



# NATIONAL ASSOCIATION OF BROADCASTERS N A B REPORTS CONSOLIDATED INDEX

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1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 1, January 1, 1943

## Broadcast Advertising

### RETAIL PROMOTION COMMITTEE PLAN

If you have not already pledged the financial support of your station to the Retail Promotion Committee Plan, be sure to read the letter you received last week from Chairman Paul W. Morency of WTIC. It will bring you up to date on this project—the success of which is now assured.

You will find a list of the stations that have already pledged their support; you will learn more about the purpose of the plan—what it is, who will prepare it and what it is designed to do; you will read, too, in their own words, what outstanding leaders in the broadcasting industry think of the project.

While participation in the Retail Promotion Committee Plan is open to every radio station, the enthusiastic and unanimous endorsement given it by the NAB Board suggests the great desirability of every NAB member station putting the full weight of its support behind the plan.

After you have read this material, fill out your pledge blank and send it to the Retail Promotion Committee at 535 Fifth Avenue, New York, N. Y.

### Additional Member of Retail Promotion Committee

John Nell, Retail Specialist of WOR, has accepted appointment to the Retail Promotion Committee, according to an announcement by Chairman Morency in New York.

### Promote Esquire Maybe Make Money

Many member stations have forwarded letters from the sales manager of "Esquire" Magazine, offering radio stations the magnanimous opportunity of selling 1943 Varga Girl Desk Calendars on a per-inquiry basis. Imagine "Esquire" accepting advertising on the same basis! That ought to be enough to dissuade any broadcasting station from promoting this item in partly paid-for time.

### Liberty Mutual and the "7th Column"

Undoubtedly the current "Smash the 7th Column" campaign for the Liberty Mutual Insurance Company is one of the cleverest and most timely activities of its type that has been launched since the outbreak of the war. About two months ago, Editorial Services of the Institute of Public Relations sent many member stations five-minute transcriptions, dealing with the "7th Column" and containing an integral reference to the Liberty Mutual Insurance Company.

After a careful investigation of the situation and a study of the transcription, we are convinced that this does not

differ in any essential respect from numerous other free-time requests.

The theme of the campaign is the copyrighted property of the advertiser. It is being promoted in full-page space in a large list of magazines and has appeared as a paid advertisement in at least 17 daily newspapers.

While the campaign is obviously designed to reduce accidents in industrial plants and the home, it has a very definite and distinctive tie-up with the business of an advertiser.

Let's work together to try to get this campaign on the air on a commercial basis. The theme certainly deserves wider exploitation and what medium is better suited for the purpose than broadcasting.

### OWI MEETING

A three-day session was held in Washington, Monday, Tuesday and Wednesday, December 28-30, under the auspices of the Office of War Information. William B. Lewis, Chief of the Radio Bureau of OWI, summoned all regional radio consultants and the various district OWI directors and a full attendance turned out.

Mr. Lewis stated that as a result of the meetings they had gained a much better understanding of the program, as well as the manpower, problems of the radio stations and felt that they are now in a better position to gear their own effort in light of the stations' situation, as well as to be of assistance in the manpower problem.

It was officially stated that the station announcement plan will go into effect on January 18. The plan has been thoroughly tested throughout the month of December in Philadelphia and some of the "kinks" have been ironed out. The station transcription plan is due to become effective on February 1. The delay of the effective date of these plans in no way indicates any lack of interest or enthusiasm on the part of the OWI officials, but is entirely due to a feeling on their part that the later date will enable them to start the plan off more effectively.

NAB joined with CBS and NBC in entertaining the delegates at a cocktail party Monday afternoon at the Washington Hotel. In addition to those attending the meeting, members of the FCC were invited and many, including Chairman James Lawrence Fly, were present.

### CIVIL SERVICE COMMISSION THANKS RADIO INDUSTRY

Neville Miller has received the following letter from Harry R. Mitchell, chairman of the Civil Service Commission, thanking radio for its manpower announcements:

"As you know, commencing the first of the year the Office of War Information will issue all Government spot radio notices. This week will see the last of the Manpower Announcements which for nearly two and one-half years we have issued through the generous cooperation of the National Association of Broadcasters.

(Continued on page 2)



1760 N St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

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

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## CIVIL SERVICE COMMISSION THANKS RADIO INDUSTRY

(Continued from page 1)

"Perhaps it may seem superfluous for me to again express our gratification and thanks for the unprecedented cooperation which your Association has given us during these critical times, but I could not close the record without again expressing to you my own personal appreciation to yourself, to Mr. Stringer, and to your staff. Mr. Stringer has not only been most helpful but has continued throughout the almost two and one-half years of our association to make our contacts most pleasant at all times.

"The problems of these war times necessarily make changes, as will the problems that follow the end of the war. It is highly possible that NAB and the Commission can again cooperate in meeting some of the problems. It is most gratifying to feel that we would again have your friendly help if it becomes necessary. I hope that you will convey to every member of your organization, and to the nonmember stations, through your bulletins, the sincere thanks and appreciation of this Government agency charged with the problem of recruiting and placing Federal personnel where it will be most effective in the war program."

## 200 MARINES GO HOME VIA RADIO

Credit for an outstanding Christmas broadcast, especially tailored for a station's service area, goes to WROK, Rockford.

Appearing on the 1:30-3:30 p. m. Christmas day broadcast, via transcription, were 200 northern Illinois and southern Wisconsin youths stationed at the U. S. Marine Corps base at San Diego.

Knowing that Christmas furloughs would be out of the question for the detachment, WROK decided, early in December, that the staff should arrange to reunite the young Marines with folks back home.

With the OK from General Manager Walter M. Koessler, Bill Traum, promotion director, went to San Diego. With enthusiastic Marine Corps cooperation all along the line he arranged the Christmas show.

Partners in the undertaking were 326 Rockford business firms. Credits to these firms were given during the two weeks before Christmas in (1) advance announcements (2) listing in double truck ad and (3) individual Christmas greetings. The Christmas program, itself, was entirely void of commercials.

The San Diego Marine Corps Base Band furnished the music. Betty Rhodes, Paramount star, and former Rockford girl, was guest.

According to the Marine Corps the 200 young Leathernecks comprised the largest contingent ever enlisted in one group from a sub-station.

The Rockford *Morning Star*, December 26, commented: "The broadcast offered an equal share of humor and pathos.

Every greeting was a drama in itself—a personal message from the Marine to his loved ones—and for a few seconds, it brought 'John,' 'Bill' and 'Charles' across 2,500 miles into the home of relatives and friends."

## "FIGHTING DOLLARS" ON PITTSBURGH STATIONS

All Pittsburgh stations combined facilities for the "Victory Fund" broadcast, 7 p. m., December 26. Script, dramatizing how "fighting dollars" saved America in past conflicts, was written by Victoria Corey, KDKA coordinator of war programs, and was produced by Claude Morris.

Walter Sickles, program director, WWSW, and Paul Shannon, KDKA announcer, did narration. Musical portion of the program was provided by Bernie Armstrong's orchestra and singers, Mary Martha Briney and Bob Carter.

## ROCKFORD GRADUATES TECHNICIANS

Four ESMWT-NAB classes in the Fundamentals of Radio graduated in Rockford, Ill., during Christmas week.

During the first week of 1943, WROK will assist the University of Illinois Extension Division in recruiting new classes.

Men and women trained in the fundamentals of radio are wanted in large numbers.

## TAKE IT TO YOUR SERVICEMAN

To change habits of long standing is a job. One way to do it without resentment is by "infiltration," the process broadcasters are following with their one-a-day announcements telling listeners to bring radio sets needing repairs to the serviceman.

More stations reporting the scheduling of such announcements include:

WELL—Battle Creek; WCHS—Charleston, W. Va.; WHK—Cleveland; WCLE—Cleveland; WCED—Dubois; WDNC—Durham; WBHP—Huntsville; WMOB—Mobile; WROK—Rockford; WMAS—Springfield, Mass.

## RECEIVER TUBES

A rule requiring owners of radio sets to turn in their old tubes when they buy new ones is being worked out by the War Production Board and will probably go into effect early in 1943.

Announcement of plans for the new year affecting civilian radio was made by the Radio Division to enable those who might object to voice objections before new rules become effective.

## WAGE AND HOUR ACT

The U. S. Circuit Court of Appeals (Eighth Circuit) in *White, etc., v. Witwer Grocer Co.*, decided December 11, considerably broadened the Supreme Court's *Belo* decision. The court upheld an employer's right to reduce an hourly rate to take care of overtime payments, with or without any agreement other than the employee's tacit acceptance by continuing to work. Section 18 of the Wage and Hour Act, the court said, apparently was just a warning to employers that the Act was not designed to reduce hourly rates.



## Listener Activities

### 1. San Francisco Radio Council

The Planning Committee for the new Radio Council in San Francisco is as follows:

Joseph Henry Jackson, San Francisco Chronicle  
Marie Weller, Instructor in Radio, San Francisco Jr. College  
Margaret V. Girdner, San Francisco Public Schools  
Mrs. L. P. Boyce, Representing patriotic groups  
Geneve A. Shaffer, Radio Chairman, California Federation of Women's Clubs  
Rabbi Irving Reichert, Temple Emanu-El  
Mrs. George Beanston, Jr., President, San Francisco Parent-Teachers Association

The Committee met on December 8 to set up a skeleton organization and to select one project for immediate activity. Rabbi Irving Reichert will act as temporary chairman.

### 2. Wichita Radio Council

Dr. Forrest Whan of Wichita University is acting chairman of the new Council in Wichita. The proposed constitution and by-laws for the Council have just been received by the Listener Activity Division of NAB. The Council has as its purpose the interpretation of the wishes of the listeners to the broadcasters; the interpretation of the problems of the industry to the public; the establishment of a meeting ground for the industry, lay participants in radio, and the listening public in the promotion of good-will and understanding; and the furthering of those local benefits that the radio medium offers.

One of their first activities will probably be an evaluation project and the issuance of a guide to good listening.

## FEDERAL COMMUNICATIONS COMMISSION

### FCC RULE AMENDED

The FCC has amended Section 1.366 of its Rules of Practice and Procedure in order to make it apply to special service authorizations for radio stations generally, instead of applying only to standard broadcast stations. The amended Section reads:

"Sec. 1.366 *Special service authorizations.* Special service authority may be issued to the licensee of a radio station for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license upon proper application therefor,<sup>2</sup> and satisfactory showing in regard to the following, among others:

- (a) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of the class of stations to which the applicant station belongs;
- (b) That in the event the application is on behalf of a standard broadcast station, that experimental operation is not involved as provided for by Section 3.32 of the Rules and Regulations;
- (c) That public interest, convenience, and necessity will be served by granting the authorization requested."

<sup>2</sup> Applications for authorizations to use frequencies assigned to the international broadcast service may be made on an informal basis; formal application must be made for other authorizations."

At the same time the Commission adopted an Order designed to extend the normal license period of an international broadcast station. The Order states:

"1. The license term for every international broadcast station, either licensed at this date or licensed hereafter, shall end at the earlier of the following dates:

- (a) November 1, 1945, or
- (b) The first day after October 31, 1943, on which its operations are not controlled, by agreement or otherwise, by the Office of War Information or the Coordinator of Inter-American Affairs;

"2. The portion of Section 4.3 of the Rules and Regulations, which established for international broadcast stations a normal license term of one year, is hereby suspended until further order of the Commission."

## FCC OPERATOR EXAMINATIONS

Examinations for operators' licenses are held regularly at FCC district offices throughout the country. In addition, examination points have been established at convenient cities to expedite the granting of new licenses. The cities and the tentative dates on which examinations will be given for commercial operator licenses of all grades are as follows:

- Albuquerque, N. M.—March 26, September 24.  
Bangor, Maine—March 20, September 18.  
Billings, Mont.—May 13 & 14, November 11 & 12.  
Birmingham, Ala.—January 15, April 16, July 16, October 15.  
Bismarck, N. D.—April 1 (date to be announced), October (date to be announced).  
Boise, Idaho—April 24, October 23.  
Butte, Mont.—May 10 & 11, November 8 & 9.  
Charleston, W. Va.—3rd week-March, 3rd week-June, 3rd week-September, 3rd week-December.  
Cincinnati, Ohio—1st week-February, 1st week-May, 1st week-August, 1st week-November.  
Columbus, Ohio—3rd week-January, 3rd week-April, 3rd week-July, 3rd week-October.  
Corpus Christi, Texas—June (date to be announced), December (date to be announced).  
Cumberland, Md.—April 14, October 14.  
Davenport, Iowa—January, April, July, October (dates to be announced).  
Des Moines, Iowa—January 8, April 9, July 9, October 8.  
Fort Wayne, Ind.—February, May, August, November (dates to be announced).  
Fresno, Calif.—March 11, June 15, September 15, December 14.  
Grand Rapids, Mich.—1st week-January, 1st week-April, 1st week-July, 1st week-October.  
Hartford, Conn.—April 15, October 14.  
Hilo, T. H.—January 25, August 17.  
Huron, S. D.—March, June, September, December (dates to be announced).  
Indianapolis, Ind.—February, May, August, November (dates to be announced).  
Jacksonville, Fla.—May 8, November 6.  
Kaunakakai, T. H.—August 3.  
Lanai City, T. H.—August 4.  
Lihue, T. H.—February 8, August 24.  
Little Rock, Ark.—January 12, April 13, July 13, October 5.  
Memphis, Tenn.—February 23, August 24.  
Milwaukee, Wis.—January, April, July, October (dates to be announced).  
Mobile, Ala.—May 25, November 18.  
Nashville, Tenn.—February 19, May 21, August 20, November 19.  
Oklahoma City, Okla.—January 22, April 23, July 23, October 22.  
Omaha, Nebr.—April 2, October 1.  
Phoenix, Ariz.—April 29, May 1, October 28 & 29.  
Pittsburgh, Pa.—February, May, August, November (dates to be announced).  
Portland, Me.—March 24, September 22.

Reno, Nev.—April 13, October 14.  
 Roanoke, Va.—April 3, October 2.  
 Salt Lake City, Utah—March 27 & 28, September 25 & 26.  
 San Antonio, Texas—February 19, May 21, August 20, November 19.  
 Schenectady, N. Y.—March 15, June 15, September 15, December 15.  
 Spokane, Washington—May 6 & 7, November 4 & 5.  
 St. Louis, Missouri—February 12, May 7, August 13, November 12.  
 Syracuse, N. Y.—January, April, July, October (dates to be announced).  
 Wailuku, T. H.—August 5.  
 Wichita, Kan.—March 19, September 17.  
 Williamsport, Pa.—May, November (dates to be announced).  
 Winston-Salem, N. C.—February 6, May 1, August 7, November 6.

Applicants desiring further information regarding examinations should correspond with the nearest FCC district office listed below.

## FEDERAL COMMUNICATIONS COMMISSION DISTRICT OFFICES

Atlanta, Georgia—411 Federal Annex  
 Baltimore, Md.—508 Old Town Bank Bldg.—Gay and Fallsway Streets  
 Beaumont, Texas—Sub Off. 9—329 Post Office Bldg.—P. O. Box 1527  
 Boston, Mass.—Customhouse, 7th Floor  
 Buffalo, New York—328 Federal Building  
 Chicago, Illinois—246 U. S. Courthouse Bldg.  
 Cleveland, Ohio—Sub Off. 19—541 Old P. O. Building  
 Dallas, Texas—500 U. S. Terminal Annex—P. O. Box 5238  
 Denver, Colorado—504 Customhouse  
 Detroit, Michigan—New Federal Building  
 Galveston, Texas—404 Federal Building  
 Honolulu, T. H.—609 Stangenwald Building  
 Juneau, Alaska—7-8 Shattuck Building—P. O. Box 1421  
 Kansas City, Missouri—809 U. S. Courthouse  
 Los Angeles, Calif.—539 U. S. P. O. & CT. Hse. Bldg.  
 Miami, Florida—Room 312, Federal Building—P. O. Box 150  
 New Orleans, La.—308 Customhouse  
 New York, New York—748 Federal Building—641 Washington Street  
 Norfolk, Virginia—Room 402, New P. O. Building  
 Philadelphia, Pennsylvania—Room 1200, Customhouse—2nd & Chestnut Streets  
 Portland, Oregon—805 Terminal Sales Building  
 San Diego, Calif.—Sub Off. 11—307 Customhouse & Ct. Hse. Bldg.—Union & F St.  
 San Francisco, Calif.—328 Customhouse—Washington & Battery Sts.  
 San Juan, Puerto Rico—322 Federal Building—P. O. Box 2987  
 Savannah, Ga.—Sub Off. 6—208 Post Office Building—P. O. Box 77  
 Seattle, Washington—808 Federal Office Building  
 St. Paul, Minnesota—208 Uptown P. O. & Fed. Cts. Bldg.—5th & Washington Streets  
 Tampa, Florida—Sub Off. 7—203 Post Office Building

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 4. They are subject to change.

Tuesday, January 5

Further Consolidated Hearing

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WCAM and WCAP.  
 WTNJ—WOAX, Incorporated, Trenton, N. J.—Modification of license, 1310 kc., 500 watts, unlimited, request facilities of WCAM and WCAP.  
 WCAM—City of Camden, Camden, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WTNJ and WCAP.  
 WCAM—City of Camden, Camden, N. J.—Modification of license, 1310 kc., 500 watts, SH-WCAP; request facilities of WTNJ.  
 WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WTNJ and WCAM.  
 WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1310 kc., 500 watts, SH-WCAM; request facilities of WTNJ.

Wednesday, January 6

KVOE—The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Calif.—C. P., 1480 kc., 1 KW, unlimited.

Thursday, January 7

WQBC—Delta Broadcasting Company, Inc., Vicksburg, Miss.—Modification of license, 1470 kc., 500 watts night, 1 KW day, unlimited.

Friday, January 8

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, 700 kc., 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WBAL—The WBAL Broadcasting Co. (assignor), Hearst Radio, Inc. (assignee), Baltimore, Md.—Granted consent to voluntary assignment of license of Station WBAL from The WBAL Broadcasting Co. to Hearst Radio, Inc., the sole stockholder of The WBAL Broadcasting Co. The assignment of license was requested as a step toward simplification of the Hearst Corporate set-up (B1-AL-360).  
 WATR—The WATR Company, Inc. (assignor), Harold Thomas (assignee), Waterbury, Conn.—Granted consent to voluntary assignment of license of Station WATR from the corporate licensee, The WATR Co., Inc., to Harold Thomas (B1-AL-356).  
 KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted modification (B4-MP-1680) of construction permit (B4-P-2477 as modified) for change in daytime directional antenna pattern and extension of completion date.

### DESIGNATED FOR HEARING

KARM—The George Harm Station, Fresno, Calif.—Designated for hearing application (B5-ML-1122) for modification of license to change operating assignment from 1430 kc. with 5 KW power, unlimited time, using a directional antenna, to 1030 kc.; and denied application for Special Service Authorization (B5-SSA-43) to operate on 1030 kc., using a directional antenna as proposed in above modification of license application.

### MISCELLANEOUS

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted modification of construction permit as modified, which authorized increase in power, installation of new equipment

and directional antenna for day and night use, for extension of completion date from December 11, 1942, to June 11, 1943 (B1-MP-1681).

W9XMB—The Moody Bible Institute of Chicago, Ill.—Granted modification of construction permit as modified, which authorized new ST broadcast station, for extension of completion date from November 16, 1942, to February 16, 1943 (B4-MPST-10).

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted modification of construction permit as modified, which authorized installation of new equipment and directional antenna for day and night use, change of frequency, increase in power and move of transmitter, for extension of completion date from December 22, 1942, to March 22, 1943 (B3-MP-1683).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Further extended temporary license (B2-R-378 and B2-L-1542) from midnight December 31, 1942, to midnight March 31, 1943.

W8XO—The Crosley Corp., Cincinnati, Ohio.—Denied petition for rehearing directed against the Commission's decision and Order of November 30, 1942, denying the application (B2-PEX-38) for construction permit; and dismissed application of corporation for renewal of station license (B2-REX-3).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted petition for leave to intervene in the hearing on application of WBNY, Buffalo, N. Y., for modification of license.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted petition for leave to intervene in the hearing on application of WQBC for modification of license.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted petition for leave to intervene in the hearing on application of WQBC for modification of license.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted motion for continuance of hearing on modification of license, from January 7 to February 15.

KYA—Palo Alto Radio Station, Inc., San Francisco, Cal.—Granted motion to dismiss without prejudice application (B5-ML-1127) for modification of license to move studio from San Francisco to Palo Alto, Calif.

#### APPLICATIONS FILED AT FCC

##### 610 Kilocycles

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Special Service Authorization to make changes in equipment, change frequency from 610 kc. to 660 kc., increase power from 5 KW to 10 KW, for period ending 6-1-44.

##### 640 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—Construction permit to change frequency from 640 kc. to 610 kc., increase power and hours from 500 watts limited to 1 KW, unlimited, directional antenna night and move. Amended: to make changes in directional antenna system.

##### 930 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Modification of construction permit (B3-P-3113 as modified for directional antenna night, move and increase power) for extension of completion date from 1-20-43 to 7-20-43.

##### 940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—License to cover construction permit (B3-P-3043 as modified for change of frequency, increase in power, directional antenna for day and night and move transmitter.

##### 1240 Kilocycles

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of construction permit (B2-P-3328 as modified for new station) for extension of commencement and completion dates from 12-14-42 and 6-14-43 to 2-14-43 and 8-14-43 respectively.

##### 1400 Kilocycles

WCBI—Birney Imes, Columbus, Miss.—Modification of license to change frequency from 1400 kc. to 1340 kc.

##### 1440 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Teaxs.—Modification of license to change frequency from 1410 kc. to 850 kc. and decrease power from 1 KW night, 5 KW day to 500 watts night, 5 KW day.

##### 1450 Kilocycles

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Construction permit to make changes in transmitting equipment.

##### 1490 Kilocycles

WOSH—Howard H. Wilson, Oshkosh, Wis.—Authority to determine operating power by direct measurement of antenna power.

#### TELEVISION APPLICATION

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified which authorized new television station) for extension of completion date from 1-1-43 to 3-31-43 and for reduction of power of visual and aural transmitters from 250 watts to 50 watts, and for changes in visual and aural equipment.

#### MISCELLANEOUS APPLICATION

WENL—The Liberty Life Insurance Company, Area Columbia, S. C.—Modification of license to change name of licensee from The Liberty Life Insurance Company to Surety Life Insurance Company.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

#### COMPLAINTS

The Federal Trade Commission this week issued no complaints.

#### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Bonat & Bonat, Inc.**, 395 Fourth Avenue, New York, selling and distributing supplies for use in giving permanent waves consisting of various solutions and pads sold under the names "Padol Machineless Permanent Wave" and "Lifeoil Machine Permanent Wave" and a shampoo designated "Dio Dane No. 100," has stipulated to cease and desist from representing that the Padol Machineless Permanent Wave nourishes the hair or gives the hair a deeper wave; that Lifeoil Machine Permanent Wave pads contain lanoline; or that Dio Dane No. 100 nourishes the hair or is not a soap. (03083)

**Lipscomb Grain & Seed Co., Inc.**, Springfield, Mo., selling and distributing livestock and poultry feeds designated "Lipscomb's 21% Protein Breeder Egg Mash," "Lipscomb's Sungold 36% Protein Hog Supplement," "Lipscomb's Sungold Special Wormer Mash," "Lipscomb's Sungold Egg Mash," and "Lipscomb's Sungold Chick Starter with Worm-X," has stipulated to cease and desist from representing that there has been discovered on the Lipscomb research farm, or added to any of its products, a new or secret ingredient; that Lipscomb's Sungold Special Wormer Mash permits the raising of worm-free chickens; combats tape

worms in the lumen of the intestines, or the larvae of worms (except where specifically limited to round worms) : is an eggicide; attacks worm eggs in the intestines of fowls or in the walls or lumen of the intestines, or prevents worms; that it is a complete wormer or a complete feed, or that eggs from hens fed on Lipscomb's Sungold Egg Mash contain an increased amount of iodine or that the consumption of such eggs will prevent goiter in man. (03082)

**Valligny Products, Inc.**, 254 West 31st St., New York, selling and distributing a coal tar hair dye product designated "Shampo-Kolor," has stipulated to cease and desist from disseminating any advertisements which fail conspicuously to reveal therein the following: "Caution: This product contains ingredients which may

cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness." The stipulation provides, however, that such advertisement need contain only the statement: "Caution: Use only as directed on the label," if such label bears the first described caution conspicuously and the accompanying labeling bears adequate directions for such preliminary testing before each application. (03084)

#### **CEASE AND DESIST ORDERS**

No cease and desist orders were issued this week by the Commission.



1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 2, January 8, 1943

## PETRILLO PROBE STARTS

James C. Petrillo, president of the American Federation of Musicians, will be the first witness next Tuesday (January 12) when a Senate Interstate Commerce subcommittee starts hearing on Mr. Petrillo's recording ban.

Mr. Clark, chairman of the subcommittee, said that he would seek approval of his bill to bring the musicians' union within the scope of the anti-trust laws to subject it to possible injunctions preventing the enforcement of the prohibition against musicians playing for recorded music.

"If we can't get anywhere with this bill, which I plan to re-offer in the new Congress, then I'll appeal directly to the President," Senator Clark added.

"He has authority to take over plants where production has been halted by strikes. I am sure he has wartime power to curb the power of Petrillo to deny popular music to millions of Americans, including troops at home and abroad.

"So far as I know, Petrillo has not offered any concrete proposal as a compromise to either the broadcasting stations, the record and transcription manufacturers or others involved.

"This matter goes far beyond any labor dispute. Elmer Davis, director of the Office of War Information, told our committee recently that a continuance of the ban would force the closing of many small radio stations essential to our wartime communications.

"He also said, and he spoke for the War and Navy Departments, that the withdrawal of popular music from the radio stations and 'juke boxes' would seriously endanger wartime morale on the home front as well as that of our troops on the battlefield.

"Quite a few stations have already closed or sold out for nominal sums."

## COX ASKS FCC INVESTIGATION

Representative Cox (D-Ga.) on Wednesday, opening day of the new session of Congress, introduced a resolution calling for an investigation of FCC. During former Congresses, Mr. Cox has introduced similar resolutions, and while hearings have been held, no further action has been taken on them. The Cox resolution was introduced as follows:

"Resolved, That there is hereby created a select committee to be composed of five Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

"The committee is authorized and directed to conduct a study and investigation of the organization, personnel, and activities of the Federal Communications Commission with a view to determining whether or not such Commission in its organization, in the selection of personnel, and in the conduct of its activities, has been, and is, acting in accordance with law and the public interest.

"The committee shall report to the House (or to the Clerk of the House if the House is not in session) at the earliest practicable date during the present Congress the

results of its investigations, together with such recommendations as it deems desirable.

"For the purposes of this resolution the committee is authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member designated by him, and may be served by any person designated by such chairman or member."

Discussing his resolution, Mr. Cox said, "I have reintroduced Resolution for House Investigation of the Federal Communications Commission, which, I am confident, will be adopted by the House at some early date.

"The story of the operations of the Commission under the Chairmanship of Mr. Fly will prove shocking. It has almost completely established terroristic control of all media of communications. It maintains a gestappo, the equal of which has never been seen in free government, and has developed the smear business into a fine art. Of all abuse of power by bureaucrats, nothing approaches the record of this Commission."

## GAS REGULATIONS AMENDED

An amendment, effective January 2, 1943, to the Mileage Rationing: Gasoline Regulations (Ration Order 5C, Amendment 8) affects broadcasters. Under the amendment, the only employees of radio stations eligible for "preferred mileage" (Class C coupon books) are engineers and technicians for necessary transportation between home or lodgings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting, for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area.

The amended Regulation appears as Section 1394.7706 (n).

Section 1394.7706 (o) (2), previously covering "preferred mileage" for broadcasting (See NAB REPORTS, November 13, 1942, p. 647), has been amended to exclude radio broadcasting.

NAB is seeking relaxation of the regulation to include "preferred mileage" for temporary remotes.

The "rationale" accompanying the amendment, issued by OPA, follows:

### "PRESENT REGULATIONS

"Eligibility for Preferred Mileage is provided for a "worker", including an executive, technician or office worker \* \* \* for necessary travel to, from, within or between \* \* \* telephone, telegraph, radio, or communication systems.

"Newspaper facilities are not included in the present provisions, and no ration is allowable for driving to, from,

(Continued on page 8)

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

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## GAS REGULATIONS AMENDED

(Continued from page 7)

within, or between such facilities in excess of 470 miles of occupational driving per month.

### PROPOSED CHANGE

"A distinction is to be made between radio-telephone or radio-telegraph facilities, which are actually communication systems in the same sense as telephone and telegraph systems, and radio broadcasting facilities.

"The present provisions insofar as they allow Preferred Mileage for necessary travel to, from, within or between radio-telephone or radio-telegraph facilities shall be retained.

"Preferred Mileage shall not be allowed with respect to radio broadcasting facilities except for travel between home or lodgings and radio broadcasting transmission station, or between such stations and other permanent facilities for radio broadcasting, by engineers or technicians whose work is essential to the physical operation of the station, and only where the station because of its power, is located in a rural or suburban area. No Preferred Mileage shall be allowed for any travel between a radio broadcasting transmission station and temporary radio broadcasting facilities.

"This change shall be effective upon the issuance of new ratations or upon renewal of ratations.

### REASONS FOR CHANGE

"It has been claimed by representatives of various newspapers that the present Regulations give an advantage to employees of radio broadcasting facilities as against employees of newspapers. The same considerations governing the exclusion from Preferred Mileage of travel with respect to newspaper establishments should govern the exclusion of travel with respect to radio broadcasting facilities since both perform similar functions.

"A distinction can be made with respect to the necessary travel of engineers and technicians to and from radio broadcasting transmission stations, because of the physical requirements of broadcasting. The Federal Communications Commission has recommended that high-powered transmitters be erected at some distance from cities in order to obtain more effective range of transmission. Approximately one third of all stations are located at distances of between 10 and 15 miles from the center of municipalities. Unless Preferred Mileage is allowed for travel to such transmission stations by engineers and technicians essential to their operation, they will be forced to close.

"Newspaper establishments, on the other hand, are located in municipalities, and their operations can be continued with the mileage allowed in "B" books, without the necessity of granting eligibility for Preferred Mileage."

## DEFERMENT MATERIAL COMING

The NAB yesterday sent to all stations by fourth class mail material to help them in securing occupational deferment of radio repairmen. Be on the lookout for it.

## Engineering

### WPB BATTERY LIMITATIONS

Recent WPB limitations on the manufacture of dry cell "B" batteries, in smaller sizes, brings another wartime problem to many broadcasters. Batteries of this type have been used extensively for the power supply of field amplifiers used for broadcasts originating outside the studios.

Throughout the industry there are many different types of field amplifiers in general use. Some are 100% A.C. operated and others employ 100% dry batteries. Six volt storage batteries are again coming into use as the stocks of dry batteries disappear. Of the recommendations noted here probably no one selection will be applicable for all cases; however, it should be possible to select a supply which will fulfill the requirements of any particular type of portable amplifiers.

The conversion of 100% dry battery portable equipment to 100% A.C. operation is not recommended as this seriously limits the scope of operation. Such conversions also generally require extensive modification of the amplifier circuits and the substitution of heater type tubes.

The following types of power supplies have been recommended for consideration by NBC engineer George McElrath.

1. *100% Dry Battery Operation*—This recommendation presupposes that the number of types of batteries heretofore available may be reduced in number to three, namely: 4FH, #6 cell, and heavy duty "B." Fibre or plywood carrying cases to accommodate the #6 cells and 10308 "B" batteries can be constructed. They should be divided into three separate units to distribute the weight. They can be carried from pickup to pickup or left on the job where recurring programs originate. The two "B" battery cases may be plugged into the "A" case and the "A" and "B" voltages carried by a cord to the amplifier. Standard 3-way straight or twist lock plugs can be used.

2. *Combination Dry Battery and A.C. Operation*—Employ dry batteries for filaments but limit the quantity used by equipping all amplifiers with an A.C. operated plate supply. In this manner, the total number of batteries used will be greatly reduced. This method will not reduce the number of filament batteries; however, the supply of 1½ volt batteries (#6 cell and 4FH) does not appear to be critical at this time, and information received from the manufacturers indicate that there will be an ample supply of single cell batteries available.

3. *Combination Dry Battery (Filament) and Storage Battery Operation (Plate)*—Employ dry batteries for the filament supply and vibrator packs for the B supply. This method has the advantage over the previous recommendation in that it makes possible operation under any and all conditions. The Mallory Type VP551 vibropack, or similar type, with synchronous rectifier external filter and a small 6-volt motorcycle storage battery can be made into a reasonably light weight supply of this type. If difficulty is encountered in securing new parts for this purpose it may be possible to modify the "B" power supply of an automobile receiver for this purpose.

4. *100% Storage Battery Operation with Vibrator*—This type of power supply is applicable only to those amplifiers employing heater tubes. The storage battery used to operate the vibrator for plate supply would also serve as the heater power source for the filaments. If the vibrator interference is objectionable it may be possible to overcome this difficulty through the use of filter circuits or, in extreme cases, the use of separate storage batteries for A and B supply.

NAB Engineering Department invites correspondence from station engineers who have other helpful suggestions or may be experiencing difficulty in solving problems in connection with the modification of field amplifiers.

## 1000 CYCLE AUTOMATIC ALARM

A simple, yet effective automatic alarm receiver, which sounds an alarm and raises the receiver gain upon receiving a constant 1000 cycle modulated tone is described in the December 1942 issue of *Communications*.

The design and construction is fully outlined by C. H. Topmiller, Chief Engineer of WCKY. Most of the materials required to build the device will be found around the average station.

The use of this alarm should greatly increase the reliability of contact with key stations and eliminate the necessity of monitoring two programs simultaneously.

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## RADIO FIXED CAPACITORS

WPB has announced that the exemption from price control of radio fixed capacitors for military use was extended from January 1 to April 1, 1943.

Capacitors, known also as condensers, are essential parts of radio apparatus. Production for military uses has expanded at a rapid rate but the program has not reached the desired point of stability for the purposes of price regulation, OPA announced.

During the additional exemption period it is believed the industry will complete its expansion program and in the meanwhile responsibility over prices of fixed radio capacitors remains with the Army and Navy.

The extension of the exemption from price control was affected through the issuance of Amendment No. 64 to Maximum Price Regulation No. 136 (Machines and Parts and Machinery Services) effective January 1.

## PEABODY AWARD MEETING

To make a preliminary digest of this year's entries for the George Foster Peabody Radio Awards, a special University of Georgia faculty committee has been appointed, according to Dean John E. Drewry of the Henry W. Grady School of Journalism, which, in conjunction with the National Association of Broadcasters, administers these awards.

Members of this committee are Tyus Butler, journalism, chairman; Hugh Hodgson, music; Carolyn Vance, radio and speech; L. M. Ballew, drama; B. O. Williams, sociology; and Warren Jones, journalism, clerk.

This committee's report will be considered by the advisory board which makes final selections, and which will meet in New York January 15. The board report is not expected to be ready before March. Members of this board are: Bruce Barton, Advertising, New York; John H. Benson, Advertising, New York; Dr. Ralph Casey, University of Minnesota; Jonathan Daniels, *Raleigh News and Observer*; Mark Ethridge, *Louisville Courier-Journal and Times*; Joseph Henry Jackson, *San Francisco Chronicle*; Waldemar Kaempffert, *New York Times*; Alfred A. Knopf, Publisher, New York; Mrs. Beatrice Sawyer Rossell, Chicago; Dr. I. Keith Tyler, Ohio State University; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody; Edward Weeks, *Atlantic Monthly*, Boston; S. V. Sanford, Chancellor, University System of Georgia; and Earl J. Glade, Chairman, NAB Code Compliance Committee.

## FTC ON RADIO ADVERTISING

The Federal Trade Commission in its annual report made public this week, discussing radio advertising, said that in its systematic review of radio advertising, it issues calls to individual stations, generally at the rate of four times yearly for each station. Discussing this further the Commission says:

"National and regional networks respond on a continuous weekly basis, submitting copies of commercial continuities

for all programs wherein linked hook-ups are used involving two or more stations. Producers of electrical transcription recordings each month submit typed copies of the commercial portions of all recordings produced by them for radio broadcast. This material is supplemented by periodic reports from individual stations listing the programs of recorded commercial transcriptions and other data.

"During the fiscal year the Commission received copies of 1,053,875 commercial radio broadcast continuities and examined 1,001,450 such continuities. The continuities received amounted to 2,032,417 pages of typewritten script and those examined totaled 1,912,725 pages, consisting of 483,000 pages of network script, 1,416,606 pages of individual station script, and 13,119 pages of script representing the built-in commercial portions of transcription recording productions destined for radio broadcast through distribution of multiple pressings of such recordings to individual stations. An average of 6,230 pages of radio script was read each working day. From this material, 17,925 commercial broadcasts were marked for further study as containing representations that might be false or misleading.

"In general, the Commission has received the cooperation of the three nation-wide network chains, 20 regional network groups, and transcription producers engaged in preparing commercial radio recordings, in addition to that of 841 commercial radio stations, 491 newspaper publishers, and 535 publishers of magazines, farm journals, and trade publications, and has observed a desire on the part of these broadcasters and publishers to aid in the elimination of false and misleading advertising.

"During the fiscal year, 86.5 per cent of the radio and periodical cases resulted from the routine survey of advertising material as described above and 13.5 per cent result from complaints by or information received from other Government agencies, competitors, and other members of the public.

"An analysis of the questioned advertisements, which were assembled by cases and given legal review, discloses that they pertained to 2,638 commodities in the proportions indicated below:

CLASSIFICATION OF PRODUCTS		
Commodity		Per cent
Food, drugs, devices, and cosmetics:		
Food (human)	10.6	
Food (animal)	2.9	
Drugs	44.3	
Cosmetics	15.4	
Devices	2.4	
		75.6
Other products:		
Specialty and novelty goods	5.4	
Automobile, radio, refrigerator, and other equipment	1.3	
Home study courses	1.6	
Tobacco products	1.0	
Gasoline and lubricants	.9	
Poultry and livestock supplies and equipment	.2	
Miscellaneous, including apparel, fuels, house furnishings, and building materials	14.0	
		24.4
Total		100.0

"The Commission during the fiscal year sent questionnaires to advertisers in 432 cases and to advertising agencies in 36 cases, and accepted 219 stipulations involving radio and periodical advertising, of which 27 were amended, substitute or supplemental stipulations.

"A total of 451 cases was disposed of by the various methods of procedure. Of this number, 207 cases were considered settled upon receipt of reports showing compliance with previously negotiated stipulations. In 17 cases the Commission waived compliance reports. Of the remaining 227 cases, 208 were closed without prejudice to the right of the Commission to reopen if warranted by the facts: 99 of them for lack of jurisdiction or lack of evidence sufficient to establish a violation of law, 94 because of discontinued business and practices or insufficient

public interest, 15 because corrective action by the Post Office Department made further action by the Commission unnecessary, and 19 supplemental investigations were filed without action for various reasons.

"In addition, the Commission in 42 cases directed issuance of complaints, 31 because advertisers failed to stipulate and 11 because of violations of previous stipulations. Field investigations were ordered in 28 cases.

"Seven hundred seventy-nine radio and periodical cases were pending on July 1, 1941, as against 726 on June 30, 1942.

"If it appears to the Commission that a published or broadcast advertisement may be misleading, a questionnaire is sent to the advertiser and request is made for a sample of the product advertised, if this is practicable, and the quantitative formula, if the product is a compound. Copies of all advertisements published or commercial continuities broadcast during a specific period are also requested, together with copies of all booklets, folders, circulars, form letters, and other advertising literature used.

"Upon receipt of these data, the sample and formula are referred to the Medical Advisory Division of the Commission or to an appropriate technical agency of the Government for a scientific opinion. Upon receipt of the opinion, a list of such claims as then appear to be false or misleading is sent to the advertiser, along with pertinent portions of the opinion. The advertiser is extended the privilege of submitting evidence in support of his claims. He may answer by letter or, upon request, may confer with the Radio and Periodical Division in person or through counsel.

"If, after a consideration of all available evidence at hand, including that furnished by the advertiser, the questioned claims appear to be justified, the division reports the matter to the Commission with the recommendation that the case be closed. If it appears from the weight of the evidence that the advertising is false or misleading, the matter is referred to the Commission with recommendation either that complaint issue or that the case be stipulated, provided it is one appropriate for stipulation procedure and the advertiser desires to dispose of it by such voluntary agreement to cease and desist from the use of the acts and practices involved.

"If the Commission so authorizes, a stipulation is prepared and forwarded to the advertiser for execution. Should he object to any of its provisions, he may discuss them by mail or in person. If and when he agrees to the terms of the stipulation and signs and returns it, the matter is again reported to the Commission with recommendation that the stipulation be accepted and the case closed without prejudice to the right of the Commission to reopen the matter at any time the facts so warrant. If the Commission accepts and approves the stipulation, the advertiser is required to submit within 60 days from the date of acceptance a report in writing showing the manner and form in which he is complying with the provisions of his agreement."

## MANPOWER PROGRAM

(This resume of the manpower program is presented to you for background. It is a summing up of developments that have been announced previously.)

The overall program for meeting the nation's labor supply program—both on a local and a national level—is now taking definite form after two and a half years of war production.

A many-angled program of supplying the necessary manpower to run the war plants throughout the nation has been undergoing evolutionary change since June 1940, when President Roosevelt set up the National Defense Advisory Council.

Today the various programs of the War Manpower Commission form a pattern which make it possible to see how the problem will be met.

All over the country today, workers and their employers are listening to a new term—job control, or job stabilization—and are wondering how it will affect them.

Some have heard it described as "job freezing" and are apprehensive.

Job control, or stabilization, is a new term and a new problem in a nation used to having plenty of workers.

It is a device to enable each war plant and community to make the fullest use of its labor—potential as well as present working force.

It is based upon policies the National Management-Labor Policy Committee of the War Manpower Commission has recommended. It is implemented locally only after thorough consultation with management and labor in area war manpower committees.

In recent months, the United States has streamlined its manpower program to such an extent that now, after a year at war, it has the plans for seeing that every man and every woman is enabled to do the most personally to help win this war. The demands of our war production, added to the demands of our armed forces, have made it necessary to harness the abilities of the American men and women in the most efficient way.

Intensive review of the operation of these plans is now under way by the Management-Labor Committee and the War Manpower Commission. Labor, management and government will confer early in January to study the operations of the first plan which has applied to the lumber and non-ferrous metal mining industries. Detailed plans which will then be announced will be based on solid experience.

Within three months, it is estimated, some plan of manpower control will be in effect in every major industrial community in the United States. There are 270 such areas. War labor shortages have developed in 102 of these and are anticipated soon in 77 more. Only 91 have enough labor to meet current war production schedules, and future war contracts will be channeled to these "labor surplus areas" in larger numbers now under new War Production Board policies.

The purposes of manpower control are:

1. To protect war production from the disruption caused by employers pirating skilled workers from each other or by workers leaving one job to seek the higher wages offered by another, while at the same time providing means by which workers can change jobs if the change will help the war effort.
2. To enable each war plant to make the best use of the workers available and to enable workers to use their highest skills.
3. To stop needless influxes of workers to areas where transportation, housing and health facilities are already taxed to the breaking point.
4. To provide adequate recruiting, training and upgrading programs for workers in every area.

Here is how it works:

The first step in each community would be the appointment of an area director to represent the commission. This director would then organize a committee of recognized leaders of labor and industry in the community. This Area War Manpower Committee would meet and draw up a program for stabilizing employment according to the peculiar local needs.

Such a program will control the transfer of workers from one job to another in the 35 industries or activities which the War Manpower Commission has already designated as essential. There may be exceptions to this. In Louisville, for example, only certain highly skilled workers are stabilized. In some communities, such as Baltimore, the first such area established, the job control covers all occupations in the area. In general, however, the list of 35 industries will be used as the basis for determining the extent of job control.

No worker, under such job control, may transfer from one job to another without the approval of his employer or of the United States Employment Service. This is



not, however, a job freeze. Actually, the program encourages workers to change jobs when the change will aid the war effort. Each program provides circumstances under which an employe may transfer. Although each program will be adapted to the local situation, almost all will permit a man to transfer if:

1. The worker is competent to perform higher skilled work than his employer can provide.
2. When the worker is employed for a substantial period for at less than full time.
3. When the distance between the worker's home and his job is unreasonably great and when the prospective new job is much closer or more accessible.
4. When the worker has compelling personal reasons for making the change. Some plans prevent the hiring of workers from outside the areas.

Also, in some plants, as in Detroit, a worker who leaves a plant where he can perform a greater service to the war effort will retain his seniority at his first and regular job.

In most communities where manpower control is now in effect, the employe may get a signed okay from his employer which will be accepted by the new employer to whom he applied for a job, thereby eliminating his going to the USES. Should the employer refuse to grant such a release, a worker may then appeal to the USES if he feels that the employer's action was unfair.

Any disputes as to the application of the program may be appealed to the area manpower committee.

Where agreements stabilizing employment in a community or area have already been worked out by employers without WMC participation or supervision, such agreements will not be recognized by the War Manpower Commission and participants will be told that continuance of such agreements is contrary to war manpower policy.

The WMC employment stabilization, or job control plan, is designed to enable local citizens to work out the manpower controls for each area, in much the same way as local citizens, sitting on Selective Service boards, now direct inductions of all local men into the armed forces.

The WMC area committee—on which both the employe and employer has his representatives—works out a solution to the problems facing the community and provides a place where disagreements can be worked out.

But this job control program is only a phase of an overall program with which the War Manpower Commission intends to get the working force to turn out the munitions which will enable our men at the fronts to crush the enemy.

The commission will make a survey of the number of workers in non-essential industries who possess skills needed by war plants. These workers will be urged to transfer to war work. President Roosevelt has urged employers to keep the seniority right of such employes intact so that after victory has been achieved they may wherever possible return to their former jobs with their former rights, as will those who left to go into the armed forces.

In addition, training courses are available for everyone from the housewife who wants to become a welder to the technician who wants to become a plant manager.

Preemployment training outside of war plants is now being provided free to 160,000 persons throughout the country and 320,000 to 500,000 more should be taking these courses today to meet the labor needs of the war plants. Employers prefer workers with such training, and thousands of those who have completed the courses now are making a greater contribution to the war effort and receiving higher wages. Then, too, more than 6 million workers in 6500 plants are receiving in plant training "on the job."

These training programs will be expanded.

Manning tables have been developed which enable the Government to take inventory of the number and types of workers as well as the number and types of jobs in

each plant. This helps to make it possible for each employer to use every worker in such a way that the employe is using his highest skills. It also provides a way of determining what training must be provided to fit workers for jobs that will be available in the future.

These manning tables, and the supplementary replacement schedules, enable the employer and the Selective Service Bureau of the Commission to plan inductions of employes in such a way and at such a rate that production is not disrupted and so that replacements can be adequately trained. They also provide a fair basis for deferring workers.

Once the manning tables are in full effect, industrial specialists—similar to the labor utilization inspectors of England—will make analyses of war plants and report to the WMC area directors whether they are putting the workers to the most efficient use. The WMC plans to hire one or more such specialists in each war industry area.

The Office of Defense Health and Welfare is assisting the states in the promotion of child care and other programs in these areas.

The War Manpower Commission now has authority over the induction of men into the armed forces. This civilian commission has the authority to determine which group of workers are most needed on their jobs and which can best serve at the fighting fronts. It has determined that essential farmers shall remain on the farm so that the nation—and the world—may eat. It has plans to keep students with special aptitudes in college so that the nation may continue to get a supply of doctors, chemists and technicians.

Its program is to get and keep each person in the job where he or she can best serve.

That is the program. The manpower problem is essentially a series of local problems and it is being met on that basis by the local people in a way which gives everyone concerned a voice in the program.

## FEDERAL COMMUNICATIONS COMMISSION

### GROSS TO NAVY

Gerald C. Gross, Assistant Chief Engineer in charge of the Common Carrier Division since December, 1941, has received a leave of absence for the duration of the war from the Federal Communications Commission to become a Lieutenant Commander in the Navy. He has held a commission in the Naval Reserve since 1932.

### CALL LETTER RULE ACTION

The FCC has adopted Section 2.65 relative to the announcement of call letters which reads as follows:

Adopted Section 2.65, relative to the announcement of call letters, which reads as follows:

"Section 2.65. Station Identification. When not required to identify itself by some other provision or provisions of the Rules and Regulations, every radio station shall identify itself by its regularly designated call letters as follows:

- "1. Every station operating in the broadcast service shall transmit its call letters at the beginning and end of each period of operation, and, during operation, at least once every hour.
- "2. Every station used for other than broadcast service shall transmit its call letters at the end of each transmission, and at least once every fifteen minutes during an exchange of communications."

The Commission also adopted Sections 4.27 and 4.38 providing for station identification by relay and ST (studio transmitter) broadcast stations, as follows:

"Section 4.27. Station Identification. Each relay broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour it either shall announce its call letters or shall make an announcement which will permit it to be identified.

"Section 4.38. Station Identification. Each ST broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour it either shall announce its call letters or shall make an announcement which will permit it to be identified."

### 918 STATIONS

During the month of November, 1942, the FCC granted no permits for the construction of new stations, and no operating licenses were issued. One station was deleted. A comparative table by month follows:

	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1
Operating . . . . .	882	887	891	893	897	899	906	906	905	905	907	909	908
Construction . . . . .	37	36	32	31	27	25	18	19	16	15	12	10	10
	919	923	923	924	924	924	924	925	921	920	919	919	918

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 11. They are subject to change.

#### Monday, January 11

WISH—Capitol Broadcasting Corporation, Indianapolis, Ind.—C. P., 1310 kc., 5 KW, unlimited, DA-night.

#### Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB; 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., 1550 kc., 1 KW, DA-night, unlimited.

#### Tuesday, January 12

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, 570 kc., 1 KW, unlimited.

#### Wednesday, January 13

NEW—Eastern Broadcasting Company, Inc., Long Island, New York—C. P., 1520 kc., 1 KW, limited to WKBW, Buffalo, New York.

#### Thursday, January 14

WBRB—Monmouth Broadcasting Company, Red Bank, N. J.—C. P., 1240 kc., 100 watts, SH-WGGB & WFAS.

WBRB—Monmouth Broadcasting Company, Red Bank, N. J.—Renewal of license, 1240 kc., 100 watts, SH-WGGB & WFAS.

#### Friday, January 15

NEW—The Fort Hamilton Broadcasting Co., Hamilton, Ohio—C. P., 1450 kc., 250 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATION GRANTED

W49FW—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted license (B4-LH-29) to cover construction permit, in part, for high frequency broadcast station, using temporary antenna.

### FINAL ORDER

The Commission has adopted an order making final its Proposed Findings of Fact and Conclusions (B-157) denying the application of West Allis Broadcasting Company, Inc., for a construction permit to establish a new standard broadcast station at West Allis, Wisconsin, to operate on 1480 kc., 250 watts, daytime only.

### YANKEE NETWORK DECISION

The Commission en banc approved the transfer of control of The Yankee Network, Inc., licensee of four standard broadcast stations, four relay stations, two experimental stations, and two high frequency stations, through the sale of the capital stock of The Winter Street Corporation (which owns 100 per cent control of The Yankee Network), from John Shepard, 3rd, and George R. Blodgett, trustees, to The General Tire and Rubber Company, Akron, Ohio. Commissioners Walker and Durr dissented.

The sum of \$1,240,000 will be paid, plus an additional amount to be determined on the date of the transfer equal to 94 per cent of the aggregate net quick assets of the seller over \$100,000.

There is also being sold to The General Tire and Rubber Company, as a part of the same transaction, all of the capital stock of The Colonial Network, Inc., which is owned 50 per cent by John Shepard, 3rd, and 50 per cent by his brother, Robert F. Shepard. Colonial is not a licensee of a broadcast station, its income being derived principally from the sale of station time and wired transcription service to subscribers.

In addition to its position of licensee, The Yankee Network, Inc., is engaged in the operation of a network broadcast system employing as outlets the four broadcast stations licensed to it and 17 contract outlets or affiliated stations located in the States of Maine, Massachusetts, Connecticut, New Hampshire and Vermont.

Commissioner Walker set forth the following views in connection with his dissent:

"The application should be set for hearing. A finding that a transfer shall be in the public interest is mandatory. The application herein does not show on its face, or contain therein, convincing facts that the public interest would be served by the proposed transfer. A public hearing would, therefore, seem advisable.

"The application should, in any event, be set for hearing on the issue of transferring broadcast stations to another industry. The instant application involves not only the control of certain broadcast stations but also of The Yankee Network, Inc.

"Broadcasting is of such public interest and importance that an effort should be made to keep it separate from other businesses. If a transfer of chain broadcasting interests, as herein proposed, may be granted to a tire and rubber company, may it not likewise be granted to a motor company or to a public utility? The precedent having once been established of transferring licenses controlling a network to other interests, where can the line be drawn? Chain broadcasting is of such vital public consequence and public interest that it should be a business in and of itself, and disassociated from any other business."

### STATEMENT OF COMMISSIONER DURR

I think the application should be set for hearing. First, a question of absentee ownership and control is presented. The stations involved in the transfer are all located in New England. The control is now in the hands of people who are residents

of New England and familiar with its problems and needs. Transferee is an Ohio corporation with its principal place of business in Akron. Its officers and directors are residents of Ohio with the exception of one who resides in Florida. With the exception of two brokerage houses in New York City, all stockholders owning 1% or more of the outstanding capital stock are residents of Ohio. Nor does the application show that the transferee and those controlling it have a familiarity with or interest in the problems of the New England area. Accordingly, I do not believe that sufficient showing has been made to warrant a finding that the transfer of control would be in the public interest.

Second, the transferee is a large manufacturing concern whose products have a nationwide distribution. By this transfer it will acquire, as an adjunct to its private business operations, a number of broadcasting stations which together serve a major portion of the New England states. With the networks to be acquired as a part of the same transaction, it will have access by radio to virtually the entire New England area.

The issue presented here is not whether interests engaged in other lines of business should be prevented from owning any broadcasting stations, but rather the extent to which they should be permitted to go in the acquisition of such stations. Unless some limitation is imposed, they may embark upon a program of station acquisition which will force their competitors, and even concerns in entirely different lines of business, to follow the same course in order to survive. Such a course would tend to make radio broadcasting an adjunct of private commercial enterprise instead of the independent medium of entertainment and expression which it must be if it is really to serve the public interest. Moreover, the war has greatly accelerated the tendency toward bigness in industrial concerns which has long been under way. Will it be in the public interest to consolidate under a common control the economic power of large business establishments and the power to mold public opinion which is inherent in the operation of broadcasting stations?

These are questions which I believe should be carefully investigated before the application is granted.

#### MISCELLANEOUS

- WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Granted modification (B3-MP-1682) of construction permit (B3-P-3355) for extension of completion date from 1-5-43 to 3-5-43.
- WSBT—The South Bend Tribune, South Bend, Ind.—Granted license (B4-L-1742) to use present licensed auxiliary transmitter as main transmitter. Also granted license (B4-L-1743) to use present licensed main transmitter as auxiliary transmitter.
- WAAB—The Yankee Network, Inc., Worcester, Mass.—Granted license (B1-L-1734) to cover construction permit (B1-P-3194) for increase in power to 5 KW, installation of new transmitter and DA for day and night use, and move transmitter and studio; also granted authority to determine operating power by direct measurement (B1-Z-1476).
- WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted license (B3-L-1668) to cover construction permit (B3-P-2985) to install new transmitter, directional antenna for night use, change frequency to 1250 kc., increase power to 1 KW and move transmitter. Also authority to determine operating power by direct measurement (B3-Z-1401).
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted license (B3-L-1738) to cover construction permit (B3-P-2966) for change of frequency to 1480 kc., increase in power to 5 KW, installation of new equipment and DA for night use, and move of transmitter. Also authority to determine operating power by direct measurement (B3-Z-1480).
- KTKN—Edwin A. Kraft, Ketchikan, Alaska.—Granted authority to install new automatic frequency control equipment (B-F-252). Also authority to determine operating power by direct measurement (B-Z-1486).
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted authority to determine operating power by direct measurement (B3-Z-1441).
- WHAZ—Rensselaer Polytechnic Inst., Troy, N. Y.—Granted authority to determine operating power by direct measurement (B1-Z-1484).
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification (B2-MP-1679) of construction permit (B2-MP-

1679) for extension of completion date from 12-31-42 to 3-1-43.

