picture tube. When the green filter is in front of the tube only those parts of the picture which contain green (and this includes yellow) register in the tube. Similarly with the blue filter.

2. The three filters (red, green and blue) are balanced to give the effect of pure white when the picture is white.

3. Synchronized with the disc in front of the pickup tube is a similar disc in front of the receiver tube. In other words, at the instant when the red filter is in front of the pickup tube, a red filter is in front of the receiver tube. The same holds for the green and blue.

4. The scanning method differs somewhat from that used in most black and white systems. The picture is *completely* scanned every sixtieth of a second instead of

every thirtieth of a second. However, at the end of the first sixtieth of a second only two colors have been used. The third color requires an additional one one-hundred-twentieth of a second, bringing the total to one-fortieth of a second for a single picture in full color.

The following sequence may help to make this clear:

The odd number lines are scanned in red in  $\frac{1}{120}$  of a second.

The even number lines are scanned in green in  $\frac{1}{120}$  of a second.

At this point the whole picture has been scanned, but there is yet no blue in the picture. Time thus far:  $\frac{1}{60}$  of a second.

Now the red on the odd number lines has faded and these same lines are scanned in blue in  $\frac{1}{120}$  of a second.

At this point the whole picture has been scanned one and one-half times, but in full color only once. Time thus far:  $\frac{1}{40}$  of a second.

Now the green on the even number lines has faded and these same lines are scanned in red in  $\frac{1}{120}$  of a second.

At this point the picture has been scanned twice but in full color only once and a third. Time thus far:  $\frac{1}{30}$  of a second.

Now the blue on the odd number lines has faded and these same lines are scanned in green in  $\frac{1}{120}$  of a second.

Time thus far:  $\frac{5}{120}$  of a second.

Now the red on the even number lines has faded and these same lines are scanned in blue in  $\frac{1}{120}$  of a second.

At this point the whole picture has been scanned three times and in full color twice. Elapsed time thus far:  $\frac{1}{20}$  of a second.

And now the whole progressive cycle begins again with the even number lines being scanned in red.

5. When there is no color disc in front of the receiver tube the picture appears as a black and white image."

The color television was invented by Peter C. Goldmark, Chief Engineer for CBS, after making an exhaustive study of the retentive qualities of the human eye. It was Dr. Goldmark's conclusion that if he would transmit each of three colors in succession that the human eye would remember long enough for the colors to properly mix in the eye, thus giving the appearance of the true colors. By successive transmission of the three colors Dr. Goldmark has been able to transmit good colored pictures and still stay within the standard 6 megacycle channel assigned to television. Another interesting point about the color system is that it can be picked up on a receiver designed for black and white and the picture will then appear in black and white.

James Lawrence Fly, Chairman of the FCC, said at a press conference this week that he was very much im-

pressed by the color television demonstration which was given to him last week when he visited the New York studios of Columbia Broadcasting Company.

Mr. Fly said that of course color television is in its early stages and there is considerable development work to do and while he doesn't want to pass on the feasibility of it, he expressed the opinion that it is a tremendous improvement in television.

The Chairman told the newsmen that what he had seen indicated to him a very substantial beginning and he expressed the hope that the various good engineers of the industry will get together and bring it to a practical state of efficiency. Mr. Fly said that while he does not in any way pose as an expert, he was very favorably impressed by the demonstration, and in his opinion there is no comparison between black and white and color television. Color television gives, he said, more satisfactory realism, definition and clarity.

Perspective in itself is a remarkable improvement Mr. Fly said. He explained transmitter has nothing to do with the colors as same are due to a device on the camera and a rapidly rotating disc between the spectator and the tube which reflects different type rays. The result of the picture he said is even and not jumpy. Color television, Mr. Fly told the newsmen, is more satisfactory than technicolor in the movies. Mr. Fly expressed the opinion that the use of one camera and one frequency band in itself is appealing and contrasted to other methods of using three cameras and three channels comprising an 18 megacycle band which at the present time is impracticable.

## OPERATORS CITIZENSHIP PROOF

FCC adopted Order No. 75-B, further extending the effective date of Order No. 75, as amended by Order No. 75-A, from September 15 to October 15, allowing an additional month's extension of time within which to file proof of citizenship of all radio operators.

## RADIO INTERFERENCE

*Extracts from address by E. K. Jett, Chief Engineer of the Federal Communications Commission, at the 19th Annual Session of the American Congress of Physical Therapy, Cleveland, Ohio, September 2, 1940.*

Interference is the problem child of radio. If it were not for interference, one of the principal reasons for Government regulation of radio would be lacking.

Radio interference is of three kinds. Except under special conditions, radio stations can interfere with one another unless they are assigned separate frequencies—that is, separate highways in the ether. This kind of interference is taken care of through Government regulation and international agreement. Every station is assigned a specific frequency or channel and is required to operate within this channel.

The second type of interference is caused by nature—thunder storms or electric discharges, which listeners call "static" or atmo-

spheric noise. There is always a varying amount of atmospheric noise present in radio reception. This type of interference is overcome in large measure by assigning sufficient power to radio stations to override the noise.

The third type of interference is industrial—electrical or man-made. It is caused by electric machines used in the industry or the home, such as oil burners, electric razors, automatic sign flashers, and the like. Automobile ignition and electric railways are other producers of interference. Fortunately, this third type of interference travels a very short distance from the source. It has been possible to control it to a large extent through cooperation between manufacturers, radio operating companies, and the user of the equipment.

The interference caused by diathermy equipment appears in a class of its own. It is not only capable of interfering with radio reception but in many cases is actually now doing so.

The Federal Communications Commission recognizes the importance of electro-medical apparatus to the medical profession in the treatment of human ills. As a matter of fact, the Inter-American Radio Communications Arrangement, signed at Santiago in 1940, specifically states that the use of diathermy apparatus has an important place in therapeutics, surgery, and industry. The immediate problem, therefore, is how may the public enjoy the benefits of radiocommunication as well as those resulting from the use of electro-medical apparatus without conflict between these services.

The Commission has been studying this problem for several years and has received excellent cooperation from the Council on Physical Therapy and other interested parties. A number of States and municipalities have enacted statutes and ordinances to deal with the subject. However, the general problem of interference has been approached by the Commission from the point of view that the public as a whole will be best served through cooperation in the industry. The Commission believes that through further cooperation it will be able to adopt standards of good engineering practice to guide manufacturers and users of electrical equipment and thus prevent radio interference.

However, local interference in the broadcast services is not the greatest cause for concern in this problem. Transmissions from diathermy machines are capable of being received across the continent and even across the ocean. The frequencies upon which they operate are used by the national defense and safety services. Interruptions of these services may jeopardize life or property, or seriously affect the nation's interests. Communication companies appeal repeatedly to the Commission as being their only source of relief from these interruptions. Municipalities, as many as thirty at a time, have also petitioned the Commission for assistance in the protection of their police services.

Any curtailment of diathermy apparatus would cause great hardship to many sufferers and would prevent the saving of many lives. No one would suggest such a step. Diathermy, like radio, is a safety service. It is used by physicians and surgeons in many ways to combat disease and for surgical purposes. In the hospital it has become an indispensable tool. There are thousands of therapeutic departments in hospitals in the United States, all of which possess one or more diathermy machines, and there are thousands of privately owned machines being operated by physicians in this and other countries. The Commission would no more want to prevent the use of these machines than it would seek to curtail the activities of the doctors themselves. But it is confronted with a very serious problem. It must find a way in which diathermy and radio can get along together.

The reason operation of diathermy apparatus affects radio reception is that the machines are essentially radio transmitters. The radiation which results in interference is not essential for therapeutic purposes and may be regarded as a by-product of the

means used to attain the objective. It can, however, be eliminated or minimized if reasonable methods are employed.

From an engineering standpoint, the solution of the problem is simple. While economic factors are important, they are not of such great importance as to be regarded as being unreasonable from the standpoint of cost to the users of therapy apparatus.

In those cases where it is necessary to take the apparatus to the patient, in circumstances where screening the room is not practicable or advisable economically, or, if for any other reason entire screening of the patient and the apparatus is not possible, it would appear that the only solution would be to use apparatus with a restricted frequency band of emission which does not extend over more than one communication channel. Great care should be exercised in the selection of the channel to make certain that no interference will result to radio reception.

This problem was considered in detail at the Inter-American Radio Conference held in Havana in 1937, and again at Santiago in 1940. It is significant that the question was an important topic for discussion at these meetings. There are international aspects. For example, the diathermy machines in Mexico or in Canada cause interference with reception in the United States, and vice versa.

A report prepared by the Canadian delegation and adopted at Havana gives the results of a very comprehensive study of diathermy interference and of the most effective and economic methods of suppressing it. Details as to the different kinds of shielding, their costs, and the manner in which they may be applied to rooms, walls, doors, etc., in hospitals and offices are given.

Representatives at Santiago agreed that their respective countries should adopt measures to suppress or alleviate, insofar as possible, interference caused by apparatus or equipment which may generate or radiate radio frequency currents capable of interfering with, or adversely affecting, the reception of radio transmissions. In this connection, the following is quoted from the annex to the Inter-American Radiocommunications Arrangement:

"All diathermy machines designed for the same service can operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. Operation on a specific frequency with a very close frequency tolerance is practicable, with little added cost. It is understood that the present design of diathermy equipment has to a great extent gravitated to frequencies above approximately 12 megacycles, hence it is recommended that the subscribing countries consider requiring all diathermy machines to use not more than two frequencies in harmonic relation above 12 megacycles which will not interfere with existing radio assignments. The harmonic relationship between the two frequencies provides a further guarantee against interference to radio communication.

"Standards of good engineering practice are believed to be practicable at the present time and consideration of the adoption by the governments of such standards at the earliest practicable date is recommended. The standards should include the following subjects:

- (a) Frequencies to be used.
- (b) Automatic frequency control.
- (c) Frequency stability.
- (d) Type of emission.
- (e) Maximum power output.
- (f) Harmonic radiation to be effectively suppressed.
- (g) Internal circuits to be effectively shielded.
- (h) Radiation from power supply connection to be eliminated.

"Where diathermy apparatus does not comply with the standards which may be adopted by the subscribing countries they should consider the desirability of requiring such apparatus to be operated in a properly shielded room."

There has been splendid cooperation among all concerned—the manufacturers of the apparatus, the medical profession, the Government, and commercial agencies whose radio services are affected, and the general public. When the medical profession has

agreed on the most effective region of the radio spectrum for diathermy treatments, it will be the first task of the Commission to find a suitable frequency for diathermy operation. The provisions which must then be met insofar as the apparatus is concerned, should be arrived at by cooperative efforts on the part of the Government and other interested parties. The Federal Communications Commission stands ready to assist, and is planning to call a conference for this purpose in the near future.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

September 9-16

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. MADAME WILL DROP HER SHAWL
5. SWINGIN' AT THE SEANCE
6. WE COULD MAKE SUCH BEAUTIFUL MUSIC

*Practice Makes Perfect* this week stands at the head of the list of numbers most played on the air and has also climbed into the list of the 15 best sheet music sellers. It has now been heard for two weeks on the Lucky Strike Hit Parade and the first phonograph records of the song are just being released this week and next.

*There I Go*, *The Same Old Story*, and *We Could Make Such Beautiful Music* hold their places on the "sheet," the latter for the ninth week.

*Variety* (September 4) says:

"What has been suspected is now gaining credence, that sundry ASCAP songsmiths have been authoring pop tunes for BMI under nom-de-plumes. It recalls that BMI made frank offers to ASCAP writers and the Society is supported to have tacitly told any and all that if they wanted to 'knock off some easy money' it was all right to write songs under phoney names.

"The manner in which a couple of BMI tunes have been asserting themselves belies one premise that 'you can't find songwriters under rockpiles'—but then again these tunesmiths may be better than the casual variety."

BMI has, of course, made no "frank offers" to ASCAP writers unless the writers could free themselves of ASCAP.

To contradict *Variety's* implication that BMI hits may have been written by ASCAP writers in disguise it is worth while identifying the composers and authors concerned.

The writers of *Practice Makes Perfect*, who are all members of the BMI staff, were discussed in this column last week.

*There I Go* was composed by Irving Weiser, a thoroughly real young man, using his own name, which is the same under which he won an honorable mention in a Paul Whiteman contest a few years ago. Hy Zaret, who wrote the words, is a young New York lawyer, author of the lyrics of half a dozen successful songs. He is far from being somebody else's "phoney name." It is not



many years since he was playing football for New York's High School of Commerce and wrestling for the University of West Virginia.

*The Same Old Story* is the result of collaboration in both words and music of Michael Field and Newt Oliphant. "Michael Field" is a pseudonym for Milton Schwartz, one which he has used as pianist as well as composer. He was for seven years a student in the Juilliard Graduate School of Music, where he held a fellowship under the famous piano teacher, Carl Friedberg. He was accompanist for Charles Hackett, of the Metropolitan Opera Company, has appeared as a recitalist at Steinway Hall, and has this past year presented the first recital by his piano pupils in Carnegie Hall. *The Same Old Story* is his first published composition.

Newt Oliphant is Newt Oliphant, a nephew of the late Herman Oliphant, who was General Counsel of the United States Treasury and a close adviser of President Roosevelt. Newt, who has previously published one song, is a pupil of Joseph Piastro, brother and teacher of Michael Piastro, one of the most famous of living violinists.

*We Could Make Such Beautiful Music* was written by Robert Sour, of the BMI staff, one of the co-authors of *Practice Makes Perfect*, and "Henry Manners," who in private life is Henry Katzman, also a member of BMI staff.

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Four more new stations join the BMI parade:  
KOB, Albuquerque, New Mexico,  
WGAN, Portland, Maine,  
WKBN, Youngstown, Ohio,  
WOPI, Bristol, Tennessee.

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Sunday, September 8, the day appointed by President Roosevelt for special prayers for peace, is to be marked by widespread use of a new hymn, *Hail, Prince of Peace*, written by Thomas Patton Mock and published by Broadcast Music, Inc. The last stanza contains words almost identical with those used by Winston Churchill in a radio address when he asked for prayers that

"Right should conquer might  
On land and sea."

It will be heard on at least four network broadcasts during the day, one of them originating in the Temple of Religion at the World's Fair, where it is to be sung at two services.

The hymn, composed early this year, was first sung last Easter in a radio broadcast by the Byzantine choir of the Holy Trinity Cathedral in New York. On May 3rd it was presented at the annual spring concert of the General Motors Glee Club, of which the composer is a member. Two days later it was sung by audience as well as choir at the General Conference of the Methodist Church in Atlantic City.

On Peace Sunday it is to be sung at the World's Fair by a choir under the direction of Rhys Morgan in an arrangement made by Dana Merriman, assistant editor of Broadcast Music, Inc. This performance will occur during the noon service at the Temple of Religion and will be carried by the Mutual Broadcasting System over a coast-to-coast hookup from WOR. The new hymn will be sung also at the five o'clock service in the Temple of Religion by the Churchmen's Glee Club and Chorus Choir.

It is also scheduled for Tone Pictures, NBC Blue, 8:30 to 9:00 a. m., Sunday Vespers, NBC Blue, 4:00 to 4:30 p. m., and Richard Maxwell's Songs of Comfort and Cheer, CBS, at 9:30 a. m.

Specially bound copies of *Hail, Prince of Peace* are being prepared for presentation to President Roosevelt, to Archbishop Spellman, and to Pope Pius XII, for whom the lyrics have been translated into Latin.

Inspired by Christmas broadcasts in a world at war, the song has stirred the enthusiasm of musicians and churchmen alike and has been accepted by different denominations as a profoundly moving expression of the common prayer for peace. Among those praising it have been Bishop Edwin E. Hughes of the Methodist Church, Dr. Ralph Sockman, National Chairman of the Methodist Peace Commission, Archbishop Athenagoras of the Greek Orthodox Church, and numerous others.

The League of Nations Assembly has requested the hymn for use at its opening services in the Cathedral at Geneva. The first stanza of the hymn contains the slogan of the League—

"May peace on earth now reign,  
Good will toward men."

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A radio sales executive is the latest recruit to join the ranks of popular composers under the banner of Broadcast Music, Inc. He is Paul Mills, young accountant executive at Westinghouse stations WOWO-WCL, Fort Wayne, Indiana.

Mills' tune, *Little Star*, recently accepted for publication by BMI, will be a familiar one to radio audiences in many sections of the country, for it is the theme song of "Friendly Neighbors," the popular Alka-Seltzer radio serial, now featured on 41 stations including the complete Don Lee Network and KGMB, Honolulu.

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The three judge federal court did not hold Florida's music monopoly law unconstitutional in its entirety. *The court sustained the constitutionality of Florida's 1939 law with the exception of Sections 4 (a) and 4 (c).* (NAB REPORTS, p. 4526.) It merely held unconstitutional the 1937 Florida law, which was a duplicate of the statute enacted in Nebraska, and based this part of

its decision rendered in Nebraska last fall. It held that the state had the right to enact monopoly legislation but that the monopoly provisions of the 1937 statute could not be separated from the unconstitutional provisions and therefore that the entire statute must fall.

Laws similar to the Florida 1939 law which were sustained as constitutional also have been enacted in Kansas, North Dakota, Montana and, in part, in Vermont and are in force in those states. New Mexico likewise enacted a similar statute, but it was subjected to a pocket veto by the Governor.

The temporary injunction entered last October against the enforcement of the 1939 act was "vacated and dissolved as to the whole act and all of its sections except Sections 4 (a) and 4 (c)." The principal features of this statute now are in full force and effect in Florida. These require that copyright owners selling performing rights in the state must make full disclosure of all copyrighted music which they intend to sell by filing under oath with the State Comptroller full information concerning each music copyright. This information includes the name of the composition, the names of the composer, author and publisher, the date and Copyright Office number of the copyright, the present owner of the performing rights and a statement that the owner of the performing rights has a legal right to license. This sworn information must be filed with the Comptroller as a condition precedent to doing business in the state, and no suits may be brought in the state by the copyright owner until it is shown affirmatively that the disclosure provisions of the statute have been complied with. Certified copies of all data filed with the Comptroller must be submitted to a prospective licensee at the time of negotiations for a license if the prospective licensee so requests, in order that he may know what rights he is acquiring. A 3 per cent privilege tax based on gross income is provided for, and the law also requires that the Secretary of State be appointed agent by the copyright owners for the service of process in any action brought against the copyright owners. In the past, it has been impossible to obtain jurisdiction in local courts in suits against licensing combinations such as ASCAP, SESAC, AMP and others, with the result that music users were compelled to abandon the enforcement in court of any legal rights which they might have, or attempt to enforce those rights by bringing suit in New York. Violation of the statute subjects the offender to fine or imprisonment, or both.

The Florida Attorney General now is considering the taking of an appeal to the United States Supreme Court from the decision of the lower court with regard to the monopoly provisions of the 1937 statute and Sections 4 (a) and 4 (c) of the 1939 statute.

This is the first final decision rendered by an authoritative court in which the power of the state legislature to regulate the licensing of public performance rights in

copyrighted music has been sustained as constitutional. It is believed substantial progress has been made and that ASCAP came out second best in the litigation.

Attorneys representing the State of Florida were Assistant Attorney General Thomas J. Ellis of Tallahassee, Special Assistant Attorney General Lucien H. Boggs of Jacksonville and Andrew W. Bennett, Counsel, of Washington, D. C. ASCAP was represented by Frank J. Wideman, Manley P. Caldwell, Louis D. Frohlich and Herman Finklestein.

## Advertising

### ADVERTISING DIRECTOR TO SPEAK BEFORE CHAIN DRUGGISTS

The Bureau of Radio Advertising has been invited to address the annual convention of the Associated Chain Druggists, scheduled for the Hotel Biltmore, New York, September 16-18. The subject of the talk, to be delivered by Samuel J. Henry, Jr., is "Why and How Radio for Chain Drug Stores." The date has been set for September 17.

Roy Goldheim, advertising manager of the Read Drug Chain, Baltimore, is chairman of the program committee, and arranged for the radio session through Purnell Gould, commercial manager, WFBR.

### MGM PICTURE PLAYS

Some member stations have recently been offered an "Electrical Transcription" series by Metro-Goldwyn-Mayer Studios, to start on or about September 15, to continue for a period of 13 weeks.

In the offering blank sent stations to fill out, the station is asked to agree "to play each transcription delivered to us at least once on the best time available either *before or during the run of the picture which the transcription exploits.*"

In addition, the transcriptions are "not to be played on a sponsored program (other than a program sponsored by the theater in which M-G-M pictures appear). . . ."

The majority of radio stations agree with the Bureau of Radio Advertising that the only manner in which these transcriptions should be broadcast is "on a program sponsored by the theater in which M-G-M pictures appear" and at regular card rates.

In addition, stations may well consider the desirability of airing these transcriptions which doubtless will plug ASCAP tunes exclusively, to the detriment of BMI and other non-ASCAP music.

## Promotion

### LISTEN BEFORE YOU VOTE

Orders for a substantial number of "Listen before You Vote" posters were received at headquarters this week with more anticipated next week.

It is suggested that as many stations as possible tie-in with the "Listen before You Vote" theme. As one manager expressed it, listening to both sides of the question is the spirit of democracy. The American way of life must continue, he said, or the American system of broadcasting will fade out of the picture.

Despite increased demands for time by various agencies, state and national, many station managers are continuing their individual campaigns to keep the virtues and benefits of the American system of radio constantly before listeners. One of them is Ellis Atteberry, manager, KCKN, Kansas City, Kansas. He recently enclosed a letter of approval of the practice, representative of hundreds of similar letters the station had received, "since we began to follow your NAB suggestions to sell the American system of broadcasting to listeners."

Into such planning the "Listen before You Vote" theme fits hand-in-glove; it is the very essence of democracy.

Several suggestions for tying-in with the "Listen before You Vote" theme were made in a bulletin of July 18. From September 16 to election day "Listen before You Vote" is a natural for all member stations.

Many unique uses of the posters by individual stations are indicated by letters from managers. Because of their use in competitive markets the listing of purchasers of additional quantities is omitted.

### NATIONAL DEFENSE

The week ends with the thirteen district managers of the United States Civil Service Commission meeting in Washington for protracted conferences with commission headquarters personnel.

While the field executives are in session they will be asked a number of questions, at NAB's request, the answers to which may contribute to the efficiency of man power procurement by the broadcasting industry.

As of Thursday, September 5, 619 stations have notified NAB that they are broadcasting man power announcements. Previously unpublished cooperating stations are:

**DISTRICT 1**  
VERMONT  
WCAX—Burlington  
**DISTRICT 4**  
NORTH CAROLINA  
WFNC—Fayetteville  
**DISTRICT 5**  
GEORGIA  
WDAK—West Point  
PUERTO RICO  
WPAB—Ponce

**DISTRICT 9**  
WISCONSIN  
WATW—Ashland  
**DISTRICT 10**  
IOWA  
KWLC—Decorah  
**DISTRICT 13**  
TEXAS  
KMAC—San Antonio

Cooperating stations whose call letters have not been listed in NAB REPORTS and bulletins are requested to notify Arthur Stringer, NAB Headquarters, 1626 K St., N. W., Washington, D. C.

### ALIEN REGISTRATION

Earl G. Harrison, Director of Alien Registration, recently paid a tribute to the press and radio for their cooperation in the work of educating the alien population in regard to registration.

"The press, both American and foreign language newspapers," said Mr. Harrison, "have been most cooperative and persevering in their efforts to help us tell the story of alien registration to all to whom it applies. Radio stations have been very generous with their valuable air time. I hope that both media will continue their fine service in this cause."

## FEDERAL COMMUNICATIONS COMMISSION

### WESTINGHOUSE LICENSES RENEWED

Cautioning that its action must not be interpreted as a precedent for subsequent approval of broadcast station licensees disposing of their rights and privileges through contract, the FCC has granted applications of Westinghouse Electric and Manufacturing Co. for renewal of licenses of stations WBZ and WBZA, at Boston, KYW at Philadelphia, and KDKA at Pittsburgh.

These stations were among those which the Commission, on January 29, designated for hearing in the matter of contractual relations. Hearing on the Westinghouse stations, set for October 7, is now cancelled.

In its petition for reconsideration and grant of the renewal applications without hearing, Westinghouse alleged that it has held operating licenses for these stations for more than 18 years, and as "the pioneer" in the development of broadcasting has continued its interest and research therein; that prior to Commission's decision to hold hearing the company considered the desirability of terminating its agreement with the National Broadcasting Co., and did so as of July 1; that Westinghouse now supplies its own programs for local broadcasting and has a new arrangement with National on the usual station affiliation basis for network programs.

Declares the Commission in its opinion and order:

"We are of the opinion that in entering into the agreement of November 21, 1932, and in permitting National to operate the stations, Westinghouse disposed of rights and privileges granted to it by the terms of its licenses and to all intents and purposes transferred control of the stations here involved to National, without obtaining the written consent of the Commission as required by Section 310(b) of the Communications Act. But the agreement has been abrogated and Westinghouse represents that it will hence-

forth exercise control over the stations. To deny the renewal applications because of this earlier violation of law would result in depriving the public of the broadcast service now available from the stations.

"The contracts now in existence between Westinghouse and National appear to be of the usual character extensively employed by the several networks in relation to licensed broadcast stations. The Commission, by a special committee, has held lengthy hearings and has obtained much information upon the subject of such contracts in its investigation of chain broadcasting, and now has this general subject under consideration. Pending final action by the Commission on this subject, we do not deem it desirable either to approve or disapprove the new contracts between Westinghouse and National, and therefore expressly reserve any decision or opinion with respect to these contracts until our consideration of the entire subject of chain broadcasting agreements is completed and action taken thereon.

"Upon all of the facts we are of the opinion that public interest will be served by granting the renewal applications here involved. This action, however, must not be interpreted as a precedent which in the future will permit licensees of broadcast stations to dispose by contract or agreement, oral or written, of the rights and privileges conferred upon them under licenses issued by this Commission or to transfer control of stations to non-licensees without first obtaining the written consent of the Commission and thereafter abrogate such agreements, contracts or understandings and urge the Commission to overlook such actions and grant renewals of licenses by the Commission."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled before the Commission during the week beginning September 9. It is subject to change.

September 9

WPAY—Chester A. Thompson (Transferor), The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation; 1370 kc., 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted modification of license to change frequency from 1500 kc. to 1200 kc.; power 250 watts, unlimited time (B3-ML-1013).

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted modification of license to increase power from 100 watts to 250 watts on frequency 1500 kc., unlimited time (B1-ML-994).

Burns Avenue Baptist Church, Detroit, Mich.—Granted authority to transmit religious programs from applicant's church auditorium in Detroit, by lines of the Michigan Bell Telephone Co., to Station CKLW, Windsor, Ontario, Canada (B2-FP-80).

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted construction permit to change frequency from 1190 kc. to 990 kc.; increase hours from limited-WOAI to unlimited; move transmitter; install new transmitter and directional antenna for day and night use; power 1 KW; granted pending conference (B2-P-2856).

WCLS—Robert W. Thomas, Administrator, Joliet, Ill.—Granted consent to the involuntary transfer of control of WCLS, Inc., licensee of WCLS, upon the death of L. W. Wood, to Robert W. Thomas, Administrator; 1310 kc., 100 watts, specified hours (B4-TC-243).

KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit as modified to increase power from 500 watts to 1 KW; change hours of operation from daytime to unlimited; install directional antenna for night use; and give location of studio, and extend commencement date to 60 days after grant and completion date to 180 days thereafter; granted conditionally upon approval of transmitter site and antenna system by the Commission (B4-MP-1028).

WING—WSMK, Inc., Dayton, Ohio.—Granted construction permit to increase power from 250 watts night, 500 watts LS, to 5 KW; move transmitter location; install new transmitter; and change directional antenna for night use; 1380 kc. (B2-P-2761).

### RELAY BROADCAST STATION RENEWALS

The Commission granted the following applications for renewal of relay broadcast station licenses for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending 3 a. m., Eastern Standard Time, October 1, 1941.

<i>Applicant and Location</i>	<i>Call Letters</i>
Columbia Broadcasting System, Inc., Los Angeles, California.	KAAC
Don Lee Broadcasting System, San Francisco, California.	KABB
Tri-State Broadcasting System, Incorporated, Shreveport, Louisiana.	KABH
Woodmen of the World Life Insurance Society, Omaha, Nebraska.	KAID
Don Lee Broadcasting System, Los Angeles, California.	KAPT
Don Lee Broadcasting System, Los Angeles, California.	KAPU
Radio Service Corporation of Utah, Salt Lake City, Utah.	KBID
Red River Broadcasting Company, Inc., Duluth, Minnesota.	KBTA
Red River Broadcasting Company, Inc., Duluth, Minnesota.	KBTB
Maxwell H. White and Hermann R. Wiecking, d/b as Winona Radio Service, Winona, Minnesota.	KBQA
National Broadcasting Company, Inc., Denver, Colorado.	KDRA
National Broadcasting Company, Inc., San Francisco, California.	KHCM
Seattle Broadcasting Company, Seattle, Washington.	KIEF
Seattle Broadcasting Company, Seattle, Washington.	KIEG
National Broadcasting Company, Inc., San Francisco, California.	KNBC
Radio Service Corporation of Utah, Salt Lake City, Utah.	KNEF
National Broadcasting Company, Inc., San Francisco, California.	KSFM
WHB Broadcasting Company, Kansas City, Missouri.	KWHB
W. A. Patterson, Chattanooga, Tennessee.	WAEA
WTAR Radio Corporation, Norfolk, Virginia.	WAHE
WTAR Radio Corporation, Norfolk, Virginia.	WAHF
WIBX, Incorporated, Utica, New York.	WAIJ
WAVE, Incorporated, Louisville, Kentucky.	WAIQ
National Broadcasting Company, Inc., New York, New York.	WAOB
WAVE, Incorporated, Louisville, Kentucky.	WATC
University of Illinois, Urbana, Illinois.	WAUI

<i>Applicant and Location</i>	<i>Call Letters</i>	<i>Applicant and Location</i>	<i>Call Letters</i>
Savannah Broadcasting Company, Savannah, Georgia.	WAXH	Earle C. Anthony, Inc., Los Angeles, California.	KAXA
Jonas Weiland, Kinston, North Carolina.	WAXL	KGKO Broadcasting Company, Fort Worth, Texas.	KAXY
New Jersey Broadcasting Corporation, Jersey City, New Jersey.	WBAC	The KANS Broadcasting Company, Wichita, Kansas.	KBIB
Westinghouse Radio Stations, Inc., Fort Wayne, Indiana.	WBGM	Columbia Broadcasting System, Inc., Los Angeles, California.	KBKC
Radio Service Corporation of Utah, Salt Lake City, Utah.	KBIC	Gilbert H. Jertberg, Executor of the Estate of George Harm (Deceased), Fresno, California.	KDAC
WBNS, Incorporated, Columbus, Ohio.	WBNT	A. H. Belo Corporation, Dallas, Texas.	KFAA
Tampa Times Company, Tampa, Florida.	WDAJ	Fisher's Blend Station, Inc., Seattle, Washington.	KIEL
WJR, The Goodwill Station, Detroit, Michigan.	WENH	International Broadcasting Corporation, Shreveport, Louisiana.	KILB
Columbia Broadcasting System, Inc., New York, New York.	WFYB	Carter Publications, Incorporated, Fort Worth, Texas.	KNED
WGTM, Incorporated, Wilson, North Carolina.	WGTO	The Associated Broadcasters, Inc., San Francisco, California.	KSFQ
WHP, Incorporated, Harrisburg, Pennsylvania.	WHPA	Columbia Broadcasting System, Inc., New York, New York.	WAAU
National Broadcasting Company, Inc., New York, New York.	WIEO	Central New York Broadcasting Corporation, Syracuse, New York.	WABE
National Broadcasting Company, Inc., New York, New York.	WIEW	Columbia Broadcasting System, Inc., Washington, D. C.	WAEW
National Broadcasting Company, Inc., Chicago, Illinois.	WIEX	Minnesota Broadcasting Corporation, Minneapolis, Minnesota.	WAFY
WFBM, Inc., Indianapolis, Indiana.	WIPM	The Journal Company (The Milwaukee Journal), Milwaukee, Wisconsin.	WAHB
Stromberg-Carlson Telephone Manufacturing Company, Rochester, New York.	WJEN	Courier-Journal and Louisville Times Company, Louisville, Kentucky.	WAIC
Stromberg-Carlson Telephone Manufacturing Company, Rochester, New York.	WJEP	Ashland Broadcasting Company, Ashland, Kentucky.	WATA
WJR, The Goodwill Station, Detroit, Michigan.	WJRA	Matheson Radio Company, Inc., Boston, Massachusetts.	WAUC
National Broadcasting Company, Inc., New York, New York.	WMEF	Evansville on the Air, Inc., Evansville, Indiana.	WAUT
National Broadcasting Company, Inc., New York, New York.	WMFL	Havens & Martin, Inc., Richmond, Virginia.	WAXE
National Broadcasting Company, Inc., Chicago, Illinois.	WMFS	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAM
National Broadcasting Company, Inc., Chicago, Illinois.	WNBE	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAN
National Broadcasting Company, Inc., Cleveland, Ohio.	WNBJ	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAO
National Broadcasting Company, Inc., New York, New York.	WNBM	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAQ
National Broadcasting Company, Inc., Cleveland, Ohio.	WNBT	Head of the Lakes Broadcasting Company, Duluth, Minnesota.	WBGL
National Broadcasting Company, Inc., New York, New York.	WNBV	Columbia Broadcasting System, Inc., Charlotte, North Carolina.	WCBE
WFBM, Inc., Indianapolis, Indiana.	WNEI	Columbia Broadcasting System, Inc., New York, New York.	WCBF
Northwestern Publishing Company, Danville, Illinois.	WRDI	Columbia Broadcasting System, Inc., Chicago, Illinois.	WCBG
KLZ Broadcasting Company, Denver, Colorado.	KAAO	Columbia Broadcasting System, Inc., New York, New York.	WCBN
Columbia Broadcasting System, Inc., Los Angeles, California.	KAAZ	Central New York Broadcasting Corporation, Syracuse, New York.	WFYA
Don Lee Broadcasting System, Los Angeles, California.	KABD	Minnesota Broadcasting Corporation, Minneapolis, Minnesota.	WAFZ
Oscar C. Hirsch, trading as Hirsch Battery and Radio Co., Cape Girardeau, Missouri.	KAGM	Larus & Brother Company, Incorporated, Richmond, Virginia.	WCLA
Earle C. Anthony, Inc., Los Angeles, California.	KAIH	Miami Broadcasting Company, Miami, Florida.	WIEF
Don Lee Broadcasting System, Los Angeles, California.	KAOG	Knickerbocker Broadcasting Company, Inc., New York, New York.	WIEH
KRIC, Incorporated, Beaumont, Texas.	KAOV	Columbia Broadcasting System, Inc., New York, New York.	WIEK
Don Lee Broadcasting System, Los Angeles, California.	KAPS		

<i>Applicant and Location</i>	<i>Call Letters</i>
Isle of Dreams Broadcasting Corporation, Miami, Florida.	WIOE
Isle of Dreams Broadcasting Corporation, Miami, Florida.	WIOF
The Journal Company (The Milwaukee Journal), Milwaukee, Wisconsin.	WJER
Isle of Dreams Broadcasting Corporation, Miami, Florida.	WIOG
National Broadcasting Company, Inc., Washington, D. C.	WNBU
Agricultural Broadcasting Company, Chicago, Illinois.	WOEB
Georgia School of Technology, Atlanta, Georgia.	WQER
Georgia School of Technology, Atlanta, Georgia.	WQET

### RENEWAL OF LICENSES

Westinghouse Electric & Manufacturing Co.: WBZ, Boston, Mass.; WBZA, Boston, Mass.; KYW, Philadelphia, Pa.; KDKA, Pittsburgh, Pa.—Granted petition for reconsideration, cancelling hearings previously scheduled, and granted renewal of licenses of broadcast stations WBZ, WBZA, KYW, and KDKA.

### MISCELLANEOUS

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast material to be received from police transmitter KGPE between 7:30 p. m. and 9 p. m., CST, on September 11, 1940, in connection with educational broadcast concerning the police department, subject to the condition that only routine police communications are rebroadcast.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m. to 10 p. m., EST, on September 10, 1940, in order to broadcast the political speeches of Abit Nix, A. M. Anderson, and others.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m. EST, September 11, 1940, to 1 a. m., EST, September 12, 1940, in order to broadcast returns of the Georgia Primary Election.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:45 p. m. to 10:15 p. m., EST, on August 29, 1940, in order to broadcast the annual Ritchie Day Dinner only.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period August 16, 1940, to not later than September 14, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WPAY—Chester A. Thompson, Transferor, and Brush-Moore Newspapers, Transferor, Portsmouth, Ohio.—Denied petition for reconsideration and grant without hearing of application for consent of transfer of control of Vee Bee Corp., licensee of Station WPAY.

Broadcasting Corp. of America, Riverside, Calif.—Granted petition for intervention in re hearing on application of Mollin Investment Co., Riverside, Calif., for construction permit for new station to operate on 1390 kc., 500 watts, daytime (B5-P-2464).

WRR—City of Dallas, Tex.—Granted motion for leave to amend application so as to request 5 KW, move transmitter, install new equipment and directional antenna system; frequency 1280 kc. and unlimited hours to remain same (B3-P-2229).

Trent Broadcasting Corp., Trenton, N. J.—Granted petition for leave to amend application for new station, with reference to proposed transmitter site and directional antenna system.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Granted license to cover construction permit as modified for new broadcast station, 1310 kc., 250 watts, unlimited time (B3-L-1214). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-466).

WFME—Monocacy Broadcasting Co. (area of Frederick, Md.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., power 40 watts (B1-LRY-202).

KMYR—F. W. Meyer, Denver, Colo.—Granted modification of construction permit for new station, for approval of antenna and transmitter site, and change type of transmitter; 1310 kc., power 100 watts, 250 watts LS, unlimited time (B5-MP-962).

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted modification of construction permit as modified for construction of new station, for change in type of transmitter; 1500 kc., 100 watts, 250 watts LS, unlimited time (B3-MP-1026).

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Granted modification of construction permit for changes in directional antenna for both day and night, and move of transmitter and studio, for extension of completion date from September 10, 1940, to December 10, 1940 (B1-MP-1049).

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted license to cover construction permit to increase power from 1 to 5 KW night, installation of directional antenna for night use (B2-L-1216). Also granted authority to determine operating power by direct measurement of antenna power (B2-L-467).

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to operate from local sunset (Aug. 7:30 p. m., EST) to 11 p. m., EST, on August 30 and 31, 1940, and from local sunset (Sept. 6:45 p. m., EST) to 11 p. m., EST, on September 1, 2, 3, 4, 5, 6, 7, and 8, 1940, in order to broadcast Michigan State Fair programs only.

WEAU—Central Broadcasting Co. Eau Claire, Wis.—Granted special temporary authority to operate from 7:30 p. m. to 9 p. m., CST, August 29, 1940, in order to broadcast the acceptance speech of Henry A. Wallace, Democratic Vice Presidential candidate.

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Denied petition for reconsideration of Commission action of August 14, 1940, which ratified the action taken July 29, 1940, by a Board of Commissioners granting the application of Watertown Broadcasting Corp., Watertown, N. Y., for a construction permit for new broadcast station to operate on frequency 1210 kc., 250 watts power, unlimited time.

WJHP—The Metropolis Co., Jacksonville, Fla.—Granted extension of time to September 25, 1940, within which to file answer to petition of Florida Broadcasting Co. (WMBR) for rehearing to Commission's grant of a license to cover construction permit to The Metropolis Co. on July 23, 1940, for new broadcast station to operate on 1290 kc., 250 watts power, unlimited time.

KYSM—F. B. Clements & Co., d/b as Southern Minnesota Supply Co., Mankato, Minn.—Denied petition for immediate grant of application for construction permit to install new equipment, directional antenna, and to operate on 940 kc. contingent on the shifting of station frequencies pursuant to the North American Regional Broadcasting Agreement.

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Granted modification of construction permit for new broadcast station for approval of antenna, approval of transmitter and studio sites; 1500 kc., 250 watts, unlimited time (B1-MP-1047).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted license to use old main transmitter for auxiliary purposes only (B1-L-1217).

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted license to cover construction permit for changes in equipment and increase in power; 1310 kc., 250 watts, unlimited time (B2-L-1215).

KOH—The Bee, Inc., Reno, Nev.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-472). Also granted license to cover construction permit, as modified, for change in frequency and power, installation of directional antenna for night use and move of transmitter and studio; 630 kc., 1 KW, unlimited time, directional antenna at night (B5-L-1218).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit for equipment changes, for extension of completion date from October 22, 1940, to April 22, 1941.

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from 6:15

p. m. to 7 p. m. EST, September 2, 9, 16, 23, and 30, 1940, in order to broadcast a religious program, a Novena, conducted by Monsignor Connelly.

WAIA—Press Union Publishing Co. (area of Atlantic City, N. J.).—Granted special temporary authority to operate a relay broadcast station for a period of 15 days, commencing on or about September 1, 1940, the portable relay transmitter to be operated on **30820, 33740, 35820 and 37980 kc.**, with power of 2 watts and A3 emission, in order to broadcast a description of the Atlantic City Beauty Pageant and Annual Boardwalk Festival.

W9XA—Everett L. Dillard, tr/as Commercial Radio Equip. Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.**, using maximum power of 1000 watts, special emission (FM) in cooperation with the licensee of high frequency broadcast station W2XJI, for the period beginning August 31, 1940, and ending not later than September 29, 1940, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

## APPLICATIONS FILED AT FCC

### 900 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter, install directional antenna for night use, change frequency from **1210 to 900 kc.**, and increase power from 250 watts to 1 KW. Amended: To make minor changes in directional antenna.

### 1320 Kilocycles

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—License to cover construction permit (B2-P-2495) as modified, for new equipment, installation of directional antenna, increase in power and move of transmitter.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Authority to determine operating power by direct measurement.

### 1340 Kilocycles

WFNC—W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Voluntary assignment of license from W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., to W. C. Ewing & T. K. Weyher, tr. as Cumberland Broadcasting Co.

### 1420 Kilocycles

NEW—The Huntsville Times, Co., Inc., Huntsville, Ala.—Construction permit for a new station to be operated on **1200 kc.**, 250 watts, unlimited time. Amended: To change requested frequency from **1200 kc. to 1420 kc.**, make changes in vertical antenna and omit request for facilities of WBHP.

### 1450 Kilocycles

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATIONS

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 6,564 square miles; population, 1,531,182.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.**; coverage, 12,520 square miles; population, 5,241,300.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**; coverage, 1427.97 square miles; population, 1,901,124.

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit for a new high frequency broadcast

station to be operated on **43100 kc.**; coverage, 20,437 square miles; population, 6,606,882.

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **43700 kc.**; coverage, 14,144 square miles; population, 3,636,615.

## MISCELLANEOUS

WEMB—Westinghouse Electric and Manufacturing Co., Mobile-Chicopee Falls, Mass.—Construction permit to install new transmitter and decrease operating power from 50 watts to 2 watts.

WEMB—Westinghouse Electric and Manufacturing Co., Mobile-Chicopee Falls, Mass.—License to cover construction permit (B1-PRE-365) for new equipment and decrease in operating power.

KEGN—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—License to cover construction permit (B5-PRE-289) as modified for installation of new transmitter.

KQCB—Queen City Broadcasting Co., Inc., vicinity of Northwest Washington State.—License to cover construction permit (B5-PRY-223) for installation of new transmitter and increase in power.

WBAE—L. B. Wilson, Inc., Cincinnati, Ohio.—License to cover construction permit (B2-PRY-217) for new relay station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Belle Blouse Corporation**, New York, is alleged to misrepresent the constituent fiber or material of which its blouses and other wearing apparel for women are made. A typical representation, the complaint continues, is its use of the terms "Pure Dye Silk" and "Pure Crepe Silk," and other terms indicative of silk, on tags, labels, price lists and other advertising matter. By these means and by failing to disclose the rayon content of certain of its products, the complaint alleges, the respondent represents that its fabrics so described are composed of silk, when in fact they consist in whole or in part of rayon. (4273)

**Federal Sales Company**—See Jordan Stevens Company.

**Parker T. Frey Company**—Parker T. Frey, trading under the names of Parker T. Frey Company and Nearby Sales Company, 135 South Second St., Philadelphia, a broker in the sale of food products, particularly canned sea food and vegetables, is charged with violation of the brokerage provision of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondent has carried on his brokerage business principally under the firm name of Parker T. Frey Company and that he is also in the business of buying and selling food products for his own account principally under the firm name of Nearby Sales Company but also under the name Parker T. Frey Company.

According to the complaint, the respondent, in the purchase of food products for his own account, and trading under the two firm names, receives and accepts from numerous sellers of such products so purchased, brokerage fees or allowances or discounts in lieu thereof, on many of the purchases made for his own account. (4290)

**S. Friedman & Sons**—Abraham and Samuel Friedman, trading as S. Friedman & Sons, and as Sunray Yarn House, New York, are alleged to advertise one of their knitting yarns as "Sunray Cashmere Sport Yarn" and as "Sunray Cashmere Sport" and "Cashmere Sport," and another yarn as "Sunray Cashmere De Laine," representing that they are made entirely from the hair of the Cashmere goat. The complaint points out that in fact neither of the yarns is made entirely from such hair, the "Sunray Cashmere Sport Yarn" containing no hair of the Cashmere goat and "Sunray Cashmere De Laine" being a mixture of hair of the Cashmere goat and Australian wool, with the Australian wool predominating. (4274)

**Jack Frost Yarn Company**—See Gottlieb Brothers.

**Gardner & Company**—Everett J. Granger, Mame Partin, Frances Martin, Hattie G. Gardner, Thekla Maas, Bernice Feitler and Erwin Feitler, individually and trading as Gardner & Company, 2309 Archer Ave., Chicago, are charged, in a complaint, with the distribution of lottery devices.

The complaint alleges that the respondents are engaged in the manufacture and distribution of push cards and punch boards involving lottery features when used in connection with the sale or distribution of other merchandise to ultimate consumers.

Through the sale and distribution of their devices the respondents are alleged to furnish others with the means of conducting lotteries. (4278)

**Gottlieb Brothers**—Charging misrepresentation in the sale of knitting yarns, a complaint has been issued against Samuel and Peter Gottlieb, trading as Gottlieb Brothers and as Jack Frost Yarn Company, 207 Avenue C, New York.

The complaint alleges that the respondents represent the constituent fiber or material of which their products are made by means of misleading designations on labels, sample cards and other advertising matter and by failure to disclose the rayon content of certain of their products.

Typical instances of the respondents' misrepresentation of the constituent fiber or material of their products, the complaint continues, are their use of the wool-denoting terms "Sport Angora", "Cashmere Sport", "Imported Cashmere", "Zephyr Tweed", "Persian Curl" and other similar words for products made from fibers other than those so indicated.

Some of the terms employed by the respondents, the complaint continues, do not disclose or indicate the kind or type of material from which the products are made, and are used on materials having the appearance and feel of either silk or wool; for example, use of the terms "Heatherstone", "Pompadour", "Paradise", "Duveen", "Magic Duveen", "Willow Down", "Supersheen", "Germantown" and "Persian Curl", when in fact the products are composed in whole or in part of rayon.

Typical also of the respondents' representations of their products as being of a finer grade, higher quality or different fiber than is actually a fact, the complaint continues, has been their use of terms indicative to the public of certain fiber, grade or quality; for example, use of the words and phrases "Cashmere Sport" and "Imported Cashmere" in advertising matter to describe certain of their products which do not contain the hair of the Kashmir goat but instead are composed of other fibers.

A further typical practice of the respondents, the complaint continues, has been their use of words associated in the public mind as descriptive of wool exclusively, to describe yarn products consisting partly of wool and partly of other materials; for example, use of the words "Tweed", "Worsted", "Angora" and "Cashmere" and other words of similar meaning indicative of wool to designate yarn products actually composed of rayon and wool. (4268)

**Minetree Brokerage Company**—Alleging violation of the brokerage provision of the Robinson-Patman Act, a complaint has been issued against T. A. Ward, Carr Ward and Wilma Ward, trading as Minetree Brokerage Company, Poplar Bluff Mo.

The complaint points out that the Poplar Bluff Wholesale Grocery Company, Poplar Bluff, Mo., in which the respondents T. A. and Wilma Ward own 88 per cent of the outstanding capital stock and of which they are officers, place orders for a substantial portion of its merchandise requirements, particularly foodstuffs, with various sellers through the respondent brokerage firm of

T. A. Ward, Wilma Ward and Carr Ward, trading as Minetree Brokerage Company.

Sellers delivering the goods ordered by Poplar Bluff Wholesale Grocery Company, the complaint alleges, transmit and pay to the respondent brokerage firm substantial brokerage fees or commissions amounting to a certain percentage, usually from 2½ to 5 per cent of the sales price of the grocery company's purchases. In all of these transactions, the complaint continues, the respondents have acted for and on behalf of the Poplar Bluff Wholesale Grocery Company. (4285)

**National Proprietaries, Inc.**—Misrepresentation of a drug product is alleged in a complaint issued against National Proprietaries, Inc., 767 North Milwaukee Ave., Chicago.