- WLAB—Larus & Brother Co., Inc., Richmond, Va.—Granted license (B2-LRE-424) to cover construction permit (B2-PRE-418) for new relay station to be used with applicant's standard broadcast station WRVA; frequencies 31,620, 35,260, 37,340, 39,620 kc., 30 watts.
- WAAD—Ralph A. Horton, Portable-Mobile, Area of Ft. Lauderdale, Fla.—Granted license (B3-LRY-288) to cover construction permit (B3-PRY-259) for new relay broadcast station to be used with applicant's standard station WFTL; 1646, 2090, 2190, 2830 kc., 100 watts.
- KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted license (B4-LRY-289) to cover construction permit (B4-PRY-289) which authorized move of transmitter to Front St. and 63rd Ave. West, Duluth.
- W6XDU—Don Lee Broadcasting System, Portable-Mobile, Area of Los Angeles.—Granted modification (B5-MPVB-90) of construction permit (B5-PVB-83), for extension of completion date of television relay station from 12-1-42 to 4-1-43.
- KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted renewal of relay broadcast station license for the period ending October 1, 1944.
- KGBK—Helen Townsley, Area of Great Bend, Kans.—Present license for relay broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending February 1, 1943.
- WAEA—W. A. Patterson, Area of Chattanooga, Tenn.—Present license for relay broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending February 1, 1943.
- The Metropolis Co., Ocala, Fla.—Granted motion to dismiss without prejudice application (B3-L-1382) for license to operate on 1490 kc., 100 watts, unlimited time; facilities of WTMC.
- Bay County Publishers, Inc., Panama City, Fla.—Granted motion to dismiss without prejudice application (B3-L-1383) for license for new station to operate on 1230 kc., 100 watts night, 250 watts day; unlimited; facilities of WDLF.
- WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Granted petition to dismiss without prejudice application (B4-P-3496) for construction permit to operate on 1310 kc., 5 KW, unlimited, DA-night.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted petition to withdraw without prejudice to refile, and cancellation of hearing on application (B1-P-3337) for construction permit to operate on 1240 kc., 100 watts; S-WGBB and WFAS; and application (B1-R-185) for renewal of license.
- Gloria Dalton—Granted petition to intervene in the hearing on application of KMTR, Los Angeles, for renewal of license; continued hearing from January 12 to March 1; dismissed without prejudice request for transfer of hearing to Los Angeles.

#### APPLICATIONS FILED AT FCC

##### 920 Kilocycles

- WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Modification of construction permit (B2-P-2913 as modified which authorized changes in directional system and increase in power) for extension of completion date from 2-3-43 to 5-4-43.

##### 1140 Kilocycles

- KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified which authorized change in frequency, hours of operation, increase in power, directional antenna for night use and new transmitter) for extension of completion date from 1-20-43 to 2-20-43.

##### 1240 Kilocycles

- KMAC—W. W. McAllister and Howard W. Davis d/b as The Walmac Co., San Antonio, Texas.—Voluntary assignment of license to Howard W. Davis tr/as The Walmac Company.

## 1340 Kilocycles

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Voluntary assignment of license to Glenn D. Roberts, Melva F. Roberts, Wellwood Nesbit, Robert M. La Follette, Jr., Evalyn H. Dolph, Hope D. Pettey, Leo T. Crowley and James E. Markham, co-partners d/b as the Milwaukee Broadcasting Company.

## 1450 Kilocycles

KVAK—Carl Latenser, Atchison, Kansas.—Voluntary assignment of license from Carl Latenser to S. H. Patterson.

## MISCELLANEOUS APPLICATION

KICA—Hugh DeWitt Landis, Clovis, New Mexico.—Authority to determine operating power by direct measurement of antenna power.

# FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

## COMPLAINTS

The 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.

**Allied News-Photo Service Corp.**, also trading under the names Allied News Photographic Service, Shelburne Studios, Shelburne Company, Miniature Gallery of New York, and Globe Press-Photo Service, 439 Madison Ave., New York, engaged in making and distributing photographs and "Goldtone Miniatures," are charged in a complaint with misrepresentation. (4884)

**Booth Fisheries Corporation**, with its principal offices in Chicago, is charged in a complaint with violation of the provisions of the Robinson-Patman Act by discriminating in price among its customers. (4883)

**Commonwealth Training Institute**, 120 Front St., Worcester, Mass., selling and distributing courses of study and instruction intended for preparing students for examinations for certain Civil Service positions, is charged in a complaint with misrepresentation. (4880)

**Loomis Manufacturing Co.**, 1417 West Jackson Boulevard, Chicago, is charged in a complaint with the use of lottery methods in connection with the sale of cigarette chests. (4879)

**Rhode Island Plush Mills, Inc.**—Misbranding of textile fabrics, in violation of the Wool Products Labeling Act and the Federal Trade Commission Act, is alleged in a complaint issued against Rhode Island Plush Mills, Inc., Woonsocket, R. I. (4881)

**C. H. Stenmons Manufacturing Co.**, 1024 McGee St., Kansas City, Mo., manufacturing and distributing arch supports designated "AirFlow Arch-Ezurs," is charged in a complaint with misrepresentation. (4882)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Amorskin Corporation**, 64 Wall St., New York, selling and distributing a cosmetic preparation designated "Amor Skin" for use on the skin, has stipulated in connection with the advertising of the preparation or any other preparation of substantially the same ingredients, whether sold under such name or any other name, to cease and desist from representing that the preparation will feed or nourish the skin or that its use will improve the structure or tissue of the skin or have any effect upon the contour of the elbows. (3593)

**Advance Aluminum Castings Corp.**, 2742 West 36th Place, Chicago, entered into a stipulation to cease and desist from the use in its advertising and sales promotional literature of certain misrepresentations in connection with the sale of aluminum alloy cooking utensils, including a pressure cooker known as "Minit-maid" and pans, roasters and similar utensils designated "Miracle Maid," all designed for use in the so-called waterless method of cooking. (3588)

**Craig Institute**, 256 First Avenue North, Minneapolis, Minn., selling courses of instruction by mail designed to prepare students for field service examinations and positions, has stipulated to cease and desist from use of the word "Institute" as part of the trade name under which he carries on his business and from use of such word either alone or in connection with other words so as to convey the belief that the business conducted by him is that of an organization for the promotion of learning, philosophy, the arts or sciences. (3590)

**Fenton United Cleaning and Dyeing Co., Inc.**, 2243 Gilbert Ave., Cincinnati, engaged in the cleaning, dyeing and storing business, has stipulated to cease and desist from use of the words "U. S. Approved Storage" or from representing directly or inferentially that either its storage facilities or its method of storage has received approval, endorsement or recommendation of the United States Government, or any agency or department thereof. (3586)

**Free State Oil Co.** and Bernard J. Rogers, trading as Free State Oil Co., 2100 West Baltimore Ave., Baltimore, selling and distributing motor lubricating oils, have entered into a stipulation in which they agree to cease and desist from the use of the hyphenated word "Pen-Pep" as part of the trade or brand name under which to sell motor lubricating oils that are not composed of Pennsylvania oil and from use of the word "Pen," or any abbreviation of the word "Pennsylvania," whether alone or in connection with other words, so as to convey the belief that the product referred to is composed of Pennsylvania oil, when in fact it contains oil other than Pennsylvania oil; from use of the phrase "2000 Mile Oil" to designate a motor lubricant which would not, in fact, efficiently lubricate a motor throughout the indicated mileage or any other phrase as purportedly indicative of the mileage competency of a motor lubricating oil; and from failing to clearly and unequivocally disclose the fact that each of the aforesaid brands of lubricating oils is composed of or contain, as the case may be, used or reclaimed oil, in all invoices and on the printed and advertising matter, sales promotional descriptions or representations thereof, however disseminated or published. (3584)

**Gerson Bedding Co.**, 40 Warren St., Lowell, Mass., manufacturing and selling mattresses and studio couches, has stipulated to cease and desist from use of the word "doctor" or the abbreviation "Dr." either alone or in connection with a name so as to convey the belief that its products have been made in accordance with the design or under the supervision of a medical practitioner or that the products contain special scientific or health measures which are the result of medical determination or the services of a doctor of medicine; provided, however, if the name "Dr. Coleman" is used in connection with the marking, branding, or labeling of mattresses made in accordance with the directions of or

under the supervision of the named person, it shall be immediately accompanied by some other word or words such as "Osteopath," "Osteopathic Physician," or "Doctor of Osteopathy" so as to clearly indicate that the named person is other than a medical practitioner; and from use of the word "health" either alone or in connection with any other words as descriptive of mattresses so as to convey the belief that the products have therapeutic qualities which would be of value in connection with the cure or prevention of diseases or that they are of such nature as would guarantee or assure health to or the maintenance of health by their users. (3587)

**Halex Co.**, Sappington, Mo., selling a medicinal preparation designated "Halex," has stipulated to cease representing that the preparation is of value for hay fever, asthma, catarrh, migraine, sinusitis, toothache, cold sores, drowsiness, fainting spells, lung colds, influenza or sore throat; or that prospective agents, salesmen, distributors or other representatives can make profits or earnings within a specified period of time which are in excess of the average net profits or earnings which have heretofore customarily been made in like periods of time by his active full-time agents, salesmen, distributors, dealers or other representatives in the ordinary and usual course of business and under normal conditions and circumstances. (03085)

**Inter-Communication System of America, Inc.**, and Milton Meyer and Joseph Meyer, trading as Monarch Products Co., 2249 South Calumet Ave., Chicago, selling and distributing inter-communicative systems designated "Flash-A-Call," have stipulated to cease and desist from use of the word "free" or other term or expression of like meaning to describe or refer to products which are not given as a gratuity, and the recipient is required either to pay the purchase price or purchase some other article or to render some service to obtain the same; representing by use of the words "New Invention," "Utterly new product" or other words of like meaning that such products are representative of some new invention or are innovations that have not been heretofore used; representing that the products are non-competitive or that no competition will be encountered in their sale, that no selling effort is required in order to effect sales; that 99 out of 100 persons contacted or any specified number of persons can be depended upon to purchase the products, or that exclusive sales territory is allotted to agents or sales representatives; representing by means of statements such as "Men earning high as \$150 week," or in any manner, that sales representatives generally engaged in the sale of such products earn \$150 per week or any amount in excess of their actual earnings; or representing as earnings or profits which may be made during any specified period of time from the sale of the products any amounts in excess of the usual and customary amounts which actually have been earned by sales representatives generally, under usual and normal conditions. (3591)

**Moffett Studio, Inc.**, 30 South Michigan Ave., Chicago, and Sidney M. Barton, who through due legal process has had his name changed from Seymour M. Blaufarb to Sidney M. Barton, trading as Continental Galleries, 250 East 43rd St., New York, both selling and distributing photographs, have stipulated to cease and desist from representing that any miniature or photograph not actually prepared for and displayed at an exhibit has been prepared for exhibition purposes or displayed at an exhibition, and from use of the phrase "the extremely low price of \$12.50" or any other words of similar implication in connection with the sale of "Gold Tone Miniatures" or any representation tending to convey the belief to the purchasing public that the usual price at which a product is sold in the ordinary course of business is a special price or is less than the usual or customary price. (3583)

**Premier Pillow Corp.**, 121 North 11th St., Brooklyn, manufacturing and selling pillows, has entered into a stipulation in which it agrees to cease and desist from use of the term "100% Goose Down" as descriptive of the filling of its products which are not so filled and from use of the word "down" either alone or in connection with the word "goose" or with any other words so as to convey the belief that the products are filled entirely with down or that they do not contain any material or substance other than down. (3589)

**Scranton Broadcasters, Inc.**, operating radio station WGBI, Scranton, Pa., engaged in selling the use of its radio transmittal facilities and power, has stipulated to cease and desist from representing that WGBI is the only radio station heard in the Scranton-Wilkes-Barre market area; that outside radio stations are not heard in that area; that WGBI is the only regional or clear channel station serving the Scranton-Wilkes-Barre market area; that the station covers the entire area of Northeastern Pennsylvania, or that a survey shows that 98 per cent of the daytime listeners or 96 per cent of the nighttime listeners in Scranton's home county of Lackawanna regularly listen to WGBI, or from misrepresenting in any manner the station's audience or coverage as shown by surveys or otherwise. (03086)

**Three Palms Pharmacy**, First and Main Streets, Los Angeles, selling and distributing medicinal preparations designated "Vitamalt," and "Natura Calcium Compound and Vitameal," has stipulated to cease and desist from representing that either of the preparations has any reducing action or that any weight loss resulting from following the directions for their use is other than such as would naturally result from a starvation diet or abstinence from food; that the preparations or the diet prescribed therewith can be depended upon to effect weight reduction of ten pounds in five days or that such diet will effectuate any weight reduction in excess of that actually resulting therefrom; that the diet prescribed with Vitamalt will not cause or result in weakness or hunger; that the use of either preparation with rich food has any building tendency or any practical significance from the standpoint of caloric intake; that either of the preparations will give new life and freshness to the skin or free it from pimples or blotches, keep the glands or nerves functioning or nourished, have any beneficial effect upon the body metabolism, "vitalize" the system, cause the pains of rheumatism, arthritis or lumbago to disappear or provide a competent treatment for nervousness, rheumatism, stomach trouble or constipation; or that use of the preparations as directed will effectuate a weight reduction safely without lowering resistance to disease or otherwise endangering the health. (3585)

**Variety Hat Co., Inc.**, 1597 Hudson Boulevard, Jersey City, N. J., manufacturing and selling hats for women, has stipulated that it will cease and desist from representing that hats made in whole or in part from used or second-hand materials or manufacturers seconds or imperfects are composed of new materials, by failure to stamp on the exposed surface of the sweat bands, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand, used, or manufacturers' seconds, as the case may be, provided that if sweat bands are not affixed to such hats then the stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies; and from representing in any manner that hats made in whole or in part from old, used or second-hand material or from manufacturers' seconds or imperfects, are new or are composed of new materials. (3592)

**Bernhard Ulmann Co., Inc.**, 107 Grand St., New York, selling and distributing knitting yarn, has stipulated to cease and desist from use of the word "Cassimere" or any term or word connoting Cashmere to describe any product not composed entirely of the hair of the Cashmere goat; from use of the word "Shetland" or any similar word to describe a product not composed entirely of the wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland, and from use of the word "Angora" to denote any product not composed entirely of the hair of the Angora goat; provided, however, that in each case, if the product is composed in part of the hair of the animals designated and in part of other fibers or materials, such words may be used as descriptive of the fiber content if there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials. (3582)

## CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Copper Roofs Corp.**, 161 West Wisconsin Ave., Milwaukee, has been ordered to cease and desist from certain misrepresentations in the sale of copper roofing material. (4561)

**United States Maltsters Association**, Chicago, and its 18 member manufacturers have been ordered to cease and desist from entering into or maintaining any combination or conspiracy to fix uniform prices for malt, a product sold principally to brewers for making beer, ale, porter, and other malt beverages. (3555)

### FTC CLOSES CASE

La Vida Bottling Co., Inc., Placentia, Calif., and its officers, have entered into a stipulation with the Federal Trade Commission to cease and desist from misrepresentation in the sale of mineral water.

Upon acceptance of the stipulation the Commission closed without prejudice the case growing out of the complaint it had issued against the corporation and its officers, Paul G. Hausman, president; William N. Miller, vice president, and Alfred D. Mitchell, secretary.

Under the stipulation, the respondents agree to discontinue disseminating any advertisement which represents that the products designated "La Vida Mineral Water" and "La Vida Blue Label" have any therapeutic effect other than that afforded by their sodium bicarbonate content or that they are competent remedies or effective treatments for kidney and gall stones, diabetes, neuritis, rheumatism, stomach ailments, liver and bladder troubles caused by excess acid, or the condition resulting from excessive indulgence in alcohol; or that the products attack any ailment at its very foundation or add any minerals to the system in adequate quantity.

They also agree to stop representing that the usual or ordinary diet is "highly acid-forming"; that cooking destroys the alkaline content of foods, or that the respondents' products can be depended upon to restore alkaline balance.

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1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 3, January 15, 1943

## NAB PROTESTS NEW GAS REGULATIONS TO OPA

NAB has protested to OPA the Amendment No. 8 to the Gas Rationing Regulations which denies preferred mileage to workers in the broadcasting industry other than engineers and technicians employed by stations whose transmitters are remotely located, and which would bar preferred mileage to engineers on temporary remotes. No reply has been received as yet but NAB will follow the matter up.

The letter is as follows:

January 8, 1943

Mr. Leon Henderson, Administrator  
Office of Price Administration  
Washington, D. C.

Dear Mr. Henderson:

On behalf of the radio broadcasting industry, I desire to request relief from that portion of Amendment 8 to the Mileage Rationing: Gasoline Regulations (Radio Order 5c) which makes workers in this industry ineligible for "preferred mileage", except for engineers and technicians under certain conditions. The Amendment seems to me unduly restrictive and a serious impediment to the effective use of radio in wartime.

That radio broadcasting is considered essential in support of the war effort is attested by letters from numerous government agencies, copies of which are attached. The Selective Service System has designated radio broadcasting as essential in Local Board Release No. 115, as amended July 15, 1942, copy of which is also attached.

Of particular concern is the new regulation which prohibits the issuance of "preferred mileage" to engineers and technicians for necessary travel to and from temporary installations. For sometime prior to Pearl Harbor, and ever since then, the War Department has been actively interested for reasons of morale in the broadcasting of shows from Army camps, maneuvers in the field, and other such remote pickups which can only be done through the use of temporary installations, and which in many instances require gasoline for the transportation of the engineers and their equipment in their own automobiles.

I am entirely in sympathy with the rationing program, and realize the difficulties your office is faced with. However, for the reasons indicated, I respectfully request that the Amendment be stricken, in so far as it relates to radio broadcasting.

Sincerely,  
NEVILLE MILLER.

NM/mmr

### "A CALL TO WORSHIP"

Several NAB member stations have written to headquarters asking for information upon which to base a decision with respect to the request received from the Le Tourneau Foundation to broadcast a transcribed announcement entitled, "A Call To Worship."

The Le Tourneau Foundation was immediately contacted and we are advised that the purposes and objectives of this organization are: "To teach, promulgate and disseminate the Gospel of Jesus Christ throughout the world and also to unite in Christian fellowship the large number of con-

secrated Christians in the various evangelical churches; and for such purpose, to appoint and engage ministers, evangelists, missionaries and others to actively pursue and accomplish the foregoing purposes."

The Foundation further advises that it has not and does not contemplate participating in any paid publicity campaign in any medium. They disclaim any intention to secure any promotion or advantage from including the credit reference for the suggestion contained upon the transcriptions.

It may be mentioned, incidentally, that Mr. Le Tourneau, the president and chief benefactor of the Foundation, is the owner of two radio stations, WRLC, Toccoa, Georgia, and WHEB, Portsmouth, New Hampshire, both of which are members of NAB.

The inquiring members have been advised of these facts. The question of whether or not any stations broadcast the announcements is, of course, entirely within the discretion of the management.

## Broadcast Advertising

For three days, from Sunday evening, December 13, 1942, to 1:00 AM on Thursday morning, December 17, 1942, twelve New York City newspapers ceased publication while the members of the newspaper delivery unions were on strike.

Heavy schedules of planned newspaper advertising couldn't be published. Some retailers turned to radio advertising; others sat tight, expecting the strike to end momentarily.

To the credit of broadcasting, no New York City station tried to capitalize unduly on the misfortune of another medium. Where good time and good features were available, stations offered them for sale. Where time was at a premium, with only early morning or late evening open, stations declined to have broadcast advertising judged on the basis of such availabilities.

### WHAT HAPPENED?

Department stores' sales boomed along as though nothing had happened. Here are the actual figures from the Weekly Federal Reserve Index of Department Stores' Value of sales:

	Week Ending December 19
Increase for New York City	4%
Increase for Entire District	4%

And the entire Federal Reserve district includes such war-busy markets as: Buffalo, Rochester, Syracuse, Utica, Albany, Troy, N. Y. and Newark, N. J. Despite the vastly expanded buying power in the rest of the district, New York City stores held their own against the field.

(Continued on page 18)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, President

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

Lewis H. Avery, Director of Broadcast Advertising; Howard Frazier, Director of Engineering; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Arthur C. Stringer, Director of Promotion.

## BROADCAST ADVERTISING

(Continued from page 17)

But radio can not nor does it seek to claim credit for holding sales at such a high level in the face of very adverse shopping weather. The total volume of retail radio advertising actually increased but little.

### WHAT HELD SALES UP?

The answer to that question can be debated by academic students of advertising and merchandising for years to come. Probably the effect does deserve psychological probing.

But three facts do stand out: Christmas shopping was not a new idea this year; it might be termed an established American custom. Furthermore, newspapers and radio had featured Christmas merchandise, built up the urge to buy for weeks before the newspapers ceased publication temporarily. Many New York City radio stations were carrying a substantial volume of retail advertising and that continued unabated during the period.

Actually, broadcasters cooperated with newspapers during the trying days. Almost all radio stations increased the number of their newscasts. Newspapers cooperated to increase the local news coverage of radio stations. Radio did not try to profit unnaturally from the predicament of the newspapers. One of the leading newspapers had already contracted for time over one of the leading radio stations to tell its readers what the newspaper would contain when it resumed publication. Then the strike was called off. But one newspaper, nearly a thousand miles away, decided the history of advertising during the strike should be reviewed.

### THE RETORT DISCOURTEOUS

Totally unaffected by the strike in any way, shape or manner, the *Chicago Daily News* carried a story by its financial editor, Royal F. Munger, that seemed totally unnecessary and definitely unfounded. Said Mr. Munger in the course of his article, after pointing out that buying held up on Monday, began to thin out on Tuesday:

"By Wednesday, a buying slump was in full blast, and people who had forgotten to go shopping were beginning to say, 'Oh, well, it's a war Christmas anyway.'

"The Crowds had fallen off, and the attempts to use radio in place of the missing advertising were getting nowhere rapidly. In fact, even through their anguish, the newspaper advertising men grinned at the job radio didn't do."

Unfortunately, Mr. Munger's article has been reprinted as a news story in many newspapers; as a house advertisement in others.

Apparently neither he nor those who reprinted his article have seen the Federal Reserve figures for depart-

ment store sales during the week ending December 19, 1942.

Of course radio could answer this unprovoked and unjustified claim, but radio has more important things to do. Broadcasting as an industry has embarked, under the NAB Retail Promotion Committee, on a study of retailing and radio that should furnish concrete, factual evidence of the power of radio to help retailers solve some of the problems they face today. More reason why every radio station should subscribe to the Retail Promotion Committee Plan.

Bickering between media is the worst thing that could happen to advertising today. All media have a job to do today—the magnitude of which they have never previously faced. First and foremost, they must help to win the war and win it quickly. Then they must help manufacturers, distributors and retailers to meet utterly new problems; chart sales and institutional courses over unknown seas.

Perhaps this opportunity for inter-media cooperation is nowhere better expressed than it was on the "Inside Washington" page of *Printers' Ink* for January 1, 1943:

"Food Administrator Wickard and OWI's Elmer Davis did an admirable job of building up for their last Sunday nights' broadcast (December 27, 1942) announcing that around 200 food products would be strictly rationed beginning sometime next February. First the Sunday morning newspapers carried top-head to the general effect that something big was cooking in Mr. Wickard's department—probably having to do with rationing—and that the double-barreled broadcast would reveal the whole plot. Then throughout the day, the forthcoming event was ballyhooed at intervals by the various broadcasting systems. Thus the interest of *hoi polloi* was really stirred up and they did not mind too much being deprived of their usual Charlie McCarthy half hour and other Sunday evening features. The execution was good, too. The dignified preliminary roundup by Mr. Davis and the forthright speech by Mr. Wickard covered the subject adequately and effectively. . . . There was not a thing wrong with the technique employed. Mr. Wickard's reminder that "your Monday morning newspaper will contain an interesting detailed announcement in this connection" was an effective stroke. The two mediums, newspaper and radio, were thus effectively hooked.

Consider that important announcement and the manner of its release. Broadcasting was used to condition the minds of the people—to prepare them for more drastic sacrifices necessary to win the war. To newspapers were left the details of how that program would be implemented.

Some of the ablest men from broadcasting and newspapers are on the staff of OWI. When they agree on such a technique, doesn't that suggest the tremendous importance of broadcasting as the prime means of communication?

Don't let your retail accounts be misled by the misinformation that has unfortunately been published in connection with the strike of the New York City newspaper delivery unions. The statements set forth in this report are verifiable facts. Use them wherever and whenever necessary to spike fraudulent claims.

But don't forget: broadcasting will progress and grow, as it has in the past, through constructive selling on your part and the part of everyone else connected with the industry.

### SELL A BOOK TO SELL STAMPS

One of the most offensive attempts to tie a commercial campaign into the war effort is the recent letter of Farrar & Rinehart, Inc., book publishers of New York City, urging stations to follow "The Treasury Star Parade" programs with an announcement plugging a book of the same name containing the scripts of these programs. And the reason why you should do this? If people buy the book containing the scripts, they will be stimulated to buy more War Bonds and Stamps. It would be much more effective



to broadcast "The Treasury Star Parade" twice and so make a direct appeal. We hope no NAB member station will succumb to this appeal. Let the publishing house pay card rates for the announcements following these programs.

### MORE P-I INSURANCE

Many member stations have forwarded letters from the Charles Edson Rose Company of Chicago, Ill., offering advertising of several types of insurance policies on a graduated P-I basis. The continuity is described as "snappy." We hope all NAB member stations will therefore bounce the continuity back to the agency with an urge to buy on a standard rate-card basis.

### WINNER LEFT AT THE POST

Described as a "winner," the "Record of Service" wall certificate offered to radio stations by the Midwest Advertising Company of Springfield, Ill. should be left at the post by all NAB member stations. Try to get the business on a straight rate-card basis. If the deal is as good as the agency says it is, they certainly ought to buy and quickly.

### COVERAGE CLAIMS

A recent FTC case, wherein a radio station stipulated to desist from making certain claims as to its coverage, serves as a warning to stations. Extreme care should be taken to insure that no coverage claims are made that cannot be substantiated by reliable evidence. Statements made in brochures and direct mail constitute advertising just as much as advertisements in the trade papers.

## Programs for Victory

### OUTSTANDING LOCAL PROMOTION

Edgar Bill's WMBD (Peoria) sends word of a one-hour program under the title "Forward Peoria" which gained much local attention. The program was designed to congratulate and honor the organizations and the men who had been principally engaged in the local war effort. These men reported the results of their activity. Music for the program was furnished by the Municipal Band through the courtesy of the Peoria Musicians Union.

Those reporting were the chairman of the war bond campaign; of the Advertising and Selling Club, the Defense Council, War Price and Rationing Board, the Junior Chamber of Commerce, the CIO Publicity and Educational Director, American Legion, Association of Commerce, Selective Service Board and the Local Committee for Economic Development. It was an outstanding success and the idea may be of interest to other stations.

### HAVENS PRESENTS BOND IN TITLE CONTEST

WMBG, Richmond, Va., had a half hour program of song and wit known as "The Show Without a Name." It's now known as "Everything Goes."

Station President, Wilbur M. Havens, recently presented Miss Carrie Moore with a \$25 war bond for suggesting the new title which more accurately describes the program.

### CLIPP WRITES REGIONAL DIRECTOR OF OPA

Roger W. Clipp, General Manager, WFIL, recently wrote to the Regional Director of the Office of Price Administration regarding a practice which they have inaugurated

to aid OPA in its effort to cut down pleasure driving. Says Mr. Clipp in his letter:

"Feeling that many folk are often undecided whether or not to go out of an evening, we are advising them to stay home, thereby saving gas, tires and transportation facilities. The suggestion is made additionally attractive by pointing out three or four of the top comedy, musical, dramatic and news programs available for their listening pleasure over WFIL for the current evening."

"We believe," says Mr. Clipp, further, "that the theme, 'Stay home tonight—save gas and tires—listen to WFIL,' will have a noticeable effect on civilian habits."

We pass this suggestion on to other stations for what use they may want to make of it.

### THANKS FOR COOPERATION

Sincere thanks to the following stations for their cooperation in acquainting the public with the reasons why radio sets needing repairs should be taken to the radio repairman instead of asking him to call:

WADC—Akron; WHMA—Anniston; KMPC—Beverly Hills; WOPI—Bristol; KFVS—Cape Girardeau; KELA—Centralia; WGKV—Charleston, W. Va.; WBT—Charlotte; WAAF—Chicago; WCBI—Columbus, Miss.; KRIS—Corpus Christi; WDAN—Danville, Ill.; WHIO—Dayton; KPOF—Denver; WKBB & KDTH—Dubuque; KR0D & KTSM—El Paso; KTSW—Emporia; WFNC—Fayetteville; KORN—Fremont; WHAI—Greenfield; WHP—Harrisburg; WDRG—Hartford; WJAX—Jacksonville; WCLO—Janesville; WJAC—Johnstown; WCLS—Joliet; KFUN—Las Vegas; WCOU—Lewiston; KFOR—Long View; WHAS—Louisville; KYSM—Mankato; WMAM—Marquette; KMYC—Marysville; WMC & WMPS—Memphis; WQAM—Miami; KVOX—Moorhead; WAJR—Morgantown; WISE—Nashville; WTAR—Norfolk; KLO—Ogden; KPND—Pampa; WPAR—Parkersburg; WFIL—Philadelphia; KDKA—Pittsburgh; KWOC—Poplar Bluff; KBPS—Portland; WKIP—Poughkeepsie; WEXL—Royal Oak; KGLU—Safford; KJBS—San Francisco; KVEC—San Luis Obispo; WSNY—Schenectady; WHBL—Sheboygan; KGH—Sidney; WSPA—Spartanburg; KFIO—Spokane; WSPR—Springfield, Mass.; KFAM—St. Cloud; WFLA—Tampa; WIBW—Topeka; KVOO—Tulsa; KSUD—Vermillion; WACO—Waco; WAIR—Winston Salem; WFHR—Wisconsin Rapids; WSBA—York; WHIZ—Zanesville.

### NEW SOLDIER MAIL RULES

Lt. Col. Edward M. Kirby, Chief of the Radio Branch of the Bureau of Public Relations of the War Department, has recently communicated to all networks with reference to the matter of mail to soldiers overseas. The problem is becoming an extremely acute one. The following press release from the War Department outlines the situation which will be of interest to all engaged in broadcasting which encourages the sending of mail to soldiers abroad.

A recent survey of conditions obtaining in the shipment of mail to our soldiers overseas revealed that more than eight times as much cargo space per man was utilized in November, 1942, for mail than in November, 1918, the War Department announced today.

The mail forwarded in November, 1942, consumed cargo space equivalent to the total capacity of three 11,000-ton ships of the "Liberty" class—ships that are vitally needed to provide food, ammunition, and the countless items of supply that are the raw material of victory. With the steady expansion of our forces overseas, this presents a problem of pressing and ever-growing importance.

Insofar as the overseas mail consists of letters to soldiers by their families and personal friends, it has been welcomed by the Army, and will continue to be welcomed. However, it is clear that waste must be eliminated in the interest of military efficiency.

The enormous amount of space consumed by packages,

and the fact that they so frequently contain objects that are already supplied by the Army in compact bulk shipments, have impelled the War Department, in cooperation with the Post Office Department, to issue new regulations. Effective January 15, no package may be sent to a soldier overseas unless it contains an article that has been requested by the soldier, and the request has been approved by the commander of the battalion or similar unit. The package will not be accepted by the post office unless the written request, bearing the commanding officer's approval, is presented.

These packages will be limited in weight to five pounds, and may not be more than 15 inches in length, and 36 inches in length and girth combined.

Under the new regulations, magazines and newspapers may be mailed to a soldier only by the publisher and only if the soldier is the subscriber. However, the soldier will be free to subscribe to any newspaper or magazine he wishes, and will not require special permission to do so.

The mailing to soldiers overseas of single copies of magazines and newspapers will be discontinued.

In this connection, it should be borne in mind that copies of many current publications are provided by the Special Service Division of the Army, and are available to the soldiers.

The only exception to these rules will be in the case of soldiers who have been sent overseas while packages, addressed to them at a station in the United States, were in transit. Such packages will be forwarded overseas.

Experience indicates that the new restrictions on packages will work no hardship. In the main, these rules will operate merely to prevent the duplication of items of food-stuffs, clothing, and other articles already adequately supplied by the Army. Every effort is made by the Special Service Division and the Army Exchange Service to provide items that are in general demand.

There is an obvious necessity for conserving the cargo space of airplanes as well as ships, and the V-Mail system was devised to meet this problem. V-Mail represents a saving of 98 per cent in cargo space as opposed to ordinary mail. Therefore, in loading planes bound for those overseas areas where facilities exist for the reproduction of V-Mail, air mail stamps on ordinary letters will be disregarded. The V-Mail letter will be the only type of letter bound for these destinations that will be assured of overseas transportation by air. The points at which reproduction installations for V-Mail are now available are the British Isles, Iceland, Greenland, Australia, the Near East, the Southwest Pacific, the Hawaiian Islands, and India. They will be available within the near future in North Africa.

V-Mail is quick—it goes to its overseas destination by air. It is safe—the negative from which it has been reproduced is never destroyed until the letter has reached its destination. One argument that has been advanced against it is its lack of privacy. This objection is a bit naive, since every letter sent out of the country in wartime whether by V-Mail, air mail or ordinary post, is subject to censorship.

To date, 15,000,000 V-Mail letters have been sent from and to the United States without the loss of a single one. However, the total volume of overseas mail handled by the Army has been as high as 15,000,000 a week. Army mail going overseas now exceeds the peak volume of foreign mail dispatched by the civil postal system in peace time.

The Army Postal Service, with the cooperation of the United States Post Office Department, has handled its tremendous job faithfully and well, although in the nature of things it will never be exempt from criticism. For example, when a man receives a letter dated December 15 and later gets one dated December 10, he is apt to think that somebody slipped. However, the enormous mass of

mail must be handled as it comes, and the facilities available at a later date may turn out to be more expeditious.

The problems of the Army Postal Service, and an important problem of the Army as a whole, will be greatly lightened when all citizens act on the request that they write only to those soldiers with whom they are personally acquainted. Experience shows that letters from the best-intentioned of strangers mean nothing at all to the average soldier. To the Army they mean, at best, the waste of cargo space that is needed for food and war materials.

## MORE ABOUT 1,000 CYCLE ALARM

The article on page nine of NAB Reports for January 8 was not intended to convey the impression that stations using an automatic alarm device would not need to maintain a continuous listening watch. Audible electronic control devices may be used *only* to supplement the continuous listening watch and not as a substitute. Prior to the construction and installation of the device described in the December 1942 issue of COMMUNICATIONS or similar devices, it is suggested that Restricted Order No. 2 of the Federal Communications Commission dated September 1, 1942 be reviewed.

## MAINTAINING HOME SETS

The National Association of Broadcasters is fully aware of the necessity for maintaining home radio receivers as the most effective means of mass communication. Despite the lack of specific published information, some of which can be classified as military secrets, we are confident that home radio receivers will be maintained in efficient operation throughout the duration of the war.

### Materials Problem

The availability of replacement tubes and repair parts for home radio receivers is best summed up in a statement issued December 28, 1942, by Frank H. McIntosh, Chief, Civilian Radio Section, WPB Radio and Radar Division:

"The Victory line of tubes and parts will play a part to conserve material and the programs of distribution now in effect and planned for the near future will insure the necessary items of maintenance for the radios of this country. This to the extent that at least one set per home will be insured, and that the corresponding broadcasting needs will continue to be met on the basis of the conservation measures already in force or about to be put in force."

The essential service of broadcasting during war time is succinctly described in a letter written to the NAB on October 6, 1942, by William B. Lewis, Chief, Radio Bureau, OWI:

"The OWI has a direct and vital concern with the maintenance of radio coverage in this country. It is one of the most important media for the conveyance of war information in general to the people, and may become of still greater importance when there is occasion for emergency messages from the national leadership."

### Personnel Problem

Sufficient personnel to install radio parts and tubes is not a serious problem at the present time. To assist in preventing it ever becoming a serious problem, NAB has been working for some time with government training agencies, other groups and associations within the radio industry and with individual manufacturers. Prevention involves a training problem at the vocational level for men not acceptable for military service and for women. It will also involve the streamlining of service technique and its institution wherever indicated.

For some months NAB worked with the Manpower Commission to secure the recognition of the occupation

"Radio Repairman" as an essential occupation. Approved by War Manpower, the definition was forwarded through channels to Selective Service. On December 22, 1942, Selective Service issued Occupational Bulletin No. 42 and Radio Repairman was included among occupations which local boards should consider for deferment.

### Philco Goes to Bat

Philco Corporation, manufacturers of home radio receivers, notified NAB this week that it is prepared to launch a nation wide plan to do its part in maintaining home radios throughout the emergency. A philco official is expected to visit headquarters next week.

Decision to implement the plan now rather than six months hence will be regarded with approval and enthusiasm throughout the radio industry. It is much easier to control a situation by locking the door before the horse escapes.

### BATTERY SETS

Battery-run radios—particularly those used on farms—should be operated on the basis of obtaining at the very most only a single set of replacement batteries a year, the WPB Consumer Durable Goods Division said today.

Pointing out that production of farm radio batteries has been cut due to restrictions on zinc and to other factors, the Division urged radio owners to follow simple conservation rules for assuring maximum service from their present supply.

Wholehearted observance of the rules, it was stated, will go far towards keeping farm radios in operation despite wartime restrictions on production of batteries and will assist farm families to keep abreast of developments on the war fronts both at home and abroad.

The rules are:

1. Don't waste your batteries. Operate your radio only when there are programs that you particularly want to hear.
2. Avoid long, continuous radio operation. Break up your reception into a number of short periods.
3. Keep batteries away from heat.
4. Have the tubes checked regularly as insurance against battery wastage.
5. Disconnect the batteries from the radio when not in operation. This will be a double-check against the radio being left on accidentally. It is also a guard against young children in the family operating the radio unnecessarily.

The shortage of batteries, which has been experienced generally throughout the country for the past several months, is due to military requirements as well as to the zinc shortage, and has developed at a time when the war news and transportation restrictions have naturally resulted in greatly increased use of radios.

Last July 24, Order M-11-b (zinc) cut the use of zinc in all types of dry cell batteries fifty percent below 1941 consumption. In an effort to alleviate this situation, Order B-71 was issued on October 2 eliminating entirely production of batteries for portable radios and establishing specific quotas for production of farm radio batteries, flashlight batteries and other types for industrial and occupational use. The effect of this action was to limit the use of available zinc to the most essential batteries, in which were included radio batteries.

Most recent models of portable radios can be operated on household electric current; the remainder will have to be stored away for the duration once present stocks of batteries are exhausted.

Officials of the Consumer Durable Goods Division declared that WPB is fully cognizant of the need for maintaining farm radios in operation, both as a means of keeping America's farm population informed on the progress of the war effort, and also as a source of entertainment to replace drastically curtailed peacetime recreational

facilities. To attain that objective, more than half of the zinc allocated for civilian batteries is now used for production of farm radio batteries, but until military requirements are fully met there is little possibility of any additional allocations.

Also, the available supply of batteries has been allocated to various parts of the country on as equitable a basis as possible. Purchasers are urged to go only to their regular sources for replacements. No priority rating is granted or needed for purchase of radio batteries by consumers.

### WSAV TRAINING COURSE

In cooperation with Dr. R. L. Sweigert of the Georgia School of Technology, State Director of the Engineering Science Management War Training Program for Georgia, Radio Station WSAV has organized a training course in Savannah under the direction of its Chief Engineer, Meredith E. Thompson. Upon not being able to make any satisfactory arrangement with established educational institutions, Dr. Sweigert appealed to WSAV for assistance, and was immediately tendered the necessary facilities for establishment of the courses in Savannah. The class includes numerous women who are preparing for enlistment in the WAAC's and WAVE's.

### "THE RAPE OF RADIO"

The attention of the NAB has been called to the fact that Rodin Publishing Company, Inc., is circulating a book entitled "The Rape of Radio," written by Robert West in a jacket which quotes "Melville Miller, Pres., National Association of Broadcasters" as saying "The most revealing book on radio since the advent of broadcasting."

Mr. Miller has never read this book, or made any such statement about it. The Rodin press admits that not only the purported quotation of Mr. Miller, but of other persons whose names appear on the book jacket, are due to "an egregious blunder."

Members coming across this book are warned with respect to the false quotation, and asked to call the attention of the NAB to any places offering it for sale in the jacket which falsely quotes Mr. Miller.

### QUICK ACTION SAVES CORN FROM FLOOD

When rapidly-rising waters threatened to destroy much corn in the Ohio and Wabash river bottoms, Manager Clarence Leich of WGBF-WEOA, Evansville, Indiana, called Indiana's Governor, Henry F. Schricker. He suggested that permission be secured from the War Department to have soldiers from Ft. Breckinridge, across the river from Evansville, assist in the salvaging of the corn. The appeal was successful and several hundred soldiers saved thousands of bushels of corn in the bottomlands.

### PREDICTS MORE WOMEN IN RADIO

In thanking Major Edney Ridge, Managing Director, WBIG, Greensboro, N. C., for recruiting results, Waldo Porter, manager of the Greensboro office USES, added a worth while comment regarding the employment of women.

Said Mr. Porter: "I have noticed recently the addition of two lady announcers to your staff. I want to congratulate you on this move, as I think it is good business on your part. The time is fast approaching when women are going to replace men in many occupations, and it is the smart thing to make this change while qualified women are still available. I might add that the young lady announcers are doing a fine job."

## TEACHERS LIKE MATERIAL

Max U. Bildersee, radio supervisor, The University of the State of New York, The State Education Department, Albany, wrote last week:

"I want to thank you for sending me the publications you did for distribution at the annual conference of the New York State Association of Elementary Principals.

"You will be interested to know that the materials were well received and that the discussion of educational broadcasting brought forth many questions."

## WHEB STILL GROWING

Mrs. Rosemary Bolles, new to radio, has joined the continuity department of WHEB, Portsmouth, N. H., and Brenda Caswell, also new to radio, the sales department. Elvy C. Scull, formerly of the Merchant Marine, is employed in the engineering department.

## FLENNIKEN AND BOYLSON CHANGE

James M. Flenniken, formerly general manager, WBRW, Welch, W. Va., has joined WBLK, Clarksburg, W. Va.

New general manager of WBRW is Vernon Boylson, formerly sales manager, WRAK, Lafayette, Ind.

## RECRUITS 91 RADIO STUDENTS

Three courses in Fundamentals of Radio, with approximately 91 students, are expected to get under way in Rockford, Ill., this week. They were recruited by WROK in cooperation with the University of Illinois.

Approximately 200 other students were recruited for classes in other wartime subjects, according to Bill Traum, promotion manager. Most of the radio students will be available for work within the industry.

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## William C. Gillespie

William C. Gillespie, General Manager, KTUL, Tulsa, died at 9:20 a.m. on Tuesday (January 12). His death resulted from a fractured skull sustained in a fall at his home. Bill Gillespie had been one of the outstanding broadcasters in his area and has taken an active and constructive part in general industry affairs. At the time of his death he was serving as a member of the Retail Promotion Committee and had been active in other general industry matters. All in broadcasting mourn his passing and extend sincere sympathy to his family and to those who were associated at the station with him.

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## Listener Activities

### MINNEAPOLIS COUNCIL ACTIVE

Mrs. George B. Palmer, Regional Director of Listener Activity, reports that two series are being broadcast devoted to war interests. One, over WCCO, called "Woman Wanted" is a series using some of the outstanding leaders in educational and civic life of the Northwest. "Woman Wanted" is designed to meet the questions of the housewife on a number of fronts—the personal, the social, the educational, the civic and the psychological. The program is produced by the Minnesota Federation of Women's Clubs

in cooperation with the Minnesota Library Association and the University of Minnesota.

The second series is called "Wartime Living" and is broadcast each week over KSTP, starting Wednesday, January 13th—sponsored by the Minnesota Federation of Women's Clubs in cooperation with the Office of War Information. Such subjects as "Loose Talk," "Wartime Health," "Inflation," "Consumer Interests," etc. Experts in their respective fields will discuss the subjects. Mrs. L. R. Upham, Chairman of the Women's Service Section of the State Civilian Defense, will serve as permanent chairman of the round-table discussions.

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Miss Millicent Pooley, Chairman of District No. 9 for the Association of Women Directors of NAB, has resigned as Woman Director of WHBF to join the WAVES.

## CHILDREN'S PROGRAMS

Miss Bernice W. Foley of WSAI, Cincinnati, formerly of WKRC, is producing a children's newscast every day at 5:00 p.m. The Cincinnati Board of Education is giving splendid cooperation.

Miss Foley states that she finds that children do listen to newscasts but that most of them are beyond their comprehension. She gives a round-up of news and supplements that with stories about the countries discussed, stressing geography and history.

## HUMAN INTEREST SPORTS

A member recently mislaid an offer of a nightly sports human interest story. He wonders if anyone received a similar offer. If so, please communicate with Mr. Arney at NAB.

## SALARY STABILIZATION

Wage increase agreements which violate the stabilization policy cannot be approved by the National War Labor Board even where the increase was agreed upon mutually by management and union, the National War Labor Board reiterated this week in an opinion written by Dean Wayne L. Morse, Public member of the Board, in connection with the Board's unanimous decision in a Los Angeles building employees' case.

The National War Labor Board's established wage policies "will break down completely unless wage increases set forth in prior agreements and collective bargaining contracts are to be subordinated to the national wage stabilization program," Dean Morse stated in the opinion.

## FEDERAL LEGISLATION

### HOUSE RESOLUTION

H. Res. 21 (Cox, D-Georgia) INVESTIGATION OF FCC—Authorizing an investigation of the organization, personnel, and activities of the Federal Communications Commission. Referred to the Committee on Rules.

### HOUSE

H. R. 80 (Keough, D-N. Y.) COPYRIGHT—To amend section 25 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended. Referred to the Committee on Patents.

H. R. 816 (Cellar, D-N. Y.) ADMINISTRATIVE PROCEDURE—To revise the administrative procedure of Federal agencies; to establish the Office of Federal Administrative Procedure; to provide for hearing commissioners; to authorize declaratory rulings by administrative agencies; and for other purposes. Referred to the Committee on the Judiciary.

## SENATE

S. 149 (Clark, D-Idaho) RECORDINGS—To prohibit certain contracts, agreements, conspiracies, and combinations which prevent the making of recordings for use by radio broadcasting stations and coin-operated phonographs. Referred to Committee on Interstate Commerce.

## STATE LEGISLATION

### CALIFORNIA:

A. 195 (Wollenberg) FOREIGN LANGUAGE BROADCASTS—Provides radio broadcasts in foreign language must be repeated in English. Referred to Committee on Judiciary 1/12/43.

### MARYLAND:

S. 18 (Brice) RADIO ADVERTISING LOANS—To amend Sec. 14 of Art. 58A of the Code, relating to advertising small loans by radio broadcasts. Referred to Committee on Judicial Proceedings 1/7/43.

### NEW YORK:

S. 72 (Quinn) FOOD & DRUGS—Creates in health dept. a consumers' bureau for advertising control, scientific research, and sale of foods, drugs, cosmetics or health devices, and for regulating traffic therein. Referred to Committee on Health 1/6/43.

S. 82 (Williamson) INDUSTRIAL BANKS—LOANS—Provides that industrial banks shall not advertise, print or broadcast any statement with regard to rate for loans unless stated as rate per cent per annum or per month on unpaid principal balances. Referred to Committee on Banks 1/6/43.

S. 83 (Williamson) PERSONAL LOAN—RATES—Prohibits advertising by bank or trust company in connection with personal loan dept., of statements relative to rates for loans unless stated in terms of rate per centum per annum or per month on unpaid principal balances. Referred to Committee on Banks 1/6/43.

S. 84 (Williamson) SMALL LOANS—RATE ADVERTISING—Requires that in advertising for loans and in other statements by licensed lenders of small loans, rate or charge shall be stated as rate per centum per month on unpaid principal balances. Referred to Committee on Banks 1/6/43.

## FEDERAL COMMUNICATIONS COMMISSION

### COMPLAINTS ON "VULGARITY"

At a press conference early this week FCC Chairman James Lawrence Fly said that the Commission has been receiving a larger number of complaints about vulgarity and profanity on the air than usual. He said at this particular time he would not care to express any opinion on this matter.

Mr. Fly told the newsmen that he stood ready to assist the Senate Committee in connection with the Petrillo hearing but that he has not received any formal notice and does not expect the Committee to call him at any of the early sessions of the hearing. He said that if he is called he believes that any testimony he might give would be basically the same as that he has already given to Congress.

The Chairman, in answer to a question, said that he expected within the next couple of weeks to have information on the financial standing of the small stations of the country. He stated that the Commission is not doing anything at the moment in connection with obtaining advertising for these small stations pending receipt of the financial analysis of the different stations.

Mr. Fly told the correspondents that joint considera-

tion will be given to the setting up of new stations and frequencies by interested government departments and agencies. He said that the FCC will cooperate in this as best it can. "I think," he continued, "we all appreciate that as far as it can be done consistent with other extreme and urgent demands, that we ought to expand our international broadcast facilities. I don't think there is any debate on that anywhere in the Government."

## 1944 FCC BUDGET

In his annual budget message to Congress this week the President asked for a regular appropriation for the Federal Communications Commission for the fiscal year 1944, beginning July 1 next, of \$2,000,000. That is identical with the amount appropriated for the present fiscal year.

An appropriation of \$6,070,000 was also asked by the President for national defense needs for the Commission for the same fiscal year. The appropriation during the present fiscal year amounted to \$5,363,035.

The estimates submitted for the fiscal year 1944 provide for a continuation of the regulatory work of the Commission at the same level as for 1943 and an expansion in its war activities. For the latter purpose, an increase of approximately 11 percent is submitted in the estimates. This will make provision for the work of monitoring stations which are operated on a 24-hour basis to insure a continual and effective policing of all radio communications channels and signals. It will also provide for coordination with the War Department Interceptor Commands in the silencing of radio stations during air-raid danger and insure prompt return to the air when the danger is over. Other activities affected by the increase are: Listening in on foreign radio transmissions of intelligence and propaganda, thereby guiding counter-propaganda and other necessary actions; and maintenance of an adequate communications service to meet the needs of the Nation, including the formulation of plans for the Board of War Communications.

## KOA CASE

The FCC has adopted an order granting a petition for rehearing filed by NBC as licensee of station KOA. This is directed against the grant of the application of WJW, Inc., for modification of construction permit to change frequency from 1240 to 850 kilocycles, increased power from 250 watts to 5 kilowatt with directional antenna day and night, change location of transmitter to a site 13.8 miles nearer Cleveland and move the studios from Akron to Cleveland.

The Commission dismissed KOA's request for a stay order without prejudice to KOA's right to renew the request if WJW should seek authority for actual operation on 850 kilocycles in Cleveland prior to a final decision by the Commission in this matter.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 18. They are subject to change.

Monday, January 18

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—C. P., 1030 kc., 10 KW, DA-night, unlimited.

Tuesday, January 19

- WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), 1520 kc., 50 KW, unlimited, DA-day and night.
- WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), 550 kc., 1 KW night, 5 KW day, unlimited, DA-night.
- NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—C. P., 1450 kc., 250 watts, unlimited.

Thursday, January 21

- WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license, 680 kc., 250 watts, unlimited.

Friday, January 22

- WORK—York Broadcasting Co., York, Pa.—Modification of C. P., 1350 kc., 1 KW, DA-night, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATION GRANTED

- KROY—Royal Miller (Assignor), Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, and Will Thompson, a partnership, d/b as Royal Miller Radio, Sacramento, Cal.—Granted consent to assignment of license for Station KROY, Sacramento, Calif., from Royal Miller to a partnership composed of Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, and Will Thompson, d/b as Royal Miller Radio, for a total consideration of \$18,500 to be paid the assignor (B5-AL-358)

### DESIGNATED FOR HEARING

- WOKO—WOKO, Inc., Albany, N. Y.—Designated for hearing application for renewal of license of Station WOKO and auxiliary, upon the following issues: To determine whether the representations and statements made to the Commission or its predecessor, the Federal Radio Commission, by the licensee, its officers, directors, stockholders, or agents, with respect to the ownership or transfer of, subscription to, or consideration paid for the stock of WOKO, Inc., truly and accurately reflect the facts; to determine all the circumstances and conditions under which the stock of WOKO, Inc., has been issued, transferred, or assigned; to determine whether or not the applicant is qualified to continue the operation of Station WOKO; and to determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by a grant of this application (B1-R-253).

### MISCELLANEOUS

- KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Granted license to cover construction permit as modified, for new equipment, increase in power, installation of directional antenna for night use, and move of transmitter (B5-L-1741); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1483).
- WOSH—Howard H. Wilson, Oshkosh, Wis.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1448).
- W39NY—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted modification of construction permit as modified, which authorized new high frequency broadcast station, for extension of completion date from November 14, 1942, to March 14, 1943 (B1-MPH-117).
- WLW—The Crosley Corp., Cincinnati, Ohio.—Granted motion for postponement of hearing set for January 8 on application for modification of license; hearing continued to February 8, 1943. (Docket No. 6341)

The Commission adopted an order denying the joint petition of Woodmen of the World Life Insurance Society and Radio Station WOW, Inc., for extension of time within which assignment of license of Station WOW may be consummated.

The Commission granted permission for stations to identify mechanical records as such by appropriate announcements either immediately preceding or immediately following the broadcasting of transcribed United States Government messages of a maximum duration of two minutes on war information. This action was taken upon consideration of the request of the Office of War Information dated January 6, 1943, for permission to make the announcement "This transcribed communication is from the Office of War Information" following one-minute spot transcribed announcements.

The Commission denied the request from The Blue Network for waiver of Section 3.406 so as to eliminate station identification announcements during the course of a program on Saturday, January 30, 1943, from 11:15 p.m. to 12:15 a.m., in connection with the President's birthday.

The Commission stated further that similar requests from other networks will not be granted.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted petition to intervene in the hearing on application of WBNY, Buffalo, N. Y., for modification of license.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted motion for continuance of hearing from January 21 to February 23 in re application for modification of license.

Chattahoochee Broadcasting Co., Columbus, Ga.—Granted motion for continuance of hearing from January 19 to February 4, in re application for new station.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Cal.—Granted petition to postpone hearing now scheduled for January 26 to March 22, in re application for construction permit.

WORK—York Broadcasting Co., York, Pa.—Granted petition to continue hearing from January 22 to February 25, in re application for modification of construction permit.

### APPLICATIONS FILED AT FCC

#### 550 Kilocycles

- KOAC—Oregon State Agricultural College, Corvallis, Ore.—License to use formerly licensed main transmitter as an auxiliary with power of 1 KW.

#### 620 Kilocycles

- WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B-P-3489, which authorized move of studio and transmitter) for extension of completion date from 1-26-43 to 7-26-43.

#### 780 Kilocycles

- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special service authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to 12 midnight, CST, for period ending 2-1-44.

- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special service authorization to operate synchronously with KFAB from local sunset at Lincoln, Nebr., to 12 midnight, CST, for period ending 2-1-44.

#### 850 Kilocycles

- WEEU—Berks Broadcasting Co., Reading, Pa.—Special service authorization to operate from 7 a. m. to local sunrise during months of January, February and March, 1943.

#### 1440 Kilocycles

- WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Authority to determine operating power by direct measurement of antenna power.

#### 1450 Kilocycles

- KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Voluntary transfer of control from Warren B. Worcester, deceased, to The First National Trust & Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester.

## 1560 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—  
Extension of special service authorization to operate on  
1560 kc., with power of 10 KW, unlimited time, non-directional antenna for period ending 4-1-44.

# FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

## COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why cease and desist order should not be issued against it.

**Frenco Laboratories**, Long Beach, Calif., compounding and selling medicinal preparations designated "Pap-Tabs," "Py-O-Ten," "Pap-Tea," is charged in a complaint with misrepresentation. (4885)

## CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Joseph G. Branch Institute of Engineering & Science**—An order has been issued directing Joseph G. Branch, trading as Joseph G. Branch Institute of Engineering and Science, 3917 South Parkway, Chicago, to cease and desist from representations found to have deceived students as to the character of his correspondence school and the value of the courses offered and the purported degrees conferred. All of the 37 courses sold by the respondent are in the Spanish language and include such subjects as medicine, dentistry and several branches of engineering. (4708)

**Theophilus J. Craig**, 14 Federal Ave., Quincy, Mass., dealer in tombstones and monuments, has been ordered to cease and desist from misrepresentations with respect to the quality, material and price of the products he sells. (4600)

**Purity Candy Co.**, 1135 North Sixth St., St. Louis, have been ordered to cease and desist from selling or otherwise disposing of candy or other merchandise by means of lottery schemes. (4872)

**Sherwin-Williams Co.**, Cleveland, Ohio, and two of its subsidiaries, The Lowe Brothers Company, Dayton, Ohio, and John Lucas & Company, Inc., Philadelphia, have been ordered to cease and desist from violation of the Robinson-Patman Act by discriminating in price between different purchasers of their paint products of like grade and quality. (3965)

**World's Star-Malloch, Inc.**, 501 Ottawa Ave., N. W., Grand Rapids, Mich., has been ordered to cease and desist from misrepresentation in the sale of hosiery. The respondent corporation also has operated under the trade name "Strand-Sealed Hosiery Co.," use of which was discontinued in 1937. (3623)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Brighton Sales**, 427 Neptune Ave., Brooklyn, selling and distributing old, worn, second-hand or previously used clothing, has to cease using the words "slightly used" or the word "slightly" or other words of like meaning which tend to convey the belief that previous use or wear of the products is slight or negligible, when, in fact, the extent, degree or nature of such use or wear is such as to be improperly designated or referred to as "slightly" or "slight"; offering for sale or selling any old, worn, second-hand or previously used article of clothing unless there be attached to its exposed surface a tag or label bearing in conspicuous and legible terms a statement that such garment is old, worn, second-hand or previously used; and using any fiber designation in connection with the offering for sale, distribution, labeling or advertising of any merchandise unless such designation truthfully discloses each constituent fiber thereof in the order of predominance by weight, beginning with the largest single constituent, and also unless tags or labels bearing in conspicuous and legible terms such correct fiber content be affixed to the exposed surface of the article. (3594)

**Chicago Premium Co., Inc.**, 54 West Illinois St., Chicago, selling and distributing so-called eyeleted gold seal booklets and trading stamps to retail dealers, engaged in the sale of petroleum products and other merchandise, for use as advertising media, has stipulated to cease and desist from placing in the hands of retail dealers or others sales promotional booklets and stamps or any other sales plans or devices which are to be used, or obviously are intended for use, in the sale or distribution of merchandise by means of a game of chance, gift enterprise or lottery scheme. (3595)

**Coates Concentrates**, 20 East Jackson Boulevard, Chicago, has entered into a stipulation to cease and desist from misrepresentation in connection with the sale of food and drug tablets. (03087)







1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 4, January 22, 1943

## OPERATOR REQUIREMENTS RELAXED

The Commission today issued Order 91-C extending the period during which temporary operators licenses will be recognized. This action on the part of FCC consummates a project initiated by the resolution introduced by Marshall Pangra, KRNR, at the 17th NAB District meeting in Portland, Oregon, on November 19.

Resolutions imploring similar action were adopted at the 11th, 10th, 9th, 8th, 7th, 2nd and 1st District meetings which followed in that order after the 17th District meeting. The views of the broadcasters were made known to the FCC by NAB when the original 17th District resolution was transmitted. Order 91-C reads as follows:

"At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the nineteenth day of January 1943,

"The Commission having under consideration its orders no. 91, 91-A, and 91-B and the request of the Board of War Communications that the Commission consider further relaxation of its rules and regulations governing the requirements for operators of broadcast stations; and,

"It appearing, that the demand of military services for radiotelegraph and radiotelephone operators has increased as a result of the war and that such demand has decreased the number of operators qualified for operation of broadcast stations resulting in a shortage of such operators;

"It is ordered, that until further order of the Commission, notwithstanding the provision of section 13.61 of the Commission's Rules and Regulations governing commercial radio operators, a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of a higher class could not otherwise be operated, may be operated by holders of any class of commercial operator license;

"Provided, however, that all classes of commercial operator licenses shall be valid for the operation of broadcast stations upon the condition that one or more first-class radiotelephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of the transmitter equipment other than minor adjustments which normally are needed in the daily operation of a station;

"Provided, further, that a broadcast station may be operated by a holder of a restricted radiotelephone operator permit only in the event such permit has been endorsed by the Commission to show the operator's proficiency in radiotelephone theory as ascertained through examination.

"Provided, further, that a broadcast station having a licensed power of 1,000 watts or less may be operated by a holder of restricted telephone operator permit which has been endorsed by the Commission to show the operator's proficiency in the operation of the particular station concerned, as ascertained by certification of the first-class radiotelephone operator in charge of the station, on condition that in a technical emergency such operator shall not attempt to make any adjustment, but shall immediately shut down the station.

"Provided, further, that nothing contained therein shall be construed to relieve a station licensee of responsibility for the operation of a station in exact accordance with the rules and regulations of the Commission; and

"Provided, further, that Section 13.61 of the Commis-

sion's Rules and Regulations governing commercial radio operators shall remain in full force and effect except as modified by this order.

"This order supersedes orders 91, 91-A and 91-B."

The Commission and all other government agencies which cooperated in working out the details of this order are to be highly commended for most certainly it will contribute to relieving a pressing problem in many stations.

## LINE CHARGES REDUCED

"FCC Chairman Fly and Commissioners Walker, Wakefield and Durr are to be heartily congratulated on the outcome of the move to secure a reduction in telephone rates and line charges by the American Telephone and Telegraph Company," said NAB President Miller. "With the broadcasting industry, and especially the smaller stations, struggling under the added burden incident to war responsibilities, this reduction in line charges is certain to prove a boon. It will make possible the continuance, and in some cases the expansion, of radio's contribution to the war effort, especially in cases involving remote control programs. The broadcasting industry is deeply gratified."

Reduction in line charges, according to the Commission, are equivalent to approximately 25 per cent in telephone lines and 35 per cent in private telegraph lines. Small broadcasting stations as casual users of telephone lines, will benefit from a lowering of the initial rate per hour for line costs by approximately 50 per cent. Larger broadcast users will benefit by a reduction from \$6 to \$8 per air line mile.

Commenting upon the matter, Chairman James Lawrence Fly said:

"I believe this agreed settlement accomplishes some highly desired results. The importance of the extension of the great benefits of network broadcasting to the small and remote radio stations of this country can hardly be over-emphasized; they are an essential part of our modern system of mass communication and every effort ought to be made to preserve these small stations and to improve the service they are rendering to the public. I think, too, the benefits to the press of the Nation and to the Nation, itself, in making more economical the free flow of news and information is of real significance.

"It is also heartening to see these adjustments substantially lower the cost of carrying on the war without in any way encouraging an undesirable increase in non-essential telephone conversations.

"Commissioners Walker, Wakefield and Durr have done a good job in negotiating the adjustments. Mr. Gifford, President of the American Telephone and Telegraph Company, and the other officials of the Bell System have cooperated in achieving these results and in avoiding the unnecessary expenditure of manpower and funds in the course of extensive proceedings and litigation.

"The settlement also recognizes the great interest of the State Commissions and of the independent companies in the charges in question, and the counsel and advice of the State Commissioners has been most helpful. It may be true that this is not an ideal settlement of an impor-

(Continued on page 28)



NATIONAL ASSOCIATION OF BROADCASTERS

1760 N. St., N. W. WASHINGTON Phone National 2080

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

Lewis H. Avery, Director of Broadcast Advertising; Howard Frazier, Director of Engineering; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Arthur C. Stringer, Director of Promotion.

LINE CHARGES REDUCED

(Continued from page 27)

tant and intricate problem; however, under all of the circumstances, at this crucial juncture, I cannot but feel that it is over all a wholesome settlement and represents very constructive gain from the public point of view."

TREASURY SAYS "NO"

The Treasury has advised NAB that the value of broadcast time given the Government does not represent a payment made to the United States within the meaning of Section 23(q) of the Internal Revenue Code as amended, and that no deduction on account thereof is allowable. However, expenses incurred by stations in connection with broadcasting information regarding the purchase of U. S. war bonds, recruiting men for the armed forces, etc., are deductible as ordinary and necessary business expense under Section 23(a) (1) of the Internal Revenue Code as amended.

The Treasury's letter signed by Internal Revenue Commissioner, Guy T. Helvering, follows:

"Further reference is made to your letter of December 17, 1942 stating that radio stations at the request of the Treasury, War and Navy Departments, and other Government agencies, have contributed the use of their broadcasting facilities without charge to the Government to broadcast various programs and announcements designated by such agencies as necessary or desirable in furtherance of the sale of war bonds and stamps, the recruiting of men for the armed forces, and other Governmental purposes.

"You request to be advised whether radio stations so contributing the use of their facilities to the Federal Government are entitled to deduct in their Federal income tax returns under section 23(q) of the Internal Revenue Code, as amended, the value of the radio broadcast "time" contributed, using as a measure of value the published "card rates" customarily charged advertisers for similar use of the station's facilities.

"Section 23(q) of the Internal Revenue Code, as amended effective for the taxable years beginning after December 31, 1941 by section 125 of the Revenue Act of 1942 approved October 21, 1942, provides for the deduction in the case of corporations of contributions or gifts, payment of which is made within the taxable year to or for the use of:

"(1) The United States, any State, Territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes;

\* \* \* \* \*

to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefits of this subsection.'

"The records of the Bureau disclose that the question presented in your letter was made the subject of a communication addressed to you by the Bureau on December

9, 1942. I. T. 3593, I. R. B. 1942-51, 3, which was subsequently issued on the subject reads in part as follows:

"The business of a radio broadcasting station includes, among other things, the broadcasting of news, advertising of products, and dissemination of other matters of interest to the public. In broadcasting information with respect to the purchase of United States war bonds, radio broadcasting stations are carrying on one of the functions for which they are organized, and the expenses incurred in connection therewith are deductible as ordinary and necessary business expenses under section 23(a)1 of the Internal Revenue Code, as amended.'

"This office is of the opinion that the value of the radio broadcast "time" does not represent a payment made to the United States within the meaning of section 23(q) of the Internal Revenue Code as amended, and no deduction on account thereof is allowable. However, expenses incurred by radio broadcasting stations in connection with broadcasting information regarding the purchase of United States war bonds, recruiting men for the armed forces etc., are deductible as ordinary and necessary business expenses under section 23(a) (1) of the Internal Revenue Code as amended.

Respectfully,

(Sgd.) Guy T. Helvering, Commissioner.

Engineering

IRE WINTER CONFERENCE

The IRE Winter Conference will be held in the Engineering Societies Building, 33 West 39th Street, New York, on Thursday, January 28 in cooperation with the National Technical Meeting of the AIEE. In other cities, many sections of the IRE will hold local meetings at the same time. During the evening the sectional meetings will be linked by radio with the New York and Washington, D. C., meetings. Through the courtesy of the Columbia Broadcasting System, a nationwide radio network will carry an address by the Honorable James Lawrence Fly from Washington, D. C., Dr. L. P. Wheeler, President of the Institute for 1943, and Mr. A. F. Van Dyck, 1942 Institute President, will speak from the auditorium in New York.

The following technical papers will be presented at the morning session on January 28:

"Radio-Frequency-Operated High-Voltage Supplies for Cathode-Ray Tubes," by O. H. Schade, RCA Manufacturing Company, Radiotron Division, Harrison, N. J.

"Transmission-Line Charts," by R. S. Julian, Bell Telephone Laboratories, Whippany, N. J.

"Polydirectional Microphones," by H. F. Olson, RCA Manufacturing Company, Victor Division, Camden, N. J.

"Phosphorus and the Periodic System of the Elements," by H. W. Leverenz, RCA Communications Laboratories, Princeton, N. J.

The afternoon session starting at 2:30 p. m. will include the following:

Dr. L. P. Wheeler, President of the Institute for 1943, will formally take office and preside at the Annual Meeting.

A. F. Van Dyck, President of 1942, will give an account of his term of office and note the trend of Institute accomplishment.

The Institute's Medal of Honor will be presented to William Wilson.

"Electric Communications—the Past the Present Illuminate the Future: A Suggestive Interpretation," by Lloyd Espenschied, Consultant, Bell Telephone Laboratories, Inc.

"Production of Radio Facilities for the Armed Services," by Rear Admiral Stanford C. Hooper, U. S. Navy; General Consultant for Radio, Radar, and Underwater Sound Equipment.

## BATTERY INFO WANTED

Battery sets are in operation in certain sections of the country remote from power lines. We would like to hear from broadcasters in these localities as to dealer and jobber battery inventories. If battery information from the trade is meager, it is suggested you check listeners during a good farm program. Our information on tubes and parts is satisfactory but incomplete on radio batteries. Specify types if there seems to be an impending shortage.

"The Army-Navy Electronics Production Agency," by F. R. Lack, Director, Army-Navy Electronics Production Agency.

"The Function of the War Production Board in Radio," by Ray Ellis, Director, Radio and Radar Division, War Production Board.

"Radio Standards Go to War," by H. P. Westman, War Committee on Radio, American Standards Association.

"The Engineer's Position in the Manpower Program," by Kirk Miles, National Roster of Scientific and Specialized Personnel, War Manpower Commission.

The evening session will be a joint meeting of AIEE and IRE beginning at 8:30. Haraden Pratt, Past President of IRE and Chairman of AIEE's National Committee on Communication, will preside. The speaker of the evening, Dr. George C. Southworth, of Bell Telephone Laboratories, Inc., has chosen as his subject "Beyond the Ultra Shorts."

Doctor Southworth has previously given notable addresses before different audiences of the two engineering societies. It is particularly felicitous that upon the occasion of their meeting together in the wartime equivalent of their national conventions they will share the privilege of hearing him again.

Registration will be in the library of the Engineering Societies Building, 9:15 a. m.-3:30 p. m., for IRE members and guests. No registration for Thursday evening meeting. All IRE Conference and AIEE Technical Meeting sessions open to registrants of both societies. On days other than Thursday, IRE members register as guests of AIEE.

### Data Available

The NAB Engineering Department has available a limited quantity of two recent releases of interest to station engineers. Copies of the Engineering Section of the NAB District Meeting Handbook and the description of the Automatic Alarm 1,000 Cycle Receiver will be forwarded upon request.

## THE COX RESOLUTION

On Tuesday the resolution (H. Res. 21) introduced in the House by Representative Cox (D-Ga.) calling for an investigation by a select committee of the "organization, personnel, and activities" of the FCC was passed by a nearly unanimous voice vote. The Speaker promptly appointed Mr. Cox as chairman of the investigation committee, and the following members to serve with him: Hart (D-N. J.), Magnuson (D-Wash.), Wigglesworth (R-Mass.), and Miller (R-Mo.).

Addressing the House on his resolution, Mr. Cox is reported in the Congressional Record as saying:

"Mr. Speaker, I am this morning bringing to you a matter in which I have the deepest possible personal interest. If the resolution I am offering is adopted, it will operate as a depressant upon the bureaucrats seeking to swallow up all legislative power which belongs alone to Congress and should be of like concern to you.

"In 1939 the Albany Herald, a newspaper, the editor of which is Mr. Henry T. McIntosh, the model man of my State, its first citizen, brought to my attention that it was interested in the development of a small broadcasting station in Albany, Georgia. Ours is something of a desert land insofar as radio is concerned. In Albany there is a small station, but it did not render entirely satisfactory service to the people within that territory, though it rendered a service that was valuable and appreciated.

"Following this first communication from Mr. McIntosh, the Albany Herald filed its application for leave to establish a station. The Albany Herald is a daily newspaper, the largest newspaper published in the southwest quarter of my State, and is the paper of widest circulation.

"The people who own and operate the Albany Herald are my lifelong friends. They are people with whom I was reared. They are my confidants. They are people whom I love and who love me. In the spring of 1940 permission to build and operate a station was granted by the Federal Communications Commission.

"While the application was pending in the Commission I made many visits to the Commission. I visited with Mr. Fly, with Mr. Ring, its engineer, with Mr. Walker, another member of the Commission, with the counsel of the Commission. I consulted freely and frequently with Mr. Dempsey, its general counsel. After the license had been granted and the station had been built and had been operating for about a year, a new corporation was set up to take over the property and its operation. That new corporation was created because of advice given to me, to the counsel of the Albany Herald and to its manager, by Mr. Dempsey, the general counsel of the Commission, in which Mr. Dempsey said that because of the hostile attitude of the Commission toward newspaper ownership and operation of radio, a new corporation to take over and to operate the station should be created. Tremendous correspondence passed between McIntosh, the Albany Herald, counsel, and others interested in the station and myself. When the new corporation was set up, and without any knowledge on my part, they issued to me, upon the suggestion of Mr. McIntosh, according to the minutes, a check for \$2,500 which was in turn endorsed by me and returned as payment for stock in a like amount in the new corporation. Later on the stock was issued for \$2,500 in the new corporation. It may be worth \$2,500 or it may not be worth a dime. It will not be worth a dime unless the new corporation is permitted to function. Friends in the new corporation insisted they wanted me connected with the station; that they wanted me to serve in an advisory capacity. They had been told that I could not represent them before the Commission or anyone connected with the Commission or any other agency of the Government. They said they did not want this; that they had their regular counsel.

"When the new corporation was set up, an application for transfer of ownership of property and license to operate was made to the Commission. In March, 1942, after the station had been operating for more than a year, and after the Albany Herald had filed its application for leave to transfer, about which I had nothing to do and no information, I introduced a resolution to investigate the Commission.

"Neither the Albany Herald nor McIntosh nor any other person interested in the Albany property had any knowledge, much less anything to do with my introducing the resolution to investigate. The resolution which I offered was the result of representations made to me by the small broadcasters throughout the country, by newspapers having an interest in broadcasting, and by people in the Government—people connected with the Army and with the Navy, and many others, and because of the bad reputation of the Commission ever since it was first created; all these people insisted that Mr. Fly,

the Chairman of the Commission, was undertaking to set up a despotic dictatorship over all media of communication. That he has been endeavoring to do that I attest to be a fact. To those of you who doubt the truthfulness of this statement, if you know anybody connected with the Commission in whom you have confidence, and will telephone them now, they will tell you. Or if you still have doubt and you know anybody in the newspaper field who in anywise is interested in broadcasting, ask them and they will tell you so.

"Now, after the resolution was introduced, Mr. Fly sent his agents into my district. He did for me just what he has done for other Members of Congress. He did for me just what he has done for everybody else who has made any criticism of the Commission and of its communistic operations. He set his gestapo like a pack of hungry wolves on my trail, and they have trailed me since the day I offered the first resolution, and they are trailing me now.

"As stated he sent these agents into my district. They went to the office of the broadcasters and they rifled their files. They went to the office of the Albany Herald and they rifled its files. They went to the office of the counsel of the Herald and the broadcasting company and they rifled his files. They came back and brought a bale of material here to Washington over the protest of the people whose property it was. They brought it to Washington and they have it now, and they refused to return it over repeated appeals on the part of the people whose property it is.

"That was not all. They went in the banks of my district in an effort to find something on me; they went to the post offices in my district and made investigation as to registered mail that had been sent to me, and they sought to make an investigation of that. And that is not all. This man Fly, when his agents got back to Washington, went down to the Department of Justice and appealed to the Department to prosecute me or to initiate some sort of investigation. He and his snoopers and spies have in a sense sat upon the steps of the Department of Justice for a year almost making appeal after appeal that the Department initiate an investigation of me. They cited the Herald radio station to show cause as to why the license granted to it should not be revoked and as to why other applications that it had on file should not be denied. Those hearings were continued from time to time for the purpose of giving Fly further opportunity to influence the Department of Justice to investigate me, continued not once, not twice, but more than that; and following every continuance another visit by the Gestapo of this man Fly, who is the worst of a bad lot, was made to the Department of Justice.

"And that is not all, my friends; that is not all. This same Fly—and if I were disposed to go into his record I could bury him with filth—he sent his agents into the Internal Revenue, his Gestapo into the Bureau of Internal Revenue to examine my returns from 1931 up to last year; they made photostatic copies of them. That was not all: They made a like investigation in Internal Revenue of a clerk in my office. Think of it, my friends. A clerk in my office. They went into the Internal Revenue Department in my State and made a similar investigation there.

"As to the stock that was issued to me, that was in the new corporation; it was issued on the basis of an opinion, furnished by their attorney, that it was perfectly ethical and legitimate for a Member of Congress to represent anybody insofar as he did not appear before any agency or agent of the Government in their behalf. From the time that stock was issued I have never communicated directly or indirectly with the Commission with reference to any interest of the broadcasting company or of anybody else; there was no irregularity in the transaction, no effort to cover up at all; and I might say to you as to what disposition was made of the stock, not made in the endeavor to cover up anything, it was transferred to a little private charity.

"This resolution that is pending here now is a reintroduction of the first resolution. I am endeavoring to have a special committee set up to investigate the Commission and its operations and I say to you that of all the bureaucrats who have sought to smear Congress this

man Fly is the worst. His pursuit of me has been nothing but blackmail. When he was down here in the Tennessee Valley Authority a cell of the Communist Party which was referred to as the best unit of the entire organization was set up in the Authority; and there are other things I might tell you. His whole outfit now is a nest of Reds. This man Dodd, who opposed HOWARD SMITH 4 years ago, is there; so is the man who wrote the statement that Congress was the joke of the century; he is still there, this man Dodd who said to his draft board over in Virginia about 5 weeks ago that he was going to South Africa, but applied to the State Department for a passport to England was denied a passport because of his communistic affiliations, he is down there now. This Commission as run by Fly is the nastiest nest of rats to be found in this entire country."

We print below the resolution:

"*Resolved*, That there is hereby created a select committee to be composed of five Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

"The committee is authorized and directed to conduct a study and investigation of the organization, personnel, and activities of the Federal Communications Commission with a view to determining whether or not such Commission in its organization, in the selection of personnel, and in the conduct of its activities, has been, and is, acting in accordance with law and the public interest.

"The committee shall report to the House (or to the Clerk of the House if the House is not in session) at the earliest practicable date during the present Congress the results of its investigation, together with such recommendations as it deems desirable.

"For the purposes of this resolution the committee is authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member designated by him, and may be served by any person designated by such chairman or member."

## SPARKMAN'S RESOLUTION

Monday Representative Sparkman (D-Ala.) introduced a resolution (H. Res. 55) calling for an investigation of "the Federal Communications Commission, the broadcasting industry and of any business related thereto or connected therewith," which was referred to the Committee on Rules. Mr. Sparkman addressed the House, according to the Congressional Record, as follows:

"Radio broadcasting vitally affects the public. If there is to be an investigation, we want one which will get into the basic issues in this most important field. I have no objection to the Cox resolution except that it is too limited. We want to know what the commission is doing. But more important even than that we want to know about the industry, an industry in which a few networks dominating the field make inordinate profits and in which the small independent stations in our rural sections are being forced to the wall. In 1941, for example, the return on net investment, after taxes, was about 60 percent for the National Broadcasting Co. and for the Columbia Broadcasting System. While this was going on, two or three hundred of our smaller stations lost money; and they are still losing money. During this year, the small radio station, along with other small businesses, is threatened with extinction. We cannot afford to let that happen. With gasoline rationing, they are more important than ever. They are the back-bone of independent broadcasting service in the interest of our own local communities, and in the interest of the Nation at war. We must not have the building up of monopoly, control, and inordinate profits at one end of the line and economic disaster at the other end.

"We want to know the extent of the monopoly and control exercised by a very few of our 130,000,000 people over this, the world's most effective medium for molding public opinion. We want to know how that control is tied up with control over the sources of program material—over records and transcriptions, for example. Can small record and transcription companies survive? Our small independent stations cannot get network service. Those on the networks get little or nothing from it. Stations, especially the independent ones, rely to a great extent upon transcriptions. We want to know whether there is any undue concentration of control here and whether it is being exercised to the detriment of the independent stations.

"We also want to know how the control of radio broadcasting is being exercised in terms of what the public is permitted to hear. We want to know how it is that organizations like the Cooperative League are denied time to use the frequencies which belong to the public. Regardless of our own views regarding the merits or demerits of this movement, we should know how it is that a movement of such public significance is denied time on the ground that its program concerned a controversial matter or that it may be disturbing to present vested interests. We want to know the answer to that. We must know how much discrimination there is by radio stations in selling the use of their facilities, who the favored persons or groups are and the reason for their advantage.

"And the use of radio in political campaigns is another matter we have reason to be concerned with. Some Congressmen who remained in Washington during the recent campaign have particular reason to be concerned over the action of radio stations in denying time to their supporters back home.

"There are other matters any investigation should include. All of us no doubt have received complaints in recent weeks about the great wave of vulgarity, obscenity, and suggestiveness that has been coming in over various radio programs. We know that the average station is powerless to control this flood of vulgarity because it has no control over the program and no advance notice as to what may be in it. We cannot afford to let programs which come into our homes and which cannot well be kept from the ears of our children replace the Police Gazette.

"Commentators, too, merit our attention. Whose interests are they serving? The recent attacks upon this body over the radio are serious business. We want to know what is back of all this. We want to know what efforts have been made to present the other side, and if none have been, why not.

"We have only one agency, the Federal Communications Commission, which is entrusted with authority to do something about these vital subjects unless we can dispose of some of them by definitive legislation. It may well be that the Commission can be expected to do a better job in protecting the public interest if more explicit duties are placed upon it. At any rate here is a grave problem and I submit we cannot continue to overlook it."

### A. F. OF M. ANTI-TRUST CASE

On Monday Judge John P. Barnes in the Federal District Court in Chicago set January 25 for hearing of the A. F. of M.'s motion to dismiss the Government's amended complaint against the union under the anti-trust laws.

### KOA TO SUPREME COURT

The Supreme Court on Monday granted review of the KOA case upon petition of the FCC. The Commission is seeking reversal of the decision of the U. S. Court of Appeals for the District of Columbia. It was there held that the Denver station is entitled, under Section 303(f) of the Communications Act of 1934, to intervene in the proceedings before the Commission involving the modification of the license of WHDH, Boston, to permit night operation. Both stations are on the same frequency.

### TECHNIQUE COUNTS

The Saturday Evening Post, January 16, 1943, on page 46 prints a "Letter of the Week" written by Louis Ruthen-

burg, president of Servel, Inc., Evansville, Ind.

Its reading is suggested because it outlines as a policy the practice for dealing with WPB which NAB has consistently followed from the beginning.

Mr. Ruthenburg wrote in part:

"We need to quit bellyaching. We need only look at the production record for inspiration and confidence. We need to give these production heroes a pat on the back instead of a kick in the pants. *They need our help. We certainly need theirs.*

"There is another thing we can do. If we have constructive suggestions—and there should be plenty—send them to those officials of the War Production Board with whom you have a personal or business acquaintance. Point out that 'here is a tip to eliminate some friction and speed up the job; take it for what it is worth.'"

Keeping industry operating during the war is a problem and keeping broadcasting functioning is going to keep all of us on our toes.

While a proposition is being negotiated is no time for publicity. That is why we believe it politic to report end results.

### TODAY'S NEWS

Today's news affecting broadcasting is that WPB, on January 15, approved a list of components needed to maintain the nation's home radios.

The order for components and tubes for home radios is in process of execution with issuance expected early in February.

### BANK REVIEWS INDUSTRY

The winter issue of "The Index," published quarterly by The New York Trust Company, carries a splendid eight page article on, "RADIO BROADCASTING. A New Industry Plays Vital War Role." The article was called to our attention by Major Edney Ridge, managing director, WBIG, Greensboro, N. C.

### WPTF IN NEW STUDIOS

WPTF, Raleigh, N. C., has officially opened brand new offices and studios in the just-completed Durham Life Building.

Richard H. Mason, station manager, announced the event in a two-page photographically illustrated letter. Seven pasted in glossies pictured highlights of the layout.

WPTF quarters occupy a large part of the mezzanine and second floor of the super-modern, sixteen story office building. The entire building is air conditioned.

Last year WPTF went on the air with a 50,000 watt, air cooled Westinghouse transmitter.

### FAY (WHAM) ADVANCES

On January 12, 1943, at the award of the Army-Navy "E" to the Stromberg-Carlson Telephone Manufacturing Company, an announcement was made of the appointment of William A. Fay, manager of WHAM, as a director of the company. Last October, Bill was elected Vice President in charge of broadcasting. Both honors are deserved recognition of the achievements and service of WHAM during the more than 15 years that Bill has served as chief executive.

### NAB LISTENS

Lewis H. Avery, Director of the NAB Department of Broadcast Advertising, and Joseph L. Miller, NAB Labor Relations Director, attended the sessions of the 248th meeting of the National Industrial Conference Board in New York. Miller will attend the employer-employee relationships discussions, while Avery will sit in on the panel which is to discuss post war advertising problems. In so far as the subjects developed at the conference are open to publicity, a report will be made in a future issue of the REPORTS.

## Listener Activities

### MINNESOTA COUNCIL MEETS

The Minnesota Radio Council at its meeting being held today (January 22) is considering three important phases of radio: "Something New In Broadcasting," "Audience Appreciation" and "Audience Participation."

Hayle Cavanor, Regional Director of Radio for the Office of War Information, is scheduled to give a brief talk on the Overseas Radio Division. Max Karl, Educational Director of WCCO, is to analyze the returns in the recent survey of day-time listening, conducted under the sponsorship of the Council. His analysis of these returns will give new and startling information on the appreciations and limitations of the average radio listener.

The subject of what the radio audience wants will be covered by Edmund E. Sylvestre, president, and Elizabeth Reeves, vice president and script editor of the Knox-Reeves Advertising Agency.

The "Write-A-Fighter Corps," which now has more than a million members, will be the topic of discussion by Arthur H. Lund who directs the membership campaign for this Corps. He will explain how the program functions to aid the listening audience to perform a war service. Mrs. George B. Palmer, President of the Radio Council, is presiding.

### COUNCIL AIDS AWARDS

The Minneapolis Radio Council, cooperating with the Minnesota Radio Council, is carrying on a very unique project. A Listening Post has been established under the auspices of both the local and the state Council. The primary objective at this time is to aid in selecting an entry for the George Foster Peabody Award for outstanding public service. In a broadcast to the members of the Council, they are urged to listen, given instructions as to how to listen, and to then express their own personal judgment on certain programs which they believe are deserving of consideration at the hand of the awards committee. Members are requested to listen a minimum of three times during the week.

This project has been in progress since November and undoubtedly many valuable suggestions will be submitted to the committee. This represents a splendid method by which listeners may participate in an effort to reward meritorious public service programs.

### TENNESSEE COUNCIL ACTIVITY

The Education Committee of the Radio Council of Middle Tennessee has been divided into two groups. One will make a study of newscasts for children under the chairmanship of Mr. R. L. Thomas, Elementary Supervisor, State Department of Education. The second group will explore the Children's Book Reviews on the air, with Miss Martha Parks, State Department of Libraries, Nashville, Tennessee.

## Women Directors

### MISS CHILTON, MISS GOUDY FETED

Dorothy Lewis, NAB Coordinator of Listener Activity, tendered a tea at her home in New York, honoring Miss Ruth Chilton (WSYR), President of the Association of

Women Directors of NAB, and Miss Elizabeth Goudy, Radio Director of the Los Angeles County Schools and noted authority on radio education.

The following were guests: Miss Kathryn Cravens, WNEW; Miss Margaret Cuthbert, NBC; Miss Henrietta Harrison, Radio Director, YMCA; Mrs. Harold V. Milligan, President, National Council of Women; Miss Grace Johnson, Blue Network; Miss Lucille Clark, Radio Director, Girl Scouts; Mrs. Joseph E. Goodbar, Radio Chairman, National Federation of Press Women; Mrs. Georgiana Brown Harbeson, President, Society of American Painters; Miss Luella Hoskins, Radio Workshop, New York University; Miss Dorothy Gordon, radio artist; Miss Luella Laudin, Radio Chairman, National Council of Women; and Miss Esther Hilton, Director, Federation of Protestant Social Agencies.

### DISTRICT 3 ACTIVITIES

Miss Victoria Corey (KDKA) Chairman, Association of Women Directors of the National Association of Broadcasters for District 3, held a luncheon on January 16 in Pittsburgh. Eighteen members, several from out of town, attended. Guest speakers addressed the meeting and a round table discussion followed on topics having to do with better ways of public service by women directors. Messages of greeting were sent by Ruth Chilton, WSYR, President of the Association, and Dorothy Lewis, NAB Coordinator of Listener Activities. It was voted to hold regular meetings in the future.

### FEDERAL LEGISLATION

#### HOUSE RESOLUTION

H. Res. 55 (Sparkman, D-Alabama) INVESTIGATION OF FCC—Authorizing an investigation of the organization, personnel, and activities of the Federal Communications Commission, and of the radio-broadcasting industry. Referred to the Committee on Rules.

#### STATE LEGISLATION

##### CALIFORNIA:

A. 388 (Rosenthal) LIBEL—Providing a penalty for writing and circulating publications intended to injure a candidate. Referred to Committee on Elections 1/15/43.

##### MASSACHUSETTS:

S. 148 (Grant) BROADCASTING—Requiring that the names of persons broadcasting political speeches, either orally or by means of a record, shall be announced at the beginning of the broadcast. Referred to Committee on Constitutional Law 1/18/43.

## FEDERAL COMMUNICATIONS COMMISSION

### FLY PRESS CONFERENCE

Work of preparing the new list of essential occupations in the broadcast industry dealing with the manpower situation is about completed and is now "in very fine shape", James Lawrence Fly of the FCC said at a press conference early this week.

Mr. Fly told the newsmen that in his opinion all concerned in that matter have worked very hard on it and turned out a splendid job.

Mr. Fly announced also that the equipment survey which the Commission has been making as a result of a questionnaire sent out is about ready for distribution.

As is well-known this is not a pooling plan, but basically an informational set-up where everybody sets forth with some accurate description just what he has "which is available and then we give that information to everyone else and he in turn gets the information regarding equipment that all the other people have."

## DRAFT DEFERMENT EXTOLLED

Men who are occupationally deferred can and should take a justifiable pride in their deferment, Chairman Paul V. McNutt of the War Manpower Commission said today.

"Although a great deal of emphasis has been laid on the fact that essential workers are vital to war production, there is still much work ahead in registering this fact with the public, and with the workers themselves," Mr. McNutt said.

"Occupational deferment usually indicates that a man is making a more valuable contribution to the war, right now, than if he were in uniform," Mr. McNutt said. "Such men should remember that our fighting men need materials and supplies to carry on their fight, plenty of them.

"It is the War Manpower Commission's job to see that the nation's manpower is properly allocated—to supply the men for our fighting forces through Selective Service, and at the same time to supply the workers for producing the goods those fighting men need. We are in the position to see the overall picture—the overall need—which the individual worker cannot see.

"We realize how difficult it is for workers in civilian clothes to explain to their friends and neighbors why they are not in the armed forces. The public should realize that the young, able-bodied man in civilian clothes may be anxious to join the armed forces. It simply happens that his work is too important to induct him at this time, or, perhaps, he may have already been considered and did not measure up to the physical standards of the armed forces, even though he has a healthy outward appearance.

"There are some 3,000 occupations which have been designated as essential occupations. Men in these occupations will be kept in those jobs until changing circumstances, such as the training of suitable replacements, make it advisable to induct them into the armed forces."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 25. They are subject to change.

**Tuesday, January 26**

Further Hearing

NEW—Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—C. P., 1240 kc., 250 watts, unlimited, request facilities of WBAX.

NEW—Central Broadcasting Co., Wilkes-Barre, Pa.—C. P., 1240 kc., 250 watts, unlimited, request facilities of WBAX.

NEW—Northeastern Pennsylvania Broadcasters, Inc., Wilkes-Barre, Pa.—C. P., 1240 kc., 250 watts, unlimited, request facilities of WBAX.

NEW—Key Broadcasters, Inc., Wilkes-Barre, Pa.—C. P., 1240 kc., 250 watts, unlimited, request facilities of WBAX.

**Thursday, January 28**

W55NY—William G. H. Finch, New York, N. Y.—Modification of C. P., 45500 kc., 8,500 square miles, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

The Crosley Corp., Cincinnati, Ohio.—Granted construction permit (B2-PST-13) for new ST broadcast station to be used in connection with International Broadcast station WLWO at Cincinnati, to operate on 341800 kc., main transmitter 5 watts, booster amplifier 20 watts, special emission for frequency modulation.

WDEL—WDEL, Inc., Wilmington, Dela.—Granted modification of construction permit to change directional antenna for daytime operation only and extension of commencement and completion dates. This application was granted providing the station assumes full responsibility for interference due to blanketing (B1-MP-1677).

KWTO—Ozarks Broadcasting Co., Springfield, Mo.; KGBX, Springfield Broadcasting Co., Springfield, Mo.—Granted additional time within which licensees may effect a plan to separate the common ownership of the stations, such time not to extend beyond May 18, 1943, the completion date of KWTO's outstanding construction permit. Also granted KWTO's request to operate for 30 days as present licensed with 5 KW at the new site specified in its outstanding construction permit, using a single tower and indirect power measurement.

W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—Granted authority to cancel construction permit (B1-PVB-92) and close the records of the Commission with respect to this station, and cancel license and delete call signal.

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Granted authority to cancel construction permit (B1-PVB-93) and close the records of the Commission with respect to this station, and cancel license and delete call signal.

### LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending February 1, 1945:

KADA, Ada, Okla.; KELO, Sioux Falls, S. Dak.; KFND, Nampa, Idaho; KGDE, Fergus Falls, Minn.; KGHI, Little Rock, Ark.; KMLB, Monroe, La.; KODL, The Dalles, Ore.; KPHO, Phoenix; KPOW, Powell, Wyo.; KVCV, Redding, Calif.; KVEC, San Luis Obispo, Calif.; KWNO, Winona, Minn.; KYSM, Mankato, Minn.; WAJR, Morgantown, W. Va.; WBLJ, Dalton, Ga.; WCED, DuBois, Pa.; WCLO, Janesville, Wis.; WCOL, Columbus, Ohio; WCPO, Cincinnati, Ohio; WDSM, Superior, Wis.; WENY, Elmira, N. Y.; WESX, Marblehead, Mass.; WHOP, Hopkinsville, Ky.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WISE, Asheville, N. C.; WJBC, Bloomington, Ill.; WJOB, Hammond, Ind.; WKBO, Harrisburg, Pa.; WMFR, High Point, N. C.; WMPC, Lapeer, Mich.; WRBL, Columbus, Ga.; WSKB, McComb, Miss.

The following stations were granted renewals for the period ending February 1, 1945:

KGEK, Sterling, Colo.; WBOW, Terre Haute, Ind.; WHBY, Appleton, Wis.; WJRD, Tuscaloosa, Ala.; WLVA, Lynchburg, Va.; WMOB, Mobile, Ala.

Licenses for the following stations were extended upon a temporary basis only, for the period ending March 1, 1943, pending determination upon applications for renewals:

KFUN, Las Vegas, New Mex.; KHAS, Hastings, Neb.; KOOS, Marshfield, Ore.; KVNU, Logan, Utah; KVOS, Bellingham, Wash.; WAIM, Anderson, S. C.; WBHP, Huntsville, Ala.; WCAT, Rapid City, S. Dak.; WITH, Baltimore, Md.; WJNO, West Palm Beach, Fla.; WLOG, Logan, W. Va.; WTHT, Hartford, Conn.; WTOL, Toledo, Ohio.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, for the period ending April 1, 1943:

KWG, Stockton, Calif.; WABI, Bangor, Me.; WAYX, Waycross, Ga.; WBOC, Salisbury, Md.; WOLS, Florence, S. C.

KWFC—Clyde E. Wilson and Howard A. Shuman, d' b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted renewal of license for the period ending June 1, 1943.

- WLBJ—The Bowling Green Broadcasting Co., near Bowling Green, Ky.—Granted renewal of license for the period ending June 1, 1943.
- WCRS—Grenco, Inc., Greenwood, So. Car.—Granted renewal of license for the period ending October 1, 1943.
- WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted renewal of license for the period ending October 1, 1943.
- KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted renewal of license for the period ending October 1, 1944.
- KBUR—Burlington Broadcasting Co., Burlington, Ia.—Granted renewal of license for the period ending December 1, 1943.
- WAAB—The Yankee Network, Inc., Worcester, Mass.—Granted renewal of license for the period ending December 1, 1944.

#### MISCELLANEOUS

- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted license to cover construction permit as modified, for increase in power, change hours of operation, install new transmitter and directional antenna for night use, and move transmitter (B5-L-1731). Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1473).
- WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Granted license to cover construction permit as modified, for change of frequency, increase power, move transmitter, install new transmitter and directional antenna for day and night use (B4-L-1735); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1477).
- WDZ Broadcasting Co.—Cancelled relay station license authorizations for WAAC, WAAE, WELU, area of Tuscola, Ill., in accordance with request.
- Columbia Broadcasting System, Inc., area New York City.—Granted modification of construction permit to extend completion date to July 7, 1943, for television relay station.

#### APPLICATIONS FILED AT FCC

##### 1230 Kilocycles

- KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-3495) which authorized new transmitter.
- KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.
- WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Authority to determine operating power by direct measurement of antenna power.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to install a new transmitter.

##### 1320 Kilocycles

- KXYZ—Harris County Broadcast Co., Houston, Texas.—License to use formerly licensed main transmitter as auxiliary transmitter with power of 1 KW.

##### 1400 Kilocycles

- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Authority to determine operating power by direct measurement of antenna power.

##### 1560 Kilocycles

- WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-MP-1086 as modified for change in equipment, increase power and installation of directional antenna for day and night use) for extension of completion date from 3-1-43 to 4-1-44.

#### MISCELLANEOUS APPLICATIONS

- W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—Construction permit for move of transmitter from Tioga and C Sts., Philadelphia, Pa., to Mermaid Ave. west of Cheltenham Ave., Springfield Twp., Montgomery County, Pa., and make changes in transmitter, emission and antenna system.
- W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover above construction permit.

### FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

#### COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against it.

**Colran Institute**, 3809 Main St., Houston, Tex., and Mervyon E. Randall, actively engaged in the operation of the business and in the dissemination of its advertising, are charged in a complaint with misrepresentation. (4886)

#### STIPULATIONS

During the past week the Commission announced no stipulations.

#### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**George & Thomas Cone Co.**, Sharon, Pa., manufacturer of ice cream cones, has been ordered to cease and desist from the use of lottery methods in the sale of his products. (4837)

**Parker-McCrory Manufacturing Co.**, 2609 Walnut St., Kansas City, Mo., manufacturing and selling electric fence controllers designated "Parmak Electric Fencers," has been ordered to cease and desist from certain representations in the sale of its product.

The Commission finds that in advertisements in newspapers, trade journals and other media the respondent represented among other things concerning its product that: "A single wire on light stakes three rods apart holds the stock \* \* \* cuts fencing costs to less than \$10.00 per mile \* \* \* save up to 90% of fencing \* \* \* one wire on light stakes holds stock like steel and concrete \* \* \* gives a sting that holds the stock just as surely as any fence you ever built", and "The dry weather intensifier has increased voltage and affords positive stopping power under all weather conditions." These representations are found by the Commission to have been false and misleading. (4707)





1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 5, January 29, 1943

## NEW CRITICAL OCCUPATIONS

On January 23, the Director of Selective Service issued "Occupational Bulletin No. 27 (as amended January 23, 1943)." This revises the list of critical occupations in the communications industry, breaking them down into seven communications services activities. Number 4 is "Radio Broadcasting; Radio Communications; and Television Services." (The text of the bulletin is printed in Supplement No. 4 to the NAB Selective Service Handbook dated January 29, 1943.) Ten new critical occupations in domestic and international broadcasting and television are added to the list appended to the original Occupational Bulletin No. 27. Those of most general interest are: Station Manager; Program Director; News Editor; Managing Editor, News, Special Events or Public Affairs; Traffic Manager; Radio Broadcast Technician (All Around); and Maintenance Mechanic.

The amendment is the culmination of efforts begun, immediately after the original bulletin was issued, by the Domestic Broadcasting Committee of BWC. Conferences with officials of the War Manpower Commission have ironed out any differences, and NAB feels that the essential needs of the industry are now well cared for.

## WPB APPROVES TUBE LIST FOR HOME SETS

The list of tubes for home radio sets which will be manufactured during 1943 under the augmented program has been approved by WPB. Tubes for battery operated farm sets are included according to Frank McIntosh, chief, Domestic & Foreign Radio Section, Radio and Radar Division.

Last week's NAB REPORTS announced the approval of the list of component parts also required for the maintenance of home radios during wartime. Actual production of both parts and tubes will be authorized as soon as the "paper" work involved is completed.

Stations are urged to circulate this constructive news throughout their local radio trade.

## "SANDERS BILL" REINTRODUCED

On Monday Representative Holmes (R-Mass.) introduced a bill (H. R. 1490) to amend the Communications Act. Referred to the Committee on Interstate and Foreign Commerce of the House, the bill is identical with the Sanders Bill by Representative Sanders (D-La.), who failed of election to this Congress, and on which hearings were held from April to June of last year except for unimportant changes in the amending clauses and the renumbering of sections 7 through 10. Section 7 of the Sanders Bill appears as Section 10 of the Holmes Bill, while Sections 8, 9 and 10 of the Sanders Bill appear as Sections 7, 8 and 9, respectively, of the new bill.

The Sanders Bill, sponsored by Rep. Sanders (D-La.)

who failed of re-election was the subject of extensive hearings last spring.

The Holmes Bill is printed in full below:

### A BILL

To amend the Communications Act of 1934, as amended, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Communications Act of 1934, as amended, is amended by adding after paragraph (aa) the following new paragraphs:

"(bb) The term 'construction permit' or 'permit for construction' means that instrument of authorization required by this Act for the construction of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission.

"(cc) The term 'license', 'station license', or 'radio-station license' means that instrument of authorization required by this Act, or the rules and regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission."

SEC. 2. Subsection (b) of section 4 of such Act, as amended, is amended by striking out the last sentence thereof and by inserting in lieu thereof the following: "Not more than four members of the Commission and not more than two members of either Division thereof shall be members of the same political party."

SEC. 3. Section 5 of such Act, as amended, is amended to read as follows:

### "DIVISIONS OF THE COMMISSION

"SEC. 5. (a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one Division shall have or exercise any duty or authority with respect to the work or functions of the other Division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular Division, but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular Division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications in-

(Continued on page 36)



1760 N St., N.W.

WASHINGTON

Phone NAional 2080

Neville Miller, *President*

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

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## "SANDERS BILL" REINTRODUCED

(Continued from page 35)

volving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the adoption and promulgation of all rules and regulations of general application authorized by this Act, including procedural rules and regulations for the Commission and the Divisions thereof; over the assignment of bands of frequencies to the various radio services; over the qualification and licensing of all radio operators; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all other matters with respect to which authority is not otherwise conferred by the other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate, and organize the work of the Commission and each Division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said Divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said Divisions with full power as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected.

"(f) Each Division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of

its business. Each Division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said Divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term 'Commission' as used in this Act shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with. The term 'cases and controversies', as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term 'adjudications' means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons a named res."

SEC. 4. So much of subsection (a) of section 308 of such Act, as amended, as precedes the first proviso is amended to read as follows: "The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it:"

SEC. 5. Section 309 of such Act, as amended, is amended to read as follows:

### "HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF LICENSES; CONDITIONS ATTACHED TO LICENSES

"SEC. 309. (a) If upon examination of any application provided for in section 308 the Commission shall determine (1) that public interest, convenience, or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant, or other person, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in subsection (a), it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in subsection (a), such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During

such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of section 402 may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under subsection (b). Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right or use or control conferred by section 606."

SEC. 6. Subsection (b) of section 310 of such Act, as amended, is amended to read as follows:

"(b) No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee is capable of constructing or operating under such instrument of authorization in the public interest, convenience, and necessity. The procedure to be employed in the handling of such applications shall be that provided in section 309, as amended."

SEC. 7. Section 402 of such Act, as amended, is amended to read as follows:

"PROCEEDINGS TO ENFORCE OR SET ASIDE THE COMMISSION'S ORDERS—APPEAL IN CERTAIN CASES

"SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except those appealable under the provisions of subsection (b) of this section), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the circuit court of appeals of the United States within any circuit wherein the appellant resides or has his principal place of business, or to the

United States Court of Appeals for the District of Columbia in any of the following cases:

"(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

"(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

"(3) By any applicant for the permit required by section 325 or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.

"(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in paragraphs (1), (2), and (3) of this subsection.

"(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

"(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a notice of appeal with the appropriate court within thirty days after the entry of the order complained of. Such notice of appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such notice of appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the city of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon

the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

“(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

“(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions, and decisions of the Commission, the court shall consider and decide, so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

“(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

“(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.”

Sec. 8. Section 405 of such Act as amended, is amended to read as follows:

#### “REHEARING BEFORE COMMISSION

“Sec. 405. After a decision, order, or requirement has been made by the Commission or any Division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order, or requirement complained of and except for those cases in which the decision, order, or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such

decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.”

Sec. 9. Subsection (a) of section 409 of such Act, as amended, is amended to read as follows:

“(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a Division thereof having jurisdiction of the proceeding or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a Division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the Division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the Division and such oral argument shall precede the entry of any final decision, order, or requirement. Any final decision, order, or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts.”

SEC. 10. (a) The Federal Communications Commission shall study the following proposals and shall report to Congress not later than January 1, 1944, its recommendations thereon together with the reasons for the same:

(1) Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks or other organizations which supply program material to such licensees.

(2) Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.

(3) Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.

(4) Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.

(b) The Commission shall report to Congress not later than July 1, 1943, the standards and principles adopted by it to effectuate the mandate contained in section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several States and communities, together with its recommendations, if any, for further legislation on this subject.

(c) The Commission shall report to Congress not later than July 1, 1943, the steps taken and the policies adopted by it to effectuate the purposes of paragraph (g) of sec-

tion 303 of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public."

## OPA REFUSES TO RELAX NEW GAS ORDER

The Eligibility Committee on gasoline rationing of the OPA on Tuesday turned down the pleas of NAB and OWI for relaxation of Amendment 8 to Ration Order 5 C (see NAB REPORTS, January 8, p. 7, and January 15, p. 17). NAB had requested that the amendment be stricken to restore the eligibility of workers in the broadcasting industry, other than salesmen, for Class C coupon books. Particular stress was laid on the need for Class C books for engineers and technicians who have to use their own cars to install and service temporary, remote-control pickups, and OWI joined in this plea.

Meeting has been scheduled for today with Mr. Richard C. Harrison, Chief of Eligibility, Gasoline Rationing, at which time NAB will present evidence of the need of "preferred mileage" for the industry generally, and for temporary remotes in particular.

## Labor

### REGIONAL WAR LABOR BOARDS

Twelve Regional War Labor Boards, with full authority to make final decisions in labor disputes and in voluntary wage and salary adjustment cases, are being established by the National War Labor Board under a sweeping decentralization program announced today by the Board.

Each of the Regional Boards will be set up on the same tri-partite system of public, employer and labor representatives as the National Board. In addition, the program calls for establishment of permanent tri-partite panels in all the major cities of the United States to handle dispute cases and make recommendations to the Regional Boards.

Petitions for approval of voluntary salary adjustments will continue to be filed as heretofore with the nearest Wage and Hour Division field office. That office will forward them for ruling by the Regional Wage Stabilization Director, whose decisions can be appealed to the Regional War Labor Board.

Regional Boards will be located in the following cities where Regional Advisory Councils now function, as well as in Detroit and Seattle:

Boston, Mass.—Saul Wallen, Chairman; including all New England states.

New York—Theodore Kheel, Chairman; including New York and all but the southern counties of New Jersey.

Philadelphia—Sylvester Garrett, Chairman; including Pennsylvania, Virginia, Delaware, Maryland, District of Columbia and southern counties of New Jersey.

Atlanta, Ga.—M. T. Van Hecke, Chairman; including Georgia, North Carolina, South Carolina, Florida, Tennessee, Alabama and Mississippi.

Cleveland, Ohio—Lewis Gill, Chairman; including Ohio, West Virginia and Kentucky.

Chicago, Illinois—Robert K. Burns, Chairman; including Indiana, Illinois, Wisconsin, Minnesota, North Dakota and South Dakota.

Kansas City, Missouri—Joseph A. Hoskins, Chairman; including Missouri, Arkansas, Nebraska, Kansas and Iowa.

Dallas, Texas—Floyd McGown, Chairman; including Texas, Louisiana and Oklahoma.

Denver, Colorado—Charles Graham, Chairman; including Colorado, New Mexico, Montana, Wyoming, Utah and Idaho.

San Francisco, California—Thomas Fair Neblett, Chairman; including California, Nevada and Arizona.

### LABOR COMMITTEE

The following broadcasters make up the membership of the NAB Labor Executive Committee:

Ralph R. Brunton, KJBS, San Francisco, California  
Martin B. Campbell, WFAA, Dallas, Texas  
John Elmer, WCBM, Baltimore, Maryland  
W. E. Hutchinson, WAAF, Chicago, Illinois  
Henry P. Johnston, WSGN, Birmingham, Alabama  
C. L. Thomas, KXOK, St. Louis, Missouri  
John H. MacDonald, NBC, New York, New York

Alternate: Ernest de las Ossa, NBC, New York, N. Y.  
Frank White, CBS, New York, New York.

### CONTRACT POOL

Response to the NAB Labor Relations Department's request for up-to-date information on labor contracts in the industry has been prompt and gratifying. Any member who has neglected to answer this request should do so immediately.

### A. F. OF M. JUDGMENT RESERVED

Last Monday (25th) Judge Barnes in the Federal Court in Chicago reserved judgment on the A. F. of M.'s motion to dismiss the Government's amended complaint. He allowed Joseph Padway, A. F. of M. counsel, one week in which to file an additional brief, and Thurman Arnold, Assistant Attorney General, one week in which to reply.

### MORE DEFERMENT FOLIOS DISTRIBUTED

Several thousand additional folios concerning the Selective Service Occupational Bulletin No. 42, and the deferment of qualified radio repairmen, are being circulated through radio trade channels. The following radio manufacturers distributed copies to their respective jobbers:

Galvin Manufacturing Corp. (Motorola), Philco Corp., RCA Victor Division of RCA, Stewart-Warner.

Other copies were distributed to parts jobbers by: the National Electronic Distributors Association.

Electric Institute of Washington mailed copies to the electric leagues in other cities and to industry organizations.

Radio Jobber News, Radio Retailing and one of the Bryan Davis publications cooperated in splendid fashion to get the news around in the trade.

With copies in the files of all broadcast stations and with the broadcast stations notifying servicemen of its availability, a large proportion of the servicemen of the United States should soon be acquainted with the regulations.

John Fetzer, president, WKZO, Kalamazoo, Mich., has distributed 25 copies directly to servicemen in his city.

### Deferment Data Used in Muncie

When the folio concerning the deferment of radio servicemen and Occupational Bulletin No. 42 came to WLBC, Muncie, Ind., D. A. Burton, owner, put it to use immediately.

One "rush" case was discovered with two more anticipated in the near future.

Every serviceman in the Muncie area was notified regarding deferment procedure, easily and quickly, through

students attending the NAB-ESMWT Radio Technician Training Course, two classes of which are taught by WLBC's chief engineer.

## RADIO COURSES WILL CURE "TECHNICIAN TROUBLES"

Several queries have been received from stations asking whether any policy changes had been instituted by ESMWT for the Fundamentals of Radio courses being taught throughout the United States.

Policy remains the same according to a check made January 28. Courses in Fundamentals of Radio will continue to be approved by ESMWT, Washington, whenever they are received, provided, of course, that petitioners make out a case for their necessity. This qualification is not new. It has always been in existence.

Stations should not lose sight of the original intention of the legislation which provides for the establishment of courses such as Fundamentals of Radio. Courses were intended and are intended to provide trained personnel for industry. Broadcasting is essential to the war industry, as is the occupation of radio repairman.

Incidentally, it has been found that many high school graduates, working at radio service, have increased their individual output and improved the quality of their work by completing Fundamentals of Radio.

All stations are urged to arrange for Fundamentals of Radio courses wherever it appears that the need exists now or at the completion of training. Such foresight will eliminate many of the current "technician headaches." Letters indicate that stations located where these courses have been given are apt to be troubled only slightly, if at all, by technician shortages.

### In Orlando, Fla.

Part II of Fundamentals of Radio will be completed in five more weeks of study. It is interesting to note that two of the graduates will be women, Hazel O. Yarbrough, wife of the chief engineer of radio station WDBO, and Mrs. Charles F. Batchelder, wife of a staff member of WDBO.

## ROBERT MOODY NEW WHIO MANAGER

Robert H. Moody has taken over the managership of Station WHIO, Dayton, Ohio. Lester Spencer has been appointed as Assistant Manager in Charge of Programs and Production.

## 1940 BROADCAST INCOME

Secretary of the Treasury Morgenthau has made public a report on the income of industrial groups, including radio broadcasting and television, for the year 1940.

Radio and television broadcasters filed 650 returns; their total compiled receipts were \$153,273,000; net income, \$26,746,000; and income tax (includes income defense tax) \$6,075,000.

## FEDERAL LEGISLATION

### HOUSE

H. R. 1490 (Holmes, R-Mass.) COMMUNICATIONS ACT—To amend the Communications Act of 1934, as amended, and for other purposes. Referred to the Committee on Interstate and Foreign Commerce.