Advertising a preparation known as "Nuga-Tone," the respondent is alleged to represent that it has substantial value in treating nervous disorders when in fact it does not possess such value.

The complaint alleges that in addition the respondent has disseminated false advertisements in that such advertisements fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary and usual may result in serious and irreparable injury to health.

The complaint points out that the respondent's preparation is not safe and harmless in that it contains the drugs corrosive sublimate, strychnine sulphate, arsenic trioxide, reduced iron, extract gentian, extract cascara sagrada, extract taraxacum and zinc phosphide. The complaint alleges that these drugs are present in quantities sufficient to produce serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary and usual. (4271)

**Nearby Sales Company**—See Parker T. Frey Company.

**Thomas Page Mill Company, Inc.**—A complaint has been issued against The Thomas Page Mill Company, Inc., Topeka, Kans., a miller and distributor of flour, and Piedmont Wholesale Grocery Company, Piedmont, Mo., alleging violation of the brokerage provision of the Robinson-Patman Act.

The complaint charges that The Thomas Page Mill Company, Inc., has paid brokerage fees and granted allowances or discounts in lieu of brokerage upon purchases by buyers for their own account, including the Piedmont Wholesale Grocery Company, and that the latter company has received and accepted allowances or discounts in lieu of brokerage upon its purchases from The Thomas Page Mill Company, Inc. (4286)

**Piedmont Wholesale Grocery Company**—See Thomas Page Mill Company, Inc.

**Poplar Bluff Wholesale Grocery Co.**—See Minetree Brokerage Company.

**Thomas Roberts & Company**—Charging violation of the brokerage provision of the Robinson-Patman Act in the sale and purchase of food products, a complaint has been issued against Walter W. Thrasher, Willoughby J. Rothrock, Linton A. Thrasher and Wainwright Churchill, trading as Thomas Roberts & Co., 135 South Second St., Philadelphia, who purchase canned fruits and vegetables for their own account and resell them to jobbers, wholesalers, retail chain stores and other purchasers.

Substantial brokerage fees and commissions or allowances and discounts in lieu thereof have been received and accepted by the respondents from sellers in connection with the purchase of commodities for their own account in interstate commerce, according to the complaint, and have been granted by them to purchasers in connection with the respondents' resale of such commodities.

Usually, the complaint continues, the receipt and acceptance of these brokerage fees, discounts or allowances by the respondents is accomplished by purchasing commodities at prices lower than the prices at which such articles are sold to other purchasers thereof. The prices paid by the respondents, the complaint continues, are lower by an amount which reflects all or a portion of the brokerage currently being paid by the sellers of such com-



modities to their respective brokers for effecting sales of such products to other purchasers.

The complaint alleges that the respondents' receipt and acceptance from the sellers, and their granting and allowing to the purchasers upon resale, of brokerage fees and commissions or allowances and discounts in lieu thereof, are in violation of section 2 (c) of the Clayton Act, as amended by the Robinson-Patman Act. (4282)

**Albert W. Sisk & Son**—Six firms engaged as brokers in the purchase and sale of food products are charged with violation of the brokerage provision of the Robinson-Patman Act in complaints.

The respondents are A. Fletcher Sisk, Theodore E. Fletcher and Harold E. Stark, trading as Albert W. Sisk & Son, Preston, Md.; Charles F. Unruh and Robert A. Harris, Jr., trading as C. F. Unruh Brokerage Company, Kinsdale, Va., and Cecil G. Reaburn, trading as C. G. Reaburn & Co., Roanoke, Va.; H. Weldon Ruff, trading as H. M. Ruff & Son, York, Pa.; W. E. Robinson & Co., Inc., Bel Air, Md., and American Brokerage Company, Inc., Roanoke, Va.

The respondents, according to the complaints, are field brokers acting as agents of sellers in transactions of sale and purchase of canned vegetables between sellers and jobbers, wholesalers, retail chain stores and other purchasers. The C. F. Unruh Brokerage Company, H. M. Ruff & Son, and W. E. Robinson Co., Inc., also handle canned fruits.

The complaints allege that the respondents effect sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondents; that for their services to the sellers the respondents receive from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where the respondents effect sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondents, such allowance and discount usually being the equivalent of the brokerage paid by the respondents to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the complaint, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondents.

The complaints point out that the respondents also purchase canned products for their own account for resale to jobbers, wholesalers, retail chain stores and other purchasers and that in connection with such purchases and the resale of such commodities they have received and accepted from the sellers and have granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The complaints charge that the respondents have violated section 2(c) of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting and by granting and allowing the brokerage fees and commissions or allowances and discounts in lieu thereof, as alleged. (4275, 4283, 4284, 4292, 4294 and 4298)

**Jordan Stevens Company**—A Minneapolis seller of coffee and a Flushing, N. Y., candy dealer have been served with complaints alleging the sale of products so packed and assembled as to involve the use of lottery methods when sold and distributed to the consuming public. The respondents are Jordan Stevens Company, 200 Third Ave., North, Minneapolis, and John Shapiro, trading as Federal Sales Company, 150-35 Thirty-fourth Ave., Flushing, Long Island, N. Y.

Use of the respondents' sales methods, the complaints charge, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair method of competition and an unfair act or practice under the Federal Trade Commission Act. (4269-4270)

**Stomar Manufacturing Company**—Alleging misrepresentation in the sale of graters and shredders for use in preparing foods, a complaint has been issued against Joseph H. and Joseph D. Kevorkian, and Louis Stone, trading as Stomar Manufacturing Company, 1027 Ridge Ave., Philadelphia.

Advertisements of the respondents allegedly referred to the "Stomar Stainless Safety Grater" and "Stomar Stainless Safety Grater and Shredder" and contained the expressions "Won't Rust", "Won't Tarnish" and "Won't Corrode".

Through use of the word "Stainless" the respondents, according to the complaint, represent that their grater is stainless steel when in fact it is made from ordinary carbon steel wire with a re-tinned finish. The respondents, through their use of the expressions "Stainless", "Won't Rust", "Won't Tarnish" and "Won't Corrode", are alleged to create the impression that their grater successfully resists rust, stain and corrosion, when in fact, according to the complaint, it is not stainless and will rust and stain when brought into contact with agencies which do not rust or blemish stainless steel. (4272)

**Sunray Yarn House**—See S. Friedman & Sons.

**Uco Food Corporation**—Violation of the brokerage provision of the Robinson-Patman Act in the purchase of food products is alleged in complaints issued against Giant Tiger Corporation, Philadelphia, operating a chain of retail food stores commonly known as "Super Markets"; Uco Food Corporation, Newark, N. J., food wholesaler; R. C. Williams & Co., Inc., New York, food importer and exporter; A. Krasne, New York, food wholesaler, and General Grocer Company, St. Louis, food wholesaler.

The respective complaints allege that each respondent, in connection with the purchase of its requirements in interstate commerce, has received and accepted allowances and discounts in lieu of brokerage in substantial amounts.

Usually, the complaints continue, the receipt and acceptance of the allowances and discounts in lieu of brokerage is accomplished by the respondents through the purchase of commodities at prices lower than the prices at which such articles are sold to other purchasers. The prices paid by the respondents, according to the complaints, are lower by an amount which reflects all or a portion of the brokerage currently being paid by the sellers of such commodities to their respective brokers for effecting sales of similar products to other purchasers. (4276-4277-4279-4280-4281)

**Wool Trading Company, Inc.**—A complaint has been issued charging the Wool Trading Company, Inc., 361 Grand St., New York, with misrepresentation in the sale of knitting yarns.

In its catalogs, sample books and other printed matter the respondent, according to the complaint, makes misleading representations concerning the composition of its products and their place of origin, the status of its business, and persons purported to be connected with it.

The complaint alleges, among other things, that the respondent employs the term "Cashmere Sport" for yarn containing none of the wool of the cashmere goat; "Ascot Tweed," "Zephyr Tweed" and "Shag Tweed" for yarns composed not wholly of wool but of part wool and part rayon; "Sparkle Crepe" for yarn not made wholly of silk but entirely of wool and rayon; "Angora" for yarn not composed wholly of the wool of the Angora goat but consisting in part of other wool; and "Frazee" and "Gimp" for yarns having the appearance of being part silk products but in fact consisting of wool and rayon or cotton and rayon.

Yarns not imported from the Shetland Islands or Scotland have been designated by the respondent as "Shetland Floss," "Scotch Heather" and "Scotch Tweed," according to the complaint, and yarn of domestic origin has been described as "Imported Cashmere (Feather Tone)."

Typical of the respondent's misrepresentation of persons allegedly connected with its business, the complaint continues, has been its use of the name "Elsie Janice," represented to be its "chief in-structress," such fictitious name so closely resembling that of Elsie Janis, the actress, as to be misleading.

Letterheads of the respondents, it is alleged, bear the wording "Wool Trading Co., Inc., Manufacturers of Peter Pan Yarns," when in fact this company does not manufacture yarns but purchases them from others. (4267)

## STIPULATIONS

No stipulations were entered into by the Commission during the past week.

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**National Converters Institute**—Nine members of the transparent materials converting industry and their trade association have been ordered to cease and desist from agreeing to maintain uniform prices of transparent cellulose sheets and rolls such as cellophane, sylphrap, kodapak and protectoid. The manufacturer-members are dominant factors in their industry, controlling more than 90 per cent of the country's output and sale of such products.

The respondents are National Converters Institute, 111 West Washington St., Chicago, the trade association; Shellmar Products Company, Mount Vernon, Ohio; Milprint Products Corporation (now Milprint, Inc.), 431 West Florida St., Milwaukee, with branch factories in Philadelphia and Los Angeles; Traver Paper Corporation, 358 West Ontario St., Chicago; Dobeckmun Company, 3301 Monroe Ave., Cleveland; Dennison Manufacturing Company, Framingham, Mass.; Caton Printing Company, 422 West 8th St., Kansas City, Mo.; Thomas M. Royal & Company, 5800 North Seventh St., Philadelphia; Nashua Gummed and Coated Paper Company, Nashua, N. H., and Pioneer Wrapper and Printing Company, 837 East 4th Place, Los Angeles. The last three mentioned respondents resigned their memberships in the trade association shortly prior to the service of the Commission's complaint on September 19, 1939.

Also named as respondent is Richard M. McClure, secretary-treasurer and manager of the National Converters Institute.

Commission findings are that the member respondents entered into agreements with each other to maintain uniform prices for the sale of their products, including the discounts to be allowed purchasers; exchanged through the medium of the trade association and of McClure, current price lists and confidential detailed information as to the conduct of their businesses.

The respondents are ordered to cease and desist from filing uniform prices and discounts at which their products are to be sold either directly or through the medium of the National Converters Institute and Richard M. McClure, or any other agency; exchanging through the medium of the Institute and its manager, or any other agency, price lists containing proposed or future prices and discounts of their products in order to establish net prices at which they will sell such products, or filing with the Institute and its manager, or any other agency, deviations in current price lists of their products in order to establish and maintain uniform net selling prices.

The respondents were also ordered to desist from agreeing among themselves that they will maintain proposed future prices and discounts published by them and filed with the Institute and Richard M. McClure, or any other agency, or collecting or disseminating information as to instances where respondent corporations have sold their products at prices and discounts other than those set forth in their respective price lists, in order to maintain the net prices and discounts which the respondent manufacturers agreed to maintain. (3897)



## REALLOCATION—MARCH 29, 1941

In conformity with provisions of the North American Regional Broadcasting Agreement, the Federal Communications Commission yesterday filed with the State Department its proposed reallocation of frequencies in the standard broadcast band, to go into effect simultaneously with the pact March 29, 1941. The signatory governments are exchanging their respective tentative assignments for final check before making them operative.

Changes necessitated by the Havana agreement will affect 777 of the 862 radio stations now operating in the standard broadcast band (550 to 1600 kilocycles) in the United States. These are published below in the REPORTS. In shifting the United States frequencies the Commission plans but minimum alteration in the present broadcast service.

Here, in general, is how the domestic shift will be accomplished:

Stations now operating on channels of from 550 to 720 kilocycles will retain their present assignments. Stations operating between 740 and 780 kilocycles will move up 10 kilocycles (which is the engineering equivalent to one channel).

Stations using from 790 to 870 kilocycles will move up 20 kilocycles (two channels).

Stations between 880 and 1450 kilocycles will generally advance 30 kilocycles (three channels).

Clear channel stations will shift from 1460-1490 kilocycles to 1500-1530 kilocycles.

Local stations now on 1500 kilocycles will move down one channel—to 1490 kilocycles.

The chief noticeable difference to the average listener will be that his favorite station above 730 kilocycles will occupy a slightly different place on his receiver dial—usually higher. *The NAB is immediately preparing plans for an educational campaign to inform listeners of these changes. Plans will seek to bring about a simultaneous switch-over by all stations so that reallocations can be made in an orderly manner with minimum disturbance to program service and listener following.*

The correlated shifting of the frequencies of some 100 broadcast stations in Canada, and of numerous stations in Mexico and Cuba will serve to eliminate in considerable measure the long-complained of interference from these sources, and thereby improve broadcast reception in the North American continent generally. Interference from Mexican and Cuban stations has been particularly objectionable to the rural listeners.

Certain obnoxious broadcast stations on the Mexican border are to be eliminated. These stations are largely run by persons denied the use of frequencies in the United States. They have featured the types of programs which caused them to be eliminated from the United States scene. The Havana pact contains no provision for the continued operation of these high-powered stations just across the border.

The United States broadcaster, on his part, does not have to replace present transmis-

(Continued on page 4572)

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

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

**REALLOCATION—MARCH 29, 1941**

*(Continued from page 4571)*

sion and other expensive equipment. His chief concern will be to change the quartz crystals which control a station's operating frequency. Through this is a small item, it will take some time to obtain the 2000 or more needed crystals from the comparatively few manufacturers who grind and calibrate them to order.

In carrying out the agreement, the Commission states it has made every effort "to preserve the broadcast structure in the United States so that minimum interference in frequency assignments would be required. Of course, blanket shifts were not possible in every instance, and certain stations had to be considered individually in their relation to the new set-up as a whole. When a considerable change in frequency was found imperative, the Commission's engineers have striven to provide a new assignment with less potential interference than exists on the present frequency, or the licensee is afforded opportunity to increase his power to maintain substantially his present service area. In making such general reallocations, however, it is necessary for the Commission to amend its rules governing standard broadcast stations in some technical particulars."

By far the largest portion of the 777 stations which have to shift will be those stations which will move up 30 kilocycles. A breakdown of the effect of the change on the 862 standard broadcast stations follows:

<i>Change</i>	<i>Number of Stations Affected</i>
No change	85
Move up 10 kilocycles	20
Move up 20 kilocycles	26
Move up 30 kilocycles	614
Move up 40 kilocycles	25
Move down 10 kilocycles	64
Irregular shifts	28

Any broadcaster has until October 15th to register his views if he takes exception to his individual assignment.

The practical effect of the agreement is to establish principles paralleling the allocation and engineering standards put into effect by the Commission in 1939. In fact, the existing plan was drafted to meet the changes proposed in the then impending agreement. In preparation for reallocation, the Commission set all outstanding standard broadcast authorizations to expire October 1.

This date is now extended to be coincident with the effective date of the Havana pact—March 29th next.

The treaty itself does not specify the changes which must be made in the operating frequencies of broadcast stations in the United States. Nor does it designate the operating assignment of individual stations. However, the assignment of certain classes of stations in Canada, Cuba, and Mexico very nearly controls the assignments in the United States.

It was particularly necessary to provide five clear channels for Mexico which, prior to the agreement, had no frequencies reserved for high power stations in the standard broadcast band. So, some changes in the allocation structure previously set up by the Commission was necessary.

Two clear channels were obtained by taking United States stations on the present 1010 kilocycle regional channel and the present 1180 kilocycle clear channel and reassigning these stations to different frequencies. Three additional channels were secured by shifting the frequencies of stations commencing with the 740 kilocycle clear channel to other channels—10, 20 and 30, and in some cases 40, kilocycles above the channel now occupied. In this manner a clear channel is provided at 740 kilocycles, another at 800 kilocycles, and still another at 900 kilocycles. Thus, five channels are made available for use by Mexican stations. Canada provided an additional clear channel for Cuba.

Under the reassignments, the United States still retains six local channels. Its number of regional channels has been reduced from 42 to 41. On the other hand, its number of clear channels has increased from 44 to 59, and it can use 15 additional clear channels under certain restrictions set out in the treaty.

The compact is a mutual arrangement to allocate frequencies for the best public service in the countries involved and typifies the high spirit of cooperation among

*(Continued on page 4593)*

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# Assignments of United States Standard Broadcast Stations to be Made Effective on the Effective Date of the North American Regional Broadcasting Agreement

Including Changes in Station Assignments, as Noted, to be Made Effective on or Before the Effective Date of this Agreement

## Listed by Frequency

### Abbreviations

T.....	where transmitter location differs from main studio, same is shown below main studio location.
w.....	watts
kw.....	kilowatts
LS.....	power until local sunset
kc.....	kilocycles
U.....	unlimited time
L.....	limited time with dominant station
D.....	daytime
N.....	nighttime
S.....	shares time
S.H.....	specified hours
DA.....	directional antenna

### 550 kilocycles

Call Letters	Location	Power	Radiation	Time Designation	Class
KOY	Phoenix, Ariz.....	1kw	175 mv/m	U	III-A
KSD	St. Louis, Mo.....	1kw, 5kw-LS	200, DA-N	U	III-B
WGR	Buffalo, N. Y. (T-Tonawanda).....	1kw, 5kw-LS	175	U	III-B
KFYR	Bismarck, N. Dak. (T-nr. Menoken).....	1kw, 5kw-LS	210	U	III-A
WKRC	Cincinnati, Ohio.....	1kw, 5kw-LS	DA	U	III-B
KOAC	Corvallis, Oreg. (T-Granger).....	1kw, 5kw-LS	DA	U	III-A
KTSA	San Antonio, Texas.....	1kw, 5kw-LS	175	U	III-A
WDEV	Waterbury, Vt.....	1kw	180	D	III
WSVA	Harrisonburg, Va.....	1kw	175	D	III

### 560 kilocycles

KSFO	San Francisco, Calif.....	1kw, 5kw-LS	175	U	III-A
KLZ	Denver, Colo.....	5kw	DA	U	III-A
WQAM	Miami, Fla.....	1kw	175	U	III-A
WIND	Gary, Ind.....	1kw, 5kw-LS	DA	U	III-A
WGAN	Portland, Me.....	5kw	175, DA-N	U	III-A
KWTO	Springfield, Mo.....	5kw, 1kw (5 am to 6 am)	190	D(5 am to local sunset)	III
WFIL	Philadelphia, Pa.....	1kw	175	U	III-A
WIS	Columbia, S. C.....	1kw, 5kw-LS	175, DA-N	U	III-A
KFDM	Beaumont, Texas.....	1kw	175	U	III-A

### 570 kilocycles

KMTR	Los Angeles, Calif.....	1kw	175	U	III-A
WMCA	New York, N. Y. (T-Kearney, N. J.).....	1kw, 5kw-LS	DA	U	III-A
WSYR	Syracuse, N. Y.....	1kw	DA	U	III-A
WWNC	Asheville, N. C.....	1kw	175	U	III-A
WOSU	Columbus, Ohio.....	1kw	175	S.H.(WKBN)	III-A
WKBN	Youngstown, Ohio.....	500w, 1kw-LS	175 mv/m	S.H.(WOSU)	III-B
WNAX	Yankton, S. Dak.....	1kw, 5kw-LS	190	U	III-A
KGKO	Fort Worth, Texas (T-Arlington).....	1kw, 5kw-LS	180, DA-N	U	III-A
KVI	Tacoma, Wis.....	5kw	190	U	III-A
WMAM	Marinette, Wash.....	250w	175	D	IV

### 580 kilocycles

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KMJ	Fresno, Calif.....	5kw	175	U	III-A
WDBO	Orlando, Fla.....	5kw	175, DA-N	U	III-A
WILL	Urbana, Ill. (T-S. of Champaign).....	5kw	DA	D	III
KSAC	Manhattan, Kans.....	500w, 1kw-LS	175	S-WIBW	III-B
WIBW	Topeka, Kans.....	5kw	190, DA-N	S-KSAC	III-A
WTAG	Worcester, Mass. (T-Holden).....	1kw, 5kw-LS	DA	U	III-A
WCHS	Charleston, W. Va.....	5kw	175, DA-N	U	III-A

### 590 kilocycles

KGMB	Honolulu, Hawaii.....	5kw	175	U	III-A
WEEI	Boston, Mass. (T-Medford).....	5kw	DA	U	III-A
WKZO	Kalamazoo, Mich. (T-nr. Parchment).....	1kw	189, DA-N	U	III-B
WOW	Omaha, Nebr.....	5kw	180	U	III-A
WMBS	Uniontown, Pa.....	1kw	175, DA-N	U	III-B
KHQ	Spokane, Wash.....	5kw	235	U	III-A

### 600 kilocycles

KFSD	San Diego, Calif.....	5kw	175	U	III-A
WICC	Bridgeport, Conn.....	500w, 1kw-LS	DA	U	III-B
WMT	Cedar Rapids, Iowa (T-nr. Marion).....	1kw, 5kw-LS	180, DA-N	U	III-A
WCAO	Baltimore, Md.....	500w, 1kw-LS	175	U	III-B
WREC	Memphis, Tenn. (T-nr. Rugby Park).....	1kw, 5kw-LS	DA	U	III-A

### 610 kilocycles

KFAR	Fairbanks, Alaska.....	1kw	175	U	III-A
KFRC	San Francisco, Calif.....	5kw	175	U	III-A
WIOD	Miami, Fla.....	5kw	DA	U	III-A
WDAF	Kansas City, Mo. (T-Johnson County, Kans.).....	5kw	185	U	III-A
WCLE	Cleveland, Ohio (T-Village of Seven Hills).....	500w	175	D	III
WIP	Philadelphia, Pa. (T-Bellmawr, N. J.).....	5kw	DA	U	III-A

### 620 kilocycles

KTAR	Phoenix, Ariz.....	5kw	DA	U	III-A
WFLA	Tampa, Fla. (T-Clearwater).....	5kw	183, DA-N	S.H.(WSUN)	III-A
WSUN	St. Petersburg, Fla. (T-Clearwater).....	5kw	183, DA-N	S.H.(WFLA)	III-A
WLBS	Bangor, Maine.....	500w, 1kw-LS	180	U	III-B
WLAF	Salina, N. Y. (near Syracuse).....	1kw	175, DA-N	U	III-B
KGW	Portland, Oreg. (T-N. Portland).....	1kw, 5kw-LS	210	U	III-A
WHJB	Greensburg, Pa.....	250w	150	D	IV
WKAQ	San Juan, Puerto Rico.....	5kw	195	U	III-A
WROL	Knoxville, Tenn.....	500w, 1kw-LS	175, DA-N	U	III-B
KWFT	Wichita Falls, Texas.....	1kw, 5kw-LS	DA	U	III-B
WTMJ	Milwaukee, Wis. (T-Brookfield).....	5kw	190, DA-N	U	III-A

### 630 kilocycles

KVOD	Denver, Colo.....	1kw	205, DA-N	U	III-A
WMAL	Washington, D. C. (T-Bethesda, Md.).....	5kw	DA	U	III-A
KXOK	St. Louis, Mo. (T-nr. Granite City, Ill.).....	5kw	DA	U	III-A
KOH	Reno, Nev.....	1kw	175, DA-N	U	III-A
WPRO	Providence, R. I. (T-E. Providence).....	5kw	210, DA-N	U	III-A
KGFX	Pierre, S. D.....	200w	150	S.H.(D)	IV

**640 kilocycles**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KFI	Los Angeles, Calif. (T-Buena Park)....	50kw	225	U	I-A
WOI	Ames, Iowa.....	5kw	180	D	II
WHKC	Columbus, Ohio.....	500w	175	L-KFI	II

**650 kilocycles**

WSM	Nashville, Tenn. (T-Franklin).....	50kw	225	U	I-A
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**660 kilocycles**

KOWH	Omaha, Neb.....	500w	175	D	II
WEAF	New York, N. Y. (T-Port Washington)..	50kw	DA	U	I-A

**670 kilocycles**

WMAQ	Chicago, Ill. (T-Addison).....	50kw	225	U	I-A
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**680 kilocycles**

KPO	San Francisco, Calif. (T-nr. Belmont)...	50kw	225	U	I-B
WLAW	Lawrence, Mass. (T-Andover).....	5kw	175, DA-N	U	II
KFEQ	St. Joseph, Mo.....	500w, 2½kw-LS	175	L-KPO	II
WPTF	Raleigh, N. C. (T-Cary).....	50kw	187, DA-N	U	II

**690 kilocycles**

KGGF	Coffeyville, Kans. (T-S. Coffeyville, Kans.).....	1kw	DA	S.H.(WNAD)	II
WNAD	Norman, Okla.....	1kw	DA	S.H.(KGGF)	II

**700 kilocycles**

WLW	Cincinnati, Ohio (T-Mason).....	50kw	260	U	I-A
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**710 kilocycles**

KMPC	Beverly Hills, Calif. (T-Van Nuys)....	5kw	DA	U	II
WOR	Newark, N. J. (T-Carteret).....	50kw	DA	U	I-B
KIRO	Seattle, Wash. (T-Maury Is.).....	10kw	DA	U	I-B

**720 kilocycles**

WGN	Chicago, Ill. (T-S.E. of Schaumburg)..	50kw	250	U	I-A
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**740 kilocycles**

KQW	San Jose, Calif. (T-Alviso).....	5kw	DA	U	II
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**750 kilocycles**

WSB	Atlanta, Ga.....	50kw	225	U	I-A
KMMJ	Grand Island, Nebr. (T-E. of Phillips).	1kw	180	L-WSB	II
WHEB	So. of Portsmouth, N. H.....	1kw	175	L-WSB	II

**760 kilocycles**

KGU	Honolulu, Hawaii.....	2½kw	175	L-WJR	II
WJR	Detroit, Mich. (T-Wyandotte).....	50kw	225	U	I-A

**770 kilocycles**

WLB	Minneapolis, Minn. (T-St. Paul).....	5kw	175	S-WCAL (2/3 daytime)	II
WCAL	Northfield, Minn.....	5kw	180	S-WLB (1/3 daytime)	II
WEW	St. Louis, Mo.....	1kw	175	D	II
WJZ	New York, N. Y. (T-Bound Brook, N. J.).....	50kw	235	U	I-A
KXA	Seattle, Wash.....	1kw	175	L-WJZ	II

**780 kilocycles**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WBBM	Chicago, Ill. (T-Glenview).....	50kw	225	U	I-A
WJAG	Norfolk, Nebr.....	1kw	175	L-WBBM	II

**790 kilocycles**

KFQD	Achorage, Alaska.....	250w	150	S.H.	IV
KECA	Los Angeles, Calif.....	1kw, 5kw-LS	200	U	III-A
KGHL	Billings, Mont.....	1kw, 5kw-LS	205	U	III-A
WPIC	Sharon, Pa.....	1kw	175	D	III
WPRR	Mayaguez, Puerto Rico.....	1kw	175, 2½kw-LS	U	III-A
WEAN	Providence, R. I. (T-E. Providence)...	1kw, 5kw-LS	DA	U	III-A
KFDY	Brookings, S. Dak.....	1kw	175	S.H.(D)	III
WMC	Memphis, Tenn.....	1kw, 5kw-LS	235, DA-N	U	III-A
WTAR	Norfolk, Va.....	1kw, 5kw-LS	181, DA-N	U	III-A

**810 kilocycles**

KGO	San Francisco, Calif. (T-Oakland).....	7½kw	225	U	II
	Proposed.....	10kw			I-B
KOAM	Pittsburgh, Kans.....	1kw	185	D	II
WGY	Schenectady, N. Y. (T-S. Schenectady).....	50kw	235	U	I-B

**820 kilocycles**

WTBO	Cumberland, Md.....	250w	175	L-WFAA, WBAP	II
WFAA	Dallas, Texas (T-Grapevine).....	50kw	245	S-WBAP	I-A
WBAP	Fort Worth, Texas (T-Grapevine).....	50kw	245	S-WFAA	I-A

**830 kilocycles**

WCCO	Minneapolis, Minn. (T-Anoka).....	50kw	245	U	I-A
WNYC	New York, N. Y. (T-Brooklyn).....	1kw	DA	L-WCCO	II

**840 kilocycles**

WHAS	Louisville, Ky. (T-N.E. of New East-wood).....	50kw	250	U	I-A
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**850 kilocycles**

KOA	Denver, Colo.....	50kw	225	U	I-A
WRUF	Gainesville, Fla.....	5kw	175	L-KOA	II
WHDH	Boston, Mass. (T-Saugus).....	1kw	175	L-KOA	II
KFUO	Clayton, Mo.....	1kw	175	L-KOA	II
WEEU	Reading, Pa. (T-Spring Twp.).....	1kw	175	D	II

**860 kilocycles**

KTRB	Modesto, Calif.....	250w	175	D	II
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**870 kilocycles**

KIEV	Glendale, Calif.....	250w	175	D	II
WWL	New Orleans, La. (T-N. of Kennerville)...	50w	DA	U	I-A
WKAR	East Lansing, Mich.....	5kw	175	D	II
WHCU	Ithaca, N. Y.....	1kw	175	L-WWL	II

**880 kilocycles**

WHB	Kansas City, Mo. (T-N. Kansas City)...	1kw	175	D	II
WABC	New York, N. Y. (T-New Rochelle, N. Y.).....	50kw	225	U	I-A



### 890 kilocycles

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WENR	Chicago, Ill. (T-Tinley Park) . . . . .	50kw	240	S-WLS	I-A
WLS	Chicago, Ill. (T-Tinley Park) . . . . .	50kw	240	S-WENR	I-A

### 910 kilocycles

KLX	Oakland, Calif. . . . .	1kw	175	U	III-A
KPOF	nr. Denver, Colo. . . . .	1kw	175	S-KFKA	III-A
KFKA	Greeley, Colo. . . . .	500w, 1kw-LS	175	S-KPOF	III-B
WSUI	Iowa City, Iowa. . . . .	1kw, 5kw-LS	DA	U	III-A
WFDF	Flint, Mich. . . . .	1kw	DA	U	III-B
WCOC	Meridian, Miss. . . . .	1kw	190	U	III-A
WGBI	Scranton, Pa. . . . .	500w, 1kw-LS	175	S-WQAN	III-B
WQAN	Scranton, Pa. . . . .	500w, 1kw-LS	175	S-WGBI	III-B
WJHL	Johnson City, Tenn. . . . .	1kw	175, DA-N	U	III-B
KRRV	Sherman, Texas. . . . .	1kw	DA	U	III-B
WRNL	Richmond, Va. . . . .	1kw	DA	U	III-B
KVAN	Vancouver, Wash. . . . .	250w	175	D	IV

### 920 kilocycles

KARK	Little Rock, Ark. (T-N. Little Rock) . . .	1kw, 5kw-LS	212, DA-N	U	III-A
KTKC	Visalia, Calif. . . . .	1kw	180, DA-N	U	III-B
WGST	Atlanta, Ga. . . . .	1kw, 5kw-LS	185	U	III-A
WBAA	West Lafayette, Ind. . . . .	500w, 1kw-LS	175	S.H.	III-B
KFNF	Shenandoah, Iowa. . . . .	500w, 1kw-LS	220	S-KUSD	III-B
WJAR	Providence, R. I. (T-E. Providence) . . .	1kw, 5kw-LS	DA	U	III-A
KUSD	Vermillion, S. Dak. . . . .	500w	175	S-KFNF	III-B
KEPY	Spokane, Wash. . . . .	5kw	210	U	III-A
WMMN	Fairmont, W. Va. . . . .	1kw, 5kw-LS	177k DA-N	U	III-A

### 930 kilocycles

KGBU	Ketchikan, Alaska. . . . .	500w	175	U	III-B
KHJ	Los Angeles, Calif. . . . .	5kw	DA	U	III-A
WJAX	Jacksonville, Fla. . . . .	1kw, 5kw-LS	190	U	III-A
KSEI	Pocatello, Idaho. . . . .	250w, 1kw-LS	175	U	III-B
WTAD	Quincy, Ill. . . . .	1kw	185, DA-N	U	III-B
WFMD	Frederick, Md. . . . .	500w	185, DA-N	U	III-B
WPAT	Paterson, N. J. . . . .	1kw	175	D	III
WBEN	Buffalo, N. Y. (T-Grand Island) . . . . .	5kw	200, DA-N	U	III-A
WKY	Oklahoma City, Okla. . . . .	5kw	190, DA-N	U	III-A
WSAZ	Huntington, W. Va. (T-nr. Burlington, Ohio) . . . . .	1kw	DA	U	III-B
WLBL	Stevens Point, Wis. (T-S.W. of Auburndale) . . . . .	5kw	200	D	III

### 940 kilocycles

WMAZ	Macon, Ga. . . . .	1kw, 5kw-LS	175, DA-N	D to 9 pm	II
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### 950 kilocycles

KFEL	Denver, Colo. . . . .	1kw	180	U	III-A
WAAF	Chicago, Ill. . . . .	1kw	175	D	III
WORL	Boston, Mass. (T-Needham) . . . . .	500w	185	D	III
WWJ	Detroit, Mich. (T-Oak Park) . . . . .	1kw, 5kw-LS	210	U	III-A
WPEN	Philadelphia, Pa. . . . .	1kw	175, DA-N	U	III-A
WSPA	Spartanburg, S. C. . . . .	1kw	180	D	III
KPRC	Houston, Texas (T-Deepwater) . . . . .	1kw, 5kw-LS	200	U	III-A
KOMO	Seattle, Wash. . . . .	1kw, 5kw-LS	245	U	III-A

**960 kilocycles**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WBRC	Birmingham, Ala.....	1kw, 5kw-LS	175	U	III-A
KROW	Oakland, Calif.....	1kw	175	U	III-A
WELI	New Haven, Conn. (T-Hamden).....	250w, 500w-LS	184, DA-N	U	III-B
KMA	Shenandoah, Iowa.....	1kw, 5kw-LS	225	U	III-A
WDBJ	Roanoke, Va.....	1kw, 5kw-LS	210	U	III-A

**970 kilocycles**

	Tampa, Fla.....	1kw, 5kw-LS	175, DA-N	U	III-B
WAVE	Louisville, Ky. (T-N. of Jeffersonville, Ind.).....	5kw	DA	U	III-A
WCSH	Portland, Maine (T-Scarboro).....	5kw	DA	U	III-A
WAAT	Jersey City, N. J. (T-Kearney).....	1kw	175, DA-N	U	III-B
WDAY	Fargo, N. Dak. (T-West Fargo).....	5kw	175, DA-N	U	III-A
WICA	Ashtabula, Ohio.....	1kw	175	D	III
KOIN	Portland, Oreg.....	5kw	224, DA-N	U	III-A
WHA	Madison, Wis.....	5kw	175	D	III

**980 kilocycles**

KFWB	Los Angeles, Calif.....	5kw	220	U	III-A
WRC	Washington, D. C. (T-Chillum Twp., Md.).....	5kw	185, DA-N	U	III-A
WHAJ	Saginaw, Mich.....	500w	175	D	III
KMBC	Kansas City, Mo. (T-Kansas City, Kansas).....	5kw	224, DA-N	U	III-A
WTRY	Troy, N. Y. (T-Boght Corners).....	1kw	175	D	III

**990 kilocycles**

WIBG	Glenside, Pa. (T-Hill Crest, Cheltenham Twp.).....	1kw	175	D	II
WNOX	Knoxville, Tenn.....	1kw, 5kw-LS	235, DA-N	U	II

**1000 kilocycles**

WCFL	Chicago, Ill. (T-York Twp.).....	5kw	225	U	II
	Proposed.....	10kw	DA		I-B
WINS	New York, N. Y. (T-Carlstadt, N. J.)..	1kw	175	L-WCFL	II
KJR	Seattle, Wash.....	5kw	250	U	II
	Proposed.....	10kw	DA-N		I-B

**1020 kilocycles**

KFVD	Los Angeles, Calif.....	1kw	185	L-KDKA	II
KDKA	Pittsburgh, Pa. (T-Allison Park, Hampton Twp.).....	50kw	295	U	I-A

**1030 kilocycles**

WBZ	Boston, Mass. (T-Hull).....	50kw	DA	U-Synchro- nized with WBZA	I-B
WBZA	Boston, Mass. (T-East Springfield)....	1kw	175	U-Synchro- nized with WBZ	II
KOB	Albuquerque, N. Mex.....	50kw	225, DA-N	U	II

**1040 kilocycles**

WHO	Des Moines, Iowa (T-nr. Mitchellville).	50kw	225	U	I-A
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**1050 kilocycles**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WDZ	Tuscola, Ill. ....	1kw	180	D	II
WHN	New York, N. Y. (T-Astoria, Long Island).....	1kw, 5kw-LS	175, DA-N	U	II

**1060 kilocycles**

KYW	Philadelphia, Pa. (T-Whitemarsh Twp.).....	10kw	DA	U	I-B
	Proposed.....	50kw			

**1070 kilocycles**

WAPI	Birmingham, Ala.....	5kw	225	U	II
	Proposed.....	50kw	DA-N		
KNX	Los Angeles, Calif. (T-Torrance).....	50kw	245	U	I-B
WIBC	Indianapolis, Ind.....	1kw	190	D	II
KFBI	Wichita, Kans.....	1kw, 5kw-LS	175, DA-N	U	II
WEAU	Eau Claire, Wis.....	1kw, 5kw-LS	190, DA-N	L-FKBI	II

**1080 kilocycles**

KYOS	Merced, Calif.....	250w	175	D	II
WTIC	Hartford, Conn. (T-Avon).....	50kw	226, DA-N	U	I-B
WCAZ	Carthage, Ill.....	100w	185	D	II
KWJJ	Portland, Oreg.....	500w	190	L-KRLD, WTIC	II
KRLD	Dallas, Texas (T-S. of Garland).....	50kw	225, DA-N	U	I-B

**1090 kilocycles**

KTHS	Hot Springs National Park, Ark.....	10kw	225, DA-N	U	I-B
	Proposed.....	50kw			
WBAL	Baltimore, Md. (T-nr. Reisterstown)...	50kw	225, DA-N	U	I-B

**1100 kilocycles**

KJBS	San Francisco, Calif.....	500w	175	L-WTAM	II
WTAM	Cleveland, Ohio (T-Brecksville Village).	50kw	225	U	I-A

**1110 kilocycles**

WCBD	Chicago, Ill. (T-Addison Twp.).....	5kw	225	L-WBT, KFAB S-WMBI	II
WMBI	Chicago, Ill. (T-Addison).....	5kw	250	L-WBT, KFAB S-WCBD	II
KFAB	Lincoln, Neb.....	10kw	225, DA-N	U	I-B
	Proposed.....	50kw			
WBT	Charlotte, N. C.....	50kw	225, DA-N	U	I-B

**1120 kilocycles**

KMOX	St. Louis, Mo.....	50kw	225	U	I-A
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**1130 kilocycles**

KGDM	Stockton, Calif.....	1kw	175	D	II
KWKH	Shreveport, La. (T-nr. Dixie).....	50kw	253, DA-N	U	II
WCAR	Pontiac, Mich.....	1kw	185	D	II
WDGY	Minneapolis, Minn. (T-Richfield Twp.)	.5kw, 10kw-LS	175, DA-N	U	II
WOV	New York, N. Y. (T-Kearney, N. J.)..	10kw	DA	U	I-B

**1140 kilocycles**

KSOO	Sioux Falls, S. Daka.....	5kw	180, DA-N	L-WRVA	II
WRVA	Richmond, Va.....	50kw	DA	U	I-B

### 1150 kilocycles

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KFSG	Los Angeles, Calif. ....	1kw, 2½kw-LS	175	S-KRKD	III-A
KRKD	Los Angeles, Calif. ....	1kw, 2½kw-LS	175	S-KFSG	III-A
WDEL	Wilmington, Del. ....	250w, 1kw-LS	190	U	III-B
KSAL	Salina, Kans. ....	500w, 1kw-LS	200, DA-N	U	III-B
WJBO	Baton Rouge, La. ....	1kw	225	U	III-A
WCOP	Boston, Mass. ....	500w	185	D	III
WKPA	New Kensington, Pa. ....	250w	150	D	IV
WAPO	Chattanooga, Tenn. ....	500w, 1kw-LS	195, DA-N	U	III-B
KTBC	Austin, Texas. ....	1kw	175	S.H. (D-WTAW)	III
WTAW	College Station, Texas. ....	500w	175	S.H.(D-KTBC)	III
KRSC	Seattle, Wash. ....	1kw	175	U	III-A
KFIO	Spokane, Wash. ....	100w	150	D	IV
WISN	Milwaukee, Wis. ....	250w, 1kw-LS	175	U	III-B
	Proposed. ....	1kw, 5kw-LS	DA		III-A

### 1160 kilocycles

WJJD	Chicago, Ill. (T-Des Plaines) ....	20kw	175	L-KSL	II
KSL	Salt Lake City, Utah (T-Saltair) ....	50kw	225	U	I-A

### 1170 kilocycles

KVOO	Tulsa, Okla. ....	25kw	175, DA-N	U	I-B
	Proposed. ....	50kw			
WWVA	Wheeling, W. Va. (T-W. Liberty) ....	5kw	195, DA	U	II
	Proposed. ....	50kw			I-B

### 1180 kilocycles

WHAM	Rochester, N. Y. (T-Victor Twp.) ....	50kw	245	U	I-A
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### 1190 kilocycles

WOWO	Fort Wayne, Ind. ....	10kw	245, DA	U	I-B
	Proposed. ....	50kw			
KEX	Portland, Oreg. (T-N. Portland) ....	5kw	225, DA	U	II
	Proposed. ....	50kw			I-B

### 1200 kilocycles

WCAU	Philadelphia, Pa. (T-Newton Square) ..	50kw	225	U	I-A
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### 1210 kilocycles

WSPR	Springfield, Mass. (T-W. Springfield) ...	500w	175	L-WOAI	II
WOAI	San Antonio, Texas (T-Selma) ....	50kw	225	U	I-A

### 1230 kilocycles

WBHP	Huntsville, Ala. ....	250w	175	U	IV
WMOB	Mobile, Ala. ....	250w	150	U	IV
WJRD	Tuscaloosa, Ala. ....	250w	175	U	IV
KSUN	Lowell, Ariz. ....	250w	185	U	IV
KPHO	Phoenix, Ariz. ....	250w	150	U	IV
KBTM	Jonesboro, Ark. ....	250w	180	U	IV
KGHI	Little Rock, Ark. ....	250w	150	U	IV
KGfJ	Los Angeles, Calif. ....	250w	150	U	IV
KVCV	S. of Redding, Calif. ....	250w	150	U	IV
KVEC	San Luis Obispo, Calif. ....	250w	185	U	IV
KWG	Stockton, Calif. ....	250w	150	U	IV

1230 kilocycles (Continued)

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KFXJ	Grand Junction, Colo.....	250w	180	U	IV
KGEK	Sterling, Colo.....	250w	150	U	IV
WTHT	Hartford, Conn.....	250w	150	U	IV
WLOF	Orlando, Fla.....	250w	150	U	IV
WDLP	Panama City, Fla.....	250w	150	U	IV
WJNO	West Palm Beach, Fla.....	250w	175	U	IV
WRBL	Columbus, Ga.....	250w	180	U	IV
WAYX	Waycross, Ga.....	250w	150	U	IV
KHBC	Hilo, Hawaii.....	250w	150	U	IV
KFXD	Nampa, Idaho.....	250w	150	U	IV
WJBC	Bloomington, Ill. (T-Normal).....	250w	180	U	IV
WJOB	Hammond, Ind.....	250w	150	U-D	IV
				S-WFAM-N	
WFAM	South Bend, Ind.....	250w	150	U-D	IV
				S-WJOB-N	
WBOW	Terre Haute, Ind.....	250w	190	U	IV
KFJB	Marshalltown, Iowa.....	250w	180	U	IV
WHOP	N. W. of Hopkinsville, Ky.....	250w	180	U	IV
KMLB	Monroe, La.....	250w	175	U	IV
WJBW	New Orleans, La.....	250w	185	U	IV
WABI	Bangor, Maine (T-Brewer).....	250w	195	U	IV
WESX	Salem, Mass. (T-Marblehead).....	250w	175	U	IV
WGRB	Grand Rapids, Mich.....	250w	150	U	IV
WMPC	Lapeer, Mich.....	250w	150	S.H.	IV
WSAM	Saginaw, Mich.....	250w	150	S.H.	IV
WSOO	Sault Ste. Marie, Mich.....	250w	150	U	IV
KGDE	Fergus Falls, Minn.....	250w	150	U	IV
KYSM	Mankato, Minn.....	250w	200	U	IV
KWNO	Winona, Minn.....	250w	190	U	IV
WSKB	McComb, Miss.....	250w	190	U	IV
WIL	St. Louis, Mo.....	250w	150	U	IV
KHAS	Hastings, Nebr.....	250w	190	U	IV
WBAB	Atlantic City, N. J.....	250w	150	U	IV
WENY	Elmira, N. Y.....	250w	240	U	IV
WIBX	Utica, N. Y. (T-Town of Marcy).....	250w	150	U	IV
WMFR	High Point, N. C.....	250w	150	U	IV
WFTC	Kinston, N. C.....	250w	175	U	IV
WCBT	Roanoke Rapids, N. C.....	250w	150	U	IV
WHBC	Canton, Ohio.....	250w	265	U	IV
WCPO	Cincinnati, Ohio.....	250w	150	U	IV
WCOL	Columbus, Ohio.....	250w	150	U	IV
WTOL	Toledo, Ohio.....	250w	150	U	IV
KADA	N. of Ada, Okla.....	250w	175	U	IV
WBBZ	Ponca City, Okla.....	250w	150	U	IV
KAST	Astoria, Oreg.....	250w	175	U	IV
KODL	The Dalles, Oreg.....	250w	150	U	IV
KOOS	Marshfield, Oreg.....	250w	150	U	IV
WCED	Du Bois, Pa.....	250w	150	U	IV
WEST	Easton, Pa.....	250w	170	U	IV
WKBO	Harrisburg, Pa.....	250w	150	U	IV
WAIM	Anderson, S. C.....	250w	150	U	IV
WOLS	Florence, S. C.....	250w	165	U	IV
WCAT	Rapid City, S. Dak.....	250w	180	U	IV
KELO	Sioux Falls, S. Dak.....	250w	150	U	IV
KFDA	Amarillo, Texas.....	250w	150	U	IV
KVNU	Logan, Utah.....	250w	150	U	IV
WCAX	Burlington, Vt.....	250w	150	U	IV

1230 kilocycles (Continued)

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WLVA	Lynchburg, Va.....	250w	150	U	IV
KVOS	Bellingham, Wash.....	250w	175	U	IV
WLOG	Logan, W. Va.....	250w	150	U	IV
WAJR	Morgantown, W. Va.....	250w	150	U	IV
WHBY	Appleton, Wis.....	250w	150	U	IV
WCLO	Janesville, Wis.....	250w	195	U	IV
WDSM	Superior, Wis.....	250w	175	U	IV