## STATE LEGISLATION

### ARKANSAS:

H. 94 (Gates) LEGISLATIVE PROCEEDINGS—BROADCASTING—Providing for recordings and tran-

scriptions of speeches and votes in the legislature, and also to provide for radio broadcasting from the floor. Referred to Committee on Calendar 1/21/43.

### CALIFORNIA:

A. 667 (Potter) REGULATING DRUGS AND DEVICES—Department of health bill which is to regulate the branding and advertising of drugs and devices. Referred to Committee on Public Health 1/22/43.

A. 765 (Bashore) MONEY LENDERS ADVERTISING—Prohibits advertising by money lenders. Referred to Committee on Finance 1/25/43.

### COLORADO:

S. 301 (Hart) PUBLIC SERVICE TAX LAW—To amend the public service tax law of 1937 as originally enacted and as amended and reenacted by the Colorado Sess. Laws 1939-1941, by providing a Statute of Limitations with respect to the taxes imposed thereby. Referred to Committee on Finance 1/20/43.

S. 346 (Laws) TAX REVIEW—A bill providing for court review of final decisions and determinations by the director of revenue in cases involving the Colorado retail sales and use taxes, the Public Revenue Service Tax and the Colorado Income Tax and repealing all acts and parts of acts in conflict herewith. Referred to the Committee on Judiciary 1/20/43.

### CONNECTICUT:

H. 621 (Beckwith) RADIO ADVERTISING—Providing that no permittee shall sell or offer for sale any alcoholic liquor which has been advertised over any radio broadcasting station since July 1, 1941, and one who does shall have his permit suspended. Referred to Committee on Judiciary 1/22/43.

S. 484 (Brook) CONNECTICUT FOOD, DRUG AND COSMETIC ACT—concerning the Amendment of the 1939 Supplement to the General Statutes, Sections 900e, 901e, 902e, 908e, 909e known as the Connecticut Food, Drug and Cosmetic Act and the 1935 Supplement to the General Statutes, Section 976e. Referred to Committee on Public Health and Safety 1/22/43.

### GEORGIA:

H. 142 (Golberg & Hurst) COPYRIGHT MUSIC, ETC.—LICENSE FEE—Repealing Code Section 92-512 of the Georgia Code of 1933 (Ga. Laws, 1935, page 83). Referred to Committee on General Judiciary #1 1/22/43.

### IOWA:

S. 55 (Sjulin, et als.) INSURANCE—SALE BY RADIO—Require license to sell insurance by radio. Referred to Committee on Insurance 1/21/43.

### MASSACHUSETTS:

Pub. Doc. 144—JJ (Item 16) Recommended by Judicial Council LIBEL AND SLANDER—Relates to malice as affecting libel and slander. Referred to Joint Judiciary Hearing 1/26/43.

H. 455 (Int. Workers' Union) ADVERTISEMENTS—Regulate advertisements restricting employment by reason of race, creed or color. Referred to Committee on Labor & Industries 1/21/43.

H. 425 (Shubow) LIBEL—Prohibiting libel of racial and religious groups. Referred to Committee on Judiciary 1/21/43.

H. 618 (Cameron) LIBELS—Limit liability for libels in certain cases.

H. 619 (Carroll, et al.) MUSICAL COMPOSITIONS—Requiring the filing with the State Secretary of contracts pertaining to the sale, licensing and disposition of performing rights in copyrighted musical compositions and relative to imposing a tax on such sales and licenses.

S. 222 (Harrison) EMPLOYMENT DISCRIMINATION—Prevents discrimination in certain employment, by persons operating employment offices, by newspapers and broadcasting stations, by innkeepers, etc., because of race, color, religion or nationality. Referred to Committee on Labor & Industries 1/21/43.

S. 318 (Sullivan) LOTTERY—Providing for a state lottery for the purpose of raising additional funds for

defraying expenses of the commonwealth. Referred to the Committee on Ways and Means 1/43.

**NEW YORK:**

H. 20 (Bannigan) **LOTTERIES—CHARITABLE**—Permits lotteries and drawings by recognized religious, charitable or veterans' organizations for benefit of charitable or educational objects. Referred to Committee on Codes 1/6/43.

**SOUTH DAKOTA:**

H. 45 (State Affairs) **LIBEL**—An act to amend section 170814 of the 1939 Code, requiring retention of reports for five years, and prohibits the use of reports in suits for slander or libel.

**TEXAS:**

H. 19 (Senterfitt) **TAX UPON RADIOS, COSMETICS**—Placing a gross receipts tax upon the retail sales of new radios and placing a stamp tax upon the sale of cosmetics and playing cards. Referred to Committee on Revenue and Taxation 1/20/43.

**FEDERAL COMMUNICATIONS  
COMMISSION**

**FCC EQUIPMENT CATALOG**

Assembly of the Catalog of Surplus and Salvageable Equipment is completed and distribution being made to the interested government departments, inspectors-in-charge of regular and sub-field offices and to 124 broadcast stations located throughout the United States, Alaska, Hawaii and Puerto Rico, to give the best possible geographical distribution of these catalogs which contain some 1100 pages (approximately 550 sheets), by the FCC.

Responses to the surplus equipment questionnaires of the Commission pursuant to the Notice to All Radio Station Licensees dated November 20, 1942, have been analyzed.

As stated in the above notice, it was intended that a full listing would be sent each licensee. However, the material listed is so voluminous that this procedure is entirely impractical. Therefore, it has become necessary to distribute copies throughout the United States for inspection by interested parties at as many locations as practicable.

A copy will be available for inspection in the office of each Inspector in Charge of the Radio Districts, in the office of the Secretary of the Commission in Washington, D. C., and at the stations. The stations within the city were determined by taking the first standard broadcast station in the city when arranged alphabetically by call letters.

Each station accepting this catalog accepts the responsibility of making it equally available to all persons interested. However, such stations shall not permit its removal from the premises nor permit its removal within the station to a point where it is not available for public inspection. The station further agrees to accept and handle all supplements and corrections in the same manner.

In the event any station does not elect to accept this responsibility it will be passed to the next station in the city alphabetically by call letters.

Persons interested should inspect the lists in person and not attempt to correspond with the Commission or the stations in custody of the lists as these include thousands of items and such correspondence is entirely impractical and would constitute an unreasonable burden.

Owners who do not find their equipment listed will please note that tabulations were stopped January 12, 1943, in

order to make the bulk of the listings immediately available. It is expected that a supplement will be issued at an early date.

The value of this catalog is largely dependent upon its being kept current, therefore the owner of equipment which has been reported but subsequently disposed of either through sale, use in the owner's licensed equipment, or otherwise should so advise the Commission immediately.

**NETWORK REGULATIONS POSTPONED**

The FCC on January 20 adopted a minute suspending the effectiveness of the Commission's order regarding chain broadcasting regulations (issued May 2, 1941 and amended October 11, 1941, Docket No. 5060), until April 1, 1943, or the date of the decision of the Supreme Court of the United States, whichever is earlier.

**FEDERAL COMMUNICATIONS  
COMMISSION DOCKET**

**HEARINGS**

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 1. They are subject to change.

**Monday, February 1**

Further Consolidated Hearing

WALB—Herald Publishing Co., Albany, Ga.—Renewal of license, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., 1550 kc., 1 KW, DA-night, unlimited.

**Wednesday, February 3**

Oral Argument Before the Commission

Report No. B-163:

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., 790 kc., 1 KW night, 5 KW day, DA-night.

WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—C. P., 790 kc., 1 KW, unlimited, DA-night.

**Wednesday, February 3**

Further Hearing

KVOE—The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Calif.—C. P., 1480 kc., 1 KW, unlimited.

**Thursday, February 4**

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—C. P., 1450 kc., 250 watts, unlimited.

**FEDERAL COMMUNICATIONS  
COMMISSION ACTION**

**APPLICATIONS GRANTED**

The Blue Network Co., Inc., and Mutual Broadcasting System.—Granted application for permission to eliminate identification break during the period 11:15 p. m. on January 30 to

12:15 a. m. on January 31 *only*, while broadcasting the President's birthday celebration.

- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted modification of license (B5-ML-1149) to move main studio to Norwegian Ave., between Sunrise Avenue and Coffee Road, near Modesto, Calif.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special service authorization to operate synchronously with Station WBBM, Chicago, Ill., from local sunset at Lincoln, Nebr., to 12 midnight CST, for the period ending February 1, 1944 (B4-SSA-61).
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special service authorization to operate synchronously with Station KFAB, Lincoln, Nebr., from sunset at Lincoln to 12 midnight, CST, for the period ending February 1, 1944 (B4-SSA-62).
- KTHS—Radio Broadcasting, Inc., Hot Springs National Park, Ark.—Granted extension of special service authorization to operate unlimited time, simultaneously with Station WBAL, Baltimore, Md., with power of 1 KW night, 10 KW local sunset, for the period ending April 1, 1944 (B3-SSA-55).
- WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted extension of special service authorization for a period of 60 days, to operate unlimited time (B4-SSA-57).
- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special service authorization to operate unlimited time with 1 KW power, employing directional antenna night (B1-SSA-64).
- W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Granted construction permit (B2-PVB-95) to move experimental television station from Tioga and C Streets, Philadelphia, to Wyndmoor, Pa., and granted license (B2-LVB-38) to cover same. Also granted renewal of license to operate on **66000-72000 kc.** (Channel 3), power 10 KW (peak) visual, 11 KW aural; emission A5, and Special for FM (aural).
- Metropolitan Television, Inc., New York City.—Granted modification of construction permit to reduce power to 50 watts (peak) visual and 50 watts aural, Emission A3, A5, and Special for FM (aural), and with March 31, 1943, as completion date for the construction.

## LICENSE RENEWALS

Granted renewal of following station licenses for the period beginning February 1, 1943, and ending in no event later than February 1, 1945:

- KBTM, Jonesboro, Ark.; KFDA, Amarillo, Tex.; KFIO, Spokane, Wash.; KFJB, Marshalltown, Iowa; KGFJ, Los Angeles, Calif.; KSUN, Lowell, Ariz.
- KINY—Edwin A. Kraft, Juneau, Alaska.—Granted renewal of license for the period ending in no event later than December 1, 1944.

Granted further extension of following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943:

- KBST, Big Spring, Texas; KCMC, Texarkana, Texas; KCRJ, Jerome, Ariz.; KFMB, San Diego, Calif.; KGEZ, Kalispell, Mont.; KCFW, Kearney, Nebr.; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Tex.; KHBC, Hilo, Hawaii; KHBG, Okmulgee, Okla.; KIEM, Eureka, Calif.; KPLT, Paris, Tex.; KRBA, Lufkin, Tex.; KRBC, Abilene, Tex.; KVGB, Great Bend, Kans.; KWKH, Shreveport, La.; KXL, Portland, Ore.; WBBZ, Ponca City, Okla.; WBNX, New York, N. Y.; WBRW, Welch, W. Va.; WCAZ, Carthage, Ill.; WCBT, Roanoke Rapids, N. C.; WEDC, Chicago, Ill.; WFCI, Pawtucket, R. I.; WFTC, Kinston, N. C.; WGES, Chicago, Ill.; WHOM and auxiliary, Jersey City, N. J.; WING, Dayton, Ohio; WJBW, New Orleans, La.; WLOF, Orlando, Fla.; WNBZ, Saranac Lake, N. Y.; WOCB, near Hyannis, Mass.; WSYB, Rutland, Vt.; WTEL, Philadelphia, Pa.; WTRC, Elkhart, Ind.

Granted extension of following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943:

- KAST, Astoria, Ore.; KRLH, Midland, Tex.
- WCBW—Columbia Broadcasting System, Inc., New York City.—Granted conditional license for commercial television broadcast station to operate with reduced ESR (effective Signal radiated) of 1000, upon condition that construction will be completed according to the Commission's rules, regulations

and standards as soon as the required materials and engineering personnel have become available.

The Commission granted renewal of licenses for the following experimental television broadcast stations for the period ending February 1, 1944:

- W2XBT, W2XBU, National Broadcasting Co.; W2XGE, W2XI, General Electric Co.; W2XVT, W2XVW, Allen B. DuMont Labs., Inc.; W3XP, W3XPR, Philco Radio and Television Corp.; W6XAO, W6XDU, Don Lee Broadcasting System; W9XPR, Balaban & Katz, Corp.; W9XZV, Zenith Radio Corp.; W10XKT, Allen B. DuMont Labs., Inc.
- WRGB—General Electric Co., Schenectady, N. Y.—Granted renewal of commercial television broadcast station for the period ending February 1, 1944.
- W9XBT—Balaban & Katz, Corp., Chicago, Ill.—Present license for experimental television broadcast station was extended on a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.
- WNBT—National Broadcasting Co., Inc., New York City.—Present license for commercial television broadcast station extended on a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.
- W9XUI—State Univ. of Iowa, Iowa City, Ia.—Present license for experimental television broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending March 1, 1943.
- WRUL—World Wide Broadcasting Corp., Boston, Mass.—Present license for international broadcast station further extended upon a temporary basis pending determination upon application for renewal, for the period ending March 1, 1943.
- W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.
- W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.
- W75NY—Metropolitan Television, Inc., New York City.—Granted license (B1-LH-25) to cover construction permit (B1-PH-52) in part and approval of studio location for new FM station in New York.
- W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted modification of construction permit (B1-MPH-92) for extension of completion date to January 26, 1943, and granted license (B1-LH-22) to cover construction permit in part.
- W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted petition for temporary waiver of Section 3.261 of the Commission's Rules, for a period of 90 days.

## MISCELLANEOUS

- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted modification of construction permit as modified, for installation of directional antenna for night use, move of transmitter, and increase in power to 5 KW day and night, for extension of completion date from January 20 to July 20, 1943 (B3-MP-1685).
- W3XWT—Allen B. Dumont Labs., Inc., Washington, D. C.—Granted modification of construction permit as modified, which authorized new television station, for extension of commencement and completion dates from June 26, 1942, and December 26, 1942, to December 26, 1942, and June 26, 1943, respectively (B1-MPVB-93).
- KEX—Oregonian Publishing Co., Portland, Ore.—Granted motion to dismiss without prejudice application for construction permit to operate on **1190 kc**, 50 KW, unlimited time, using directional antenna.
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted petition for leave to dismiss without prejudice application for construction permit to operate on **1030 kc** with 10 KW power, unlimited time. (Docket No. 6441)
- WGRC—Northside Broadcasting Corp., New Albany, Ind.; WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Scheduled for oral argument on February 3, 1943, in re applications for change in operating assignments. (Dockets 6052 and 6249)



WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Denied request for permission to change call letters to WINK.

W55NY—William G. H. Finch, New York, N. Y.—Granted motion for continuance of hearing scheduled for January 28 to February 26, in re application for modification of construction permit for high frequency broadcast station W55NY. (Docket 6363)

Chattahoochee Broadcasting Co., Columbus, Ga.—Granted motion for continuance of hearing scheduled for February 4 to March 4, in re application for construction permit for new broadcast station. (Docket 6456)

WSAV—WSAV, Inc., Savannah, Ga.—Granted motion for dismissal without prejudice application for construction permit to operate on 1370 kc, 1 KW, directional antenna night, unlimited time. (Docket 6407)

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—License to cover construction permit (B3-P-3500) which authorized installation of new transmitter.

### 960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—Modification of construction permit (B4-P-2599 as modified which authorized directional antenna for night use and increase in power) for extension of completion date from 2-22-43 to 4-23-43.

### 1140 Kilocycles

KGDM—E. F. Pepper, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified which authorized change in frequency, hours of operation, increase in power, directional antenna for night use and new transmitter) for extension of completion date from 2-20-43 to 3-20-43.

### 1160 Kilocycles

KSL—Radio Service Corporation of Utah, Salt Lake City, Utah.—Modification of construction permit (B5-P-3502 which authorized changes in transmitting equipment) for further changes in equipment, and extension of commencement and completion dates from 9-1-42 and 3-1-43 to 14 days after grant and 7 days thereafter respectively.

KSL—Radio Service Corporation of Utah, Salt Lake City, Utah.—License to cover construction permit (B5-P-3502 as modified) for changes in equipment.

### 1240 Kilocycles

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Authority to determine operating power by direct measurement of antenna power.

## TELEVISION APPLICATION

W6XLA—Television Productions, Inc., area of Los Angeles, Calif.—Modification of construction permit (B5-PVB-87, which authorized a new television relay station) to make changes in equipment, reduce power from 800 watts to 25 watts (100 watts peak) and extend commencement and completion dates from 8-2-42 and 2-2-43 to 30 days after grant and 90 days thereafter respectively.

## MISCELLANEOUS APPLICATION

NEW—Baylor University, Corpus Christi, Texas.—Construction permit for new broadcast station to be operated on 1010 kc., 50 KW, unlimited time, directional antenna for day and night use, transmitter site NE of Gregory, Texas.

# FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

## COMPLAINTS

The 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.

**Booth Fisheries Corporation**, engaged in the sale and distribution of fish products with its principal office in Chicago and about thirty branch offices located in various parts of the country, is charged in a complaint with misrepresentation. (4888)

**J. H. Camp and Drug Profits, Inc.**, Ravenswood, W. Va., engaged in the sale and distribution of certain preparations containing drugs designated "Phalene" and "Burtone," recommended for treatment of various ailments of the human body, is charged in a complaint with misrepresentation. (4893)

**S. Friedman & Sons** and **Sunray Yarn House**, 349 Grand St., New York, selling and distributing yarn, are charged in a complaint with misrepresentation. (4891)

**Logan's Inc.**, also trading as Logan-Rogers, selling and distributing ladies ready-to-wear apparel, with its principal place of business in Elmira, N. Y., and operating stores in Elmira and Harrisburg, Lebanon and Lancaster, Pa., is charged in a complaint with violation of the provisions of the Federal Trade Commission Act and of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under the latter Act. (4892)

**Ostrex Co., Inc.**, 801 Second Ave., New York, selling and distributing a medical preparation designated "Ostrex," and David Steuerman and Lillian Steuerman, trading as Steuerman Advertising Agency, 205 East 42nd St., New York, preparing and disseminating advertising material in connection with the sale and distribution of the preparation, are charged in a complaint with misrepresentation. (4894)

**Felix Portnow**, trading as M. Portnow, 445 Grand St., New York, manufacturing and selling trusses, is charged in a complaint with misrepresentation. (4887)

**John Solari & Co.**, and **Par-Ex Products Co.**, 65 Beach St., New York, selling and distributing a food product designated "Par-Ex Hollandaise Sauce," is charged in a complaint with misrepresentation. (4895)

**Universal Match Co., et al.**—Unlawful use of the name and emblem of the American National Red Cross for commercial purposes in connection with the sale of cough drops and book matches is alleged in a complaint issued against Candy Brothers Manufacturing Co., Inc., and Universal Match Corp., both of St. Louis, Mo., and two individuals, Adolph H. Rosenberg and John Feinstein. (4889)

**Washington Institute**, 1230 Vance Building, Seattle, selling correspondence courses intended to prepare students for Civil Service examinations, is charged in a complaint with falsely repre-

senting that its business is connected with the United States Government. (4890)

### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Ferbo Co.**, Madison, N. J., manufacturer and distributor of food products including one designated "French Tang Vanilla Flavor" and also as "Sun-Cu-Nilla," has been ordered to cease and desist from misrepresentation of the product. (4706)

**Hollywood Magic Garment Co.**, Los Angeles, has been ordered to cease and desist from misrepresentation in connection with the sale of a device designated "Hollywood Magic Garment", offered as a weight-reducing device. Although the corporation has discontinued active business operations it has not been dissolved. Its last known address was 8254 Beverly Boulevard. (4702)

**Mono Service Co.**, 349 Oraton St., Newark, N. J., manufacturing and selling paper cups for the packing of ice cream, has been ordered to cease and desist from the use of lottery methods in connection with the sale of its products. (4834)

**United Inheritance Bureau**—An order to cease and desist from unfair and deceptive acts and practices has been issued against Harold M. May, trading as United Inheritance Bureau and as Guardian Service Bureau, 1278 Jefferson Ave., Buffalo, engaged in the sale of envelopes and questionnaire letters for use by creditors and collection agencies in obtaining information concerning debtors. (4874)

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Breosan Laboratories**, P. O. Box 140, Long Island City, N. Y., selling and distributing four medicinal preparations designated "Breosan Suppositories," "Breosan Solution," "Breosan Ointment" and "Breosan Lanolin," has stipulated to cease and desist from representing that Breosan Suppositories or the Breosan Treatment have any therapeutic value in the treatment of hemorrhoids other than that as an emollient palliative; that Breosan Solution is a prophylactic or an antiseptic, will cause wounds to heal without scars or promote the growth of new tissue, is not a drug or has

any beneficial therapeutic effect in the treatment of wounds, abrasions, blood poisoning, boils, or other ailments enumerated in his advertisements, or that Breosan Ointment or Breosan Lanolin have any beneficial therapeutic effect in the treatment of wounds of many kinds, burns, chapped hands or similar ailments. (03088)

**Simplex Time Recorder Co.**, Gardner, Mass., and Morse Magneto Co., also trading as American Watchman's Time Detector Co., 17 East 42nd St., New York, both engaged in the sale and distribution of clocks, including a clock designated "The Morse Tape Clock", have stipulated to cease and desist from representing that each and every part of such clocks have been made in the United States when, in fact, any constituent part or parts thereof have been made or manufactured in any other country. (3597-3598)

**Universal Selling Co.**, 5109 Marion St., Philadelphia, selling and distributing a product designated "Weldex" intended for use in repairing cracks and leaks in water-cooled motors, has stipulated to cease and desist from use of the word "Weldex" as a trade name for their product; and from use of the word "Weldex" or the word "weld" as a trade name for the product, or in any other way, to convey the belief that the product is a weld or that its use with metals will effect a state or condition of their becoming welded or will cause the union, consolidation or fusion of the metals or metal parts such as would be accomplished by a welding process. (3596)

**Vogue Company and Vogue Eliminator Co.**, 7759 South Halsted St., Chicago, engaged in selling a radio device designated "3 in 1 Radio Tuner," for attachment to radio receiving sets for the purpose of improving reception, has stipulated to desist from representing that by the attachment of the device to a radio receiving set, interference in the reception of radio waves, caused by electrical appliances, will be eliminated. (03089)

**R. Wallace & Sons Manufacturing Co.**, Wallingford, Conn., selling and distributing merchandise, including trophies, has stipulated to cease and desist from use in connection with its merchandise of any false, fictitious or misleading price representation which purports to be the retail sales price but which, in fact, is in excess of the price for which such merchandise is customarily sold, or from directly or inferentially representing through use of a fictitious or marked-up price that the price for which such merchandise is offered for sale is an exceptional price, a low price, or a discounted price, when in fact the sales price offered the purchaser is not an exceptional, low or a discounted price, but actually is the price for which the merchandise is customarily sold in the usual course of retail trade. (3599)



1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 6, February 5, 1943

## RADIO GETS AA PRIORITY

As first predicted in NAB Reports November 13, 1942, page 648, the preference rating applying to materials for maintenance, repair or operating supplies of the broadcast industry has been raised from A-1-J to AA-2X under Preference Rating Order P-133 as amended February 4, 1943, by the Director General for Operations, War Production Board. The amendment also raises the ratings allowed to those engaged in commercial sound recording and radio communications. Broadcasters and those engaged in commercial sound recording may now apply the preference rating AA-2X to purchases of recording blanks and other necessary replacement items used in recording.

The new order does not provide replacement materials for automotive replacement as defined by General Limitation Order L-158 (this has been interpreted as eliminating mobile police stations). NAB has been informed that the new preference rating is the highest generally obtainable for non-military requirements. The suffix letter X of the preference rating identifies purchases of a non-military nature.

The amended order requires that broadcasters "keep and preserve for two years copies of all purchase orders or contracts applying such rating," and that those "affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe." General instructions for the purchase of material in accordance with P-133 as amended February 4, 1943, are as follows:

1. Read Preference Rating Order P-133 as amended and become familiar with the provisions of the order.

2. Operate all tubes and parts to absolute failure, before installing replacements, in order to bring inventory within the limits of the order.

3. Hold best spare tubes for last use in the equipment thus minimizing the chance of failure while procuring replacements. In order to check the condition of spare tubes and to insure their immediate availability without conditioning, use all spares not less than one day every three months and not more than one day of each month. This practice is preferable to the rotation of spare tubes on an equal use basis.

4. Immediately upon the failure of spares which will reduce the inventory to less than one hundred per cent, as permitted by the order, place a purchase order with your supplier. This purchase order should bear the required certification assigning an AA-2X preference rating. When placing the purchase order request delivery prior to a definite date and ask your supplier to advise you immediately if for any reason the order cannot be filled on or before the required date. If notice is received from supplier that delivery cannot be made by the date specified, immediate *inquiry* should be made to all other known sources of supply concerning their ability to fill the order in accordance with your requirements. If these inquiries result in a satisfactory delivery promise from another supplier, the original order *should be cancelled* and another order placed with the new supplier (WPB Regulation 3, amended June 26, 1942, Section (b), paragraph 3. This regulation forbids duplicate orders.)

## MORE BATTERY INFO WANTED

Battery sets are in operation in certain sections of the country remote from power lines. We would like to hear from broadcasters in these localities as to dealer and jobber battery inventories. If battery information from the trade is meager, it is suggested you check listeners during a good farm program. Our information on tubes and parts is satisfactory but incomplete on radio batteries. Specify types if there seems to be an impending shortage.

The above paragraph was first printed in NAB REPORTS of January 22. It produced several informative letters. It will be helpful to receive more. Please send them to Arthur Stringer, NAB, 1760 N Street, N. W., Washington, D. C.

5. If after following the procedure outlined in paragraph 4 a satisfactory delivery promise is not obtained, an order should be placed with the supplier offering the best delivery promise. At the same time a PD-1A form should be filed with the War Production Board, Director of Industry Operations, Washington, D. C. Be sure to furnish all required information on the PD-1A form and outline in the covering letter the substance of your correspondence under paragraph 4 above.

6. If your station is actually off the air due to the failure to obtain spare tubes or parts or if the tubes or parts in use (for which no replacements are available) appear to be approaching failure communicate immediately by telephone or telegraph with the WPB Emergency Branch, Washington, D. C. The telephone number is REpublic 7500, extension 2333 or extension 2330. This communication should refer to your PD-1A application.

To avoid confusion it is suggested that the original P-133 dated October 5, 1942 be removed from your files and the amended order substituted. The revised sections of the order are printed in bold face type. The new order is printed on page 48 of this issue of the NAB REPORTS.

## NAB NAMES WILLARD EGOLF

Willard D. Egolf, for the past ten years commercial manager of KVOO, Tulsa, Oklahoma, has been named to the NAB executive staff, as successor to Lt. Col. Edward M. Kirby. In announcing the appointment, Neville Miller said that in addition to the public relations activity

(Continued on page 46)

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

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## NAB NAMES WILLARD EGOLF

(Continued from page 45)

formerly directed by Lt. Col. Kirby, which involved the relations between the industry and religious, educational, civic and social groups, Mr. Egolf will assist him in handling broad industry matters involving governmental relations.

Mr. Egolf brings to his new position at NAB a background of 15 years of extensive experience in the advertising and radio field. Born in Kansas City, Missouri, he was educated at Muskogee, Oklahoma, and is a graduate of the Law School of the University of Oklahoma.

In both high school and college he took a prominent part in student affairs. He was sports editor of his high school paper and editor of the annual in his senior year. At the University he was editor and co-publisher of a college magazine and took an active part in musical circles, being a member of the glee club and of the college dance orchestra.

Following his graduation he went to Florida where he was engaged for two years in legal work and in editing and advertising as director of publicity for the Rose Investment Company. He returned to Oklahoma to join the Rogers-Gano Advertising Agency of Tulsa and Chicago as account executive and copy writer. For five years in this connection he handled all types of advertising in magazines, newspapers, direct mail, poster boards and radio. He edited several house organs for clients of the agency.

In 1932 he became commercial manager of KVOO, then a 5,000 watt operation, and assisted its growth to its present status of a 25,000 watt. In 1940 Mr. Egolf was a member of the Sales Managers Committee of the NAB, and at the same time was President of the Tulsa Advertising Federation. He is a member of the Board of the Tulsa Better Business Bureau and of the Market Development Committee of the Tulsa Chamber of Commerce.

In 1941 he was re-elected President of the Advertising Federation and Treasurer of the Better Business Bureau, and also First Lieutenant Governor of the Tenth District of the Advertising Federation of America. In June of last year he was elected Vice President of the Advertising Federation of America, and in November as Governor of the Tenth District of AFA.

Mr. Egolf is a member of Phi Delta Gamma Fraternity, is married and the father of two children.

## AND NOW, THE RADIOETTE

"Radioette" is the name suggested by NAB to indicate a woman engaged in servicing home radios. Not only does this establish the identity of the sex in a new war job, but it gets away from referring to such persons as a feminine radio repairman.

It is believed that the general use of "radioette" will be of value when, as and if conditions warrant the recruitment,

training and employment of women to help maintain radio receivers. The term is not intended to be synonymous with "radio repairman," "radio mechanic" or any other term descriptive of an all around technician.

The term is believed to be one which will fit in with a streamlined service technique in which women may presently be engaged.

The "radioette" would work with others under the direction of a "trouble-shooter," "foreman" or "diagnostician."

## Labor

### "LITTLE STEEL" FORMULA THREATENED

John L. Lewis' demand for a \$2-a-day raise for his soft coal miners threatens to break the President's wage stabilization program in general, and the so-called "Little Steel" formula in particular.

The "Little Steel" formula, devised by the War Labor Board last summer to hold the line against inflation, provides that employees may obtain increases up to 15 per cent of their wage rates in January, 1941, to compensate for the increase in the cost of living between that date and May, 1942.

The miners in April, 1941, received an increase which just about amounted to 15 per cent. Now they are back for more, and Mr. Lewis has blood in his eye.

The WLB already is talking about raising the 15 per cent to 20 per cent to take care of further increases in the cost of living since last May (see figures below). Another suggestion is to keep the basic wage rates unchanged but to put all industry on a 48-hour week. This would put more money into labor's pockets, with premium pay for the last eight hours each week. It also might relieve the manpower shortage to a certain extent. Still another suggestion is to hold the line, come what may.

Whatever happens in coal will be reflected almost immediately in steel, automobiles and other big industries. A general industrial wage increase will be reflected in broadcasting.

### FCC Salary Figures

Despite an acute manpower shortage of its own, the FCC is assembling as fast as possible its tabulations of employment figures for the week of October 11, 1942. These, as many broadcasters know, are invaluable in negotiations with unions and in proceedings before the War Labor Board or Treasury Department in obtaining salary adjustments.

The Commission has advised the NAB that it will be glad to produce necessary figures, in emergencies, for stations. Advise the NAB Labor Relations Department what your needs are along this line.

### COST OF LIVING

Living costs were one-half of one percent higher on December 15 than on November 15, 1942, bringing the total rise for America's first war year to 9 percent, Secretary of Labor Perkins has reported. "Since the outbreak of war in Europe, the increase has been 22.1 percent, as compared with almost 35 percent during the same period of the last war," she said.

## Broadcast Advertising

### "TREASURY STAR PARADE"

In line with the recent denunciation of the effort of Farrar and Reinhart, Inc., to obtain free announcements of their "Treasury Star Parade" book following the "Treasury Star Parade" programs, Vincent F. Callahan, Director of Radio, Press & Advertising War Savings Staff, recently sent the following letter to radio stations:

"You have undoubtedly received within the last few days a letter from John Farrar of Farrar and Reinhart, Incorporated, asking you to use announcements to promote the book Treasury Star Parade published by that company.

"This is to advise you the Treasury Star Parade Book was published by Farrar and Reinhart as a private venture. It is not a Treasury Department publication. Your decision as to the use of the announcements concerning the book requested by Farrar and Reinhart should depend upon your policy in such matters."

### SUPER BARTER DEAL

In exchange for thirteen 50-word announcements for "Liberty" Magazine and nine 25-word announcements for theatrical productions on Broadway, New York City, you will receive absolutely free (except for shipping charges) thirteen episodes of the quarter-hour transcribed "Famous Fathers" programs, declares the Kermit-Raymond Corporation, 745 Fifth Avenue, New York City, in duplicate agreements which have been sent to NAB headquarters by several member stations. There is positively nothing wrong with the deal, if that is the way you like to "sell" your station time. But it looks to us as if "Liberty" magazine came off handsomely at the expense of radio stations.

### STRAIGHT FROM THE SHOULDER

Robert Peterson of the Robert Peterson Advertising Agency, Daily News Building, Chicago, Ill., approaches member stations on two per-inquiry deals with complete candor. He asks three questions and if you answer them correctly, one or both of the deals is yours. A somewhat refreshing approach, but the same old offers without the semblance of new clothes. This one isn't worth a reply.

### DON'T PLAY THE SUCKER

Several member stations have sent us copies of the form letter and announcements from Progressive Circulation Co., Inc., P. O. Box 9385, Station "S", Los Angeles, Calif., urging the broadcast of announcements seeking to sell subscriptions to the "Writer's Journal" on a per-inquiry basis. It's the same old gag in other words. From long experience in the direct-selling field, we doubt if one station in a thousand could pay out at card rates on this scheme.

### MCCRAY TO CENSORSHIP

Thomas C. McCray has been granted a leave of absence from his position as Assistant General Manager, in charge of all program and news activities, from Station WTIC, Hartford, Connecticut, to join the Broadcasting Division of the Office of Censorship, it was announced today by Assistant Director J. H. Ryan.

Mr. McCray has been with the Travelers Insurance Company, owners of WTIC, since 1920 and has been supervising the program and news departments of the radio station since 1926.

His duties with the Office of Censorship will include censoring short-wave material designed for export and he will be stationed in New York City, Mr. Ryan said.

Mr. McCray will report to the Washington office of the Broadcasting Division on February 8. He will remain there for a short time before taking up his duties in New York.

Simultaneously in Hartford, Paul W. Morency, General Manager of WTIC, announced that Leonard J. Patricelli, at present Assistant Program Manager, has been made Program Manager.

### THIS HELPS INDUSTRY

Nineteen more important broadcast stations are telling listeners to transport sets requiring repair to the radio repairman. Other stations helping in this job have been printed in NAB REPORTS. During our war effort this conservation of manpower is extremely important.

KVAK—Atchison; WBEN—Buffalo; WDAY—Fargo; WOOD—Grand Rapids; WNOX—Knoxville; KRKD—Los Angeles; WALL—Middletown; WJAG—Norfolk, Nebr.; WOSH—Oshkosh; KOY—Phoenix; KOAM—Pittsburg, Kans.; W47P—Pittsburgh, Pa.; WPRO—Providence; KVOE—Santa Ana; KDRO—Sedalia; KRRV—Sherman; WTCN—St. Paul; WDZ—Tuscola; KWAT—Watertown; WTAG—Worcester.

### WCAU OFFERS HOUR OF LAUGHTER

Following a discreet survey of listener desires in the Philadelphia area, WCAU came to the conclusion that what the public might like is a rousing afternoon show in which mirth and melody would predominate. Result: a 3:30-4:30 p.m. presentation, "Open House," Monday through Friday.

"Open House" means just what it says. The program schedules entertainment of all sorts—with spontaneity the keynote. It is the hope of its producers that it will at all times lean toward the unexpected or "surprise" elements in radio.

### COFFEYVILLE'S TRIBUTE TO RADIO

Hugh Powell, Coffeyville, Kans., owner, KGGF, has forwarded the editorial appearing below from a recent issue of the Coffeyville Journal. It's printed in NAB REPORTS because it so appropriately expresses radio's contribution to the war effort.

#### The Radio Serves

"Some one in the industry has taken the time to figure that if Christopher Columbus had broadcast a one minute announcement promoting America every 10 minutes without interruption, 24 hours a day right down to the present time, he still could not have done the job American radio stations have done since that fateful day, Sunday, December 7, 1941.

"Since bombs fell on Pearl Harbor, a National Association of Broadcasters' survey shows, 25,048,400 minutes of radio time have been given by American radio stations to assist in sale of bonds, to encourage enlistments in the various armed services, help in scrap collection campaigns, Red Cross and community chest drives and in many other ways to promote the war effort.

"Which is a lot of time and effort. And for which no applause is asked, or desired. It was the patriotic duty of broadcasting stations, incumbent on them in their great mission to serve the public interest, convenience and necessity which is what their government enjoined on them when licenses were issued. The consciousness of duty done is all the reward any broadcaster wants, if this writer knows his fellows in the industry, and he thinks he does."

## WPAR SOLVES A PROBLEM

When you have a good client, pleased with results, pleased with your station and completely satisfied with everything, but who also wants to reduce his radio time, you have a man-sized problem on your hands.

This "I have nothing to sell" problem seems to be plaguing a lot of stations. How Carl Loose, program manager, and George Clinton, station manager, WPAR, Parkersburg, W. Va., successfully handled this kind of a situation, makes good reading.

Their solution also illustrates the extra lift a station can give to the war effort right in the home community.

To begin with, the station's "1450 Club" was one year old in December, 1941. It came under sponsorship of the Storck Baking Co. right after Pearl Harbor—30 minutes daily, Monday through Friday. Program content of the 2½ hours per week is described lower down.

Content was appreciated by listeners to such an extent that membership in the club grew to 10,239 registered members in the first year of sponsorship. Mail returns were never less than 50 letters daily.

Came the day the sponsor said he had nothing to sell; when he feared that the 5 one-half hours a week would produce more sales than he could handle. Said he didn't want to go off the air entirely, but what he had in mind was something a great deal less.

By this time the boys at WPAR were pretty blue. The "1450 Club" was one of their best programs, actually their own baby.

Then Messrs. Clinton and Loose began exercising their gray matter to save the day. Told the client, in substance, "sell your complete line. This will relieve the pressure on 'over-sold' items and increase sale of items for which you have unused facilities. Let's give a gift coupon good for a cross-section of your products."

The baker tried it and liked it. Customers liked it, too. Mail has held up and letters are of a most flattering nature.

### Nature of Program

Pattern follows the typical "Women's Club" with frequency of station the club name, "1450 Club."

OWI information is used, Treasury Song Parade, Local Scrap Drive and the like. There are clubs within the club with suitable identification as: "Service Mothers Club," a "Rumor Club" which attempts to squelch rumors, etc.

## KMBC WAR EFFORT

KMBC, Kansas City, has just released an attractive brochure concerning the station's 1942 war broadcasting activities. A letter from Karl Koerper, station vice president, explains the methods employed.

For all of us, last year was one replete with readjustments predicated on gearing ourselves most effectively to the war effort.

This problem was approached here at KMBC from the standpoint of the area we serve. With this in mind, all material was rewritten and insofar as possible placed in the mouths of well-known station personalities with established audiences. Naturally, this required a tremendous number of man hours of planning and preparation—but, in our judgment, this was more than justified by the increased effectiveness of the entire effort.

## SERVICEMAN FOLIO A HIT

The Radio Serviceman's draft deferment folio reached a number of spots at the psychological moment.

Says Otis Morse, manager, WSBA, York, Pa.:

"I thought that you would probably be interested in knowing the immediate use WSBA had for the NAB re-

lease concerning draft deferment for radio servicemen. The day after it arrived, our sales manager, Sydney Robbins, got in touch with several of the radio repair shops here in town and told them to contact WSBA when the draft board tapped any of their men on the shoulder. Within two days we talked to four servicemen and I spent last Friday afternoon helping to fill out Form 42-A for one of them. . . to my mind, it is just another example of the many fine services the NAB has always offered."

### Wide Response

As a result of radio trade paper publicity radio servicemen in nearly every state have been mailed form 42-A (THESE ARE ALSO AVAILABLE AT LOCAL SELECTIVE SERVICE BOARDS) and extra copies of the folios previously mailed all stations.

### In Omaha

In Omaha, Johnny Gillin, manager, WOW, distributed folios to 200 servicemen.

### In Philadelphia

A mass distribution will be done in Philadelphia by William B. Caskey, WFIL business manager. Arrangements were made January 30 at an executive committee meeting of the Philadelphia Servicemen's Association.

## SCHOOL BROADCAST AWARDS

Teachers throughout the United States are invited to enter the fourth annual competition in the use of radio in the classrooms, sponsored each year by the School Broadcast Conference, national radio education meeting primarily concerned with the utilization of radio in the schools.

Information regarding entries may be had from School Broadcast Conference headquarters, George Jennings, Acting Director, 228 N. La Salle Street, Chicago.

## New Priority Order

### Part 3037—Electronic Equipment

[Preference Rating Order P-133 as Amended Feb. 4, 1943]

§ 3037.5 *Preference Rating Order P-133*—(a) *Definitions*. For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division or agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) "Material" means any commodity, equipment, accessory, assembly or product of any kind; exclusive, however, of automotive replacement parts as defined by General Limitation Order L-158.

(3) "Maintenance" means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar

causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed directly in the operation of any of the services specified in paragraph (a) (1) above, but does not include photographic film, fuel, office or building supplies, or any material which is physically incorporated in whole or in part in the property or equipment of the operator.

(b) Assignment of preference rating. Subject to the terms of this order, preference rating of AA-2X is hereby assigned:

(1) To deliveries of material to an operator for operating supplies and for maintenance and repair.

(2) To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.

(c) Persons entitled to apply preference rating. The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) Restrictions on inventory and use. The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is required has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at 25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) Application and extension of rating. An operator or supplier, in order to apply the preference rating assigned by this order, shall endorse the following statement on the purchase order or contract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

## CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

Name of Purchaser ..... Address .....  
By ..... Date .....  
(Signature and title of .....  
duly authorized officer)

(g) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(h) Records. All operators assigned a preference rating by or pursuant to this order shall keep and preserve for two years copies of all purchase orders or contracts applying such rating.

(i) Reports. All operators affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(j) Communications. All reports to be filed, and other communications concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington, D. C. Ref: P-133.

Issued this 4th day of February 1943.

CURTIS E. CALDER,  
Director General for Operations.

## SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

## EXECUTIVE ENGINEERING COMMITTEE

The following broadcasters make up the membership of the NAB Executive Engineering Committee:

John V. L. Hogan, Chairman, WQXR, New York  
E. K. Cohan, CBS, New York, N. Y.  
Franklin M. Doolittle, WDRG, Hartford, Conn.  
O. B. Hanson, NBC, New York, N. Y.  
G. Porter Houston, WCBM, Baltimore, Md.

The Committee held a meeting in New York City on January 27. Included in the discussion were the following subjects: training of replacement operators and technicians, availability of repair facilities for broadcast equipment and components, methods for the recruiting of new technical personnel, servicing of home receivers, consideration of standard coverage recommendations, priority regulations, batteries for farm radios, publicizing NAB recording standards and post war planning.

Much constructive progress was made through policy recommendations and outlining future activity of the Engineering Department.

## FEDERAL LEGISLATION

### HOUSE CONCURRENT RESOLUTIONS

H. CON. RES. 9 (BREHM, R-Ohio) DAYLIGHT SAVING TIME—To provide that the Act of January 20, 1942, establishing daylight saving time, shall cease to be in effect. Referred to Committee on Interstate and Foreign Commerce.

H. CON. RES. 10 (COLE, R-Mo.) DAYLIGHT SAVING TIME—To repeal Public Law 403, Seventy-seventh Congress, chapter 7, second session, and reinstate the standard time provided in the Act entitled "An Act to save daylight and to provide standard time for the United States," approved March 19, 1918, as amended. Referred to Committee on Interstate and Foreign Commerce.

## HOUSE

H. R. 1562 (MARCANTONIO, A.L.-N. Y.) COMMUNICATIONS—To amend the Communications Act of 1934, as amended, to prohibit abandonment of communications facilities, increase the security of communications systems, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 1570 (SCOTT, R-Pa.) (By request) COPYRIGHT—To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended. Referred to Committee on Patents.

H. R. 1571 (SCOTT, R-Pa.) (By request) COPYRIGHT—To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended. Referred to Committee on Patents.

## STATE LEGISLATION

### ARIZONA:

H. 107 (Mitchell, et al.) RADIO—ELECTIONS—To include radio broadcasts among the expenditures of candidates for office upon which there is no financial limitation.

### CALIFORNIA:

A. 1166 (Collins) MINORS IN RADIO—Relating to employment of minors in radio broadcasting and television studios. Referred to Committee on Labor, 1/28/43.

S. 423 (Burns) FALSE ADVERTISING OF FOODS—Author says this bill is a codification of the law on adulterating, mislabeling and false advertising of foods. Referred to Committee on Public Health, 1/25/43.

### CALIFORNIA:

S. 911 (Quinn) FOREIGN LANGUAGES BROADCASTS—New act relating to radio broadcasts in foreign languages. Referred to Committee on Judiciary, 1/31/43.

### KANSAS:

S. 86 (Griffith) CLARIFIES COPYRIGHT LAW—Clarifies the language of the copyright law and amends 57-206, 57-207, 57-209, G. S. Supplement, 1941, and repeals 57-202, 57-203, and 57-204, G. S. Supplement, 1941.

### NEBRASKA:

B. 268 (Rakow) MUSICAL COMPOSITIONS COPYRIGHTS—Regulates issuance of licenses with respect to copyrights and public performing rights to musical compositions and levies tax of 3 percent on gross receipts of all sales and licenses for use, prohibits discrimination in price and repeals present law.

### NEW YORK:

A. 436 (Ehrlich) (Same as S. 343) CHILDREN—EMPLOYMENT—Prohibits employment of children under 16 years in theatrical performances, circuses, motion pictures, radio broadcast performances, except church or school exhibition or amateur programs with written consent of education board or officials when in their opinion such performances are not harmful. Referred to Committee on Education, 1/26/43.

S. 343 (Hampton) (Same as A. 436) CHILDREN—EMPLOYMENT—Prohibits employment of children under 16 years in theatrical performances, circuses, motion pictures, radio broadcast performances, except church or school exhibition or amateur programs with written consent of education board or officials when in their opinion such performances are not harmful. Referred to Committee on Education, 1/26/43.

# FEDERAL COMMUNICATIONS COMMISSION

## SMALL STATION SITUATION

Questioned on the FCC's survey of the financial condition of small stations for last year, Chairman James Lawrence Fly said at his press conference early this week that he has a tentative report "but unfortunately a substantial number of stations (a minority but still a fairly substantial number) has been sluggish in getting the material in and we are not yet to the point where we can give the sort of analysis that we want to do. Just a few days ago we sent a follow up letter to the laggard group of stations asking them to get their material in."

The Chairman was asked if the Commission would make the study public when it was completed. "Yes, I think I will give you a statement," he said, and he commented further that "I will also continue to make public statements about what I am trying to do." Following this further the Chairman said:

"In fact I don't mind telling you now, as I have indicated before that I will consider my job simply to help the stations in any way I can and incidently I think to help the advertisers in getting their teeth into the problem and into the potential of this mode of advertising. I do hope to stimulate some responsible advertising in the field of the small and remote stations, and move into the background with the thought that the whole matter would be one of private business and private relations between the advertiser and the stations. All we would expect to do would be to furnish background information as far as it is available to us."

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

## HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 8. They are subject to change.

### Monday, February 8

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, 700 kc., 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

### Tuesday, February 9

#### Further Consolidated Hearing

WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WCAM and WCAP.

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license, 1310 kc., 500 watts, unlimited, request facilities of WCAM and WCAP.

WCAM—City of Camden, Camden, N. J.—Renewal of license, 1310 kc., 500 watts, SH1WTNJ and WCAP.

WCAM—City of Camden, Camden, N. J.—Modification of license, 1310 kc., 500 watts, SH-WCAP; request facilities of WTNJ.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WTNJ and WCAM.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1310 kc., 500 watts, SH-WCAM, request facilities of WTNJ.



WERC—Presque Isle Broadcasting Co., Erie, Pa.—Modification of license, 1330 kc., 100 watts night, 250 watts day, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted special service authorization (B3-SSA-65) for the period ending April 1, 1944, to operate on **1170 kc.** with power of 25 KW night, 50 KW until local sunset, unlimited time, employing a directional antenna at night, and using transmitter specified in construction permit (B3-P-2539) as modified.
- WTNJ—WOAX, Inc., Trenton, N. J.; WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcasting Co., Asbury Park, N. J.—Adopted an order directing that the further hearing now scheduled for February 9, on applications of WTNJ, WCAM and WCAP, be held in Trenton, N. J., on that date instead of Washington, D. C., as heretofore scheduled.

### DESIGNATED FOR HEARING

- WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Designated for hearing application (B2-MP-1684) for modification of construction permit (B2-P-3328) for extension of commencement and completion dates of new station.

### MISCELLANEOUS

- WALB—Herald Publishing Co., Albany, Ga.—Denied petition for leave to continue the further hearing from February 1 to March 15 on applications for renewal of license, construction permit, and voluntary assignment of license (Dockets 6398, 6399 and 6400).
- KXEL—Josh Higgins Broadcasting Co., Waterloo, Iowa.—Granted license to cover construction permit as modified, for new station, and to move studio from Josh Higgins Bldg. to Insurance Bldg., Fourth and Franklin Sts., Waterloo (B4-L-1689); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1422).
- WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1488).
- WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted modification of construction permit as modified, which authorized changes in directional antenna system and increase in power, for extension of completion date from February 3 to May 4, 1943 (B2-MP-1687).
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted license to cover construction permit as modified, for change of frequency, increase in power, install directional antenna for day and night use, and move of transmitter (B3-L-1744); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1485).
- KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension of relay broadcast station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943 (B4-SRY-240).
- WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension of relay broadcast station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943 (B3-SRY-132).

The Commission has affirmed the decision of the Motions Commissioner in denying the petition filed by Herald Publishing Co. (WALB), Albany, Ga., for leave to continue the further hearing from February 1 to March 15 on applications for renewal

of license, construction permit, and voluntary assignment of license (Dockets 6398, 6399 and 6400). The Commission provided further that the completion of the testimony of the witness Mr. Tounsley, should be postponed to 10:00 a. m., February 25, 1943. At the resumption of the hearings on February 1, counsel for Station WALB shall have opportunity to put on such further testimony as he may be prepared to present.

- WHEB—WHEB, Inc., Portsmouth, N. H.—Denied special service authorization to operate from 7:00 a. m. to local sunrise during November, December, January and February, power 250 watts, for period ending February 1, 1944 (B1-SSA-58).
- WLW—The Crosley Corp., Cincinnati, Ohio.—Granted motion for postponement of hearing on application for modification of license to use 500 KW, from February 8 to March 9.
- WGRC—Northside Broadcasting Corp., New Albany, Ind.; WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Granted applicants' motion to dismiss without prejudice applications for construction permits (B4-P-2782 and B3-P-3308) and cancelled oral argument scheduled for February 3, 1943.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted motion to dismiss without prejudice application for modification of construction permit to operate on **1000 kc.**, 50 KW, DA-unlimited.
- WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted petition to continue hearing on application for modification of license from February 10 to April 12.

### APPLICATIONS FILED AT FCC

#### 590 Kilocycles

- WOW—Radio Station WOW, Inc., Omaha, Neb.—Authority to determine operating power by direct measurement of antenna power.

#### 690 Kilocycles

- KGGF—Hugh J. Powell, Coffeyville, Kan.—Construction permit to install a new transmitter.

#### 1000 Kilocycles

- WINS—Hearst Radio, Inc., New York, N. Y.—Special service authorization to operate on **1000 kc.**, 1 KW power, unlimited time, employing directional antenna day and night at Near Kingsland, N. J. (site and antenna authorized under construction permit B1-P-3026, as modified) for the period ending 4-1-44.
- WINS—Hearst Radio, Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power on special service authorization.

#### 1150 Kilocycles

- KTBC—State Capital Broadcast Assn., Inc., Austin, Texas.—Transfer of control of licensee corporation from A. W. Walker, Jr., R. B. Anderson and R. A. Stewart to Claudia T. Johnson (250 shares).

#### 1260 Kilocycles

- WNAC—The Yankee Network, Inc., Boston, Mass.—License to use formerly licensed composite main transmitter of WAAB as an auxiliary transmitter, with power of 1 KW.

#### 1300 Kilocycles

- WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Modification of license to change hours of operation from shares time with WASH to unlimited time. Requests facilities of WASH.

### MISCELLANEOUS APPLICATIONS

- KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to move main transmitter from RFD No. 1, Dixie Gardens, near Shreveport, La., to Harts Island Road, near Shreveport, La.
- KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to move auxiliary transmitter same address as above.

W2XMC—Muzak Corporation, New York, N. Y.—Modification of construction permit (B1-PEX-36, as modified, which authorized a new developmental broadcast station) for extension of completion date from 3-1-43 to 9-1-43.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### COMPLAINTS

The 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.

**Carlay Co.**, 160 East Illinois St., Chicago, and its president and treasurer, Carl A. Futter, is charged with misrepresentation in connection with the sale of a candy product known as "Ayds," sold in connection with so-called weight-reducing plans and recommended as a treatment or cure for obesity. (4898)

**International Trading Corporation**, 814 Second Avenue Building, Seattle, engaged in the import and export business, and its president, George W. Nelson, are charged in a complaint with disparaging two of their competitors by falsely stating that one is dominated by the German government and that the other is a Nazi sympathizer. The respondents, who have been particularly active in the importation of hardwoods from certain Asiatic countries, allegedly used the mails and other media to circulate the disparaging statements among their customers. (4865)

**Thomas Leeming & Company**—Dissemination of false advertising concerning the therapeutic value of a medicinal preparation designated "Baume Ben-Gay" is alleged in a complaint issued against Thomas Leeming & Co., Inc., 101 West 31st St., New York. The respondent recommends the product for external application in the treatment of various painful conditions of the body and advertises it over the radio and in newspapers, circulars and pamphlets. (4899)

**Terminal Messenger Service and Pioneer Inheritance Service**, Stuart Building, Lincoln, Nebr., are charged in a complaint with misrepresentation in connection with the sale of questionnaire letters and envelopes intended for use in obtaining information concerning debtors. (4897)

**Washington Institute**, 1230 Vance Building, Seattle, selling correspondence courses intended to prepare students for Civil Service examinations, is charged in a complaint with falsely representing that its business is connected with the United States Government. (4890)

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Bates Shoe Co.**, Webster, Mass., manufacturing and selling shoes, has stipulated to cease and desist from the use, as a mark, stamp, brand or label for or in the advertisement of its products, of the name or private brand, or any simulation of the name or private brand, of a shoe manufacturer or dealer, the effect of which conveys the belief to purchasers that the products thus marked, branded or labeled are manufactured by or for the

concern whose name is so used or that they had been manufactured in accordance with the specifications or pursuant to the instructions of such concern; from use of the word "Custom" either alone or in connection with the word "Made," or any word or words of similar meaning, as descriptive of products that are not, in fact, made to order of an indicated person or concern; from use of the words "Bench Made" as descriptive of products not made on a bench or as descriptive of machine-made products, and from use of the words "Lloyd, Ltd." or "British Brogue" or any other words customarily associated with the British Isles or any other foreign country so as to convey the belief or impression to purchasers that the products are of British or an indicated foreign origin. (3602)

**Granite Textile Mills, Inc.**, Midland Park, N. J., manufacturing and distributing towels and other textile products, has stipulated to cease and desist from the use of percentages or any other quantitative designations on labels or in trade literature attached to or used in connection with its towels or other products composed in part of linen and in part of cotton or other fiber or fibers, or composed in part of rayon and in part of cotton or other fiber or fibers, as descriptive of the fiber content of such products unless such percentages or other quantitative designations definitely and accurately disclose or set forth the correct percentage or proportion thereof; and from advertising, branding, labeling, invoicing or selling any product composed in part of linen and in part of other fiber or fibers without accurately designating and naming, in equally conspicuous type, each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent, such as "Cotton and Linen" for towels or other articles composed of cotton and linen, when the fibers named are present in substantial proportion, with cotton present in larger proportion than linen. (3600)

**Great Northern Chemical Co., Inc.**, Oak Park, Ill., selling and distributing a so-called anti-freeze solution designated "No-Freeze" for use in automobile radiators, has stipulated to cease and desist from representing that the product is harmless to rubber hose or that its use will not result in or cause accelerated deterioration of rubber products with which it comes in contact, and that "No-Freeze" protects against overheating even in summer weather, or other representations of like import which tend to convey the belief that use of the product will assure against overheating of automobile engines and radiators in summer or mild weather. (3603)

**Francis H. Leggett & Co.**, 27th St. and 13th Ave., New York, selling and distributing food products including a preparation designated "Premier Hollannaise," has entered into a stipulation in which it agrees to cease and desist from use of the coined word "Hollannaise," or other word or term connoting Hollandaise, either alone or in connection with other words to designate or describe a preparation, the fatty content of which does not consist wholly of butter and which is not made in accordance with the generally accepted recipe for Hollandaise sauce; and from representing directly or inferentially, that the combining of such preparation with any other ingredient or ingredients will result or produce Hollandaise sauce. (3601)

### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Alfred Kohlberg, Inc.**, 1 West 37th St., New York, selling and distributing laces and linen goods, has been ordered to cease and desist from certain misrepresentations of its lace products. (4604)

**National Inheritance Service**, 26 O'Farrell St., San Francisco, and O. F. Blaker, 4642 York Road, Baltimore, have been ordered to cease and desist from the use of unfair and deceptive acts and practices in connection with the sale and use of envelopes and form letters intended to be used by creditors and collection agencies in obtaining information concerning debtors. (4849)

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## 48 - Hour Week

American industry, including radio, was ordered by President Roosevelt this week to go on a 48-hour week, with time and one-half for overtime above 40 hours.