1240 kilocycles

WJBY	Gadsden, Ala.....	250w	175	U	IV
WCOV	Montgomery, Ala.....	250w	175	U	IV
KWJB	S. of Globe, Ariz.....	250w	180	U	IV
KYUM	Yuma, Ariz.....	250w	150	U	IV
KDON	Monterey, Calif.....	250w	150	U	IV
KPPC	Pasadena, Calif.....	250w	150	S-KFXM	IV
KROY	Sacramento, Calif.....	250w	175	U	IV
KFXM	San Bernardino, Calif.....	250w	150	S-KPPC	IV
WFTM	Fort Myers, Fla.....	250w	150	U	IV
WFOY	St. Augustine, Fla.....	250w	175	U	IV
WGAC	Augusta, Ga.....	250w	150	U	IV
WGGA	Gainesville, Ga.....	250w	150	U	IV
WBML	Macon, Ga.....	250w	150	U	IV
WPAX	Thomasville, Ga.....	250w	150	U	IV
WCRW	Chicago, Ill.....	250w	150	S.H. (WEDC, WSBC)	IV
WEDC	Chicago, Ill.....	250w	150	S.H. (WCRW, WSBC)	IV
WSBC	Chicago, Ill.....	250w	150	S.H. (WCRW, WEDC)	IV
WEBQ	Harrisburg, Ill.....	250w	150	U	IV
WTAX	Springfield, Ill.....	250w	150	U	IV
WHBU	Anderson, Ind.....	250w	150	U	IV
KGLO	Mason City, Iowa.....	250w	205	U	IV
KIUL	Garden City, Kans.....	250w	150	U	IV
KANS	Wichita, Kans.....	250w	150	U	IV
WINN	Louisville, Ky.....	250w	150	U	IV
KALB	Alexandria, La.....	250w	150	U	IV
WCOU	Lewiston, Maine.....	250w	180	U	IV
WJEJ	Hagerstown, Md.....	250w	150	U	IV
WHAI	Greenfield, Mass.....	250w	175	U	IV
WOCB	nr. Hyannis, Mass.....	250w	150	U	IV
WJIM	Lansing, Mich.....	250w	150	U	IV
WMFG	Hibbing, Minn.....	250w	150	U	IV
WGRM	Greenwood, Miss.....	250w	150	U	IV
WGCM	Gulfport, Miss.....	250w	150	U	IV
KPFA	Helena, Mont.....	250w	150	U	IV
KFOR	Lincoln, Nebr.....	250w	150	U	IV
WSNJ	Nr. Bridgeton, N. J. (Upper Deer- field Twp.).....	250w	175	U	IV
WBRB	Red Bank, N. J.....	250w	150	S-WFAS, WGBB	IV
KLAH	Carlsbad, N. Mex.....	250w	180	U	IV
WGBB	Freeport, N. Y.....	250w	150	S-WBRB, WFAS	IV
WJTN	Jamestown, N. Y.....	250w	175	U	IV
WSAY	Rochester, N. Y.....	250w	150	U	IV
WGMA	Schenectady, N. Y.....	250w	150	U	IV

**1240 kilocycles (Continued)**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WATN	Watertown, N. Y.....	250w	150	U	IV
WFAS	White Plains, N. Y.....	250w	150	S-WBRB, WGBB	IV
WSOC	Charlotte, N. C.....	250w	150	U	IV
WRAL	Raleigh, N. C.....	250w	175	U	IV
KDLR	Devils Lake, N. Dak.....	250w	180	U	IV
WJW	Akron, Ohio.....	250w	150	U	IV
WLOK	Lima, Ohio.....	250w	150	U	IV
WHIZ	Zanesville, Ohio.....	250w	150	U	IV
KVSO	Ardmore, Okla.....	250w	150	U	IV
KASA	Elk City, Okla.....	250w	150	U	IV
KHBG	Okmulgee, Okla.....	250w	175	U	IV
KFJI	Klamath Falls, Oreg.....	250w	150	U	IV
WKOK	Sunbury, Pa.....	250w	150	U	IV
WBAX	Wilkes-Barre, Pa. (T-Plains Twp.)....	250w	175	U	IV
WTMA	Charleston, S. C.....	250w	175	U	IV
KWAT	Waterton, S. Dak.....	250w	150	U	IV
WBIR	Knoxville, Tenn.....	250w	150	U	IV
WSIX	Nashville, Tenn.....	250w	150	U	IV
KOCA	Kilgore, Texas.....	250w	170	U	IV
KXOX	Sweetwater, Texas.....	250w	180	U	IV
KOVO	Provo, Utah.....	250w	170	U	IV
WPID	Petersburg, Va. (T-Colonial Heights)..	250w	180	U-except Sunday when WBBL operates	IV
WBBL	Richmond, Va.....	250w	150	S.H.	IV
KGY	Olympia, Wash.....	250w	150	U-except when KTW is operating	IV
WJLS	Beckley, W. Va.....	250w	180	U	IV
WOMT	Manitowoc, Wis.....	250w	150	U	IV
WIBU	Poynette, Wis.....	250w	190	U	IV
WJMC	Rice Lake, Wis.....	250w	180	U	IV

**1250 kilocycles**

KTMS	Santa Barbara, Calif. (T-nr. Goleta)...	500w	DA	U	III-B
WDAE	Tampa, Fla.....	5kw	DA	U	III-A
KFKU	Lawrence, Kans. (T-Tonganoxie).....	1kw, 5kw-LS	175	S-WREN	III-A
WREN	Lawrence, Kans. (T-Tonganoxie).....	1kw, 5kw-LS	175	S-KFKU	III-A
WCAD	Canton, N. Y.....	500w	175	S.H.(D)	III
WGNY	Newburgh, N. Y.....	250w	180	D	IV
WCAE	Pittsburgh, Pa. (T-Baldwin Twp.)....	5kw	215, DA-N	U	III-A
KPAC	Port Arthur, Texas.....	500w	187.5, DA-N	U	III-B
KWSC	Pullman, Wash.....	5kw	180	S-KTW	III-A
KTW	Seattle, Wash.....	1kw	175	S-KWSC	III-A

**1260 kilocycles**

KYA	San Francisco, Calif.....	1kw, 5kw-LS	230	U	III-A
WOL	Washington, D.C. (T-nr. Chillum, Md.)..	1kw	DA	U	III-B
	Proposed.....				III-A
WALB	Albany, Ga.....	1kw	175	D	III
WFBM	Indianapolis, Ind. (T-nr. Millersville)..	5kw	245, DA-N	U	III-A
WNAC	Boston, Mass. (T-Quincy).....	5kw	DA	U	III-A
KGBX	Springfield, Mo.....	5kw	175, DA-N	U	III-A
KGGM	Albuquerque, N. Mex.....	1kw	190	U	III-A

**1270 kilocycles**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KTFI	Twin Falls, Idaho . . . . .	1kw	250	U	III-A
WHBF	Rock Isl., Ill. (T-Rock Isl. County) . . . . .	1kw	243, DA-N	U	III-B
	Proposed . . . . .				III-A
WXYZ	Detroit, Mich. . . . .	1kw, 5kw-LS	175	U	III-A
KGCU	Mandan, N. Dak. . . . .	250w	180	U	IV
	Proposed . . . . .	500w, 1kw-LS			III-B
KFJZ	Fort Worth, Texas (T-Birdville) . . . . .	1kw	190	U	III-A

**1280 kilocycles**

KFOX	Long Beach, Calif. . . . .	1kw	175	U	III-A
WMRO	Aurora, Ill. (T-N. Aurora) . . . . .	250w	175	D	IV
WGBF	Evansville, Ind. . . . .	1kw, 5kw-LS	200, DA-N	U	III-B
WDSU	New Orleans, La. (T-Gretna) . . . . .	1kw	175	U	III-A
WTCN	Minneapolis, Minn. (T-Rose Twp.) . . . . .	1kw, 5kw-LS	210	U	III-A
WHBI	Newark, N. J. . . . .	1kw, 2½kw-LS	175	S-WNEW	III-A
WNEW	New York, N. Y. (T-nr. Carlstadt, New J.) . . . . .	1kw, 5kw-LS	225	S-WHBI	III-A
WAIR	Winston-Salem, N. C. . . . .	250w	175	D	IV
WKST	New Castle, Pa. . . . .	1kw	190	D	III
KIT	Yakima, Wash. . . . .	1kw	185	U	III-A

**1290 kilocycles**

KVOA	Tucson, Ariz. . . . .	1kw	175	U	III-A
KUOA	Siloam Springs, Ark. . . . .	5kw	250	D	III
KHSL	Chico, Calif. . . . .	500w, 1kw-LS	190	U	III-B
WTOC	Savannah, Ga. . . . .	1kw, 5kw-LS	175	U	III-A
KGVO	Missoula, Mont. . . . .	1kw, 5kw-LS	190	U	III-A
KOIL	Omaha, Nebr. (T-nr. Council Bluffs, Iowa) . . . . .	1kw, 5kw-LS	210	U	III-A
WHLD	Niagara Falls, N. Y. (T-Niagara) . . . . .	1kw	190	D	III
WHIO	Dayton, Ohio . . . . .	1kw, 5kw-LS	200, DA-N	U	III-A
KRGV	Weslaco, Texas . . . . .	1kw	185	U	III-A
WKNE	Keene, N. H. . . . .	1kw	DA	U	III-A
WFVA	Fredericksburg, Va. . . . .	250w	180	D	IV

**1300 kilocycles**

KVOR	Colorado Springs, Colo. . . . .	1kw	190	U	III-A
KGCA	Decorah, Iowa . . . . .	100w	150	D.S.-KWLC	IV
KWLC	Decorah, Iowa . . . . .	100w	150	D.S.-KGCA	IV
WFBR	Baltimore, Md. . . . .	1kw, 5kw-LS	DA	U	III-A
WASH	Grand Rapids, Mich. . . . .	500w	175	S-WOOD	III-B
WOOD	Grand Rapids, Mich. . . . .	500w	175	S-WASH	III-B
WJDX	Jackson, Miss. . . . .	1kw, 5kw-LS	215	U	III-A
WWNY	Watertown, N. Y. . . . .	500w	175	D	III
KOL	Seattle, Wash. . . . .	1kw, 5kw-LS	230	U	III-A

**1310 kilocycles**

KLS	Oakland, Calif. . . . .	250w	175	U	IV
WORC	Worcester, Mass. (T-Auburn) . . . . .	500w	DA	U	III-B
KFBB	Great Falls, Mont. . . . .	1kw, 5kw-LS	250	U	III-A
WCAP	Asbury Park, N. J. (T-Neptune Twp.) . . . . .	500w	175	S-WCAM, WTNJ	III-B
WCAM	Camden, N. J. . . . .	500w	175	S-WCAP, WTNJ	III-B
WTNJ	Trenton, N. J. (T-Falls Twp., S. of Morrisville, Pa.) . . . . .	500w	190	S-WCAM, WCAP	III-B



**1310 kilocycles (Continued)**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WDOD	Chattanooga, Tenn. (T-Brainerd) . . . . .	1kw, 5kw-LS	215	U	III-A
WRR	Dallas, Texas . . . . .	500w	185, DA-N	U	III-B
	Proposed . . . . .	5kw			III-A
WIBA	Madison, Wis. . . . .	1kw, 5kw-LS	175, DA-N	U	III-A

**1320 kilocycles**

KLCN	Blytheville, Ark. . . . .	100w	175	D	IV
WATR	Waterbury, Conn. . . . .	250w	DA	U	IV
WJHP	Jacksonville, Fla. . . . .	250w	150	U	IV
WEBC	Duluth, Minn. (T-Superior, Wisconsin) . . . . .	1kw, 5kw-LS	225	U	III-A
WNBZ	Saranac Lake, N. Y. . . . .	100w	150	D	IV
WJAS	Pittsburgh, Pa. . . . .	1kw, 5kw-LS	185	U	III-A
WNEL	San Juan, Puerto Rico (T-Carolina) . . . . .	5kw	175	U	III-A
KTRH	Houston, Texas (T-Deepwater) . . . . .	1kw, 5kw-LS	230	U	III-A
KDYL	Salt Lake City, Utah . . . . .	1kw, 5kw-LS	245	U	III-A

**1330 kilocycles**

KFAC	Los Angeles, Calif. . . . .	1kw	175	U	III-A
KFH	Wichita, Kansas . . . . .	5kw	245, DA-N	U	III-A
WLOL	Minneapolis, Minn. (T-St. Paul) . . . . .	1kw	DA	U	III-B
WBBR	Brooklyn, N. Y. (T-Rossville) . . . . .	1kw	175	S-WEVD, WHAZ Prop.	III-B III-A
WEVD	New York, N. Y. (T-Brooklyn) . . . . .	1kw	175	S-WBBR, WHAZ	III-B
	Proposed . . . . .				III-A
WHAZ	Troy, N. Y. . . . .	1kw	175	S-WBBR, WEVD	III-B
	Proposed . . . . .				III-A
KALE	Portland, Oreg. . . . .	5kw	180, DA-N	U	III-A
WFBC	Greenville, S. C. . . . .	5kw	185, DA-N	U	III-A
WHBL	Sheboygan, Wis. . . . .	250w, 1kw-LS	200	U	III-B

**1340 kilocycles**

WSGN	Birmingham, Ala. . . . .	250w	150	U	IV
KCRJ	Jerome, Ariz. . . . .	250w	150	U	IV
KWFC	Hot Springs, Ark. . . . .	250w	150	U	IV
KARM	Fresno, Calif. . . . .	250w	200	U	IV
KSRO	Santa Rosa, Calif. . . . .	250w	180	U	IV
KHUB	nr. Watsonville, Calif. . . . .	250w	175	U	IV
KMYR	Denver, Colo. . . . .	250w	150	U	IV
WINX	Washington, D. C. . . . .	250w	150	U	IV
WLAK	Lakeland, Fla. . . . .	250w	180	U	IV
WTAL	Tallahassee, Fla. . . . .	250w	150	U	IV
WGAU	Athens, Ga. . . . .	250w	175	U	IV
WSAV	Savannah, Ga. . . . .	250w	175	U	IV
WDAK	West Point, Ga. . . . .	250w	150	U	IV
WSOY	Decatur, Ill. . . . .	250w	180	U	IV
WJPF	Herrin, Ill. . . . .	250w	150	U	IV
WCLS	Joliet, Ill. (T-Joliet Twp.) . . . . .	250w	185	U	IV
WTRC	Elkhart, Ind. . . . .	250w	180	U	IV
WLBC	Muncie, Ind. . . . .	250w	150	U	IV
KCKN	Kansas City, Kans. . . . .	250w	150	U	IV
WCMJ	Ashland, Ky. . . . .	250w	150	U	IV
WLBJ	nr. Bowling Green, Ky. . . . .	250w	180	U	IV
KVOL	Lafayette, La. . . . .	250w	175	U	IV
KRMD	Shreveport, La. . . . .	250w	150	U	IV

1340 kilocycles (Continued)

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WNBH	New Bedford, Mass. (T-Crow Is. near Fairhaven).....	250w	150	U	IV
WBRK	Pittsfield, Mass. ....	250w	150	U	IV
WLAV	Grand Rapids, Mich.....	250w	150	U	IV
WDMJ	Marquette, Mich.....	250w	150	U	IV
WEXL	Royal Oak, Mich.....	250w	150	U	IV
KVOX	Moorehead, Minn.....	250w	175	U	IV
KROC	Rochester, Minn.....	250w	180	U	IV
KWLM	Willmar, Minn.....	250w	175	U	IV
WJPR	Greenville, Miss.....	250w	185	U	IV
WAML	Laurel, Miss.....	250w	180	U	IV
KWOS	Jefferson City, Mo.....	250w	185	U	IV
KWOC	Poplar Bluff, Mo.....	250w	150	U	IV
KGEZ	Kalispell, Mont.....	250w	190	U	IV
KRJF	Miles City, Mont.....	250w	150	U	IV
KGFW	Kearney, Nebr.....	250w	175	U	IV
WLNH	Laconia, N. H. (T-Sanbornton).....	250w	180	U	IV
KVSF	Santa Fe, N. Mex.....	250w	150	U	IV
WMBO	Auburn, N. Y.....	250w	175	U	IV
WEBR	Buffalo, N. Y.....	250w	150	U	IV
WMFF	Plattsburg, N. Y.....	250w	150	U	IV
WGTM	Wilson, N. C.....	250w	150	U	IV
WSJS	Winston-Salem, N. C.....	250w	150	U	IV
WIZE	Springfield, Ohio.....	250w	150	U	IV
WSTV	Steubenville, Ohio.....	250w	150	S.H.(WSAJ)	IV
KOCY	Oklahoma City, Okla.....	250w	150	U	IV
KOME	Tulsa, Okla.....	250w	195	U	IV
KBND	Bend, Oreg.....	250w	180	U	IV
KUIN	Grants Pass, Oreg.....	250w	150	U	IV
WFBG	Altoona, Pa.....	250w	150	U	IV
WSAJ	Grove City, Pa.....	250w	150	S.H.	IV
WHAT	Philadelphia, Pa.....	250w	150	S-WTEL	IV
WTEL	Philadelphia, Pa.....	250w	150	S-WHAT	IV
WRAW	Reading, Pa.....	250w	150	U	IV
WBRE	Wilkes-Barre, Pa. (T-Kingston).....	250w	180	U	IV
WFIG	Sumter, S. C.....	250w	150	U	IV
WTJS	Jackson, Tenn.....	250w	180	U	IV
KAND	Corsicana, Texas.....	250w	175	U	IV
KFPL	Dublin, Texas.....	250w	175	U	IV
KFYO	Lubbock, Texas.....	250w	150	U	IV
KRBA	Lufkin, Texas.....	250w	175	U	IV
KPDN	Pampa, Texas.....	250w	175	U	IV
KVIC	N. of Victoria, Texas.....	250w	175	U	IV
KSUB	Cedar City, Utah.....	250w	170	U	IV
WGH	Newport News, Va.....	250w	170	U	IV
KXRO	Aberdeen, Wash.....	250w	180	U	IV
WBRW	Welch, W. Va.....	250w	150	U	IV
WEMP	Milwaukee, Wis.....	250w	150	U	IV
WFHR	Wisconsin Rapids, Wis.....	250w	150	U	IV

1350 kilocycles

KGHF	Pueblo, Colo.....	500w	175	U	III-B
KID	Idaho Falls, Idaho.....	500w, 5kw-LS	200	U	III-B
KRNT	Des Moines, Iowa.....	1kw, 5kw-LS	210, DA-N	U	III-A
WSMB	New Orleans, La.....	5kw	228, DA-N	U	III-A
WADC	Akron, Ohio.....	5kw	DA	U	III-A
WORK	York, Pa. (T-W. Manchester Twp.)....	1kw	175, DA-N	U	III-B

**1360 kilocycles**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KGB	San Diego, Calif.....	1kw	175	U	III-A
WDRC	Hartford, Conn. (T-Bloomfield).....	5kw	DA	U	III-A
WKAT	Miami Beach, Fla.....	1kw	175	U	III-B
KSCJ	Sioux City, Iowa.....	5kw	214, DA-N	U	III-A
WSAI	Cincinnati, Ohio.....	5kw	250, DA-N	U	III-A
KRIS	Corpus Christi, Texas.....	500w	204	U	III-B
	Proposed.....	1kw			III-A
KMO	Tacoma, Wash.....	1kw	175	U	III-A
WTAQ	Green Bay, Wis. (T-West De Pere)....	5kw	DA	U	III-A

**1370 kilocycles**

WCOA	Pensacola, Fla.....	500w, 1kw-LS	175	U	III-B
KDTH	Dubuque, Iowa (T-East Dubuque, Ill.)	1kw	175, DA-N	U	III-B
KGNO	Dodge City, Kans.....	250w, 1kw-LS	175	U	III-B
KGIR	West of Butte, Mont.....	5kw	175	U	III-A
WFEA	Manchester, N. H. (T-Merrimack)....	500w, 1kw-LS	185, DA-N	U	III-B
WFNC	Fayetteville, N. C.....	250w	150	D	IV
WSPD	Toledo, Ohio (T-Perrysburg).....	5kw	175, DA-N	U	III-A
WPAB	Ponce, Puerto Rico (T-Playa).....	1kw	175	U	III-A
KFRO	Longview, Texas.....	1kw	185, DA-N	U	III-B

**1380 kilocycles**

KIDO	Boise, Idaho.....	1kw, 2½kw-LS	190	U	III-A
KWK	St. Louis, Mo.....	5kw	DA	U	III-A
WAWZ	Zarephath, N. J.....	1kw	DA	S-WBNX	III-A
WBNX	New York, N. Y. (T-Borough of Carlstadt, N. J.).....	5kw	DA	S-WAWZ	III-A
KTSM	El Paso, Texas.....	500w	175	U	III-B
WMBG	Richmond, Va.....	1kw, 5kw-LS	DA	U	III-B

**1390 kilocycles**

KGER	Long Beach, Calif.....	1kw	175	U	III-A
WGES	Chicago, Ill.....	500w, 1kw-LS	175	S-WSBT	III-B
			(Sundays)		
WSBT	South Bend, Ind.....	500w	175	S-WGES	III-B
WQBC	Vicksburg, Miss.....	1kw	175	D	III
WFBL	Syracuse, N. Y. (T-nr. Collamer)....	5kw	235, DA-N	U	III-A
KLPM	Minot, N. Dak.....	500w, 1kw-LS	185	U	III-B
	Proposed.....	1kw			III-A
KCRC	Enid, Okla.....	250w	175	U	IV
	Proposed.....	1kw			III-A
KSLM	Salem, Oreg.....	1kw	180	U	III-A
WCSC	Charleston, S. C.....	500w, 1kw-LS	175	U	III-B
	Proposed.....	1kw			III-A

**1400 kilocycles**

WMSL	Decatur, Ala.....	250w	150	U	IV
WAGF	Dothan, Ala.....	250w	150	U	IV
WJHO	Opelika, Ala.....	250w	150	U	IV
KTUC	Tucson, Ariz.....	250w	150	U	IV
KELD	N. of El Dorado, Ark.....	250w	150	U	IV
KFPW	Fort Smith, Ark.....	250w	150	U	IV
KRE	Berkeley, Calif.....	250w	175	U	IV
KIUP	Durango, Colo.....	250w	150	U	IV
KOKO	La Junta, Colo.....	250w	185	U	IV

1400 kilocycles (Continued)

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WFTL	Ft. Lauderdale, Fla.....	250w	180	U	IV
WMBR	Jacksonville, Fla.....	250w	175	U	IV
WTSP	St. Petersburg, Fla.....	250w	150	U	IV
WATL	Atlanta, Ga.....	250w	150	U	IV
WMGA	N. E. of Moultrie, Ga.....	250w	225	U	IV
WDWS	Champaign, Ill.....	250w	150	U	IV
WGIL	Galesburg, Ill.....	250w	150	U	IV
WEOA	Evansville, Ind.....	250w	150	U	IV
WGRC	New Albany, Ind.....	250w	195	U	IV
KFGQ	Boone, Iowa.....	250w	150	S.H.(D)	IV
KVFD	Fort Dodge, Iowa.....	250w	215	S.H.	IV
KTSW	Emporia, Kans.....	250w	180	U	IV
KVGB	Great Bend, Kans.....	250w	185	U	IV
WRDO	Augusta, Maine.....	250w	150	U	IV
WCBM	Baltimore, Md.....	250w	150	U	IV
WLLH	Lowell, Mass.....	250w	150	U	IV
WELL	Battle Creek, Mich.....	250w	150	U	IV
WHDF	Calumet, Mich. (T-Larium).....	250w	185	U	IV
WMBC	Detroit, Mich.....	250w	150	U	IV
WTCM	Traverse City, Mich.....	250w	150	U	IV
WMIN	St. Paul, Minn.....	250w	175	U	IV
WHLB	Virginia, Minn.....	250w	175	U	IV
WCBI	Columbus, Miss.....	250w	150	U	IV
WFOR	Hattiesburg, Miss.....	250w	150	U	IV
KFVS	Cape Girardeau, Mo.....	250w	150	U	IV
KFRU	Columbia, Mo.....	250w	150	U	IV
KORN	Fremont, Nebr.....	250w	190	U	IV
KENO	Las Vegas, Nevada.....	250w	150	U	IV
KICA	Clovis, N. Mex.....	250w	175	U	IV
KGFL	Roswell, N. Mex.....	250w	150	U	IV
WABY	Albany, N. Y. (T-Colonie).....	250w	150	U	IV
WBNY	Buffalo, N. Y.....	250w	150	All hours ex- cept those	IV
WSVS	Buffalo, N. Y.....	250w	150	WSVS operates S.H. (D-WBNY)	IV
WSLB	Ogdensburg, N. Y.....	250w	150	U	IV
WISE	Asheville, N. C.....	250w	150	U	IV
WCNC	Elizabeth City, N. C.....	250w	175	U	IV
WGBR	W. of Goldsboro, N. C.....	250w	180	U	IV
WHKY	Hickory, N. C.....	250w	150	U	IV
WMFD	Wilmington, N. C.....	250w	150	U	IV
KRMC	Jamestown, N. C.....	250w	180	U	IV
WMAN	Mansfield, Ohio.....	250w	175	U	IV
WPAY	Portsmouth, Ohio.....	250w	150	U	IV
KTOK	Oklahoma City, Okla.....	250w	175	U	IV
WJAC	Johnstown, Pa.....	250w	150	U	IV
WDAS	Philadelphia, Pa.....	250w	185	U	IV
WARM	Scranton, Pa.....	250w	150	U	IV
WRAK	Williamsport, Pa.....	250w	180	U	IV
WCOS	Columbia, S. C.....	250w	190	U	IV
WORD	Spartanburg, S. C.....	250w	150	U	IV
KOBH	Rapid City, S. Dak.....	250w	150	U	IV
WDEF	Chattanooga, Tenn.....	250w	150	U	IV
WHUB	Cookeville, Tenn.....	250w	150	U	IV
WKPT	Kingport, Tenn.....	250w	150	U	IV
WHBQ	Memphis, Tenn.....	250w	150	U	IV

### 1400 kilocycles (Continued)

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KLUF	Nr. Galveston, Texas.....	250w	175	U	IV
KIUN	Pecos, Texas.....	250w	150	U	IV
KGKL	San Angelo, Texas.....	250w	175	U	IV
KMAC	San Antonio, Texas.....	250w	175	S-KONO	IV
KONO	San Antonio, Texas.....	250w	150	S-KMAC	IV
KTEM	Temple, Texas	250w	175	U	IV
WBTM	Danville, Va.....	250w	150	U	IV
KRKO	Everett, Wash.....	250w	150	S-KEVR	IV
KWLK	Longview, Wash.....	250w	150	U	IV
KEVR	Seattle, Wash.....	250w	150	S-KRKO	IV
KUJ	Walla Walla, Wash.....	250w	150	U	IV
WBLK	Clarksburg, W. Va.....	250w	200	U	IV
WBTH	Williamson, W. Va.....	250w	150	U	IV
WATW	Ashland, Wis.....	250w	150	U	IV
WRJN	Racine, Wis. (T-Mt. Pleasant).....	250w	175	U	IV
WSAU	Wausau, Wis.....	250w	150	U	IV
KYAN	Cheyenne, Wyo.....	250w	190	U	IV
KVRS	Rock Springs, Wyo.....	250w	175	U	IV
KWYO	Sheridan, Wyo.....	250w	185	U	IV

### 1410 kilocycles

WALA	Mobile, Ala.....	1kw	190	U	III-A
KERN	Bakersfield, Calif.....	1kw	175	U	III-A
WNBC	New Britain, Conn. (T-Newington)....	1kw	DA	U	III-B
WING	Dayton, Ohio.....	5kw	175, DA-N	U	III-A
KQV	Pittsburgh, Pa.....	1kw	185, DA-N	U	III-B
WKBH	La Crosse, Wis.....	1kw	200	U	III-A

### 1420 kilocycles

KLRA	Little Rock, Ark. (T-nr. N. Little Rock)..	5kw	215, DA-N	U	III-A
KRLC	Lewiston, Idaho.....	250w	215	U	IV
WHK	Cleveland, Ohio (T-Seven Hills).....	5kw	205, DA-N	U	III-A
WFCI	Pawtucket, R. I. (T-Valley Falls).....	1kw	DA	U	III-B
KABR	Aberdeen, S. Dak.....	5kw	194, DA-N	U	III-A
WQDM	St. Albans, Vt.....	1kw	175	D	III

### 1430 kilocycles

WIRE	Indianapolis, Ind.....	5kw	244, DA-N	U	III-A
WARD	Brooklyn, N. Y.....	500w	180	S-WBBC, WLTH, WVFW	III-B
WBBC	Brooklyn, N. Y.....	500w	175	S-WARD, WLTH, WVFW	III-B
WVFW	Brooklyn, N. Y.....	500w	175	S-WARD, WBBC, WLTH	III-B
WLTH	New York, N. Y. (T-Brooklyn).....	500w	175	S-WARD, WBBC, WVFW	III-B
KTUL	Tulsa, Okla. (T-E. of Turley).....	5kw	238, DA-N	U	III-A
KLO	Ogden, Utah (T-Kanesville).....	5kw	DA	U	III-A

### 1440 kilocycles

WSFA	Montgomery, Ala.....	500w, 1kw-LS	190	U	III-B
WROK	Rockford, Ill.....	500w, 1kw-LS	200	U	III-B
WAAB	Boston, Mass. (T-Quincy).....	1kw	250	U	III-A
WBCM	Bay City, Mich. (T-Hampton Twp.)....	500w, 1kw-LS	175	U	III-B
KFJM	Grand Forks, N. Dak.....	500w, 1kw-LS	175	U	III-B

1440 kilocycles (Continued)

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
KMED	Medford, Oreg. . . . .	250w, 1kw-LS	175	U	III-B
KGNC	Amarillo, Texas. . . . .	1kw, 2½kw-LS	175	U	III-A
WHIS	Bluefield, W. Va. . . . .	500w, 1kw-LS	175	U	III-B

1450 kilocycles

WHMA	Anniston, Ala. . . . .	250w	150	U	IV
WMSD	Muscle Shoals City, Ala. . . . .	250w	150	U	IV
KGLU	Safford, Ariz. . . . .	250w	175	U	IV
KMYC	Marysville, Calif. . . . .	250w	150	U	IV
KSAN	San Francisco, Calif. . . . .	250w	150	U	IV
KGIW	Alamosa, Colo. . . . .	250w	150	S.H.(KIDW)	IV
KIDW	Lamar, Colo. . . . .	250w	150	S.H.(KGIW)	IV
WNAB	Bridgeport, Conn. . . . .	250w	150	U	IV
WILM	Wilmington, Del. . . . .	250w	150	U	IV
WMFJ	Daytona Beach, Fla. . . . .	250w	150	U	IV
WSPB	Sarasota, Fla. . . . .	250w	180	U	IV
WGPC	Albany, Ga. . . . .	250w	150	U	IV
WMWH	Augusta, Ga. . . . .	250w	150	U	IV
WKEU	Griffin, Ga. . . . .	250w	150	U	IV
WGOV	Valdosta, Ga. . . . .	250w	150	U	IV
KWAL	Wallace, Idaho (T-between Wallace & Kellogg) . . . . .	250w	185	U	IV
WHFC	Cicero, Ill. . . . .	250w	150	U	IV
WCBS	Springfield, Ill. . . . .	250w	150	U	IV
WGL	Fort Wayne, Ind. . . . .	250w	150	U	IV
WAOV	Vincennes, Ind. . . . .	250w	150	U	IV
WOC	Davenport, Iowa. . . . .	250w	150	U	IV
KTRI	Sioux City, Iowa. . . . .	250w	150	U	IV
KVAK	Atchison, Kans. (T-Buchanan County, Mo.) . . . . .	250w	175	U	IV
KWBG	Hutchinson, Kans. . . . .	250w	150	U	IV
WLAP	Lexington, Ky. . . . .	250w	150	U	IV
WPAD	Paducah, Ky. . . . .	250w	185	U	IV
WNOE	New Orleans, La. . . . .	250w	180	U	IV
WAGM	Presque Isle, Maine. . . . .	250w	150	U	IV
WMAS	Springfield, Mass. . . . .	250w	240	U	IV
WJMS	Ironwood, Mich. . . . .	250w	150	U	IV
WIBM	Jackson, Mich. . . . .	250w	150	U	IV
WHLS	Port Huron, Mich.(T-Port Huron Twp.)	250w	190	U	IV
KATE	Albert Lea, Minn. . . . .	250w	150	U	IV
KFAM	St. Cloud, Minn. . . . .	250w	185	U	IV
WSLI	Jackson, Miss. . . . .	250w	180	U	IV
WMBH	Joplin, Mo. . . . .	250w	200	U	IV
KRBM	Bozeman, Mont. . . . .	250w	175	U	IV
KFUN	Las Vegas, Nev. . . . .	250w	150	U	IV
WFPG	Atlantic City, N. J. . . . .	250w	150	U	IV
WHDL	Olean, N. Y. . . . .	250w	210	U	IV
WKIP	Poughkeepsie, N. Y. . . . .	250w	150	U	IV
WGNC	Gastonia, N. C. . . . .	250w	150	U	IV
WEED	Nr. Rocky Mount, N. C. . . . .	250w	175	U	IV
WFMJ	Youngstown, Ohio. . . . .	250w	150	U	IV
KGFF	Shawnee, Okla. . . . .	250w	200	U	IV
KORE	Eugene, Oreg. . . . .	250w	150	U	IV
KLBM	La Grande, Oreg. . . . .	250w	185	U	IV
KBPS	Portland, Oreg. . . . .	250w	150	S-KXL	IV
KXL	Portland, Oreg. . . . .	250w	150	S-KBPS	IV
WLEU	Erie, Pa. . . . .	250w	150	U	IV

**1450 kilocycles (Continued)**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WAZL	Hazleton, Pa.....	250w	150	U	IV
KRBC	Abilene, Texas.....	250w	175	U	IV
KRIC	Beaumont, Texas.....	250w	175	U	IV
KDNT	Denton, Texas.....	250w	150	U	IV
KRLH	Midland, Texas.....	250w	150	U	IV
KNET	Palestine, Texas.....	250w	150	U	IV
KABC	San Antonio, Texas.....	250w	150	U	IV
KCMC	Texarkana, Texas.....	250w	150	U	IV
WACO	Waco, Texas.....	250w	150	U	IV
KEUB	Price, Utah.....	250w	175	U	IV
WCHV	Charlottesville, Va.....	250w	175	U	IV
WMVA	Martinsville, Va.....	250w	150	U	IV
WLPM	Suffolk, Va.....	250w	180	U	IV
WPAR	Parkersburg, W. Va.....	250w	150	U	IV
KFIZ	Fond du Lac, Wis.....	250w	150	U	IV
KFBC	Cheyenne, Wyo.....	250w	150	U	IV

**1460 kilocycles**

KINY	Juneau, Alaska.....	1kw	200	U	III-A
KSO	Des Moines, Iowa.....	1kw, 5kw-LS	234, DA-N	U	III-A
KGNF	North Platte, Nebr.....	1kw	175	D	III
WOKO	Albany, N. Y.....	500w, 1kw-LS	175	U	III-B
WHEC	Rochester, N. Y.....	500w, 1kw-LS	220	U	III-B
WBNS	Columbus, Ohio.....	1kw, 5kw-LS	190, DA-N	U	III-B
WHP	Harrisburg, Pa. (T-Swatara Twp.).....	1kw, 5kw-LS	193, DA-N	U	III-B
WMPS	Memphis, Tenn.....	500w, 1kw-LS	175	U	III-B

**1470 kilocycles**

WMBD	Peoria, Ill. (T-between Peoria and Pekin).....	1kw, 5kw-LS	205	U	III-B
	Proposed.....	5kw	DA-N		III-A
WBIG	Greensboro, N. C.....	1kw, 5kw-LS	225	U	III-B
	Proposed.....	5kw	DA-N		III-A
WCBA	Allentown, Pa.....	500w	180, DA	S-WSAN	III-B
	Proposed.....	5kw			III-A
WSAN	Allentown, Pa.....	500w	180, DA	S-WCBA	III-B
	Proposed.....	5kw			III-A
KXYZ	Houston, Texas.....	1kw	175	U	III-A
KELA	Between Centralia and Chehalis, Wash.....	1kw	190	U	III-A
KDFN	Casper, Wyo.....	500w	210	U	III-B

**1480 kilocycles**

KIEM	Eureka, Calif.....	500w, 1kw-LS	175	U	III-B
WAGA	Atlanta, Ga.....	500w, 1kw-LS	240	U	III-B
KTBS	Shreveport, La.....	1kw	175	U	III-B
WSAR	Fall River, Mass. (T-S. Somerset).....	1kw	DA	U	III-B
KCMO	Kansas City, Mo.....	1kw, 5kw-LS	179, DA-N	U	III-B
KGCX	Wolf Point, Mont.....	1kw	175	U	III-A
WGAR	Cleveland, Ohio (T-Cuyahoga Heights).....	1kw, 5kw-LS	233, DA-N	U	III-B

**1490 kilocycles**

WHBB	Selma, Ala.....	250w	150	U	IV
KYCA	Prescott, Ariz.....	250w	150	U	IV
KOTN	Pine Bluff, Ark.....	250w	150	U	IV
KXO	El Centro, Calif.....	250w	150	U	IV
KVOE	Santa Ana, Calif.....	250w	175	U	IV
KDB	Santa Barbara, Calif.....	250w	150	U	IV

1490 kilocycles (Continued)

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WNLC	New London, Conn.....	250w	175	U	IV
WTMC	Ocala, Fla.....	250w	175	U	IV
WRDW	Augusta Ga. (T-N. Augusta, South Carolina).....	250w	190	U	IV
WMOG	Brunswick, Ga.....	250w	180	U	IV
WMJM	Cordele, Ga.....	250w	180	U	IV
WRGA	Rome, Ga.....	250w	150	U	IV
KTOH	Lihue, Hawaii.....	250w	150	U	IV
WDAN	Danville, Ill.....	250w	230	U	IV
WTMV	East St. Louis, Ill.....	250w	150	U	IV
WKBV	Richmond, Ind.....	250w	150	U	IV
WKBB	Dubuque, Iowa.....	250w	200	U	IV
WOMI	Owensboro, Ky.....	250w	180	U	IV
KPLC	Lake Charles, La.....	250w	150	U	IV
WBOC	Salisbury, Md.....	250w	150	U	IV
WJBK	Detroit, Mich.....	250w	150	U	IV
WKBZ	Muskegon, Mich.....	250w	190	U	IV
KDAL	Duluth, Minn.....	250w	150	U	IV
KDRO	Sedalia, Mo.....	250w	180	U	IV
KONB	Omaha, Nebr.....	250w	150	U	IV
KGKY	Scottsbluff, Nebr.....	250w	150	U	IV
KAWM	Gallup, N. Mex.....	250w	150	U	IV
KWEW	Hobbs, N. Mex.....	250w	180	U	IV
WNBF	Binghamton, N. Y.....	250w	200	U	IV
WCNW	Brooklyn, N. Y.....	250w	150	S.H.(WWRL)	IV
WOLF	Syracuse, N. Y.....	250w	150	U	IV
WKNY	Kingston, N. Y. (T-Ulster Twp.).....	250w	185	U	IV
WWRL	Woodside, N. Y.....	250w	175	S.H.(WCNW)	IV
WDNC	Durham, N. C.....	250w	225	U	IV
WGTC	Greenville, N. C.....	250w	220	D	IV
WSTP	Salisbury, N. C.....	250w	225	U	IV
KOVC	Valley City, N. Dak.....	250w	150	U	IV
WMRN	Marion, Ohio.....	250w	150	U	IV
KBIX	Muskogee, Okla.....	250w	150	U	IV
KBKR	Nr. Baker, Oreg.....	250w	180	U	IV
KRNR	Roseburg, Oreg.....	250w	150	U	IV
WERC	Erie, Pa.....	250w	150	U	IV
WGAL	Lancaster, Pa.....	250w	150	U	IV
WWSW	Pittsburgh, Pa.....	250w	175	U	IV
WSSJ	San Juan, Puerto Rico.....	250w	150	U	IV
WMRC	Greenville, S. C.....	250w	150	U	IV
WOPI	Bristol, Tenn. (T-N.E. of Bristol, Va.).....	250w	150	U	IV
KNOW	Austin, Texas.....	250w	150	U	IV
KBST	Big Spring, Texas.....	250w	180	U	IV
KNEL	Brady, Texas.....	250w	150	U	IV
KGFI	Brownsville, Texas.....	250w	150	U	IV
KROD	El Paso, Texas.....	250w	215	U	IV
KSAM	Huntsville, Texas.....	250w	150	U	IV
KPAB	Laredo, Texas.....	250w	175	U	IV
KPLT	Paris, Texas.....	250w	175	U	IV
KGKB	Tyler, Texas.....	250w	175	U	IV
KVWC	Vernon, Texas.....	250w	175	U	IV
KUTA	Salt Lake City, Utah.....	250w	185	U	IV
WSYB	Rutland Vt.....	250w	175	U	IV
WSLS	Roanoke, Va.....	250w	150	U	IV
KPQ	Wenatchee, Wash.....	250w	195	U	IV
WGKV	Charleston, W. Va.....	250w	175	U	IV



**1500 kilocycles**

<i>Call Letters</i>	<i>Location</i>	<i>Power</i>	<i>Radiation</i>	<i>Time Designation</i>	<i>Class</i>
WJSV	Washington, D. C. (T-E. of Wheaton, Md.).....	50kw	DA	U	I-B
KSTP	St. Paul, Minn.....	50kw	DA	U	I-B

**1510 kilocycles**

WMEX	Boston, Mass. (T-Monclair(Quincy))..	5kw	DA	U	II
WLAC	Nashville, Tenn.....	5kw	175, DA-N	U	II
	Proposed.....	50kw			I-B
KGA	Spokane, Wash.....	5kw	200, DA	U	II
	Proposed.....	10kw			I-B

**1520 kilocycles**

WHIP	Hammond, Ind.....	5kw	DA	6 a.m. to L.S. Buffalo, N. Y.	II
WKBW	Buffalo, N. Y. (T-Tonawanda).....	5kw	250, DA	U	II
	Proposed.....	50kw			I-B
KOMA	Oklahoma City, Okla.....	5kw	190, DA-N	U	II
	Proposed.....	50kw			I-B
WPRP	Ponce, Puerto Rico.....	1kw, 5kw-LS	175	U	II

**1530 kilocycles**

KFBK	Sacramento, Calif.....	10kw	235, DA	U	I-B
	Proposed.....				
WCKY	Cincinnati, Ohio (T-Crescent Springs, Ky.).....	50kw	DA	U	I-B

**1560 kilocycles**

WHOM	Jersey City, N. J.....	500w, 1kw-LS	230, DA-N	U	II
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**1590 kilocycles**

WBRY	Waterbury, Conn. (T-Prospect Twp.)..	1kw	190	U	III-A
KITE	Kansas City, Mo.....	1kw	175	U	III-A
WAKR	Akron, Ohio.....	1kw	175, DA-N	U	III-B

**1600 kilocycles**

KPMC	Bakersfield, Calif.....	1kw	175	U	III-A
WQXR	New York, N. Y. (T-Long Island City).....	5kw	250	U	III-A

**REALLOCATION—MARCH 29, 1941**

*(Continued from page 4572)*

the participating nations. Under the arrangement, lists of proposed station assignments of these countries are exchanged in advance of the effective date of the agreement. This is done in order that any remaining technical problems may be worked out before actual operations begin.

Of particular concern to the United States listener is the indication that the domestic assignments as worked out by the Commission's engineers will mean a very material lessening of the interference which stations in this country now suffer from broadcasts emanating principally in Mexico and Cuba.

The North American Regional Broadcasting Agreement was reached at Havana on December 13, 1937. It was ratified by the four countries concerned. Formal filing by the fourth of these (Mexico) on March 29, 1940, confirmed the agreement and makes it operative one year from that date. Previously there was no real compact with respect to sharing of frequencies by the principal countries of this continent for the best mutual advantage.

The Commission in its statement stresses that the agreement should not, in any sense, be interpreted as creating any vested rights to broadcasters in the new frequencies thus established. That broadcast channels are public domain for use in the public interest, convenience and necessity is attested by statute and rule requirement that

licenses are for limited terms and broadcasters are relicensed at stated intervals only upon showing of proper public service.

## EXTENSION OF LICENSES TO MARCH 29, 1941

The Commission yesterday entered an Order further extending standard broadcast station authorizations expiring October 1, 1940 for an additional period ending March 29, 1941. The order applies to all standard broadcasting station licensees and extends the expiration date of all such licenses for which applications for renewal have been filed. If an application for renewal for regular operation covering the period beyond August 1, 1940 has been filed, it will not be necessary to refile such application under the provisions of the Commission's Order.

The Order of the Commission by its own terms extends the effective date of the licenses to which it applies. Modified licenses to cover the new expiration date will not be issued. Licensees are required to post the Commission's Order attached to their licenses in accordance with the rules governing posting of licenses.

### ORDER

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of September, 1940,

The Commission having under consideration the provisions of the North American Regional Broadcasting Agreement; and WHEREAS, it is necessary to make and amend rules and regulations of the Commission and prescribe restrictions and conditions in order to carry out the provisions of said Agreement; and

WHEREAS, the carrying out of said Agreement requires readjustment in the allocation of frequencies available for assignment to standard broadcast stations; and

WHEREAS, the United States is required under said Agreement to furnish the several countries signatory thereto, at least 180 days before the effective date thereof, with lists showing "broadcast stations actually in operation," "changes authorized to be made with respect to said stations," and "new broadcast stations authorized but not yet in operation"; and

WHEREAS, said lists are available for public inspection at the offices of the Commission, and copies thereof have been furnished all licensees of standard broadcast stations and all applicants for standard broadcast facilities; and

WHEREAS, following the conclusion of the conferences provided for under Article III, Section 1, of said Agreement, and the resolving, in accordance with the provisions thereof, of any conflicts which may arise, the Commission will enter appropriate Orders in the premises;

IT IS ORDERED, that effective March 29, 1941, Sections 3.25 to 3.29, both inclusive, and 3.34 of the Rules and Regulations of the Commission BE, AND THE SAME ARE HEREBY, REPEALED; and Sections 3.25 to 3.29 and 3.34 as set forth in Annex A hereto, BE, AND THE SAME ARE HEREBY, ADOPTED.

The Federal Communications Commission,

T. J. SLOWIE, *Secretary*.

### ANNEX A

#### *Amendments to Rules and Regulations Governing Standard Broadcast Stations*

3.25 Clear channels: Class I and II Stations.—The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations as given:

(a) To each of the channels below there will be assigned one class I station and there may be assigned one or more class II stations operating limited time or daytime only: 640, 650, 660,

670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 850, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned Class I and Class II Stations: 680, 710, 810, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(c) For Class II stations located not less than 650 miles from the nearest Canadian Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 690, 740, 860, 990, 1010<sup>1</sup> and 1580 kilocycles.

(d) For Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter ground wave at any point on the nearest Mexican Border, 730, 800, 900, 1050,<sup>2</sup> 1220<sup>3</sup> and 1570 kilocycles.

(e) For Class II stations located not less than 650 miles from the nearest Cuban Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 1540 kilocycles.

3.26 Regional channels: Classes III-A and III-B stations.—The following frequencies are designated as regional channels and are assigned for use by Class III-A and III-B stations<sup>4</sup>: 550, 560,<sup>5</sup> 570,<sup>5</sup> 580, 590,<sup>5</sup> 600, 610, 620, 630,<sup>5</sup> 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,<sup>5</sup> 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

3.27 Local channels: Class IV stations.—The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

3.28 (a) The individual assignments of stations to channels which may cause interference to other United States stations only, shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation," Section C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

3.29 On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

3.34 Normal license period.—All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time, and will be issued for a normal license period of 1 year, expiring as follows:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, and 1580 kilocycles, February 1.

(b) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, and 950 kilocycles, April 1.

(c) For stations operating on the frequencies 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles, June 1.

(d) For stations operating on the frequencies 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles, August 1.

(e) For stations operating on the frequencies 1230, 1240, and 1340 kilocycles, October 1.

(f) For stations operating on the frequencies 1400, 1450, and 1490 kilocycles, December 1.

<sup>1</sup> A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

<sup>2</sup> See North American Regional Broadcasting Agreement for use of this channel by a station in New York (Appendix I, Table IV).

<sup>3</sup> See Agreement with Mexico for further use of this channel.

<sup>4</sup> See Section 3.29 in regard to assigning Class IV stations to regional channels.

<sup>5</sup> See North American Regional Broadcasting Agreement for special provision concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with Appendix II, Table I, of said Agreement.

## COMMISSION EXTENDS TIME ON CHAIN REPORT

To meet the request of the major networks for more time in which to file briefs in connection with the Federal Communications Commission committee report on chain broadcasting, the Commission today announced that the time originally set for receiving such briefs (September 15) will be extended until October 25.

This was upon consideration of the requests of the National Broadcasting Company and the Columbia Broadcasting System, which asked that the time be extended to December 15 and December 1 respectively, and the Independent Radio Network Affiliates, which also asked for more time. These networks stated that the committee report, submitted to the Commission on June 12, is so voluminous that considerable study of its 1300 pages and of the record itself is necessary before briefs can be compiled to properly cover the subject and adequately represent their views.

### NAB-FCC APPLICATION FORMS CONFERENCE

As the Reports go to press the NAB special committee is meeting with a special committee of FCC and FM broadcasters, looking to the revision of the application forms 301 and 319. Satisfactory progress on specific suggestions is being made. The meeting was continued and a full report will be given in subsequent Reports.

## BMI Developments

### BMI FEATURE TUNES

September 16-23

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. MADAME WILL DROP HER SHAWL
5. SWINGIN' AT THE SEANCE
6. WE COULD MAKE SUCH BEAUTIFUL MUSIC

BMI's *Practice Makes Perfect* continues to make records. It has now been three weeks on the Lucky Strike Hit Parade, stands second in *Variety's* list of network performances, and ninth on the list of sheet music sales. Figures for the sales of BMI leading hits for the week

ending September 7th show 17,662 sheet music copies of *Practice Makes Perfect*, 3,072 of *The Same Old Story* and 1,882 of *There I Go*, and 995 orchestrations of *Practice Makes Perfect* for the same week.

This proof of the success of the BMI music with the public gives the strongest support to the judgment of program makers as to its quality. Members of the BMI Editorial Board have been told recently by men in the program departments of some of the leading advertising agencies, that the music submitted to them by BMI, maintains a higher percentage of good material than the submissions they receive from any other source.

Nothing distresses ASCAP officials more deeply, or is more impossible for them to argue aside, than the musical success achieved by non-ASCAP writers whose work is reaching the public through BMI. A short time ago, an ASCAP official, who is also a prominent officer of one of the largest ASCAP publishing houses, nearly came to blows with one of the nation's most famous band leaders in a night-club, where the band in question was then playing. The ASCAP official, obviously smarting under the warm reception accorded to BMI music which had been played, is said to have gone up to the band leader and demanded why he continued to play "that BMI tripe." It is reported that the band leader replied, "Because it is a darn sight better music than anything your house has published since you've been there."

### ASCAP VICTORY?

Warner Brothers motion picture interests control the Remick, Witmark and Harms music publishing houses, which are understood to receive considerably more than \$500,000 a year from ASCAP.

Warner Brothers motion picture interests control Station KFWB of Los Angeles, which has, presumably, paid ASCAP something in the neighborhood of \$30,000 a year.

KFWB has signed the new ASCAP contract.

A full page advertisement in *Variety* announces the consummation of this undoubtedly difficult negotiation.

### NEW BMI MEMBERS

We are happy to welcome the following stations to the BMI roster:

WOMI—Owensboro, Kentucky  
KHAS—Hastings, Nebraska  
KDRO—Sedalia, Missouri  
KBND—Bend, Oregon

Another advertising man turns out to be a composer. BMI will shortly publish a song by Ralph Skedgell, of the Young & Rubicam agency. We have also had word from an officer of a leading advertising trade publication that he belongs to a group who for some time have been exchanging, discussing, and performing each other's compositions. This may perhaps be an added reason why members of the advertising industry have so friendly an

attitude towards the organization which is rescuing the independent writer from the discouraging and unprofitable obscurity to which the ASCAP system has relegated him.

BMI is also publishing music by a number of well known band leaders. Among those who have recently been added to the list of BMI composers are Ray Herbeck, Paul Martin, Gray Gordon, Don Marcotte and Sleepy Hall.

In his article for *Variety's* "Battle Page," ASCAP's Paine repeats the statement previously made by ASCAP's Mills, that ASCAP receives from the broadcasters only 2.42% of their income from sale of time. They arrive at this figure by taking \$171,000,000 as the figure for the broadcasters' income for 1939, and \$4,142,024 as the figure for payments to ASCAP. That figure for the broadcasters' income is, of course, completely fictitious. It does not allow for the agency discounts, which the broadcasters never receive, nor for frequency discounts which represent an amount that nobody ever receives. The broadcasters' net revenue from sale of time in 1939 as shown by the FCC table was \$112,062,612. This specious argument of ASCAP results from the frequency with which fictitiously high figures are given for the gross receipts of the broadcasting industry.

## Legislative

### SENATE REVISES EXCESS-PROFITS TAX BILL

Today (Friday) the Senate version of the Excess-Profits Tax Bill will be called up for debate. The report on the bill was not available up to the time this issue of the NAB REPORTS went to press. However, it is understood the Senate Finance Committee has drafted a bill which provides several major changes from that passed recently by the House.

Both the average earnings method and the return on invested capital method as bases for determining normal profits in the base period, 1936-39, have been retained and are optional to the taxpayer. The penalties for using the average earnings method, of an increase in the normal tax of 4.1% and higher excess-profits tax rates, have been removed. Substituted, however, is an increase of 3.1% in the normal tax brackets applicable to all corporations. Moreover, the higher excess-profits tax rates ranging from 25% to 50%, applicable in the House bill only to corporations using the average earnings method, are made to apply when either method of determining excess profits is used. The increase of 3.1% in the normal corporate tax is construed purely as a revenue measure.

The specific exemption of \$5,000 on excess profits has been increased to \$10,000. This has been done in the

interests of easing the burden on smaller corporations. It is felt that this revision will exempt from filing returns and payment of tax, many of the smaller stations on whom the burden, under the House bill, would have been relatively severe.

The Senate bill eliminates the House provision that a corporation not in existence during the entire base period, 1936-37, is required to use the invested capital method. Allowing such corporations to use average earnings will provide relief for many stations licensed since January 1, 1936.

Provision for consolidated returns for purposes of the excess-profits tax is included. However, ownership of at least 95% of the stock of subsidiary corporations is required to file a consolidated return.

Prompt passage of the bill in the Senate is expected.

## Labor

James C. Petrillo is notifying non-network broadcasters who have musicians' contracts expiring this month that the A. F. of M. is willing to let the current "National Plan of Settlement" pass out of existence without demand for its renewal, providing satisfactory arrangements are made with the local unions for the employment of staff musicians.

## The Code

### ORGANIZE LOCAL NAB CODE COMMITTEE

Member stations in Minneapolis and St. Paul have organized a local NAB Code Committee to work in conjunction with the national NAB Code Committee, it was announced this week. Kenneth M. Hance of KSTP was selected as chairman, serving with Wallace Stone of WDGY and Edward P. Shurick of WLOL.

In commenting upon this development, Edgar Bill, chairman of the Code Committee, said, "This is a splendid idea and certainly will be most beneficial to the stations in the Twin Cities as well as to the Code Committee in its work of rendering helpful service to the members. Perhaps in those cities where there are several stations in operation, members may develop the idea and set up additional Code Committees."

### GEORGIA BROADCASTERS REORGANIZE

At a meeting in Macon, Georgia, attended by Neville Miller, NAB president, the Georgia Broadcasters Association was reorganized. James Woodruff, WRBL, was

elected president; Roy Ringson, WRDW, vice president; and Mrs. Marjorie Willis, WTOC, secretary-treasurer.

Those elected to the Board of Directors were Senator Jack Williams, Sr., WAYX; Leonard Reinsch, WSB; and E. K. Cargill, WMAZ, Macon.

The following broadcasters attended the meeting: John M. Outler, Jr., Leonard Reinsch, WSB, Atlanta; Clarence Calhoun, WGST, Atlanta; Maurice Coleman, WATL, Atlanta; Don Ioset, Howard Donahue, WAGA, Atlanta; Roy Ringson, Thurston Bennett, WRDW, Augusta; John Pidcock, Henry Hix, WMGA, Moultrie; W. T. Knight, Mrs. Marjorie Willis, Ben Williams, WTOC, Savannah; Harben Daniel, WSAV, Savannah; A. T. Spies, WGPC, Albany; Tom Phillips, WDAK, West Point; John Greer, WGOV, Valdosta; Ken White, WMOG, Brunswick; Bob Leagin, Henry Lowe, Charles Pittman, Alfred Lowe, WBML, Macon; E. K. Cargill, Wilton Cobb, "Red" Cross, Walter Graham, Mrs. Allie Williams, WMAZ, Macon; H. Wimpy, WPAX, Thomasville; Jack Williams, Sr., Jack Williams, Jr., WAYX, Waycross; Happy Quarles, Major Mitchell, WRGA, Rome; Alan Marshall WKEU, Griffin; James Woodruff, WRBL, Columbus.

### NEW MEMBERS KEEP COMING

It is a pleasure to report the further expansion of NAB membership. With the receipt this week of the membership application of KINY at Juneau, Alaska, NAB now has member stations in every state and territory. In addition to the Alaska station, the following new memberships have been received:

WJNO—West Palm Beach, Florida  
WKPA—New Kensington, Pennsylvania  
WMRC—Greenville, South Carolina  
KWLM—Willmar, Minnesota

There are still some stations out of the fold. Members are urged to look about them, make the necessary contacts to make NAB membership one hundred per cent of all operating stations.

### REVISED BY-LAWS

A complete reprint of the By-Laws with the amendments adopted at the recent Eighteenth Annual Convention has been made. These will be sent out next week to all members. They will take the place of the previous copy and will be so punched as to fit into the standard books. Members are cautioned to be sure to use the revised By-Laws and to destroy the old ones.

## Promotion

LISTEN BEFORE YOU VOTE posters have already been used in many state primaries and they were also used in this week's Maine election.

WCSH, Portland, also intends using the posters in connection with the November election.

Bill Dean, publicity director, WDAY, Fargo, N. D., completed, on August 31, observance of National Radio Festival Week, held at the same time of the famous Red River Valley fair. Now he is well along with the LISTEN BEFORE YOU VOTE promotion.

"We're for it 100%," says Bill.

Mayor Harold H. Burton, of Cleveland, who is running for the United States senate on the Republican ticket, is an "Is Your Hat in the Ring" fan.

To Ellis C. Vander Pyle, merchandise manager, WGAR, the Mayor wrote:

"I value highly the professional advice contained in this publication . . ."

"As you know, I am a believer in the radio as providing perhaps the salvation of democracy itself. I am greatly interested in its proper and most effective use and am glad to see the helpful attitude which the industry is taking by helping the radio broadcasters to improve their effectiveness."

Immediate shipment of "Is Your Hat in the Ring," from headquarters. Four cents (4¢) each plus postage.

Photos of station displays at the recent NAB convention in San Francisco were taken by the official photographer.

Several displays are shown on each print and a number of shots were required to get the whole pictorial story.

These prints are offered interested members at 50¢ each. Write headquarters.

### CUTS OF NAB SEALS

We have obtained a supply of cuts of the NAB seal for use by member stations. Two sizes are available— $\frac{5}{8}$  inch and one inch in size. Stations desiring these cuts should specify the size desired.

We wish again to encourage member stations to make the widest and most effective use possible of these cuts.

## National Defense

### CIVIL SERVICE COMMISSION THANKS INDUSTRY

In a letter addressed to Arthur Stringer, the United States Civil Service Commission expressed its appreciation to the NAB and to its member stations "for the invaluable

work which they are performing in the national defense program."

The letter follows:

On behalf of the United States Civil Service Commission, I wish to express appreciation to the National Association of Broadcasters, its member stations and all cooperating stations for the invaluable work which they are performing in the national defense program.

The Commission is charged by law with the task of recruiting more than 100,000 civilian employees for defense agencies. The cordial cooperation of the radio stations associated with the National Association of Broadcasters in presenting these needs to the American public has been instrumental in securing a large number of employees for navy yards, arsenals, and other defense stations. In no other way would it have been possible to present the situation so promptly and effectively.

You will be interested in the fact that an official of the Navy Department in Washington stated on September 7 that the results achieved already have been worthy of the highest commendation. He stated also to the Commission: "I wish to extend the thanks of the Navy Department and myself for your fine response and to congratulate you on your most satisfactory achievements."

The Commission in turn desires to pass on to the National Association of Broadcasters and its members a liberal portion of this commendation, because the Commission feels that your work has been exceedingly useful and the cordiality and promptness with which your cooperation has been given has been highly gratifying to all of us. The Commission has made public acknowledgment of this before and we wish you to know how much we appreciate what has been and is being done.

Very sincerely,  
*Harry B. Mitchell,*  
*President.*

### STILL MORE MEN NEEDED

At a conference with the Commission this week it was learned that the job ceiling, now set at 100,000 will undoubtedly be raised. This will naturally increase the opportunity of the broadcasting industry for even more important service to the nation.

Six hundred twenty-seven stations (627) are now broadcasting the Man Power announcements. Those previously unreported are:

#### DISTRICT 5

GEORGIA  
WAYX—Waycross

#### DISTRICT 9

ILLINOIS  
WJPF—Herrin

#### DISTRICT 11

SOUTH DAKOTA  
KGFY—Pierre

#### DISTRICT 13

TEXAS  
KBST—Big Springs  
KSAM—Huntsville

#### DISTRICT 14

WYOMING  
KWYO—Sheridan

#### DISTRICT 15

CALIFORNIA  
KGDM—Stockton

It is suggested that stations, which have not reported their cooperation, do so by writing headquarters.

### NEW BROADCAST STATION FOR SAN DIEGO, CALIF.

Proposed findings of fact and conclusions proposing to grant the application of Worcester Broadcasting Corp. for a new broadcast station at San Diego, Calif., to operate on the frequency 1420 kilocycles with power of 250 watts, unlimited time, antenna and transmitter site to be determined subject to approval of the FCC has been announced by the Commission.

In its findings of fact, the Commission concludes:

(1) The applicant is legally, technically, financially and otherwise qualified to construct and operate the proposed station.

(2) No objectionable interference would result from the simultaneous operation of the proposed station and any existing station in the United States, or with radio broadcast facilities requested in any pending applications.

(3) While the applicant herein seeks the use of a local channel to serve a metropolitan district, we have found that more than 90% of the population residing in said area will receive interference-free service from the proposed station. In other words, practically the entire population of San Diego, California, will receive such service, if this application is granted.

(4) We conclude that public interest, convenience and necessity will be served by the granting of the instant application, such grant, however, to be made subject to the following condition: The applicant corporation shall furnish to the Commission within thirty days from the effective date of the Commission's final order herein satisfactory proof of its authority to issue its capital stock.

### KGFI REVOCATION ORDER AFFIRMED

The FCC has announced its proposed findings of fact and conclusions proposing to affirm the recommendation of Commissioner Payne to revoke the license of Eagle Broadcasting Co., Inc. (KGFI), Brownsville, Tex.

Upon consideration of all the facts of record, the Commission concludes in its proposed findings that "the respondent, Eagle Broadcasting Company, Inc., licensee of Station KGFI, on October 10, 1938, without the consent in writing of this Commission transferred and delivered to James G. Ulmer and M. D. Gallagher, their heirs, successors and assigns, complete and exclusive possession, management, operation and control of said station, and also assigned and transferred to them all of the rights theretofore granted to the licensee corporation in and by the terms of the station license, in violation of Section 310(b) of the Communications Act of 1934 as amended and the Rules and Regulations of the Commission. . . . The respondent corporation failed to file with the Commission the said contract with James G. Ulmer and M. D. Gallagher, or other information, affecting and concerning the ownership, operation and control of Station KGFI, as required by, and in violation of, the Rules and Regulations of the Commission. . . . Such acts and conduct on the part of the respondent constitute grounds for revocation of the license to operate said Station KGFI, issued by this Commission to the Eagle Broadcasting Co., Inc. In view of the foregoing, the revocation order heretofore entered in this matter on the 22nd day of March, 1940, should be affirmed."

### REVOCATION ORDER FOR KAND RESCINDED

Rather than deprive a community of its only local broadcast station, and because previously offending licensees are now acting in good faith, the FCC has rescinded a prior order of revocation in the case of station KAND, operated by the Navarro Broadcasting Association, Corsicana, Texas, on 1310 kilocycles, unlimited time with 100 watts power.

The revocation order was issued by the Commission on February 7, 1940. Hearing was held in Dallas on April 23-26, at which time it was disclosed that respondents misrepresented to the Commission their intentions as to the financing, construction, control and operation of the station in securing their original construction permit and station license. In addition, it was found that they transferred the rights granted them to James G. Ulmer and Roy G. Terry without Commission consent, in violation of Section 310(b) of the Communications Act. "These facts taken alone would support an affirmation of the Commission's Order of Revocation," observes the Commission in its Decision and Order (No. B-118). However, balancing factors in the record lead the Commission to conclude:

"These violations were committed by the respondents either prior to the commencement of the operation of this station or within less than six months thereafter. Though ignorance of the law is no excuse, yet their conduct must be viewed in its true light as that of men at the outset of their career in radio broadcasting without any previous experience with the Commission.

"On November 6, 1937, Ulmer and Terry in consideration of the payment of \$6,000 by the respondents 'released, relinquished and quit-claimed' to the respondents all their interest in this station. Thus, within six months of the time Station KAND began to operate the respondents had obtained full control of the station and ended all affiliation of James G. Ulmer and Roy G. Terry therewith. Since that time, in so far as may be ascertained from the record in these proceedings, Station KAND has been operated by the respondents in the interest of the public in that area. Accordingly, this station, which began its program tests on May 17, 1937, and was issued its station license and began operation on June 1, 1937, has been operated since November 6, 1937, in full compliance with the representations made by the respondents to this Commission. There is nothing in this record to indicate that the respondents, if permitted by this Commission, will not continue to operate in the public interest as they have done since November 1937.

"In determining whether to revoke the license of a radio broadcast station for false representations to the Commission and other violations of the Communications Act, the Commission is faced with competing considerations. The Commission's primary duty is to the listening public and, in dealing with a licensee, the Commission must be guided by this primary duty. On the other hand, if the Commission is to carry out its function of granting and denying applications for licenses, it must obtain true and accurate information from those who seek to operate radio stations and must take disciplinary action against those who make false representations to the Commission. But discipline should not be inexorably applied when station licensees demonstrate to the Commission, as these respondents have now done, that they are ready to act in good faith.

"To revoke their license at this time would deprive the community of the service of this station when there is no reason to believe that the respondents will not continue to operate it in the public interest. From their conduct since 1937 and from their good reputation in their community, the Commission feels that the respondents may be trusted with the public responsibilities contained in an authorization to continue to operate station KAND."

However, in cancelling its previous order of revocation, in the public interest, the Commission reserves all rights to incorporate the facts developed in the case in any future proceeding involving this station.

### AMATEUR LICENSE SUSPENDED

The FCC has announced adoption of its proposed findings of fact and conclusions, and entered its final order suspending the amateur radio operator li-

cense of Louis Raymond Choiniere, Holyoke, Mass., for a period of three months, for "deceptive tactics" in broadcasting music and singing in "deliberate violation" of certain rules governing amateur stations.

This action affirms the Commission's order of suspension dated August 8, 1939, which had been held in abeyance pending hearing.

### FROM THE FCC MAIL BAG

(No. 14 of a series)

The Federal Communications Commission has had to censure, by mail, a Pacific Coast ship captain who, in radio discussion with another vessel about position and weather, could not refrain from cussing the latter. His unlawful superfluous language was heard by others and reported to the Commission.

A Long Islander is interested in the possibility of a three-way communication system between a vessel, a land station, and an automobile. Except for emergency service involving the safety of life and property, the Commission has not recognized the operation of any type of land station for the purpose of communicating with portable or movable equipment of organizations or individuals.

Proposal that a special rate of "about 50 cents" be allowed by telegraph companies for the transmission to members of Congress of messages expressing the views of constituents on "various subjects of public interest" has been received from a Los Angeles resident.

A Californian asks whether the Commission prohibits the broadcasting of telephone conversations with persons who have previously agreed to that procedure. Neither the Communications Act nor the Commission's rules prohibit this. But the tariffs of the American Telephone and Telegraph Co., filed with the Commission, prohibit the use of the company's lines for the purpose described.

From Baltimore a postcard inquires eligibility of the writer for a license to operate an amateur station on premises which he owns jointly with his mother who is an alien. This would be contrary to regulations which restrict place of amateur station operation to control of United States citizens exclusively.

A State police bureau seeks information relative to procedure to be followed in filing an application for a restricted radiotelephone permit by an officer whose birth certificate indicates a name different from that shown in the application. It is suggested that the application be filed in the name the applicant has been using, but supported by affidavits attesting to the facts in the case.

Annoyance caused by his neighbors' radios "turned full volume" is cited by a Piqua, Ohio, resident. Such things are outside the Commission's jurisdiction. Many cities have anti-noise ordinances intended to meet this situation.

There is no specific amount of time which radio stations

are required to devote to public and educational agencies, the Commission advises a Philadelphia body. Licenses are issued on general determination that the stations will serve the public interest, convenience and necessity. It is up to the broadcasters to include programs of an educational, religious and civic nature, but the amount of time devoted to these subjects rests between the stations and the groups concerned.

The Commission advises an Illinois would-be radio announcer that it has no authority over and so cannot recommend "announcing schools." Nor can it accommodate a New York listener who would compel the major networks to discontinue identical programs.

### 863 STATIONS

The FCC issued operating licenses to seven stations and granted six permits for the construction of new stations during the month of August, 1940. A comparative table by months follows:

	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1
Operating .....	739	743	751	755	765	769	771	775	779	783	791	799	806
Construction .....	59	57	58	57	49	48	51	48	47	53	56	58	57
	798	800	809	812	814	817	822	823	826	836	847	857	863

## FEDERAL COMMUNICATIONS COMMISSION

### FINDINGS OF FACT

FCC has announced its proposed findings of fact and conclusions proposing to grant the application of J. D. Falvey, for a construction permit for a new broadcast station in **Ottumwa, Iowa**, to operate on **1210 kilocycles**, with power of 100 watts, unlimited time, and deny the application of Louis R. Spiwak and Maurice R. Spiwak, co-partners, doing business as the L. & M. Broadcasting Co., for a construction permit for a new broadcast station in the same city, to operate on the same frequency with power of 250 watts day, 100 watts night, unlimited time.

Commission has also announced its proposed findings of fact and conclusions, proposing to grant the application of Thomas R. McTammany and William H. Bates, Bates, Jr., for a construction permit to change hours of operation of KTRB from daytime to limited (WSB, Atlanta, Ga.), permitting operation after 10 p. m., PST, install new equipment, increase power from 250 watts to 1 KW, on its present frequency of **740 kilocycles** and change transmitter site, subject to condition that applicants shall file an application for modification of construction permit specifying the exact transmitter

location and antenna system within two months after the effective date of the order. The application of KXL Broadcasters, **Portland, Oregon** (KXL), seeking authority to install new transmitter and directional antenna, change frequency from **1420 to 740 kilocycles**, increase power from 250 watts to 10 KW, change hours of operation from sharing with KBPS, **Portland**, to limited (WSB, Atlanta, Ga.), and move transmitter and studio, was denied.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled before the Commission in broadcast cases during the week beginning Monday, September 16. They are subject to change.

Thursday, September 19

Oral Argument Before the Commission

Report No. B-110:

KGKB—East Texas Broadcasting Co., Tyler, Tex.—In re: Revocation of Station License of KGKB.

Report No. B-108:

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

### FUTURE HEARINGS

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

October 7

Joint Hearing

Pursuant to action of the Commission on July 11, designating KRLC and KUJ applications for joint hearing with three applications from Riverside, California, which were consolidated on the Commission's own motion September 6.

KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., **1390 kc.**, 1 KW night, 1 KW LS, unlimited time. (Present assignment: **1370 kc.**, 100 watts night, 100 watts LS, unlimited time.)

KRLC—H. E. Studebaker, Lewiston, Idaho.—Modification of license, **1370 kc.**, 250 watts night, 250 watts LS, unlimited time. (Present assignment: **1390 kc.**, 250 watts night, 250 watts LS, unlimited time.)

NEW—Broadcasting Corporation of America, Riverside, Calif.—C. P., **1390 kc.**, 1 KW night, 1 KW LS, unlimited time.

NEW—Mollin Investment Co., Riverside, Calif.—C. P., **1390 kc.**, 500 watts, daytime.

NEW—Riverside Broadcasting Co., Riverside, Calif.—C. P., **1420 kc.**, 250 watts night, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Granted construction permit to increase power from 10 KW, sharing



time with WTIC on 1060 kc., with special authority to operate simultaneously with KTHS from 6 a. m. to 9 p. m., EST, on 1060 kc. and synchronous with WJZ on 760 kc., 2.5 KW until 12 midnight, to 50 KW; increase time of operation to unlimited; install directional antenna for night use; change transmitter site locally, and install new transmitter (B1-P-2200).

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of license to change frequency from 1060 kc. to 1040 kc. and hours of operation from sharing time with WBAL to unlimited, using directional antenna after sunset at Dallas, Tex. (B1-ML-1012).

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted license to cover special experimental authority for unlimited time and changes in directional antenna system; 1040 kc., 50 KW night and day, directional antenna night and day; present assignment, shares time with KTHS (B3-L-1180).

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted modification of license to change from directional antenna day and night to directional antenna night only (B3-ML-999).

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 of the Rules Governing Standard Broadcast Stations (B3-Z-435).

KLBM—Harold M. Finlay and Eloise Finlay (Assignors), Harold M. Finlay (Assignee), La Grande, Ore.—Granted consent to voluntary assignment of license and construction permit of station KLBM from Harold M. Finlay and Eloise Finlay to Harold M. Finlay; 1420 kc., 250 watts, unlimited time (B5-APL-7).

KALE—KALE, Inc., Portland, Ore.—Granted construction permit to increase nighttime power from 1 KW to 5 KW, operating on 1300 kc., unlimited time, using directional antenna at night (B5-P-2729).

#### DESIGNATED FOR HEARING

R. B. Eaton, Des Moines, Iowa.—Application for construction permit for a new television broadcast station to operate on Channel No. 3 (66000-72000) with 46 watts visual and 100 watts aural power (B4-PVB-45).

#### MISCELLANEOUS

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate from 8:15 p. m., EST, to the conclusion of University of Florida football game September 28, 1940, and from 7:15 p. m., EST, to conclusion of football games on October 5 and 11, 1940, in order to broadcast said football games only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 8:15 p. m., EDST, September 13, 1940, and from 8:30 p. m. to 8:45 p. m., EDST, on September 16, 1940, in order to broadcast political programs sponsored by the Republican State Committee only.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 8 p. m. to 10 p. m., EST, on September 6, 13, 20, 27 and October 4, 1940, in order to broadcast football games only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (Sept. 5:45 p. m., CST) to 12 midnight, CST, on September 11, 1940, in order to broadcast election returns only.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted modification of construction permit for approval of antenna system, change in type of transmitting equipment, and approval of studio site and transmitter site; 1310 kc., 250 watts, specified hours (B2-MP-1030).

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted modification of construction permit which authorized new transmitter, changes in directional antenna, change of frequency, increase of power and move of transmitter, for change of type of transmitting equipment; frequency 630 kc., 5 KW, unlimited time, directional antenna day and night (B4-MP-1048).

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted authority to install new automatic frequency control equipment; 1250 kc., 1 KW, 5 KW LS, unlimited time (B4-F-151).

Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted construction permit for new relay broadcast sta-

tion, frequencies 156750, 158400, 159300, 161100 kc., power 50 watts, special emission (B2-PRE-361).

Riverside Broadcasting Co., Riverside, Calif.—Granted petition to accept appearance filed late in re hearing on application for construction permit for new station to operate on 1420 kc., 250 watts, unlimited time (B5-P-2648).

Broadcasting Corp. of America, Riverside, Calif.—Dismissed petition for intervention and on the Commission's own motion directed that the proceedings be consolidated in Docket No. 5888, application of Mollin Investment Co., Docket No. 5890, application of Riverside Broadcasting Co., and Docket No. 5780, application of Broadcasting Corp. of America, all for construction permit for new stations in Riverside, Calif. (B5-P-2648).

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Referred to the Commission the motion for leave to amend application so as to request night power of 5 KW (B4-P-2272).

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted motion to accept amendment to application by changing the reply to Item 31(d) by substituting "38%" for "58%" (regarding mechanical productions) (B4-P-2667).

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted petition to amend application for construction permit with regard to directional antenna (B4-P-2399).

Western Gateway Broadcasting Corp., Schenectady, N. Y.—Granted petition to amend application to specify type of antenna and exact transmitter site (B1-P-2690).

KNET—John Calvin Welch, William M. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Tex.—Granted special temporary authority to operate from local sunset (Sept. 6:30 p. m., CST) to 11 p. m., CST, on September 20 and 27, 1940, in order to broadcast Palestine High School football games only.

WAGF—John T. Hubbard, Julian C. Smith, and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:15 p. m. to 7:15 p. m., CST, September 14, 1940, and from 6:15 p. m. to 7 p. m., CST, September 21, 28, October 5 and 12, 1940, in order to broadcast political speeches only.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 7:15 p. m. to 7:30 p. m., CST, September 6, 1940, in order to broadcast a political program only.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with Station KTHS on 1060 kc. from 9 p. m., November 4, 1940, to 1 a. m., EST, November 5, 1940, in order to broadcast campaign programs only, and from 9 p. m., November 5, 1940, to 6 a. m., EST, November 6, 1940, in order to broadcast election returns only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 9:30 p. m., EDST, September 9, 1940, in order to broadcast Defense Day ceremonies only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m., EST, October 7, 21, 22, 24, November 1 and 4, 1940; from 9:30 p. m. to 10 p. m., EST, October 24, 29, 31, November 2, 1940; from 7:45 p. m. to 8 p. m., EST, October 28, 30, November 1 and 4, 1940; from 8 p. m. to 8:30 p. m., EST, November 3, 1940; from 11 p. m. to 12 p. m., EST, November 4, 1940, in order to broadcast political programs only as described in letter dated August 26, 1940.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m., EST, on October 4, 11, 18, 23, 25, 28, 29, 30, and 31, 1940, in order to rebroadcast political programs sponsored by the Republican State Committee of Massachusetts.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 6:15 p. m., PST, to the conclusion of a patriotic Americanism rally to be held on September 12, 1940, in order to hold audience until 7 p. m. and to broadcast said program only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (Sept. 5:45 p. m., CST) to 10 p. m., CST, on September 9 and 10, 1940, in order to broadcast political talks only.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 6:15 p. m. to 12 midnight, CST, on September 13, 14, and 16, in order to broadcast political programs only, and from 6:15 p. m. to

12 midnight, CST, on September 17, 1940, in order to broadcast election returns.

Press Union Publishing Co., Portable-Mobile (area of Atlantic City, N. J.).—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35620, 37980 kc.**, power 2 watts, A2 emission (B1-PRE-363).

The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.).—Granted construction permit for new relay broadcast station, frequencies **31220, 35620, 37920, 39260 kc.**, power 0.2 watt, A3 emission (B1-PRE-362).

KEHV—The Associated Broadcasters, Inc., Portable-Mobile (area of San Francisco, Calif.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 15 watts, A3 emission (B5-LRY-205).

KAQV—Central States Broadcasting Co., Portable-Mobile (area of Omaha, Nebr.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1606, 2022, 2102, 2758 kc.**, power 2 watts, A3 emission (B4-LRY-196).

WIEO—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—Granted modification of license to add A1 and A2 emission and change description of transmitter (B1-MLRY-25).

WMBO—WMBO, Inc., Auburn, N. Y.—Granted request for special authorization to remain silent after 8 p. m. daily, for a period of 30 days.

WREN—WREN Broadcasting Co., Lawrence, Kans.—Granted motion for leave to amend application and substitute request for 5 KW nighttime power at the proposed new location of applicant's transmitter in Kansas City instead of 1 KW as now requested.

Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Denied petition for rehearing and for reconsideration of the grant of construction permit to Joe W. Engel for a new station in Chattanooga to operate on **1370 kc.**, with 250 watts power, which was granted by the Commission on July 5.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Denied request for waiver of Section 3.71 of the Rules Governing Standard Broadcast Stations, in order that station may cease operation at 8 p. m. daily.

KIUP—The San Juan Broadcasting Co., Inc., Durango, Colo.—Denied request for waiver of Section 3.71 of the Rules Governing Standard Broadcast Stations, in order that station KIUP may cease operation at 7:30 p. m. daily.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 8 p. m. to 12 p. m., EST, September 9, 1940, in order to broadcast election returns only.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate on **43.9 mc.** for the period ending in no event later than 3 a. m., EST, January 1, 1941, in order to clear interference condition.

KGKF—KGKL, Inc., Portable-Mobile (area of San Angelo, Tex.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 20 watts (B3-LRY-200).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW, using directional antenna night. Amended to make changes in directional antenna.

### 880 Kilocycles

WRNL—Richmond Radio Corp., Richmond, Va.—License to cover construction permit (B2-P-1805) for new transmitter, installation of directional antenna for day and night use, increase in power, and change in hours of operation.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day

and night use; increase power from 250 watts night, 1 KW day, to 5 KW day and night; and move transmitter from 231 West Michigan St., Milwaukee, Wis., to near Milwaukee, Wis. Amended to move transmitter to near Milwaukee, Wis. (no street number).

KRSC—Radio Sales Corp., Seattle, Wash.—License to cover construction permit (B5-P-2141) as modified for move of transmitter, new transmitter and antenna, and increase in power.

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to install directional antenna for night use and increase power from 250 watts night, 1 KW day, to 1 KW day and night. Class III-A. Amended to change requested power from 1 KW to 5 KW, make changes in directional antenna for day and night use, and install new transmitter.

### 1200 Kilocycles

NEW—Manuel M. Grau, Mayaguez, P. R.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts night, 250 watts day, unlimited time. Class IV.

### 1210 Kilocycles

WSBC—WSBC, Inc., Chicago, Ill.—Voluntary assignment of license from WSBC, Inc., to Gene T. Dyer, Evelyn M. Dyer, John A. Dyer and Elizabeth M. Hinzman, d/b as Radio Station WSBC.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts power.

### 1280 Kilocycles

WRR—City of Dallas, Texas, Dallas, Tex.—Construction permit to install new transmitter and increase power from 500 watts to 1 KW. Amended to request 5 KW power, install directional antenna for night use, install new transmitter, and move transmitter from Centennial Grounds, Dallas, Tex., to Highway 114 at White Rock Lake, Dallas, Tex.

### 1310 Kilocycles

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Construction permit to install new transmitter and vertical antenna; change frequency from **1310 kc.** to **1380 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW day and night; and move transmitter from 2312 Fifth Street, Lubbock, Tex., to site to be determined at or near Lubbock, Tex. Amended to change requested power from 1 KW to 5 KW, install directional antenna for day and night use, make changes in equipment, and give exact transmitter site as U. S. 82, 4.2 miles northeast of city, Lubbock, Tex. Class III-A.

WJPF—Orville W. Lyerla, Herrin, Ill.—License to cover construction permit (B4-P-2097) as modified for a new station.

WJPF—Orville W. Lyerla, Herrin, Ill.—Authority to determine operating power by direct measurement of antenna power.

NEW—Herbert L. Wilson, Middletown, N. Y.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time. Amended to request **1310 kc.**

### 1370 Kilocycles

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—License to cover construction permit (B3-P-2261) as modified for a new broadcast station.

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

NEW—Grenco, Inc., Greenwood, S. C.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts, daytime. Class IV. Amended: To specify transmitter site as Lander College, Greenwood, South Carolina, make changes in antenna and transmitting equipment, change power from 100 watts to 250 watts and hours of operation from daytime to unlimited time.

WNAB—Harold Thomas, Bridgeport, Conn.—Modification of construction permit (B1-P-2410) for a new station, requesting changes in transmitting equipment, approval of transmitter site at rear of 60 Main St., Bridgeport, Connecticut, and approval of vertical antenna.

### 1450 Kilocycles

- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-P-2922) for new automatic frequency control equipment and changes in transmitting equipment.
- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—License to cover construction permit (B1-P-2526) for a new transmitter, increase in power and changes in antenna.

### 1500 Kilocycles

- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction permit to change frequency from 1500 kc. to 1450 kc., install new transmitter, make changes in vertical antenna and increase power from 250 watts to 500 watts night, 1 KW day. Class III B. (Contingent upon grant of WAGA's application for 590 kc.)
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Voluntary assignment of license from Howitt-Wood Radio Co., Inc., to Wylie B. Jones, Advt. Agency.

### FM APPLICATIONS

- NEW—WDRG, Incorporated, Hartford, Conn.—Construction permit for a new high frequency broadcast station to be operated on 43,100 kc., coverage; 13,944 square miles, population 1,337,805.
- NEW—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Construction permit for a new high frequency broadcast station to be operated on 44,100 kc., coverage; 7,290 square miles, population 415,501.
- NEW—St. Louis University, St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on 44,300 kc., coverage; 13,500 square miles, population 1,682,500.
- NEW—WHFC, Inc., Cicero, Ill.—Construction permit for a new high frequency broadcast station to be operated on 47,500 kc., coverage; 2885 square miles, population 3,835,000.

### MISCELLANEOUS

- KEGE—A. H. Belo Corp. (area of Dallas, Texas)—License to cover construction permit (B3-PRE-356) which authorized decrease in power from 3 watts to 2 watts and installation of new transmitter.
- WGNB—WGN, Inc., Chicago, Ill.—Modification of construction permit (B4-PRE-347) for a new relay broadcast station, to change frequencies to 156750, 158400, 159300, 161100 kc., in accordance with new Group I frequencies, and extend commencement and completion dates from 6-27-40 and 12-27-40 to 10 days after grant and 60 days thereafter.
- WEOY—South Carolina Broadcasting Company, Inc. (area of Charleston, S. C.)—License to cover construction permit (B3-PRY-222), which authorized a new relay station. Amended: Additional information to Section 7(a).
- W10XF—National Broadcasting Co., Inc., Portable.—Modification of license to change frequencies to comply with amended Section 4.154(a) and add the frequencies of 8650, 8660 kc.
- W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a) and add the frequencies of 8650 and 8660 kc.
- W2XBU—National Broadcasting Co., Inc. (area of New York, N. Y.)—License to cover construction permit (B1-PVB-54) as modified, for a new television relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

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

**Abbott & Walker, Inc.**—Nineteen New York distributors of ready-made advertising materials consisting of advertising copy, displays, cuts, mats and other printed matter and material, all operating under the same control, are charged with unfair competition and unfair and deceptive acts and practices in the sale of their products in a complaint.

The complaint names as respondents John H. Ryder, of 79 Madison Ave., and 381 Fourth Ave., who controls and manages the group; Abbott & Walker, Inc., The Amsterdam Syndicate, Inc., Bradley Advertising, Inc., Dayton Lee, Inc., Deward & Rich, Inc., Lindsay & Brewster, Inc., Baidis, Inc., Norm Advertising, Inc., Vanderbilt Advertising Agency, Inc., and Thomas Gailord & Reynolds, Inc., all of 79 Madison Ave.; Advertisers Exchange, Inc., Boyd Scott Company, Inc., McTee & Co., Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., and John Smithson Company, Inc., all of 381 Fourth Ave.

Under the direction and control of the respondent Ryder, the complaint alleges, the respondent corporations, individually and jointly, have sold three copyrighted advertising features, each consisting of a series of prepared advertising copy, mats and cuts, and each series including illustrations and wordings with a continuous idea or theme indicated by the title, the titles being: "It's a Fact," "Isn't It the Truth?" and "Where's Elmer?"

Through their canvassing salesmen, agents and representatives, the complaint alleges, the respondents have made false, misleading, disparaging, intimidating and threatening representations to the effect that certain similar ready-made advertising copy and materials offered and sold by certain competitors have been copied from the copyrighted features or series sold by the respondents, and that purchasers of the competing advertising features or series, assertedly copies, would become liable to actions at law by reason of their use thereof. The competing features or series were sold under titles such as "It's the Truth" and "Where's George?", according to the complaint.

The respondents' representations, the complaint continues, were made in bad faith for the sole purpose of discouraging purchase from, or dealing with, the respondents' competitors, and were otherwise made without cause or right.

The complaint further alleges that the respondents, in order to induce the purchase of their advertising features or series, have represented that a purchaser would hold exclusive rights to their use in his community, and that the features or series were new and original ideas protected by copyrights whereby the purchaser would be the only one in his trade territory using advertising or trade promotional publicity of the same character, type and style, when in fact advertising copy of the same style, type and character has been sold and distributed in the community of such purchaser. (4302)

**Atlas Health Appliance Company**—Alleging misrepresentation in the sale of an electrical device advertised for use in the treatment of certain diseases, a complaint has been issued against Jacob L. Goldman, alias J. L. Coleman, trading as Atlas Health Appliance Company, 2430 West Sixth St., Los Angeles.

By use of various representations the respondent, according to the complaint, advertises that his device, designated as "Atlas Short Wave Diathermy", when used by the unskilled lay public in the treatment of self-diagnosed diseases by individual self-application in the home, is a scientific, safe, harmless and effective means for curing and treating some 35 listed ailments; that it definitely aids in killing bacteria, and that its use will have no ill effects, when such are not the facts.

The complaint alleges that in addition the respondent has disseminated false advertisements in that the advertisements of its device fail to reveal that its use under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health. The use of the device under such conditions by the unskilled lay public, according to the complaint, may result, in certain specified instances, in ailments such as peritonitis and blood poisoning, serious hemorrhage, abortion, stimulating the growth of cancerous cells, tissue destruction, severe burns, and other serious conditions. (4291)

**Atlas Wall Paper Mills, Inc.**—Misrepresentation in the sale of wall paper is alleged in a complaint issued against Atlas Wall Paper Mills, Inc., Coal City, Ill.

The complaint alleges that the respondent corporation has disseminated misleading representations regarding the character and qualities of certain of its product. Among and typical of such representations, the complaint continues, are use of the words "washable", "water resisting" and "colorfast", and the legend "printed with the best non-fading colors obtainable".

Through the use of these and other similar representations, the complaint continues, the respondent represents that certain of its wall paper may be washed or cleaned by using water, without damage or loss of appearance; that the paper is capable of resisting the usual effects of water; that the colors printed on the paper will not fade, and that the paper is unaffected by exposure to sunlight, when such are not the facts. (4288)

**Becker Cloak Company, Inc.**, 247 West 37th St., New York, is charged with misrepresentation in the sale of women's textile fabric garments, in a complaint.

Pointing out that the words "Persian" and "Persian Lamb," applied to women's coats or similar garments, are accepted to mean the highly prized peltries of the young of the Karakul breed of sheep originally found in Russia and marketed through Persian traders, the complaint alleges that the respondent designates its textile fabric women's coats and other garments as "Duro-Persian," advertises them as "Duro-Persian" and "Imported Persian," and attaches tags and labels some of which bear pictorial designs of sheep or lambs and the words "Duro-Persian."

The respondent's use of these terms and pictorial designs, according to the complaint, represents that garments so designated are made from the peltries of "Persian" lambs, the young of the Karakul breed of sheep, or from the wool taken from such young sheep, and, the complaint continues, its textile fabric garments are so constructed as to have an appearance inducing the belief that this representation is true.

According to the complaint, the respondent's textile fabric garments so labeled and advertised are not made from the fur of Persian lambs or any other fur, nor of a genuine fur fabric composed of wool obtained from the young of the Karakul breed of sheep or the wool of any animal, but are, on the contrary, made of a textile material composed of rayon twisted into a pile about a core of all-cotton yarns having the appearance of silky, tightly curled fur, thus closely resembling Persian lamb fur. These garments, the complaint continues, are not imported either from Persia or elsewhere, but are of domestic manufacture, and the labels, tags and advertising material employed do not disclose the presence of rayon and cotton. (4295)

**George A. Bounds & Company**—Violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint issued against George C. Bounds and William H. Phillips, partners trading as George A. Bounds & Co., Salisbury, Md., who own and operate a factory at Hebron, Md., for packing, processing and canning tomatoes and sweet potatoes.

The complaint alleges that the respondents have granted to purchasers, the sales to whom have been effected by brokers not accepting brokerage from the respondents on such sales, discounts and allowances in lieu of brokerage, by selling and invoicing their commodities to such purchasers at a net price which is lower than the respondents' prevailing market price by an amount which approximately equals the customary brokerage usually granted and allowed by the respondents and accepted by the respondents' brokers on similar sales to purchasers.

The complaint also alleges that the respondents have granted to purchasers, the sales to whom have been effected by brokers controlled by such purchasers, discounts and allowances in lieu of or as brokerage, by selling their commodities to such purchasers at a net price which is lower than the respondents' prevailing market price by an amount which equals the customary brokerage usually granted and allowed by the respondents to such brokers on similar sales to other purchasers effected by such brokers.

The complaint further alleges that the respondents have granted to brokers, the sales to whom have been for such brokers' own account, discounts and allowances in lieu of or as brokerage, by selling their commodities to such brokers at a net price which is lower than the respondents' prevailing market price by an amount which is equal to the customary brokerage usually granted and allowed by the respondents to such brokers on similar sales to other purchasers when effected by such brokers. (4303)

**Continental Briar Pipe Company, Inc.**, Brooklyn, Harry Yates, trading as Cumberland Candy Company and as Dixie Candy Company, Fayetteville, N. C., and Robert R. Raynor, trading as Southern Sales Company, a candy distributor of Dunn, N. C., have been served with complaints alleging the sale of products so packed and assembled as to involve the use of lottery methods when sold and distributed to the consuming public.

Use of the respondents' sales methods, the complaints charge, is a practice contrary to an established public policy of the Government of the United States and in violation of the criminal laws, and is an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act. (4293-4296-4297)

**Cumberland Candy Company**—See Continental Briar Pipe Company, Inc.

**E. R. Davis Prescription Company**—Charging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against E. R. Davis, trading as E. R. Davis Prescription Company, Bellingham, Wash.

By means of advertising matter disseminated through the mails, and through newspaper advertisements, radio continuities, and circular matter, the respondent, according to the complaint, represents that his preparation, designated "Asthma and Hay Fever Remedy No. 7895" is a cure or remedy and a competent and effective treatment for asthma, hay fever and bronchial asthma, and that the use of the product will prevent attacks of asthma and hay fever or their recurrence and will relieve suffering incident to these ailments.

The complaint alleges, however, that the respondent's preparation is not a cure or remedy for asthma, hay fever and bronchial asthma and does not constitute a competent and effective treatment therefor in excess of furnishing temporary symptomatic relief from the paroxysms of asthma and attacks of hay fever. According to the complaint, the respondent's product is of no value in the prevention or treatment of hay fever or respiratory infections or in increasing the resistance of nasal mucous membranes. (4289)

**Dixie Candy Company**—See Continental Briar Pipe Company, Inc.

**Gates Medicine Company, Inc.**—Alleging false and misleading advertisement in the sale of drugs represented as cures for the liquor habit, a complaint has been issued against Gates Medicine Company, Inc., 32½ Capitol St., Charleston, W. Va.

Through the mails and by other means, the complaint alleges, the respondent has disseminated advertisements representing its "White Ribbon Remedy" as a competent, effective, safe and reliable cure for the liquor habit and its "Improved White Ribbon Remedy" as a competent, effective and reliable cure for the liquor habit and as a remedy or cure for nervousness, fatigue, illness and other conditions caused by excessive drinking of alcoholic beverages.

The complaint alleges that the respondent's preparations will not accomplish the results advertised and further charges that the respondent's advertisements are false in that they fail to reveal that use of its White Ribbon Remedy, under conditions prescribed by the respondent and under such conditions as are customary and usual, may result in serious illness. According to the complaint, White Ribbon Remedy contains tartar emetic which produces expectorant, nauseant and depressant effects, which may be harmful and dangerous to health. (4301)

**Honey-Web, Inc.**—Alleging misrepresentation, a complaint has been issued against Honey-Web, Inc., 50 East 42nd St., New York, a distributor of fly ribbons.

In circular advertising and on labels, the complaint alleges, the respondent corporation has made, among others, the following misrepresentations: "Honey-Web Ribbon Fly Catchers. The Very Finest, Actually catches 40 to 60% more flies as compared to ordinary fly catchers. Will not run regardless of heat or atmospheric conditions. Will not dry up even when exposed to sun or wind for as long as 4 weeks. Will remain fresh in stock for as long as 4 years."

Through use of the term "Honey-Web" as a trade and corporate name, the complaint alleges, the respondent also represents and

implies that one of its product's ingredients is a substantial quantity of honey, a factor preferred by many purchasers, when in fact the product's honey content is not sufficient to add to the efficacy of the product. (4300)

**L. W. Powers Company**—Lawrence W. Powers, trading as L. W. Powers Company, a New York commission resident buyer of women's ready-to-wear apparel, with offices at 1328 Broadway, is charged with violation of the brokerage section of the Robinson-Patman Act in a complaint.

According to the complaint, the respondent Powers employed as purchasing agent for a number of out-of-town retail dealers, places their orders for merchandise with manufacturers, who usually ship the goods so ordered directly to the retail purchaser. On such orders placed by him, the complaint alleges, the respondent Powers, while acting as the buyers' purchasing agent, has received and accepted from the seller manufacturers brokerage fees or commissions in substantial amounts, in violation of section 2 (c) of the Clayton Act as amended by the Robinson-Patman Act. (4299)

**Premium Candy Company**—A complaint has been issued charging Joe L. Thompson, trading as Premium Candy Company, Fayetteville, N. C., with the sale to agents and dealers of candy so packed and assembled as to involve the use of lottery methods when sold and distributed to the consuming public.

Use of the respondent's sales methods, the complaint charges, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair method of competition and an unfair and deceptive act or practice under the Federal Trade Commission Act. (4287)

**Southern Sales Company**—See Continental Briar Pipe Company, Inc.

#### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**King Sales Company**—See National Premium Company.

**National Premium Company**—Benjamin Jaffe, trading as National Premium Company and as King Sales Company, 418 South Wells St., Chicago, has been ordered to cease and desist from using lottery methods in the sale of merchandise.

The Commission order directs the respondent to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other devices, which may be used in selling or distributing merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; or transporting to agents, distributors or the public, such devices so prepared and printed that sales of merchandise may be made to the public by means of a game of chance, gift enterprise or lottery scheme. (3662)

**Perfektum Products Company**—See Popper & Klein, Inc.

**Piccadilly Hosiery Mills**—An order has been issued requiring Benjamin Gould, hosiery distributor, trading as Piccadilly Hosiery Mills and Piccadilly Hosiery Company, 1019-1021 Arch St., Philadelphia, to cease and desist from using the word "Mill" or "Mills" as a part of his trade name, or otherwise representing that he is a manufacturer.