The War Manpower Commission, entrusted with administration of the executive order, limited its immediate effect to 32 "labor shortage areas."

The Commission indicated, however, that the application of the order would be extended to a long list of areas where labor shortages were expected within six months.

Such a drastic and far-reaching order naturally found the War Manpower Commission unable to answer immediately all the questions that have arisen or to supply all the interpretations that have been asked for.

This will take time. However, the NAB is well aware of the many problems which will arise in the broadcasting industry as a result of the order and will supply to the entire industry all available material as it can be obtained. Individual questions will be welcomed and every effort will be made to obtain the answers.

The NAB Labor Executive and Wage and Hour Committees have been called for a joint meeting in Washington on February 23 to discuss industry policy on this matter. These committees will report to the NAB Board of Directors at its February 25-26 meeting in New York.

The idea behind the President's plan is to release for other work one man in every six who are now employed on a 40-hour week. The idea is *not* to require eight hours of boondoggling on anyone's part at time and one-half.

If six men are now working a 40-hour week, and one is released while the others go to a 48-hour week at time and one-half, the increase in payroll is about 8 per cent (provided, of course, that all six are employed at the same salary). The individual increase, from the employee's standpoint, is about 30 per cent.

The only WMPC interpretations to date have come in a series of questions and answers printed on page 67. A list of the "critical areas" is printed on page 68. The President's Executive Order is on page 69.

Industries in the 32 areas have been given until March 31 to make necessary adjustments, and have been specifically instructed not to discharge anyone before that date.

Local United States Employment Service officials may prove helpful, and should be consulted.

### OWI ASKS NAB ASSISTANCE

The Office of War Information, International Division, has requested NAB to render necessary assistance to it in securing personnel for the government operated studios in New York City.

OWI, it will be recalled, assumed the responsibility for programming of the international broadcasting stations

under an agreement with the private owners. Considerable difficulty has been experienced according to the officials in charge in securing even the very limited numbers now needed to make up their necessary personnel.

To avoid indiscriminate pirating of personnel from domestic broadcast stations, OWI now requests the assistance of the industry, through NAB, to meet an emergency situation. A survey of the personnel immediately required discloses that studio control engineers, recording engineers, transcription engineers, studio supervisors, studio master control supervisors, transmitter engineers, maintenance supervisors, maintenance men, designing and planning engineers and radio draftsmen are the categories in which a shortage exists.

These positions are open to both men and women and while experience is desirable those without it will be considered in the lower grades with opportunity for promotion.

NAB has agreed to present this problem to the industry with an appeal to station managements to make a careful survey of their present personnel to see if there are not on their staffs, individuals who could be made available to OWI. It is thought that this method of procuring personnel is far more advantageous from both the standpoint of OWI, as well as that of the domestic broadcast stations, than to permit a hit and miss process which would inevitably work great harm on a few stations which are now under-staffed.

We, therefore, make a strong appeal to station managements to carefully examine the foregoing list and to weigh it against their existing personnel to see if they could not possibly release one or more employees to assist OWI. The individual would, of course, have to be willing to work in New York City.

All detailed information regarding salaries, working conditions, etc., will be supplied upon inquiry addressed to NAB. If as a result of a study of their situation any station management is in a position to list a man or men as available, NAB should be advised.

The importance of this project should be apparent for unless through this cooperative effort on the part of OWI and NAB sufficient personnel is made available on a voluntary basis, it is obvious that to carry out its function, OWI will be compelled to resort to direct solicitation of employees which inevitably would produce great confusion and harm.

## New Censorship Code

There is both "additional" and "subtraction" of restrictions in the second revision of the voluntary Code of Wartime Practices for the American Press and a similar code for American Broadcasters, announced today by Byron Price, Director of Censorship, a little more than a year after the two Codes originally were issued.

(Continued on page 56)



The NATIONAL ASSOCIATION OF BROADCASTERS  
1760 N St., N. W. WASHINGTON Phone NATIONAL 2080

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

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## NEW CENSORSHIP CODE

(Continued from page 55)

The principal additions to the Press Code result from putting into print five special requests since the first revision was made last June to keep abreast of war experience.

One new clause surrounds the treatment of war prisoner information in this country. Another asks restrictions on "war intelligence or counter-intelligence operations, methods, or equipment . . . enemy codes or ciphers . . . use of secret inks or chemicals or detection of these; secret detection devices; secret means or systems of military communication."

Special requests as to news of diplomatic ships, news of forest fires, and for co-operation with Canadian censorship practices are the other additions from working experience of censorship in the last six months.

To the "General" clause of the Code is added a request that there be published no advance notice of the location of the President's broadcasts, and a request that no "secret war plans" be published.

The Code also has a clause explaining the responsibility of accredited war correspondents to seek censorship from the accrediting War or Navy Departments; makes an entire clause of previous sabotage restrictions, extended to transportation and public utilities; makes a new clause of the previous request for submission of all combat zone interviews by returned soldiers or civilians, plus a direction to newspapers how to edit letters from combat zones correctly; and adds to this a request for submission of all stories of escape from foreign territory.

A special note is introduced to explain with exactness the blackout to be placed around identities of military or naval units outside the country or in defense or embarkation stages.

On the "subtraction side," the Code has dropped all restrictions on publication of casualty information after this has been made known either by the military department or the next of kin; it releases from restrictions information about bomb shelters except when "specially constructed"; and it modifies the restrictions hitherto placed on war production in four instances.

There is no longer any mention of contracts between government agencies and war producers in the War Production clause. Experience has shown, Mr. Price said, that the government agencies have all the suitable controls they need over contractors to dispense or limit contract details for publication.

Secret war designs or formulas still are restricted, but the phrase "capable of adaptation for war production" has been dropped from the restriction.

There is no longer objection, except in the case of "secret weapons, designs, formulas or experiments," to publication of the exact type of war product. "Generalized" names previously suggested in the Code are out.

There is no longer objection to local or national war

production "round-up" articles as long as these do not reveal production rate of a specific war product.

One other change may be in the nature of relaxation in certain cases. Where the Code has stated that any restricted matter may be published when "made available officially by appropriate authority," the revised Code says: ". . . made available for publication by appropriate authority."

This change, according to Mr. Price, is intended to register the intent of the Office of Censorship to establish that some agency or person suitably responsible has taken the responsibility for publication of otherwise restricted matter. "Officially" is too hard a word to define, and often implies "official" approval by an agency or person concerned where "no objection" without "approval" is really what is meant, the Director explained.

Inside the front cover of the revised Code is a direction which underlines previously published advice to bring all doubtful censorship press instances to the Office of Censorship. The new note says:

"The Code of Wartime Practices is issued pursuant to instructions by the President, who commissioned the Office of Censorship to supervise domestic voluntary censorship.

"You are reminded that whenever any one else, in any part of the country, makes a request which appears unreasonable or out of harmony with the Code, you are at liberty to appeal at once to the Office of Censorship. Much confusion would be avoided if such appeals were more frequent."

A new note on the cover of the Code says:

"This Code covers everything published and circulated inside the United States—press, periodicals, magazines, books, news letters, report, directories, almanacs, trade and financial papers, and all else. This is the guide by which you are expected to censor your own operations. If in doubt, call, write, or telegraph the Office of Censorship, Apex Building, Washington, telephone EXecutive 3800."

In a foreword, notice is taken by the censors of "commentators and columnists." "All requests of the Code," it says, "apply to advertising matter, news letters, corporation and business reports, letters to the editor, personal and society news (which often discloses military or diplomatic movements or identity restricted herein), and commentators and columnists who deal both with news and circulated reports. The Code does not limit speculation or opinion. But use of any device of 'speculation' to disclose restricted information presents a hazard to voluntary censorship."

For the first time, the Press Code publishes an index of topics covered.

The News Section of the Broadcasters' Code has been revised to conform with the Press Code, with the exception that weather information is more severely restricted on radio. This suggestion, however, is the same as that contained in the June edition of the Broadcasters' Code.

Probably the most significant change affecting domestic broadcasters is the incorporation of new principles to guide foreign language station managers in their voluntary censorship efforts. A new section is added for this purpose. It outlines the responsibility of the Office of Censorship in surveying foreign language personnel on domestic radio stations.

"The Office of Censorship, by direction of the President," it says, "is charged with the responsibility of removing from the air all those engaged in foreign language broadcasting who, in the judgment of appointed authorities in the Office of Censorship, endanger the war effort of the United Nations by their connection, direct or indirect, with the medium."

This duty, the Code emphasizes, does not relieve the broadcast manager of his full responsibility to "employ only those whose loyalty he does not question."

Specific suggestions intended to assist broadcasters in this specialized field are incorporated in the section.

The Program Section of the Broadcasters' Code contains one new paragraph, dealing with simulated air raids and blackouts. It advises broadcasters not to employ their facilities during these simulated events in such a way that listeners would grow to depend on the radio for assistance in the event of an actual air raid. During an actual air raid stations in the affected area will be off the air by order of the area defense command.

## Broadcast Advertising

### NEW OPA RULES

Two new rules of the Office of Price Administration deserve careful study by radio station commercial managers and commercial continuity editors. These apply to manufacturers who quote the retail price of their merchandise in advertising.

The rules must be followed, OPA explained, since retail prices given in advertising of national or regional manufacturers or distributors cannot affect the ceiling prices of retail outlets handling the products. Here are the rules:

1. When a national manufacturer mentions the retail price of his product in newspaper, magazine, and radio advertisements, he need not include a statement saying that the retail price mentioned in the advertisement cannot be charged by retailers whose individual ceilings are below the price mentioned. But this rule has a qualification if the advertisement lists the names of the retailers selling the product at the advertised price.

In case the names of the retailers are listed in an advertisement giving the retail price, the manufacturer sponsoring the advertisement is himself responsible for a violation if the retailer in selling at the advertised price exceeds his own maximum price, unless the advertisement itself contains a statement that the mentioned price cannot be charged by any named outlet whose ceiling is below the mentioned price. Of course, a retailer who sells above his ceiling is guilty of a violation even if he sold at a price mentioned in the producer's advertising.

2. When a manufacturer sends a retailer "copy" which mentions the retail price to be used in advertising the manufacturer's products for sale in the retailer's store, the manufacturer should notify the retailer that he can use the "copy" with the mentioned retail price only, if the mentioned price does not exceed the retailer's ceiling. Only if the manufacturer gives this notice to the retailer does he free himself of any responsibility in case the retailer violates his own ceiling by selling at the mentioned price.

### DON'T GO FOR PEPGO

Several member stations have sent in the letter and folder from Solis S. Cantor, 1600 Walnut Street, Philadelphia, Pa., urging broadcasters to present a schedule for PEPGO Battery Chemical Treatment on a per-inquiry basis. Apparently aware that the basis on which he proposed this advertising is unethical and forbidden by the NAB Code, Mr. Cantor coyly seeks to clinch the deal in a postscript that assures the broadcaster "if you would wish us to keep any transaction that may transpire between us on a confidential basis, you may be assured of our cooperation." As several of the stations pointed out in sending this material to NAB, the product is promoted through such extravagant claims that any station considering this advertising on a rate-card basis should satisfy itself that the claims are fully substantiated and not liable to FTC action.

### YOU WON'T NEED A MONEY BELT TO KEEP THE MONEY YOU WON'T MAKE

In the course of a letter, urging broadcasters to offer a money belt on a per-inquiry basis, Paul Grant, 520 N. Michigan Avenue, Chicago, Ill., writes:

"We ran on to one the other day—a Money Belt—about which there was considerable controversy here in Chicago." Right now there appears to be controversy about the subject from coast-to-coast, from Canada to Mexico. Presumably to be fair to all broadcasters, Mr. Grant apparently sent his letter to every radio stations in the United States.

All should send Mr. Grant the same reply: "We don't take business on a per-inquiry basis. Broadcasting is well established as an advertising medium. If the merchandise or service you are offering is something the public wants, you can well afford to buy time at card rates, for broadcasting will give you good advertising value for every dollar you spend."

### ANOTHER WAR SERVICE RECORD BOOK TO SELL ON A PER-INQUIRY BASIS

In the "NAB REPORTS" for January 15, 1943, we reported the offer of a "Record of Service" wall certificate to various radio stations on a per-inquiry basis. Several member stations have sent in letters and folders regarding a "War Service Record" book from Weston-Barnett, Inc., Waterloo, Iowa. From outside sources we learn that this record book does not pull well with very few exceptions. Why waste valuable station time and talent trying to promote something which has so little chance of paying out?

### DEFERMENT FOLIO APPRECIATED

#### WOW—Omaha

As a result of a two weeks' spot campaign some 45 radio servicemen in Nebraska, Iowa, Missouri, and Kansas sought complete information from station WOW, Omaha, on the possible deferment of radio repairmen. According to Assistant Manager Harry Burke, "The men are very grateful for this service. In most cases we find that this information is not available at local draft boards."

#### WPDQ—Jacksonville

Frank Taylor, Jr., business manager, WPDQ, Jacksonville, Fla., is another who used Occupational Bulletin No. 42 folio to good advantage. Servicemen were very appreciative of this help.

#### WTAR—Norfolk

J. L. Grether, technical director, WTAR, Norfolk, Va., has been helping local servicemen fill out their occupational classification affidavits. Put to good use was the folio of facsimile letters forwarded by NAB.

### ISSUE WAR BULLETIN NO. 13

NAB War Bulletin No. 13, dated February 12, has been mailed all stations. It is concerned entirely with wartime maintenance of home radios.

Bulletin contains statement by Frank McIntosh, Domestic & Foreign Radio Section, Radio & Radar Branch, WPB, that ample tubes and parts would be provided; also details of the Philco Radio & Television Corporation plan of wartime service operation.

Said R. F. Herr, Philco vice president, . . . "Our obligation (for maintaining radios) is therefore two-fold, to our government and to the millions of radio families. We

of Philco pledge ourselves to do whatever it takes to do the job."

## DAYTIME SERIALS

The virtues of radio daytime serials far outweigh their shortcomings, it was declared this week by an advisory committee of three well known physicians recently appointed by NBC to study the morale qualities of network broadcasting.

A scientific evaluation of daytime serials demonstrates, the physicians reported, that they feature problems which are essentially the problems of ordinary American life. The tendency of daytime serials is towards solutions generally accepted as ethical in present society and hence, the committee found, their effects are helpful rather than harmful.

"They seem to fill a real demand for a public of considerable size and their shortcomings are heavily outweighed by their virtues," said the committee in a preliminary report on the daytime serials.

The committee was headed by Dr. Morris Fishbein, editor of the Journal of the American Medical Association and a leader in the field of public health. The other members were Dr. Henry R. Viets, noted Boston neurologist and lecturer on neurology at the Harvard Medical School, and Dr. Winfred Overholser, a well known psychiatrist.

## FCC SURPLUS EQUIPMENT CATALOG

As stated in the FCC Notice to all Radio Station Licensees (Serial No. 60) dated November 20, 1942, it was the original intent of the Commission to provide each licensee with a copy of the complete catalog. However, the material listed is so voluminous, approximately 1,100 pages, that this procedure is entirely impractical.

Copies have been located at strategic points throughout the country where the catalog may be inspected by stations in need of materials. According to the Commission,

"Persons interested should inspect the lists in person and not attempt to correspond with the Commission or the stations in custody of the lists as these include thousands of items and such correspondence is entirely impractical and would constitute an unreasonable burden."

As a service to all broadcast stations the NAB Engineering Department will answer promptly inquiries concerning equipment listed in the catalog. There will be no charge for this service. When requested, replies will be made by collect telegraph. Please do not telephone.

The 1,100 page catalog is a Treasure Chest "chuck full of" essential replacement material and will become increasingly valuable as existing equipment deteriorates.

To indicate the scope of the catalog, there are, for example, 1402 listings of vacuum tubes in quantities varying from 1 to 100 tubes per listing. This is a lot of tubes in any man's language. The offering of some other items is comparable. The FCC catalog is a major contribution to wartime conservation. Use this new NAB service and make the most of the national inventory.

## BOARD MEETING

Neville Miller has called a meeting of the NAB Board of Directors for February 25-26 at the Roosevelt Hotel, New York.

## LABOR CONTRACTS

Approximately 50 per cent of the NAB members have answered the Labor Relations Department's letter of January 6 asking (1) whether members had any contracts with labor unions and (2) for copies, if any. If you have

delayed your answer to this important request, please send it as soon as possible.

## NETWORK RULES ARGUMENT

Radio station rights are being denied, not regulated, by proposed orders of the FCC, the Supreme Court was told on Wednesday by John T. Cahill, arguing for NBC asking a court denial of FCC authority.

The attempted regulation of the business operation and network broadcast contracts of a radio station were likened by Mr. Cahill to the situation facing newspapers, due to the shortage of newsprint. He pointed out that Congress has enacted a law setting up a Newsprint Allocation Board authorized to license the use of newsprint to newspapers according to "the public interest, convenience, or necessity."

If this Newsprint Board should promulgate an order that no newspaper shall get newsprint if it continues to have a contract with the United Press or with Syndicated Features, Inc., it would be paralleling the proposed orders of the FCC with regard to radio stations, Mr. Cahill urged.

Such an order by the Newsprint Board would be a clear departure from the objectives of Congress in creating the Board, and the same is true of the FCC order with regard to radio stations, Mr. Cahill argued.

"Congress has stated that the traditional freedom of the press is fully applicable to radio," said Mr. Cahill. "Ours is the first generation to fight the perennial battle of freedom on this new front. Unless the same vigilance is applied to freedom of radio as former generations applied to freedom of the press, one of our most sacred rights will be lost."

Mr. Cahill also pointed out that the District Court in New York, which ruled in favor of the FCC, admitted in its opinion that the proposed regulations "do fetter the choice of the stations (with regard to network contracts); do therefore coerce their choice and their freedom", but still held that this created a problem that does not come under the free press and freedom of speech provision of the Constitution.

"The District Court thus not only accepted the vague and undefined nature of the power asserted by the Commission, but went on to admit that the Commission directly coerced freedom of speech over the radio", said Mr. Cahill. "Instead of drawing the only conclusion compatible with the command of the First Amendment—that such a power does not exist—the District Court upheld the power because the Commission proclaimed that it acted in the name of free speech".

Another point raised against the Commission order by Mr. Cahill was that the FCC claimed authority for its orders in the wording of Paragraph i of Section 303 which has to do entirely with technical matters concerning radio stations, their power and wavelengths, and makes no reference to licensees who are directly affected by the orders.

"Although Section 303 (i) has been a part of the law governing radio broadcasting since 1927, there has been no previous attempt to construe it as other than technical," Mr. Cahill said.

The attorney for NBC, both in a ninety-eight page brief he submitted, and in his oral presentation to the Supreme Court, appealed particularly against the FCC order which prevents a station from definitely optioning part of its broadcast time to a radio network organization for the purpose of selling it.

"Without option time there could be no competitive nationwide network broadcasting," said Mr. Cahill. "Cohesive network organizations able to compete with other advertising media or with one another, could not exist."

Contracts for affiliation of radio stations with NBC allow



## Excess Profits Tax

the network to sell only part of the stations' time in the morning, afternoon and evening, the Supreme Court was told. It was shown that these contracts give the stations plenty of time to handle whatever local programs they feel are necessary in the public interest. At the same time, a network must have an option on certain periods of time in order to sell the stations' facilities to an advertiser, or there would be none of the fine, expensive network programs, Mr. Cahill pointed out.

"Unless the requisite national circulation can be guaranteed to the national advertiser, he will not use network broadcasting," said Mr. Cahill, pointing out that while about one-third of the total radio broadcasting time in America is paid for directly by advertisers, this one-third supports the wide variety of public service and sustaining programs covering the remaining two-thirds of the broadcast day.

"The FCC order represent a frolic and a detour, as it were, into the field of business practices, competition, and the meaning of the anti-trust laws," said Mr. Cahill. He argued that if option time is lost for network operation, only the best stations in each area will carry national advertising; existing networks will no longer have either the incentive or the funds to produce their existing schedule of sustaining programs; the revenues of smaller stations will be so reduced that they will be unable to afford even the cost of wire lines to get outside programs, let alone the production of sustaining programs.

"Irreparable injury to the present radio service would result if the FCC order becomes effective," Mr. Cahill said, pointing out that in its hearings before issuance of the orders, only a small part of the testimony had to do with affiliation contracts of stations or option time, and even that was addressed to explanation rather than to defense. Mr. Cahill also pointed out that the Commission in its investigation did not even request the presence of national advertisers who alone support network broadcasting.

Mr. Cahill urged the Supreme Court to set aside the lower court approval of the FCC regulations, on the ground that they were issued "in utter disregard of the stated functions of the FCC."

Court cases cited by Mr. Cahill to show precedents for setting aside orders of regulatory commissions that exceeded their authority, included the famous Osage Indian case where the Commissioners sought to limit the amount of oil revenues to be paid to Indian children; and the Commerce Department's attempt to write a regulation on the importation of tea, which exceeded its authority.

### FCC APPROPRIATION

A total of \$7,609,914 is included in the bill for this agency, which is \$223,279 more than the 1943 appropriation and \$479,686 less than the Budget estimates. The committee has approved the Budget estimate of \$2,000,000 for regular activities, which is the amount of the 1943 appropriation, and has allowed the total amount provided for the current year for national-defense activities, plus such sums as are necessary to place certain personnel in the Foreign Broadcast Intelligence Service, departmental and field, and the law department (departmental) on a full-year basis. The committee has added \$227,279 to the 1943 appropriation for this purpose and has denied additional funds requested for the expansion of other services.

The committee calls attention to the provisions in the bill providing \$27,840 for a hemisphere communications unit and \$206,160 for a war-problems division, under the law department. The committee has not eliminated these funds because they are requested as a national-defense measure, but it does regard the value of such projects with some skepticism and recommends that the Commission carefully consider the desirability of discontinuing them.

NAB tax counsel, Ellsworth C. Alvord, has prepared a memorandum to assist broadcasters in preparing their excess profits tax return. This memorandum, together with a statement by Internal Revenue Commissioner Guy T. Helvering, and data on "Constructive Average Base Period" prepared under the direction of the NAB Research Committee, follows:

### EXCESS PROFITS TAX RELIEF

Did you begin business after 1939, or even after 1934 or 1935? Did you, from 1934 or 1935 to December 31, 1939, become a member of a network or change your network affiliation, change your management, adopt an important technological improvement, change your broadcast frequency, step-up your power out-put, benefit from the use of directional antennae, change from a part-time to a full-time program, or undergo any other change causing the years 1936 to 1939, in whole or in part, to be unrepresentative of your normal earnings level? Or were there any interruptions in your operations during the base period attributable to abnormal events such as fires, floods, strikes, etc.? If, for any of these reasons, your base period experience was abnormally low or if you had no base period experience because of having been organized since 1939, you should be interested in the possibilities of relief under section 722 of the Internal Revenue Code in connection with your excess profits taxes. That section may enable you to increase your excess profits credit substantially, thereby reducing the amount of income on which excess profits taxes must be paid. Ignoring special provisions such as the post-war credit or refund, the net saving in taxes should be 50% of the amount by which you are able to increase your credit, since the effect of such an increase will be to subject an equivalent amount of income to tax at only 40% in lieu of 90%.

The nature of this relief and the types of situations in which the section operates, are explained below.

### APPLICATION OF SECTION 722 OF THE INTERNAL REVENUE CODE TO THE RADIO BROADCASTING INDUSTRY

#### I—Function of Section

The function of section 722 will best be understood from a brief review of the structure of the Excess Profits Tax Act, with particular reference to the credits allowed against excess profits net income in the determination of the amount subject to the tax.

Basically, the excess profits tax is intended to be imposed only on *excess profits*. Under the statute excess profits are, roughly speaking, the excess of the taxpayer's excess profits net income (the special rules for the computation of which are not pertinent here) over the taxpayer's excess profits credit. A domestic corporation in existence prior to January 1, 1940 has two alternatives open to it in the way of excess profits credit: (1) The excess profits credit based on income, commonly known as the average earnings credit; and (2) the excess profits credit based on invested capital. A domestic corporation not in existence prior to January 1, 1940, and not an acquiring corporation under Supplement A, may use only the excess profits credit based on invested capital.

The average earnings credit is based on the corporation's earnings experience for the four years 1936 through 1939. Various special rules are provided to reflect growth and to lessen the burden of a single low income or loss year, but in general 95% of the average of the income for the four base period years is used as the basis for the

credit. To this amount is added 8% of any net capital additions since the close of the base period or subtracted 6% of any net capital reduction since such date. The credit is based upon the theory that "the period from 1936 through 1939 represents a period of moderate prosperity for business in general" (Sen. Rept., p. 199), and that, therefore, the average earnings for such period represents a fair reflection of normal peace-time earnings.

The excess profits credit based on invested capital is 8% of the first \$5 million of invested capital, 7% of the next \$5 million, 6% of the next \$190 million, and 5% of anything above \$200 million. Various complicated special rules are provided for the computation of invested capital. In general, it consists of the tax basis of assets paid in for stock, plus accumulated earnings and profits, plus 50% of borrowed capital. The credit is intended to permit a corporation a reasonable return on its investment, before being subjected to excess profits tax. By reason of the arbitrary nature of the computation, however, and the fact that invested capital is frequently not the substantial income-producing factor, this credit fails in many cases to afford a fair measure of normal earnings. The radio industry is a typical example of the case where individual initiative and ability, goodwill developed through operations, and similar factors which may not be reflected in invested capital account primarily for the earnings produced.

It is obvious that, whatever may be said of this system of credits in the general run of cases, there are bound to be many instances in which such purely mechanical rules will fail to reflect normal earnings and will, therefore, produce extreme hardship. In the case of a given taxpayer the years 1936 through 1939 may be completely unrepresentative. The corporation may have commenced business too late to permit a fair reflection of its normal earning capacity during the base period. Changes in the character of the business may have occurred which caused the enterprise as of the close of the base period to be quite different from that during one or more years of the base period. Abnormal events may have existed in the years 1936 through 1939 which completely destroy those years as a criterion of the taxpayer's normal earning power. Obviously, it is desirable to provide an additional opportunity to the taxpayer under such circumstances to demonstrate what may reasonably be considered to be a fair and just amount representing its normal earnings.

The same may be said of a taxpayer which is not entitled to use the average earnings credit because of non-existence prior to January 1, 1940 and is, consequently, limited to the invested capital credit. Many such taxpayers find the latter credit completely inadequate and inappropriate, particularly in the case where capital is not a material income-producing factor. Since the fundamental credit concept is that of normal earnings, an adequate opportunity should be given to the new corporation to establish what its normal earnings are or would be in the absence of war conditions and such a taxpayer should not be arbitrarily compelled to rely solely on the invested capital credit in computing its excess profits tax.

The function of section 722 is to provide such an opportunity to any taxpayer which can establish that the excess profits tax computed under the mechanical rules above described results in an excessive and discriminatory tax. In other words, this section provides for a constructive average base period net income in those cases in which the actual base period net income is not fairly representative of the taxpayer's normal earning power, or where the taxpayer is not entitled otherwise to use the earnings credit and the invested capital credit is demonstrably inadequate.

## II—Grounds for Relief

### (a) General Pre-requisite to Relief.

In order to be entitled to relief under section 722 the primary facts which the taxpayer must establish are:

(1) That the excess profits tax, computed without regard to section 722, results in an excessive and discriminatory tax, and

(2) The amount which would be a fair and just

amount representing normal earnings to be used as a constructive average base period net income.

The circumstances in which the excess profits tax is considered to be excessive and discriminatory are set forth in subsections (b) and (c) and are discussed below.

The section provides that, in computing such constructive earnings, events or conditions subsequent to December 31, 1939 must be ignored except to the extent necessary to reflect (1) a change in the character of the business permitted to be taken into account even though not fully completed until after December 31, 1939, and (2) the nature of the business of a taxpayer not organized until after December 31, 1939.

### (b) What Constitutes a Discriminatory Tax in the Case of a Domestic Corporation Organized Prior to January 1, 1940.

Relief is granted to domestic corporations organized prior to January 1, 1940 if their actual average base period net income is an inadequate standard of normal earnings because of any one or more of the following circumstances:

(1) *Normal production, output, or operation during any part of the base period was interrupted or diminished because of the occurrence, during or immediately prior to the base period,\* of events unusual and peculiar in the experience of such taxpayer.*

The type of event or circumstance for which relief is intended to be granted under this paragraph is primarily a physical rather than an economic event or circumstance. A fire, a flood, or a strike would be within the scope of this provision. In the case of any corporation experiencing such an event, both the immediate results and the after-effects should be taken into account. For example, a prolonged strike would not only cause the taxpayer to be completely or partly inactive during the period of the strike itself, but might have caused a temporary set-back in the business, the effects of which were felt for some period after the strike was concluded.

(2) *The taxpayer's business was depressed in the base period because of temporary economic circumstances unusual in the case of such taxpayer or because it was a member of an industry which was depressed on account of temporary economic circumstances peculiar to such industry.*

As a general rule, ordinary economic hazards to which business in general is subject, such as high costs of production, or low demand, or low selling prices for taxpayer's product, do not afford ground for relief. This classification of hardship cases deals primarily with distortions of base period income by reason of temporary economic circumstances peculiar to the taxpayer's business or peculiar to the industry of which it is a member. For example, a price war may have been carried on within an industry during the base period, affecting the earnings of the entire industry. On the other hand, although the industry's experience during the base period may have been normal, a particular member thereof may have suffered losses or a reduction in earnings by reason of events peculiar to it. For example, business may have been carried on with a single customer who, at sometime during the base period, decides to manufacture his own product. The base period would represent a period of development of new business rather than a period of normal operations (Sen. Rept., p. 199).

(3) *Owing to conditions generally prevailing in the industry, the taxpayer's profit cycle differs from the general business cycle or its earnings are sporadic, with the result that the base period does not represent a period of average normal profits to the same extent that it does for business generally.*

This paragraph seems wholly inapplicable to the radio broadcasting industry.

(4) *Either during or immediately prior to the base period, the taxpayer commenced business or changed the character of its business and the average base period net income does not reflect the normal operation of the business so commenced or changed for the entire base period of such business.*

\* See discussion under III below for meaning of phrase "immediately prior to the base period".

This test presents a more varied subject-matter than any of the others and will be discussed in detail under a separate heading.

(5) *Any other factor, consistent in principle with the foregoing, which prevented the base period earnings from representing an adequate standard of normal earnings.*

This test is designed to insure that corporations which do not meet the strict eligibility requirements set forth in other parts of the section will not be debarred from relief if their cases are within the spirit of the statute and if its application would not be inconsistent with its principles, conditions, and limitations. An example of the application of this paragraph is that of a business involved in the manufacture of a product requiring an extensive period for preparation or manufacture, and which had no stocks of such product on hand at the commencement thereof.

(c) What Constitutes a Discriminatory Tax in the case of a Domestic Corporation organized after December 31, 1939.

This category embraces newly organized corporations which, except for section 722, would be forced to rely exclusively on the invested capital credit. The tax in the case of such corporations is considered to be excessive and discriminatory if the invested capital credit is an inadequate standard for determining excess profits for any one or more of the following reasons:

(1) The business of the taxpayer is of a class in which intangible assets not includible in invested capital under section 718 make important contributions to income;

(2) The business of a taxpayer is of a class in which capital is not an important income-producing factor; or

(3) The invested capital of the taxpayer is abnormally low.

If a business qualifies under this heading, it is permitted to construct an average base period net income, which may be used as a substitute for the invested capital credit. Provision is made for avoiding duplication between capital additions as such and the reflection of such items in the constructive average base period net income.

### III—Changes in Character of Business

As already pointed out, relief is granted under section 722 in cases where the taxpayer, during the base period or immediately prior thereto, commenced business or changed the character of its business.

As illustrative of what the term "change in the character of the business" is intended to embrace, the statute itself lists the following examples:

(1) A change in the operation or management of the business;

(2) A difference in the products or services furnished;

(3) A difference in the capacity for production or operation;

(4) A difference in the ratio of nonborrowed capital to total capital;

(5) The acquisition before January 1, 1940 of all or part of the assets of a competitor, with the result that the competition of such competitor was eliminated or diminished.

The rule that the change in the character of the business must have occurred during or immediately prior to the base period is relaxed in one respect: Any change in the capacity for production or operation of the business consummated during any taxable year ending after December 31, 1939 as a result of a course of action to which the taxpayer was committed prior to January 1, 1940, is deemed to be a change on December 31, 1939 in the character of the business. Such a commitment need not, however, take the form of a legally binding contract. It may take the form of the expenditure of money at the com-

mencement of the desired changes or other alterations in position unequivocally establishing the intent to make the change. It is contemplated, however, that a change of this character will not be taken into account in determining the constructive average base period net income for credit purposes until the excess profits tax year in which such change was completed. (Sen. Rept., p. 202) Presumably, the word "completed" in this connection will be given a broad enough construction to justify taking into account those parts of a large project which may have been completed in years prior to the completion of the entire project as a unit. Furthermore, it is apparently intended that some flexibility will be employed in the determination of the extent to which such a change will be taken into account in computing average base period net income for the statement is made in the Committee Report that the extent to which the new facilities enter into the business of the corporation for the taxable year shall be considered to be the extent to which the character of the business was changed on December 31, 1939.

In determining whether a change of business antedating the base period occurred "immediately prior to the base period," no arbitrary temporal limitations control. The test is whether under normal conditions the effect of the change would not be manifested until sometime after the beginning of the base period and would be directly related to the change. (Sen. Rept., p. 200) The same principle would presumably apply with respect to a commencement of business prior to the base period.

An important feature of section 722 is the two year date-back provision. The section provides that in the case of commencement or a change in the character of business occurring during or immediately prior to the base period, if the business did not reach the earning level by the end of the base period which it would have reached if the business had been commenced or changed two years earlier, the commencement or change shall be deemed to have occurred at such earlier date. The purpose of this provision is to afford to growing corporations an opportunity to reflect in its constructive earnings for the base period the results of growth that otherwise would fall outside the base period.

In determining whether the corporation would have reached a higher earnings level at the end of the base period if the commencement or change of business had occurred two years earlier, consideration is to be given to the business experience of the taxpayer and to its prospects at the end of the base period. Events occurring or existing after December 31, 1939, cannot be considered. Accordingly, the operation of the date-back provision will not necessarily reflect as of the end of the base period the earnings level actually reached at the end of the second year following the base period. It may be lower or higher, depending on whether the war period has been favorable or unfavorable to the taxpayer's business.

### IV—Potentialities of Section 722 in the Radio Broadcasting Field

The potentialities of section 722 in the radio broadcasting industry are substantial and warrant a careful examination of its possibilities by every member of the industry. While the particular event, circumstance, or situation which may form the basis of any given taxpayer's claim can be determined only in the light of that taxpayer's own experience, there are a number of broad categories of typical situations in the industry which, if borne in mind, will serve to organize the examination of a particular case and narrow its possibilities. Particular attention should be given to the following:

(1) *Commencement of business.*—(a) *Since 1939.*—Section 722 should be available in most instances to new radio broadcasting corporations which have commenced business since the end of the base period and which would otherwise be dependent upon an invested capital credit. Such corporations ought to be able to satisfy all three tests laid down in such cases. The broadcasting business is an excellent example of a business in which invested capital is not the principal income-producing factor. The location of the station, the power and frequency al-

lotted to it, the efficiency of the management and the caliber of the programming are some of the substantial contributing factors. Compared with the potential earning capacity of a station, the amount of capital required for equipment and operations is relatively small. Consequently, the new companies should make every effort to establish a constructive base period earnings credit under section 722 which will afford them a much fairer measure of normal earnings than mere return on invested capital. Such corporations will probably encounter some complications in establishing what their earning capacity would have been had they operated on a comparable basis in the same area during the base period, giving attention to geographical location, power output, frequency, and other relevant factors of a specific nature. However, the general business conditions prevailing in the industry during such period are well known, and comparisons with other stations operating during the base period (which will be one of the principal standards in these cases) can readily be drawn.

(b) *During or immediately prior to the base period.*—Many companies which began business prior to 1940, but during or immediately prior to the base period, will also find section 722 beneficial. Vacant years in the base period are, apart from section 722, given an excess profits net income based on the invested capital principle. Section 722 will enable the taxpayer to substitute a hypothetical experience more nearly in line with normal earnings. Careful calculations should be made, however, for in many instances a low base period experience in the first half of the base period will be of greater advantage, coupled with the use of the growth formula, than a constructive credit under section 722. This is most likely to be true if the taxpayer actually reached its normal earnings level prior to the close of the base period, and is therefore deprived of the benefits of the two-year date-back provision already described. The important factor will generally be whether substantial increases can be made in the excess profits net income for the second half of the base period.

(2) *Changes in management.*—Changes in management are particularly significant in their effect upon earnings in any industry where, as in the radio broadcasting industry, the personal ability and judgment of those running the business play so important a part in attaining results. In many instances it will be a relatively simple matter to demonstrate that the company's improved earnings are attributable to such a change. Where the case is clear as to cause and effect, relief should be available under section 722 even though it will probably be impossible to prove the effect on earnings with mathematical certainty. The two-year date-back provision may operate to produce a credit which can not be obtained under other provisions of the statute.

(3) *Strikes, fires, etc.*—The individual stations may find that one or more events of a physical nature, such as strikes, fires, etc., may have occurred in the base period and resulted in depressing their earnings for one or more base period years. Distortions in base period income can be corrected under section 722. It should be pointed out, however, that if the company is using the normal growth provision under section 713, such a correction may not produce an increased credit if the distortion occurred in the first half of the base period. If in the last half, the advantages of the correction are obvious.

(4) *Increases in capacity.*—It is doubtful whether mere lack of physical facilities for handling available business will afford grounds for substantial relief in many cases. However, increases in the power of the station, the development of networks and other factors may be extremely important. The importance of these factors, which are more properly classified under changes in methods of operation, are considered further below.

(5) *Technological developments.*—Any significant technological development in the radio field, from the point of view of either sending or receiving, should be carefully investigated to determine whether there has been any appreciable upturn in business or decrease in expenses following the adoption of such improvement which can be attributed thereto. If such changes have

occurred since the beginning of the base period, their effect upon net earnings for the entire base period should be reflected in the constructive earnings under section 722. Statistics relative to the industry as a whole may prove the most helpful source of supporting data.

(6) *Mechanical improvements in individual stations.*—The installation of directional antennae, increases in power, and changes in frequency have contributed substantially to the earning capacity of many stations since the beginning of the base period. These improvements will usually be directly reflected in earnings through increases in time charges and in the attraction of new advertisers whose business requires reaching a listening public in outlying districts. In some instances, such changes have been responsible for a station's going on a full-time, rather than part-time, basis. Stations which have been developed along these lines should give careful consideration to the possibility of obtaining relief under section 722.

(7) *Development of networks.*—The developments in the national and regional network systems which have occurred since 1936 (or "immediately" prior thereto) have had a substantial effect upon the earning capacity of those stations which have participated therein. The development of the network system by the initiating corporation results in an increase in its capacity. The joining of the system by the affiliated corporations represents a change in method of doing business, or in method of operation. In either case the change unquestionably falls within the classification of a "change in the character of the business" within the meaning of section 722.

Almost invariably earnings have been enhanced thereby. Both the initiating company and the affiliate are put in a position to offer a more valuable service to the public, and, therefore, to their advertising clientele. Clientele, rate structures, and costs, all of which are basic factors that contribute to the determination of net income, are affected by the change from local broadcasting to broadcasting as a part of a network system. Consequently, in cases of this type, the reconstruction of base period earnings may be essential in order to obtain a fair measure of normal profits from network operations.

(8) *Other Possibilities.*—It is not believed that any relief can be predicated upon distortion due to temporary economic circumstances peculiar to the radio broadcasting industry as a whole. The history of the industry does not show any such situation to have existed. However, the individual members thereof may find grounds for relief based on peculiarities in their own base period experience.

If, during the base period, the taxpayer has expanded its activities by venturing into some new but related field, such as recording, relief under section 722 should be available for the purpose of revising the taxpayer's credit to reflect the bearing of the new activity on base period earnings.

## V—Supplement A Cases

Supplement A of the Code, which has been completely revised in the 1942 Act, provides that where the taxpayer has, since the beginning of the base period, absorbed the business of another corporation pursuant to certain specified transactions, it is entitled to include in its average earnings credit the base period earnings experience of the other corporation. The question has arisen as to the application of section 722 where the changes in the character of the business or other factors recognized in that section as producing an inadequate standard of normal earnings occur in the base period experience of the absorbed corporation rather than in the base period experience of the taxpayer itself.

Section 722(e), as revised by the 1942 Act, specifically provides that in such cases the business of the absorbed corporation shall be treated as the business of the taxpayer for the purposes of that section. The effect of this pro-

vision is, obviously, to permit a reconstruction of the earnings credit by reconstructing the earnings of the absorbed corporation as well as the earnings of the taxpayer. However, in spite of the clear language of the section, the Bureau has recently ruled in I. T. 3585, 1942-46 Int. Rev. Bull., page 3, that the taxpayer must choose between the benefits of section 722 and Supplement A and that in the event that it elects the latter it is not entitled to the benefits of the relief provision. The ruling is in direct conflict with the specific provisions of section 722 as now written and consequently can be disregarded. It is understood that the ruling was prepared on the basis of the pre-existing law, as is evidenced by the references to Committee Reports on the excess profits tax amendments of 1941. It is hoped that the ruling will eventually be revoked in order to eliminate the doubts that have been created by its promulgation.

In the event that section 722 relief is applied for in a Supplement A situation, it is probable that the constructive earnings will be developed by considering the activities of the taxpayer and its component corporations as a single enterprise during the base period rather than by considering each corporation separately. To the extent that the ruling above referred to provides for this treatment, it is unobjectionable.

## VI—Procedure

(1) *Filing of application.*—Basically, the benefits of section 722 must be obtained by way of credit or refund rather than in the computation of the tax shown on the return. Application for such relief must be filed within six months from the date prescribed by law for the filing of the excess profits tax return for the taxable year for which the relief is requested. The time prescribed by law for filing the return includes the period of any extension of time granted by the Commissioner. If, however, the taxpayer does not apply for relief within such period and a deficiency in tax is subsequently proposed by the Commissioner, the taxpayer is given a further opportunity to claim the benefits of section 722, but in such case the relief is merely by way of offset and cannot accomplish more than the reduction or elimination of the proposed deficiency. If the notice is a preliminary notice, an application may be filed within 90 days after the date thereof. If the notice is a final notice and either no preliminary notice was issued or it was issued less than 90 days before the date of final notice, the benefits of section 722 may be claimed in the taxpayer's petition or amended petition before The Tax Court of the United States.

The relief accorded by section 722 is retroactive, *i. e.*, the taxpayer may claim it for taxable years beginning in 1940 and 1941 as well as years beginning thereafter. The statute provides that the application for retroactive relief in the case of taxable years beginning prior to 1942 shall be filed by April 21, 1943.

As to the detail required in the original application for relief, see I.T. 3599, published herewith.

(2) *Subsequent years.*—Once the constructive average base period net income has been determined, the Commissioner is authorized by regulation to waive some or all of the limitations above described relative to the manner in which relief may be claimed. It is contemplated that such regulations will provide that, in the absence of substantial evidence requiring a redetermination for future years, the taxpayer may continue to use such constructive average base period net income on its return.

(3) *Deferment of tax in certain cases.*—Although the general rule is that the taxpayer must compute and pay its tax in the first instance without regard to section 722, it is recognized that there may be cases of special hardship in which relaxation of this rule ought to be made. Section 710(a)(5), therefore, provides that if more than 50% of the taxpayer's income would, without regard to section 722, be subject to excess profits tax, a taxpayer claiming the benefits of section 722 on its return may defer payment of 33% of the amount of excess profits tax which would be saved by the application of section 722. For example, if a taxpayer has a total income of one million dollars and an excess profits credit (computed without regard to section 722) of \$195,000, the adjusted excess profits net

income will amount to \$800,000, which is in excess of 50% of one million dollars. If the taxpayer claims section 722 and determines that the application of that section will produce an excess profits credit of \$595,000 the adjusted excess profits net income will be only \$400,000. The saving in excess profits tax as a result of the application of section 722 would therefore be \$360,000, *i. e.*, 90% of \$400,000 (the difference between \$800,000 and \$400,000). The taxpayer may defer the payment of 33% of this amount, or \$118,800, thus being required to pay an excess profits tax of only \$601,200, in lieu of \$720,000. If the claim is valid in its entirety, the taxpayer will be entitled to the remainder of the \$360,000 excess profits tax relief claimed, or \$241,200. The net tax saving on all taxes will, of course, be less than \$360,000, owing to adjustments which will have to be made in the normal and surtax.

(4) *Review of Commissioner's determination.*—Issues arising under section 722 cannot be tried by suit for refund in the Court of Claims or District Courts of the United States. Review may be had only in The Tax Court of the United States (formerly the Board of Tax Appeals), and for this purpose the denial of a section 722 application is treated as a deficiency notice. The Tax Court's decisions on section 722 cases are final and may not be appealed to any higher tribunal. Furthermore, it is provided that although section 722 matters may be tried by any Division of The Tax Court in the first instance, any determinations and redeterminations shall be reviewed only by a Special Division of the Court appointed by the Presiding Judge and consisting of not less than three members. Decisions of this Special Division, which cannot be reviewed by the Court as a whole, are nevertheless to be deemed decisions of the Court, and are final.

## EXCESS PROFITS TAX RELIEF RULING

Commissioner of Internal Revenue Guy T. Helvering last Monday called attention to a ruling which will be published in the Internal Revenue Bulletin, relative to the general relief provisions of section 722 of the Internal Revenue Code, as amended by section 222 of the Revenue Act of 1942.

The Commissioner stated that the ruling sets forth certain conditions under which applications for relief on form 991 (revised January, 1943), which must be filed on or before April 21, 1943, in order to obtain relief for the taxable years 1940 and 1941, may be supplemented within a reasonable time after the time prescribed for filing if it is not possible for the corporation to obtain and present all the detailed information required to fully establish its eligibility for relief and the amount of its constructive average base period net income.

The Commissioner stated, however, that the corporation's application for relief must set forth in detail and under oath each ground under section 722 and the factors upon which the application is based with sufficient data and information to apprise the Commissioner of the exact basis thereof.

The same conditions apply to applications for relief for the taxable year 1942 and subsequent years which must be filed not later than six months after the date prescribed for the filing of the excess profits tax return. The ruling also deals with the requirements where corporations claim the benefits of section 710 (a) (5) of the Internal Revenue Code, as added by section 222 (b) of the Revenue Act of 1942, which relate to deferment of payment of excess profits tax shown on the 1942 return based upon a claim that such taxes are excessive and discriminatory.

The text of the ruling is as follows:

### SECTION 722.—GENERAL RELIEF—CONSTRUCTIVE AVERAGE BASE PERIOD NET INCOME

Regulations 109

1943-3-11344—I.T. 3599

Internal Revenue Code

Time for filing and information to be contained in Form 991 (revised January 1943)—Applica-

tion for relief under section 722 of the Internal Revenue Code.

Advice has been requested relative to section 722 of the Internal Revenue Code, as amended by section 222 (a) of the Revenue Act of 1942, which extends general relief to corporations where their excess profits taxes are determined to be excessive and discriminatory. The relief is granted to corporations which establish what would be a fair and just amount representing normal earnings to be used as a constructive average base period net income for the purposes of an excess profits tax based upon a comparison of normal earnings and earnings during the excess profits tax taxable year. This relief has been made retroactive to taxable years beginning in 1940 and 1941.

In order to obtain relief with respect to the tax shown on the excess profits tax return for taxable years beginning in 1940 or 1941, an application on Form 991 (revised January 1943) must be filed on or before April 21, 1943, with the Commissioner of Internal Revenue, Washington, D. C. However, if the taxpayer has already filed a claim for relief upon Form 991 under section 722 prior to its amendment by the Revenue Act of 1942, the data and information submitted with such earlier form need not be repeated in Form 991 (revised January 1943), provided reference is made to such earlier form as constituting a part of the revised form. The corporation's application for relief must set forth in detail and under oath each ground under section 722 upon which the application for relief is based, and facts sufficient to apprise the Commissioner of the exact basis thereof. The mere statement of the provision or provisions of law upon which a claim for relief is based shall not constitute an application for relief within the meaning of section 722. If a claim for relief is based upon section 722 (b) (5) (relating to factors other than those expressly provided by section 722 (b) (1), (2), (3), and (4)), the application must state the factors which affect the corporation's business and which may reasonably be considered as resulting in an inadequate standard of normal earnings during the base period. However, if it is not possible for the taxpayer on or before April 21, 1943, to obtain and present all the detailed information required to establish its eligibility for relief and the amount of its constructive average base period net income, such detailed information may be submitted later as a supplement to the application.

If the benefits of section 722 are claimed with respect to the tax shown on the return for a taxable year beginning in 1942 or a subsequent year, an application must be filed in the same manner as is prescribed with respect to applications filed for years beginning in 1940 or 1941, except that the application for a taxable year beginning in 1942 or a subsequent year must be filed not later than six months after the date prescribed by law for the filing of the excess profits tax return. Such date includes the period of any extension of time granted for the filing of such return. Corporations claiming the benefits of section 710 (a) (5) of the Internal Revenue Code, as added by section 222 (b) of the Revenue Act of 1942, relating to deferment of payment of excess profits tax shown on the return, must attach Form 991 (revised January 1943) to their excess profits

tax returns at the time of the filing of such returns. In such case, there must be set forth in the form the data and information relied upon, in sufficient detail to establish eligibility for relief, the amount of constructive average base period net income claimed, the amount of tax reduction claimed by the use of section 722, and the amount of tax deferment claimed on the return.

A corporation may, within a reasonable time after the time prescribed for the filing of Form 991 (revised January 1943), supplement its application for relief by furnishing additional data and information to prove the grounds for relief stated in such application and to establish the amount of the constructive average base period net income. However, no new grounds for relief presented by a corporation after the date prescribed for the filing of its application for relief will be considered.

### DATA ON "CONSTRUCTIVE AVERAGE BASE PERIOD"

At the direction of the NAB Research Committee, an effort has been made to collect figures which will be useful to stations which elect to file for relief from the Excess Profits Tax, under Section 722 of the Internal Revenue Code, as amended. It was the hope of Roger W. Clipp, WFIL Philadelphia, committee chairman, that concise figures of net profit before Federal tax could be developed by station classification and city size, which would enable stations to use the figures furnished in the tax returns they file. This objective has not been attained because of incomplete data, the lack of refinement of those data available, and insufficient detail to classify stations as to like Commission assignment and city size as a criterion of market service. The Research Committee and the Research Department are continuing their efforts to obtain useful data in this connection, but release that information which is available at this time to satisfy the numerous requests which have been received from stations.

There are but two sources of net income data outside of the books of broadcasting stations. These are the financial reports for broadcast stations and networks of the FCC and the U. S. Treasury Department. The Treasury is not able at this time to make available any information on the net income of stations and networks as filed in their tax returns for 1936 through 1939.

The FCC has prepared and made limited releases of such information for the years, 1937, 1938 and 1939. No such information is available for the year 1936. Some consideration has been directed to the possibility of preparing estimates for that year. However, it is the opinion of the Research Director that a reliable estimate of net income in the detail of station classification and city size cannot be made from existing data within acceptable limits of error to render such information valuable in filing tax returns.

In the following table, broadcast service income (net profits before Federal tax) is presented by class of station and network affiliation showing the detail of the number of stations reporting the total net income and average per station for the years, 1937, 1938 and 1939:

**BROADCAST SERVICE INCOME \***  
**BY CLASS OF STATION AND NETWORK AFFILIATION**  
**1937, 1938 AND 1939**

	1937			1938			1939		
	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
<b>CLEAR CHANNEL—50 KW &amp; OVER UNLIMITED</b>									
Network.....	29	\$8,469,603	\$292,055	31	\$7,642,445	\$246,530	33	\$9,375,101	\$284,094
Non-Network..	...	.....	.....	...	.....	.....	...	.....	.....
Total.....	29	8,469,603	292,055	31	7,642,445	246,530	33	9,375,101	284,094
<b>CLEAR CHANNEL—50 KW &amp; OVER PART TIME</b>									
Network.....	4	484,269	121,067	4	384,095	96,024	4	401,331	100,332
Non-Network..	...	.....	.....	...	.....	.....	...	.....	.....
Total.....	4	484,269	121,067	4	384,095	96,024	4	401,331	100,332
<b>CLEAR CHANNEL—5-25 KW UNLIMITED</b>									
Network.....	8	796,812	99,601	14	433,086	30,935	19	775,845	40,834
Non-Network..	...	.....	.....	...	.....	.....	...	.....	.....
Total.....	8	796,812	99,601	14	433,086	30,935	19	775,845	40,834
<b>CLEAR CHANNEL—5-25 KW PART TIME</b>									
Network.....	9	228,718	25,413	4	53,927	13,482	5	89,331	17,866
Non-Network..	1	(d) 11,673	(d) 11,673	...	.....	.....	...	.....	.....
Total.....	10	217,045	21,704	4	53,927	13,482	5	89,331	17,866
<b>REGIONAL CHANNEL—UNLIMITED</b>									
Network.....	163	7,448,726	45,697	169	5,645,771	33,407	177	6,393,853	36,123
Non-Network..	33	(d) 319,639	(d) 9,686	34	(d) 177,141	(d) 5,210	29	(d) 26,502	(d) 914
Total.....	196	7,129,087	36,372	203	5,468,630	26,939	206	6,367,351	30,909
<b>REGIONAL CHANNEL—LIMITED &amp; DAY</b>									
Network.....	9	(d) 8,435	(d) 937	12	(d) 25,467	(d) 2,122	14	59,930	4,281
Non-Network..	59	(d) 10,604	(d) 179	56	(d) 63,368	(d) 1,132	59	104,385	1,769
Total.....	68	(d) 19,039	(d) 279	68	(d) 88,835	(d) 1,306	73	164,315	2,251
<b>REGIONAL CHANNEL—PART TIME</b>									
Network.....	15	322,276	21,485	15	236,809	15,787	16	281,712	17,607
Non-Network..	22	140,631	6,392	18	65,025	3,612	16	71,798	4,487
Total.....	37	462,907	12,511	33	301,834	9,146	32	353,510	11,047
<b>LOCAL CHANNEL—UNLIMITED</b>									
Network.....	54	294,583	5,455	91	276,237	3,036	125	520,450	4,164
Non-Network..	133	315,120	2,369	136	6,888	51	164	100,218	611
Total.....	187	609,703	3,260	227	283,125	1,247	289	620,668	2,148
<b>LOCAL CHANNEL—DAY &amp; PART TIME</b>									
Network.....	4	12,870	3,217	10	7,542	754	4	16,621	4,155
Non-Network..	81	96,746	1,194	66	19,489	295	40	42,643	1,066
Total.....	85	109,616	1,290	76	27,031	356	44	59,264	1,347
<b>ALL</b>									
Network.....	295	18,049,422	61,184	350	14,654,445	41,870	397	17,914,174	45,124
Non-Network..	329	210,581	640	310	(d) 149,107	(d) 481	308	292,542	950
Total.....	624	18,260,003	29,263	660	14,505,338	21,978	705	18,206,715	25,825

\* Broadcast Service Income is the figure of profit and loss from operation before Federal Taxes are deducted. These are the figures, insofar as the FCC has maintained accounting comparability between the three years involved. In the physical set-up of the financial reports there have been numerous changes in accounting terms ascribed to various items of income and expense which leaves some question as to whether strict comparability has been maintained.

Source: "Financial and Employee Data for the Broadcast Industry" compiled and published by the FCC.

(d) Deficit.

February 8, 1943

The following table presents broadcast service income by city size and class of station for the years 1937 and 1939. This detail of information was not prepared by the FCC for the year 1938, and it is reported that the Commission cannot furnish such information without resorting to a costly and time-consuming re-tabulation of some 660 station reports. In presenting this information, some adjustments were necessary to establish direct comparison of the

two years. The FCC report for 1939 contained finer population brackets than that for 1937. As an example, the top city size was 2,000,000 population and over. The second bracket was 1,000,000 to 2,000,000. These two were combined to enable comparison. Any adjustments made were accomplished by straight addition without need for any estimating or apportioning.