Commission findings are that formerly on certain of the respondent's printed matter appeared the words "Piccadilly Hosiery Mills, 1019-1021 Arch St., Philadelphia, Pennsylvania," and that the respondent, in April, 1938, abandoned use of the trade name Piccadilly Hosiery Mills and substituted the name Piccadilly Hosiery Company. (3774)

**Popper & Klein, Inc.**, trading under its corporate name and as Perfektum Products Company, 300 Fourth Ave., New York, dis-

tributor of laboratory supplies, has been ordered to cease and desist from using the term "Made in U. S. A.," or any other term indicative of American manufacture, to describe or refer to microscope cover glasses of foreign origin.

The Commission order also requires the respondent to cease and desist from causing imported microscope cover glasses to be removed from the containers in which they were imported into the United States, and on which appear brands or marks indicating their foreign origin or manufacture, and to be placed in containers which do not bear legible brands or marks fully informing prospective purchasers of the foreign origin of such articles.

The respondent corporation is successor to the business formerly conducted by its president under the trade names "Popper & Klein" and "Perfektum Products Company," according to Commission findings. (3288)

#### STIPULATIONS

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

**Economy By-Products Company, Inc.**, 782 Minnesota St., San Francisco, has entered into a stipulation in which that corporation agrees to cease and desist from certain representations in the sale of motor lubricating oil.

The respondent agrees to cease using the word "Penn" or "Pennfield" as a brand or label for or as a part of the trade name under which it sells a certain motor oil, which in fact is not composed wholly of Pennsylvania oil, and agrees to discontinue employing the word "Penn" alone or in connection with other words or letters so as to imply that the product is composed of Pennsylvania oil in its entirety.

Under its stipulation the respondent further agrees to desist from use of the phrase "100% Pennsylvania Oil" as descriptive of its product, and from employing that phrase or any other representation of like import, the effect of which conveys the impression that the product referred to is composed of Pennsylvania oil, when in fact it contains oil other than Pennsylvania oil. The respondent also agrees to cease and desist from failing to clearly and unequivocally disclose in its invoices and advertising matter the fact that its product contains used or reclaimed oils. (2920)

**Extermital Chemicals, Inc.**, 11 St. Mary's St., Dayton, Ohio, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of two products offered for use in conjunction with each other as soil treatments about the foundations of buildings to check or prevent infestation of the woodwork by termites.

The stipulation points out that the respondent's treatments are applied by what it refers to as its "extermital process" or what is known as the "bar-hole method," consisting of the making of holes in the soil adjacent to a building and inserting the preparations in the holes, which are then covered or closed.

In the sale of its preparations, designated "Extermital A" and "Extermital B," the respondent agrees to discontinue representing that either the preparations or the method advocated for application are based on U. S. Government findings; that soil poisoning is recommended or recognized by Federal Government authorities as the best termite control method or is advocated by these authorities other than as an adjunct to feasible structural changes, and in place of them only on condition that the structural changes necessary to block termites are impracticable; or that these authorities advocate soil treatments by the bar-hole system or by any method other than that known as the trenching method.

The respondent corporation further stipulates that it will cease representing that the repellent effectiveness of its products, when placed in the soil, is of such permanency as to guard against all further termite infestations; that either the H. O. L. C. specifications or those of any other Government agency recommend soil treatment by means of bar holes, the method used by the respondent, or the use of its chemical mixture for treating; and that the U. S. Government has spent several hundred thousand dollars repairing damage caused by termites to the Treasury and Interior Buildings and in the Smithsonian Museums. (2922)

**Holland Racine Shoes, Inc.**, Holland, Mich., shoe manufacturer, has entered into a stipulation to cease and desist from certain representations in the sale of its products.

The respondent corporation agrees to cease employing the words "J. W. Stetson Quality Shoes" or the word "Stetson," alone or in connection with other words or arranged within a triangle so as to simulate the brand or label or name heretofore used by the Stetson Shoe Company, Inc.; to desist from using the words "Martin & Martin," alone or in connection with the words "Custom Made," or the words "Domonick & Domonick," alone or in connection with the words "Custom Grade," or the phrase "Made Exclusively for Altman," so as to simulate the brand or label or name heretofore used, respectively, by Martin & Martin, Dominick Fine Shoes, Inc., and B. Altman & Co., in the sale and distribution of shoes.

Other representations which the respondent agrees to discontinue are the use on its shoes of the phrase "Quality Shoemakers Since 1875," so as to imply that its shoes have been sold on the market for such indicated period of time, and from use of the words "Custom Made" or "Custom Grade," alone or in connection with the name of an alleged shoe dealer so as to imply that the products designated are of custom quality or have been made in accordance with the specific order of a dealer. (2923)

**May Seed and Nursery Company**, trading as the Earl E. May Seed Company, Shenandoah, Iowa, and the Miller Chemical Company, Omaha, have entered into stipulations in which they agree to cease and desist from certain representations in the sale of "Miller's Liquid Hog Medicine."

The respondent companies agree to cease advertising that "Miller's Liquid Hog Medicine" is a tonic, a conditioner, an effective treatment for swine in a run-down condition, and a competent and effective treatment for hog diseases generally. They also agree to cease representing that the preparation can be relied upon to increase the profits of swine raisers; that a sample quantity costing 25 cents is regularly worth \$1 or regularly sells for any amount greater than is actually the case, or that the medicine is guaranteed, without at the same time indicating the nature and scope of the guarantee. (02626-02627)

**Earl E. May Seed Company**—See May Seed and Nursery Company.

**Mead-Suydam Company**—Fred J. Mead, sole trader as Mead-Suydam Company, 400 Sheridan St., Orange, N. J., a manufacturer of concrete burial vaults, stipulates he will desist from representing that his products "Outlast the Tomb" have the quality of "Permanence", or, by other presentations, made either directly or indirectly, that his vaults will endure for a longer period than has been scientifically proven. The respondent also agrees to desist from the unqualified representation that a vault purchased from him "will not fail", or otherwise representing that it will perform satisfactorily under any and all conditions of installation or use. (2914).

**Miller Chemical Company**—See May Seed and Nursery Company.

**R. Mills & Company**—Richard O. Mills, sole trader as R. Mills & Co., 5154 South Union Ave., Chicago, in the sale of a medicinal preparation designated "Nature's Laxative," agrees to cease representing that the product is mild or soothing and is a cleansing agent for the promotion of internal hygiene generally. He also agrees to desist from advertising that it stimulates or tends to stimulate the kidneys or liver; that its use is indicated for the stomach, kidneys or liver; that it is a carminative, a tonic-laxative or tonic; or that it is different from other preparations containing the same laxative ingredients. The respondent also agrees to cease using the words and phrases "Best to Aid Nature" or "The Ideal Laxative" in any manner tending to imply that use of the preparation is indicated for all types of constipation, or that it contains laxative principles or ingredients not present in other preparations. The respondent stipulates that he will desist from other similar representations and will discontinue using the phrase "R. Mills & Co. Makers of Nature's Laxative" or other use of the word "Makers" which may have a tendency to convey the impression that he manufactures the product he sells or owns and operates the plant in which it is made. (2912)

**Mohawk Rubber Company**, Akron, Ohio, tire manufacturer, and Irving and Gurdie Fine, trading as Imperial Tire Company and Lafayette Tire Company, 1423 Bedford Ave., Brooklyn, tire distributors, have entered into stipulations to cease and desist from certain representations in the sale of their products.

The respondents each agree to cease using the numeral "6" in connection with the word "plies" or with any other word, as a mark, stamp, brand or label for tires which are not composed of six plies, and from use on such tires or the wrappings thereof or in any other way, of the numeral "6" or of any mark, stamp, brand or label implying that the tires are composed of six or any other indicated number of plies which is in excess of the actual number.

Each respondent also agrees to desist from use of the word "Dual" or the phrase "Extra Heavy Duty" or other words of similar meaning as descriptive of the plies of which its tires are composed, the effect of which representation tends to convey the belief that the construction of the plies is such that their presence in the tires renders the tires of dual or double efficiency or capable of extra heavy duty, as compared with tires containing a like number of plies of similar quality.

The Brooklyn distributors also agree to cease employing the word "Factory" or any other words of similar meaning in advertising matter so as to imply that they actually own and operate or directly and absolutely control the plant or factory in which the tires they sell are manufactured. (2918-2919)

**Nitragin Company, Inc.**, 3747 North Booth St., Milwaukee, distributor of "Nitragin," a nitrogen-fixing bacteria culture for the inoculation of seeds of leguminous plants, agrees to desist from representing that its product is tested and recommended by experimental stations, agricultural workers and farmers everywhere, or from using statements implying that the product has been recommended generally by Federal or State agricultural experiment stations. The respondent agrees to cease representations tending to convey the belief that all or certain products, regardless of their quality, which are sold in competition with the respondent's product, are inferior or without worth or value, or any other representation having a tendency to disparage comparable competitive products. (2917)

**O.S.T. Company**—See Owl Stimulators Company.

**Owl Stimulators Company**—W. J. O'Neil, operating under the trade names Owl Stimulators Co., O.S.T. Co., and Owl Stimular Tablet Co., 120 Boylston St., Boston, stipulates that he will cease advertising his product, "Owl Stimulators" or "Owl Stimulars" as being capable of stimulating pep, vigor and vitality, or as having tonic, nutritive or stimulating properties. The respondent further agrees to desist from representing that "Owl Stimulators" is a systemic tonic, or by any other terminology representing that it has any effect upon the system as a whole, or upon any part of the body except the intestinal tract. He also agrees to cease advertising that this product will assure good health or the return of normal strength, energy, stamina or nerve force, and that it is a special preparation or a remedy generally or for any specified condition or disease. (02624)

**Owl Stimulator Tablet Company**—See Owl Stimulators Company.

**Peerless Products Company**, 96 Atlantic St., Jersey City, N. J., agrees to cease representing that its preparation "Nu-Nile Double-Strength Tar Hair Grower" is medicated or contains a significant amount of tar, will aid in the growth of hair in any way, will contribute any food or nourishment to the scalp, is an effective or competent treatment for dandruff, for stopping the falling of hair, for prevention or correction of thin temples, or for eczema of the scalp or any other kind of eczema. The respondent further agrees to cease advertising that its "Nu-Nile Pressing Oil Glosine and Special Hair Grower" or any similar preparation has any special value as a hair grower, and that it will keep the hair soft, smooth or glossy or do other than impart an oily substance to the surface of the hair shafts to temporarily make them feel soft and appear smooth and glossy. The respondent also agrees to cease using the word "Grower" or any simulation or abbreviation thereof to describe either of its preparations, implying by spelling, sound or meaning that such preparation is a hair grower. (02623)

**Proctor and Gamble Company**, Cincinnati, has entered into a stipulation to cease and desist from certain representations in the sale of "Ivory Soap."

Advertisements published by the respondent company, according to the stipulation, read: "Most castiles cannot equal Ivory's mildness! Tests made on more than 20 castile soaps over a period of years, show that many of them vary in purity from year to year—and cannot be compared with Ivory's high standard of unvarying purity."

Under its stipulation, the respondent company agrees to cease and desist from representing that any test as to the mildness of Ivory Soap as compared with any competitively sold soaps shows that Ivory soap is the purer soap or otherwise representing that the mildness of a soap is indicative of its purity. (02628)

**Frank G. Shattuck Company**, New York, and its subsidiary, W. F. Schrafft & Sons Corporation, Boston, in connection with the sale of their factory-made candy products, agree to desist from use in their advertising matter of the words "Home Made" or any other words of similar implication as descriptive of their products, and from use of the words "Home Made" in any way implying that such products are home-made or made in the home. (2916)

**Silver Pine Manufacturing Company**—Henry Charambura, trading as Silver Pine Manufacturing Company, 45 Astor Place, New York, agrees to cease representing that his "Silver Pine Hair Tonic" retards or stops falling hair, stops the loss of hair, develops healthy scalps, keeps scalps healthy, revitalizes the scalp, grows hair, or eliminates or destroys dandruff. The respondent also

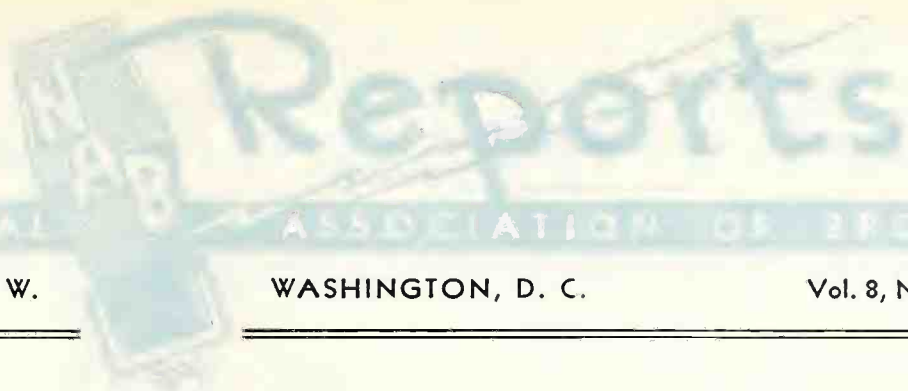
stipulates that he will desist from using the word "Tonic" alone or in connection with other words to describe any preparation which does not contain ingredients capable of stimulating scalp circulation by means of a rubefacient action. (02625)

**C. W. Stuart & Co.**, Newark, Wayne County, N. Y., agrees to cease using in its advertising matter any representation implying to prospective salesmen or readers that the so-called "New York Landscape Institute" or "New York State Landscape Institute" is a school or institute for the training of landscape architects, or that it is a separate and distinct organization with which C. W. Stuart & Co. is connected or associated, or that such organization is connected or associated with the New York State Government. The stipulation points out that the so-called New York Landscape Institute or New York State Landscape Institute is not a school such as can be properly represented as an "institute"; nor is it a separate and distinct organization with which C. W. Stuart & Co. is associated; nor is it connected in any way with the New York State Government. (2915)

**Wolff Clothing Company**, Easton, Pa., seller of men's suits and topcoats, agrees to cease representing that it is the maker of the products it sells or that it owns, operates or controls the factory in which they are made, and to desist from using in advertisements the word "Makers" and the phrases "Buy at Wolff's Factory", "We sell direct from our wholesale factory to you", and "Our factory-to-you merchandising policy makes such savings possible", or other language of similar implication tending to convey the belief that the respondent owns and operates or directly controls the plant wherein the products it sells are made and finished. (2913)







### THE WEEK IN WASHINGTON

Definite progress was reported by the NAB committee working on FCC application forms after conferences with Commission officials (p. 4609).

The BMI Board of Directors, at its September 17 meeting, decided that BMI's output should be increased. Within two weeks, BMI expects to be turning out 14 new popular numbers each week (p. 4610).

The commercial section of the NAB Code becomes fully effective October 1. This section is reprinted in this issue (p. 4611).

Colonel Philip B. Fleming, Wage and Hour Administrator, issued a memorandum on coverage of radio performers. The NAB is seeking clarification (p. 4612).

A "Keep Listening" campaign is in progress at Station KGVO. Newspapers are starting an institutional promotion campaign (p. 4612).

The government is now seeking 100,000 additional skilled workers for the defense program. How radio is doing its part in getting them is reported in this issue (p. 4613).

Samuel J. Henry, Jr., of the NAB Bureau of Radio Advertising, told chain druggists how they could make use of radio at the druggists' annual convention. The Federal Trade Commission questioned only 2.2 per cent of the radio commercial continuities it examined last year. Preliminary 1940 census data has been received (p. 4614).

The NAB Executive Committee discussed important broadcasting problems at its September 13 meeting in New York (p. 4615).

James Lawrence Fly discussed Communist broadcasts at this week's press conference. He also discussed the status of the Defense Coordinating Committee (p. 4616).

### CONFERENCES STARTED WITH FCC ON APPLICATION FORMS

The NAB-FCC Conference Committee met at the NAB Thursday and Friday morning of last week, and, following each meeting, held afternoon sessions jointly with the FCC Administrative Board to consider revision of Application Forms 301 and 319. Simultaneously, a subcommittee of engineers met with Commission engineers on the technical engineering questions. Definite

progress was made in clearing up some of the ambiguities and burdens in the forms. W. C. Alcorn, WBNX, Vice-Chairman of the committee, presiding in the absence of the Chairman, Eugene C. Pulliam, WIRE, appointed a subcommittee to draft specific requests for submission to the FCC.

The subcommittee, consisting of Reed T. Rollo, Chairman, Andrew W. Bennett, Philip J. Loucks and Russell P. Place, NAB Counsel, held extended meetings Tuesday and Wednesday of this week, and report that specific requests are in shape for filing with the FCC early next week upon receipt of final draft of requests covering the engineering questions.

The NAB-FCC Conference Committee, appointed by President Neville Miller on August 30, is:

Eugene C. Pulliam, WIRE, Chairman; W. C. Alcorn, WBNX, Vice-Chairman; Harold W. Batchelder, WFBR; Harold A. Lafount, Reed T. Rollo, MBS; Philip J. Hennessey, Jr., NBC; and Kenneth E. Raine, CBS. Mr. Lafount requested Andrew W. Bennett to represent him in his absence. John Shepard, III, Yankee Network, appointed a special committee of F-M Broadcasters to sit jointly with the NAB committee and the FCC Administrative Board to consider the F-M form, 319.

The F-M Broadcasters were represented by C. M. Jansky, Jr., Philip J. Loucks and Frank Roberson, all of Washington. John V. L. Hogan was unable to attend.

The FCC Administrative Board is made up of Telford Taylor, General Counsel; T. J. Slowie, Secretary; William J. Norfleet, Chief Accountant; and Ewell K. Jett, Chief Engineer. In Mr. Taylor's absence, Acting General Counsel Joseph L. Rauh acted as chairman; Andrew Ring acted for Mr. Jett. Also present at the joint sessions from the Commission staff were W. H. Bauer, T. L. Bartlett, W. C. Boese, D. H. Deibler and de Quincy Sutton. Representing the NAB were Russell P. Place and Paul F. Peter.

## BMI Developments

*The Same Old Story* stands at the head of the list this week in number of network performances, with  
(Continued on page 4610)



1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

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

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

### BMI DEVELOPMENTS

(Continued from page 4609)

*Practice Makes Perfect* in third place, *There I Go* tied with two others in eighth place, and *We Could Make Such Beautiful Music*, appearing for the tenth week, tied with four others for twentieth place. *Practice Makes Perfect* was on the Lucky Strike Hit Parade last week for the third time, and there is good reason to hope that it will be joined there shortly by at least one more of the BMI leaders.

The BMI Board of Directors met on Tuesday, September 17, at the Roosevelt Hotel in New York. One important decision of the meeting was that the BMI production, which is already at a record high, should be increased. M. E. Tompkins, BMI's Vice-President and General Manager, announces that the increased scale of production goes into effect immediately. Within two weeks Mr. Tompkins expects to have BMI on a schedule of fourteen new popular numbers a week, a 100 per cent increase in this department, and thirty new BMI arrangements of standard material, which is a 20 per cent increase over the present rate for this part of the catalogue. The production of the standard numbers will be further increased so that by the middle of October, thirty-five a week will be issued. Mr. Tompkins gives assurance that these increases will be made without any sacrifice in the high quality of its music for which BMI has already become noted.

BMI has signed a contract under which it will obtain exclusive performing rights to the principal catalogues of Latin and Central American music. The transaction carries the rights, commencing January 1, 1941, to all the Latin-American works in the catalogues of Southern Music Publishing Company, Inc., Southern Music International, Editorial PHAM, Mexican Association of Authors and Composers, Inc., and Editorial Argentina de Musica Internacional. The BMI broadcasters receive in excess of four thousand works, over three thousand of which are available on phonograph records. The performing rights are now under the control of ASCAP and will continue under such control until the commence-

### BMI FEATURE TUNES

September 23-30

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

ment date of the new contract, January 1, 1941. The melodies of many popular compositions to which English lyrics have been written are included in the catalogues. Among the currently popular dance tunes are *Perfidia* and *Frenesi*. In addition to tangos, congas, rhumbas and South American songs, the catalogues carry music of international flavor and of serious character. More than 80 per cent of all works played by the leading orchestras specializing in Latin-American dance music are included in this repertoire.

The contract calls for payment to the publishers on a "per use" basis. BMI agrees to report the number of performances, thus enabling the publishers to distribute moneys with precise accuracy. The deal was consummated by Ralph Peer, President of Southern Music Publishing Company, Inc., Emilio Azcarraga of Mexico City, the most important figure in the amusement industry of Mexico, and M. E. Tompkins of BMI.

The Southern Music Publishing Company, Inc., which thus becomes allied with BMI in the Latin-American field, maintains offices in New York, Mexico City, Havana, Santiago, Buenos Aires, Rio de Janeiro, Barcelona, Paris and London.

Work is being started on a catalogue which will be of great value to BMI subscribers. Complete listings are being prepared of all music in the BMI catalogue and also of transcriptions and regular commercial records of that music together with records and transcriptions of other music which is available for the use of BMI subscribers. The contract for Central and South American music by itself will add several thousand useful records to this list.

Mr. Tompkins makes the following important statement to BMI stations:

"Some BMI subscribers are confused with respect to the transcriptions that were sent them from the various transcription companies—namely, Thesaurus, Lang-Worth Feature Programs, Inc., World Broadcasting System, Associated Music Publishers, Inc., C. P. MacGregor, and Standard Radio. Inasmuch as they will receive 450 additional recorded titles well before the end of the year, further clarification is desirable.

"Forty-two records went out with the BMI memorandum dated July 26th. On some of the labels is a notice: 'This recording remains the property of (the name of the transcriber).' Although that statement is technically true, nevertheless we have an agreement with each transcriber which permits all BMI members to use these recordings in any way they choose.

"The labels on future transcriptions as released may of necessity carry this same notification, but we want to make it clear now that the recordings may be played by any subscribing member of BMI unless and until BMI recalls them."

The enthusiasm of BMI subscribers for the work which BMI is doing to develop writers and create opportunity for them is warmly welcomed by the BMI editors. In a few cases, this enthusiasm has led composers into a mistaken and needlessly expensive plan for the presentation of their music. One arrived at the New York office by airplane from Chicago. Another came all the way from Florida, and many more have made somewhat shorter trips in order to seek personal interviews with the editors or the opportunity to perform their compositions themselves or to discuss them. The editors are swamped with manuscripts, and it is obviously impossible for them to see all the composers personally. The BMI subscribers will be doing a great deal to help the efficiency of their company's operations and they will also be saving money for ambitious writers if they can find means of making it clear to all who wish to submit material that their manuscripts will receive just as careful attention and just as sympathetic consideration if they are sent by mail as if they were presented in person.

The number of submissions is so great that decision on any particular composition may take two or three weeks. Any such lapse of time means only that the music is being given thoughtful attention, not that it is being overlooked, and a decision of the Board could not be speeded by requests for personal interviews.

Many writers have expressed their pleasure in the friendly treatment they have received through BMI. The editors want every writer to be assured of their sympathetic attitude toward the writers' efforts, and the necessity of asking to be excused from interviews is a matter of regret to them—but it is a necessity.

Under date of September 12, ASCAP sent out a release announcing the addition of thirty-nine song writers to their list of members and pointing out that they have already taken in seventy-nine other composers and authors and four publishers during this year. ASCAP has previously pointed with pride to the fact that it has taken in an average of sixty a year. Now it sweeps in 118 within nine months and sends out a special release to announce the fact.

Even this record, however, which ASCAP regards as so remarkable, leaves it trailing in the wake of BMI. In

five months, BMI made contracts with more than 150 other writers who had also been left outside of ASCAP's five-bar gate. Can it be that this curious hospitality on the part of ASCAP has anything to do with the number of writers who, because of the opportunities they saw in BMI, have withdrawn their applications for membership in ASCAP?

BMI welcomes to its list of subscribers six new stations, which brings the number of signed and committed commercial stations to 387:

- WCOU Lewiston, Maine
- WSAR Fall River, Mass.
- WIL St. Louis, Mo.
- WSAV Savannah, Ga.
- KWLM Willmar, Minn.
- KTUL Tulsa, Okla.

## Code

### COMMERCIAL SECTION OF CODE EFFECTIVE OCTOBER 1

Pursuant to the action of the Board of Directors at the special convention in Chicago in September, 1939, the commercial section of the NAB Code becomes fully effective on October 1. All other sections of the Code, covering the handling of children's programs, controversial public issues, news broadcasts, educational and religious programs, have been in effect since October 1, 1939.

For the convenience of members, the commercial section of the Code, with accompanying resolutions covering the "Standards of Good Taste," is reprinted here.

### COMMERCIAL PROGRAMS AND LENGTH OF COMMERCIAL COPY

Acceptance of programs and announcements shall be limited to products and services offered by individuals and firms engaged in legitimate commerce; whose products, services, radio advertising, testimonials and other statements comply with pertinent legal requirements, fair trade practices and accepted standards of good taste.

Brief handling of commercial copy is recommended procedure at all times.

Member stations shall hold the length of commercial copy, including that devoted to contests and offers, to the following number of minutes and seconds:

<i>Daytime</i>	
Fifteen-minute programs.....	3:15
Thirty-minute programs.....	4:30
Sixty-minute programs.....	9:00
<i>Nighttime</i>	
Fifteen-minute programs.....	2:30
Thirty-minute programs.....	3:00
Sixty-minute programs.....	6:00

### Exceptions:

The above limitations do not apply to participation programs, announcement programs, "musical clocks," shoppers' guides and local programs falling within these general classifications.

Because of the varying economic and social conditions throughout the United States, members of the NAB shall have the right to present to the NAB for special ruling local situations which in the opinion of the member may justify exceptions to the above prescribed limitations.

## RESOLUTION

### Adopted by the 17th Annual Convention National Association of Broadcasters

To clarify the phrase "Accepted Standards of Good Taste" and the canons of good practice set forth in the NAB Code, therefore be it RESOLVED:

That member stations shall not accept for advertising:

1. Any spirituous or "hard" liquor.
2. Any remedy or other product the sale of which or the method of sale of which constitutes a violation of law.
3. Any fortune-telling, mind-reading, or character-reading, by handwriting, numerology, palm-reading, or astrology, or advertising related thereto.
4. Schools that offer questionable or untrue promises of employment as inducements for enrollment.
5. Matrimonial agencies.
6. Offers of "homework" except by firms of unquestioned responsibility.
7. Any "dopester," tip-sheet or race track publications.
8. All forms of speculative finance. Before member stations may accept any financial advertising, it shall be fully ascertained that such advertising and such advertised services comply with all pertinent federal, state and local laws.
9. Cures and products claiming to cure.
10. Advertising statements or claims member stations know to be false, deceptive or grossly exaggerated.
11. Continuity which describes, repellently, any functions or symptomatic results of disturbances, or relief granted such disturbances through use of any product.
12. Unfair attacks upon competitors, competing products, or upon other industries, professions or institutions.
13. Misleading statements of price or value, or misleading comparisons of price or value.

## Labor

### SUSTAINING "PERFORMERS"

Col. Philip B. Fleming, Wage and Hour Administrator, has issued a memorandum to field lawyers regarding radio "performers"—when they were covered by the Act and when they were not.

It follows:

"Reference is made to your memorandum, in which you inquire as to the applicability of the Act to persons performing on radio station sustaining programs. You inquire if such persons are employees of the radio stations.

"You give two examples of different types of sustaining programs:

"I. In one example the performance is given in the radio station for the primary purpose of being broadcast. The radio station makes the selection of performers and generally pays them for their services. In some instances the radio station does not compensate the performers but merely permits the performer to use the facilities of the broadcasting station to publicize the talents of the performers in the hope that such performers will thereby secure employment. It appears that the radio station obtains a distinct benefit from the services performed by the performers in this type of sustaining program. The performers are engaged in rendering a service which is a functional part of the business of the radio station. The work is performed at the establishment of the radio station and would appear to be performed under the direction and control of the radio station. Therefore, it is the opinion of this office that such performers are employees of the radio station within the broad definition of the employer-employee relationship contained in section 3(d), (e) and (g) of the Act. If the facilities of the radio station are used in transmitting broadcasts which are heard outside the state, such radio performers are in our opinion engaged in interstate commerce and are therefore subject to the Act.

"II. The second example of sustaining program is one in which the radio station broadcasts a program by remote control from a concert hall or hotel ballroom. In this situation the performers are compensated for their services by the persons for whom the program is primarily given, viz., persons attending the concert or dance. It would appear that in this case the radio station does not exercise direction or control over the performers, such direction and control being exercised rather by the sponsor of the concert or dance. In this case it is the opinion of this office that the performers are not employees of the radio station."

It takes only a glance to see that this memorandum leaves dozens of questions unanswered. Just for instance, must a station now pay Johnny Jones five cents for playing his harmonica ten minutes on a Saturday morning amateur hour?

The NAB Labor Relations Director is taking this matter up with the Wage and Hour Administration, and expects to be able to give a full report next week.

### FCC WAGE FIGURES

New FCC figures covering 705 broadcasting stations (networks excluded) show that the average pay-check for the week of October 15, 1939, was \$41.94. Network employees received an average of \$63.03.

The average pay of operating technicians in the 709 stations was \$38.85. Announcers received \$32.52; musicians, \$47.53; salesmen, \$48.50.

## Promotion

### "KEEP LISTENING"

A "Keep Listening" campaign is in progress over KGVO, Missoula, Mont. It is the brain child of James Alden Barber, program director, devised as a means of eliminating complaints of chagrined listeners who missed important and unannounced news broadcasts or bulletins.

"In order to correct this situation," said Mr. Barber, "we have inaugurated an education 'Keep Listening' campaign which has the added benefit of increasing station circulation."

Below are several of the announcements which Mr. Barber finds are resulting in more listeners and more listening:

Having a radio that is **TURNT OFF** is equal to having an electric clock that isn't plugged in. Every day your radio will bring you important unscheduled programs and news bulletins, which you can hear **ONLY** if your radio is turned on at the time they are broadcast. Your insurance against missing the broadcasts you want to hear is to **KEEP** your radio turned on throughout the day, at a level which will enable you to keep an ear on what's going on in the world.

There is only one way **NOT** to miss the top radio programs—turn your radio on when you first get up and leave it on all day—not **TOO** loud, but loud enough for you to hear what is going on as you go about your regular duties.

In these important times when news flashes and programs of world-wide interest interrupt radio's regular schedule every day, the only way you can be sure to hear all the important programs is to keep your radio on, not too loud—but at a level which enables you to hear what is going on. **DON'T MISS** the important programs and bulletins which this station brings you every day!

Every minute that your radio is turned off you run the risk of missing programs and news bulletins of world-shaking importance. Guard against this by switching your radio on when you get up in the morning—leaving it on all day, at a level which will enable you to keep an ear on the world as you go about your regular duties. Keep listening—and keep informed.

Radio will bring the world into your living room—all day—every day—**IF** you keep the door open. A silent radio cannot inform you of the news of the world as it happens. Don't miss important bulletins and programs—keep your radio on—from the time you arise—at a level which will enable you to keep up with what is going on as you go about your work.

## NEWSPAPER PROMOTION CAMPAIGN

*Editor and Publisher* announced that an institutional newspaper promotional campaign begins this week with advertisements appearing in 250 dailies, explaining "their social and economic importance in their respective communities and in the nation as a whole."

The advertisements will appear under the by-line of Norman Chandler, general manager of the *Los Angeles Times*; who is chairman and spokesman of the Newspaper Publishers' Committee sponsoring the promotion.

Those on the committee which approves the advertisements are Fran E. Tripp, general manager of the Gannett newspapers; James G. Stahlman, publisher, *The Nashville Banner*, and William G. Chandler, member of the advisory board of the Scripps-Howard newspapers.

The ad carries a notice across the bottom offering copies of the series to "clubs, patriotic societies, business firms and individuals. . . ."

State and regional chairmen have been appointed.

## NEW ANGLE ON "LISTEN BEFORE YOU VOTE" CAMPAIGN

Leslie C. Johnson, general manager, WHBF, affiliate of the Rock Island Argus, Rock Island, Ill., has come up with a unique imprint for the front page of "Is Your Hat in the Ring?" booklets.

"WHBF Reminds You . . . **THAT THEY LISTEN BEFORE THEY VOTE**" is the imprint. It makes timely use of the industry pre-election theme.

"Listen Before You Vote" posters are now being widely distributed throughout the territory served by WHBF. Imprinted "Is Your Hat in the Ring?" booklets have been mailed to all candidates for office in city, county, district and state.

## National Defense

*Editor's Note: Manpower requirements are now 200,000 skilled workers instead of 100,000. News of increase received at press time from the United States Civil Service Commission.*

In order to speed daily manpower requirements to Washington headquarters, the United States Civil Service Commission has now placed representatives in most of the navy yards, arsenals, armories, ordnance stations and army depots throughout the entire United States.

These men work directly with the commanding officers. Personnel in Washington check manpower requirements as they are filed by telegraph; consolidate the needs and send the list to NAB.

Though this work of building guns, ships and equipment may be less spectacular than recruiting, it is every bit as necessary. Manpower requirements are greater than they have ever been before and announcements of new needs will be made in the near future.

The need for nurses is expected to expand rapidly as new men are called to the colors. A good many medical officers will have to be added as well as other men and women for hospital service.

For the vast program of construction, cost accountants will be needed and material inspectors of all kinds.

How efficiently the broadcast stations are recruiting manpower for national defense is revealed in communications from various defense agencies. A short time ago stations broadcast the fact that cable splicers for Panama were needed. In a few days the War Department was swamped with applications and, of course, cable splicers were removed from the lists.

With 637 stations actively engaged in recruiting skilled workers, urgent messages for help are heard in every section of the country several times each day. Cooperat-

ing stations which have just now reported their long-time broadcasting of announcements are:

<b>DISTRICT 3</b> NEW JERSEY WFPG—Atlantic City	NEBRASKA KGNF—North Platte *KONB—Omaha
<b>DISTRICT 5</b> GEORGIA WRDW—Augusta	<b>DISTRICT 12</b> OKLAHOMA WNAD—Norman
<b>DISTRICT 9</b> WISCONSIN WEAU—Eau Claire	<b>DISTRICT 15</b> CALIFORNIA KMYC—Marysville
<b>DISTRICT 10</b> IOWA WSUI—Iowa City	<b>DISTRICT 16</b> KECA—Los Angeles KFI—Los Angeles

\* C. P.

## Sales

### DRUG STORE BUSINESS

“Consult with you local station. It’s the station manager’s job to know his audience—their likes and dislikes—their listening habits and program preferences. He has had long experience in creating programs to reach all kinds of prospects, for all kinds of products.”

This was the advice offered by the Bureau of Radio Advertising to the 50 drug chains represented at the Associated Chain Druggists convention at the Hotel Biltmore, New York, September 17. Samuel J. Henry, Jr., of the Bureau, addressed the meeting on “Why and How Radio Advertising for Chain Druggists” at the invitation of Roy Goldheim, advertising manager of the Read Drug Chain, Baltimore, and chairman of the convention program committee.

Mr. Henry recited the current use of radio by drug manufacturers and chains, presented some general facts on radio, and outlined the profit possibilities which these facts in turn offer to drug chains who make proper approach to the broadcast medium. Of paramount importance in planning a radio campaign, said Mr. Henry, was the need for close cooperation between advertiser, agency and broadcaster. He urged the druggists to take advantage of the station man’s specialized knowledge and natural desire to produce sales for his clients.

Copies of the talk are going out to all NAB members from the Bureau of Radio Advertising.

### NEW BUSINESS FOR MEMBER STATIONS

Member stations may wish to have their sales representatives follow up the concerns listed below, all of whom have shown interest in the power and influence of radio advertising.

Luxor, Ltd., Chicago, Ill., have sent out scripts on

behalf of their Beauty Aids. The Bureau of Radio Advertising has written this company that such obviously commercial material is acceptable to stations only on a paid time basis.

Theodore R. Sills & Company, Chicago, seeks to place free scripts propagandizing the laundry industry, for the American Institute of Laundering. The Bureau has several outstanding case histories of successful laundry advertising, which it will be glad to send to NAB members in approaching prospects in this field. It has also called them to the attention of the Institute, suggesting they buy time for similar sales results.

William Chappell, Milwaukee, Wis., believes stations will want to read his poem, “America’s Prayer,” over the airwaves, and offer listeners copies suitable for framing. The Bureau has pointed out the unethical aspects of this offer.

In the field of cost-per-inquiry, the following concerns have also been apprised of the NAB’s position:

Immigrants’ Information Bureau, New York City.  
The Albert Kircher Company, Chicago, on behalf of C-Z Cleaner.  
Allen & Reynolds, Inc., Omaha, Neb., on behalf of Jumbo Studios.

The last two agencies named should be excellent prospects for regular radio campaigns.

### COMMERCIAL COPY 97.8% PURE

The Federal Trade Commission, in a release, dated September 15, states that during the fiscal year ending June 30, 1940, 365,843 commercial continuities were examined and 14,274 or 2.2% of that amount were set aside as “questionable” for further investigation. During the year the FTC drew commercial continuities from 697 stations in 493 cities.

The FTC qualifies the figures included in their release as follows, “Local and individual broadcasting stations are often linked a large part of their broadcast time into nation-wide or regional networks broadcasting the same advertising material. For the purpose of avoiding unnecessary duplication of review efforts in our advertising examinations, local individual stations do not render commercial continuities for such network programs, but only commercial continuities for such programs as may originate in their respective station studios. Thus, the network advertising broadcasts, and the markings of those questioned continuities selected from network announcements have been regularly reported upon as such in Commission releases. However, there is no data available which would permit an apportionment to the individual affiliated stations of those questioned commercial announcements which may have utilized the facilities of many individual stations during the course of their network dissemination.”

No indication is given as to what portion of the 14,274 continuities examined were cited. Two tables were included in the release as follows:

TABLE "A"—COMMERCIAL CONTINUITIES (NON-NETWORK)  
ANALYSED AS TO ORIGIN BY POPULATION GROUPINGS

Station location as to population range	Total continuities examined	Per cent marked questionable	Script procured	No. of stations represented	Total cities represented
Over 500,000	96,140	2.97%	16 2/3%	89	14
250,000-499,999	89,639	2.94	16 2/3	72	26
100,000-249,999	96,602	2.1	16 2/3	84	42
50,000- 99,999	102,679	2.4	16 2/3	103	76
25,000- 49,999	91,235	1.9	16 2/3	108	100
Under 25,000	159,548	1.6	16 2/3	241	235
Total	635,843	2.2%	100%	697	493

TABLE "B"—QUESTIONED COMMERCIAL CONTINUITIES PROPORTIONATE SOURCES AS TO POPULATION GROUPINGS

Station location as to population range	Per cent
Over 500,000	20.0%
250,000-499,999	18.3
100,000-249,999	14.4
50,000- 99,999	17.8
25,000- 49,999	11.9
Under 25,000	17.6

### 1940 CENSUS

The Bureau of the Census is currently releasing preliminary figures on the Census conducted in April of this year. To date preliminary population figures have been released for 42 states presenting 1940 population by counties and by cities of 10,000 or more with comparative 1930 figures and percentage increases, 1930-1940 and 1920-1930.

Housing Census material has been released for 14 states, showing the number of dwelling units by county and by city of 10,000 or more population and giving a count of those dwelling units which were occupied and those vacant at the time of the Census.

Preliminary population figures have been released for 405 cities of 25,000 or more population in a series of 18 reports. One preliminary report has been released for occupied and vacant dwelling units in 176 cities of 25,000 or more population.

The Census schedule for release of the number of dwelling units equipped with a radio is to begin after January 1st. However, on Saturday of last week, the Bureau of the Census released such information for Puerto Rico, presented in detail by municipality or city. It is encouraging that the Bureau has been able to speed up its processes in tabulated Census data. It is hoped that full radio information by county and city will be available before the end of 1941 as was expected from their original schedule.

The Director of Research is endeavoring to work out arrangements with the Census Bureau to make available to NAB members those Census releases of primary interest.

The following table presents the preliminary population and preliminary occupied dwelling units figures for those states for which reports have been received. The Census Bureau states that "occupied dwelling units . . . may be roughly compared with the number of private families reported in the 1930 Census."

### PRELIMINARY 1940 CENSUS DATA

State	Population	Occupied Dwelling Units
Alabama	2,830,285	
Arizona	497,789	
Arkansas	1,948,268	
California	6,873,688	
Colorado	1,118,820	
Connecticut	1,710,112	
Delaware	264,603	70,549
District of Columbia	663,153	
Florida	1,877,791	
Georgia	3,119,953	750,633
Idaho	523,440	140,742
Illinois		
Indiana		
Iowa	2,535,430	700,173
Kansas	1,799,137	512,090
Kentucky	2,839,927	
Louisiana	2,355,821	590,722
Maine	845,139	
Maryland	1,811,546	462,591
Massachusetts		
Michigan		
Minnesota	2,785,896	
Mississippi	2,181,763	537,359
Missouri	3,775,737	
Montana	554,136	
Nebraska	1,313,468	360,255
Nevada	110,014	33,326
New Hampshire	489,716	
New Jersey	4,148,562	
New Mexico	528,687	
New York		
North Carolina	3,563,174	
North Dakota	639,690	
Ohio		
Oklahoma	2,329,808	609,094
Oregon	1,087,717	
Pennsylvania		
Rhode Island	711,669	187,610
South Carolina	1,905,815	
South Dakota	641,134	165,113
Tennessee	2,910,992	713,853
Texas	6,418,321	
Utah	548,393	
Vermont	357,598	
Virginia	2,664,847	
Washington	1,721,376	
West Virginia	1,900,217	
Wisconsin	3,125,881	
Wyoming	246,763	

## Miscellaneous

### EXECUTIVE COMMITTEE MEETS

The Executive Committee met at the Ritz-Tower Hotel, New York City, at 10:00 A.M. on Friday, September 13. The following members of the Committee were present: John Elmer, Herbert Hollister, John Kennedy, Paul Morency, Don Searle, and Neville Miller.

In accordance with a recent Resolution of the Board of Directors, representatives of the three networks were invited and attended.

The principal questions discussed were the National Defense Council and political broadcasts.

Chairman Fly joined the meeting after luncheon, and the Committee was pleased to have an opportunity to discuss with the Chairman a number of specific questions

affecting radio, and also questions of general policy. All were of the opinion that the discussion was exceedingly beneficial.

The meeting adjourned at 8:30 P.M.

### MUTUAL OPPOSES EXTENSION FOR INVESTIGATION BRIEFS

In connection with the FCC's extension of time for filing of briefs in the network investigation (NAB REPORTS, p. 4595), the Mutual Broadcasting System points out that it filed a brief with the Commission in opposition to any delay.

### POLITICAL BROADCASTS

*Members having difficulty in determining the necessity of accepting political broadcasts are urged to communicate with the NAB, giving full particulars.*

### EXCESS-PROFITS TAX

The report of the Senate Finance Committee on the Excess-Profits Tax Bill was in line with NAB's expectations as expressed in last week's issue of the NAB REPORTS, page 4596. The bill is still being debated as this issue goes to press, but no changes from the Finance Committee's Report are anticipated to affect the industry.

### CUTS OF THE NAB SEAL

The NAB has on hand a limited supply of the cuts of the NAB seal. They are in two sizes,  $\frac{5}{8}$ -inch and 1-inch. Here is how they look:



Members desiring to make use of the seal on their stationery or other printed matter are asked to specify the size desired.

## FEDERAL COMMUNICATIONS COMMISSION

### FLY DISCUSSES COMMUNISTS

FCC Chairman James Lawrence Fly told newspapermen at his press conference early this week that he had had a conference recently with representatives of the Communist Party regarding their broadcasts. He said that they outlined the situation and there was a general

discussion of the whole matter. He stated that the Commission, of course, is unable to tell any broadcast station under any circumstances to take any particular speech, although improper refusal by the station might come up later as a question of public service.

Mr. Fly said also that he had discussed these broadcasts with broadcasters, and that the latter have had some differences of opinion which has led to some delay in arriving at a definite decision. He told the newsmen that he personally does not want to take any arbitrary position. He expressed the hope that whatever difficulties have come up that they will shortly be straightened out, and he definitely stated that the FCC has made no decision and taken no stand in the matter.

Chairman Fly told the conference that some progress has been made in connection with the status of the defense coordinating committee. He again called attention to the fact that the broadcasters raised the question of being represented on the committee, but he said he thinks that this has now been ironed out and the plan is moving along. Mr. Fly disclosed the fact that he had had a constructive meeting with the NAB executive committee and this was one of the matters discussed.

Mr. Fly told the newspaper correspondents that the Commission has had many headaches over what to do with foreign language broadcasts. He said that this is not an easy problem, as the Commission has to consider all sides of the case. There are lots of arguments, he stated, in favor of continued service, particularly those stations who are giving American material in the particular languages of the listeners. Foreign language stations can be utilized from an Americanization point of view, he said, and it is impossible to overlook the fact that a lot of these stations are doing a real job of Americanization as part of their work and they seem to be glad to do it.

### FINDING OF FACT

On the ground that the applicant is not financially or otherwise qualified to continue station operation, the FCC this week has issued proposed findings of fact and conclusions, moving to deny the application of John H. Stenger, Jr., for renewal of license of station WBAX, **1210 kilocycles**, with 100 watts, unlimited time, at **Wilkes-Barre, Pa.**

### NEW TELEVISION STATION

The FCC has affirmed its June 18 tentative grant of a construction permit to Bamberger Broadcasting Service, Inc., for a new television station in New York City to use channel No. 6 (96,000-102,000 kilocycles) with 1 kilowatt aural and visual power, A3 and A5 emission.

Confirmation was made upon showing that, in fostering television development, the applicant will test vertical and horizontal antenna systems, experiment with FM



(frequency modulation) sound carrier, and make comparisons of pictures using from 441 to 729 lines and 15 to 30 frames.

A minimum of \$100,000 has been made available for this proposed program of experimentation. The exact site of the station has not yet been determined.

### SHIFTS TO AID POLICE RADIO

Pursuant to agreements made at the first Inter-American Radio Conference, held at Havana in 1937, the FCC is shifting certain police and amateur frequencies, effective November 1, 1940.

Following negotiations between the Commission, the amateurs and representatives of the International Association of Chiefs of Police (IACP) and the Associated Police Communication Officers, Inc. (APCO), it was arranged for the amateurs to relinquish the frequencies between 1715 and 1750 kilocycles and to accept the frequencies between 2000 and 2050 kilocycles in exchange. Likewise, the police relinquish the zone police frequencies 2036, 2040 and 2044 kilocycles. In return, the police service receives the frequencies 7480, 7805 and 7935 kilocycles and three channels in the band 1715-1750 kilocycles.

At the present time, police radiotelegraph stations are not assigned any frequencies which are useful for long-distance daytime communication. The assignment of this 7 megacycle group of frequencies will provide the country with three necessary long-distance daytime radiotelegraph channels. In addition, the "day only" restriction is being removed from the 5 megacycle channel frequencies (5135, 5140 and 5195 kilocycles) which will permit three long-distance night communication channels.

It appears that in a few particular instances the prohibition of radiotelephone relays has resulted in an undue hardship. The rules are therefore being changed to permit the establishment of certain voice communication circuits involving relays upon proper showing of the need therefor and upon express authorization by the Commission.

Other minor changes involve the requirement that a 60-day notice be given the Commission prior to the termination of all inter-municipal agreements, together with modification of certain radio station log and frequency tolerance requirements.

Today the United States has more than 1000 police radio systems operating approximately 6300 mobile units.

### BROADCAST MEASUREMENTS

During the month of August experts of the FCC measured 684 of the 855 broadcast stations.

Of this number 628 had a maximum deviation within 0-10 cycles; 47 stations a maximum deviation within 11-25 cycles; 8 stations with a maximum deviation within 26-50 cycles; no stations with a maximum deviation over 20 cycles; and 1 station with a maximum deviation of over 50 cycles.

### FROM THE FCC MAIL BAG

The Commission informs several inquirers that there are some 270 pending applications for additional facilities in the present standard broadcast band, of which number 56 are for construction permits for new stations.

A discharged telegraph company employee is advised that his complaint on that score does not come under the jurisdiction of the Communications Act and should more properly be directed to the National Labor Relations Board.

Likewise, a Colorado objection to certain radio advertising is referred to the Federal Trade Commission for possible jurisdiction in that quarter.

By the same token, the Commission lacks authority to act on the following types of communication:

A Utah lawyer does not like the manner in which the speech of a certain official was listed in the program schedule of a local newspaper.

A New Jersey man protests the expression of personal views of news commentators.

Request by a Texan that a central body be created to dissect, digest, and rebroadcast the news.

Complaint by an Illinois man that a football broadcast was interrupted by a political speech.

Incidentally, James Stewart, movie star, has been notified that the radio set aboard his private plane at Clover Field, Santa Monica, Calif., has been assigned the call letters KHJIM.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast oral arguments are scheduled before the Commission during the week beginning Monday, September 23. They are subject to change.

Thursday, September 26

Reargument Before the Commission

REPORT No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time. (Request facilities of WAAB.)

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license and auxiliary, 1410 kc., 1 KW, unlimited time; 1410 kc., 500 watts, 1 KW LS. Time: Auxiliary purposes only.

### FUTURE HEARINGS

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

November 7

Consolidated Hearing

NEW—Broadcasting Corporation of America, Riverside, Calif.—C. P., 1390 kc., 1 KW, night, 1 KW LS, unlimited time.

NEW—Mollin Investment Co., Riverside, Calif.—C. P., 1390 kc., 500 watts, daytime.

NEW—Riverside Broadcasting Co., Riverside, Calif.—C. P., 1420 kc., 250 watts, night, 250 watts LS, unlimited time.

November 14

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., 1360 kc., 1 KW, night, 1 KW LS, unlimited time.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, 1310 ke., 100 KW, night, 250 KW LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- Dalton Broadcasting Corp., Dalton, Ga.—Granted construction permit for new broadcast station to operate on 1200 ke., 250 watts, unlimited time (B3-P-2775).
- WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted construction permit to install new antenna, increase night power from 100 watts to 250 watts and move studio and transmitter locally; 1210 ke., 250 watts day, unlimited time (B3-P-2893).
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on 1210 ke. (B4-ML-1021).
- KTMS—News Press Publishing Co., Santa Barbara, Cal.—Granted construction permit to increase power from 500 watts to 1 KW, operating unlimited time on 1220 ke., and make changes in equipment (B5-P-2668).
- KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on 1420 ke. (B5-ML-958).
- Balaban & Kats, Corp., Chicago, Ill. (Portable-Mobile).—Granted construction permit for a new television relay broadcast station; frequencies 204,000—216,000 ke. on an experimental basis only, conditionally; 250 watts visual power; station to be used for transmitting pick-up visual programs in and about the City of Chicago to the main station for broadcasting (B4-PVB-72).
- WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted construction permit to increase night power from 1 KW to 5 KW, operating unlimited time on 1240 ke. (B2-P-2559).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted amended construction permit to change frequency from 1140 to 1240 ke., install directional antenna and change hours of operation from L-WAPI, KVOO to unlimited (B1-P-2509).
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted construction permit to install new transmitting equipment, increase power from 1 KW to 5 KW, make changes in directional antenna and use for both day and night, operating unlimited time on 1240 ke. (B4-P-2568).
- KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Granted construction permit to install new transmitter, increase power from 1 to 5 KW, install directional antenna for day and night use, operating unlimited time on 1240 ke. (B3-P-2497).
- The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted construction permit for a new broadcast station to operate on 610 ke., 1 KW night, 5 KW LS, unlimited time, subject to directional antenna requirements (B1-P-2897).
- Bamberger Broadcasting Service, Inc., New York City.—Granted construction permit for a new television broadcast station to use Channel No. 6 (96,000-102,000 ke.), with 1 KW aural and visual power, A3 and A5 emission (B1-PVB-42).

### DESIGNATED FOR HEARING

- Batavia Broadcasting Corp., Batavia, N. Y.—Application for construction permit for new station to operate on 610 ke., 250 watts, daytime only (B1-P-2909).
- Thomas J. Watson, Endicott, N. Y.—Granted petition for rehearing in the matter of application for construction permit to establish a new station to operate on frequency 1240 ke., with power of 1 KW, using directional antenna for nighttime operation, which application was denied by the Commission, December 23, 1938.

The Commission modified its action of September 4, 1940, in granting applications for renewal of licenses of the relay broadcast stations listed below by providing that pursuant to Sec. 1.381 of the Rules and Regulations said applications shall be granted in part and issued for the period October 1, 1940 to October 1, 1941, deleting the frequency 2022 kilocycles heretofore assigned said stations and substituting the frequency 2074 kilocycles, subject to condition that no interference is caused to Government stations on adjacent channels:

KABH, Shreveport, La.; KBTA, Duluth, Minn.; KBTB, Duluth, Minn.; KDRA, Denver, Colo.; KHCM, KNBC, KSFM, San Francisco; WAHE, WAHF, Norfolk, Va.; WAOB, New York City; WBGH, Fort Wayne, Ind.; WDAJ, Tampa, Fla.; WGTO, Wilson, N. C.; WHPA, Harrisburg, Pa.; WIEO, WIEW, New York City; WIEX, Chicago; WJEN, Rochester, N. Y.; WJEP, Rochester, N. Y.; WMEF, WMFL, New York City; WMFS, WNBE, Chicago; WNBK, Cleveland, Ohio; WNBW, New York City; WNBZ, Cleveland; KAIH, Los Angeles; WMBV, New York; KAXA, Los Angeles; KAXY, Fort Worth; KIEL, Seattle; KNED, Fort Worth; WABE, Syracuse; WAFY, Minneapolis; WFYA, Syracuse; WAFZ, Minneapolis; WIOE, WIOF, Miami, Fla.; WJER, Milwaukee; WIOG, Miami, Fla.; WNBW, Washington, D. C.; WOEB, Chicago.

### MISCELLANEOUS

- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 8:15 p. m. to 10 p. m. EST on September 25, 1940, in order to broadcast Jewish Forum Association program described in letter dated September 6, 1940.
- WJOB—O. E. Richardson & Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 7:30 p. m. to 8 p. m., CST, September 20, 26, 27, October 3, 4, 10, 11, and 18, 1940, in order to broadcast football games only.
- WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. EST, September 13, 20, 27, and October 4, 1940 (instead of from 8 to 10 p. m. EST, as authorized by grant of October 5, 1940), in order to broadcast football games only.
- WRMO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (September, 6 p. m., CST), to 10 p. m. CST, September 13, 20 and 27, 1940, in order to broadcast football games only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 8:30 p. m. to 11 p. m. EST, September 12, 1940, in order to broadcast the proceedings of the Democratic Party Rally in Boston only.
- WQDM—E. J. Regan and F. Arthus Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m. EST, September 18, 1940, in order to broadcast a Democratic Rally only.
- WEMB—Westinghouse Electric & Manufacturing Co. (area of Boston, Mass.), Portable-Mobile.—Granted construction permit to install a new transmitter and decrease power of relay broadcast station from 50 watts to 2 watts (B1-PRE-365). Also granted license for same (B1-LRE-321).
- KEGN—Don Lee Broadcasting System (area of San Francisco, Calif.), Portable-Mobile.—Granted license to cover construction permit as modified which authorized installation of new transmitter (B5-LRE-322).
- KQCB—Queen City Broadcasting Co. (area of Seattle, Wash.), Portable-Mobile.—Granted license to cover construction permit which authorized installation of new transmitter and increase of power for relay broadcast station from 12 watts to 40 watts (B5-LRY-207).
- WBAE—L. B. Wilson, Inc. (area of Cincinnati, Ohio), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; frequencies 1646, 2090, 2190, 2830 ke., power 250 watts (B2-LRY-206).
- Riverside Broadcasting Co., Riverside, Calif.—Dismissed petition to intervene in the hearing on the application of Broadcasting Corp. of America, for a new station at Riverside to operate on 1390 ke., 1 KW power, unlimited time, exception to ruling noted by Counsel for petitioner.
- Riverside Broadcasting Co., Riverside, Calif.—Dismissed petition to intervene in the hearing on the application of Mollin

- Investment Company for a new station at Riverside to operate on **1390 kc.**, 500 watts, daytime only, exception to ruling noted by Counsel for petitioner.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Dismissed motion to accept "Request for Oral Argument" in re application of WREN to move transmitter and studio, install directional antenna and increase operating power.
- Riverside Broadcasting Co., Riverside, Calif.—Granted petition for Commission to take depositions in re applications of Broadcasting Corp. of America, Mollin Investment Company and the Riverside Broadcasting Company all requesting a new station in Riverside, and continuance of hearing from October 7 to November 7, 1940, on these applications.
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion to continue hearing on application of renewal of license from October 15 to November 12, 1940. Also granted motion for order to take depositions in this matter.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8:30 p. m. to 10:15 p. m. CST, on September 13, 1940, in order to broadcast baseball game only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast baseball game only.
- WQAH—Edwin J. Wolf, Baltimore, Md.—Granted special temporary authority to operate the radio transmitter aboard the Yacht *Countess*, bearing the call letters WCYN, as a public address relay station, utilizing the frequency **2758 kc.** on September 14 and 15, 1940, in order to report the Maryland Yacht Club Regatta.
- WQAI—Edward A. Hoffmeister, Baltimore, Md.—Granted special temporary authority to operate the radio transmitter aboard the Yacht *Diane II*, bearing call letters WEHW, as a public address relay station, utilizing the frequency **2758 kc.** on September 14 and 15, 1940, in order to report the Maryland Yacht Club Regatta.
- WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—Granted modification of construction permit (B2-P-2770, which authorized new station), for approval of antenna, new transmitter, studio site at 810 5th Ave., New Kensington, Pa., and transmitter site northwest of center of New Kensington, E. Deer Twp., Pa.—**1120 kc.**, 250 watts, daytime (B2-MP-1043).
- WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Granted license to cover construction permit (B2-P-2495 as modified), which authorized installation of directional antenna for day and night use, new transmitter, increase in power from 1 KW, 5 KW LS, to 5 KW day and night, and move of transmitter (B2-L-1219). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-275).
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-397).
- W2XI—General Electric Co., New Scotland, N. Y.—Granted license to cover construction permit (B1-PVB-51), which authorized a new relay television broadcast station, frequencies: **156,000-162,000 kc.**, 10 watts; to be used with applicant's Television Broadcast Station W2XB (B1-LVB-21).
- WRRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with Station WFAS from 4 p. m. to 5 p. m., EDST, September 21 and 28, 1940, in order to broadcast football games only.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 6:45 p. m. to 10 p. m., CST, September 16, 1940, in order to broadcast political speeches only and from 6:45 p. m., September 17, 1940, to 1 a. m., CST, September 18, in order to broadcast election returns only.
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit which authorized installation of new automatic frequency control equipment and changes in transmitting equipment; **1450 kc.**, 1 KW, directional antenna, 5 KW LS, unlimited time (B4-L-1222).
- WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Granted authority to determine operating power by direct measurement of antenna input; **1500 kc.**, 250 watts, unlimited time (B4-Z-438).
- W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted extension of special temporary authority to operate a 50 watt television transmitter on the frequencies **60000-86000 kc.** at 515 Madison Ave., New York City, from September 11, 1940, to not later than October 10, 1940, in order to conduct field tests.
- WGAC—The Twin States Broadcasting Co., East of Augusta, Ga.—Granted modification of construction permit which authorized construction of new station, for approval of antenna, and approval of transmitter site; **1210 kc.**, 250 watts, unlimited time (B3-MP-1042).
- National Broadcasting Co., Inc.—Granted extension of authority for the period ending September 15, 1941, to transmit recorded programs to Canadian Broadcast stations which are licensed to operate by the Canadian Broadcasting Corp. (B1-FP-84).
- National Broadcasting Co., Inc.—Granted extension of authority from September 15, 1940, to September 15, 1941, to transmit programs to Canadian Radio Stations CFCF and CBL, and to such other stations in Canada as the Canadian Broadcasting Corp. desires (B1-FP-85).
- American Tel. and Tel. Co.—Granted authority to extend its existing facilities from Salt Lake City to Provo, Utah, for the purpose of providing program transmission facilities to connect radio station KOVO at Provo, with a Mutual Broadcasting System chain at Salt Lake City. It is estimated the cost of proposed construction will be \$16,400.
- WAPI—Alabama Polytechnic Inst., University of Alabama, Birmingham, Ala.—Granted motion to continue hearing on application for renewal of license from September 30 to November 18.
- KOCA—Oil Capitol Broadcasting Association, Kilgore, Texas.—Cancelled construction permit granted December 29, 1939, authorizing removal of transmitter and making changes in antenna, at the request of applicants (B3-P-2640).
- WGNB—WGN, Inc., Chicago, Ill.—Granted modification of construction permit which authorized a new relay station, to change frequencies to **156750, 158400, 159300, 161100 kc.**, and extend commencement date from June 27, 1940 to 10 days after grant and commencement date (from December 27, 1940) to 60 days thereafter (B4-MPRE-46).
- WMAM—M. & M. Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (Sept. 6 p. m. CST) to midnight CST September 17, 1940, in order to broadcast the Primary election returns.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., PST, on September 20, 1940, until conclusion of High School Football Game in order to broadcast game.
- WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. EST. October 11, 16 and 25, 1940, in order to broadcast football game only.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m. CST September 21 and 28, 1940, in order to broadcast Purdue University football games only.
- W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through High Frequency Broadcast Station W2XOY the frequency modulated programs of High Frequency Broadcast Station W2XMN for the period beginning September 16, 1940, to not later than October 1, 1940.
- WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Granted modification of construction permit which authorized erection of new broadcast station, for approval of antenna system, new transmitter, studio site at 141 West Grand Ave., transmitter at County Trunk Highway "F," Wisconsin Rapids, Wisc.; **1310 kc.**, 100 watts 250 watts-LS, unlimited time (B4-MP-1038).
- KRSC—Radio Sales Corp., Seattle, Wash.—Granted license to cover construction permit as modified which authorized move of transmitter and studio, increase of power from 250 watts to 1 KW, install new transmitter and antenna; **1120 kc.**; unlimited time (B5-L-1223).
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license to cover construction permit which authorized installation of directional antenna for night use, and increase in power from 1 KW night, 5 KW day, to 5 KW day and night; **1220 kc.**; unlimited time (B2-L-1227). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-481).

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted license to cover construction permit which authorized new equipment, increase in power from 250 watts to 500 watts night, 1 KW day, and make changes in antenna system; **1450 kc.**; unlimited time (B1-L-1225). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-469).

WORD—Spartanburg Advertising Co., Spartanburg, N. C.—Granted license to cover construction permit as modified which authorized construction of new broadcast station; **1370 kc.**, 250 watts, unlimited time (B3-L-1226). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-477).

KKHS—WDAY, Inc. (area of Fargo, N. Dak.), Portable Mobile.—Granted license to cover construction permit which authorized new relay broadcast station; frequencies **133030, 134850, 136810, 138630 kc.**, 1 watt power, special emission (B4-LRE-316).

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-479).

WSIX—WSIX, Inc., Nashville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-470).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted license to cover construction permit which authorized installation of new transmitter and increase in power; **1370 kc.**, 250 watts, unlimited time (B5-L-1229).

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit, as modified, which authorized installation of directional antenna for day and night use, and new transmitter, increase in power from 1 to 5 KW and move of transmitter; **610 kc.**, 5 KW, unlimited time, directional antenna day and night (B2-L-1210). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-461).

KODL—Western Radio Corp., The Dalles, Ore.—Granted modification of construction permit which authorized erection of a new broadcast station, for approval of antenna system and approval of studio and transmitter site (B5-MP-1034).

WRNL—Richmond Radio Corp., Richmond, Va.—Granted license to cover construction permit which authorized installation of new transmitter, directional antenna for day and night use, increase power from 500 watts to 1 KW day and night, and change in hours of operation from daytime to unlimited; **880 kc.**, unlimited (B2-L-1224). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-476).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna. Amended to make changes in directional antenna.

### 570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Construction permit to make changes in directional antenna (for night use only), and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended re directional antenna.

### 720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 880 Kilocycles

WSUI—The State University of Iowa, Iowa City, Iowa.—Construction permit to make changes in directional antenna and change power from 1 KW night, 5 KW day, to 5 KW day and night.

### 920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct measurement of antenna power.

### 950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for increase in power and installation of directional antenna for night use, requesting extension of completion date from 10-5-40 to 11-5-40.

### 970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Modification of construction permit (B2-P-2645) to install new transmitter, increase power, change hours of operation, install new antenna, and move transmitter, requesting approval of present licensed antenna and approval of present licensed transmitter site.

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authorization to operate unlimited, simultaneous WTIC, for period 8-1-40 to 10-1-40. Amended to request period ending 2-1-41.

### 1120 Kilocycles

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—License to cover construction permit (B3-P-2714) to install new vertical antenna and move transmitter.

### 1200 Kilocycles

WCED—The Tri-County Broadcasting Co., DuBois, Pa.—Modification of construction permit (B2-P-2665) for a new station, requesting authority to install new transmitter, approval of antenna, and approval of studio and transmitter sites at 80 North Park Place, DuBois, Pa.

WJHL—WJHL, Inc., Johnson City, Tenn.—Modification of construction permit (B3-P-2656) for equipment changes, installation of directional antenna, increase in power, change in frequency and move of transmitter, further requesting authority to move transmitter .146 mile (same address), make minor changes in ground system, and extension of commencement date to 60 days after grant and completion date to 120 days thereafter.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) for a new station, requesting approval of transmitter site near Charleston Ave. and Summers St., Morgantown, W. Va., approval of vertical antenna. Amended to specify studio site as 440-446 Spruce St., Morgantown, W. Va.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to change frequency from **1200 to 1410 kc.**, increase power from 250 watts to 1 KW, make changes in equipment, install directional antenna for night use, and move transmitter. Class III station. Amended to make minor changes in directional antenna and move transmitter 4 miles from present site instead of 3½ miles.

KVNU—Cache Valley Broadcasting Co., Logan, Utah—Modification of license to move main studio from 41 S. Main St., Logan, Utah, to North State Road, one mile north of city, Logan, Utah.

### 1210 Kilocycles

NEW—Central Willamette Broadcasting Co., Albany, Ore.—Construction permit for a new station to be operated on **1210 kc.**, 250 watts, unlimited time. Class IV. Amended to specify transmitter and studio site as 15th and Elm Sts., Albany, Ore.

KFXM—J. C. and E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—License to cover construction permit (B5-P-2638) for new transmitter, new antenna, increase in power and move of transmitter.

KFXM—J. C. and E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—Authority to determine operating power by direct measurement of antenna power.

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—Construction permit for a new station to be operated on **1210 kc.**, 250 watts, unlimited time. Amended re antenna and to correct transmitter and studio addresses from 2001 Rush Ave., Houston, Tex., to 2001 Rusk Ave., Houston, Tex.

### 1220 Kilocycles

WCAE—WCAE, Inc., Pittsburgh, Pa.—License to cover construction permit (B2-P-2502) which authorized installation of directional antenna for night use and increase in power.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.  
WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Construction permit to install new equipment.

#### 1230 Kilocycles

NEW—Trent Broadcast Corp., Trenton, N. J.—Construction permit for a new broadcast station to be operated on 1230 kc., 1 KW, unlimited time. Class III-B station, directional antenna for day and night use. Amended re antenna and give transmitter site north of Yardley, Pa.

#### 1290 Kilocycles

WJHP—The Metropolis Co., Jacksonville, Fla.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 250 watts to 5 KW, and move transmitter from Jacksonville to Marietta, Fla. Class III-A station.

#### 1300 Kilocycles

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to increase power from 250 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for night use. Class III-A station.

#### 1310 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit to make changes in equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from 1310 to 600 kc. Class III-B. Amended re directional antenna.

WBRW—McDowell Service Co., Welch, W. Va.—Authority to determine operating power by direct measurement of antenna power.

WBRW—McDowell Service Co., Welch, W. Va.—License to cover construction permit (B2-P-2816) as modified for a new station.

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Transfer of control of corporation from Robert K. Herbst to David Shepard, John Boler and Howard Johnson, 175, 25, and 50 shares, respectively.

#### 1320 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Modification of construction permit (File No. B-P-2220) as modified for changes in frequency, increase in power, move transmitter, install new transmitter and antenna, requesting extension of completion date from 10-20-40 to 12-1-40.

#### 1370 Kilocycles

NEW—Community Broadcasting, Inc., Wheeling, W. Va.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Class IV.

KIUP—San Juan Broadcasting Co., Durango, Colo.—License to cover construction permit (B5-P-2797) for new transmitter and increase in power.

#### 1390 Kilocycles

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Modification of construction permit (B1-P-1877) for a new station, requesting authority to install new transmitter, make changes in directional antenna system, and move transmitter from Elm St., Valley Falls, R. I., to John St., Lincoln, R. I., and extend commencement date to 30 days after grant and completion date 180 days thereafter.

#### 1410 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Construction permit to increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day, and install new transmitter. Class III-A station.

#### 1420 Kilocycles

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Modification of construction permit (B5-P-1339) for a new station, requesting authority to install new transmitter, approval of

antenna, approval of studio and transmitter site at Plains Hotel, 16th and Central Sts., Cheyenne, Wyo.

KMYC—Marysville-Yuba City Broadcasters, Inc., near Marysville, Calif.—License to cover construction permit (B5-P-2551) as modified for a new broadcast station.

KMYC—Marysville-Yuba City Broadcasters, Inc., near Marysville, Calif.—Authority to determine operating power by direct measurement of antenna power.

#### 1500 Kilocycles

NEW—Rose City Broadcasting Co., Tyler, Tex.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited hours. Amended re antenna changes and request 1500 kc. Request facilities of KGKB.

WNLC—Thames Broadcasting Corp., New London, Conn.—License to cover construction permit (B1-P-2598) for changes in transmitter and increase in power.

### FM APPLICATIONS

NEW—Echo Park Evangelistic Association, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 45.5 mc.; coverage, 1,344 square miles; population 2,296,960. Amended to change requested frequency to 45500 kc.

NEW—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc.; coverage, 2,995 square miles; population 673,759. Amended: antenna changes.

NEW—Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new high frequency broadcast station to be operated on 43300 kc.; coverage, 5,119.5 square miles; population, 421,990.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit for a new high frequency broadcast station to be operated on 43300 kc.; coverage, 3,025 square miles; population, 116,119. Amended to change frequency to 44700 kc.

### MISCELLANEOUS

WLWO—The Crosley Corp., Cincinnati, Ohio.—Modification of license to change frequencies from 6380, 9590, 11870, 15270, 17800, 21650 kc. to 6080, 9590, 11710, 15250, 17800 and 21650 kc., requesting unlimited time on 9590, 11710 and 15250 kc. Change to be effective 11-1-40.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Modification of license to increase power from 50 to 75 KW and increase maximum power of transmitter to 75 KW.

WEOD—The Yankee Network, Inc., Boston, Mass.—Modification of license to change frequencies from 133030, 134850, 136810, 138630 to 156750, 158400, 159300, 161100 kc., in accordance with new group I frequencies.

NEW—Kansas Station College of Agriculture and Applied Science, Manhattan, Kans.—Construction permit for a new television broadcast station to be operated on 44000-50000 kc., aural and visual power 100 watts, emission A3 and A5. REVISED FORM 318 amends application to request Channel No. 1, 50000-56000 kc.

KEID—KCMO Broadcasting Co., Portable-Mobile.—Modification of license to change frequency from 132260, 134080, 135480, 135760 kc. to 156075, 157575, 159975, 161925 kc., in accordance with new Group H frequencies.

KEIE—KCMO Broadcasting Co., Mobile.—Modification of license to change frequencies from 132260, 134080, 135480, 135760 kc. to 156075, 157575, 159975, 161925 kc., in accordance with new Group H frequencies.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new television broadcast station to be operated on 50000-56000 kc., power 1000 watts for visual and aural, emission A4 and A3. REVISED FORM 318 amends application to request Channel No. 3, 66000-72000 kc., emission A3 and A5.

WEKH—Peoria Broadcasting Co., Mobile.—Modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co.

WAIN—Peoria Broadcasting Co., Mobile.—Modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Associated Fur Coat & Trimming Manufacturers, Inc.—**Alleging a combination and conspiracy having a tendency to restrict competition and create a monopoly in the fur garment business, a complaint has been issued against Associated Fur Coat and Trimming Manufacturers, Inc., 224 West 30th St., New York, six of its officers, and 25 New York firms which are alleged to be representative of the association's membership of approximately 700 manufacturers of fur coats, other fur garments and fur trimmings.

The officers of the association made respondents are: Julius Green, president; Benjamin Morsoff, Julius B. Gross, and Sol Rosenberg, vice presidents; Alexander Abrams, secretary, and Louis Fenster, treasurer.

The 25 New York respondent members of the association are: Alexander Abrams and Alexander Winkler, trading as Alexander Abrams & Winkler, 214 West 29th St.; Harry Fuchs, Manual Fuchs and Joseph Deutsch, trading as Harry Fuchs & Deutsch, 345 Seventh Ave.; Grauer and Herman Herskowitz, trading as Grauer & Herskowitz, 357 Seventh Ave.; Max Kotuck, Elias Chavin and Samuel Mednick, trading as Kotuck, Mednick & Chavin, 236 West 30th St., New York; Louis Rose, Benjamin Pack and Howard M. Pack, trading as Rose & Pack, 305 Seventh Ave., and Jonas Weinig and Alexander Weinig, trading as J. Weinig & Son, 333 Seventh Ave.

Barney Wollman and Herman Wollman, trading as B. Wollman & Bro., 352 Seventh Ave.; Anna Walzer and Charles Walzer, trading as A. Walzer & Son, 330 Seventh Ave.; Arnheimer, Inc., 347 Seventh Ave.; Geo. J. Baruch, Inc., 150 West 30th St.; I. & A. Berger, Inc., 150 West 30th St.; S. & H. Berger, Inc., 333 Seventh Ave.; Brand & Brody, Inc., 150 West 30th St.; J. DeLeo & Co., Inc., 130 West 30th St., and Feinberg & Freeman, 333 Seventh Ave.

Julius Green Fur Company, Inc., 330 Seventh Ave.; Harry & Jack Grossman, Inc., 345 Seventh Ave.; Ben Kahn, Inc., 20 West 57th St.; M. M. Loinger Company, Inc., 352 Seventh Ave.; Lenkowsky Bros. Furs, Inc., 330 Seventh Ave.; Chauncey I. Rice, Inc., 330 Seventh Ave.; Schwartz & Bluestein, Inc., 345 Seventh Ave.; Louis Stein & Son, Inc., 350 Seventh Ave.; Lou White, Inc., 150 West 30th St., and Zimmerman & Schwer, Inc., 150 West 30th St.

Pursuant to and in furtherance of their alleged agreement, combination and conspiracy, the complaint continues, the respondent association and its members collectively and cooperatively arrange for and carry into effect a system of uniform discounts in connection with the sale or other disposition of their products; association members refuse to sell or deliver their products on memorandum or on consignment and refuse to accept the return of such products sold and delivered on memorandum or on consignment except in accordance with uniform, specific and definite arrangements agreed upon by and between them, and the respondents enforce adherence to their discounts, terms and conditions and other practices by means of fines, suspensions and expulsion by the respondent association. (4308).

**Chilton Greetings Company—**Herman Chilton, trading as Chilton Greetings Company, Boston, Mass., according to the complaint, advertises a free sample offer of his 21-card "Blue Ribbon" Christmas box assortment, and upon request for the free samples sends a folder "on approval" containing the samples and also a box of greeting cards accompanied by an invoice upon which the customer is notified that "This memorandum bill will be cancelled if you return it to us with your first order for 12 or more "Blue Ribbon Christmas Assortments" within 15 days from the time this bill is received. \* \* \*

The complaint alleges that, in fact, the 21-card assortment sent on approval is not free or a "free sample," since either the payment of money or the rendering of services is required of the recipient. (4313)

**Crazy Water Company—**A complaint has been issued against Crazy Water Company, of Mineral Wells, Texas, and Carr P. Collins, H. H. Collins, W. W. Woodall, and J. A. Pondrom, officers of the company, alleging misrepresentation in the sale of "Crazy Mineral Water," "Crazy Water Crystals" and "Crazy Fiz."

The complaint alleges that in advertising matter the respondent falsely represent and imply that use of their mineral waters and the derivatives thereof will cure or be beneficial in the treatment of some 30 ailments or conditions of the alimentary and urinary tracts and other parts of the body.

The complaint further alleges that the respondents have represented directly and indirectly, that constipation and "faulty elimination" are the cause of some 50 diseases or conditions of the alimentary and urinary tracts, and other parts of the body, and that their products have therapeutic properties with respect to curing or remedying and effectively treating constipation and "faulty elimination" and therefore the various diseases mentioned.

However, the complaint continues, the respondents' products possess no therapeutic properties in excess of those of a cathartic or laxative and serve no purpose other than to assist in the temporary evacuation of the intestinal tract. The various diseases mentioned by the respondent are not necessarily due to constipation or "faulty elimination," according to the complaint, and the use of the respondents' products, it is alleged, will not serve as a remedy or cure for, or eliminate, or in any way affect any tendency to constipation, nor will they be of beneficial value in the treatment of these ailments when due to causes other than constipation. (4314)

**International Salt Company, Scranton, Pa.,** and its subsidiaries, International Salt Company, Inc., Scranton, Independent Salt Company, New York, and Eastern Salt Company, Boston, are charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondents' have discriminated in price between different purchasers by selling their products to some customers at lower prices than they sell products of like grade and quality to other customers competitively engaged with the favored customers.

These discriminations, the complaint continues, are accomplished by the granting of a discount of approximately 5 per cent of the list price to customers who purchase a carload of salt, by "split business" discounts and by "combine selling" discounts.

The "split business" discount, according to the complaint, occurs when the price to a customer is based upon his requirements and not upon the actual quantity purchased from the respondents. The complaint alleges that the respondents grant a 5 per cent discount to customers whose purchases of salt during a consecutive 12-month period equal or exceed \$50,000. This discount, the complaint continues, is allowed to customers who do not purchase \$50,000 worth of salt from the respondents in a consecutive 12-month period, provided that such customer's total purchases of salt from all sources total \$50,000 during such period.

The complaint alleges that the respondents "combine selling" discount consists of selling salt to an individual customer where the delivery is made to several branches or outlets of the individual customer at prices based on the total quantity or volume delivered to all of the separate branches or outlets, provided that the total quantity or volume so delivered during the consecutive 12-month period amounts to \$50,000 and is not based upon the quantity or volume delivered by the respondents to the respective branches or outlets of the individual customer. (4307)

**A. & M. Karagheusian, Inc.,** 295 Fifth Ave., New York, manufacturer and importer of rugs and carpets, has been served with a complaint charging violation of the Federal Trade Commission Act. The respondent corporation has manufacturing plants at Freehold and Roselle, N. J., and foreign offices in Tientsin, Chian, and in Persia.

The complaint alleges that the respondent has described certain of its rugs, which closely resemble genuine Oriental rugs, by the names of "Gulistan," "Hindustan," "Mirastan" and "Iranian", and certain of its carpets by the name "Gulistan". The use of these names, according to the complaint, has a tendency to create the

mistaken belief that the rugs so designated as "Iranian" are made in Persia, but the other rugs are made in the Orient, that all of them are made by hand and are in all respects genuine Oriental rugs, and that "Gulistan" carpets are made in the Orient. In fact, the complaint continues, the carpets and rugs so referred to are woven on power looms in the respondent's factories in the United States, and do not possess all of the characteristics of the genuine Oriental rug.

According to the complaint, advertising copy furnished by the respondent to its dealers, contains misleading representations such as "Gulistan—the world famous Oriental reproductions that most people cannot tell from a hand-woven Oriental rug", and "Superb Persian reproductions—Hindustan rugs", when in fact, the complaint alleges, such rugs are not exact copies or reproductions of genuine Orientals, but merely simulate them in appearance, texture and design. (4305)

**Phillips Card Company**—Walter P. Phillips, trading as Phillips Card Company, Newton, Mass., according to the complaint, advertises a free sample offer, under pretense of soliciting agents for the sale of his products, and in addition to the free material sends a "Supercraft" assortment of 21 Christmas cards, together with an invoice for 50 cents. If the cards are not paid for or returned by the recipient, the respondent follows up with a "dunning" letter, the complaint alleges.

The complaint alleges that the "Supercraft" assortment of 21 cards sent out by the respondent on approval is not in fact "free" or a "free sample", since a consideration, either the payment of money or the rendering of services is required, and a restraint is unfairly imposed upon the recipient to either pay for or return the cards. (4311)

**Superior Felt & Bedding Company**—A complaint has been issued against Superior Felt and Bedding Company, 2447 Roosevelt Road, Chicago, alleging misrepresentation in the sale of mattresses. The respondent company has branch factories or warehouses in New York, Dallas, Kansas City, Mo., Columbus, Ohio, Cleveland, DeKalb, Ill., Detroit and Pittsburgh.

Through its salesmen and by means of circulars, labels and other advertising material, the complaint alleges, the respondent has represented that its mattresses are designed, sponsored and approved by physicians; that they are in general use in hospitals; and that its mattress designated "Posture Builder" is so designed and constructed that it is capable of building a correct posture and correcting defects in the posture, when such are not the facts.

The complaint points out that the symbol "Rx" and the red cross have for many years been associated in the public mind with medical treatment and service, and that the respondent's use of these symbols as a part of its labels has the effect of accentuating the other representations appearing on the labels.

The complaint also charges that the respondent formerly engaged in the practice of attaching to its mattresses tags or labels bearing price marks purporting to represent the customary resale or retail prices of such mattresses, when in fact such prices were fictitious and far in excess of the customary retail prices. (4309)

**J. H. Thorp & Company, Inc.**—A complaint has been issued against J. H. Thorp & Co., Inc., 250 Park Ave., New York, alleging misleading representations in the sale of textile fabrics.

The complaint alleges that in advertisements and price lists, on labels, and otherwise, the respondent, by use of the term "sun fast" to describe certain of its fabrics, has represented that such fabrics will not change color, lose color, or otherwise deviate from their original color when exposed to the light of the sun, when such are not the facts.

Through its use of the terms "tubfast" or "washable" to describe certain of its fabrics, the respondent, according to the complaint, has represented that such fabrics will not change color, "bleed", lose color or otherwise deviate from their original colors and designs when washed or laundered; and, by use of the statement that certain of its fabrics are "fadeless", has represented that such fabrics will not change color, "bleed", lose color, or otherwise deviate from their original color and design when exposed to the light of the sun or when washed or laundered. The complaint alleges that such are not the facts. (4310)

**Titus Blatter & Company**—A complaint has been issued against Titus Blatter & Co., 164 Fifth Ave., New York, alleging

misleading representations in the sale of its "Pearlglow" textile fabrics.

The complaint alleges that in advertisements, on labels, and otherwise, the respondent, by use of the term "sun fast" to describe such fabrics, has represented that its fabrics will not change color, lose color, or otherwise deviate from their original color when exposed to the light of the sun, when such are not the facts. (4306)

**John J. Tracey Company**—Misrepresentation in the sale of toilet articles and soap is alleged in a complaint issued against John J. Tracey Company, 11102 Merchandise Mart, Chicago.

The complaint alleges that the respondent sells soap bearing the labels "English Lilac", "English Honeysuckle", "English Orchid", "English Carnation" and other names which includes the word "English", thereby representing that its soap is of English origin or is made in England.

Pointing out that many purchasers prefer English made soaps, the complaint alleges that, in fact, none of the respondent's soaps labeled "English" are made in, or imported from, England, nor are they of English origin, but are made by a soap manufacturer in the United States.

Certain soaps sold by the respondent, according to the complaint, are packed in cartons bearing the label "Cold Cream Soap—More than a Soap, a Beauty Treatment", the words "Cold Cream Soap" also appearing on the individual cakes. The complaint alleges that the respondent thereby represents that such soap is made of cold cream or contains a sufficient amount of it to possess additional detergent or emollient properties by reason of the inclusion of such ingredient, when, in fact, the cold cream content is insufficient to have beneficial or emollient effects in excess of those possessed by soaps not containing that ingredient. (4315)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**Canadian Fur Trappers Corporation**, 156 West 34th St., New York, a distributor of furs, and Jacob and Morris Dornfeld, as individuals and officers of the corporation, have been ordered to cease and desist from certain misrepresentations in the sale and distribution of their products.

Through the use by the respondents of the trade name "Canadian Fur Trappers Corporation," the findings state, and their use of an emblem simulating the Royal Coat of Arms of Great Britain, on which the words "Canadian Fur Trappers Corporation" appear, the respondents have deceived prospective purchasers into the erroneous belief that they are an association of trappers of Canadian fur-bearing animals, dealing primarily in furs and fur products produced in Canada, whereas the respondent company is in fact an American corporation, wholly American owned, controlled and operated, and does not engage in the business of trapping or otherwise taking or capturing fur-bearing animals.

The findings point out that while many of the fur products sold by the respondents are not made from pelts obtained in Canada, a substantial percentage, or 25 to 35 per cent, originate in Canada.

In newspaper and other advertising, the Commission finds, the respondents have represented their furs and fur products manufactured of muskrat as "Hudson Seal"; rabbit peltries as "Mendoza Beaver" and "Beaverette," and pelts of lambs or sheep of breeds other than the Karakul as "American Broadtail."

The respondents are ordered to cease and desist from using the word "trappers" or the words "fur trappers," either independently or in connection with other words as descriptive of their business; using a pictorial design simulating the Royal Coat of Arms of Great Britain or any emblem or seal suggesting or implying that the business of the respondents is conducted by an organization or association formed in Canada, and from describing furs in any other way than by the use of the correct name of the fur as the last word of the description thereof; and, according to the order, when any dye or blend is used in simulating another fur, the true name of the fur appearing as the last line of the description shall be immediately preceded by the word "dyed" or "blended," compounded with the name of the simulated fur, as, Seal—Dyed Coney; Hudson Seal—Dyed Muskrat; Mendoza

Beaver—Dyed Coney; Beaverette—Dyed Coney; and American Broadtail—Processed Lamb. (3424)

**Robert A. Johnston Company**, 4023 West National Ave., Milwaukee, has been ordered to cease and desist from using lottery methods in the sale of candy.

The Commission order directs the respondent to cease selling or distributing merchandise so packed and assembled that its sale to the public may be made by means of a lottery; supplying to or placing in the hands of others, merchandise, together with punch boards, push or pull cards, or other devices, or such devices either with assortments of merchandise or separately, which devices may be used in selling or distributing merchandise to the public by means of a lottery. (4104)

## STIPULATIONS

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

**Anderson-Little Company, Inc.**, Fall River, Mass., manufacturer of men's and women's clothing, has entered into a stipulation to cease and desist from using in advertisements on labels or in any other way the words "Homestead Harrisle" as a trade name for, or otherwise to describe, garments which are not made from "Harris Tweed."

The respondent company also stipulates that it will desist from use of the word "Harrisle" or of any other simulation of the word "Harris" in any way implying that the garments so referred to are fabricated from Harris Tweed, when in fact they are not made from cloth manufactured by crofters of the Isle of Harris, Lewis, Uist and Barra of the Hebrides Islands, Scotland, where Harris Tweed originates. (2925)

**Battle Creek Food Company**, Battle Creek, Mich., has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of a food supplement designated "Food Ferrin."

In its stipulation the respondent agrees to cease representing that "Food Ferrin," or any product of similar properties, is a blood builder, except in cases where an iron deficiency in the blood exists; that it is beneficial for a tired, nervous or irritable condition, or for lack of coloring in the cheeks, except when such conditions are due to iron deficiency; and that it imparts new life, pep or freedom from nervousness, except in cases where lack of these is due to iron deficiency.

Among other representations which the respondent corporation agrees to discontinue are: that it has been scientifically determined that the chlorophyl content of "Food Ferrin" is utilizable in the building of blood, and that it is known that a majority of women do not get as much iron as their system requires from their ordinary food supply.

A further representation which the respondent agrees to desist from is that in any cases other than extreme anemia, when the hemoglobin is diminished to approximately one-third the normal amount, does a blood deficiency in iron cause the tissues to starve or suffocate for lack of oxygen or skins to wither or pale or lose elasticity. (02634)

**Uriel Buchanan**, Chicago, Ill., stipulates that he will cease advertising that his literature contains instructions pertaining to health, food and diet, which, when observed, and applied, will enable one to regain youth or youthful vitality, ward off old age, prolong life, acquire or keep a youthful body, reactivate or rejuvenate glands, and other similar representations, and will discontinue representing that his literature discloses any secrets, discoveries, or newly discovered principles; that it differs materially from other writings dealing with similar subjects, or that it expounds theories which are supported by informed scientific authority. The respondent also agrees that he will not use the word "Guarantee" or language of similar meaning in connection with the advertising or sale of the literature, unless clear and unequivocal disclosure is made of exactly what is offered by way of security, for example, refund of purchase price. (02632)

**Health Culture Company**—Harold Wells Turner, trading as Health Culture Company, New York City, stipulates that he will cease representing that use of the "Wilhide Exhaler" will enable one to become healthy; that a brief use of that product will make one feel the exhilarating effect of a cleaner blood stream or that the device has any effect upon the bloodstream; and that the "Wilhide Exhaler" is more effective than other known devices for strengthening the lungs or that it adds to the power of the voice, promotes the power of resisting diseases or improves health. The respondent, in the sale of his various books on diet and health, agrees to cease representing, among other things, that the health of persons has been restored or benefited by the use of uncooked foods as outlined in his book "Uncooked Foods"; that many cases of increased strength or vitality have resulted from a strictly vegetarian regime; that the book called "No Animal Food" contains information which, if followed, enables a person to increase his strength or vitality; and that reading and putting into effect the principles expressed in "The Enlightened Life" will make one physically regenerated, healthy, or will enable one to live a long life. (02630)

**Knight & Bostwick**, a Newark, N. Y., corporation dealing in nursery stock, has entered into a stipulation in which it agrees to cease certain representations in the sale of its products.

Among the representations which the respondent corporation agrees to discontinue are that it has any position to offer such as local manager, district superintendent, field supervisor, trainer, or representative, when such is not a fact; that it sends pay checks regularly or otherwise to solicitors, agents, or salesmen other than for payment of commissions on orders sent in; that it starts men in an established nursery or landscape business for themselves, unless it is clearly indicated that the business is only that of taking orders for nursery and landscape stock, and that prospective agents, salesmen, distributors, dealers or other representatives can make profits or earnings within a specified time which are in excess of the average net profits or earnings theretofore consistently made in like periods of time by full-time representatives in the usual course of business. (02629)

**Malbis Bakery Company**, 871 South Broad St., Mobile, Ala., has entered into a stipulation in which it agrees to cease certain representations in the sale of bread.

The respondent agrees to cease representing directly, inferentially, by picturization or in any other manner, that bread made with dried skim milk, butter and water or any fluid ingredient other than whole milk, is made with or contains whole milk, pure whole milk, or rich, creamy milk; and that its bread is made with milk supplied by the Malbis Dairy, unless or until the entire milk content of such bread is supplied by that dairy; to discontinue representing, by means of statements, sound films in moving picture theaters, depictions or otherwise, that each loaf of bread so advertised contains one pint of milk or any other quantity of milk, whether fluid milk or any ingredient composed of milk derivatives such as dried skim milk and butter, greater than actually is contained therein; and to cease use of the statement "U. S. Government Approved" or any representation implying that its bread or the quality thereof has been approved or endorsed by the Federal Government or any of its departments. (2926)

**New York Quinine & Chemical Works, Inc.**, 99 North 11th St., Brooklyn, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of its quinine or other pharmaceutical preparations.

The respondent corporation agrees to cease representing, in its advertising matter or otherwise, that quinine is a "perfectly safe remedy," or is the "safest" antimalarial drug; or, directly or by implication, that its use may always be relied upon to cause no untoward effects.

Under its stipulation the respondent corporation further agrees to desist from publishing or disseminating statements having a tendency to disparage competitive products or to create the impression that they are dangerous, as, for example, the respondent's use of the following representations: that "atabrine" or other product of like composition is toxic in effect; has a marked depressing action on heart and circulation; causes cerebral excitation; produces permanent liver damage; has one of the advantages of quinine while possessing some definite disadvantages, and may



result in mental derangements, gasping or accelerated respiration, circulatory failure, collapse and certain other disorders. (2924)

**Universal Mills**, Fort Worth, Tex., has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of "Red Chain Feeds" for poultry and live stock.

Among representations, direct or implied, which the respondent corporation agrees to desist from, are: that Red Chain Feeds are superior to all others; that their use insures profitable or increased egg production; that calves fed "Red Chain Calf Meal" develop more uniformly or start eating dry feed earlier; that calves fed "Lone Star Range Nuggets" grow more rapidly, have bigger bone structures or respond more quickly to the market finishing process, and that the use of "18% Dairy Feed" gives peak production at less cost. (02633)

**Williams SLK Laboratories**—Agreeing to cease and desist from certain representations in the sale of two medicinal preparations, H. L. Williams, trading as Williams SLK Laboratories, Milwaukee, has entered into a stipulation.

In the sale of "Rux Compound" the respondent agrees to cease advertising that its alkalizing or salicylating effect is different from old fashioned or modern salves or liniments; that it is absorbed by the bloodstream, or salicylates the system; that physicians say it is a proven method of relieving rheumatic pain; that it acts on congestion of rheumatic pain, or helps flush acids out of the body or kidneys, and other similar representations.

The respondent agrees to desist from advertising that the "Williams Formula" will stimulate digestion, or act upon the whole digestive mechanism, or do more than promote the flow of urine as a mild diuretic, eliminate waste material from the kidneys, or help build up the quality of the blood, or that it has any therapeutic value in excess of a laxative for the temporary relief of acute constipation, a bitter stomachic, a very mild and limited diuretic, or that it acts in any other way, or to any greater extent upon the stomach, bowels or kidneys.

The respondent further agrees that he will not make any therapeutic claims for any ingredients in either of his preparations, when such drugs are not contained therein in quantities recognized by science and the medical profession as sufficient to give significant therapeutic value. (02631)





### THE WEEK IN WASHINGTON

The broadcasting industry pledged its cooperation this week with the new Defense Communications Board set up by President Roosevelt. The Executive Order setting up the Board stipulated that it would have no power to censor radio or other communications, or to take over any facilities. (p. 4627.)

BMI tunes continued to gain popularity. Sheet music and record sales were up. (p. 4629.)

Wage and Hour officials explained that they had no intention of requiring payment of *all* performers on all sustaining programs by their memorandum of September 16. Conscriptio exemptions are possible for essential employees in broadcasting stations. (p. 4630.)

The Federal Government will ask broadcasting industry's cooperation in making the public familiar with conscription regulations. (p. 4632.)

The "Listen Before You Vote" promotion campaign is drawing increased attention. (p. 4632.)

Republican National Committee has prepared a series of one minute spot political announcements available for sponsorship by Republican State Central Committees. (p. 4635.)

## Industry Will Cooperate With Defense Board

The broadcasting industry will gladly cooperate with the Defense Communications Board just created by Executive Order. Proper and ample communications in time of emergency are of the utmost importance to national defense. We must strengthen and improve what we believe is already the most efficient communications system in the world. Communications by radio broadcasting has become a new and powerful weapon in modern war strategy, not alone because of its instantaneous and far-reaching coverage, but because of the constructive or destructive character of its affect upon the morale of human beings. It is both wholesome and significant that industry and government should be working side by side in seeking ways and means for radio to render the maxi-

imum service to the American public. We welcome this opportunity for committees from the industry to study the question with government officials, so that proper plans may be made in advance of a national emergency or a war.

The Board is basically a planning agency without operating or procurement functions. The Order stipulates that "the Board shall take no cognizance of matters pertaining to censorship"; and, further, that "the Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions". As stated in the release, "the Board does not propose to interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection". We commend the safeguards which have been set up guaranteeing the preservation of a free American radio, so essential to the welfare of a democratic people.

We are looking forward to the strengthening of the plans for national defense by the work of this Board.

The White House on September 24 issued the following statement:

The purpose of the Defense Communications Board, created today by Executive Order, is to coordinate the relationship of all branches of communication to the national defense.

The Defense Communications Board was initiated jointly by the various Government departments and agencies having a vital interest in this phase of the preparedness program. The board is basically a planning agency, without operating or procurement functions. As such it is charged with the important duty of charting the utilization and control of our communication systems in the best interests of the national security.

The board will have no power to censor radio or other communications, or to take over any facilities.

This task of planning is not confined to radio broadcasting, but also embraces common carriers such as commercial radiotelephone and radiotelegraph as well as other telephone, telegraph and cable facilities.

The board does not propose to interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection. Through correlated planning, it will seek to gear the great and strategically valuable American communications system, in both the domestic and inter-

*(Continued on page 4628)*

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

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

## INDUSTRY WILL COOPERATE WITH DEFENSE BOARD

(Continued from page 4627)

national fields, to meet any situation the national interest may require.

The various branches of the communications industry will cooperate in an advisory capacity with the board, which will be composed of the Chairman of the Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, an Assistant Secretary of State, and an Assistant Secretary of the Treasury. Where the activities of the board impinge upon any functions of Government departments, representatives of such departments will be placed upon appropriate committees.

The board has had the cooperation of the radio industry in the preparation of this order. With industry cooperation, the board will appoint committees from every branch of communications—broadcast and other radio services, cable, telegraph and telephone—as well as from labor groups. All plans involving the utilization of private facilities, or requiring industry cooperation, will be adopted only after consultation with such industry representatives, and the particular private companies whose properties may be involved.