**BROADCAST SERVICE INCOME**  
**BY CITY SIZE AND CLASS OF STATION**  
**1937 AND 1939**

City Size	Class of Station	1937			1939		
		Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
1,000,000 & Over.....	Clear Channel:						
	50kw—Unlimited.....	16	\$5,608,920	\$350,557	16	\$5,734,116	\$358,382
	Other.....	5	584,811	116,962	6	288,643	48,107
	Regional Channel:						
	Unlimited.....	32	1,026,322	32,073	34	1,032,604	30,371
	Limited & Day.....	16	(d) 65,621	(d) 4,101	16	193,873	12,117
	Part-time.....	15	344,870	22,991	14	291,448	20,818
	Local Channel:						
	Unlimited.....	12	162,903	13,575	14	52,428	3,745
	Other.....	13	35,765	2,751	11	2,186	199
Total.....		109	7,697,970	70,624	111	7,595,298	68,426
250,000-1,000,000.....	Clear Channel:						
	50kw—Unlimited.....	9	2,300,490	255,610	12	2,786,459	232,205
	Other.....	7	507,536	72,505	8	458,950	57,369
	Regional Channel:						
	Unlimited.....	57	4,099,140	71,915	61	3,642,067	59,706
	Limited & Day.....	8	(d) 11,439	(d) 1,430	9	(d) 27,681	(d) 3,076
	Part-time.....	9	45,927	5,103	5	45,679	9,136
	Local Channel:						
	Unlimited.....	20	175,132	8,757	27	209,549	7,761
	Other.....	11	30,085	2,735	5	(d) 3,956	(d) 791
Total.....		121	7,146,871	59,065	127	7,111,067	55,993
100,000-250,000.....	Clear Channel:						
	50kw—Unlimited.....	3	426,711	142,237	4	608,029	152,007
	Other.....	6	327,063	54,510	9	400,596	44,511
	Regional Channel:						
	Unlimited.....	39	1,199,371	30,753	39	963,960	24,717
	Limited & Day.....	5	9,852	1,970	4	(d) 32,623	(d) 8,156
	Part-time.....	4	31,183	7,796	7	68,294	9,756
	Local Channel:						
	Unlimited.....	22	31,019	1,410	32	104,586	3,268
	Other.....	6	8,113	1,352	1	(d) 1,620	(d) 1,620
Total.....		85	2,033,312	23,921	96	2,111,222	21,992
50,000-100,000.....	Clear Channel:						
	50kw—Unlimited.....	3	215,885	71,962	1	246,497	246,497
	Other.....	...	.....	.....	2	98,306	49,153
	Regional Channel:						
	Unlimited.....	18	505,865	28,104	19	367,448	19,339
	Limited & Day.....	8	92,455	11,557	8	54,852	6,856
	Part-time.....	...	.....	.....	1	29,603	29,603
	Local Channel:						
	Unlimited.....	...	.....	.....	26	54,095	2,081
	Other.....	18	136,961	7,609	1	(d) 2,786	(d) 2,786
Total.....		47	951,166	20,237	58	848,015	14,621
25,000-50,000.....	Clear Channel:						
	50kw—Unlimited.....	...	.....	.....	2	30,858	15,429
	Other.....	...	.....	.....	...	.....	.....
	Regional Channel:						
	Unlimited.....	26	184,004	7,077	26	208,568	8,022
	Limited & Day.....	9*	32,479	3,609	9	1,141	127
	Part-time.....	...	.....	.....	...	.....	.....
	Local Channel:						
	Unlimited.....	31	35,491	1,145	55	65,986	1,200
	Other.....	12	22,054	1,838	5	14,122	2,824
Total.....		78	274,028	3,513	97	320,675	3,306
10,000-25,000.....	Clear Channel:						
	50kw—Unlimited.....	...	.....	.....	...	.....	.....
	Other.....	...	.....	.....	1	(d) 10,846	(d) 10,846
	Regional Channel:						
	Unlimited.....	14	132,627	9,473	18	128,233	7,124
	Limited & Day.....	11	389	35	16	(d) 21,182	(d) 1,324
	Part-time.....	6*	(d) 26,127	(d) 4,354	4	(d) 47,031	(d) 11,758
	Local Channel:						
	Unlimited.....	53	71,368	1,347	91	78,801	866
	Other.....	30	11,153	372	10	45,535	4,553
Total.....		114	189,410	1,661	140	173,510	1,239



**BROADCAST SERVICE INCOME — Continued**

**BY CITY SIZE AND CLASS OF STATION**

**1937 AND 1939**

City Size	Class of Station	1937			1939		
		Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
Under 10,000.....	Clear Channel:						
	50kw—Unlimited.....	...	.....	.....	...	.....	.....
	Other.....	...	.....	.....	...	.....	.....
	Regional Channel:						
	Unlimited.....	10	(d) 18,242	(d) 1,824	9	24,471	2,719
	Limited & Day.....	13	(d) 30,925	(d) 2,379	11	(d) 4,065	(d) 370
	Part-time.....	3	17,138	5,713	1	(d) 34,483	(d) 34,483
Local Channel:							
Unlimited.....	33	1,593	48	44	55,223	1,255	
Other.....	11	(d) 2,318	(d) 211	8	5,783	723	
Total.....	70	(d) 32,754	(d) 468	76	46,929	617	
Grand Total.....	624	\$18,260,003	\$29,263	705	\$18,206,716	\$25,825	

\* Includes one part-time, clear channel station, which the FCC classified as regional, so that single station information would not be disclosed.

Copies of the above tables have been sent to officials of the Treasury Department and the Bureau of Internal Revenue. The letters transmitting the tables set forth the objective in preparing this information as that of aiding stations seeking relief under Section 722 of the Internal Revenue Code, as amended, which provides for the establishment of a constructive average base period net income. It is pointed out that the information contained in the two tables constitutes all of the official information on the subject which is immediately available to the industry. It is mentioned that the Treasury and the Bureau of Internal Revenue have the basis information from which the exact data desired could be prepared. The query is made whether the Department will elect to assist the taxpayer in establishing a constructive average base period net income on the experience of similar station business situations. It is realized that to follow this procedure would involve a tremendous amount of work on the part of the Department for broadcasting alone. The task for all business would be staggering. NAB is in a fortunate position to offer material assistance, if that course is followed, through the use of the historical station file maintained in the Research Department. Complete information has been maintained in this file on the Commission assignments of power, frequency, operating time, size of city, and network affiliation which appear to be the principal criteria for establishing like situations among station businesses. New developments along this line will be reported to the membership.

Ohio; Detroit, Mich.; Manitowoc, Wis.; Sterling, Ill.; Brunswick, Ga.; Charleston, S. C.; Macon, Ga.; Mobile, Ala.; Panama City, Fla.; Pascagoula, Miss.; Wichita, Kans.; Beaumont, Tex.; Cheyenne, Wyo.; Ogden, Utah; Las Vegas, Nev.; Portland, Ore.; San Diego, Calif.; Seattle, Wash.

2. Q. Does it apply to everyone in these areas?

A. To all full-time employment. If you don't employ anyone but yourself, it doesn't apply. Such persons, however, have an obligation to their country and themselves to contribute to the extent of their ability.

3. Q. How about part-time workers?

A. It doesn't apply. Here, however, both employer and employe have the same obligation to produce as much as they can for the war.

4. Q. Should firms in other areas try to go on the 48-hour week?

A. Yes, if by doing so they can reduce their labor requirements and not have to discharge workers now on their payroll. Most war plants in all areas are expanding their work-weeks, so as to utilize available labor better. Non-war plants would be well advised to plan similar action, in view of the drain of their workers into the armed forces, and into war industries.

5. Q. Must time and one-half be paid for all time over 40 hours in any and all employment?

A. Yes, with certain exceptions. The President's order provides expressly that no change is made by it in any collective bargaining agreement as to the rate of overtime pay. The order, of course, abrogates labor contracts which restrict the work-week to less than 48 hours, in the areas to which the mandatory order is applied.

6. Q. What about jobs not covered by the Wage-Hour Act, such as farm workers, domestic workers?

A. The order does not require time and one-half for overtime worked by these people.

7. Q. Should a store or office now working employes less than 48 hours go up to 48 hours at once?

A. Yes, but only if going to 48 hours would result in more effective use of employes, or if it would avert employment of additional employes. However, the purpose of the order is to release workers for war and essential jobs. Mere increase of hours that will not result in this was not intended.

8. Q. Who is putting the order into effect, and enforcing it?

A. The War Manpower Commission was directed by the

## 48 - Hour Questions

Here are answers from the War Manpower Commission to some of the questions raised about the application of the President's Executive Order of February 9, 1943, establishing the minimum 48-hour week for the duration of the war:

1. Q. Does this order apply to everyone in this country?

A. At the outset, the War Manpower Commission is making it mandatory in 32 labor shortage areas, although other industrial areas will be added as labor shortages become acute. The 32 areas are: Bath, Maine; Bridgeport, Conn.; Hartford, Conn.; New Britain, Conn.; Portsmouth, N. H.; Springfield, Mass.; Waterbury, Conn.; Buffalo, N. Y.; Somerville, N. J.; Baltimore, Md.; Elkton, Md.; Hampton Roads, Va.; Washington, D. C.; Akron, Ohio; Dayton,

President to interpret and apply the order, and to permit longer or shorter work weeks if they will help win the war.

9. Q. When is the order effective?

A. The President's order is effective immediately in the 32 areas designated by WMC Chairman McNutt, and workers should be paid overtime rates as overtime is instituted. However, the War Manpower Commission has announced that employers have until March 31 to bring their work week up to 48 hours, or to report how much longer it will take them to do so, in these critical areas.

10. Q. Does the order apply to establishments whose hours are limited by state law—bars in most states, for instance?

A. No. The Executive order says "nothing in this order shall be construed as superseding or in conflict with any Federal, State or local law limiting hours of work."

11. Q. With whom should local plant, union, and employer problems, created by the order, be taken up?

A. With area or regional officials of the War Manpower Commission. The WMC intends to decentralize administration of the order as much as possible, leaving decisions in the hands of local WMC Officials and their Management-Labor committees.

12. Q. How can the order be enforced, if an employer is recalcitrant?

A. All departments and agencies of the Federal Government shall require their contractors to comply with the order. The USES which has control of hiring in the areas will not refer employes to any employers not complying with the order, unless they are specifically exempted from its terms by the WMC. Smaller establishments not influenced by these conditions will probably comply for patriotic or economic reasons. Few objections are expected.

13. Q. Suppose an employer or worker contends that the 48-hour week is impossible in his shop or plant?

A. The WMC will investigate and make such exceptions or exemptions so as to make possible the fullest possible contribution to the war.

14. Q. Does the order apply to coal miners, most of whom have a 35-hour week under union contract?

A. The first areas designated include no coal-mining centers. But successful efforts are being made now by the government to have the work week extended in many areas to meet war fuel needs. Some hazardous occupations or industries may be exempted.

15. Q. How much additional productive power is made available by this order?

A. No statistics are available. It has been estimated that if the 48-hour week were in effect, in all industries and areas where it would result in maximum use of labor that it would add the equivalent of 1,000,000 men to the labor force.

16. Q. Will the 48-hour week be applied in the steel mills of Detroit and Buffalo, which are labor shortage areas, and not in Pittsburgh, which is not now listed as a labor shortage area?

A. This will be decided later, upon investigation by the WMC and consultation with the industry, to determine whether it is possible and feasible. A few industries may have to be handled on an industry-wide instead of an area basis.

17. Q. Will OPA permit prices to be raised on a showing of increased costs?

A. That is governed by OPA regulations, but it is unlikely that the increased labor cost will add more than a small fraction to the cost of production.

18. Q. Does the order apply to government arsenals and navy yards?

A. Yes, but practically all these are on a work week of 48 hours or more already.

19. Q. What about Government offices?

A. The Government recently adopted a 48-hour work week for the duration, with overtime pay for work in excess of 40 hours as fixed by Federal law.

20. Q. Does the order apply to newspapers and retail stores?

A. Yes, in the critical areas. But it should be emphasized that the purpose of the order is to economize on manpower, and not to increase hours of work where it will not contribute to the war.

21. Q. What about little one-man business and professional people like doctors and dentists?

A. The order applies only to employment, and self-employed persons are not regarded as employes.

22. Q. Does the order apply to laundries?

A. Yes, in the critical areas.

23. Q. Suppose an employer declines to increase the weekly pay of an employe although he increases the work week to 48 hours. What can the worker do?

A. If the employer is governed by the Wage-Hour Act, the employer is required to pay time and one-half for all overtime over 40 hours in a week. There is no law covering the employer whose workers are not covered by the law. However, such an employer as described in this question would be likely to lose his employes to employers who are paying time and one-half for overtime.

24. Q. Could an employer get away with paying a worker straight-time for pay over 40 hours?

A. If the worker is covered by the Wage-Hour Act, the employer would be violating Federal law. If the worker is not covered, he would be likely to leave his job for employment with an employer who is paying time and one-half.

25. Q. Should State and local governments adopt the 48-hour week under this order?

A. Yes, if their employes' hours of work are not fixed by State or local law. The order does not change any rate of wage or overtime pay fixed by local, State or Federal law.

26. Q. Is the order inflationary, in that workers will get much larger pay checks?

A. No, because of the great production needs of the war; because the worker will produce more; because the work in any given plant will be spread out among fewer employes; and because price ceilings and wartime limits on luxury goods production will prevent workers from excessive and inflationary spending. In addition, income taxes will recapture part of the workers' added income.

## 32 Labor Shortage Areas

The list of 32 labor-shortage areas is as follows:

Bath, Maine: Bath, Brunswick (town), Gardiner, Hallowell, Lisbon.

Bridgeport, Conn.: Bridgeport, Fairfield, Milford, Stratford, Trumbull.

Hartford, Conn.: Bloomfield, Canton, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Hartford, Manchester, Newington, Rockville, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor, Windsor Locks.

New Britain, Conn.: Berlin, Bristol, New Britain, Plainville, Plymouth.

Portsmouth, N. H.: Amesbury, Mass., Dover, N. H., Exeter, N. H., Farmington, N. H., Kittery, Maine, Newburyport, Mass., Newmarket, N. H., Portsmouth, N. H., Rochester, N. H., Somersworth, N. H., South Berwick, Maine, York, Maine.

Springfield, Mass.: Agawam, Amherst, Belchertown, Chicopee, Easthampton, East Longmeadow, Hadley, Holyoke, Longmeadow, Ludlow, Monson, Northampton, Palmer, South Hadley, Springfield, Ware, Warren, Westfield, West Springfield, Wilbraham.

Waterbury, Conn.: Cheshire, Haugatuck, Thomaston, Waterbury, Watertown.

Buffalo, New York: Buffalo, Depew, East Aurora, Gowanda, Hamburg, Kenmore, Lackawanna, Lancaster, Lockport, Niagara Falls, North Tonawanda, Sloan, Springville, Tonawanda, Williamsville.

Somerville, N. J.: Bound Brook, Manville, Raritan, Somerville.

Baltimore, Md.: Baltimore.

Elkton, Md.: Elkton.

Hampton Roads, Va.: Norfolk, Phoebus, Portsmouth, South Norfolk, Virginia Beach, Williamsburg.

Washington, D. C. (Md., Va., D. C.): Alexandria, Va., Arlington, Va., Falls Church, Va., Greenbelt, Md., Hyattsville, Md., Mt. Rainier, Md., Takoma Park, Md., Washington, D. C.

Akron, Ohio: Akron, Barberton, Cuyahoga Falls, Medina, Tallmadge, Wadsworth.

Dayton, Ohio: Dayton, Eaton, Fairfield, Miamisburg, Oakwood, Springfield, Urbana, Xenia.

Detroit, Michigan: Allen Park, Berkley, Centerline, Clawson, Dearborn, Detroit, Ecorse, Ferndale, Garden City, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Hamtramck, Highland Park, Inkster, Lincoln Park, Melvindale, Northville, Pleasant Ridge, Plymouth, River Rouge, Royal Oak, Trenton, Wayne, Wyandotte, Ypsilanti.

Manitowoc, Wisconsin: Manitowoc, Two Rivers.

Sterling, Illinois: Dixon, Morrison, Oregon, Rochelle, Rock Falls, Sterling.

Brunswick, Georgia: Brunswick.

Charleston, South Carolina: Charleston, Summerville, Walterboro.

Macon, Georgia: Fort Valley, Macon, Milledgeville.

Mobile, Alabama: Mobile, Prichard.

Panama City, Florida: Panama City.

Pascagoula, Miss.: Biloxi, Gulfport, Moss Point, Pascagoula, Pass Christian.

Wichita, Kansas: Augusta, El Dorado, Newtown, Wichita.

Beaumont, Texas: Beaumont, Orange, Port Arthur, Silsbee.

Cheyenne, Wyoming: Cheyenne, Wyoming.

Ogden, Utah: Brigham, Ogden.

Las Vegas, Nevada: Boulder City, Las Vegas, Midway, North Las Vegas, Whitney.

Portland, Oregon: Camas, Wash., Hillsboro, Ore., Oregon City, Ore., Portland, Ore., St. Helens, Ore., Salem, Ore., Vancouver, Wash.

San Diego, California: Chula Vista, Coronado, Escondido, La Mesa, National City, Oceanside, San Diego.

Seattle, Washington: Auburn, Bremerton, Enumclaw, Kent, Port Orchard, Renton, Seattle, Shelton.

The most recent listing of labor market areas classifies in four groups all labor market areas in which there is a central city of 50,000 or more, or in which at least 5,000 additional workers will be needed before peak production is reached.

The four groups are defined as follows:

Group I—Areas of current acute labor shortage—32 areas.

Group II—Areas of labor stringency and those anticipating a labor shortage within six months—102 areas.

Group III—Areas in which a general labor shortage may be anticipated after six months—59 areas.

Group IV—Areas in which labor supply is and will continue to be adequate to meet all known labor requirements—76 areas.

## Order for 48-Hour Week

President Roosevelt's executive order establishing a national forty-eight-hour work week read as follows:

"By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to meet the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower, it is hereby ordered:

"1. For the duration of the war, no plants, factories or other place of employment shall be deemed to be making the most effective utilization of its manpower if the minimum work week therein is less than forty-eight hours per week.

"2. All departments and agencies of the Federal Government shall require their contractors to comply with the minimum work week prescribed in this order and with policies, directives, and regulations prescribed hereunder, and shall promptly take such action as may be necessary for that purpose.

"3. The chairman of the War Manpower Commission shall determine all questions of interpretation and application arising under this order and shall formulate and issue such policies, directives, and regulations as he determines to be necessary to carry out this order and to effectuate its purposes. The chairman of the War Manpower Commission is authorized to establish a minimum work week greater or less than that established in Section 1 of this order or take other action with respect to any case or type of case in which he determines that such different minimum work week or other action would more effectively contribute to the war effort and promote the purposes of this order.

"4. All departments and agencies of the Federal Government shall comply with such policies, directives, and regulations as the chairman of the War Manpower Commission shall prescribe pursuant to this order, and shall so utilize their facilities, services, and personnel, and take such action under authority vested in them by law, as the chairman determines to be necessary to effectuate the purposes of this order and promote compliance with its provisions.

"5. Nothing in this order shall be construed as superseding or in conflict with any Federal, State or local law limiting hours of work or with the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary work week, nor shall this order be construed as suspending or modifying any provision of the Fair Labor Standards Act (act of June 25, 1938; 52 Stat. 1060; 29 U. S. C. 201 et seq.) or any other Federal, State or local law relating to the payment of wages or overtime.

FRANKLIN D. ROOSEVELT.

White House, Feb. 9, 1943."

## 917 STATIONS

During the month of December, 1942, the Federal Communications Commission granted no permits for the construction of new stations. Operating license was issued to one station, and one station was deleted. A comparative table by month follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1
Operating .....	887	891	893	897	899	906	906	905	905	907	909	908	909
Construction .....	36	32	31	27	25	18	19	16	15	12	10	10	8
	923	923	924	924	924	924	925	921	920	919	919	918	917

## FEDERAL LEGISLATION

### SENATE

S. 682 (Johnson, D-Colo.) LIQUOR ADVERTISING—To prohibit the paid advertising of alcoholic beverages by radio in certain circumstances, and for other purposes. Referred to Committee on Interstate Commerce.

### STATE LEGISLATION

ARKANSAS:

H. 182 (Pickering) ADVERTISING OF ALCOHOLIC BEVERAGES—To provide punishment for the advertising for sale of any liquor, wine or beer. Referred to Committee on Labor.

CALIFORNIA:

S. 607 (Tenney) DEFAMATION—Amend Sections 45 and 46 and add Sections 45c, 46d, and 46e to the Civil Code, relating to defamation. Referred to Committee on Judiciary.

DELAWARE:

H. 145 (McIlvaine) MUSIC BOXES—IN TAVERNS—An act to prohibit radios, nickolodions, music boxes or musical machines of any kind, in hotels, restaurants, stores or taverns where alcoholic liquors, wines, or beer is sold. Referred to the Miscellaneous Committee.

MASSACHUSETTS:

H. 94 (Recommendation of Dept. of Public Health) FOODS AND DRUGS—Making various changes in the laws relating to foods and drugs so that said laws may be more nearly in conformity with the federal food, drug, and cosmetic act in so far as it pertains to drugs and foods. Referred to the Committee on Public Health.

MICHIGAN:

H. 98 (Engstrom & Warner) ADVERTISING—INTERLOCHEN—\$10,000 appropriation to advertise national music camp at Interlochen, the advertising media to be restricted to motion picture and broadcasting publicity. Referred to Committee on Ways and Means.

NEW MEXICO:

H. 98 (Gonzales & Dunham) MUSICAL PERFORMING RIGHTS—Prescribing performing rights in musical compositions. Referred to Committee on Corporations.

NEW YORK:

A. 643 (Same as S. 522) (Knauf) ADVERTISING—EYEGASSES—Makes it misdemeanor to include in any newspaper, radio, display sign or other advertisement, any statement which misrepresents material, frames or mounting or price of lenses or complete eyeglasses or the price of any frame unless advertised with words "without lenses" or which misrepresents service or credit terms. Referred to Committee on Codes.

S. 234 (Same as A. 281) (Quinn) UNEMPLOYMENT INSURANCE BENEFITS—Increases from 20 to 26 times benefit rate total maximum unemployment insurance benefits to which an employee shall be entitled in any fiscal year. Referred to Committee on Labor.

S. 522 (Same as A. 654) (Anderson) ADVERTISE-  
MENT—EYEGASSES—Makes it misdemeanor to include in any newspaper, radio, display sign or other advertisement, any statement which misrepresents material, frames or mounting or price of lenses or complete eyeglasses or price of any frame unless advertised with words "without lenses" or which misrepresents service or credit terms. Referred to Committee on Codes.

S. 538 (Mahoney) ADVERTISING—OPTOMETRIST—Authorizes education dept. to revoke license or certificate of any optometrist advertising by use of handbills, posters, motion pictures, radio or newspapers or other printed publications or by means of glaring signs or any sign having representation of human eye or appliance. Referred to Committee on Education.

NORTH CAROLINA:

H. 260 (Uzell) EXEMPTION FROM JURY DUTY—Amends section 2329 of the Consolidated Statutes, as amended to include among those exempted from jury duty, radio broadcast technicians and announcers. Referred to Committee on Judiciary No. 2.

NORTH DAKOTA:

H. 112 (Williams et al) LIQUOR ADVERTISING—Prohibits advertising intoxicating liquor by newspaper, circular, billboard or radio. Referred to Committee on Temperance.

OREGON:

H. 12 (Harvey) BREWERIES—ADVERTISING—Required breweries and distilleries to pay fifty percent of cost of advertising for permit to advertise. Referred to

Committee on Alcohol control. Tabled or Indefinitely Postponed, 1/26/43.

WASHINGTON:

H. 180 (Zent) BROADCASTING LIABILITY—Defines liability in broadcasting of defamatory matter. Referred to Committee on Judiciary.

S. 151 (Parker) RADIO BROADCASTING—Relating to broadcasting of defamatory matter over radio stations. Referred to Committee on Judiciary.

**FEDERAL COMMUNICATIONS COMMISSION DOCKET**

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 15. They are subject to change.

Monday, February 15

Further Consolidated Hearing

- NEW—R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Co., Nashville, Tenn.—C. P., 1240 kc., 250 watts, unlimited, facilities of WXIX when vacated.
- NEW—Tennessee Radio Corporation, Nashville, Tenn.—C. P., 1240 kc., 250 watts, unlimited.
- WQBC—Delta Broadcasting Company, Inc., Vicksburg, Miss.—Modification of license, 1470 kc., 500 watts night, 1 KW day, unlimited.

**FEDERAL COMMUNICATIONS COMMISSION ACTION**

APPLICATIONS GRANTED

- WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special service authorization to operate from 7 a. m. to local sunrise during December, January, February and March, with power of 250 watts, subject to termination if interference arises (B2-SSA-56).
- KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted construction permit (B3-P-3521) to move auxiliary transmitter to new location. Granted construction permit (B3-P-3520) to move main transmitter, subject to applicant's submission of proof that the antenna system is capable of producing an effective field of 175 mv/m and installation of a tower lighting system in accordance with Specification A.
- KSRO—Ernest L. Finley (assignor), Ruth W. Finley, Executrix of the estate of E. L. Finley (deceased) (assignee), Santa Rose, Calif.—Granted consent to involuntary assignment of license for broadcast station KSRO from Ernest L. Finley (deceased) to Ruth W. Finley, Executrix of the estate of Ernest L. Finley (B5-AL-359).
- WINX—WINX Broadcasting Co., Washington, D. C.—Granted petition for waiver of Section 2.53 of the Commission's Rules so as to permit operation of petitioner's synchronous amplifier by remote control, subject to the following conditions: (1) that authority to operate the synchronous amplifier in connection with Station WINX upon a remote control basis is granted until such time as, in the opinion of the Commission, qualified operators become available for operation of said amplifier in accordance with Sections 2.53 and 13.61 of the Commission's Rules, but in no event beyond June 1, 1943; (2) that all meters of the synchronous amplifier be read and logged daily; and (3) that the remote control operation of the synchronous amplifier be carried on at all times by at least one licensed operator at the main transmitter location of Station WINX.

## LICENSE RENEWALS

- KHBC**—Hawaiian Broadcasting System, Ltd., Hilo, Hawaii.—Granted renewal of license (B-R-885) subject to the condition that the licensee shall install an antenna in accordance with the Standards of Good Engineering Practice and determine power by direct measurement, when requested to do so by the Commission.
- KAST**—Astoria Broadcasting Co., Astoria, Ore.—Granted extension of license for a period of 90 days.
- WJHP**—The Metropolis Co., Jacksonville, Fla.—Granted renewal of license on a regular basis (B3-R-1083). (Commissioners Fly and Durr voted "No.")
- WCOA**—Pensacola Broadcasting Co., Pensacola, Fla.—Granted renewal of license on a regular basis (B3-R-434). (Commissioners Fly and Durr voted "No.")

Granted renewal of following station licenses for the period ending in no event later than February 1, 1945:

- KFUN**, Las Vegas, N. Mex.; **KHAS**, Hastings, Nebr.; **KOOS**, Marshfield, Ore.; **KVNU**, Logan, Utah; **KVOS**, Bellingham, Wash.; **WAIM**, Anderson, S. C.; **WBHP**, Huntsville, Ala.; **WCAT**, Rapid City, S. D.; **WITH**, Baltimore, Md.; **WJNO**, West Palm Beach, Fla.; **WLOG**, Logan, W. Va.; **WHTT**, Hartford, Conn.; **WTOL**, Toledo, Ohio.
- KGEZ**—Donald C. Treloar, Kalispell, Mont.—Granted renewal of license for the period ending not later than June 1, 1943 (B5-R-126).
- WGES**—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted renewal of license for the period ending not later than December 1, 1944 (B4-R-557).

## MISCELLANEOUS

- KMA**—May Broadcasting Co., Shenandoah, Iowa.—Granted modification of construction permit as modified, which authorized installation of directional antenna for night use and increase in power, for extension of completion date from February 22 to April 23, 1943 (B-4-MP-1691).
- KGDM**—E. F. Pfeffer, Stockton, Calif.—Granted modification of construction permit as modified, which authorized change in frequency, hours of operation, increase in power, install directional antenna for night use and new transmitter, for extension of completion date from January 20 to February 20, 1943 (B5-MP-1686). Granted further extension to March 20 (B5-MP-1692).
- KGHI**—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license to cover construction permit which authorized installation of new transmitter (B3-L-1748); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1491).
- KFDM**—Beaumont Broadcasting Corp., Beaumont, Tex.—Granted license to cover construction permit which authorized installation of new transmitter (B3-L-1749).
- KFEQ**—KFEQ, Inc., St. Joseph, Mo.—Granted license to cover construction permit as modified, for installation of new transmitter and directional antenna for day and night use, increase in power, change hours of operation, and move transmitter (B4-L-1736).
- KFEQ**—KFEQ, Inc., St. Joseph, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1478).
- WRBL**—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1490).
- KICA**—Hugh DeWitt Landis, Clovis, N. Mex.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1487).
- WBAX**—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1492).
- WKAQ**—Radio Corp., of Puerto Rico, San Juan, P. R.—Granted modification (B-MP-1638) of construction permit (B4-P-3489) for extension of completion date to 7-26-43.
- WAUQ**—Onondaga Radio Broadcasting Corp., area of Syracuse, N. Y.—Granted modification of license for relay broadcast station to change designation of type and serial number of transmitter to show: Mfg.-Tenco; Serial No. 111.
- KVOO**—Southwestern Sales Corp., Tulsa, Okla.—Granted modification of construction permit as modified, which authorized increase in power, change hours of operation, install new transmitter and directional antenna for night use, for ex-

tension of completion date from February 2 to April 4, 1943 (B3-MP-1693).

The Commission approved a power of attorney for the affairs of licensee Philip Weiss, to be handled by his brother, Jack Weiss, during his service in the armed forces. Philip Weiss is licensee of Station WSYB, Rutland, Vt.

- WRUS**—World Wide Broadcasting Corp.—Cancelled the special temporary authorization for the operation of Station WRUS.
- Tennessee Radio Corp.**, Nashville, Tenn.—Granted petition to dismiss without prejudice application for construction permit for new broadcast station to operate on 1240 kc., 250 watts, unlimited. (Docket No. 6193)

## APPLICATIONS FILED AT FCC

### 1070 Kilocycles

- WAPI**—Voice of Alabama, Inc., Birmingham, Ala.—License to cover construction permit (B3-P-3098) as modified for change in frequency, increase power, change hours and installation of directional antenna for night use.
- WAPI**—Voice of Alabama, Inc., Birmingham, Ala.—Authority to determine operating power by direct measurement.

### 1110 Kilocycles

- KPAS**—Pacific Coast Broadcasting Co., Pasadena, Calif.—License to cover construction permit B5-P-3261 as modified for new 10 KW station.
- KPAS**—Pacific Coast Broadcasting Co., Pasadena, Calif.—Authority to determine operating power by direct measurement.

### 1150 Kilocycles

- WDEL**—WDEL, Incorporated, Wilmington, Del.—License to cover construction permit (B1-P-2758) as modified for increase in power, installation of new transmitter and directional antenna for day and night use.

### 1170 Kilocycles

- KVOO**—Southwestern Sales Corp., Tulsa, Okla.—Modification of construction permit (B3-P-2539 as modified which authorized increase in power, change in hours, install new transmitter and directional antenna for night) for extension of completion date from 2-2-43 to 4-4-43.
- KVOO**—Southwestern Sales Corp., Tulsa, Okla.—Extension of special service authorization to operate unlimited time, with power of 25 KW night, 50 KW day, employing directional antenna at night, using transmitter described in construction permit B3-P-2539 as modified, for period ending 4-4-43.

### 1250 Kilocycles

- KWSC**—State College of Washington, Pullman, Wash.—Construction permit to change frequency from 1250 kc. to 1030 kc., change power from 5 KW to 1 KW night, 5 KW day, hours from share with KTW to unlimited and make changes in antenna and ground systems. Requests facilities of KOB.

### 1400 Kilocycles

- WGRC**—North Side Broadcasting Corp., Louisville, Ky.—Construction permit to move studio and transmitter from New Albany, Ind., to Louisville, Ky.

### 1450 Kilocycles

- WILM**—Delaware Broadcasting Co., Wilmington, Del.—License to cover construction permit (B1-P-3387) for move of transmitter and use of WDEL's South Tower of directional array.
- WILM**—Delaware Broadcasting Co., Wilmington, Del.—Authority to determine operating power by direct measurement.
- WDEL**—Delaware Broadcasting Co., Wilmington, Del.—Authority to determine operating power by direct measurement.

### 1490 Kilocycles

- WKBV**—Knox Radio Corp., Richmond, Ind.—Transfer of control from William O. Knox to Central Broadcasting Corporation (1000 shares).
- WKBB**—Sanders Brothers Radio Station, Dubuque, Iowa.—Voluntary assignment of license to Dubuque Broadcasting Company.

## MISCELLANEOUS APPLICATIONS

- W9XMB—Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4 as modified which authorized new studio transmitter station) for extension of completion date from 2-16-43 to 5-16-43.
- NEW—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit for new International Broadcast Station to be operated on 6030, 7230, 9570, 11870, 15290, 17760, 21610 kc., power 50 KW. Hours: share with WBOS and KWID on 6960, 9570, 11870; and share with KWID on 7230, 15290, 17760, 21610 kc.
- WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Modification of construction permit (B4-PED-22 as modified, which authorized new non-commercial educational station) for extension of completion date from 3-7-43 to 4-7-43.
- W6XDU—Don Lee Broadcasting System, Portable-Mobile, Area of Los Angeles, Calif.—License to cover construction permit (B5-PVB-83) as modified, which authorized addition of aural equipment using special emission.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

## COMPLAINTS

The 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 Refractories Institute**—Thirty-nine corporations manufacturing more than 75 per cent of the refractory products produced annually in the United States, and their trade association, American Refractories Institute, Pittsburgh, are charged in a complaint with combination and conspiracy to fix prices and eliminate competition in the sale of their products, including standard 9-inch brick, special shape brick and tile, fire brick, fire brick cement and high temperature mortars.

Large consumers of refractory products, which are required in furnaces and other devices where the intensity of the heat produced is sufficient to melt metals and ceramic materials, are the iron and steel, glass, copper smelting, cement, and wood pulp industries. The complaint alleges that one of the effects of the practices and the delivered price systems maintained by the corporate respondents is to unduly enhance the costs of refractory products used by industries directly engaged in producing materials of war.

The complaint states that the membership of the respondent institute constitutes a class so numerous and changing as to make it impracticable to specifically name in the complaint all of the members. (4900)

**Home Diathermy Co., et al.**—Misrepresentation of the provisions of an order issued by the Federal Communications Commission and unfair and deceptive acts in commerce are charged in a complaint against two distributors of home diathermy apparatus and two officials of the companies. The respondents are Home Diathermy Co., Inc., 1780 Broadway, New York, Home Diathermy Co., Inc., 15 Public Square, Wilkes-Barre, Pa., and Arnold Steindler and Isadore Teitelbaum. (4901)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Lentheric, Inc.**, 745 Fifth Ave., New York, has stipulated that in selling, advertising, or labeling its perfumes it will cease representing, through use of the word "Paris" or "French" or any other word, term or picturization indicative of French or foreign origin, that perfumes made or compounded in the United States are made or compounded in France or any other foreign country. The stipulation provides, however, that the country of origin of the various ingredients of the perfumes may be stated when immediately accompanied by a statement that the perfumes are made or compounded in the United States. (3604)

**Lion Neckwear Co.**, 4626 North 10th St., Philadelphia, engaged in the sale of men's neckwear, has entered into a stipulation to cease and desist from misrepresenting its business status and the fiber content of the products it sells. (3606)

**Dr. Propper Manufacturing Co.**, 127 West 24th St., New York, engaged in the sale of surgical supplies including wound clips designated "Serature," has stipulated that they will cease and desist from use of the word "Manufacturing" or the abbreviation "Mfg." or other word or term of like meaning as part of their trade name, and from the use of such word or term in any manner implying that they actually own or operate or directly control the factory in which the products they sell are manufactured. (3605)

**Weisfield & Goldberg, Inc.**, 414 Pike St., Seattle, stipulated that it will cease and desist from representing that watches or other jewelry products it sells are made in the United States when, in fact, they are manufactured in whole or in part in other countries and that any watch it receives in trade or as partial payment for another article will be given to men or women in the armed services, unless the watch actually is disposed of in the manner indicated. The corporation agrees to discontinue the use of statements such as "Uncle Sam Wants Your Old Watches for the Boys in the Service" which may tend to convey the belief that the Government has requested used watches for men or women in the armed services. (3607)

## CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**S. & M. Grand Rapids Furniture Factories, Inc.**—An order to cease and desist from misrepresentation in the sale of household furniture has been issued against S. & M. Grand Rapids Furniture Factories, Inc., 123 Ferry St., Newark, N. J., also trading as S. & M. Grand Rapids Furniture Co. of Newark, New Jersey, and as Grand Rapids Showrooms. (4642)

**Purity Products, Inc.**, 1060 Broad St., Newark, N. J.—The Journal of Living Publishing Corporation, 1819 Broadway, New York, and Victor H. Lindlahr have been ordered to cease and desist from misrepresentation in advertising and selling a medicinal preparation known as "VBev." (4021)

## FTC COMPLAINT DISMISSED

The Federal Trade Commission has entered an order dismissing its complaint against Robert T. K. Hee, trading as The Eastern Herb Co., San Diego, Calif., engaged in the sale of a preparation designated "Chinese Herbs."

The complaint charged that in the dissemination of advertisements concerning the preparation the respondent had made misrepresentations with respect to its therapeutic value in the treatment of various ailments.



## FCC Under Fire in House

The House approved the FCC's 1943-44 appropriation this week only after considerable debate. It was proposed at one point to hold up any appropriation until the conclusion of the Cox investigation. This proposal was rejected, 162 to 87.

Most of the debate, as reported in the *Congressional Record*, pp. 1017-1018—1084-1088, is printed below.

February 15

The Federal communications testimony appears on page 1212 of the hearings. The recommendation of your committee is \$7,609,000, as compared with the appropriations for the current year of \$7,386,000. The recommendation reflects a reduction in the budget estimate of over \$479,000.

It is difficult to escape the conviction that there is a good deal of duplication of effort between the F. C. C. on the one hand and the Army and the Navy on the other. The Army, I understand, has thousands of people in its radio intelligence companies. The Navy also has its own set-up. The F. C. C. admits that both services advised at one time that they did not require what the F. C. C. was furnishing them. The Bureau of the Budget, in its testimony, recognizes the conflict.

This agency shows a tremendous number of promotions in the past year or so, 1,806, to be exact, at an increase of \$145,100. Details were furnished the committee with reference to the Legal Division and the Foreign Broadcast Intelligence Service. I shall not encumber the RECORD with those details. I may say in passing, however, that the number of promotions was not only enormous, but that in many instances the same individual has been given more than one promotion in the same year. Among other examples is one individual receiving \$3,400 increase, or 105 percent, within a period of 8 months, another receiving \$1,400, or a 75-percent increase, in 6 months, and another receiving \$2,200, a 110-percent increase, in 16 months. There are many other examples that I could cite.

The record also indicates a request by this agency for deferments from the draft to the number of 442. Of this number, there have been granted 391, in respect to which Chairman Fly expresses the hope that the deferments may be for the duration. All of these deferments may, in fact, be justified. It may be stated, however, that neither the description of the positions held, nor the salaries paid, nor the fact that many of them joined the force after Pearl Harbor, lends force to this conclusion in the first instance.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. O'HARA. With reference to the deferments of this agency, does the gentleman mean deferments from going into the armed forces?

Mr. WIGGLESWORTH. Yes.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. COX. It is common gossip all over town that there is a higher percentage of draft dodgers as a result of the requests of the departments in the Communications Commission than in any other department of the Government. If the gentleman will indulge me further, I am very much surprised to note the success of Mr. Fly in obtaining this large appropriation carried in this item. Apparently he is the witness that appeared in behalf of the Commission, on whose testimony the committee bases its finding. The committee says that the Commission is divided, and that the division differing with Mr. Fly says that the essential work of the Commission can be carried on and carried on effectively with a large reduction of personnel and a large reduction in appropriations. To be exact, it is contended by those in the know that with \$2,000,000 the work of the Commission can be carried on. Mr. Fly, who heads the Commission, has no knowledge of communications, other than experience that he obtained as a switchboard operator before he was placed in the chairmanship. At the present time we find the Army and the Navy subordinated to him, and if the committee had found it possible to have consulted the Army and the Navy, disclosures would have been made to it that Mr. Fly is a terrible handicap to them in his effort to dominate completely in foreign communications of the Army and the Navy.

Others in the know have said to me that the larger part of the appropriations that are made for this Commission are wasted; that you may as well shovel the money out of the window as to expend it in the manner in which the Commission does. In view of the investigation that is going on, the item ought to be stricken from the bill altogether, and later the Congress will be able to make an appropriation that is proper.

Mr. WIGGLESWORTH. I was about to answer the gentleman by saying that the suggestion he makes was in fact made in the subcommittee, to the effect that inasmuch as an investigation has been authorized by the House to go into the activities of this Commission, it might be just as well to delete this item wholly and allow it to be considered later as a deficiency item. The money, of course, will not be required until the first of the fiscal year, July 1.

Mr. COX. I agree with the gentleman that the circumstance demands that the entire item be deleted until later on.

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. WOODRUM of Virginia. The same logic would apply to the War Production Board, and to the Army or the Navy, and to any other agency of the Government that is under fire by anybody. That is, put them out of business, convict them, and then afterward, if they are able to prove that they are innocent, give them enough money to carry on. I submit right here in the midst of the colloquy between my two friends that that is not a logical

(Continued on page 74)

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

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## FCC UNDER FIRE IN HOUSE

(Continued from page 73)

approach to the problem. I feel confident that the investigation of the Federal Communications Commission in the able hands of my friend the gentleman from Georgia [Mr. COX] and the distinguished gentleman from Massachusetts [Mr. WIGGLESWORTH] will be thorough-going.

We may rest assured that long before July 1, when this bill will become law, these gentlemen will apprise Congress of everything they can find that would justify putting the Federal Communications Commission and Mr. Fly out of business. In the meantime it is an agency that Congress has set up to do business and has delegated to it important war functions. The monitoring work of the Federal Communications Commission is very important. However we may feel about individuals in it, let no Member of this House be under any misapprehension that they are performing a very vital and critical service in the war effort. Somebody has to perform that service.

Mr. WIGGLESWORTH. May I say to the gentleman from Virginia that I certainly do not want to place myself in the position of failing to accord this agency every consideration to which it is entitled. It does not seem to me, however, that the deletion of this item has anything to do with the findings which may be made in the course of the investigation. Of course, the Commission must have the money that is necessary on July 1, but it does not need any part of these funds until that time.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from New York.

Mr. FITZPATRICK. I do not recall any evidence before our subcommittee that the Federal Communications Commission was a handicap to either the Army or the Navy. Does the gentleman recall any such testimony?

Mr. WIGGLESWORTH. The gentleman from South Dakota [Mr. CASE] interrogated the representatives of the agency along that line, and I think substantiated the statement I have made.

Mr. FITZPATRICK. I am referring to the statement contained in a question asked the gentleman as to whether or not they were a handicap to both the Army and the Navy.

Mr. WIGGLESWORTH. A duplication.

Mr. FITZPATRICK. "Handicap" was the word used.

Mr. COX. I used the word "handicap" and I used it advisedly, and if the gentleman will take the pains and manifest sufficient concern in the public interest to call upon the Army and the Navy he will find that the statement is justified.

Mr. WOODRUM of Virginia. If the gentleman will permit, I will say to the gentleman from Georgia [Mr. COX] that as soon as I can get to a telephone I shall certainly make inquiry of the responsible heads of the Army and the Navy, and if any of those gentlemen say that the Federal Communications Commission is a detriment to the

war effort, I will take advantage of my seniority in the proceedings to move to delete the item myself. Now will the gentleman join me in saying that if the Army and the Navy say they are performing a useful war service, he will give them a chance to have a fair trial before he executes them?

Mr. COX. I am not trying to execute anybody.

Mr. WOODRUM of Virginia. Just take their money away from them?

Mr. COX. No; I am not. I am insisting that in view of existing circumstances the appropriation should not be made available at the time. I can tell the gentleman something that would interest him.

Mr. DWORSHAK. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Idaho.

Mr. DWORSHAK. In spite of the demands throughout the country for economy, it would appear that most of these agencies are attempting to expand their functions under the guise of defense and war activities. In that respect, will the gentleman explain the item of \$206,160 for a War Problems Division under the Law Department, and explain why that is being created? Is there not some existing agency which already has jurisdiction over such activities?

Mr. WIGGLESWORTH. That matter was given consideration by the committee in reducing the request \$479,000 below the budget.

I shall not dwell further upon this item, in view of the fact that an investigating committee has been set up to consider the activities of this Commission in detail.

I may mention in passing, however, first, that the record indicates continued approval of the transfer of stations or control of stations for considerations far in excess of the value of the physical assets transferred, with all the danger we have seen in other fields in the capitalization of Government franchises.

Second, that the serious charges said to have been made in connection with former Commissioner Pickard and others have apparently been whitewashed to the satisfaction of the Commission and the Department of Justice in the absence of further evidence.

Third, that 3 of those included in the list of 38 recently published by the Dies committee are to be found on the pay rolls of this agency.

February 17

Mr. CASE. Mr. Chairman, this amendment, with two succeeding amendments which I propose to offer, would leave the title "Federal Communications Commission" in line 3 but strike out the appropriations relating to the Federal Communications Commission and defer their consideration until later. I had expected to offer the amendments together in the thought that that would save some time. However, this will accomplish the same result.

The purpose in offering this amendment is to permit an intelligent appropriation to be made. The House has adopted a resolution authorizing a select committee to investigate the Federal Communications Commission. In view of the action already taken by the House it would be nonsensical for us now to attempt to appropriate for the Federal Communications Commission for the fiscal year that begins after July 1. How can we appropriate intelligently in this bill when there is pending for a detailed investigation of the activities of the Commission? Some of us believe we cannot so appropriate at this time. Consequently, we believe this appropriation should be deferred.

This does not mean we expect the Federal Communications Commission to be abolished or its activities to be ended. I, for one, would be opposed to that, and so would the other Members of the House. We are acquainted with the work the Federal Communications Commission



is doing, in a large way. Most of it should be continued; possibly some of it should not. Of course, the Deficiency Committee is meeting regularly, and it can handle appropriations for this Commission; or, if the special committee makes its report before the appropriation is considered in the Senate it can be handled there.

There are reasons for raising some question about this appropriation. We asked the Commission for its figures on the draft deferments it had asked for its employees, and found that the Commission had asked for 442 deferments, receiving 391. It is true that the Federal Trade Commission has to have some highly trained technical men. It is probably true that those men in the service of the Federal Communications Commission can do just as effective work as they could if they were in uniform. However, until the select committee is satisfied that these deferments, for example, are justified, we ought not to make appropriations to carry on activities which we may not approve.

Not only that, but there was evidence before the committee that the Commission was doing some work the Army and Navy have the personnel to do. We asked direct questions on that point about some of the inspections and some of the examinations the Federal Communications Commission was making.

It was testified they were doing this at the request of the War and Navy Departments, but upon pursuing the question, it was apparent that the Army and the Navy had the personnel to do these same things. If there is a shortage of manpower, why should we be deferring men to put them in the Federal Communications Commission in jobs that the Army and the Navy have personnel to do? Not only that, but there was some questioning of the promotions made in this agency during 1942. They totaled 1,800, at a total cost of \$145,000. Doubtless some of them were necessary to hold personnel but they should be examined in detail. They should be gone into more fully, and the House has already provided for that. Then, why should we make this appropriation, based upon activities, some of which we may want to abandon after the committee has made its report?

There is another reason. Three or four of the men who are on the list about which there has been a great deal of debate are some of the employees of the Federal Communications Commission. If we were to get into a debate upon the entire appropriation, I have been told those names would come up, and until they have been investigated either by the select committee or the special committee of the Committee on Appropriations which have been authorized to hear these people, we could not appropriate intelligently. I for one do not want to pass judgment on them until they have been heard. It seems to me that we would save time and appropriate more intelligently, if we wait until we have a report from the special committee.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. CASE. Yes.

Mr. RAMSPECK. Is not the same logic applicable also to the Army and the Navy and the appropriations for those Departments?

Mr. CASE. They are not under specific investigation by select committees of the House. Their appropriations are not before us yet and we hope the regular committees will keep the subcommittees currently informed of matters that come to their attention. Remember that I am not striking out this activity. The amendment does not strike out the title in line 3. And as I have already stated there will be ample time to appropriate for this agency before July 1. Of course, if the select committee has not reported by July 1, then we will have to appropriate for Federal Communications as best we can. And the gentleman

knows we will appropriate for the Army and the Navy in due course when their estimates come before us.

Mr. RAMSPECK. And the same thing is true about all of them.

Mr. WOODRUM of Virginia. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAMBERTSON. Mr. Chairman, I ask unanimous consent to proceed for 1 minute out of order.

The CHAIRMAN. Is there objection?

Mr. WOODRUM of Virginia. Mr. Chairman, I object.

Mr. LAMBERTSON. Mr. Chairman, I was not on the floor yesterday when the very able floor leader, the gentleman from Massachusetts [Mr. McCORMACK], made his speech attacking Herbert Hoover, who in the minds of a great many people is the greatest living American. He made the direct charge that Mr. Hoover had opposed recommendations to prepare our country for defense, and then went on to cast a long line of suspicion about Mr. Hoover being for appeasement. I want to dismiss it by using the words of the gentleman himself that he used on a recent occasion:

Any such thought is without foundation, and if the gentleman had the courage to make the direct accusation within the rules, I would say that he is making a complete misstatement of the facts. Outside of the House anyone making such statements I would say tells a deliberate lie.

Mr. RAMSPECK. Mr. Chairman, I rise in opposition to the amendment. I am astonished that the gentleman from South Dakota [Mr. CASE] takes the position he does in this matter. He is generally a very level-headed member of this subcommittee, but the proposal he makes today seems to me to be absurd. He bases his amendment upon the theory that we should not appropriate money for this agency, which was created by this Congress, because we have authorized an investigation under the leadership of my colleague from Georgia [Mr. COX]. If his reason is sound and logical, then we should not bring in any appropriation for the Army or the Navy or practically any other agency of the Government until these investigating committees report. We have also authorized the Smith committee to look into the actions of all of the agencies of the Government practically, to see whether they are operating in accordance with the acts of Congress. It seems to me that this type of legislation that is contained in the amendment which we are to vote on here this morning is a type of action that brings Congress into disrepute in the eyes of the country. It is demagogery, and while I do not impute any motive of that sort to the gentleman from South Dakota, I do say that the critics of Congress will look upon it in that way, and to me I think that criticism will be justified. It is our duty as members of Congress to finance the agencies that Congress sets up. We have a splendid gentleman from my own State who is going to investigate the operations of this Commission.

He is going to do a good job, and if there is anything wrong with this Commission I am sure that the gentleman from Georgia will find out about it, and Congress then can take such action as the facts justify, but this is not the proper method of legislation, it is not in keeping with the dignity and the importance of a legislative body, for us to say that we are not going to appropriate any money for an agency we created, an agency that is doing important war work. If the subcommittee could not get the information it desired in the usual manner it could have resorted to the subpoena power recently given to the Appropriations Committee.

Mr. CASE. The committee did not have that power when this bill was prepared.

Mr. RAMSPECK. We have a committee appointed,

headed by the gentleman from Georgia [Mr. COX], that has the power of subpoena and all the power of this Congress with it, and that is the orderly way to act. That is the orderly way to do it. The gentleman did not take the same position the other day about William Pickens. Did we not vote to investigate first before we took him off the pay roll? Are you going to take all these men off the pay roll who are monitoring war messages from across the seas? No; that is not the way to legislate.

Mr. CASE. Will the gentleman yield?

Mr. RAMSPECK. Yes; I yield.

Mr. CASE. Does not the gentleman feel that the Congress would be in a more ridiculous position if it appropriated money for this independent agency and then the special committee set up by the House came in and said, "Here is something that should have been cut out" and the money has already been appropriated?

Mr. RAMSPECK. I certainly do not. I think that is the orderly way to proceed. We have a committee to investigate them and we should not usurp their functions through an appropriation bill.

Mr. CASE. We are not usurping their functions; we are simply withholding action until the full story is before us. The gentleman knows, of course, that this does not touch a dollar of their current appropriation.

Mr. RAMSPECK. I am aware of that fact.

Mr. CASE. And there is plenty of time to appropriate for next year between now and July 1 after the special committee has a chance to report.

Mr. RAMSPECK. Yes, and there is plenty of time to cut off their appropriation after the committee makes its report, if we should so desire.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from South Carolina.

Mr. HARE. If it is abolished between now and July 1 the appropriation will not be necessary.

Mr. RAMSPECK. The gentleman is correct. If as a result of this investigation the Congress decides to abolish the commission or change its function or its personnel, then the appropriation would not be effective.

Mr. FORD. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FORD. Is this not about equivalent to convicting a man in advance without an investigation?

Mr. RAMSPECK. Well, that is true, too. It is an interference with the prerogatives of the investigating committee headed by my colleague, the gentleman from Georgia [Mr. COX].

The CHAIRMAN. The time of the gentleman from Georgia [Mr. RAMSPECK] has expired.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in supporting the amendment offered by the gentleman from South Dakota [Mr. CASE], I welcome one of the first opportunities that I have had to cast my vote against the rising tide of bureaucracy that is daily encroaching upon the prerogatives and powers of the people's Congress. I welcome this opportunity, and I hope I will have many more occasions to cast my vote against these bureaucrats who are day by day destroying the people's rights with the excuse that they are justified in so doing because they are doing it to win the war. I question very much whether using iron-handed tactics such as the Federal Communications Commission has used over individual and separate radio stations, in choking off free expression as they have done on numerous occasions, is contributing very much to winning the war.

In my locality, just as in every other section of the country, there is a radio station that I believe is serving the community in a patriotic manner. It has opened its air waves to every call of the Government. It has functioned just as the Federal Government would have

it function, and it has given wide expression to wishes of the Government in helping put on War Bond sales, in making announcements for the Army and the Navy, in giving out uncensored information of all kinds. I submit today that this same radio station of which I speak has every right to conduct its business in a private and individual way. I maintain that the Government has no right to step in and question its patriotism, its right to proceed in an orderly, patriotic manner.

Therefore, I welcome the opportunity today to cast my vote for this amendment. I will welcome any other such opportunities. I hope this is but the beginning of an attempt to place the power where the people originally intended it to be placed, to bring prestige back to the House and the Senate. Heaven knows within the past 2 years, due to the encroachments of these bureaucrats, we have lost plenty, at least with the folks back home, and they are the ones who count.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. EDWIN ARTHUR HALL. I yield.

Mr. HARE. Assuming that the statement of the gentleman is correct, what would happen in case this amendment were adopted and the war would continue beyond July 1 of this year and the communications systems of the world would be free to communicate any message to inform our enemies? Does not the gentleman think there would be chaos in our war program and in our war effort?

Mr. EDWIN ARTHUR HALL. I am informed by the gentleman from South Dakota [Mr. CASE] that nothing will happen before July 1, as far as the continuation of this Commission goes. Furthermore, I would be the first to raise my voice in indignation against the insinuation of any Government bureau that the people in the radio station in my community would be guilty of any unpatriotic act or of disseminating any propaganda over the radio that would in any way obstruct the war effort.

I pledge my vote to this amendment and I welcome the chance to cast it this way.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COX. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I know there are those of you who think I am sometimes too severe, and yet I speak the truth when I say to you that there is not one of you to whom I would not give the coat off my back did I think you were cold.

My position on this amendment is not an easy one. You know that I happen to be a member of a special committee that has been set up to investigate this agency of the Government. For that reason I am not going to appeal to my friends to support the amendment. That is a matter that they will have to determine for themselves without any appeal on my part. I will not under the circumstances vote on this amendment.

I have no brother nor son—no kinsman—who holds a job with the Federal Communications Commission whose continuance in service is dependent upon my support. On the other hand, I have been maligned, blackmailed, and criminally misrepresented by this agency of the Government.

I have expressed my views heretofore and you know what they are. Exception was taken to an observation I made on the floor that the Chairman of this Commission was in the hair of everybody in Washington, and particularly the Army and the Navy. I would have liked it better had the gentleman from Virginia [Mr. WOODRUM] made his statement before I submitted these remarks to you. I think I know that he is this morning armed with a statement furnished by the Secretary of War and the Secretary of the Navy negating the statement that I made the other day. I am wondering if the gentleman from Virginia on Monday, after the colloquy we had on

the floor, communicated over the telephone with Mr. Fly with respect to this matter and if he knows that Mr. Fly appealed to the Secretary of War and the Secretary of the Navy for the statements which I think he holds. And I am wondering too if the gentleman from Virginia [Mr. WOODRUM] happens to know that this Uriah Heep of the Commission brought political pressure to bear upon the Secretary of the Navy and forced into retirement the man who knew more about communications than any other man connected with the Navy, Admiral Hooper?

Now, Mr. Chairman, I am not urging that you take one position or the other; I will say, however, that I do not consider this motion to strike as being a piece of demagogery.

You will remember that at the beginning of this session we talked about the use of the appropriating power of this Congress as a means of repressing the bureaucrats who are governing America at this time. Now, I know this statement is disappointing to some of my friends, and I regret to make it, but I would feel ashamed of myself if I did not manifest sufficient courage and sufficient decency to say something on this subject. I could say more; I could say much more if the proprieties of the moment made it permissible; but I will say this to you: That I am not the only Member of this House who has been criminally maligned and falsely represented by this Commission; there are others I could name, and I could name them now; and if challenged I might do so.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair regrets to inform the gentleman that debate on this amendment has been limited and time allocated. The Chair feels constrained to recognize the gentleman from Virginia. If time remains after the gentleman from Virginia has concluded the Chair will recognize the gentleman from Massachusetts.

The gentleman from Virginia [Mr. WOODRUM] is recognized.

Mr. WOODRUM of Virginia. Mr. Chairman, it may be that because of the great disparity of numbers, that one who tries to defend the action of this subcommittee is crying in the wilderness.

Mr. O'KONSKI. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. O'KONSKI. Where are the Members on the gentleman's side?

Mr. WOODRUM of Virginia. That is what I should like to know. If the gentleman could inform me where they are I should like to know; certainly they are not helping me very much today, I will say to the gentleman.

On a strictly political division of the House awhile ago, strictly political, every Member on the Republican side stood up in support of a motion and every Member on the Democratic side stood up; and there were 84 Republicans and 36 Democrats, I think. I feel that the people should know that, I feel that the Democrats of the country should know that.

But I have got a little bit of a job to do here and I am going to try to do it. First I should like to try to relieve my dear friend from Georgia, because he has been worried as to what I might have said to the Chairman of the Communications Commission and what he might have said to somebody else. Well, I did not call the Chairman of the Communications Commission; I had a clerk call and tell him that it had been stated on the floor of the House that his agency was a detriment to the war effort; and to tell him that if that was so I could not defend it. Mr. Fly replied that he had already gone to the War and the Navy Departments some time ago when the charge was made and that he did not like to annoy them again but that he would enclose me copies of the

letters they had written. This he did, and the gentleman from Georgia is already familiar with them.

I have here, though, Mr. Chairman, a little folder which he sent me, about 12 or 15 sheets. I cannot read them; I cannot put them in the *Record*. Their nature is so highly confidential, so vitally concerned with the heart of the war effort—they are from high-ranking Army and Navy officers, and State Department officials showing the vital, critical work this Federal Communications Commission is doing. I will be delighted, if any Member interested wants to come to my office, to lay them before him and let him read them; and I think he will agree when he sees them that they could not be made public because of their confidential nature.

Mr. TABER. Mr. Chairman, will the gentleman yield? Mr. WOODRUM of Virginia. I yield.

Mr. TABER. It would be possible for the investigating committee to proceed with its efforts and make a report promptly and to have whatever appropriation might be needed for the Commission provided before the first of July. In this way the Appropriations Subcommittee could have the benefit of the work the investigating committee does.

Mr. WOODRUM of Virginia. No; I do not think that position is tenable at all.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. Not for a few minutes: I have but limited time and several very important things I want to say.

Our committee felt there was some duplication in certain of the activities of the Federal Communications Commission and we cut the appropriation over \$400,000 because of the suggestions made by the gentleman from South Dakota, and brought out in the hearings, which showed that some of the work the Communications Commission was doing the Army was doing and had the personnel to do it. We made that cut in the appropriations.

Here is the core of the whole business. If you want to take the responsibility you may do so. The Federal Communications Commission in its monitoring work, in its control of the airways, has to have highly technically skilled, trained personnel, mostly young people, and that is the reason for the high number of deferments in that branch. They have had the greatest difficulty in keeping their people. They have had to get young people, train them, start them at the bottom and work them on up, hence the great number of promotions. They have had great difficulty in keeping this personnel. They are jittery anyway.

Let the Congress today strike out this appropriation and those twelve or fifteen hundred people, who want to work, who want to eat, and who want to serve, not knowing where they are going to be, or when their jobs are going to be cut off, or whether they will have a job after July 1; and I say to you, you have demoralized that agency, you have thrown confusion into the work of this vital, critical agency, and I do not believe any Member of this House ought to be willing to take the responsibility for doing that.

We have an investigating committee, with full powers, a zealous investigating committee, if you please. You and I may rest with the greatest feeling and security that speedily and thoroughly everything about the Communications Commission will be brought to us and the Congress may then take action.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Chairman, I think I have a right to speak on this amendment because I happened to be the chairman of the committee that reported the bill to set up the Communications Commission and was the author of the bill. Before that time there was chaos in communications throughout the length and breadth of the land. The telegraph and telephone business had hardly

been touched by the agencies that were supposed to handle them, the Interstate Commission. The old Radio Commission was devoting a little time to broadcasting and to broadcasting only. It was thought at that time that all communications should come under one commission of the Government. This was done back in 1934.

Now, Mr. Chairman, if the amendment offered by the gentleman from South Dakota should be brushed aside as sheer demagoguery, that would be one thing. If the begging of the question by the gentleman from New York that if the investigating committee reported between now and the first of July were convincing, that would be another thing. I do not appeal to your prejudices or to your passions, and I do not accuse people of demagoguery, but I do want to counsel with your reason, with your reason I repeat, with all the earnestness I can command. A great war is on, the world is aflame and the air is full of propaganda from every conceivable portion of the earth. There is only one agency in the United States of America, let me say to you, that has any control whatsoever over the air of the United States. Do you by your vote at this time want to strike down that only agency?

The CHAIRMAN. All time has expired. The question recurs on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The question was taken; and on a division (demanded by Mr. CASE) there were—ayes 87, noes 162.

So the amendment was rejected.

The CHAIRMAN. May the Chair say at this time, that it is only fair to advise the Members that the Clerk, in the absence of any amendments on the desk and in the absence of any objection from members of the committee, was pursuing the course heretofore followed in the reading of bills.

The Clerk will read.

The Clerk read as follows:

Salaries and expenses, national defense: For all expenses necessary to enable the Federal Communications Commission, without regard to section 3709 of the Revised Statutes, to perform its functions related to national defense, including radio monitoring and foreign broadcast analysis, including all of the items of expenditure for which the appropriation "Salaries and expenses, Federal Communications Commission," is available and not to exceed \$9,000 for salary of Director of the Foreign Broadcast Intelligence Service; not to exceed 56 passenger-carrying automobiles; not to exceed \$50,000 for the temporary employment of persons or organizations, by contract or otherwise, without regard to the civil service and classification laws and, in the case of language or other experts, without regard to any requirements of this act with respect to citizenship, where citizens qualified to perform such work are not available; allowances for living quarters, including heat, fuel, and light (not exceeding \$1,700 for any one person), as authorized by the act approved June 26, 1930 (5 U. S. C. 118a); and printing and binding, \$5,590,314.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 13, line 14, strike out the period, insert a colon and the following: "Provided, That upon the expiration of 60 days after the cessation of hostilities between the United States and the principal enemy powers or after the date of an armistice between the United States and the principal enemy powers, this appropriation shall cease to be available for obligations unless Congress shall otherwise provide by law."

Mr. WOODRUM of Virginia. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The amendment was agreed to.

Mr. DWORSHAK. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DWORSHAK: Page 13, line 4, strike out "\$5,590,314" and insert "\$5,384,154."

Mr. DWORSHAK. Mr. Chairman, this amendment simply proposes to eliminate \$206,160 which has been provided in the bill for the use of the war-problems division of the law department of the Federal Communications Commission. Unlike the amendment which has just been disposed of, I do not believe there will be much opposition or controversy over this proposed amendment. I believe the subcommittee which has considered this bill probably will be inclined to support my amendment. In proof of that assertion I quote one paragraph of the committee's report:

The committee calls attention to the provisions in the bill providing \$206,160 for a war-problems division under the law department. The committee has not eliminated these funds because they are requested as a national defense measure, but it does regard the value of such projects with some skepticism and recommends that the Commission carefully consider the desirability of discontinuing them.

Mr. Chairman, I think it is our responsibility, not that of the Federal Communications Commission, to determine whether this particular division shall be continued or discontinued.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. DWORSHAK. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Was any attempt made by an official of the Commission to justify this appropriation?

Mr. DWORSHAK. Yes. The officials pointed out in the hearings that this new War Problems Division was created early in 1942 to take care of the peculiar problems arising because of our participation in the war. However, the normal functions of the law department certainly can be carried on and expanded in wartime. The hearings disclosed that normally the law department employs 56 attorneys. The War Problems Division has 15 attorneys and 8 other employees.

I call attention to the fact that while it has been said that the proposed funds for this Commission have been cut by \$479,686, that is only reduced from the Budget request; and even with the adoption of my amendment this bill carries more than the amount provided during the current year for the operation of this Commission.

May I stress the point that for the regular activities of this Commission \$2,000,000 is provided, and that under the heading of national defense activities more than \$5,000,000 is provided, so that with the adoption of my amendment no effort will be made to interfere with or frustrate the work of the Commission insofar as the war program is concerned.

Much has been said about duplication; that it is time to eliminate 1,000,000 Federal employees of the 3,000,000 now on the pay roll. The only way we can retrench is to retrench. It seems to me this is an evidence of the good faith of Congress in serving notice upon these commissions that existing peacetime personnel should be re-adjusted and utilized to the fullest extent, so that the emergency activities arising from our participation in the war can be carried on successfully and efficiently.

I do not want to interfere with the operation of this Commission, but I believe it is time to consider the serious aspects of the manpower problem now confronting our country.

I ask the Committee at this time to support this amendment, which eliminates only \$206,160 for a war-problems division. Let us serve notice that the regular law department of the Federal Communications Commission should carry on effectively.

Mr. WOODRUM of Virginia. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Chairman, I direct the attention of the Committee especially to the fact that this is a part of the national-defense program of the Federal Communications Commission, a particular appropriation for that purpose, not a part of their regular activities.

The War Problems Division, a very small unit, with a small amount of money involved, was set up by the Federal Communications Commission at the request of the Board of War Communications, which is composed of representatives of the Army, the Navy, the State Department, the Marine Corps, and the other agencies interested in communications. It has to deal and it is the only agency having to deal with the broad subject of international communications, the priority of war communications, the sufficiency of telegraph and telephone communications, and the various and sundry complicated legal questions that arise.

When we are establishing and maintaining this intensive network of international communications which are brought about by this war effort, as our committee says, we felt and we suggested that the Federal Communications Commission ought to survey it carefully to see whether it is necessary. They say it is necessary. The War Communications Board says it is necessary. The Army and the Navy say it is necessary. It is a small item, and I believe we ought not now to delete it and deprive them of the functions of that activity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. DWORSHAK) there were—ayes 76, noes 99.

So the amendment was rejected.

The Clerk read as follows:

National defense activities: For all necessary expenses (excepting printing and binding) to enable the Federal Power Commission to perform additional activities in connection with the national security and defense, including activities under the provisions of the Federal Power Act, activities under Executive Order No. 9165, dated May 19, 1942, and activities for the protection of the electric power supply against hostile acts, such expenses to include all items of expenditure for which the appropriations under the heading "Salaries and expenses, Federal Power Commission," are available, \$519,255: *Provided*, That the Commission may make expenditures in addition to the foregoing, for duties connected with the national security and defense from other appropriations available to it.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 14, line 21, strike out the period and insert a colon and the following: "*Provided*, That upon the expiration of 60 days after the cessation of hostilities between the United States and the principal enemy powers or after the date of an armistice between the United States and the principal enemy powers, this appropriation shall cease to be available for obligations unless Congress shall otherwise provide by law."

Mr. WOODRUM of Virginia. I have no objection to the amendment, Mr. Chairman.

The amendment was agreed to.

## COX INVESTIGATION

The House on Thursday approved the Cox resolution (H. Res. 122) asking for an appropriation of \$60,000 to carry on his investigation of the FCC. The Resolution

which has been referred to the House Committee on Accounts is as follows:

"That the expenses of the study and investigation by the select committee created by H. Res. 21 not to exceed \$60,000, including expenditures for the employment of clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee conducting such investigation and study or any part thereof, signed by the Chairman of the committee and approved by the Committee on Accounts.

"The official stenographers to committees may be used at all hearings held in the District of Columbia unless otherwise officially engaged."

## Labor

### 48-HOUR WEEK

If usually well-informed sources are correct, smaller radio stations in the 32 "labor shortage areas" will not need to institute the 48-hour week ordered last week by President Roosevelt (NAB REPORTS, p. 55).

The War Manpower Commission has not yet issued its rules and regulations for administering the Executive Order, and nothing definite can be said until these come out, probably next Tuesday.

However, it is said that these rules will exempt not only employers of less than eight but also *groups* of employees when putting such groups on a longer work week would not enable an employer to release manpower.

If this is true, a station now getting along with four or five technicians on a 40-hour week would be allowed to continue this schedule if it could show that lengthening the work week to 48 hours would not permit the release of a technician.

It would be well for every station in the labor shortage areas to canvass each department—technical, program, clerical, etc.—to see whether the institution of a 48-hour week would permit the release of any employees. If not, why not? Each station may be required to answer this question.

### TWO RATES OF PAY

A few stations have employees who work at two different rates of pay during the week. In the past, the Wage and Hour Division has required computation of the overtime rates by dividing total earnings at the two rates by total hours at the two jobs, and multiplying the result by one and one-half. Now the Wage and Hour Division says that one and one-half times the rate in effect when the overtime occurs is acceptable. Please make a note of this change on page 7 of your green Wage and Hour pamphlet.

### FARM RADIO BATTERIES

The farm battery situation this month received the attention of legislators, both state and national.

The North Dakota legislature has memorialized the Congress of the United States appealing for relief and Representative Karl Stefan of Nebraska discussed the problem in the House.

Said Representative Stefan:

If conditions that exist in northeast Nebraska respecting the procurement of radio batteries are general throughout the United States, thousands of radio listeners who must depend upon battery receiving sets will be cut off from valuable radio service.

Hundreds of owners of battery receiving sets in northeast Nebraska cannot get batteries. One radio station has told its listeners that because zinc is needed so badly for war purposes it may be impossible for them to get batteries,

and as a result a great many letters have been received indicating that large numbers of radio receiving sets have already been put out of use.

There are hundreds of families in my district who do not have electricity. Many of them have applied for R.E.A. hook-up. In some parts of my district the poles, insulators, and transformers have been installed, but, due to the inability to get copper conductors, these projects must wait over until after the war for completion. This means that hundreds of people who have planned to convert their battery receiving sets to electric-powered sets will have to rely on battery sets for the duration.

A very great number of families that depend solely on radio for news and information are threatened with the discontinuation of this service because they can get no batteries, and the result will be that radio stations will lose thousands upon thousands of listeners.

There are many farmers in my district who do not take newspapers, who do not have telephones, and who have depended entirely on radio for news about livestock markets, and so forth.

One radio station in my district made a survey a few days ago and received over 300 letters from owners of battery receiving sets. Out of the first 234 tabulated, the report is that in a very small area 384 radio sets are now out of use or soon will be. Forty listeners mentioned the time that their machines have been out of use as follows:

One, 6 months  
Four, 5 months  
Eight, 3 months  
Twenty-five, 2 months  
Two, 2 weeks

Radio is a valuable and absolutely necessary part of the life of the people of my district. The people there are most patriotic. They have sent their sons to war. With less than the needed amount of farm help, they have produced a record-breaking amount of food. They are preparing to follow the suggestions of our Government to plant more and more in order to raise more crops, and to produce more meat to feed our fighting men, our allies and our own civilian population. The work of our farms will be more important than ever before in the history of our country during the coming planting time and the time when harvest approaches. The farmer, his wife, and children are and will continue to be the busiest people in our land. They will work from the early dark hours of the morning until far into the night without regard to minimum hours or minimum wages. Their time is just as precious as is the time of the factory or the office in the cities. They must depend upon information about condition of roads, weather, markets, and so forth, which is so vitally important and necessary to keep the farm business going. These farmers have conducted their business in spite of the fact that they face this labor shortage and have faced a shortage of farm machinery and repairs for that machinery. Many of them would like to have their farms electrified through the extension of R.E.A., which had to be curtailed because we could get no more copper and other material for projects, even those partially completed. Now, hundreds of them have a just complaint because they cannot get a battery to keep the medium of information—the radio receiving set—in condition to get the valuable reports which are so necessary to keep the farm fully informed on conditions as they exist in our country and elsewhere, the progress of the war, markets, and weather and road conditions. These farmers listen carefully to the Government-planned programs on drives for the sale of bonds and other matters so vital for the successful prosecution of the war. They invest heavily in bonds and the Treasury Department is largely dependent upon the information which the radio stations broadcast regarding the bond sales and other matters. Should the radio stations lose hundreds of thousands of listeners because these listeners can no longer get batteries for their receiving sets, our Government departments that depend upon the radio stations to furnish that information to these listeners, will lose, in my opinion, thousands of supporters of their programs and, as a result, the war effort will be the loser.

You may be interested to know that the Treasury De-

partment, in its war savings program publicity, does not pay anything for radio announcements and radio programs which the stations use. The Department has prepared radio announcements and there is a little printing expense, but the radio stations have not charged the Government 1 cent for millions of dollars' worth of free publicity which has gone to our people over many of these stations.

I am not prepared to say that zinc or other materials which go into the construction of a radio battery are so scarce that we must now discontinue service for the people who have no means of receiving absolutely necessary news over the radio other than battery receiving sets. I feel that the situation is so serious that immediate attention should be given to it in order that something be done, if that is at all possible, to give these people some immediate assistance. If some assistance could be given to them now. I am sure that we will not only be aiding them to continue to receive the radio service to which they are entitled, but we will be doing a service to our war effort by keeping thousands of people fully informed, whereas, if the service is discontinued, our Government will lose the attention of some of the most patriotic people in our land. Do not forget that a radio receiving set is almost as necessary on a farm today as is a plow.

NAB supplemented its basic information on the subject through the cooperation of the industry, other civilian groups and several Government agencies. Final requests for information from broadcasters was made in NAB REPORTS of January 22 and February 5.

Procedure for preventing the situation becoming acute follows the pattern employed when broadcast equipment was involved.

## TECHNICIAN TRAINING

A substantial number of men and women are now employed in the industry who hold restricted operator permits. Many of them have only a very limited technical knowledge of radio, but are anxious to improve their usefulness through spare time study. Chief engineers and other experienced technical personnel can be very helpful in directing this study effort.

Several recent government publications, used in vocational training of war workers, are suggested for this purpose.

1. "Unit Course, Mechanic Learner—Radio," used in training civilian personnel of the U. S. Army Signal Corps. This publication may be obtained from the printer, John Spencer, Inc., Chester, Pa., at \$1.35 per copy, f.o.b. Chester. The course comprises 380 pages of extensively illustrated lessons. Described are mechanical operations, such as soldering practices, soldering wires to terminals, cable forming, hardware used in radio work, drilling and tapping, chassis fabrication, use of the multimeter, resistance and continuity checking, testing tubes, capacitor testing, removal and reinstallation of components from radio chassis and coil repairing.

Descriptive material covers power supplies, audio oscillators, Hartley oscillators, resistance coupled oscillators, radio frequency amplifiers and simple receivers.

The course is particularly recommended for training broadcast station maintenance personnel and home receiver service men. Only limited electrical knowledge is necessary to absorb the instructions.

2. The New York State Education Department, in cooperation with the U. S. Office of Education, has prepared a series of monographs. These publications comprise a laboratory course, well suited to the training of technical personnel for broadcast stations and radio service work, who lack even an elementary knowledge of electricity. The courses do not prepare the student for FCC operator examinations, but are useful in acquiring a good general background of radio fundamentals. The laboratory experiment type of presentation is used throughout the courses.

Each of these monographs present a suggested course dealing with basic principles. The training supervisor should select from these monographs those units and lessons which fit the needs of the individual student, and omit or modify the other portions of the course.

It is suggested that study be in the order listed below.

(a) "Direct Current Fundamentals," 245 pages, price \$1.35.

(b) "Alternating Current Fundamentals," 164 pages, price \$1.25.

(c) "Measurements," 108 pages, price \$.90.

(d) "Fundamentals of Radio Receivers," 320 pages, price \$1.50.

(e) "Electronics," 148 pages, price \$1.10.

This series of publications is obtainable from the New York State Education Department, Albany, New York. Prices indicated are postpaid.

Station engineers can assist radio service organizations by passing this information along to individuals interested in training men and women in the servicing of home receivers.

## FLY COMMENTS ON STATIONS' FINANCIAL CONDITION

The results of the 1942 preliminary survey of financial conditions of the broadcast stations are about roughly what the Commission had expected, FCC Chairman James Lawrence Fly told a press conference early this week. There are still a sizable number of stations that failed to get in the returns on this series of questions, the Chairman said.

"The results of this survey," the Chairman said, "are so far roughly about what we expected. 1942, due to the various stimuli in most of the communities, and due further to the fact that the restrictions had not had their full impact during the major portion of the year was on the whole a pretty good year. We are fearful that 1943 and 1944 are likely to be much worse for very obvious reasons."

Mr. Fly said that a handful of stations folded up; six or eight of them have surrendered their licenses, and there have been other possibilities of surrendering licenses, but the number that have lost money recently, "have been pushed into the red due to the present conditions is to date not a startling number. I think it is however obviously a very significant problem and something that we must do whatever we can to alleviate."

Questioned about the Petrillo suggestions for royalties Mr. Fly said that he did not feel competent to pass on the merits of the proposal. He said that he believed as a practical matter that the industry ought to be careful "in any potentiality, to be practical in settling the whole difficulty, and I should be very reluctant to say that it should not be given serious consideration. It is conceivable that something could be worked out of it, or in any event that a good faith attempt to settle the matter around the table will lead to some form of arriving at a satisfactory settlement."

## NETWORK RULES ARGUMENT

Continuing the argument before the Supreme Court last week on the validity of the FCC's chain broadcasting regulations, E. Willoughby Middleton, attorney for Stromberg Carlson Mfg. Co., licensee of WHAM, relied on the legal points made by Mr. Cahill for NBC, and introduced two others: (1) the intimation by the trial court that the affiliated stations considered their affiliation contracts burdensome was wrong so far as his client was concerned, their contract being "entirely satisfactory and in fact one of our most valuable assets"; and (2) WHAM had never had its day in court on the question of the validity of its

affiliation contract, the FCC's announcement having indicated only an investigation of the networks and not the affiliation contracts.

Charles Fahy, Solicitor General, argued the case for the FCC. Admitting that the parties to the Commission's investigation were entitled to a full hearing, he contended that such had been the case. Nothing in the Constitution, he said, required a full hearing to be had before a court.

Arguing to Mr. Cahill's point that the regulations would abridge the right of free speech guaranteed by the First Amendment to the Constitution, Mr. Fahy declared that nothing in the regulations would deny any person the right to say whatever he might say under the First Amendment, or deny any radio station the right to rebroadcast any such statement. No restraint of free speech was intended or will be effected by the regulations, he averred.

Ample statutory authority exists for the regulations, he said, under the Communications Act which authorizes whatever regulations may be necessary in the public interest, excepting only those expressly prohibited by the Act.

Referring to Section 311 of the Act, the Chief Justice inquired what section empowered the Commission to revoke a station license in the absence of court adjudication that the licensee was guilty of a violation of the Sherman Act. The Solicitor General replied that the Commission has power to consider monopolistic practices under its power to determine what is in the public interest, and cited the legislative history of the Act in support of his contention.

Charles E. Hughes, Jr., representing CBS, argued that the trial court seemed to rely neither on the Commission's rule-making power nor on its licensing power, but rather on the two powers together. These two powers are separate and distinct, Mr. Hughes declared, and a decision based upon a loose integration of the two in order to support the Commission's authority is not a valid basis for affirmance of the regulations.

Mr. Justice Jackson, referring to Section 303(i), which empowers the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting," asked: "What does Section 303(i) refer to unless it refers to relations between radio stations and network chains?"

"If you read 303(i) alone," Mr. Hughes replied, "the question is raised 'special regulations as to what?' The Commission has authority to make a wide variety of general regulations. The only conclusion is that that power means regulations of the same general type as authorized elsewhere in the Act but applicable only to chain stations rather than being applicable generally. The Government's construction of the Act that this section means something completely dissimilar from other associated provisions of the Act is offensive to all recognized rules of statutory construction."

As to the validity of the regulations under the Commission's licensing power, Mr. Hughes argued that it was beyond the authority of the Commission to follow such inflexible rules as to selection between applicants for facilities. The licensing power, he maintained, was given for the sole purpose of selecting the most competent operators in view of the physical limitations on radio service, and was not intended to be used as a threat to force stations to comply with the Commission's views as to how the business of broadcasting was to be conducted.

Mr. Justice Frankfurter asked if it would make any difference if the Commission came to the same conclusion on similar facts in an individual case. "Yes, a great difference," Mr. Hughes replied. "Whether these competitive facts can be considered in individual applications need not be decided here, but there can be no single controlling test as the one contained in these regulations."

Mr. Fahy, again arguing for the FCC in the CBS case, stressed the point that if the Commission can consider competition in individual cases, it must have the power

to promulgate general regulations on the basis of its experience in passing on individual cases. Such a general rule is beneficial both to the administration of the Act and to the radio industry, he maintained, for the stations will know in advance what the Commission's policy will be with regard to license applications.

Louis G. Caldwell, representing MBS, maintained that the obvious purpose of the Radio Act of 1927 and the Communications Act of 1934 was to guard against monopolies, chiefly the development of chains driving out local programs and controlling local stations. He argued that under the regulations the networks could still obtain options and engage in chain broadcasting, but that they could not keep new networks out of the majority of the cities in the country.

Both NBC and CBS presented motions at the outset seeking a stay of the operation of the regulations for ten days after the court's decision in the event the case should be decided in favor of the Commission. The motions were unopposed. It is expected that the decision of the court will be handed down late next month or early in April. Conclusion of the argument marks the final opportunity in court for NBC and CBS to overthrow the regulations, unless the Supreme Court remands the cases to the statutory three-judge court for trial on the merits.

### FREE TIME AND PER INQUIRY

Newby, Peron and Flitcraft Advertising Co., Chicago, is soliciting broadcasting stations with a deal for the "Parfax Gas Booster" on a per-inquiry basis.

The United Advertising Companies, Inc., Chicago, again joins the P-I caravan, this time in the interests of a client selling drinking glasses, and another offering "Money Belts."

Union Fork and Hoe Company, Columbus, Ohio, is attempting to "favor" the broadcasting industry by giving them the privilege of donating free time, as a service to the nation's Victory Gardeners, to promote the company's manual on tool repairs.

All of these companies should be informed by the stations that these methods of advertising are unethical and business will be accepted only on a standard card-rate basis.

### CHARLES KAHLER

Any station desiring information about Charles Kahler, alias Dale Tyler, Charles Bennett or Ben Mason should communicate with the NAB. He has been on the Pacific Coast.

### PRICE PRAISES RADIO

In a letter to Vice-President Wallace and Speaker Rayburn this week, Byron Price, Director of Censorship, praised the cooperation of the broadcasting industry with his office.

He said that "the entire group of large and small broadcasters have cooperated magnificently in this voluntary endeavor."

### CODE MANUAL

New pages for substitution in the Code Manual were mailed to member stations on Tuesday of this week. Extra sets of these new pages may be obtained on request to the Secretary of the Code Compliance Committee at NAB Headquarters, Washington, D. C.

### WBAP AND KGKO JOBBERS COOPERATE

WBAP and KGKO, Fort Worth, and radio jobbers of same city cooperated in bringing information and instruction concerning occupational deferment of radio servicemen to the service fraternity.

The stations paid for the printing of the material and the jobbers did the mailing. "A good mutual proposition," said R. C. Stinson, technical supervisor. "Jobbers and servicemen both appreciated it."

### N. Y. C. JOBBER TELLS SERVICEMEN

H. L. Dalis, Inc., radio parts jobber, New York City, next week will mail 1,500 copies of the procedure to be followed by self-employed radio servicemen or their employers in handling deferment cases. The mailing covers firms in metropolitan New York including southern Connecticut and northern Jersey.

### WALL MAINTENANCE PROGRAM

WALL, Middletown, N. Y., has scheduled a 3 p. m. Sunday program featuring Joe Gibbons, local radio technician. Joe gives radio set maintenance hints and is supported with excellent amateur talent. Show is titled "Keep Listening."

### TRADE PAPER PROMOTES SERVICE

Alex H. Kolbe, managing director, Radio & Television Journal, has launched a promotion to the trade in furtherance of keeping radios in first-class operating condition. He has distributed thousands of two color window posters among dealers and servicemen.

Top display reads: "Don't Let Your Radio Die!" Then follows: "If your radio is not in first-class condition, have our service department take care of it at once . . . and keep it so for the duration."

### FEDERAL LEGISLATION

#### SENATE

S. 569 (Capper, R-Kans.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes. Referred to Committee on Interstate Commerce.

### STATE LEGISLATION

#### ARIZONA:

S. 104 (Minotto) ADVERTISING EXPENSES—CANDIDATES—To exempt from limitations of expenditures by public office candidates the amounts spent for magazine and radio broadcasting.

#### CALIFORNIA:

A. 1311 (Thurman & Call) ADVERTISING—PHOTOGRAPHY—No person's portrait, name, or picture can be used for advertising or exhibit without obtaining permission from the individual first. Referred to Judiciary Committee.

A. 1824 (Lyons) (For Substitution) FOOD AND DRUGS—To amend Section 26825 and 26826 of the Health and Safety Code, so as to include food. Referred to Committee on Public Health.

#### IDAHO:

S. 55 (Hanis and Manville) ADVERTISING OF LIQUOR—Amends Section 907, Chapter 222 Idaho Session Laws 1939 prohibiting advertising of spirituous, vinous malt or other alcoholic or intoxicating liquor or beverages and providing an exception. Referred to Committee on State Affairs in Senate, 1.23/43. Passed the Senate, 2/3/43. Referred to Committee on State Affairs in House, 2/5/43. Reported out of Committee without Recommendation, 2/6/43 and recommitted to Committee on State Affairs, 2/8/43.

#### NORTH CAROLINA:

H. 373 (Hatch et al) LIBEL AND SLANDER—RADIO STATIONS—Partially safeguarding radio stations from



libel and slander suits. Referred to Committee on Judiciary.

**NORTH DAKOTA:**

HCR R (Dahlen & Forseth) **RADIOS ON FARMS**—Memorializing U. S. Congress to lift restrictions on batteries for radios on farms. Referred to Committee on Federal Relations.

**SOUTH DAKOTA:**

H. 163 (Hyde) **LIBEL—POLITICS**—Relating to the writing, printing, or circulating through the mails, or otherwise, of letter, circular, bill, placard, or poster, relating to any election or candidate at any election, without showing source and authorship; false statements in such letter, circular, bill, placard or poster; what constitutes political criminal libel.

**TEXAS:**

H. 290 (Knight) **RADIO—ELECTION CAMPAIGNING**—Providing that any representative, etc., of any radio station who sells, leases, or gives an option on any radio time or services for any purpose designed to advance or defeat the candidacy of any person for State office, must make a report within three (3) days to the Secretary of State, etc. Referred to Committee on State Affairs.

**WASHINGTON:**

HJM 8 (Behm) **ALCOHOLIC BEVERAGES—ADVERTISING**—To prohibit circulation in interstate commerce and on the radio of advertising of alcoholic beverages. Referred to Committee on Memorials.

S. 205 (Marsh) **COPYRIGHTS—GROSS SALES**—Repeals chapter 218, laws of 1937. Relates to use of copyrights and public performance rights of musical compositions. It leaves a three per cent tax on gross receipts of sales.

**916 STATIONS**

During the month of January, 1943, the Federal Communications Commission issued operating license to one station, and one station was deleted. A comparative table by month follows:

	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1
Operating	891	893	897	899	906	906	905	905	907	909	908	909	909
Construction	32	31	27	25	18	19	16	15	12	10	10	8	7
	923	924	924	924	924	925	921	920	919	919	918	917	916

**FEDERAL COMMUNICATIONS  
COMMISSION DOCKET**

**HEARINGS**

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 22. They are subject to change.

**Tuesday, February 23**

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license, 680 kc., 250 watts, unlimited.

**Thursday, February 25**

WORK—York Broadcasting Company, York, Pa.—Modification of C. P., 1350 kc., 1 KW, DA-night, unlimited.

Further Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license Station WALB, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., 1550 kc., 1 KW, DA-night, unlimited.

**Friday, February 26**

W55NY—William G. H. Finch, New York, N. Y.—Modification of C. P., 45500 kc., 8,500 sq. miles, unlimited.

**FEDERAL COMMUNICATIONS  
COMMISSION ACTION**

**APPLICATIONS GRANTED**

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted modification of license to change hours of operation from sharing WASH to unlimited with facilities of WASH (B2-ML-1152).

KTBC—A. W. Walker, Jr., R. B. Anderson, and R. A. Stuart, Transferors, and (Mrs.) Claudia T. Johnson, Transferee, Austin, Texas.—Granted transfer of control (B3-TC-316) of State Capital Broadcasting Association, Inc., licensee of station KTBC, from A. W. Walker, Jr., R. B. Anderson and R. A. Stuart to Claudia T. Johnson, for a consideration of \$17,500 in cash.

WORK—York Broadcasting Co., York, Pa.—Granted petition for reconsideration of Commission's action of July 7, 1942, designating for hearing application for modification of construction permit (B2-MP-1560), to install new transmitter, and granted said application.

**DESIGNATED FOR HEARING**

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, co-partners, d b as Red Lands Broadcasting Corp., Lufkin, Texas.—Designated for hearing application (B3-R-962) for renewal of license.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, co-partners, d b as Red Lands Broadcasting Association (Assignor), Darrell E. Yates (Assignee), Lufkin, Texas.—Designated for hearing application (B3-AL-355) for voluntary assignment of license from Ben T. Wilson, R. A. Corbett and Thomas W. Baker, etc. (Assignor), to Darrell E. Yates (Assignee).

**MISCELLANEOUS**

KQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted petition for a 30-day continuance of the hearing set for February 15, 1943, on application for modification of license to operate on 1470 kc., with 1 KW day, 500 watts night, unlimited time; hearing continued to March 15, 1943 (Docket No. 6166).

The Liberty Life Insurance Co., Portable Mobile, Area of Columbia, S. C.—Granted modification of license of relay station to change name of licensee from The Liberty Life Insurance Co. to Surety Life Insurance Co. (B3-MLRE-110).

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1489).

WEGO—Wayne M. Nelson, Concord, N. C.—Granted modification of construction permit as modified, for new broadcast station, for extension of completion date from February 9 to March 9, 1943 (B3-MP-1697).

WBAL—Hearst Radio, Inc., Baltimore, Md.—Approved cancellation of Special Service Authorization expiring April 1, 1944, upon request of applicant.

**APPLICATIONS FILED AT FCC**

**570 Kilocycles**

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-2547 as modified).

which authorized increase in power, installation of new transmitter and directional antenna for night use, and change hours of operation) for extension of completion date from 3-1-43 to 4-1-43.

#### 600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814 as modified which authorized installation of new equipment and directional antenna for day and night use, change of frequency, increase in power and move) for extension of completion date from 3-22-43 to 6-22-43.

#### 710 Kilocycles

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Modification of construction permit (B3-P-3355 as modified which authorized change in frequency, increase in power, installation of new transmitter and directional antenna for night use, and move of transmitter) for extension of completion date from 3-5-43 to 5-5-43.

#### 930 Kilocycles

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Transfer of control of licensee corporation from Frank Falknor and Rex Schepp to Donald Flamm (50 per cent of stock).

#### 1410 Kilocycles

WEGO—Wayne M. Nelson, Concord, N. C.—Modification of construction permit (B3-P-3007 as modified which authorized new broadcast station) for extension of completion date from 2-9-43 to 3-9-43.

#### 1490 Kilocycles

WSAP—Portsmouth Radio Corp., Portsmouth, Va.—License to cover construction permit (B2-P-3097 as modified) for a new broadcast station.

WSAP—Portsmouth Radio Corp., Portsmouth, Va.—Authority to determine operating power by direct measurement of antenna power.

WOSH—Howard H. Wilson, Oshkosh, Wis.—Voluntary assignment of license from Howard H. Wilson to Oshkosh Broadcasting Company.

### MISCELLANEOUS APPLICATIONS

KEJK—National Broadcasting Co., Inc., Portable-Mobile, Area San Francisco, Calif.—Construction permit to install new transmitter.

KNBC—National Broadcasting Co., Inc., Portable-Mobile, Area San Francisco, Calif.—Construction permit to install new transmitter and reduce power from 100 watts to 75 watts.

NEW—The Crosley Corporation, Mason, Ohio.—Construction permit for a new International Broadcast Station. Frequencies 6080, 9590, 11710, 15250, 17800 and 21650. Power: 200 kilowatts. Emission: A3.

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## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### COMPLAINTS

The 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.

**Bausch & Lomb Optical Co.,** Rochester, N. Y., is charged in a complaint with misrepresenting the superiority of the Orthogon type of spectacle lenses it manufactures for resale by dealers, opticians and optometrists. (4903)

**Couway Tailors**—Use of lottery methods in the sale of men's clothing is alleged in a complaint issued against Ben Cottonbrock, trading as Conway Tailors, 434 Elm St., Cincinnati. (4910)

**Freedom Chemical Co., Inc.**—Misrepresentation of the quality and performance of a so-called anti-freeze solution designated "60 Below" is alleged in a complaint issued against Freedom Chemical Co., Inc., 815 Superior Ave., East, Cleveland, Ohio. The preparation is sold by the respondent to jobbers, garages and service stations for resale to the public and is advertised in newspapers, trade journals, pamphlets and circular letters. (4905)

**Hollywood Film Studios,** 7021 Santa Monica Boulevard, Hollywood, is charged in a complaint with misrepresenting the quality of photographic enlargements he sells and the terms on which they may be obtained. (4902)

**Master Laboratories, Inc.,** 27th and N Streets, Omaha, Nebr., compounding and selling hog and poultry medicinal preparations designated "Master Liquid Hog Medicine," "One-Shot Hog Wormer," "Master Floresine," "Master Fluid," "Master Liquid Poultry Medicine," and "Masterol" recommended for use in the prevention of and treatment for various hog and poultry diseases and ailments, are charged in a complaint with misrepresentation. (4908)

**H. L. Robinson Company**—A complaint has been issued charging Hubert L. Robinson, trading as H. L. Robinson Co., 1447 Northwest Sandy Blvd., Portland, Oreg., with concealing the true terms or conditions under which he sells or leases the Neon display signs he manufactures. (4906)

**Superior Hatchery,** Windsor, Mo., engaged in the hatchery business and in the sale of chickens and baby chicks, is charged in a complaint with misrepresentation. (4909)

### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

#### STIPULATION

During the past week the Commission has announced the following stipulation:

**Allied Laboratories, Inc.,** also trading as Pitman-Moore Co., Indianapolis, has entered into a stipulation to cease and desist from misleading advertising in connection with the sale of biological products used in the treatment of diseases of domestic animals. (3608)



1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 9, February 26, 1943

## 48-HOUR WEEK

The War Manpower Commission will consider the possibility of issuing a directive about radio to its local enforcement officials and to local draft boards relative to the 48-hour week to take effect in 32 "critical" labor shortage areas before March 31.

Meantime, the NAB is making a study of working schedules in representative stations in several of the 32 areas to present to the WMC. The NAB believes that this study will show that an increase in present schedules would in few, if any, instances help to relieve the manpower shortage.

The NAB Labor Executive and Wage and Hour Committees, at a joint meeting February 23, heard a representative of the WMC explain the dual purpose of the 48-hour week order:

- (1) To release men to war industries.
- (2) To obviate the necessity for hiring more men.

The order is to be enforced locally. In all cases, the employer will be called upon to justify not going to a 48-hour week. To do this, he will be asked to explain in detail why the two purposes of the order (stated above) would not be served by increasing schedules to 48 hours.

Rules and regulations for enforcement of the order have not yet been made public.

## SMALL STATIONS

At a press conference early this week FCC chairman James Lawrence Fly said that he will see that the financial statement of broadcast stations for 1942 will be made public. In this connection the chairman said, "As you know the material has come in from week to week more recently in dribbles and I am rather convinced that before we get out any definite statement we will consider the regular annual reports. They will be in very shortly now and they will give us a very comprehensive coverage of the whole problem, and I think that the financial figures which we make up will be based on the regular financial reports of the stations." He explained this because it had been thought at one time that a preliminary report would take care of early needs. Mr. Fly said that the stations' annual reports are generally all in by March 15.

Referring still to the financial reports the chairman was told that there seems to be an idea among some advertisers that the financial plight of some of the small stations is not particularly a war problem—that they have been in financial straights for some time. Mr. Fly said that he did not believe that that "is quite accurate."

## CONGRESSIONAL COMMITTEES

The membership of the Congressional committees to which bills affecting radio broadcasting are referred are listed on page 88 of this issue. For convenient reference, the various members are also listed by States within the NAB Districts.

## GAS COUPONS

Effective February 24, workers in any industry are made eligible by OPA for additional mileage over and above the limit allowed on Class B coupon books. The additional mileage is ONLY for driving between home and a FIXED place or places of work in connection with the principal occupation of the individual.

The procedure is to apply to the local War Price and Rationing Board under Section 1394.7707(a) of the Gasoline Regulations as amended by Amendment 23 to Ration Order 5C.

Paragraph (b) of that section provides that an applicant for such additional mileage must establish "by clear and convincing proof" that: (1) such driving is between home and a fixed place or places of work, in connection with the principal occupation of the applicant or the person entitled to the use of the vehicle, (2) a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement exists but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and (3) there are no reasonably adequate alternative means of transportation.

If the local Rationing Board recommends allowance of additional mileage, it forwards the application to the "State Director" for final decision. The State Director is the person appointed by the Regional Administrator to decide appeals from the decisions of local rationing boards in a given area. Any person may appeal to the Regional Administrator from an adverse decision of the State Director, pursuant to Procedural Regulation No. 9.

## GAS FOR REMOTES

An amendment to the Gasoline Regulations to allow "preferred mileage" for radio engineers and technicians on temporary remotes may be expected any day, NAB is unofficially informed. Network engineers and Washington, D. C., station men met on January 29 with Richard C. Harrison, OPA Chief of Eligibility, Gasoline Rationing. Strong pleas for relief were made, the actual equipment that may be involved was exhibited, and supporting data was filed.

Present were: Ken Berkeley, WMAL; Burton Harkins, WOR; Clyde Hunt, WJSV; George McElrath, NBC; George Milne, Blue; and Russell P. Place, NAB Counsel.

## FILE PD-1A'S LOCALLY

Another long step in the decentralization of War Production Board activities was made public today, when Chairman Donald M. Nelson announced a new WPB administrative order which directs that, after March 1, applications for priority assistance on Form PD-1A be filed with the nearest of the 131 WPB district offices.



THE NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W.

WASHINGTON

Phone NAtional 2080

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

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## STRESS MATTER OF APPEAL IN CONTACTS WITH RADIO REPAIRMEN

A meeting of St. Louis radio repairmen in the studios of KMOX has been scheduled by Harry Harvey, chief engineer. The NAB folio on Selective Service Occupational Bulletin No. 42 will be distributed.

At such meetings the matter of appeal should be discussed thoroughly because all local board members previously may not have given thought to the importance of maintaining broadcast service.

It is simple, however, to appeal the findings of the local board: Perhaps the simplest way is to write a letter to the local board, stating that you wish to appeal the classification to the Board of Appeals.

Another way is to go to the local board and sign the appeal form on the back of the registrants questionnaire. Ten days from date of mailing of notice of classification are allowed to make appeal. Also, it should be pointed out to radio servicemen that they must use the term radio repairman to indicate their business, because this is the language of occupational Bulletin No. 42.

## IS THIS BELIEF CORRECT?

Radio Station WOW believes it carries the oldest non-denominational Sunday church service of any radio station in America. It is called "The World Radio Congregation" and has been on the air every Sunday, without a single interruption, since April 8, 1923. Rev. R. R. Brown is its pastor.

Has any station anywhere broadcast an identical type of program over a longer period? Write NAB.

## CLARIFICATION OF MERCHANT MARINE TERMS

Such terms as "Merchant Marine," "United States Maritime Service" and the "United States Maritime Commission" are frequently manhandled on radio programs and in the press.

UNITED STATES MERCHANT MARINE is the overall term which includes commercial vessels of all kinds and the personnel who operate and man them. It is never "The Marines," "The Coast Guard" or "The Navy." These ships are manned by officers of the Merchant Marine and seamen who are called *merchant seamen*. Term like "merchant marines" should never be used.

UNITED STATES MARITIME COMMISSION, established by an Act of Congress in 1936 as a separate federal agency, is composed of five commissioners appointed by the President. Its purpose is to foster the development and encourage the maintenance of a merchant marine, described above. It is a permanent agency whose war job is the construction of a cargo fleet—the Victory Fleet. During the war its peacetime operating function is as-

sumed by the War Shipping Administration. Post-war job is to restore and maintain the peacetime merchant marine.

WAR SHIPPING ADMINISTRATION, established in February 1942 by the President, assumes (for the duration of the war plus six months) the functions, duties and powers of the United States Maritime Commission with respect to the operation, purchase, charter, insurance, repair, maintenance and requisition of merchant cargo vessels. The War Shipping Administration is also charged with the operation of the Division of Training which is composed of two principal branches:

(1) UNITED STATES MERCHANT MARINE CADET CORPS. Here young men without sea experience are trained to become officers.

(2) UNITED STATES MARITIME SERVICE. Here young men are trained to become seamen. Also the service gives refresher courses to experienced seamen to become officers.

## BRINGING IN THE SETS

Listeners of the following stations also have received advice to take radio sets needing repairs to the servicemen:

KGIW—Alamosa; WNBC—Binghamton; WHFC—Cicero; WOSU—Columbus, Ohio; WDAY—Fargo; WFIN—Findlay; WEBQ—Harrisburg, Ill.; KOMA—Oklahoma City; KVOE—Santa Ana; KRRV—Sherman; WDJ—Tuscola, and WJSV—Washington, D. C.

## FM AND TELEVISION

Because of extreme shortages in material, equipment and skilled personnel, and in order to sustain the interest in television and high frequency (FM) broadcasting, the FCC has adopted the following policies:

### FM Broadcasting Stations

The Commission will not dismiss or deny any FM applications which cannot qualify under the provisions of the Memorandum Opinion of April 27, 1942 (freeze order), for construction permits or for modification of construction permits requesting extension of the periods of construction. Instead, the Commission will take no action at this time upon such applications but will retain them in the pending file. Applicants for construction permits whose applications were surrendered or dismissed pursuant to the Memorandum Opinion of April 27, 1942, may request reinstatement of their applications.

This policy is in addition to the policy announced August 4, 1942, which provided for the issuance of licenses for high frequency (FM) broadcast stations during the war provided construction had reached a point where substantial service could be rendered.

### Television

Holder of construction permits for television stations, experimental and commercial, may obtain licenses during the war to operate existing facilities on either an experimental or commercial basis, provided construction has reached a point where the station is capable of rendering a substantial service. Licenses issued under this policy will be subject to the condition that construction will be completed in accordance with the Rules, Regulations and Standards of the Federal Communications Commission as soon as the necessary materials and engineering personnel become available.

The Commission also decided to continue its policy of not dismissing or denying television applications which cannot qualify under the provisions of the Memorandum Opinion of April 27, 1942. Instead, no action will be taken at this time upon such applications and they will be held in the pending file. Applicants for construction permits for television stations whose construction permits have been surrendered or dismissed pursuant to the freeze order may request reinstatement of their applications.

## COX COMMITTEE COUNSEL

The House Committee headed by Edward E. Cox (D-Ga) to conduct the investigation of the Federal Communications Commission pursuant to the Cox Resolution, announces the engagement of Honorable Eugene L. Garey, senior member of Garey, Desvernine and Garey, New York City, as its counsel.

"Mr. Garey is an eminent lawyer of great ability and high standing," said a Committee spokesman, "and will do his work without prejudice or predilection and with the single purpose of constructive service in the public interest. The Committee deems itself fortunate in having Mr. Garey connected with the investigation."

Mr. Garey, 51 years old, was born in Chicago and educated and practiced in Illinois for some years. He has been engaged in the practice of law in New York for the past quarter of a century. He is a member of the Committee on Administrative Law of the American Bar Association which collaborated in drafting the Walter-Logan bill. His office is at 63 Wall Street, New York.

## Radio Bills in Congress

### Radio Advertising

Three Bills would prohibit the advertising of alcoholic beverages by radio.

Senator Johnson (D-Colo.) introduced S. 682, which provides criminal penalties and loss of station license for broadcasting advertising or information concerning any alcoholic beverage, if the broadcast is received or receivable by means of any ordinary receiving set in any State of the United States or any Canadian Province at any time when the broadcasting of similar advertising by a radio station located in such State or Province is prohibited by the laws or regulations of such State or Province. This is identical with his bill (S. 517) introduced in the 77th Congress, which died in Committee, no hearings having been held. In the 76th Congress, his first bill (also S. 517) was favorably reported out, but action was spiked when Senator Clark of Missouri threatened on the floor to introduce the anti-lynching amendment if the bill was brought up. The present bill was referred to the Senate Committee on Interstate Commerce. NAB has written Chairman Wheeler, asking to be advised if public hearings are held; no reply has been received as yet.

Senator Capper (R-Kans.) put in a bill (S. 569) making it unlawful to broadcast any advertisement of alcoholic beverages (Sec. 4) and imposing criminal penalties for violation. The bill would also bar the transportation in interstate commerce of any kind of liquor. No word has been received from Senator Wheeler as to hearings.

Representative Culkin (R-N. Y.) last week introduced H. R. 1924, to the same effect as Sec. 4 of the Capper Bill. It was referred to the House Committee on Interstate and Foreign Commerce. NAB has written Chairman Lea, asking to be notified of public hearings if scheduled.

### Copyright

H. R. 80 introduced by Rep. Keogh (D-N. Y.), would amend Sec. 25 of the Copyright Act. In general, it limits the liability of broadcasters for innocent infringements and would be beneficial to radio. At the present time no hearings whatever are contemplated on the bill by the House Committee on Patents.

Rep. Scott (D-Penna) put in two bills to amend the Copyright Act. H. R. 1571 would make the rendition of musical compositions on coin-operated machines a public

performance for profit, even though no admission fee is charged. H. R. 1570 would give the recording artist copyright in the recorded renditions of his work; this bill parallels the Sachs Bill in the 77th Congress and the Mc-Granery Bill in the 76th Congress, both of which were NAPA inspired, and is decidedly unfavorable to radio. Hearings have never been scheduled on similar bills, and it is believed there will be no hearings or action on the Scott Bill at this session.

"Executive E," providing for adherence to the Berne International Copyright Convention, remains in the Senate Foreign Relations Committee. Strongly backed by the State Department and vigorously opposed by NAB and all other users of copyright at the 1st session of the 77th Congress, no report has yet been made by the Committee.

### Communications

The Holmes Bill (H. R. 1490) amends the Communications Act and is like the Sanders Bill (H. R. 5497, 77th Cong.), which NAB supported last spring.

Rep. Marcontonio (Am. Labor-N. Y.) introduced H. R. 1562 to amend Sec. 310(a) of the Communications Act. It would tighten up the requirements against foreign ownership or control of radio stations, and seems unobjectionable.

The Cox Resolution (H. Res. 21) passed the House, and the investigation of the FCC by a select committee is expected to begin late in March or early in April. A resolution introduced by Rep. Sparkman (D-Ala.), H. Res. 55, calling for an investigation of the FCC and the broadcasting industry, has been referred to the Committee on Rules. Chairman Sabbath has indicated that no hearings will take place, in view of the Cox Resolution.

### Daylight-Saving Time

H. Con. Res. 9, by Rep. Brehm (R-Ohio), and H. Con. Res. 10 by Rep. Cole (R-Mo.), would both repeal the War Time Act of January 20, 1942. Hearings have not yet been scheduled.

### A. F. of M.

Sen. Clark of Idaho reintroduced his bill amending the Clayton Act to make it unlawful to refuse to make recordings if a purpose or effect "of the contract, agreement, conspiracy or combination" is to limit or curtail the supply or use of records or transcriptions by radio stations or juke boxes. Such contracts, etc., would not be unlawful if based on a dispute concerning compensation, hours, health, safety, or conditions of employment. The amendment would remain in effect for the duration of the war plus six months, unless sooner repealed. Senator Clark is chairman of the committee investigating the A. F. of M. recording ban.

### Administrative Law

Rep. Celler (D-N. Y.) has introduced H. R. 816 to revise the administrative procedure of Federal agencies. It would establish the Office of Federal Administrative Procedure, provide for hearing commissioners, and authorize declaratory rulings by administrative agencies. The measure is identical with the recommendations of the majority of the Attorney General's Committee on Administrative Procedure made in 1941 (See Senate Document No. 8, 77th Cong., 1st Sess.).

## FEDERAL LEGISLATION

### HOUSE

H. R. 1924 (Culkin, R-N. Y.) LIQUOR ADVERTISING—To prohibit the advertising of alcoholic beverages by radio, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

## STATE LEGISLATION

### MISSOURI:

H. 243 (Gill et al) LIQUOR ADVERTISING—Enacting a new section to the revised statutes regarding liquor advertising.

### NEW YORK:

S. 873 (Farrell) (Same as A. 964) RADIO BROADCAST—TAX—Imposes tax of 10 cents on each person over 14 years attending as spectator, radio broadcast show or exhibition in radio station or theatre, except show to encourage sale of U. S. war bonds where admission is contingent on their purchase; exempts firemen, police and peace officers assigned to attend and representatives of press. Referred to Committee on Taxation.

### WEST VIRGINIA:

H. 281 (Knight) PUNITIVE DAMAGES—LIBEL—Prohibiting recovery of punitive damages for libel if retraction is published, unless malicious premeditation is shown. Referred to Committee on Judiciary.

## CURRENT CONGRESSIONAL COMMITTEES

### SENATE INTERSTATE COMMERCE COMMITTEE

Burton K. Wheeler, of Montana, Chm.	Ernest W. McFarland, of Arizona
Ellison D. Smith, of South Carolina	Wallace H. White, Jr., of Maine
Robert F. Wagner, of New York	Warren R. Austin, of Vermont
Alben W. Barkley, of Kentucky	Henrik Shipstead, of Minnesota
Homer T. Bone, of Washington	Charles W. Tobey, of New Hampshire
Harry S. Truman, of Missouri	Clyde M. Reed, of Kansas
Edwin C. Johnson, of Colorado	Chan Gurney, of South Dakota
Lister Hill, of Alabama	C. Wayland Brooks, of Illinois
Tom Stewart, of Tennessee	*Albert Hawkes, of New Jersey
D. Worth Clark, of Idaho	*E. H. Moore, of Oklahoma
James M. Tunnell, of Delaware	

### SENATE FINANCE COMMITTEE

Walter F. George, of Georgia, Chm.	Arthur Capper, of Kansas
David I. Walsh, of Massachusetts	Arthur H. Vandenberg, of Michigan
Alben W. Barkley, of Kentucky	James J. Davis, of Pennsylvania
Tom Connally, of Texas	Henry Cabot Lodge, Jr., of Massachusetts
Josiah W. Bailey, of North Carolina	John A. Danaher, of Connecticut
Bennett Champ Clark, of Missouri	Robert A. Taft, of Ohio
Harry Flood Byrd, of Virginia	*John Thomas, of Idaho
Peter G. Gerry, of Rhode Island	*Hugh Butler, of Nebraska
Joseph F. Guffey, of Pennsylvania	*Eugene D. Millikin, of Colorado
Edwin C. Johnson, of Colorado	
*Scott W. Lucas, of Illinois	
Robert M. La Follette, Jr., of Wisconsin	

### SENATE FOREIGN RELATIONS COMMITTEE

Tom Connally, of Texas, Chm.	Bennett Champ Clark, of Missouri
Walter F. George, of Georgia	Carter Glass, of Virginia
Robert F. Wagner, of New York	James M. Tunnell, of Delaware
Elbert D. Thomas, of Utah	Hiram W. Johnson, of California
Frederick Van Nuys, of Indiana	Arthur Capper, of Kansas
James E. Murray, of Montana	Robert M. La Follette, Jr., of Wisconsin
Claude Pepper, of Florida	Arthur H. Vandenberg, of Michigan
Theodore Francis Green, of Rhode Island	Wallace H. White, Jr., of Maine
Alben W. Barkley, of Kentucky	Henrik Shipstead, of Minnesota
Robert R. Reynolds, of North Carolina	Gerald P. Nye, of North Dakota
Joseph F. Guffey, of Pennsylvania	*James J. Davis, of Pennsylvania
Guy M. Gillette, of Iowa	

### SENATE PATENTS COMMITTEE

Homert T. Bone, of Washington, Chm.	Scott W. Lucas, of Illinois
Ellison D. Smith, of South Carolina	Wallace H. White, Jr., of Maine
Claude Pepper, of Florida	John A. Danaher, of Connecticut
D. Worth Clark, of Idaho	*Albert W. Hawkes, of New Jersey

### HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE

Clarence F. Lea, of California, Chm.	*George G. Sadowski, of Michigan
Robert Crosser, of Ohio	*Richard F. Harless, of Arizona
Alfred L. Bulwinkle, of North Carolina	Charles A. Wolverton, of New Jersey
Virgil Chapman, of Kentucky	Pehr G. Holmes, of Massachusetts
Lyle H. Boren, of Oklahoma	B. Carroll Reece, of Tennessee
Martin J. Kennedy, of New York	Charles A. Halleck, of Indiana
Donald L. O'Toole, of New York	Carl Hinshaw, of California
*Lindley Beckwith, of Texas	Clarence J. Brown, of Ohio
*Thomas D'Alesandro, Jr., of Maryland	*Evan Howell, of Illinois
*Francis J. Myers, of Pennsylvania	*Harve Tibbott, of Pennsylvania
*J. Percy Priest, of Tennessee	*Leonard W. Hall, of New York
*Oren Harris, of Arkansas	*Thomas D. Winter, of Kansas
	*Joseph P. O'Hara, of Minnesota

\* Indicates new members on Committee.