The executive order reads as follows:

### EXECUTIVE ORDER

#### CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

WHEREAS coordinated planning for the most efficient control and use of radio, wire, and cable communication facilities under jurisdiction of the United States in time of national emergency involves the consideration of the needs for communication of the armed forces of the United States, of other government agencies, of industry, and of other civilian activities; and

WHEREAS such planning must be accomplished as a matter of preparation for national defense; and

WHEREAS the interest of national defense in the matter of control and use of communication facilities during any war in which the United States may become a belligerent is deemed paramount:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and by the Communications Act of 1934 (48 Stat. 1064), as amended, it is ordered as follows:

1. There is hereby created the "Defense Communications Board," hereinafter called the Board, consisting of the Chairman, Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, the Assistant Secretary of State in charge of the Division of International Communications, and the Assistant Secretary of the Treasury in charge of the Coast Guard.

2. The functions of the Board shall be, with the requirements of national defense as a primary consideration, to determine, coordinate, and prepare plans for the national defense, which plans will enunciate for and during any national emergency—

a. The needs of the armed forces of the United States, of other governmental agencies, of industry, and of other civilian activities for radio, wire, and cable communication facilities of all kinds.

b. The allocation of such portions of governmental and non-governmental radio, wire, and cable facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

c. The measures of control, the agencies to exercise this control, and the principles under which such control will be exercised over non-military communications to meet defense requirements.

3. The Chairman of the Federal Communications Commission shall be the Chairman of the Board. In the absence of the designated Chairman, the temporary chairmanship shall devolve upon the remaining members of the Board in the following order:

1. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be senior in rank.
2. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be junior in rank.
3. The Assistant Secretary of State in charge of the Division of International Communications.
4. The Assistant Secretary of the Treasury in Charge of the Coast Guard.

In the absence of any regularly designated member, the agency which he represents may be represented by an alternate from that agency, designated by the head thereof, but such alternate shall not serve as Chairman. The Assistant Secretary of the Treasury in Charge of the Coast Guard is designated as the Secretary of the Board.

4. The Board shall take no cognizance of matters pertaining to censorship. The Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency.

5. The Board shall appoint such committees as may be necessary to carry out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communications industry.

6. Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall express by written report their findings and recommendations. Minority reports may be submitted if deemed of sufficient importance to warrant further consideration by the Board.

7. The Board and the committees shall call for consultation such representatives of other government agencies and of the civilian communication industry as may be deemed advisable in obtaining full knowledge of the situation being studied, to the end that the needs of all may be considered and provided for in so far as the situation permits. Other governmental agencies are directed to cooperate in providing assistance required by the Board in its studies.

8. During any war in which the United States is a belligerent, or any national emergency, the existing Interdepartment Radio

Advisory Committee shall act as a Committee of the Board, but only in an advisory capacity. While the Interdepartment Radio Advisory Committee is so acting as an advisory committee, all of its reports, recommendations, or communications normally prepared for submission to the President shall instead be submitted to the Board, for consideration from the standpoint of national defense and for disposition.

9. Reports containing the findings and recommendations of the Board shall be submitted to the President for final action through one of his administrative assistants.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
September 24, 1940.

### BMI FEATURE TUNES September 23-October 6

1. THE SAME OLD STORY
2. THERE I GO
3. PRACTICE MAKES PERFECT
4. I GIVE YOU MY WORD
5. MAY I NEVER LOVE AGAIN
6. I HEAR A RHAPSODY
7. YOU WALK BY
8. MADAME WILL DROP HER SHAWL

*Billboard*, *New York Enquirer*, *Radio Daily*, and *Variety* all run each week various lists of numbers most played on the radio and of sheet music best sellers, with *Billboard* also carrying the listings for phonograph records. Inasmuch as these different lists are made up on a slightly different basis, it is interesting to compare the ranking of the BMI music in the different sources.

*Radio Daily* lists songs played fifteen times or more over the two NBC networks and CBS between 5:00 P.M. and 1:00 A.M. for week ending on Saturday. On this list, *Practice Makes Perfect* is tied for second place with one other number, *There I Go* is tied for sixth place with one other number, and *The Same Old Story* is tied for eighth place with another number.

The *Variety* sheet is made up from the records of the same stations between 8:00 A.M. and 1:00 A.M. for the week ending on Sunday. On this list *Practice Makes Perfect* stands alone in the number two position, *Same Old Story* and *There I Go* are tied for fourth position, and *We Could Make Such Beautiful Music* is tied with two others in fourteenth position.

*The New York Enquirer*, likewise, uses the same stations but for the week ending on Friday. On this list *Practice Makes Perfect* stands in third position, *There I Go* is tied for ninth position, *Same Old Story* is tied for eleventh position, *We Could Make Such Beautiful Music* is tied for twentieth position, and *I Give You My Word* is tied for twenty-first position.

*Billboard* uses the same stations from 5:00 P.M. to 1:00 A.M. on weekdays, and from 8:00 A.M. to 1:00 A.M. on Sundays. On this list *Practice Makes Perfect* stands third, *There I Go*, eighth, *The Same Old Story* eleventh, *We Could Make Such Beautiful Music*, fourteenth. *Billboard* also lists plugs over the independent stations for songs having ten or more performances on networks. Among the independents on this listing, *Practice Makes Perfect* is tied in ninth position, *Same Old Story* tied in tenth place, *We Could Make Such Beautiful Music* stands seventeenth, and *There I Go*, nineteenth.

These comparisons indicate at least that, no matter how or where you take the count, BMI numbers are among the leaders. On the list of the fifteen best sheet music sellers in *Billboard*, *Practice Makes Perfect* stands eighth, and in the same list in *Variety*, it stands fourteenth for last week.

*Billboard* also lists the biggest money-makers in the automatic phonographs on the basis of reports received from phonograph operators throughout the country. This section is divided into a list headed "Going Strong" and another list headed, "Coming Up". For the current week, Bob Chester's recording of *Practice Makes Perfect* stands at the head of the "coming up" division. The same record stands ninth on the list of regional best selling retail records on the west coast.

Sheet music sales in most cases follow after the establishment of popularity on the radio, and recordings are seldom made until a song has shown popular appeal. The first records of BMI music only recently reached the market. The fact that one of them appears on a regional list of best sellers and also among the leading money-makers in the coin machines is strong proof of its acceptance by the American public. *Radio Daily* regularly lists five numbers as the "leading recordings of the week" and five others as "future musts." On this week's listing, Eddie Duchin's recording of *Practice Makes Perfect* appears on the former list, and Al Kavelin's recording of his own song, *I Give You My Word*, on the latter.

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BROADCAST MUSIC, INC. welcomes another station to its list of subscribers: WOCB, of West Yarmouth, Mass.

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Evidence of the wide spread among the American people of the urge to express themselves in music continues to accumulate from the 2,000 or more manuscripts which our editors are receiving every week.

During the past week, the mail brought two songs written by prisoners in western state penitentiaries and another by a judge in Old New England.

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Beginning on Monday, October 7, BMI Pacific coast representative will be Eddie Janis of 3636 Somerset Drive, Los Angeles, California.

On Monday, September 30, BMI will give a lunch for band leaders and their representatives at the Waldorf-Astoria. The arrangements for the luncheon were planned in collaboration with Russ Morgan and Paul Specht so that BMI might have an opportunity to present its position to the musicians. Mr. Morgan and Mr. Specht arranged a luncheon for the orchestra leaders at which representatives of ASCAP will seek to explain themselves on September 26th. The BMI luncheon on Monday will serve to clear the atmosphere and to dispel the fog which the Thursday luncheon is likely to produce.

## Labor

### SUSTAINING PERFORMERS

Conferences this week with Wage and Hour Division officials brought out that they had no intention of extending the Act to cover *all* performers on *all* sustaining programs by their memorandum of September 16 (NAB REPORTS, page 4612).

In the first place they had no intention of attempting to extend the Act's coverage to "public service" programs. For instance, they said it certainly was not their thought to require stations to pay kids the minimum or any other wage for participation in the Saturday morning shows. The same held for college and high school glee clubs, American Legion bands, shows in which well-known artists contributed their services to start the Community Chest drive, church choir broadcasts, etc.

What they were driving at, they said, were hillbilly bands, other orchestras, soloists, etc., who were willing to appear on the air for nothing to advance their own interests. When the broadcasters put such people on the air and didn't pay them, they said, the broadcasters were deriving benefit, were the employers, and should pay at least the minimum wage. They could not give any other opinion, they said, because, if they did, it could be carried over into other industries where chiselers has exploited "learners"—with vague promises of jobs if they would work for nothing while "learning."

When it was explained how a number of stations made "trade deals" with hillbillies—obtaining hillbilly programs in return for plugs for future dance engagements, the Wage and Hour officials said that some sort of deal could be made whereby the hillbillies were paid for their services while the broadcasters were paid for their plugs, coming out even Stephen. Such a plan, however, would involve Social Security taxes and ASCAP payments.

In conclusion, the Wage and Hour officials decided that the memorandum needed revision, and invited the cooperation of the NAB Labor Relations Director in revising it.

## DRAFT EXEMPTIONS

Several members have inquired about the possibility of obtaining conscription exemption for broadcasting employees. The NAB checked this with the Selective Service Administration and found that no industry was exempt, per se, nor any classification of jobs exempt, per se, under the Act.

This is a matter which has been left to the discretion of the local Conscription Boards under Section 5 (e) of the Act. It is felt that because of the relatively small number of men who are being conscripted on the one hand, and the availability of the tremendous number of men on the other, that it would not be necessary to select employees who are regarded by their employers as essential. Therefore, broadcasters may be able to obtain exemptions for essential employees by placing the matter before their local Boards.

Here is the text of the "deferment" section of the Act:

"Sec. 5 (e) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

"(f) Any person who, during the year 1940, entered upon attendance for the academic year 1940-41—

"(1) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degree; or

"(2) at any university described in paragraph (1) to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;

and who, while pursuing such course of instruction at such college or university, is selected for training and service under this Act prior to the end of such academic year, or prior to July 1, 1941, whichever occurs first, shall, upon his request, be deferred from induction into the land or naval forces for such training and service until the end of such academic year, but in no event later than July 1, 1941."

The other two sections which affect labor relations are section 3, which provides that employers may continue to pay part or all of employees salaries while they are in training, and section 8, which provides that employees must be given back their jobs after their training period "unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so".

Some labor unions are now asking for provisions in new contracts to cover this last point.

## LABOR BOARD POLL SCHEDULED

The Labor Relations Board announced Tuesday that separate collective bargaining elections by secret ballot would be conducted within 30 days among transmitter operators employed by four broadcasting stations in Pennsylvania and Delaware.

The stations are WGAL, Incorporated, Lancaster, Pennsylvania, York Broadcasting Company, York, Pennsylvania, Delaware Broadcasting Company and WDEL, Incorporated, both of Wilmington, Delaware.

The transmitter operators will determine whether or not they desire to be represented by Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers (A. F. of L.).

The union and the companies stipulated that transmitter operators, separate from other employees, constituted an appropriate unit. However, they differed as to the scope of the unit. The union contended that transmitter operators employed by each of the companies, respectively, constituted a separate unit; while the companies contended that all transmitter operators employed by the seven corporations in the Mason Dixon Radio Group constituted a single appropriate unit. The companies pointed to the common ownership of stock, unified business operations, interdependent relations in handling programs, and the supervision of all transmitter operators employed by each of the corporations by a technical director employed by the Mason Dixon Radio Group.

Pointing out there had been no history of collective bargaining on either individual or multiple unit basis, and that the union's organization was limited substantially to transmitter operators of the four companies involved in the present proceedings, the Board stated:

"The organization of the business of the corporations comprising the Mason Dixon Radio Group is such that either a unit comprising all the transmitter operators in the group or separate units limited in each case to operators employed by a single member thereof could be appropriate for the purposes of collective bargaining. Under these circumstances, and in view of the absence of any bargaining history on either basis, the fact that substantial employee self-organization has not extended beyond the employees of the four Companies here involved, and the request of the only labor organization involved for separate station units, we shall designate the transmitter operators employed, respectively by WGAL, WORK, WILM, and WDEL at their respective stations as separate appropriate units. Such a determination is subject to revision in accordance with changes in the state of self-organization of the employees concerned."

## WAGE-HOUR COMPLIANCE

Every employer against whom an allegation of violation of the Wage and Hour Law is filed, henceforth will receive a form which he is asked to fill out, giving information indicating his compliance with, or violation of, the Fair Labor Standards Act, "The use of the new form will have the effect of making each complaint a 'live' one, in that action will begin immediately with the filing of the charge," Colonel Fleming said.

"Each employer complained against will receive this

form, AD-85, headed 'Information Respecting Compliance with the Fair Labor Standards Act of 1938.' This will serve to advise some employers, who have been inadvertently violating the law, of the existence of the statute and its requirements. Accurately filled out, it will put the employer through a sort of 'examination of conscience' insofar as the Wage and Hour Law is involved. When he has completely filled out the form, he will know whether or not he is complying with the law.

"Should an employer thus discover that he has been violating the law, and he wants to come into compliance immediately and make restitution of back wages due his employees, every assistance will be given him by the nearest Wage and Hour office."

The form summarizes the requirements of the law with respect to minimum wages, overtime, record-keeping requirements, discrimination against employees making complaints and shipment of goods produced in violation of the law.

One part of the form is also designated to indicate immediately whether or not the firm is covered by reason of being engaged in interstate commerce or in the production of goods for commerce.

It clearly states that the information supplied in it to the Wage and Hour Division shall not affect in any way any cause of action arising under the Act. Neither does the submission of this information give the employer immunity in any action, civil or criminal, that may be brought under the Act.

"In no case is this form being used as a substitute for physical or personal inspection of the books of the employer involved," Colonel Fleming said. "It is merely being used to expedite our inspection procedure and should prove of great value in this respect. Inspections will still be made at the faster rate made possible by our increased inspection force now totalling more than 700."

## WAGE-HOUR APPRENTICE REGULATIONS

Revised apprentice regulations were issued by the Wage and Hour Division, U. S. Department of Labor, today. (*Federal Register*, September 24, 1940.)

"These new apprentice regulations will further facilitate and expedite the issuance of apprentice certificates under the Fair Labor Standards Act," Colonel Philip B. Fleming, Administrator of the Wage and Hour Division said.

The revised regulations provide that agreements may be approved "on the spot" by local joint committees as well as by state apprenticeship councils. Immediate exemptions and employment of the apprentices at wage rates lower than the applicable minimum under Section 6 of the Act are made possible.

## National Defense

### DEFENSE PROGRAMS

Of continued primary importance are the following: Alien Registration announcements, Recruiting Programs from the Army, Civil Service Announcements for Skilled Workers.

In the next ten days or so, the Selective Service Administration, in cooperation with NAB, will send out material of an informational character enabling stations to give their listeners authoritative information about "Who's to register, and where and when." The Recruiting Campaign, however, will be continued even after the registration date, October 16. NAB is now in contact with the War Department to bring about a uniform policy for recruiting announcements, covering both National Guard and regular Army enlistments.

Meanwhile, the Civilian Defense Information Bureau, with Headquarters in the Hotel Weston, New York City, has sent out two transcribed speeches made by Lieutenant-Colonel O'Kelliher and Lieutenant-Colonel Hershey of the Joint Army and Navy Selective Service Administration. These are recordings of speeches previously made and give a general background of national conscription. The Civilian Defense Information Bureau is a group of civilian reserve officers who have been cooperating with the War Department in bringing about civilian understanding of Army problems.

The weekly radio news release by the National Advisory Defense Commission is given each Sunday at 6 P.M. to all news services. This is a week by week summary of the statistical progress of the Commission in getting planes, guns and defense equipment in production and in use.

The United States Committee for the Care of European Children, Inc., Marshall Field, chairman, has sent stations material for use on women's, sports, news and sustaining programs. The Committee, in cooperation with the British, Canadian and United States governments, is endeavoring to secure adequate homes for refugee children as quickly as possible.

KGBU, Ketchikan, Alaska  
KROC, Rochester, Minn.  
KSUB, Cedar City, Utah

These three stations have been added to the list which has reported cooperation in the industry's recruiting campaign for skilled national defense workers. The total is now 640.

The United States Civil Service Commission finds that all sections of the country are furnishing workers, a logical expectation in view of the solid industry support.

## Promotion

### LISTEN BEFORE YOU VOTE

Interesting comments are beginning to come in to headquarters from member stations which are sponsoring the "Listen before You Vote" promotion.

Letter from William R. Traum, promotion director, WROK, Rockford, Ill., says that the station is enthusiastically engaged in "Listen before You Vote" promotion. Several daily spot announcements call attention to the campaign.

Imprinted posters, "Listen to the Campaign Speeches over WROK, Mutual Network", are being circulated this week by WROK's own salesmen and by the Central Illinois Electric & Gas Company.

Letters were written to all heads of local political organizations and to prominent party members telling about the campaign.

*The Rockford Register-Republic*, on September 20, carried a ten-inch story next to the radio program listings telling about the campaign. The lead paragraph with headlines reads:

"WROK STARTS  
VOTE FEATURE

"'Listen before You Vote'

"Recommended by Many U. S. Leaders

"In cooperation with the National Association of Broadcasters, radio station WROK is today launching a campaign titled 'Listen before You Vote'—a campaign prompted by the barrage of political oratory which is getting under way throughout the nation."

Wayne Welch, sales promotion manager, WMT, Cedar Rapids and Waterloo, KRNT and KSO, Des Moines, Iowa, wrote:

"The 'Listen before You Vote' posters which you sent us are being posted in prominent places throughout Des Moines.

"Also thanks for the wealth of suggestions for other methods of promoting the campaign. You may be sure we will cooperate."

E. W. Buckalew, KNX, Los Angeles, arranged for poster distribution through two radio distributors.

"Both of these organizations," said Mr. Buckalew, "were most enthusiastic over the use of these posters and said that they could assure us of strategic placement of the posters through their dealers."

McGraw-Hill's RADIO AND TELEVISION RETAILING, which is eagerly read by from twenty-five to thirty thousand radio dealers each month, has consistently carried the story of "Listen before You Vote" to the trade. The current issue has most of a double spread devoted to detailed window displays whereby radio dealers can tie-in with the campaign.

Editor "Mac" MacDonald retained Alfred Harvey of the Alvic Display Service to design three windows. August



RADIO RETAILING carried a full page "Listen before You Vote" story which included a reproduction of the poster.

Major Edney Ridge, manager, WBIG, Greensboro, received a note of appreciation for posters from Margaret Dent, vice president, N. C. Young Republicans. She wrote:

"We wish to take this opportunity to thank you for the posters brought in to us at Headquarters here on West Market Street, yesterday. We can appreciate the strictly non-partisan act of your radio station in getting voters to the polls by radio, and we will be glad to cooperate with you in any possible way at our command."

"Radio Reaches People in Washington State" is the name of a most excellent promotion piece prepared by Charles A. Bailie, sales promotion manager, KOMO—KJR, Seattle, on behalf of his own stations and KHQ—KGA, KGW—KEX, KPQ, KVOS, KGY, KXRO, KELA, KUJ, KWLK, KVAN, KRLC. The brochure shows "Coverage Data of Pacific Northwest Radio Stations Available for Washington State Political Broadcasts."

Tipped into the front cover is a copy of "Is Your Hat In The Ring?"

### POWER COMPANY COOPERATION

J. S. Bartlett, managing director of the Electric Institute, Washington, D. C., and contact with NAB of the International Association of Electric Leagues, tomorrow finishes a successful three weeks promotion. Set distributors broadcasting stations and the Institute participated.

The event was the Institute's 1941 Radio Exposition. Sixteen announcers from WJSV, WMAL, WOL and WRC appeared in the Potomac Electric Power building in relays "to greet their public" and to cooperate with them in making recordings.

NBC announcers from WMAL and WRC appeared during the first week; Mutual announcers from WOL the second week; while CBS's WJSV announcers took over during the final and concluding week.

When each of the crews took over, their presence was publicized in one of the huge street front windows. Inside the building on the stage was a large panel display of artists' pictures.

Two studios were constructed in the lobby, both of which were utilized for making recordings of visitors. Approximately 125 recordings were made on each of the days of the three weeks, Monday through Friday. On the platters was an appropriate spot for the autograph of the broadcast announcer who M.C.'d the record cutting.

In the middle of the display room was a loud speaker with which other visitors could hear recording being made.

An exhibit of 120 radio sets rounded out the radio exposition picture. In analyzing the medium which attracted visitors to the exposition it was found that out of one

hundred visitors forty-five heard one of the paid radio announcements; fifteen others heard of the exposition from friends; eleven noticed the invitation printed on the face of 50,000 envelopes containing electric bills; eighteen stayed to visit the exposition because they saw the lobby displays. There was no record of the remaining eleven.

The free voice recordings were made from 11:30 A.M. to 2:00 P.M. and from 3:30 to 5:00 P.M. each Monday through Friday for the duration of the show. The radio exposition is one of the ten industry shows sponsored by the Electric Institute every year.

Similar radio shows in all cities having radio stations are suggested as splendid institutional and circulation building events.

### ESSAY WINNER

Neal Axtell Blake, Hartford, Conn., is declared the winner of NAB's \$100 cash award for writing the best essay on the "American System of Broadcasting—Why It Is Best for Americans."

Second best essay was written by Myrtle Lu Hammell of Missoula, Mont. Miss Hammell's essay was entered in the national competition by KGVO; that of Mr. Blake by WTIC, Hartford.

Essays were judged by a committee of three Washington, D. C., high school teachers: Miss Fern Duvall, Paul Junior High School; Miss Bertha Lucas, Elliott Junior High School; and Mr. O. W. Trueworthy, Paul Junior High School. They were appointed by Lawson J. Cantrell, assistant superintendent, Public Schools of the District of Columbia.

Commenting upon the quality of the essays submitted, the judges expressed official regret that they did not have additional prizes to award the entrants.

Stations forwarding essays receiving "Honorable Mention," together with the student contestants, were:

WICC, WDRC, WTHT, WTIC, WNBC, WELI, WNLC, WATR and WBRV, all in Connecticut: Robert Gilbert and Edward Winnuk, New Haven; Edward Walsh, Milford; Ruth M. Cunningham, East Hartford; Jane Purtil, S. Glastonbury; Robert Shapiro, Middletown; and Geraldine Scheibl, Newport, R. I.

WEEI, Boston: Mildred McManus, West Newton; John J. Burke, Boston; Martin Dietel, Woburn.

WRNL, WMBG and WRVA, Richmond: Kathryn Robinson.

WDBJ, Barbara Jeanne Lucas, Roanoke.

WBIG, Roberta E. Favore, Greensboro.

WMAQ, Eleanor Gaworski, Chicago.

WHEC, Robert Crampton, Rochester.

KFEL, KOA and KVOD, Charles F. Baes, Jr., Lakewood, Colo.

A joint competition is indicated in the case of Connecticut, Denver and Richmond.

Neal Axtell Blake's prize-winning essay reads:

"The time is Memorial Day, 1940; the place beautiful New England, U. S. A.; the scene a typical boy's room in a rather old and somewhat dingy house; but the action, as the world drama unfolds from my radio, is modern, thrilling and dynamic. Yes, I am glad I'm an American! Where else in all this world could I sit so comfortably today and listen so happily to the story of a baseball game—the Phillies are taking the Boston team into camp

to the tune of 5 to 1—gee, that was a perfect hit, just in time to save the man on second and score the fifth run!

"The scene (radio) changes. Truly, that speaker is right. America is great—here we have life, liberty, property, happiness, freedom of speech, of the press and religion—and a free radio to report these precious privileges of all of us—Americans.

"Often I think that the radio has become so thoroughly a part of us that we fail to realize how much we owe to its mysterious power. It enters our homes at will—past locked doors and barred windows—but it is always welcome, for it has been entertainment, instruction, scientific achievement, the truth into 84 per cent of the homes in this country has made every citizen more sensitive to the changes that threaten, more determined to keep America what our forefathers made it, "The land of the free." The American broadcast system has made this country stronger and safer. The 'American Town Meeting of the Air' means much; this is real democracy, for now even a humble citizen may speak to millions of his countrymen—provided his message is worthwhile—for this is the policy of American broadcasters.

"Limited only by those conventions which regulate the relations of good neighbors, this miracle of communication takes the humblest into the presence of kings and councils. We become intimate with great authors, scientists and inventors. We realize more deeply the goodness of God, for his blessings bear in upon so closely that none can fail to understand the joys and sorrows, the defeats and victories of all peoples, the art and the wisdom of the noblest minds.

"It is commonplace now for the humble citizen to be well informed.

"How different the scene abroad, where government restricts and hampers! How cramped is the opportunity to learn, to understand either the new or the best in life! There the dictator argues, 'Am I not the supreme wisdom? Should not my people learn from me!' The account is no longer of sports, of happy homes, of freedom, but of hate, destruction and death. I am devoutly thankful that I live in America, for here the radio—with all its power for good or evil—is the instrument of democracy. Long may the American system last! American broadcasting policy helps to keep this continent 'The Promised Land.'"

### CENSUS DATA

Since last week's REPORTS, the Bureau of the Census has completed its preliminary population figures for all states and has released figures on occupied dwelling units for three additional states. The revised population and occupied dwelling unit figures are as follows:

#### PRELIMINARY 1940 CENSUS DATA

State	Population	Occupied Dwelling Units
Alabama	2,830,285	.....
Arizona	497,789	.....
Arkansas	1,948,268	.....
California	6,873,688	.....
Colorado	1,118,820	.....
Connecticut	1,710,112	.....
Delaware	264,603	70,549
District of Columbia	663,153	.....
Florida	1,877,791	519,436
Georgia	3,119,953	750,633
Idaho	523,440	140,742
Illinois	7,874,155	.....
Indiana	3,416,152	.....
Iowa	2,535,430	700,173
Kansas	1,799,137	512,090
Kentucky	2,839,927	.....
Louisiana	2,355,821	590,722
Maine	845,139	.....
Maryland	1,811,546	462,591
Massachusetts	4,312,332	.....
Michigan	5,245,012	.....
Minnesota	2,785,896	.....
Mississippi	2,181,763	537,359
Missouri	3,775,737	.....
Montana	554,136	.....
Nebraska	1,313,468	360,255
Nevada	110,014	33,326
New Hampshire	489,716	.....

State	Population	Occupied Dwelling Units
New Jersey	4,148,562	.....
New Mexico	528,687	.....
New York	13,379,622	.....
North Carolina	3,563,174	.....
North Dakota	639,690	.....
Ohio	6,889,623	.....
Oklahoma	2,329,808	609,094
Oregon	1,087,717	335,944
Pennsylvania	9,891,709	.....
Rhode Island	711,669	187,610
South Carolina	1,905,815	.....
South Dakota	641,134	165,113
Tennessee	2,910,992	713,853
Texas	6,418,321	.....
Utah	548,393	.....
Vermont	357,598	.....
Virginia	2,664,847	.....
Washington	1,721,376	.....
West Virginia	1,900,217	.....
Wisconsin	3,125,881	.....
Wyoming	246,763	69,227
Total state figures	.....	131,284,881
Estimated allowance for supplementals not distributed by state	.....	125,000
U. S. Total	.....	131,409,881

### SERVICE MEN PROMOTION

Since August WFIL and the Philadelphia Radio Service Men's Association have been engaged in a cooperative promotion. According to Roger W. Clipp, WFIL's general manager, who worked out the details of the tie-up, circulation has been greatly stimulated.

Each Saturday night WFIL broadcasts a 15-minute program of studio organ music, under sponsorship of the service men. The program has the promotional benefit of five of the station's billboard locations. Additional program promotion is given in the form of cards in transportation buses which ply in and around the listening area of the station.

One unusual feature of the public service program is that provision is made on each Saturday night for the listener to test his radio set. During the course of the program, Mr. Clipp explained, a series of three musical notes are sounded, each of a different frequency. Set owners are told to listen closely. If the radio is capable of reproducing all three series of vibrations the listener is advised that his receiver is operating satisfactorily. If not he is invited to contact the nearest member of P.R.S.M.A. for repairs or adjustments.

Mr. Clipp said that the program had proved of great interest to the listening public because, for the first time, it is possible for anyone to test the performance of his own radio set. Newspaper publicity featuring this unusual angle has been released and the members of the association have cooperated most generously in publicizing the testing opportunity to their customers.

Since the majority of the 300 members of the Philadelphia Radio Service Men's Association are independent radio dealers with stores, including display windows, counters and so forth, Mr. Clipp provided display cards for both window and counter use.

Each member of the Association, according to the arrangement, has pledged himself to use at least two cards in the windows and two in the store. They are adaptations of billboards and bus cards.

The deal between WFIL and the Service Men further provides for the distribution of folders, booklets and pamphlets prepared by the station from time to time. Such literature is delivered with new radios and left when old radios are repaired. It is also inserted with monthly invoices and included with minor store purchases.

### NEW BUSINESS

The Republican National Committee has prepared a series of 93 one-minute spot political announcements available for sponsorship by Republican State Central Committees. Seven of these announcements are made by Wendell Willkie.

Republican State Central Committees have been advised by the National Committee that these transcriptions are now available. They have been prepared in harmony with the NAB Code, consisting of straight announcements and interviews.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC this week announced adoption of its Final Decision granting the application for the renewal of license for KIEV, **Glendale, California**, operated by Cannon System, Ltd., on **850 kilocycles**, 100 watts, daytime only.

The renewal application was designated for hearing on issues involving principally the program service of this station. The record shows that attempts to improve programs have been made. There is, therefore, ground for expecting that the present trend of improvement in program service will be carried forward. The facts developed in the hearing, however, will be given cumulative weight in dealing with any future questions involving the conduct of this station.

### PROPOSED FINDINGS

The Commission has announced its Proposed Findings of Fact and Conclusions proposing to *deny* without prejudice the application of KFIO, **Spokane, Washington**, for a construction permit to install a new transmitter, new antenna, to change its frequency from **1120 to 950 kilocycles**, and to increase its power from 100 watts daytime to 1000 watts unlimited time.

FCC this week also announced its Proposed Findings of Fact and Conclusions proposing to *grant* the application of the Mason City Globe Gazette Company (Station KGLO), **Mason City, Iowa**, for a construction permit to change frequency from **1210 to 1270 kilocycles**; increase power from 100 watts night, 250 watts LS, to 1000 watts, unlimited time (the facilities of KGCA and KWLC), and install new equipment including a directional antenna for nighttime operation. The application of Charles Walter Greenley for renewal of license of KGCA, **Decorah, Iowa**, was *denied* as in default, and the application for renewal of license of Luther College (KWLC), **Decorah**, to use the frequency **1270 kilocycles** was also *denied*. However, this finding will not prejudice consideration of an application by Luther College for authority to operate station KWLC upon another frequency.

### FCC RULES EXTENDED

FCC has announced that the effective date of Section 3.32(b) of Standard Broadcast Rules which prohibits broadcasting of commercial programs under experimental authorizations, was advanced from October 1, 1940, to March 29, 1941.

### FCC APPROPRIATIONS

The House of Representatives this week passed H.R. 10539 which is the first supplemental civil functions appropriation bill for 1941 containing additional appropriations for the FCC.

As the bill passed the House, it provided \$125,000 additional for salaries and expenses of the FCC and also \$175,000 for the reallocation of monitoring stations. In connection with the latter, the bill provides:

"For the relocation of radio monitoring stations at sites to be selected by the Federal Communications Commission in the States of Oregon, California, Michigan, Maryland, Georgia, and Massachusetts, including the purchase of land, provided suitable sites now owned by the Government cannot be made available, construction of suitable buildings or modification or reconstruction of existing buildings, the providing for necessary apparatus and equipment, erection of goniometric apparatus, the construction and installation of roadways, power, water and sanitary facilities, associated antenna systems, and other necessary expenses."

### CLEVELAND SCHOOLS TO USE FM

The Cleveland City Board of Education has been granted authority by the FCC to change that school system's non-commercial education radio service from amplitude modulation to frequency modulation.

The specific grant involves the education board's station WBOE shifting from 41,500 kilocycles frequency, 500 watts power night and day, A3 emission, to 42,500 kilocycles and increasing day and night power to 1000 watts for FM transmission.

Extensive use has been made of the facilities of WBOE in serving 156 receivers in the Cleveland school system.

The Board of Education states that the objective to be attained with FM is higher fidelity and less noise in classroom instruction and public education.

In August the Commission authorized the San Francisco Board of Education to use FM for like service in that area. The New York City Board of Education has been using amplitude modulated noncommercial educational broadcasts for some time, and the University of Kentucky was more recently licensed to give similar service to local mountain schools.

**FEDERAL COMMUNICATIONS  
COMMISSION DOCKET**

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, September 30. They are subject to change.

**Monday, September 30**

- NEW—George F. Meyer, Medford, Wis.—C. P., 1500 kc., 100 watts night, 100 watts LS, unlimited time.  
 WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, 1140 kc., 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

**FEDERAL COMMUNICATIONS  
COMMISSION ACTION**

**APPLICATIONS GRANTED**

- WING—Stanley M. Krohn, Jr., Dayton, Ohio (Transferor), Charles Sawyer (Transferee), Dayton, Ohio.—Granted authority to transfer control of WSMK, Inc., licensee of station WING, from Stanley M. Krohn, Jr., to Charles Sawyer (408 shares of common stock for \$51,000, and has a five-year option to purchase the remaining 392 shares for the sum of \$75,000). Station operates on 1380 kc., 250 watts night, 500 watts day, unlimited time (B2-TC-236).  
 W2XOR—Bamberger Broadcasting Service, Carteret, N. J.—Granted construction permit to make changes in equipment and change location of high frequency broadcast station W2XOR from Carteret, N. J., to 444 Madison Avenue, New York City (B1-PHE-281).  
 WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted construction permit for non-commercial educational broadcast station authorizing change in frequency from 41500 to 42500 kc., increase in power from 500 watts to 1 KW, and change emission from A3 to special for frequency modulation; also install new equipment (B2-PED-16).

The Commission granted the following applications for renewal of relay broadcast station licenses for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending 3 a. m., Eastern Standard Time, October 1, 1941.

<i>Applicant and Location</i>	<i>Call Letters</i>
The Crosley Corporation, Area of Cincinnati, Ohio.	WLWA
Florida West Coast Broadcasting Company, Inc., Area of Tampa, Florida.	WGHB
The Fort Industry Company, Area of Toledo, Ohio.	WAAJ

<i>Applicant and Location</i>	<i>Call Letters</i>
Harris County Broadcast Company, Area of Houston, Texas.	KIIS
Indianapolis Broadcasting, Inc., Area of Indianapolis, Indiana.	WATB
KSTP, Inc., Area of St. Paul, Minnesota.	KABE
KSTP, Inc., Area of St. Paul, Minnesota.	KAIE
KSTP, Inc., Area of St. Paul, Minnesota.	KIGA
KFAB Broadcasting Company, Area of Lincoln, Nebraska.	KIIH
KLZ Broadcasting Company, Denver, Colorado.	KAAR
McClatchy Broadcasting Company, Area of Sacramento, California.	KSCR
Ben S. McGlashan, Area of Los Angeles, California.	KABG
Missouri Broadcasting Corporation, Area of St. Louis, Missouri.	KIFF
The National Life and Accident Insurance Company, Inc., Area of Nashville, Tennessee.	WADQ
Nichols and Warinner, Inc., Area of Long Beach, California.	KADB
Nichols and Warinner, Inc., Area of Long Beach, California.	KIFO
Nichols and Warinner, Inc., Area of Long Beach, California.	KBLE
Paducah Broadcasting Company, Inc., Area of Paducah, Kentucky.	WAHL
Radio Station WMFR, Incorporated, Area of High Point, North Carolina.	WHPT
Radio Station WSOC, Inc., Area of Charlotte, North Carolina.	WAAK
Joe L. Smith, Jr., Area of Beckley, West Virginia.	WAIE
Tarrant Broadcasting Company, Area of Fort Worth, Texas.	KAAD
Vee Bee Corporation, Area of Portsmouth, Ohio.	WAVB
WBNS, Incorporated, Area of Columbus, Ohio.	WGBD
WBNS, Incorporated, Area of Columbus, Ohio.	WJLF
WCBS, Incorporated, Area of Springfield, Illinois.	WMFZ
WDZ Broadcasting Company, Area of Tuscola, Illinois.	WAAC
WDZ Broadcasting Company, Area of Tuscola, Illinois.	WAIO
WDZ Broadcasting Company, Area of Tuscola, Illinois.	WAAE
WFBM, Inc., Area of Indianapolis, Indiana.	WIPL
WGN, Incorporated, Area of Chicago, Illinois.	WAIH
WGN, Incorporated, Area of Chicago, Illinois.	WGNA
WJHL, Incorporated, Area of Johnson City, Tennessee.	WAIX
WKY Radiophone Company, Oklahoma City, Oklahoma.	KAZA
WKY Radiophone Company, Area of Oklahoma City, Oklahoma.	KAXB
WSIX, Incorporated, Area of Nashville, Tennessee.	WAUB
The Birmingham News Company, Area of Birmingham, Alabama.	WAXD
Florida West Coast Broadcasting Company, Inc., Area of Tampa, Florida.	WTHB
Lamar Life Insurance Company, Area of Jackson, Mississippi.	WAXJ
Queen City Broadcasting Company, Inc., Area of Seattle, Washington.	KQCB
West Virginia Broadcasting Corporation, Area of Wheeling, West Virginia.	WAAH
The WGAR Broadcasting Company, Area of Cleveland, Ohio.	WAAI
The WGAR Broadcasting Company, Area of Cleveland, Ohio.	WAAQ

<i>Applicant and Location</i>	<i>Call Letters</i>
Rockford Broadcasters, Inc., Area of Rockford, Illinois.	WAAR
Southern Minnesota Broadcasting Company, Area of Rochester, Minnesota.	KAAN

In the following cases the Commission directed pursuant to Section 1.381 of the Rules and Regulations that the applications for renewal of licenses of the above-mentioned relay broadcast stations be granted in part and said licenses be issued for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending in no event longer than 3 a. m., Eastern Standard Time, October 1, 1941, deleting the frequency **2022 kilocycles**, heretofore assigned said stations and substituting the frequency **2074**, subject to the condition that no interference is caused to the Government stations on adjacent channels.

<i>Applicant and Location</i>	<i>Call Letters</i>
The Crosley Corporation, Area of Cincinnati, Ohio.	WLWJ
The Crosley Corporation Area of Cincinnati, Ohio.	WLWB
Central States Broadcasting Company, Area of Omaha, Nebraska.	KABJ
The Evening News Association, Area of Detroit, Michigan.	WKFB
Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Area of Bloomington, Illinois.	WAAO
The National Life and Accident Insurance Company, Inc., North of Franklin, Tennessee.	WADP
The National Life and Accident Insurance Company, Inc., Area of Nashville, Tennessee.	WBPA
Richmond Radio Corporation, Area of Richmond, Virginia.	WAHM
WDAY, Incorporated, Area of Fargo, North Dakota.	KBRG
Westinghouse Electric & Manufacturing Co., Area of Pittsburgh, Pennsylvania.	WEMC
Westinghouse Electric & Manufacturing Co., Area of Boston, Massachusetts.	WHER
WSMB, Incorporated, Area of New Orleans, Louisiana.	WSMA
WSMB, Incorporated, Area of New Orleans, Louisiana.	WSMC

In the following cases the Commission directed that the licenses of the above-mentioned relay broadcast stations, expiring 3 a. m., Eastern Standard Time, October 1, 1940, be extended upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, in no event longer than 3 a. m., Eastern Standard Time, November 1, 1940.

<i>Applicant and Location</i>	<i>Call Letters</i>
Charleston Broadcasting Company, Area of Charleston, West Virginia.	WADA
City of New York, Municipal Broadcasting System, Area of New York, New York.	WASJ
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYK
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYL
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYN
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYO
Community Broadcasting Service, Inc., Area of Bangor, Maine.	WEHL
Eagle Broadcasting Company, Inc., Area of Brownsville, Texas.	KIJG
A. Bruce Fahnestock, Director, Fahnestock South Sea Expedition, Aboard Yacht <i>Director II</i> .	KFAH
Edwin A. Kraft, Area of Juneau, Alaska.	KBQB
KVOX Broadcasting Company, Area of Moorhead, Minnesota.	KAAJ
Mason City Globe-Gazette Company, Area of Mason City, Iowa.	KDJB
Mason City Globe-Gazette Company, Area of Mason City, Iowa.	KQHS

<i>Applicant and Location</i>	<i>Call Letters</i>
Miami Valley Broadcasting Corp., Area of Dayton, Ohio.	WMVB
Mosby's, Inc., Area of Missoula, Montana.	KAAW
May Seed & Nursery Company, Area of Shenandoah, Iowa.	KEMA
McClatchy Broadcasting Company, Area of Sacramento, California.	KABF
Onondaga Radio Broadcasting Corp., Area of Syracuse, New York.	WAID
Onondaga Radio Broadcasting Corp., Area of Syracuse, New York.	WAUQ
Onondaga Radio Broadcasting Corp., Area of Syracuse, New York.	WGBE
Juan Piza, Area of San Juan, Puerto Rico.	WABV
Puget Sound Broadcasting Co., Inc., Area of Tacoma, Washington.	KNEB
Puget Sound Broadcasting Co., Inc., Area of Tacoma, Washington.	KNEC
Allen T. Simmons, Area of Akron, Ohio.	WATS
South Bend Tribune, Area of South Bend, Indiana.	WATD
State of Wisconsin, University of Wisconsin, Area of Madison, Wisconsin.	WDAC
Wescoast Broadcasting Company, Area of Wenatchee, Washington.	KAOD
WODAAM Corporation, Area of New York, New York.	WABA
Peoria Broadcasting Company, Area of Peoria, Illinois.	WAIN
Peoria Broadcasting Company, Area of Peoria, Illinois.	WEKH
Southeastern Broadcasting Company, Inc., Area of Macon, Georgia.	WAEB

In the following cases the Commission directed that the licenses of the above-mentioned relay broadcast stations, expiring 3 a. m., Eastern Standard Time, October 1, 1940, be extended upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, in no event longer than 3 a. m., Eastern Standard Time, November 1, 1940, said extensions to contain the following clause:

Pursuant to Section 1.381 of the Rules and Regulations this extension of license is granted upon the condition that the frequency **2022** be deleted and frequency **2074 kilocycles** be substituted therefor, subject to the condition that no interference is caused to the Government stations on adjacent channels.

<i>Applicant and Location</i>	<i>Call Letters</i>
Airfan Radio Corporation, Ltd., Area of San Diego, California.	KIEO
The Champaign News-Gazette, Inc., Area of Champaign, Illinois.	WAHJ
The Champaign News-Gazette, Inc., Area of Champaign, Illinois.	WBGH
The Evening News Association, Area of Detroit, Michigan.	WAAS
The Evening News Association, Area of Detroit, Michigan.	WENM
General Electric Company, Area of Schenectady, New York.	WOEG
Intermountain Broadcasting Corporation, Area of Salt Lake City, Utah.	KALO
Memphis Commercial Appeal Company, Area of Memphis, Tennessee.	WABG
Martin R. O'Brien, Area of Aurora, Illinois.	WAOE

#### RENEWAL OF LICENSES

Licenses for the following stations were extended for the period October 1, 1940, to March 29, 1941, pending further consideration of applications for renewal:

KYCA, Prescott, Ariz.; WFPG, Atlantic City, N. J.; WGTC, near Greenville N. C.; WLBK, near Bowling Green, Ky.; WPAB, Ponce, P. R.; WSAM, Saginaw, Mich.; KWT, Seattle; WFAS

(auxiliary), White Plains, N. Y.; WNEW (auxiliary), New York City.

**KSUB**—Leland M. Perry, Cedar City, Utah.—Present license further extended upon a temporary basis only, pending receipt of and determination upon the application for renewal, for the period October 1 to November 1, 1940.

**WDAK**—Valley Broadcasting Co., West Point, Ga.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

**WJHP**—The Metropolis Company, Jacksonville, Fla.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

**WSOO**—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

## DESIGNATED FOR HEARING

**WMBD-WEKI-WPEO-WEKH-WAIN**—WMBD Broadcasting Co., Assignor, Peoria, Ill., Peoria Broadcasting Co., Assignee.—Application for voluntary assignment of license of broadcast station WMBD and four associated relay stations, WEKI, WPEO, WEKH, and WAIN, from WMBD Broadcasting Co. to Peoria Broadcasting Co.; **1440 kc.**, 1 KW night, 5 KW day, unlimited time (for broadcast station WMBD) (B4-AL-282)

**Harbenito Broadcasting Co.**, Harlingen, Texas.—Application for construction permit for new broadcast station to operate on **1420 kc.**, 250 watts, unlimited time (B3-P-2747).

**Stephen R. Rintoul**, Stamford, Conn.—Application for construction permit for new broadcast station to operate on **1370 kc.**, 250 watts, unlimited time, Class IV (B1-P-2789).

**WGNV**—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Application for construction permit to install new transmitter and change operating assignment from **1220 kc.**, 250 watts daytime, to **1370 kc.**, 250 watts day and night, unlimited time (B1-P-2948).

**KOVO**—Clifton A. Tolboe, tr/as Citizens Voice & Air Show (Assignor), KOVO Broadcasting Co. (Assignee), Provo, Utah.—Application for voluntary assignment of license of station KOVO from Clifton A. Tolboe, tr/as Citizens Voice and Air Show, to KOVO Broadcasting Co.; **1210 kc.**, 250 watts, unlimited time (B5-AL-278).

## MISCELLANEOUS

**KRBA**—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m. CST, September 17, 1940, in order to broadcast the Singing Convention only and from 8:30 p. m. to 10:30 p. m., September 20, 27, October 2 and 11, 1940, in order to broadcast football games only and to operate from 7:30 p. m. to 9 p. m. CST, October 7, 1940, in order to broadcast Texas Forest Festival Pageant only.

**WABJ**—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted special temporary authority to operate aircraft transmitter, call letter **KHAMM**, licensed to Stanley W. Bath on frequency **2790 kc.**, in order to conduct tests between 2 p. m. and 6 p. m. EDST, September 18, 1940, and in order to relay broadcast programs to radio station **WTAG** from 6:45 p. m. to 7 p. m. EDST, September 18, 1940, in connection with **CAA** program.

**KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station **WGBF** with power reduced to 250 watts from 7:30 p. m. to 8 p. m. CST, September 20, 1940, in order to permit **WGBF** to broadcast a speech by Governor James.

**WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with **KFRU** in order to broadcast a speech by Governor James.

**KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with **WGBF** with power reduced to 250 watts from 7:30 p. m. to 8 p. m. CST, September 27, 1940, in order to permit **WGBF** to broadcast an NBC program of the Democratic National Committee.

**WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except

simultaneously with **KFRU** in order to broadcast an NBC program of the Democratic National Committee.

**KWLC**—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 3:30 p. m. to 4:30 p. m. CST, September 21, 28, and October 12, 1940, in order to broadcast football games only (provided **KGCA** remains silent).

**KYOS**—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m. PST, September 27, October 4, 11, and 18, 1940, in order to broadcast football games only.

**WAKR**—Summit Radio Corp., Akron, Ohio.—Granted modification of construction permit as modified which authorized erection of new station, for authority to change type of transmitter; **1530 kc.**, 1 KW, directional antenna for use day and night, unlimited time (B2-MP-1062).

**WBRW**—McDowell Service Co., Welch, W. Va.—Granted license to cover construction permit as modified, which authorized construction of new station; **1310 kc.**, 250 watts, unlimited time (B2-L-1220). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-474).

**WNLC**—Thames Broadcasting Corp., New London, Conn.—Granted license to cover construction permit which authorized changes in transmitter and increase in power to 250 watts; **1500 kc.**, unlimited time (B1-L-1234).

**W2XBU**—National Broadcasting Co., Inc., Portable Mobile (area of New York City).—Granted license to cover construction permit as modified, which authorized new television relay broadcast station; frequencies, Channels 17 and 18, **282000-288000, 288000-294000 kc.**; 15 watts visual power, A5 emission; granted upon an experimental basis only, conditionally (B1-LVB-22).

**WEJJ-WEJR-WEJI**—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast stations **WEJJ**, **WEJR**, and **WEJI** for communication purposes in connection with the antenna and transmitter adjustment of standard broadcast station **WEAF** for a period from September 20, 1940, to not later than September 29, 1940, subject to the condition that no interference results to the transmission of any other relay broadcast station.

**KVAN**—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with Station **KXL** from 7:30 p. m. PST, to the conclusion of football games on October 25, November 1, 11, 15, 18, and 21, 1940, in order to broadcast football games only; to operate from 9 p. m. to 12 midnight PST, on November 5 and 9, 1940, in order to broadcast election returns only.

**KVAN**—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with Station **KLX** from 7:30 p. m. PST, to the conclusion of football games on September 20, 27, October 4, 11, and 18, 1940, in order to broadcast football games only.

**KGGF**—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. CST, on October 15, 16, 17, 22, 23, 24, 29, 30, and 31, 1940, and from 2 to 3:15 p. m. CST, October 14, 21, and 28, 1940, in order to permit **WNAD** to broadcast educational programs only.

**WNAD**—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m. CST, October 15, 16, 17, 22, 23, 24, 30, and 31, 1940, and from 2 to 3:15 p. m. CST, October 14, 21, 28, 1940, in order to broadcast educational programs only (provided **KGGF** remains silent).

**WJOB**—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with **WFAM** from 7:30 p. m. to 8 p. m. CST, October 24, 25, November 1, 2, 7, 8, 15, 16 and 21, 1940, in order to broadcast football games only.

**KFDY**—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. CST, September 21, 27, October 4, 1940, in order to broadcast football games only.

**WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 9 p. m. EDST, September 21, 1940, in order to broadcast Defense Day and National Guard Day programs only.

**W2XOR**—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madi-

- son Ave., New York City from September 28, 1940, to not later than October 27, 1940, pending action on formal application for such authority.
- WGNY—WGNY Broadcasting Co. Inc.—Granted construction permit to install new transmitter (B1-P-2968).
- WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted modification of construction permit (B1-P-1877, which authorized a new station), for new transmitter, changes in directional antenna system, and move of transmitter from Elm Street, Valley Falls, to John Street, Lincoln, R. I.; extend commencement date 30 days after grant and completion date to 180 days thereafter (B1-MP-1055).
- WJPF—Orville W. Lyerla, Herrin, Ill.—Granted license to cover construction permit (B4-P-2097), authorizing a new station to operate on 1310 kc., 250 watts, unlimited time (B4-L-1221). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-475).
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate from 4 to 5:30 p. m., PST, September 26, 27, October 4, 5, 11, 12, 17, 18, 24 and 25, in order to broadcast football games only (B5-S-62).
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 5:45 to 6:30 p. m., EST, October 5, 12, 19 and 26, in order to broadcast football games only (B2-S-855).
- WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 6:15 to 11 p. m., CST, September 27, in order to broadcast football games.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 7 to 9 p. m., EDST, September 24, in order to broadcast a description of the American Legion Parade only (B1-S-205).
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 4:30 p. m., CST, September 21 (instead of 7:45 to 10:30 p. m., CST, as authorized by grant of September 18), in order to broadcast football game only (B4-S-645).
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, November 5, to 4 a. m., CST, November 6, in order to broadcast election returns only (B4-S-591).
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to broadcast incidental non-sponsored music during intervals occurring between campaign speeches November 4 and election returns November 5, in addition to the authority granted September 9, permitting simultaneous operation with KTHS on 1060 kc. on above dates, in order to broadcast speeches and election returns (B1-S-152).
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with KRKO from 4 to 5:30 p. m., PST, November 1, 2, 8, 9, 14, 15, and 21, in order to broadcast football game only (B5-S-62).
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted application for extension of time within which to file answers to the petitions for rehearing of Greater New York Broadcasting Corp. (WOV) and International Broadcasting Corp. (KWKH), the time within which WDGY may file opposition was extended for 15 days from and including September 13, 1940.
- W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Adopted order denying renewal of high frequency broadcast station licenses for stations W6XKG and W6XRE, proposed findings on which were entered by the Commission April 4, 1940.
- WTAL—Florida Capital Broadcasters, Inc., Tallahassee, Fla.—Hearing on application for renewal of license for WTAL, now scheduled to be heard in Washington, D. C., on November 19, will be held in the city of Tallahassee instead, and elsewhere which may be found necessary by the Commission's representative.
- WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Granted further extension of temporary license for period of 60 days from September 24, authorizing use of the time previously utilized by station WMBQ.
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Denied petition of KEVR for waiver of Rule 1.368, and dismissed application for modification of license requesting unlimited time on 1370 kc.
- WRTD—Times-Dispatch Radio Corp., Richmond, Va.—Cancelled license heretofore issued for operation of WRTD and deleted call letters WRTD, and dismissed pending application (B2-P-1929), asking change in frequency from 1050 to 590 kc., increase in power from 500 watts to 1 KW, change transmitter site and name.
- KUJ—KUJ, Inc., Walla Walla, Wash., and KRLC—H. E. Studebaker, Lewiston, Idaho.—Granted petition to reconsider and grant the applications of KUJ and KRLC, which in substance is an exchange of frequencies between these two stations. KUJ is now authorized to use 1370 kc., with 100 watts, unlimited time, and proposes to operate on 1390 kc., with 1 KW; KRLC, now licensed to use 1390 kc., with 250 watts, unlimited time, proposes to use 1370 kc. without change in power or hours.
- KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Granted modification of construction permit as modified which authorized change in frequency, increase of power, move transmitter, install new transmitter and antenna, for extension of completion date from October 20, 1940, to December 1, 1940; 590 kc., 5 KW, unlimited (B-MP-1059).
- WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Denied special temporary authority to operate unlimited time, using 250 watts power after local sunset (September, 6:15 p. m.; October, 5:15 p. m., EST), with non-directional antenna, for a period not to exceed 30 days, in order to broadcast programs of outstanding public interest, particularly the discussion of public questions, political broadcasts and war news.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts local sunset (October, 5:15 p. m., CST) to 11 p. m., CST, October 4, 11, 18, and 25, 1940, in order to broadcast football games only.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of football games on September 27 and October 4, 1940, in order to broadcast football games only.
- KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period September 15, 1940, to not later than October 14, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m., CST, October 5, 12, and 26, 1940, in order to broadcast football games only.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted modification of construction permit which authorized installation of new transmitter and new antenna, increase in power, change hours of operation, and move transmitter, for approval of present licensed antenna, and approval of transmitter site; 970 kc., 1 KW, limited to WCFL; authority granted for operation after local sunset is granted upon a temporary basis only conditionally (B2-MP-1058).
- WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted license to cover construction permit which authorized installation of new vertical antenna and move of transmitter; 1120 kc., 500 watts, specified hours (B3-L-1232).
- KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted modification of license to move main studio from 41 South Main St., Logan, Utah, to North State Road, 1 mile north of city, Logan, Utah; 1200 kc., 250 watts, unlimited time (B5-ML-1031).
- KIIQ—KMTR Radio Corp., Portable-Mobile (area of Los Angeles, Calif.).—Granted license to cover construction permit which authorized reinstatement of station; frequencies 1622, 2058, 2150, 2790 kc., 200 watts, A3 emission.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

- WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to make changes in antenna system; move transmitter from Sweethome Road, Tonawanda, N. Y., to Big Tree Road, Township of Hamburg, N. Y. Amended to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 560 Kilocycles

- WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power—main transmitter.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power—auxiliary transmitter.

### 680 Kilocycles

- WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit (B3-R-2216) for a new transmitter, increase in power, change in hours of operation and changes in directional antenna; further requesting authority to install new transmitter.

### 820 Kilocycles

- WCBD—WCBD, Inc., Chicago, Ill.—Modification of license to change frequency from 1080 kc. to 830 kc., and hours of operation from limited, S-WMBI, to daytime only, using 5 KW power. Amended to change from a modification of license (B4-ML-917) to a construction permit requesting changes in equipment, change frequency from 830 kc. to 820 kc. under Havana Treaty, and change power from 5 KW to 10 KW, daytime.

### 830 Kilocycles

- WRUF—University of Florida, Gainesville, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 860 Kilocycles

- WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to install auxiliary transmitter for emergency use only, using 5 KW power; located at Little Pea Island, New Rochelle, N. Y.
- WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-P-2855) for new transmitter, new vertical antenna, move of transmitter; further requesting authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

### 920 Kilocycles

- KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW, install directional antenna for day and night use, Class III-A station. Amended to change type of transmitting equipment.

### 940 Kilocycles

- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) which authorized installation of new transmitter, directional antenna for night use, change in hours of operation, increase in power and move of transmitter, requesting installation of new transmitter.

### 1100 Kilocycles

- WOV—Greater New York Broadcasting Corp., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

- NEW—Willard Carver, Thomas B. Williams and Byrne Ross, Lawton, Okla.—Construction permit for a new broadcast station to be operated on 1120 kc., 250 watts, daytime. Amended to omit name of Thomas B. Williams from partnership.

### 1170 Kilocycles

- NEW—Contra Costa Broadcasting Co., Richmond, Calif.—Construction permit for a new broadcast station to be operated on 1170 kc., 500 watts, limited time. Class II station.

### 1190 Kilocycles

- WOAI—Southland Industries, Inc., San Antonio, Tex.—License to cover construction permit (B3-P-2759) for changes in equipment.

### 1200 Kilocycles

- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to determine operating power by direct measurement of antenna power.
- KPHO—M. C. Reese, Phoenix, Ariz.—Modification of construction permit (B5-P-2182) as modified for a new station, requesting change in type of transmitting equipment.

### 1210 Kilocycles

- WCRW—Clinton R. White, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1280 Kilocycles

- NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new broadcast station to be operated on 940 kc., 500 watts night, 1 KW day, unlimited time. Amended to change frequency from 940 kc. to 1280 kc., and make changes in antenna (1310 kc. under N.A.R.A.)

### 1310 Kilocycles

- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modification of construction permit (B3-P-1871) which authorized increase in power, change in frequency, change in hours of operation, new transmitter, changes in antenna, and move of transmitter, requesting authority to change type of transmitter to be installed.
- WLAV—Leonard A. Versluis, Grand Rapids, Mich.—License to cover construction permit (B2-P-2588) as modified for a new station.
- WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

- KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from 1370 to 1040 kc. (1080 kc. if North American Regional Agreement becomes effective prior to action); increase power from 250 watts to 5 KW; install new transmitter and directional antenna for day and night use; move studio from New Albany to Louisville, Ky., move transmitter locally. Amended to make changes in directional antenna.
- WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to change frequency from 1370 to 1050 kc. Amended: To request 1140 kc.
- KLUF—The KLUF Broadcasting Co., Inc., Galveston, Texas.—License to cover construction permit (B3-P-2741) for new transmitting equipment.
- WDEF—Joe W. Engel, Chattanooga, Tenn.—Modification of construction permit (B3-P-2483) for a new station, requesting authority to install new transmitter, approval of antenna and approval of studio and transmitter site at Volunteer State Life Building, Chattanooga, Tenn.

### 1470 Kilocycles

- WMEX—Joe W. Engel, Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.
- WMEX—The Northern Corp., Boston, Mass.—License to cover construction permit (B1-P-1167) as modified, for new transmitter, directional antenna day and night, increase in power, change in frequency and move of transmitter.

### 1480 Kilocycles

- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to change hours of operation from specified hours to unlimited time, employing directional antenna day and night. Amended: To make changes in directional antenna.



### 1500 Kilocycles

- KXO—F. M. Bowles, El Centro, Calif.—Voluntary assignment of license from F. M. Bowles to Valradio, Inc.
- KAWM—A. W. Mills, Gallup, N. Mex.—Voluntary assignment of license from A. W. Mills to A. W. Barnes.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—License to cover construction permit (B5-P-2892) for new equipment and increase in power.
- WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Authority to determine operating power by direct measurement of antenna power.

### 1530 Kilocycles

- WAKR—Summit Radio Corp., Akron, Ohio.—Modification of construction permit (B2-PSB-14) as modified for a new station, requesting authority to change type of transmitter.

### 1550 Kilocycles

- NEW—West Publishers, Inc., Dallas, Tex.—Construction permit for a new broadcast station to be operated on 1550 kc., 5 KW, unlimited time, Class III-A station. Amended to specify transmitter site as southeast of Dallas, Tex.

### FM APPLICATION

- NEW—William G. H. Finch, New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc.; coverage, 4,400 square miles; population, 10,600,000.

### MISCELLANEOUS

- W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a), 1614, 2398, 3492.5, 4797.5, 6425, 8650, 8660, 9135, 12862.5, 17310, 23100, 30660, 31020, 31140, 31180, 31540, 33340, 33460, 33620, 35060, 35460, 37060, 37140, 37540, 39140, 39540, 39460, 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325, 161775, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 kc. and above. Amended: To delete frequencies 8650 and 8660 kc.
- NEW—Henry J. Walczak, tr/as Walczak Laboratory, Springfield, Mass. Construction permit for a new television broadcast station to be located at 360 Worthington Street, Springfield, Massachusetts, to be operated on 1604-1624 kc., 250 watts, unlimited time, special and A-3 emission. Amended: To change location to 458 Bridge Street, Springfield, Massachusetts.
- WEKW—Travelers Broadcasting Service Corp., Mobile, Ala.—Construction permit to install new equipment and decrease power from 25 to 15 watts.
- W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PFB-19) for local move or transmitter.
- W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—License to cover construction permit (P1-PHB-183) for local move of transmitter.
- NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on 78000-84000 kc., 1000 watts visual and aural, emission A-3 and A-5. Class II Television station. Amended: Re: transmitter site to be determined.
- W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-PVB-19) which authorized a new television station, requesting approval of transmitter site and antenna.
- W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a), 1614, 2398, 3492.5, 4797.5, 6425, 8650, 8660, 9135, 12862.5, 17310, 23100, 30660, 31020, 31140, 31180, 31540, 33340, 33460, 33620, 35060, 35460, 37060, 37140, 37540, 39140, 39540, 39460, 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325, 161775, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 kc. and above. Amended to delete 8650, 8660 kc.

- WLWO—The Crosley Corporation, Cincinnati, Ohio.—Modification of license to change frequencies and hours of operation as follows: Delete frequency 11870 kc. and add 11710 kc. (unlimited time); effective 11-1-40 delete frequency 15270 kc. and add 15250 kc. (unlimited time), and operate unlimited time on 9590 kc.
- NEW—University of Illinois, Farm Area, south of Champaign, Ill. Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190 and 2830 kc., power 20 watts, emission A3. Amended re frequency monitor.
- WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PRE-340) as modified, for move of transmitter.
- W3XWT—Allen B. DuMont, Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) for a new television broadcast (experimental) station, requesting extension of commencement and completion dates from 9-19-40 and 3-19-41 to 1-1-41 and 7-1-41 respectively.
- KAQY—Don Lee Broadcasting System, area of Los Angeles, Calif. Modification of construction permit (B5-PRE-297) as modified for a new relay broadcast station, requesting change of frequencies from 133030, 134850, 136810, 138630 kc. to 156750, 158400, 159300, 161100 kc., and extend commencement and completion dates from 6-10-40 and 12-10-40 to 60 days after grant and 180 days thereafter respectively.
- NEW—L. B. Wilson, Inc., area of Cincinnati, Ohio.—Construction permit for a new relay broadcast station to be operated on 31220, 35620, 37020, 39260, kc., 2 watts, A-3 emission, unlimited time.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Detroit Candy & Tobacco Jobbers Assn., Inc.**—A complaint has been issued against the Detroit Candy & Tobacco Jobbers Association, Inc., Detroit, and its officers and members, alleging a combination and agreement to restrain trade in the sale of candies, tobaccos and groceries.

Association officers named respondents are: Calvin J. Gauss, president; Vene G. Perry and Jacob Starkstein, vice presidents; Archie Cherrin and Harry T. Bump, secretaries, and Joseph Bianco, treasurer. Respondents directors are: Charles Nalbandian, B. J. Mendel, Joel Levy, and V. H. Nalbandian.

The association membership, according to the complaint, comprises a majority of the Detroit area's buyers and sellers of candies and tobaccos in wholesale quantities. The complaint names as representative of the association membership: Morris, William and Jacob Starkstein, trading as General Tobacco & Grocery Company, 5280 Fourteenth St.; Archie Cherrin, trading as Joseph Kohn & Co., 1365 Gratiot Ave.; Joseph Bianco, trading as B. & G. Candy Company, 444 E. Jefferson St.; Charles Nalbandian, trading as N. Nalbandian, 9111 Joseph Campau Ave.; Joel Levy, trading as Auto City Candy Company, 2937 St. Aubin St.; V. H. Nalbandian, trading as Chaffee & Co., Inc., 11736 E. Jefferson St.; Vene G. Perry, trading as Detroit Candy Company, 1528 Gratiot Ave., and Calvin J. Gauss, trading as Charles Gauss Company, 2155 Grand River Ave.

Pursuant to their combination and agreement, the respondents, according to the complaint, limit the number of buyers and sellers of candies, tobaccos and groceries in wholesale quantities, by (1) determining and agreeing among themselves as to who shall enter or remain in such business; (2) interfering with the sources of supply of those whom they determine should not enter or remain in the business, by boycotting, intimidating, and threatening to boycott the manufacturers and suppliers, and persuading them not to sell to such concerns; (3) refusing to sell to persons, firms and

corporations not selected by the member respondents to enter or remain in the business, and (4) coercing and persuading jobbers, wholesalers and suppliers of candies, tobaccos and groceries located in cities adjacent to Detroit and in States other than Michigan, to refrain from making or soliciting sales in Detroit and the surrounding trade area.

The complaint further alleges that the member respondents concertedly classify customers, allocate business, fix discounts and enter into numerous understandings and agreements regarding their respective business and sales problems, and have concertedly enforced adherence to agreements and understandings; have harassed competitors and interfered with the conduct of their businesses by spying on their shipments, sent or received, and upon their truck deliveries and other business operations, and have used the respondent association, together with its officers and directors, as a vehicle or implement for the furtherance of their joint purposes, plans and activities.

According to the complaint, the respondent association and its officers and directors have cooperated with member respondents in carrying out and furthering the understanding and agreement. (4321)

**Eastman Kodak Company**, Rochester, N. Y., is charged with violation of the Federal Trade Commission Act in the sale of certain of its amateur photographic film products, in a complaint.

Since February, 1938, the complaint alleges, in connection with the sale of its "Kodachrome" film for the taking of colored still and motion pictures, and its "Magazine Cine-Kodak Film" or so-called "Magazine" film, both black and white and colored, the respondent corporation has used and is now using a resale price maintenance policy and system for fixing and controlling the prices at which retail dealers resold and resell the two classes of film to the public, and for causing such products to sell at prices uniform among such dealers.

In carrying out its price maintenance policy, according to the complaint, the respondent corporation and those cooperating with it prevent retail dealers from selling at less than the established prices by entering into agreements and understandings with the respondent's dealer customers in the 44 States having Fair Trade Acts to the effect that they will sell Kodachrome and Magazine film to the public at prices fixed by the agreements and understandings and as fixed from time to time by the respondent corporation, such prices to be uniform as among the respondent's dealer customers.

The complaint alleges that in carrying out its price maintenance system the respondent makes it generally known to the trade by its salesmen general trade notices, letters and other means, that it expects and requires dealers handling its Kodachrome and Magazine film to maintain and enforce its resale prices, and that it will refuse to further sell and supply such products to dealers failing to maintain and enforce such prices.

In connection with the execution of its system and policy, the complaint alleges, the respondent seeks and receives from dealers handling its products reports of the failure of other dealers handling such products to observe and maintain its resale prices.

The direct effect and result of the respondent's system, methods and practices, the complaint alleges, have been to suppress competition in the sale of Kodachrome and Magazine film; to prevent dealers from selling such products at prices lower than those fixed by the respondent, if they so desire, and to deprive ultimate purchasers of advantages in price they would otherwise obtain under conditions of free competition.

The complaint alleges that the respondent's Kodachrome and Magazine films are not sold in free and open competition with commodities of the same general class produced or distributed by others. The respondent, according to the complaint, is the only manufacturer and distributor of film for colored motion pictures in the United States, and there is a single competing distributor of film manufactured abroad for use in taking colored still pictures, the sale of which are negligible with reference to sales of the respondent corporation's film for taking colored still pictures. (4322)

**McK. Edwards**, Valley, Wash., according to the complaint, advertised that "McK. Edwards' Eczema Remedy" constitutes a cure or remedy for, and has substantial therapeutic value in the treatment of eczema, poison oak and poison ivy; that eczema is caused by microbes in the skin and that a cure may be effected by destroying such microbes through the external application of the respondent's preparation, and that the product is entirely safe and harmless for use except in the case of infants, when such are not the facts.

The respondent's preparation, the complaint continues, is not safe or harmless in that it contains an unusually high percentage of salicylic acid and its frequent repeated application to the skin, as directed, has the effect of dissolving and destroying skin tissues. Moreover, the complaint continues, the use of the preparation is highly irritating and painful in cases where the surface epithelium is denuded, raw or inflamed.

The complaint further charges that the respondent's representations constitute false advertisements in that they fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in injury to health. (4317)

**Gene Hughes Drug Stores, Inc.**, and Eugene P. Hughes, its president, both trading as Sacramento Pharmacal Company, Sacramento, Cal., according to the complaint, represented that the preparation "Slendoids," also known as "Slendoids Nu-Form Capsules," is a cure or remedy and a safe, competent and effective treatment for obesity, and that its use will tone up the entire system, turn ugly fat into energy, and relieve the body of excess fat without harmful effects, when such are not the facts. The complaint alleges that the preparation's properties are limited to effecting weight reduction because of the cathartic dehydration resulting from its use and that because of such action its use may irritate the colon and rectum and tend to produce an irritation of the nervous system resulting in serious injury to health. (4316)

**Lo-Well Pencil Company**—Alleging misrepresentation, complaint has been issued against James R. Kaye, trading as The Lo-Well Pencil Company and The Lo-Well Company, 40 West 24th St., New York, a dealer in pencils, carbon paper and other merchandise.

The complaint alleges that the respondent advertises that certain of his fountain pens offered as premiums have points or nibs made of or covered with iridium or "durium", and that such pens are of high quality, when in fact the points of the respondent's fountain pens are not tipped or covered with substances known as iridium or "durium", and are not of fine quality. The complaint alleges that there is no metal or substance known to science or industry as "durium".

Further typical of the respondent's methods, the complaint continues, is the practice of placing in circulars pictorial representations purporting to illustrate cameras offered as premiums, when in fact the cameras actually sent to customers are not of the grade and quality pictured.

The respondent, according to the complaint, misleadingly represents the quality of pencils by use of the words and phrases: "100% first quality in every respect"; "New"; "Better"; "Outwears ordinary pencils", and "New record-breaking price reduction", when in fact, the pencils so designated are not 100 per cent first quality but are of the type ordinarily selling at retail for 2½ cents each, while first grade pencils generally sell for 5 cents each. (4310)

**Morton Salt Company**, 208 West Washington St., Chicago, is charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondent corporation has discriminated in price between different purchasers by selling its products to some customers at lower prices than it sells products of like grade and quality to other customers competitively engaged with the favored customers.

One of the discounts granted by the respondent, the complaint continues, amounts to approximately five per cent of the list price to customers purchasing a carload of salt. In addition, it is alleged, a five per cent discount is allowed to customers whose purchases of salt during a 12-month consecutive period equal or exceed \$50,000. This discount, according to the complaint, is allowed on a "split business" basis to customers who do not purchase from the respondent \$50,000 worth of salt during a 12-month consecutive period, provided, however, that the total purchases of salt from all sources made by such customer total \$50,000 during that period of time.

In lieu of but not in addition to these discounts, the complaint continues, the respondent grants to customers who purchase during a 12-month consecutive period 5,000 or more cases consisting of 24 packages to a case of "free running" table salt and "iodized" salt, a discount of 10 cents a case, and to customers who purchase 50,000 or more cases of this type of salt, a discount of 15 cents a case.

In addition, the complaint continues, discriminations in price between different purchasers of the respondent's products result from the respondent's "combine selling" of salt to an individual customer where the delivery is made to the customer's several branches or outlets at prices based upon the total quantity or volume delivered to all of that customer's separate branches or outlets, provided that such total quantity or volume amounts to the required minimums during the 12-month consecutive period and is not based upon the quantity or volume which the respondent delivers to the respective branches or outlets. (4319)

**Sacramento Pharmacal Company**—See Gene Hughes Drug Stores, Inc.

**Salt Producers Association**—A complaint has been issued against the Salt Producers Association, 2137 Book Building, Detroit, 20 salt companies which sell and distribute a large percentage of the national salt production, and a New York business management and engineering organization, charging combinations and conspiracies for prevention of price competition in the sale of salt.

Respondent salt companies are: Avery Salt Company (a subsidiary of International Salt Company), and Myles Salt Company, Ltd., both of New Orleans; Barton Salt Company and Carey Salt Company, Hutchinson, Kans.; Cayuga Rock Salt Company, Myers, N. Y.; Colonial Salt Company, Akron, Ohio; Detroit Rock Salt Company and Mulkey Salt Company, Detroit; Diamond Crystal Salt Company, Inc., and Worcester Salt Company, New York; International Salt Company, Scranton, Pa.; Jefferson Island Salt Company, Inc., Louisville, Ky.; Hardy Salt Company, St. Louis; Morton Salt Company and its subsidiary Ruggles & Rademaker Salt Company, Chicago; Ohio Salt Company, Wadsworth, Ohio; Saginaw Salt Products Company, Saginaw, Mich.; Union Salt Company, Cleveland; Watkins Salt Company, Watkins Glen, N. Y., all of which are members of the respondent Salt Producers Association, and American Salt Corporation, Kansas City, Mo.

The respondent business management and engineering organization consists of the Stevenson Corporation, Charles R. Stevenson, T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, Howard Marvin and D. M. Metzger, partners in business under the firm name of Stevenson, Jordan and Harrison, 19 West 44th St., New York, who, according to the complaint, have recommended, directed and supervised the respondent salt companies' activities in furtherance of the alleged combinations and conspiracies.

The complaint alleges that pursuant to their understandings, agreements and conspiracies, beginning about October, 1935, the respondent salt companies have fixed and maintained uniform prices, terms and conditions in the sale of salt; established a national system of zones to aid in the establishment and fixing of such prices, and cooperated in the maintenance of the various prices determined for particular zones; curtailed the production of salt, and, for the purpose of enforcing the agreement to curtail production, filed invoices and other reports with the respondent Salt Producers Association; through that association, exchanged price lists in order to establish the prices at which salt is to be sold; and exchanged information to be used in connection with the fixing of prices, discounts, terms and conditions of sale of salt.

Salt Producers Association, the complaint continues, collects from and distributes among the member respondents and other participants in the alleged agreements, statistical information used in carrying out the agreements, and they distribute among the member respondents and participating non-members lists showing the current prices, terms and conditions of sale, dealers and distributors to be allowed special discounts, and other information. (4320)

## STIPULATIONS

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

**Brown Drug Company**, 212 East Tenth St., Sioux Falls, S. D., has made a stipulation in which it agrees to cease and desist from certain representations in the sale of "Spencer's Cold Ointment".

The respondent corporation stipulates that it will desist from advertising its preparation as having a wool fat base, as containing

double strength or extra strength medication, and as being capable of penetrating the skin.

Other representations which the respondent corporation agrees to discontinue are that its preparation is manufactured by a laboratory; that it is a competent remedy or an effective treatment for colds, and that cold ointments made with a mineral jelly base stay on the surface of the skin because of the presence of the mineral jelly. (02635)

**Chinese Linen Importing Company**—Two New York importers have entered into stipulations to cease and desist from certain representations in the sale of Chinese and Japanese linens, laces and handkerchiefs. The respondents are Charles Mamiye and Jacob Hidary, a co-partnership trading as Chinese Linen Importing Company, 7 West 30th St., and Salim S. Dweck, 15 West 30th St.

True Tuscan lace, the stipulation points out, is a hand-made filet lace of grape design produced from linen thread in the Tuscan district of Italy.

Each respondent agrees to cease using the word "Tuscany" or words of similar meaning (either with or without the explanation "Made in China" in the case of the Chinese Linen Importing Company) as descriptive of the laces or other articles sold by them which are not in fact true Tuscan lace actually made in Tuscan of linen thread; or in any way, by assertion or inference, misrepresenting the type, quality or origin of an article offered for sale. (2930-2931)

**Continental News, Inc.**—Walter C. Rathke, trading as W. C. Rathke Laboratories, 303 Oppenheim Building, St. Paul, and The Continental News, Inc., 402 Corn Exchange Building, Minneapolis, have entered into stipulations in which they agree to cease and desist from certain representations in the sale of cosmetics. The respondent Rathke is a cosmetics dealer and Continental News, Inc., publishes a magazine called "True Mystic Science" and sells cosmetic products under the trade designation "Mystic Glow."

Each respondent agrees to cease quoting any marked-up or fictitious prices for products; advertising an article as being "free" when the cost is included in the price charged for a combination offer of such article with some other commodity, as a magazine subscription; designating a complexion cream as a "tissue cream" or representing that any of the creams sold by the respondents is a skin "normalizer" or that it "penetrates deep" into the pores or promotes skin health, or otherwise that it has any beneficial effect upon the tissues of the skin cell structure.

The respondents also agree to desist from representing that a cleansing cream "revitalizes" the skin or otherwise affects it beyond the normal result of cleansing its surface, and to discontinue representing that the cactus plant has any recognized curative or mystic healing properties; that an "oil" extracted from cactus has been known since ancient civilization to possess any unusual healing qualities; that such cactus product, or any other ingredient in the respondents' preparations lubricates withered skin to suppleness, stimulates fatigued glands into releasing the precious drop of moisture confined at the bottom of each pore, or penetrates into sluggish or atrophied glands or nourishes them into activity.

The respondent Rathke stipulates that he will cease using the word "Laboratories" as part of his trade name or as descriptive of his business. The stipulation points out that the respondent neither owns, operates nor controls any laboratory for making the preparations he sells, but compounds them in his home. (2927-2928)

**W. T. Hanson Company**, 31 Lafayette St., Schenectady, N. Y., has entered into a stipulation in which it agrees to cease advertising that "Dr. Williams Pink Pills" build blood, aid breathing, restore underweight persons to normal weight, render one less susceptible to colds or diseases, enable every gland, organ or muscle to function better, and are a competent treatment or effective remedy for fatigue, "fatigue anemia," and certain conditions caused by the menopause or puberty. The respondent corporation stipulates that it will cease representing that a low blood count is due entirely to red corpuscle deficiency; that pimply skin indicates an iron deficiency, or that the use of Dr. Williams Pink Pills will clear the skin. (02637)

**Midwest Optical Supply**—Trading as Midwest Optical Supply, Joseph T. Cline, Harriet T., Carol H. and Robert L. Cline, co-

partners, 16 East Fourth St., Dayton, Ohio, have entered into a stipulation to cease and desist from certain representations in the sale of optical goods.

They agree to cease designating spectacle frames or other products as "rhodium" when not composed throughout of rhodium, and to clearly indicate in their trade designations when the article advertised consists of some metal other than rhodium, and only the surface has been finished or coated with rhodium.

The respondents also stipulate that they will cease employing the term "semi-precious" as descriptive of products made of so-called "villadium" which are not composed in part at least of the precious metals, and that they will cease using the word "precious," either alone or in connection with the word "semi," or with any other words, so as to imply that such products are made of an alloy composed of metals, one or more of which are "precious" metal.

The respondents further agree to discontinue use of the word "Certified" as applied to or descriptive of an article which has not been analyzed or appraised by an authorized impartial agency, its quality being duly attested in writing by such agency to be as represented. (2929)

**Ohio Airway Surgical Company**—See Ohio Truss Company.

**Ohio Truss Company**, trading as Ohio Airway Surgical Company, 10 East Ninth St., Cincinnati, engaged in selling girdles designated "Air-way Reducing Girdles," has entered into a stipulation in which it agrees to cease and desist from representing that the action of an Air-Way Girdle upon the wearer is massage-like or otherwise representing that the girdle will massage the body of the wearer; that wearing an Air-Way Girdle will cause one to reduce or will effect a definite reduction in weight or measurement, or result in the loss of fatty tissue; that Air-Way Girdles are non-absorbent; that the possibility of skin infection from excreted waste matter absorbed by a girdle is eliminated by wearing an Air-Way Girdle; that Air-Way Girdles are the only girdles having none of the objectionable features of rubber girdles, or that they are the only girdles which may be worn next to the body with complete comfort, or that the material used in Air-Way Girdles shrinks with wearing or laundering. (02636)

**W. C. Rathke Laboratories**—See Continental News, Inc.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**W. C. Allen Candy Company, Inc.**, 1028 East Burnside St., Portland, Oreg., and Queen City Candy Company, Inc., 531 Bruns Ave., Charlotte, N. C., have been ordered to discontinue the use of lottery methods in the sale of candy.

The orders prohibit the respondents from selling and distributing candy or any other merchandise so packed and assembled that sales to the general public may be made by means of a lottery; supplying others with candy or any other merchandise, together with lottery devices which may be used in selling or distributing such candy or merchandise to the public; supplying others with lottery devices, either with assortments of merchandise or separately, which devices may be used in selling merchandise to the public or selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4156-4220)

**American Drug and Chemical Company**, 420 South Sixth St., Minneapolis, has been ordered to cease and desist from misrepresentations in the sale of its preparations designated "Ardanol," "Chloro-Zol" and "Germ-I-Tabs."

The order directs that the respondent corporation cease and desist from representing that its preparation "Ardanol," which has been advertised for use in cases of Vitamin E deficiency, is a cure or remedy for sterility or will restore or beneficially affect fertility or possesses any value as a preventive of abortion; that the preparations "Chloro-Zol" and "Germ-I-Tabs" constitute competent or effective antiseptics or germicides or a reliable or effective

means of feminine hygiene, and that "Chloro-Zol" constitutes a competent or effective treatment for bromidrosis, tetter, itching and irritations of the skin, blisters on the feet, acne, boils, halitosis or body odors.

Commission findings are that the respondent's products do not generally accomplish the results claimed and that while "Chloro-Zol" and "Germ-I-Tabs" possess antiseptic properties of a low toxicity, they are not competent or effective antiseptics or germicides. (4200)

**Benton Announcements, Inc.**, engaged in the business of printing stationery for social and business purposes, with its principal place of business located at 16 East Tupper St., Buffalo, N. Y., has been ordered to cease and desist from misrepresentation of its products.

Findings of the Commission are that the respondent, in circular letters and literature, has represented, among other things, that "Benton craftsmen have evolved the most economic method devised for producing genuine plate engraving." In its various catalogs, letters and other literature, there appear numerous statements wherein the respondent refers to the process by which it prints letters, words and designs on stationery as a process of engraving, and refers to the products manufactured by it as being genuine plate engraving, and to the respondent as an engraver, according to findings.

The word "engraving," as it is used in the graphic arts, the Commission finds, may be applied either to an engraved intaglio plate upon which letters, words or designs have been incised or cut, or to the impressions made from such a plate.

In truth, the findings continue, the respondent is not an engraver and the stationery offered for sale and sold by it is not engraved stationery, but is in fact a printed product. The respondent's stationery is produced by printing on a printing press, and after it is printed it is allowed to dry for a day, and then the printing is "bumped up" or embossed by the use of a plate. The Commission finds that it is absolutely essential to the true engraving process that the plate be inked and the impression taken on a blank paper from the inked plate in one operation. The respondent's products, according to findings, are not produced in this manner, and cannot properly be represented or described as "engraved," but rather as "raised printing."

The respondent is ordered by the Commission to cease and desist from (1) using the words "engraved," "engraving" or "engravers," either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products on which the lettering, inscriptions or designs have been printed from inked type faces, electrotypes or similar devices, and which lettering, inscriptions or designs have been given a raised letter effect by an embossing process wherein the plates used have not been previously inked so as to make an inked impression on the paper stock at the time the embossing impression is made; (2) using the words "engraved," "engraving" or "engravers," either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products, or the nature or character of the respondent's business, unless and until the respondent produces the stationery products so designated, described or referred to by a process which consists essentially in the application of blank stationery to an inked intaglio plate under pressure sufficient to force the surface of the stationery into the letters or designs, which are cut or incised on the plate, so that the ink in such plate adheres to the stationery to form letters, words, characters or designs which are in relief and raised from the general plane of the surface of the stationery. (3425)

**Cohen's Cut Rate Drug Store**—Louis, Sol and Marvyn Cohen, trading as Cohen's Cut Rate Drug Store, as Cohen Drug Co., and as Cohen's operators of a chain of drug stores in West Virginia, with their main store located at 160 Summers St., Charleston, W. Va., have been ordered to cease and desist from misrepresentation of a drug preparation designated as "Soluble Gelatin Capsules No. 5, Apiol and Ergotin Compound", and sold as "Lady Lydia Capsules".

The Commission finds that the respondents, in false advertisements distributed through the U. S. Mails and by other means, have represented that the preparation is a competent and effective treatment for delayed menstruation, and that it is safe and harmless. These statements and representations, the findings continue, are false and misleading, as the preparation is not a competent or effective treatment for delayed menstruation, and contains certain

drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual. The advertisements are also false, the findings continue, in that they fail to reveal that the use of the preparation under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health.

The respondents are ordered to cease and desist from further dissemination of any advertisements which represent that the preparation is a competent or effective treatment for delayed menstruation or that it is safe or harmless, or which advertisements fail to reveal that its use may result in serious and irreparable injury to the health of users. (4202)

**Empire Style Designers League, Inc.**—An order to cease and desist from certain acts and practices was issued against Empire Style Designers League, Inc., 276 Fifth Ave., New York, and its members: Sol Vogel, trading as Sol Vogel Fashion Imports, and Octave Golos, both of 330 Seventh Ave.; Alexander Greenstein and Abraham Fessler, doing business as Greenstein Fur Modes, 345 Seventh Ave.; Samuel Handelman, Mendel Levine, and Anthony T. Sozio, all of 333 Seventh Ave.; Lazare T. Sherman, 370 Seventh Ave.; Evangelista Petrocelli, trading as Van-Celli Fur Fashion Company, 127 West Thirtieth St.; Benedict Savio, trading as Savio Fur Modes, 352 Seventh Ave., and Bern Publishers, Inc., trading as American-Mitchell Fashion Publishers, 360 Seventh Ave., all engaged in the creation of styles and the designing and making of patterns for women's fur coats, and the grading, copying and sale and distribution of such patterns in interstate commerce.

Findings of the Commission are that the membership of Empire Style Designers League, Inc., is composed of the corporations, partnerships, firms and individuals named as respondents, and that the League was formed with the purpose and effect of serving as a clearing house for, and with the joint cooperation of, its members.

The Commission further finds that the respondents, during the last three years, had entered into and carried out an agreement, combination and conspiracy with each other and with others to hinder and suppress competition in the interstate sale and distribution of their products, and that pursuant to the agreement and conspiracy the respondents have collectively and cooperatively arranged for and fixed uniform prices at which their products were to be sold; published such prices in newspapers and periodicals, and adhered to uniform prices at which their products were and are to be sold, as set forth in their published price lists.

The respondents are ordered to cease and desist, pursuant to their agreement or understanding, from arranging for and fixing uniform prices at which their products are to be sold; publishing or causing such fixed prices to be published in lists, newspapers, magazines or other periodicals and circulars, and adhering to fixed prices at which their products are to be sold. (4136)

**Fresh Grown Preserve Corp.**—See Sun Distributing Company, Inc.

**Galvin Manufacturing Company**—See Radio Manufacturing Company, Inc.

**Hills Brothers Company**—An order has been issued requiring three distributors of dates to cease and desist from practices deemed to be in restraint of competition. The respondents are The Hills Brothers Company, 110 Washington St., New York, importer; E. Suren, London, Eng., importer of dates into the United States, and Persian Gulf Products, Inc., 67 Wall St., New York, seller and distributor.

Commission findings are that early in 1939, the Kingdom of Iraq, which has produced approximately 83 per cent of the dates consumed in the United States in the last four or five years, entered into a five-year agreement with Andrew Weir & Co., London, Eng., which provided, among other things, that the Weir firm should have the exclusive right to purchase, and to grant permits to purchase, all dates grown in Iraq and packed in boxes, and that that firm in turn should buy from the growers in Iraq specified quantities of such dates at specified prices, for export.

The findings further relate that on or about May 15, 1939 an understanding was reached among Andrew Weir & Co., E. Suren, African & Eastern (Near East), Ltd., of London, Eng., an exporter

of Iraq dates to the United States, and The Hills Brothers Company, whereby the Weir firm was to grant permission to the three other companies, their agents and representatives, to purchase and pack for importation into the United States and Canada, dates of the 1939 crop grown in Iraq and packed in boxes, and to refrain from granting such permission to any others. It was further understood, the findings continue, that Andrew Weir & Co. would not permit a greater quantity of such dates to be exported from Iraq to the United States and Canada than the average annual quantity that had been so exported from Iraq in the previous five-year period.

The understanding was carried out, according to the findings, and other firms, some of which had formerly obtained dates grown in Iraq for importation into the United States, in attempting to obtain such dates, met with the refusal of Andrew Weir & Co. to grant them the necessary permission and rights, and were unable to obtain such dates for importation.

The Commission order directs The Hills Brothers Company, E. Suren and Persian Gulf Products, Inc., their officers, agents and employees, to cease and desist from entering into, participating in, carrying out or being party to any plan, arrangement, understanding or agreement to: (1) limit, restrain, lessen or hinder competition in trade and commerce in dates between and among the States of the United States and between and among the United States and foreign countries, or to monopolize the sale and distribution of dates in such trade and commerce; (2) curtail or limit the number of persons, partnerships, corporations or individuals importing dates into the United States; (3) hinder such importers in the conduct of their respective businesses, either by cutting off sources of supply or by any other similar means, or (4) limit or restrict date importations into the United States, or fix or determine the quantities that may be imported annually from Iraq or any foreign country.

The Commission ordered that its complaint in this proceeding be dismissed as to the respondents Joseph Essaye, and Hund Steinharter and Lester Nordlinger, copartners, trading as Steinharter & Nordlinger, all of New York, agents for E. Suren; The United Africa Company, Ltd., London, Eng.; African & Eastern (Near East), Ltd., London, Eng., exporter which, although not named as a respondent in the complaint, stipulated that it could be considered as so named, and W. A. West, its employees, and Balfour Guthrie & Co., Ltd., New York, its selling agent; and Alexander Weir, of the firm of Andrew Weir & Co. (4105)

**Kant-Slip Manufacturing Company**—Samuel Benensohn and L. Benensohn, trading as Kant-Slip Manufacturing Company, engaged in the sale and distribution of a belt dressing known as "Kant-Slip Belt Dressing," 451 East 63rd St., Chicago, have been ordered to cease and desist from misrepresentation of their product.

In advertisements distributed throughout the various States by means of circulars, pamphlets and otherwise, the respondents have represented, the Commission finds, that their product is a positive preservative; that its use will prolong the life of leather, canvas and fiber belts, and that it will make and keep belts made of such material soft and pliable.

In truth, the Commission finds, the product consists principally of resin and denatured alcohol, neither of which is a preservative, and in fact use of the product on leather belts has a solvent action on the oils and greases in the leather and tends to remove them and cause the leather to become dry and brittle.

The respondents are ordered to cease and desist from representing that the belt dressing will preserve or prolong the life of leather, canvas and fiber belts or that the belt dressing will make such belts soft or pliable. (3963)

**Persian Gulf Products, Inc.**—See Hills Brothers Company.

**Queen City Candy Company, Inc.**—See W. C. Candy Company, Inc.

**Radio Manufacturing Company, Inc.**—An order has been issued requiring Automatic Radio Manufacturing Company, Inc., Boston, Galvin Manufacturing Corporation, Chicago, and the Pep Boys—Manny, Moe and Jack, Inc., Philadelphia, to cease and desist from unauthorized use of the trade name "Remington" to designate radios, tubes and other radio parts.

Commission findings are that the Automatic and Galvin companies, manufacturers, sold radio sets and parts bearing the name Remington exclusively to the Pep Boys organization, which operates a chain of 52 stores in various cities, and that the two manufacturing corporations have cooperated with the Pep Boys company in adopting and using the name Remington to identify and designate radios sold by them to the Pep Boys company for resale to the purchasing public.

The name Remington, according to findings, is the name or part of the name of a number of corporations well known and long established, some of which employ it as a trade name, mark or brand for the products they make and sell; and the respondents' use of the name has been without the authority or consent of any of the corporations which have heretofore so used it.

The Commission order directs the Automatic Radio Manufacturing Company, Inc., Galvin Manufacturing Corporation, and the Pep Boys—Manny, Moe and Jack, Inc., in connection with the sale of radio sets, tubes and parts, to cease and desist from using the word Remington or any simulation of it, whether spelled the same or not, as a brand or name to mark, designate, describe or refer to radios, radio tubes or other radio parts.

The Commission further ordered that its complaint in this proceeding be dismissed as to the Ferguson Radio and Television Company, Inc., New York, which was named as a respondent in the complaint, but which is no longer in business. (3762)

**Rite Packing Corporation**—See Sun Distributing Company, Inc.

**Sekov Corporation**, and Edwin H. and Hazel Ruth Vokes, its officers, trading as Sekov Reducing Studios, 6404 Hollywood Blvd., Hollywood, Calif., has been ordered to cease and desist from misrepresentations in the sale of a medicinal preparation for treatment of obesity advertised as "Sekov Reducer" and "Sekov."

Commission findings are that, contrary to the respondents' representations in newspaper, periodical or circular advertising, their preparation is not a scientific treatment for obesity when administered without a thorough medical examination and without scientific care and observation; that it does not guard the health of the user, does not act on a corrective principle, and does not reduce by normalizing the body, and that, contrary to such representations, the preparation does contain cathartics and dangerous drugs. The Commission order prohibits the representations made by the respondents.

Findings are further that "Sekov Reducer" constitutes a treatment for obesity only when used by persons suffering from hypothyroidism. Obesity, the findings continue, may be due to several causes, including the dysfunctioning of the pituitary gland and to excess intake of food, in which cases the use of the respondents' preparation would be improper and ineffective.

Further, the findings continue, the use of the preparation, although it may result in taking off fat by accelerating the rate of metabolism, may seriously weaken the body and its organs, including the heart, and the preparation contains the dangerous drug, extract of thyroid.

The Commission order further forbids dissemination of advertisements which fail to reveal that use of the respondents' preparation under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health.

The respondents, on petition of the Commission, were restrained last February by the United District Court for the Southern District of California from further dissemination of false advertisements of their preparation until such time as the Commission's

complaint had been issued and final disposition of its proceeding made. (4061)

**Sun Distributing Company, Inc.**—An order has been issued against Fresh Grown Preserve Corporation, Sun Distributing Company, Inc., and Rite Packing Corporation, all of Lyndhurst, N. J., and formerly located at 32 Thirty-third St., Brooklyn, and Murray and Leo Greenberg, officers and directors of the three corporations, requiring them to cease and desist from misrepresentation in the sale of preserve products designated "Nature's Own," "Top Notch" and "Mardi Gras."

Commission findings are that by means of labels, tags and markers and by statements in price lists and other advertising material, the respondents have represented their products as being fruit preserves or "pure" fruit preserves when in fact they were not preserves or pure preserves within the meaning and popular acceptance of such words but were imitation or sub-standard preserves so closely simulating an unadulterated preserve made from the accepted commercial formula that ordinary inspection would not reveal the difference in fruit content between the two products.

The minimum standard formula used by manufacturers for "preserves" and "pure preserves" (which are the same product in fruit and sugar content), according to findings, is a fruit content of 45 pounds of fruit to 55 pounds of sugar, cooked to a consistency of approximately 68 per cent water soluble solids, such formula being a commercial adaptation of the ordinary cookbook formula of "a cup of fruit to a cup of sugar." A preserve product falling below that standard, the findings continue, constitutes "imitation preserves."

The Commission further finds that the fruit portions of the respondents' products are not composed entirely of the specified fruit represented, but instead they contain in part a mixture of fruits or products other than that specified, and that in designating or advertising their products the respondents do not disclose the substitution of fruits or materials other than those specified.

The Commission order directs the respondents to cease and desist from using the terms "preserves" or "pure preserves" on labels, tags, markers, or in advertising material, or in any other manner, to in any way designate, describe or refer to preserve products which are not prepared from a mixture of clean, sound fruit with sugar in the proportion of at least 45 pounds of fruit to 55 pounds of sugar cooked to an appropriate consistency; from representing in any manner that a product which contains a fruit content in a proportion of less than that provided in the formula mentioned is a pure preserve or a preserve, or is anything other than an imitation or sub-standard preserve, and from representing in any manner that the respondents' products are composed of certain specified fruits, when in fact they contain a mixture of fruits other than those represented.

Commission findings relate that analyses made by the Food and Drug Administration in Washington and by an independent firm of chemists of 42 samples of the respondents' products bought in the open market over a period of approximately 18 months, reveal that with the exception of one sample labeled "grape preserves," all had a fruit content of less than the accepted minimum formula. The average fruit content ranged from 19 pounds of fruit to 55 pounds of sugar as found in one group of four samples, to 30 pounds of fruit to 55 pounds of sugar as found in another group.

Based upon the testimony of manufacturers and chemists, the Commission finds that the respondents, by reason of the use of a lesser amount of fruit resulting in both a saving in cost of fruit and a greater percentage of yield, obtained an advantage in competition over competitors who did not resort to such practice. The Commission further finds that this saving is sufficient to force competitors using the standard formula of 45 pounds fruit to 55 pounds sugar to sell below his actual cost in order to meet this saving in cost. (3682)