## HOUSE WAYS AND MEANS COMMITTEE

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Thomas H. Cullen, of New York	*Paul H. Maloney, of Louisiana
Jere Cooper, of Tennessee	Allen T. Treadway, of Massachusetts
Wesley E. Disney, of Oklahoma	Harold Knutson, of Minnesota
John D. Dingell, of Michigan	Daniel A. Reed, of New York
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Milton H. West, of Texas	Thomas A. Jenkins, of Ohio
*James P. McGranery, of Pennsylvania	Donald H. McLean, of New Jersey
*Wilbur D. Mills, of Arkansas	Bertrand W. Gearhart, of California
*Nobel J. Gregory, of Kentucky	Frank Carlson, of Kansas
*A. Sidney Camp, of Georgia	*Richard M. Simpson, of Pennsylvania
*Walter A. Lynch, of New York	*Charles S. Dewey, of Illinois
*Aime J. Forand, of Rhode Island	

### HOUSE PATENTS COMMITTEE

Frank W. Boykin, of Alabama, Chm.	*William A. Rowan, of Illinois
Fritz G. Lanham, of Texas	Fred A. Hartley, Jr., of New Jersey
Charles A. Buckley, of New York	Leslie C. Arends, of Illinois
Joe B. Bates, of Kentucky	Charles A. Wolverton, of New Jersey
*Arthur G. Klein, of New York	Hugh D. Scott, Jr., of Pennsylvania
*Edward J. Hart, of New Jersey	William H. Stevenson, of Wisconsin
*John D. Gibson, of Georgia	*Fred E. Busbey, of Illinois
*Cecil R. King, of California	*Winifred C. Stanley, of New York
*Henry D. Larcade, Jr., of Louisiana	*Robert Hale, of Maine
*Arthur Winstead, of Mississippi	*Louis E. Miller, of Missouri
*Grant Furlong, of Pennsylvania	

### HOUSE APPROPRIATIONS COMMITTEE

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Clifton A. Woodrum, of Virginia	*Thomas J. O'Brien, of Illinois
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Emmet O'Neal, of Kentucky	D. Lane Powers, of New Jersey
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Joe Starnes, of Alabama	Charles A. Plumley, of Vermont
John H. Kerr, of North Carolina	Everett M. Dirksen, of Illinois
George H. Mahon, of Texas	Albert J. Engel, of Michigan
Harry R. Sheppard, of California	Karl Stefan, of Nebraska
Butler B. Hare, of South Carolina	Francis Case, of South Dakota
Albert Thomas, of Texas	Frank B. Keefe, of Wisconsin
Joe Hendricks, of Florida	Noble J. Johnson, of Indiana
*Michael J. Kirwan, of Ohio	Robert F. Jones, of Ohio
*John M. Coffee, of Washington	*Ben F. Jensen, of Iowa
*W. F. Norrell, of Arkansas	*August H. Andresen, of Minnesota
*Albert Gore, of Tennessee	*Henry C. Dworshak, of Idaho
*Elmer H. Wene, of New Jersey	*Walter C. Ploeser, of Missouri
*Clinton P. Anderson, of New Mexico	

## MEMBERS OF CONGRESSIONAL COMMITTEES

### DISTRICT 1

#### CONNECTICUT

#### SENATE:

John A. Danaher (R), Portland, Finance, Patents

#### MAINE

#### SENATE:

Wallace H. White, Jr. (R), Lewiston, Interstate Commerce, Foreign Relations, Patents

#### HOUSE:

Robert Hale (R), Portland, Patents

#### MASSACHUSETTS

#### SENATE:

David I. Walsh (D), Fitchburg, Finance  
Henry Cabot Lodge, Jr. (R), Beverly, Finance

#### HOUSE:

Pehr G. Holmes (R), Worcester, Interstate and Foreign Commerce  
Allen T. Treadway (R), Stockbridge, Ways and Means  
Richard B. Wigglesworth (R), Boston, Appropriations  
James M. Curley (D), Boston, Appropriations

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### SENATE:

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## RHODE ISLAND

### SENATE:

Peter G. Gerry (D), Providence, Finance  
Theodore Francis Green (D), Providence, Foreign Relations

### HOUSE:

Aime J. Forand (D), Cumberland, Ways and Means

## VERMONT

### SENATE:

Warren R. Austin (R), Burlington, Interstate Commerce

### HOUSE:

Charles A. Plumley (R), Northfield, Appropriations

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## NEW YORK

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Donald L. O'Toole (D), Brooklyn, Interstate and Foreign Commerce  
Leonard W. Hall (R), Oyster Bay, Interstate and Foreign Commerce  
Thomas H. Cullen (D), Brooklyn, Ways and Means  
Walter A. Lynch (D), New York City, Ways and Means  
Daniel A. Reed (R), Dunkirk, Ways and Means  
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Arthur G. Klein (D), New York City, Patents  
Winifred C. Stanley (R), Buffalo, Patents  
James M. Fitzpatrick (D), New York City, Appropriations  
John Taber (R), Auburn, Appropriations

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### HOUSE:

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Donald H. McLean (R), Elizabeth, Ways and Means  
Fred A. Hartley (R), Kearny, Patents  
Edward J. Hart (D), Jersey City, Patents  
Elmer H. Wene (D), Vineland, Appropriations  
D. Lane Powers (R), Trenton, Appropriations

## DISTRICT 3

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James J. Davis (R), Pittsburgh, Finance, Foreign Relations

### HOUSE:

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Harve Tibbott (R), Ebensburg, Interstate and Foreign Commerce  
James P. McGranery (D), Philadelphia, Ways and Means  
Richard M. Simpson (R), Huntington, Ways and Means  
Grant Furlong (D), Donora, Patents  
Hugh D. Scott (R), Philadelphia, Patents  
J. Buel Snyder (D), Perryopolis, Appropriations  
J. William Ditter (R), Ambler, Appropriations

## DELAWARE

### SENATE:

James M. Tunnell (D), Georgetown, Interstate Commerce, Foreign Relations

## DISTRICT 4

## MARYLAND

### HOUSE:

Thomas D'Alesandro, Jr. (D), Baltimore, Interstate and Foreign Commerce

## NORTH CAROLINA

### SENATE:

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Robert R. Reynolds (D), Asheville, Foreign Relations

### HOUSE:

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Robert L. Doughton (D), Laurel Springs, Ways and Means, Chm.  
John H. Kerr (D), Warrenton, Appropriations

## SOUTH CAROLINA

### SENATE:

Ellison D. Smith (D), Lynchburg, Interstate Commerce, Patents

### HOUSE:

Butler B. Hare (D), Saluda, Appropriations

## VIRGINIA

### SENATE:

Harry Flood Byrd (D), Berryville, Finance  
Carter Glass (D), Lynchburg, Foreign Relations

### HOUSE:

A. Willis Robertson (D), Lexington, Ways and Means  
Clifton A. Woodrum (D), Roanoke, Appropriations

## WEST VIRGINIA

None

## DISTRICT 5

## ALABAMA

### SENATE:

Lister Hill (D), Montgomery, Interstate Commerce

### HOUSE:

Frank W. Boykin (D), Mobile, Patents, Chm.  
Joe Starnes (D), Guntersville, Appropriations

## FLORIDA

### SENATE:

Claude Pepper (D), Tallahassee, Foreign Relations, Patents

### HOUSE:

Joe Hendricks (D), De Land, Appropriations

## GEORGIA

### SENATE:

Walter F. George (D), Vienna, Finance, Chm., Foreign Relations

### HOUSE:

A. Sidney Camp (D), Newnan, Ways and Means  
John D. Gibson (D), Douglas, Patents  
Malcolm C. Tarver (D), Dalton, Appropriations

## DISTRICT 6

## ARKANSAS

### HOUSE:

Oren Harris (D), El Dorado, Interstate and Foreign Commerce  
Wilbur D. Mills (D), Keasett, Ways and Means  
W. F. Norrell (D), Monticello, Appropriations

**LOUISIANA****HOUSE:**

Paul H. Maloney (D), New Orleans, Ways and Means  
Henry D. Larcade, Jr. (D), Opelousas, Patents

**MISSISSIPPI****HOUSE:**

Arthur Winstead (D), Philadelphia, Patents  
Jamie L. Whitten (D), Charleston, Appropriations

**TENNESSEE****SENATE:**

Tom Stewart (D), Winchester, Interstate Commerce

**HOUSE:**

J. Percy Priest (D), Nashville, Interstate and Foreign  
Commerce  
Jere Cooper (D), Dyersburg, Ways and Means  
Albert Gore (D), Carthage, Appropriations  
B. Carroll Reece (R), Johnson City, Interstate and For-  
eign Commerce

**DISTRICT 7****KENTUCKY****SENATE:**

Alben W. Barkley (D), Paducah, Interstate Commerce,  
Finance, Foreign Relations

**HOUSE:**

Virgil Chapman (D), Paris, Interstate and Foreign  
Commerce  
Noble J. Gregory (D), Mayfield, Ways and Means  
Joe B. Bates (D), Greenup, Patents  
Emmet O'Neal (D), Louisville, Appropriations

**OHIO****SENATE:**

Robert A. Taft (R), Cincinnati, Finance

**HOUSE:**

Robert Crosser (D), Cleveland, Interstate and Foreign  
Commerce  
Clarence J. Brown (R), Blanchester, Interstate and For-  
eign Commerce  
Thomas A. Jenkins (R), Ironton, Ways and Means  
Michael J. Kirwin (D), Youngstown, Appropriations  
Robert F. Jones (R), Lima, Appropriations

**DISTRICT 8****INDIANA****SENATE:**

Frederick Van Nuys (D), Indianapolis, Foreign Rela-  
tions

**HOUSE:**

Louis Ludlow (D), Indianapolis, Appropriations  
Charles A. Halleck (R), Rensselaer, Interstate and For-  
eign Commerce  
Noble J. Johnson (R), Terre Haute, Appropriations

**MICHIGAN****SENATE:**

Arthur H. Vandenberg (R), Grand Rapids, Finance,  
Foreign Relations

**HOUSE:**

George G. Sadowski (D), Detroit, Interstate and Foreign  
Commerce  
John D. Dingell (D), Detroit, Ways and Means  
Louis C. Rabaut (D), Grosse Pointe Park, Appropria-  
tions  
Roy O. Woodruff (R), Bay City, Ways and Means  
Albert J. Engel (R), Muskegon, Appropriations

**DISTRICT 9****ILLINOIS****SENATE:**

Scott W. Lucas (D), Havana, Finance, Patents  
C. Wayland Brooks (R), Chicago, Interstate Commerce

**HOUSE:**

William A. Rowan (D), Chicago, Patents  
Thomas J. O'Brien (D), Chicago, Appropriations  
Evan Howell (R), Springfield, Interstate and Foreign  
Commerce  
Charles S. Dewey (R), Chicago, Ways and Means  
Leslie C. Arends (R), Melvin, Patents  
Fred E. Busbey (R), Chicago, Patents  
Everett M. Dirksen (R), Pekin, Appropriations

**WISCONSIN****SENATE:**

Robert M. La Follette, Jr. (P), Madison, Finance, For-  
eign Relations

**HOUSE:**

Thad F. Wasielewski (D), Milwaukee, Ways and Means  
William H. Stevenson (R), La Crosse, Patents  
Frank B. Keefe (R), Oshkosh, Appropriations

**DISTRICT 10****IOWA****SENATE:**

Guy M. Gillette (D), Cherokee, Foreign Relations

**HOUSE:**

Ben F. Jensen (R), Exira, Appropriations

**MISSOURI****SENATE:**

Harry S. Truman (D), Independence, Interstate Com-  
merce  
Bennett Champ Clark (D), St. Louis, Finance, Foreign  
Relations

**HOUSE:**

Clarence Cannon (D), Elsberry, Appropriations, Chm.  
Louis E. Miller (R), St. Louis, Patents  
Walter C. Ploeser (R), St. Louis, Appropriations

**NEBRASKA****SENATE:**

Hugh Butler (R), Omaha, Finance

**HOUSE:**

Karl Stefan (R), Norfolk, Appropriations

**DISTRICT 11****MICHIGAN****SENATE:**

Arthur H. Vandenberg (R), Grand Rapids, Finance,  
Foreign Relations

**HOUSE:**

George G. Sadowski (D), Detroit, Interstate and Foreign  
Commerce  
John D. Dingell (D), Detroit, Ways and Means  
Louis C. Rabaut (D), Grosse Pointe Park, Appropria-  
tions  
Roy O. Woodruff (R), Bay City, Ways and Means  
Albert J. Engel (R), Muskegon, Appropriations

**MINNESOTA****SENATE:**

Henrik Shipstead (R), Miliona, Interstate Commerce,  
Foreign Relations

**HOUSE:**

Joseph P. O'Hara (R), Glencoe, Interstate and Foreign  
Commerce  
Harold Knutson (R), St. Cloud, Ways and Means  
August H. Andresen (R), Red Wing, Appropriations



**NORTH DAKOTA**

**SENATE:**

Gerald P. Nye (R), Cooperstown, Foreign Relations

**SOUTH DAKOTA**

**SENATE:**

Chan Gurney (R), Yankton, Interstate Commerce

**HOUSE:**

Francis Case (R), Custer, Appropriations

**WISCONSIN**

**SENATE:**

Robert M. La Follette, Jr. (P), Madison, Finance, Foreign Relations

**HOUSE:**

Thad F. Wasielewski (D), Milwaukee, Ways and Means  
William H. Stevenson (R), La Crosse, Patents  
Frank B. Keefe (R), Oshkosh, Appropriations

**DISTRICT 12**

**KANSAS**

**SENATE:**

Clyde M. Reed (R), Parsons, Interstate Commerce  
Arthur Capper (R), Topeka, Finance, Patents

**HOUSE:**

Thomas D. Winter (R), Girard, Interstate and Foreign Commerce  
Frank Carlson (R), Concordia, Ways and Means  
William P. Lambertson (R), Fairview, Appropriations

**OKLAHOMA**

**SENATE:**

E. H. Moore (R), Tulsa, Interstate Commerce

**HOUSE:**

Lyle H. Boren (D), Seminole, Interstate and Foreign Commerce  
Wesley E. Disney (D), Tulsa, Ways and Means  
Jed Johnson (D), Anadarko, Appropriations

**DISTRICT 13**

**TEXAS**

**SENATE:**

Tom Connally (D), Marlin, Falls County, Finance, Foreign Relations, Chm.

**HOUSE:**

Lindley Beckworth (D), Gladewater, Interstate and Foreign Commerce  
Milton H. West (D), Brownsville, Ways and Means  
Fritz G. Lanham (D), Fort Worth, Patents  
George H. Mahon, Colorado City, Appropriations  
Albert Thomas (D), Houston, Appropriations

**DISTRICT 14**

**COLORADO**

**SENATE:**

Edwin C. Johnson (D), Craig, Interstate Commerce, Finance  
Eugene D. Millikin (R), Denver, Finance

**IDAHO**

**SENATE:**

D. Worth Clark (D), Pocatello, Interstate Commerce, Patents  
John Thomas (R), Gooding, Finance

**HOUSE:**

Henry C. Dworshak (R), Burley, Appropriations

**MONTANA**

**SENATE:**

Burton K. Wheeler (D), Butte, Interstate Commerce, Chm.  
James E. Murray (D), Butte, Foreign Relations

**SOUTH DAKOTA**

**SENATE:**

Chan Gurney (R), Yankton, Interstate Commerce

**HOUSE:**

Francis Case (R), Custer, Appropriations

**UTAH**

**SENATE:**

Elbert D. Thomas (D), Salt Lake City, Foreign Relations

**WYOMING**

None

**DISTRICT 15**

**CALIFORNIA**

**SENATE:**

Hiram W. Johnson (R), Sacramento, Foreign Relations

**HOUSE:**

Clarence F. Lea (D), Santa Rosa, Interstate and Foreign Commerce, Chm.  
Cecil R. King (D), Los Angeles, Patents  
Harry R. Sheppard (D), Yucaipa, Appropriations  
Carl Hinshaw (R), Pasadena, Interstate and Foreign Commerce  
Bertrand W. Gearhart (R), Fresno, Ways and Means  
Albert E. Carter (R), Oakland, Appropriations

**NEVADA**

None

**DISTRICT 16**

**ARIZONA**

**SENATE:**

Ernest W. McFarland (D), Florence, Interstate Commerce

**HOUSE:**

Richard F. Harless (D), Phoenix, Interstate and Foreign Commerce

**CALIFORNIA**

**SENATE:**

Hiram W. Johnson (R), Sacramento, Foreign Relations

**HOUSE:**

Clarence F. Lea (D), Santa Rosa, Interstate and Foreign Commerce, Chm.  
Cecil R. King (D), Los Angeles, Patents  
Harry R. Sheppard (D), Yucaipa, Appropriations  
Carl Hinshaw (R), Pasadena, Interstate and Foreign Commerce  
Bertrand W. Gearhart (R), Fresno, Ways and Means  
Albert E. Carter (R), Oakland, Appropriations

**NEW MEXICO**

**HOUSE:**

Clinton P. Anderson (D), Albuquerque, Appropriations

**DISTRICT 17**

**OREGON**

None

**WASHINGTON**

**SENATE:**

Homer T. Bone (D), Tacoma, Interstate Commerce, Patents, Chm.

**HOUSE:**

John M. Coffee (D), Tacoma, Appropriations

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 1st. They are subject to change.

#### Monday, March 1

##### Broadcast

KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, **570 kc.**, 1 KW, unlimited.

##### Further Hearing

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **1520 kc.**, 50 KW, unlimited, DA-day and night.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **550 kc.**, 1 KW night, 5 KW day, unlimited, DA-night.

#### Tuesday, March 2

WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of C. P., **1450 kc.**, 250 watts, unlimited.

#### Thursday, March 4

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—C. P., **1450 kc.**, 250 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KIDO—Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased (assignors), and Georgia Phillips, d/b as Boise Broadcast Station (assignee), Boise, Idaho.—Granted consent to assignment of license of station KIDO from Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased, to Georgia Phillips, d/b as Boise Broadcast Station (B5-AL-351).

KORE—Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased (assignors), and Frank L. Hill and Violet G. Hill, co-partners, d/b as Eugene Broadcast Station (assignees), Eugene, Ore.—Granted consent to assignment of license of Station KORE, from Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased, to Frank L. Hill and Violet G. Hill, co-partners, d/b as Eugene Broadcast Station (B5-AL-350).

Evangelistic Mission, Pontiac, Mich.—Granted authority to transmit programs from Pontiac, Mich., to Canadian Station CKLW, Windsor, Canada (B2-EP-107).

W47NY—Muzak Radio Broadcasting Station, Inc., New York City.—Granted modification (B1-MPH-112) of construction permit (B1-PH-48) for new FM station, to extend completion date to February 4, 1943. Also granted license (B1-LH-31) for FM broadcast station to use **44700 kc.**, with service area of 8,500 square miles, subject to condition that licensee will take steps to comply fully with the Rules and Regulations, and Standards of the Commission when materials and personnel become available or when required by the Commission to do so.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of time within which to submit field intensity measurements required by Sec. 3.229 of the Rules.

### LICENSE RENEWALS

Licenses for the following stations were further extended on a temporary basis only, pending determination upon application for renewal of license, for the period ending April 1, 1943:

KBST, Big Springs, Texas; KCMC, Texarkana, Texas; KCRJ, Jerome, Ariz.; KFMB, San Diego; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KIEM, Eureka, Calif.; KPLT, Paris, Tex.; KRBC, Abilene, Texas; KRLH, Midland, Texas; KVGB, Great Bend, Kans.; KXL, Portland, Ore.; WBBZ, Ponca City, Okla.; WBNX, New York; WBRW, Welch, W. Va.; WCBT, Roanoke Rapids, N. C.; WEDC, Chicago; WFCI, Pawtucket, R. I.; WFTC, Kinston, N. C.; WHOM and auxiliary, Jersey City; WING, Dayton; WJBK, New Orleans; WNBZ, Saranac Lake, N. Y.; WOCB, near Hyannis, Mass.; WSYB, Rutland, Vt.; WTEL, Philadelphia; WTRC, Elkhart, Ind.

KGFV—Central Neb. Broadcasting Corp., Kearney, Neb.—Granted renewal of license for the period ending June 1, 1943.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted renewal of license for the period ending April 1, 1944.

WLOF—Hazlewood, Inc., Orlando, Fla.—Granted renewal of license for the period ending February 1, 1945.

KHBB—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted renewal of license for the period ending April 1, 1945.

WNBT—National Broadcasting Co., Inc., New York City.—Granted renewal of license for the period ending February 1, 1944.

W2XWE—WOKO, Inc., Albany, N. Y.—License for facsimile broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending April 1, 1943.

W9XWT—Courier-Journal and Louisville Times Co., Louisville, Ky.—License for facsimile broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending April 1, 1943.

W8XUM—WBNS, Inc., Columbus, Ohio.—License for facsimile broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending April 1, 1943.

W9XBT—Balaban and Katz Corp., Chicago, Ill.—Present experimental television broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending April 1, 1943.

W9XUI—State Univ. of Iowa, Iowa City, Iowa.—Present experimental television broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending April 1, 1943.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted renewal of license for station KWKH on a regular basis, **1130 kc.**, 50 KW, using DA at night (B3-R-452).

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted renewal of international broadcast station license (B1-RIB-12).

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license further extended upon a temporary basis pending determination upon application for renewal of license, for the period ending April 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license further extended upon a temporary basis pending determination upon application for renewal of license, for the period ending April 1, 1943.

### DESIGNATED FOR HEARING

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Designated for hearing application (B3-ML-1151) for modification of license to change frequency from **1440 to 860 kc.**, and decrease nighttime power from 1000 to 500 watts.

### FINDINGS OF FACT

The Commission has announced adoption of its Proposed Findings of Fact and Conclusions (B-168), proposing to deny without prejudice the application of Kanawha Valley Broadcasting Co.

(WGKV), Charleston, W. Va., for construction permit to make changes in transmitting equipment and increase power from 100 to 250 watts (Docket No. 6367).

The Commission also announces adoption of its Proposed Findings of Fact and Conclusions (B-167), proposing to deny without prejudice the application of Paducah Broadcasting Co., Inc. (WSON), Henderson, Ky., for modification of construction permit to increase power from 250 watts to 500 watts, daytime only, using the frequency 860 kilocycles, and for authority to make changes in transmitting equipment (Docket No. 6235).

In reaching decision in the above cases, the Commission based its conclusions upon the policy announced in the Memorandum Opinion of April 27, 1942, which specifically refers to the use and not to the acquisition of materials.

## MISCELLANEOUS

**WORK**—York Broadcasting Co., York, Pa.—Dismissed petition to continue hearing scheduled for February 25 on application for modification of license, since Commission granted application on February 16.

**KFAC**—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted motion to take depositions in re application for construction permit (B5-P-3499).

**WWNC**—Asheville Citizen-Times Co., Inc., Asheville, N. C.—Granted motion to dismiss without prejudice application (B3-MP-1437) for modification of construction permit to operate on **570 kc.**, 5 KW, DA-night, unlimited.

**KARM**—KARM, The George Harm Station, Fresno, Calif.—Granted petition to dismiss without prejudice application (B5-ML-1122) for modification of license to operate on **1030 kc.**, 5 KW, DA-day and night, unlimited.

Central Broadcasting Co., Wilkes-Barre, Pa.; Key Broadcasters, Inc., Wilkes-Barre, Pa.; Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Denied petitions requesting that proposed findings of fact and conclusions of law as required by Sec. 1.231(d) of the rules in connection with the further hearing ordered by the Commission on September 15, 1942, be waived.

Central Broadcasting Co., Wilkes-Barre, Pa.; Key Broadcasters, Inc., Wilkes-Barre, Pa.; Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Granted joint supplemental petition of applicants requesting that proposed findings heretofore filed by them be accepted as complying with the requirements of Sec. 1.231(d) in these proceedings.

**WOW**—Radio Station WOW, Inc., Omaha, Neb.—Granted authority to determine operating power by direct measurement of antenna power.

**W9XMB**—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted modification (B4-MPST-12) of construction permit which authorized a new ST broadcast station, for extension of completion date to 5-16-43.

**WTOC**—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit which authorized installation of directional antenna for night use and increase in power, for extension of completion date to 4-15-43 (B3-MP-1699).

**WEEU**—Berks Broadcasting Co., Reading, Pa.—Denied Special Service Authorization to operate from 7 a. m. to sunrise during months of January, February and March, 1943 (B2-SSA-63).

National Broadcasting Co., Inc.—Passed for one week consideration on petition for indefinite continuance of hearing on petition for rehearing filed by National Broadcasting Co., Inc. (KOA), directed against the action of the Commission in granting modification of construction permit to WJW, Inc. (WJW), Akron, Ohio (B2-MP-1662; Docket No. 6485).

**KMTR**—KMTR Radio Corp., Los Angeles, Calif., and Gloria Dalton (intervenor).—Granted petition for continuance of hearing now set for March 1 to April 15, 1943, on application for renewal of license of KMTR to operate on **570 kc.**, 1 KW, unlimited time, and continued until March 24, 1943, consideration of the request to transfer the hearing to Los Angeles, Calif. (Docket No. 6437).

**WCOP**—Massachusetts Broadcasting Corp., Boston, Mass.—Granted motion for continuance of hearing now scheduled for March 16 to April 19, 1943, on application for renewal of license (Docket No. 6476).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

**KWTO**—Ozarks Broadcasting Co., Springfield, Mo.—Modification of license to operate unlimited time at site specified in construction permit (B4-P-2827) as modified with 310' vertical antenna and indirect power measurement. Amended: to omit request for unlimited time.

### 620 Kilocycles

**WKAQ**—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B-P-3501 which authorized move of auxiliary transmitter) for extension of completion date from 3-1-43 to 7-26-43.

### 1010 Kilocycles

**KLRA**—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of construction permit (B3-P-3049 as modified which authorized move of transmitter, new transmitter, change in frequency, increase in power, changes in directional antenna for night use) for extension of completion date from 3-13-43 to 6-13-43.

### 1190 Kilocycles

**WOWO**—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Extension of Special Service Authorization to operate unlimited time for period ending 4-1-44.

### 1290 Kilocycles

**WTOC**—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944 as modified which authorized installation of directional antenna for night use and increase in power) for extension of completion date from 2-15-43 to 4-15-43.

### 1420 Kilocycles

**KLRA**—Arkansas Broadcasting Co., Little Rock, Ark.—Extension of Special Service Authorization to operate on **1010 kc.**, 5 KW night, 10 KW day, directional antenna night, using transmitter as authorized by B3-P-3049 as modified for period ending 12-1-44.

### 1430 Kilocycles

**WBYN**—WBYN-Brooklyn, Inc., New York, N. Y.—Special Service Authorization to operate with main studio at 132 W. 43rd St., New York, instead of 1 Nevins St., Brooklyn, N. Y.

## TELEVISION APPLICATION

**W6XYZ**—Television Productions, Inc., Los Angeles, Calif.—Modification of construction permit (B5-PVB-33 as modified, which authorized new experimental television station) for extension of completion date only, from 3-15-43 to 9-15-43.

## MISCELLANEOUS APPLICATIONS

**KNBC**—National Broadcasting Co., Inc., area San Francisco, Calif.—Construction permit to install new transmitter and reduce power from 100 watts to 75 watts. File No. changed from B5-PRE-435 to B5-PRY-290.

**W69PH**—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of license for reduction of service area pursuant to August 4, 1942, policy and for reduction of input power from 16,000 watts to 6,150 watts.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### COMPLAINTS

The 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.

**Book Give-Away Plan**, 80 Willoughby St., Brooklyn, selling and distributing books which include a 13-volume set designated the "Family Medical Library" and a 15-volume set designated "Modern Concise Encyclopedia," are charged in a complaint with misrepresentation. (4913)

**Bureau of Engraving, Inc.**, and Art Instruction, Inc., both located at 500 South Fourth St., Minneapolis, are charged in a complaint with misrepresentation. Bureau of Engraving, Inc., is engaged in the commercial printing and engraving of advertising matter. Art Instruction, Inc., is a subsidiary of and was organized by Bureau of Engraving, Inc., which, the complaint charges, controls all the acts and practices of Art Instruction, Inc. (4914)

**Dentists' Supply Company**—Violation of both the Robinson-Patman and the Federal Trade Commission Acts is alleged in a complaint issued against the Dentists' Supply Company of New York, 220 West 42nd St., New York, said to be the largest manufacturer and distributor of artificial teeth in the United States. Operating factories at York, Pa., and Philadelphia, the respondent corporation's sales constitute approximately 70 percent of the total production of artificial teeth in the United States and its annual net sales are estimated at about \$3,000,000. (4915)

**Milton Goldenberg**, also known as Milton Golden, Natalie Goldenberg, also known as Natalie Golden, and Leonard Goldenberg, also known as Leonard Golden, 2857 Sedgwick Ave., New York, engaged in selling and distributing post cards designed for the use of creditors and collection agencies in obtaining information concerning debtors, are charged in a complaint with misrepresentation. (4907)

**Grodin Pen Company**—A complaint involving alleged misrepresentation of the quality and price of fountain pens and pen points has been issued against Theodore, Ida, Jack and Fred Grodin, doing business as Grodin Pen Co., Grodin Pen & Pencil Co., and Underwood Pen Co., with their principal place of business at 693 Broadway, New York. The respondents are in the business of assembling fountain pens which they sell at wholesale. (4916)

**Howard Hunt Pen Company**—Misbranding of fountain pen points is alleged in a complaint issued against C. Howard Hunt Pen Co., Camden, N. J. The respondent corporation is a manufacturer and distributor of stationery supplies, including pen points which it sells to others for use in manufacturing and assembling fountain pens. (4918)

**C. F. Lusk Company**, 6523 Euclid Ave., Cleveland, selling and distributing a product called "Lusco," used to repair cracks and leaks in radiators and water-cooled motors and for other industrial repair purposes, is charged in a complaint with misrepresentation. (4911)

**Standard Chemical Manufacturing Co.**, 703 South 42nd St., Omaha, Nebr., selling and distributing medicinal preparations, one for livestock and poultry designated "P-O" and one for poultry designated "Standard Poultry Pills," is charged in a complaint with misrepresentation. (4912)

**Super-Cold Corp.**—A complaint has been issued charging Super-Cold Corp., 1020 West 59th St., Los Angeles, manufacturer of refrigerators and refrigerator display cases, with misrepresenting its own products and disparaging those of certain competitors. The respondent's refrigerators are principally of the type used by merchants for the preservation and display of meat and other food products. (4904)

**William H. Wise & Co.**, 48 West 47th St., New York, and its president, John J. Crawley, are charged in a complaint with misrepresentation in connection with the sale of certain books they publish, including a ten-set volume known as "Universal World History" which they advertise extensively in magazines, newspapers, catalogs, circulars and by other means. (4917)

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Donna Kiddie Togs, et al.**—Four stipulations have been accepted under which the signers, all engaged in the sale of children's dresses, agree to discontinue use of the word "silk" or words connoting silk to designate a product not composed of silk.

Signers of the stipulations are, respectively, William H. Jacobson, 201 Plymouth Building, Minneapolis (3612); Alfred Lewis and Abraham Goldman, co-partners trading as Donna Kiddie Togs, 519 Eighth Ave., New York (3613); Samuel Topp, trading as Alpine Children's Dress Co., 519 Eighth Ave., New York (3614); and Charles Edelman, Broad St. and Lehigh Ave., Philadelphia (3615).

**Freitag & Sons, Inc.**, 400 Concord Ave., New York, manufacturer and distributor of buttons, has stipulated to cease and desist, in connection with the advertising of its products, from use of the word "horn" either alone or in connection with the word "genuine" or any other words as descriptive of buttons not made of horn and from use of the word "horn" in any way which may convey the belief that the products are made of horn or composed of the same tough fibrous material of which true horns are composed; from use of the word "ivory" as descriptive of buttons not made of ivory, the dentine of the tusks of large mammals, and from use of the word to describe buttons cut from a type of a nut, a vegetable product, unless in such use the word "ivory" shall be immediately accompanied by the word "vegetable" or other words so as to indicate clearly that the products are not made of ivory; and from use of the words "Official U. S. Army" as descriptive of its buttons so as to imply that the War Department, or any other official agency of the U. S. Government, has approved or endorsed the buttons made by it or that the buttons manufactured by it have been adopted or established by the U. S. Government, or any agency thereof, as the official button or insignia for its armed forces; provided, however, that this shall not be construed to prevent the corporation from representing that its buttons conform with the specifications as approved and used by the U. S. Army, when and if such is the fact. (3610)

**Hollywood Liquefier Sales**, 4156 Beverly Boulevard, Los Angeles, Calif., selling and distributing a device designated "Hollywood Liquefier" for use in pulverizing and reducing fruits and vegetables and other products to a puree or a semi-liquid condition, has stipulated to cease and desist from certain misrepresentations made in connection with the sale of his product. Among the misrepresentations to be discontinued are that the digestion of man cannot make available to the body the vitamins or mineral salts contained in vegetable cells, that the human alimentary tract is incapable of liberating and assimilating the nutrient contained in fruits or vegetables, that it is necessary that fruits or

vegetables be reduced to a semi-liquid or puree in order to be assimilated by the digestive process; that the nutritive substances contained in fruits, vegetables, meats or nuts processed in the Hollywood Liquefier are more easily digested or more quickly assimilated than when such food products are eaten in their customary forms; that the ordinary diet is deficient in vital organic materials contained in fresh fruits or vegetables or that the cells of fruits or vegetables must be broken down by a mechanical device such as the Hollywood liquefier in order that the food elements may be assimilated. (3611)

**Walter C. Leute**, 54 Day St., New York, selling and distributing luggage, has stipulated to cease and desist from representing as the customary or regular retail prices of his merchandise, prices which are fictitious and in excess of prices at which the merchandise is regularly and customarily sold at retail and from using fictitious price figures on the labels of the merchandise or in pricing sheets pertaining to it; representing that prices at which he actually sells his merchandise constitute a discount to purchasers when in fact they are the usual and customary prices at which it is sold in the normal course of business; representing his business as a wholesale business or that the prices at which he sells his merchandise are wholesale prices, and using or disseminating any so-called discount cards or any similar writing or device purporting to enable the holder to receive a discount or other financial advantage in the purchase of merchandise when the holder does not, in fact, receive such a discount, deduction, or other material financial or trade advantage based upon the actual prices at which the merchandise is customarily sold. (3609)

## CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**D. M. Alachuzos Company**, 336 South Fourth St., Philadelphia, selling and distributing sponge and chamois skin products, has been ordered to cease and desist representing that it is a sponge producer and packer. (4051)

**Northwest Film Ad Service, Inc.**, 505 Guardian Building, Portland, Oreg., and its president, Frank D. Atkins, have been ordered to cease and desist from misrepresentation in the sale of films and moving picture trailers used for displaying nationally advertised articles and sold to retail dealers. (4007)

**Pasadena Products, Inc.**, 300 North Lake Ave., Pasadena, Calif., selling and distributing a medicinal preparation designated "Sal-Ro-Cin," has been ordered to cease and desist from disseminating false advertisements of the product in newspapers, over the radio or by other means. (3945)

**Pergande Institute**—An order issued directs G. F. Pergande, trading as Pergande Institute, Washington, D. C., to cease and desist from misrepresentations concerning the correspondence courses he sells and which are intended to prepare students for examinations for civil service positions in the Government. At the time the complaint was issued Pergande's address was given as 314 Randolph Place, N. E. (4583)





1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 10, March 5, 1943

## 48-Hour Week

A full account of the 48-hour week situation, together with the WMC's rules, regulations, etc., will be found on page 108 of this issue.

## NAB Board Meets

The Board of Directors held a two-day meeting in New York, Thursday and Friday (February 25-26). All members, except Edwin Craig who was prevented by illness, attended.

### Petrillo

The developments in the Petrillo situation were fully discussed. The communication sent by the transcription companies in response to Petrillo's demands was read. (See AFM Bulletin No. 17). The Board decided to assist and cooperate with the transcription companies in any course of action which they determined to take. The majority of the transcription companies being NAB associate members, it was felt that such aid as could be rendered should be offered.

### 48-Hour Week

Joseph L. Miller, NAB Labor Relations Director, reported upon the joint meeting of the Labor Executive Committee and the Wage and Hour Committee to discuss the 48-hour week. The status of radio stations in the 32 critical areas thus far designated by WMC is uncertain. Mr. Miller reported the results of a conference with representatives of WMC which indicates that ultimately 190 areas will be affected. Any employer in any of these areas who does not go on the 48-hour week will, according to the committee, have to justify his action and show that by so doing he would not release men or obviate the employment of more men.

To determine the application of the rules to various situations a spot check is being made by the Labor and Wage and Hour Committees in certain critical areas and the results of this check will be discussed with WMC. Mr. Miller reported further that it is probable that regional offices of the WMC will be established to administer the regulations.

### Batteries and Tubes

The question of batteries and tubes for home sets was discussed. In both of these matters NAB has been working for some time with WPB officials to bring about a solution. Considerable progress in the matter of tubes

was reported in the inauguration of the Victory Line. It was further revealed that the battery situation was progressing satisfactorily and action was expected soon.

### Legislation

The legislative situation, including the hearing on the Cox Resolution, and the Holmes Bill, was outlined. With respect to the Cox Resolution it was felt that the industry should preserve a neutral attitude, since the subject matter of the inquiry is one between Congress and the FCC, one of its creatures. The Holmes Bill, being identical to the Sanders Bill in the 77th Congress, has been the subject of a full hearing and NAB has presented its testimony and views. Therefore, unless called upon by some committee of Congress to submit further testimony, no action will be taken.

### Retail Promotion Plan

Paul Morency, Chairman of the Retail Promotion Committee, reported that the response to the financial campaign while quite satisfactory and having resulted in the pledge of \$80,000, needed encouragement from the members of the Board. A resolution commending the committee upon the splendid work thus far done, reaffirming the confidence of the Board in the plan and pledging individual cooperation of each of the Directors to the successful consummation of the project was unanimously adopted.

### Radio-War Conference

The Board determined to hold an annual membership meeting in the form of a radio war conference instead of a convention, the conference to be held sometime between April 15 and May 15 in either Chicago or New York. The conference is to be devoid of any entertainment features. Breakfast roundtables, mass meetings and forum discussions are to be arranged.

### Membership

The following new members were elected to membership in NAB:

KBUR—Burlington, Iowa; KFUN—Las Vegas, New Mexico; KLBM—La Grande, Oregon; KOL—Seattle, Washington; KSLM—Salem, Oregon; KTKN—Ketchikan, Alaska; KTRB—Modesto, California; KWG—Stockton, California; WABY—Albany, New York; WHLS—Port Huron, Michigan; WJPR—Greenville, Mississippi; WPDQ—Jacksonville, Florida; WTTM—Trenton, New Jersey.

A membership campaign was suggested and the Secretary-Treasurer was instructed to proceed immediately in the formulation of such a campaign.

### 1943 Budget

Frank King, Chairman of the Board Finance Committee, submitted the 1943 budget with the Committee's recom-

(Continued on page 98)



NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W.

WASHINGTON

Phone NAional 2080

Neville Miller, *President*

C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising*; Walter L. Dennis, *Chief, News Bureau*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## NAB BOARD MEETS

(Continued from page 97)

mentations. The budget as finally approved by the Board calls for a normal operations outlay of \$258,000 for 1943. This figure is some \$3,000 below the normal expenditures of the Association for the past year.

C. E. Arney, Jr., who for the past three years has served as Assistant to the President, was elected to the office of Secretary-Treasurer.

## By-Law Amendments

The Board voted to submit three amendments for the consideration of the membership. The first relates to the method of election of Directors-at-Large; the second transfers the State of Maryland from the Fourth into the Third District along with Pennsylvania and Delaware. The third amendment corrects the By-Laws and eliminates all references to the Executive Committee. The full text of these suggested amendments will be printed in a subsequent issue of the REPORTS.

## New Radio Bill

Senator Wheeler (D-Mont.), Chairman of the Senate Interstate Commerce Committee joined with Senator White (R.-Maine) in introducing this week a bill (S. 814) to amend the Communications Act of 1934. The bill was referred to the Interstate Commerce Committee.

Drafted along the lines previously introduced by its sponsors, the bill provides for changes in the organization of the FCC, in its procedure, in judicial review, and authorizes declaratory judgments. It seeks to assure equality of right and opportunity among those who utilize radio for public discussion, and to further provide against censorship. It writes into the statute the language of the Supreme Court in the Sanders Brothers case, designed to spell out in "black and white" the Congressional intent that the Commission shall not concern itself with the business phases of broadcasting and the source of program material. These changes "make the bill of supreme importance," Senator White declared, "and justify its study and approval in substantially its present form by the present Congress."

Senator White explained the purposes of the bill to the Senate as follows:

"The radio bill today introduced by Senator WHEELER and Senator WHITE has its source in S. 1268, a bill introduced by Senator WHEELER in a previous Congress; in S. 1806 and S. 1520, introduced in previous sessions by Senator WHITE; in recommendations made to the Federal Com-

munications Bar Association by a committee thereof; in court decision; and in recommendations found in the Report of the Attorney General's Committee on Administrative Procedure.

"This measure should not be regarded as a general revision of our Communications Act of 1934, but the changes in the organization of the Federal Communications Commission, in its procedure, in the sections of present law with respect to appeals to the courts, in the efforts made to assure equality of right and opportunity among those who utilize radio for public discussion, in the attempt to further provide against censorship and in the authorization of declaratory judgments, make this bill of supreme importance and justify its study and approval in substantially its present form by the present Congress.

"There follows an explanation of the sections of the bill.

### SECTION 1

"This section defines the terms 'license', 'station license', or 'radio station license' appearing throughout the act as that instrument of authorization required by the act or the Commission's rules and regulations for the use or operation of radio apparatus. This definition is made necessary because of a recent tendency upon the part of the Commission to treat what are in fact licenses as instruments of a different character and lesser import, thereby making possible avoidance of compliance with procedural and appellate provisions of the act intended as safeguards against arbitrary administrative action, provisions necessary to be respected if orderly procedure is to be had. This broad definition of the term 'license' tends to insure that result.

### SECTIONS 2 AND 3

"Sections 2 and 3 basically change the administrative set-up and functions of the Commission. They can be summarized as the separation of the Commission of seven members into two statutory divisions of three members each and a clarification of the status and functions of the Chairman of the Commission.

"Under this plan the whole Commission would have power and authority to adopt and promulgate any rule or regulation of general application required or authorized by the act, including procedural rules and regulations for the Commission and each division. The whole Commission would have plenary authority over amateur services, emergency services, the qualification and licensing of operators, the selection and control of personnel, the assignment of bands of frequencies to the various radio services and many other subjects and services as at present. But the present judicial and quasi-judicial functions of the Commission would be vested in the proposed divisions insofar as those functions relate to the most important and controversial subjects within the present jurisdiction of the Commission.

"Jurisdiction to hear and determine all cases arising under the act or regulations, relating to broadcast, television, facsimile, and kindred communications intended for public reception is vested in the Division of Public Communications. Similar jurisdiction with respect to common carriers and communications intended for a designated addressee is vested in the Division of Private Communications. This plan not only recognizes the basic and fundamental differences between the two types of communications involved and the nature of the questions presented by each, but it also provides a method for obtaining proper consideration of those cases by persons who will be able to devote their time and attention to the questions committed to them without undue interruption or interference occasioned by the demands of basically different problems.

"Under the plan proposed, the status of the chairman would be that of an executive officer and coordinator participating fully in all matters within the jurisdiction of the Commission except the determination and decision of contested matters which are made the exclusive business of the divisions. Experience has amply demonstrated that the chairman cannot be expected to devote the time and attention necessary to the proper handling and disposition of these matters and also efficiently to discharge the many other duties which are unavoidably his under the act. As to these other duties, an attempt has also been made to clarify the status of the chairman and to make him, and him only, the official spokesman and representative of the Commission in certain important respects.



"When the present act was before the Congress in 1934, the bill passed by the Senate provided for a mandatory separation of the Commission into divisions as is now proposed but this plan was later abandoned and the present Commission has been operating under a law which permitted but did not require it to organize itself into divisions. In recent years, the division plan has been entirely abandoned by the Commission and it seems certain that such abandonment has operated to the detriment of orderly procedure and to wise administration and regulation. We believe students of our legislation are thoroughly convinced of the wisdom of the mandatory division plan for at least two important reasons. They recognize that there are fundamental differences in the two classes of communications above referred to; that rate making and public utility concepts are the very essence of private communications but have little, if any, application to communications with the public directly; that there has been a tendency upon the part of the Commission to confuse the two and to apply the same concepts and philosophies in the regulation of the two. This must be avoided. In the second place, it is apparent that the subject of public or mass communications and the problem incident to the regulation thereof are so interesting and attractive that they draw public attention; that on the other hand, there is very little of news value or opportunity for publicity in the regulation of common carriers and this has had the result of centering the attention of the Commission and its personnel almost exclusively on broadcasting and related problems and of preventing the giving of sufficient attention to equally important problems relating to private communications.

"The changes proposed in these two sections would bring about a much needed and desired separation of the judicial and legislative functions of the Commission; would contribute to a sounder knowledge on the part of the commissioners of the communication problems committed to them; would make for orderly procedure and harmony of decision; and would speed up the disposition of cases before the Commission and the divisions thereof.

"The last paragraph of section 3 gives definite authority to the Commission or to either division to assign or refer to an individual commissioner or to a board composed of an employee or employees, any portion of its work, business, or functions but with an assured right of review by the Commission or the appropriate division. This obviates the necessity for full Commission or division action in cases where this is not believed necessary. It should result in speedier consideration and decision.

#### SECTIONS 4 AND 5

"These sections propose certain amendments to the procedural sections of the present act (secs. 308 and 309). These amendments are made necessary by the restrictive character of the language now employed and by the disposition of the Commission to give that language an extremely literal rather than a broad interpretation. The result has been to deprive applicants for certain types of licenses of the right to be heard before their applications are denied and also to deprive persons who are adversely affected by the action of the Commission in granting the application of others, of an opportunity to be heard before the Commission.

"The first amendment to section 308 will make it clear that all instruments of authorization granted by the Commission entitling the holders to construct or operate radio apparatus should in general be the subject of a written application. The next amendment adding new language to paragraph (a) of section 308 authorizes in emergencies or in time of war the issuance of construction permits of stations or the operation of radio apparatus during the emergency or war without the filing of a formal application.

"The amendments to section 309 make it clear that any person filing an application described in section 309 is entitled as a matter of right to have his application handled in a definite procedural way. This is not assured under present practice of the Commission.

"The procedure to be followed in the handling of applications is that which was successfully followed by the Commission for a considerable period of time pursuant to rules and regulations enacted by it, but which method

was recently abandoned apparently upon the theory that the Commission was according to applicants and others in interest greater rights than those which the act guaranteed to them. Since the right to notice and hearing is the very essence of orderly procedure, amendments to the act which leave no doubt that such right is secured are absolutely imperative. The amendments proposed would assure this result.

#### SECTION 6

"This section proposes a redraft of the transfer section of the present act (section 310 (b)). As now drafted, this section in terms relates only to station licenses and does not apply to construction permits or other instruments of authorization which the Commission may issue under its rules and regulations. The redraft would remedy this deficiency. The present transfer section is also silent concerning the procedure to be employed by the Commission in passing upon such applications and the proposed amendment would remedy this defect by providing that transfer applications be handled in the same manner and in accordance with the same procedure employed in the handling of applications for original instruments of authorization.

"Aside from these questions of procedure, the decisions of the Commission relating to transfer applications have given rise to the theory that the proposed transferee of a station license may be subjected to conditions not required of an applicant for an original license. This is believed to be unsound and has been due, at least in part, to the fact that the statutory standard employed in the present transfer section differs slightly in phraseology from that used elsewhere in the act. By providing for the use of the same statutory standard in the proposed amendment and by the use of other clarifying language, it is believed that this cause for controversy will be eliminated. Language is included to make the paragraph apply not only to the instrument which may be the subject of assignment, but to any rights the holder of the license may have by virtue of his license.

#### SECTION 7

"This section proposes amendments to section 315 of the present act relating to the use of broadcast facilities by candidates for public office. The amendments proposed are the deletion of the proviso clause now appearing in that section which provides that the licensee shall have no power of censorship over the material broadcast under the provisions of this section and the substitution therefor of clearer language to the same purpose found in a proposed new section 330. This present proviso has been the source of much uncertainty and controversy. We believe the change urged clarifies and enforces the congressional intent.

#### SECTION 8

"Section 8 of the bill proposes a new sentence as an amendment to section 326 of the present act, which codifies an interpretation placed upon the act by the Supreme Court of the United States in the case of the *Federal Communications Commission v. Sanders Brothers Radio Station*, decided March 25, 1940. In this case the Supreme Court said:

"But the act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field 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 assigned channel.

"Notwithstanding this pronouncement of the Supreme Court, notwithstanding the fact that no language can be found in the act which confers any right upon the Commission to concern itself with the business phases of the operation of radio broadcast stations and notwithstanding the further fact that section 3 (h) of the act provides that a person engaged in radio broadcasting should not be regarded as a common carrier, the Commission has nevertheless concerned itself more and more with such matters. The charge is made that the Commission is attempting to control both the character and source of program material and

the contractual or other arrangements made by the licensee for the acquisition of such material.

"The amendment proposed spells out in black and white what it is believed was not only the original intention of Congress but is its present intention, with respect to this subject, in the hope that confusion and controversy can be eliminated. The amendment preserves the prohibition now contained in the act against interference with the right of free speech and that against the utterance of obscene, indecent, or profane language by means of radio communication.

#### SECTION 9

"This section of the bill proposes the addition of an entirely new section to the act (sec. 330), which will require the identification of the speaker in the case of broadcasts dealing with public or political questions either local, State, or national in their scope and application. Ever since the enactment of the Radio Act of 1927, the law has carried a provision requiring that in the case of the commercial use of a station the person or organization sponsoring such broadcast be identified in connection with the broadcast. Such a provision is found in section 317 of the present act. The proposed new section would merely carry the principle of identification further and make it obligatory in the discussion of political or public questions to make clear not only who the speaker is but whose views he expresses. It is unfortunately a fact that most propaganda by radio is found in sustaining programs or programs which have no commercial sponsor. The adoption of this new section would carry the salutary principle of identification into a field where it is much needed.

#### SECTION 10

"Section 10 of the bill proposes the inclusion of a new section (sec. 331) the effect of which would be to require the licensee of any station to afford a right of reply where public officers, other than the President of the United States, use his station for the discussion of public or political questions. This right of reply is to be exercised by the accredited representatives of the opposition political party or parties, and is to be afforded upon the same terms and conditions as the initial discussion. This substantially enlarges the scope of section 315 of the 1934 act. The subject matter of this proposed section merits immediate consideration.

#### SECTION 11

"Section 11 of the bill proposes the addition of another new section (sec. 332), the effect of which would be to clarify the duties and responsibilities of a licensee where his station was used by a candidate for public office or by public officers or others for the discussion of public or political questions. The no-censorship clause of section 315 of the present act does not adequately define the duties of a licensee under such circumstances. The proposed new section (sec. 332) affords the licensee an opportunity to examine the material to be broadcast before its intended use and to delete therefrom any material which is slanderous or libelous or which the licensee may have reason to believe would subject him or his station to any action for damages or to a penalty or forfeiture under any local, State, or Federal law or regulation. This section specifically provides that no licensee of any broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material submitted by a candidate for public office or by public officers or others discussing public and political questions. With the exception of material which might subject the licensee to damages or penalties or material which is submitted for broadcast by or upon behalf of any person or organization which advocates the overthrow of government by force or violence, the licensee has no control over the subject matter of any broadcast.

#### SECTION 12

"Section 12 is designed to clarify provisions of existing law relative to proceedings to enforce or set aside orders of the Commission and in appeals from decisions of the Commission. The present law upon this subject is now found in section 402 of the act.

"Paragraph (a) of section 402 of the pending bill deals

with actions to enforce or set aside orders of the Commission except those appealable under paragraph (b) of that section. More specifically, paragraph (a) of this section as it now stands relates to those orders of the Commission entered in matters involving common carriers and certain other orders relating to radio broadcast stations not now appealable to the United States Court of Appeals for the District of Columbia under paragraph (b) of section 402. Under the proposed amendment, all orders entered by the Commission in the performance of its licensing functions would be appealable under paragraph (b) and would not be brought before a statutory three-judge district court. Moreover, suits brought before a statutory three-judge court to enjoin the enforcement of an order of the Commission could be brought in the District Court of the District of Columbia as well as in other judicial districts.

"The principal changes proposed in paragraph (b) of section 402 can be summarized as follows: (1) Persons desiring to appeal from orders of the Commission entered in all cases where the Commission exercises its licensing functions, must appeal to the United States Court of Appeals for the District of Columbia; (2) language is adopted which will remove doubt as to which cases are appealable and which will extend the right of appeal to persons which should have such right but which have been excluded due to imperfections in the present act; (3) the time in which an appeal must be taken is made 30 rather than 20 days, as at present, and the contents of the notice of appeal are specified with particularity along the lines now provided by the rules of the United States Court of Appeals for the District of Columbia; (4) jurisdiction is expressly conferred upon the court to which an appeal is taken to grant temporary relief either affirmative or negative in character; (5) the court is given authority to specify by rule what the record upon appeal shall contain; (6) the questions which can be raised upon appeal and which the court must consider in determining an appeal are specifically enumerated; and (7) the Commission will be required to comply with the mandate or decision of the court upon the basis of the record upon which an appeal is taken unless the court upon petition shall otherwise determine. Other provisions of the present act relating to the right of persons to intervene in an appeal are retained.

"All of these changes are, in our opinion, not only desirable but necessary if adequate judicial review of the Commission's exercise of its licensing function is to be made effective. Present language of section 402, and particularly paragraph (b) thereof, is so vague as to result in great doubt concerning the proper court in which to seek judicial review in many cases. Moreover, recent decisions of the United States Court of Appeals for the District of Columbia and of the Supreme Court of the United States are such as to cast further doubt upon the meaning and application of these provisions.

"Generally speaking, the same considerations which controlled the Attorney General's committee on administrative procedure in the making of its recommendations concerning judicial review of the decisions and orders of other administrative tribunals have prompted the amendments to section 402 here proposed. But we have gone further in certain respects than the Attorney General's committee and have attempted to adapt the theory of that report to the peculiar problems incident to the licensing of radio stations and the review of decisions and orders of the Commission in licensing such stations.

"An important instance of an adaptation peculiar to the subject matter has to do with judicial review of actions instituted by the Commission against the holder of a license.

"It is unfortunately the fact that since the organization of the Federal Radio Commission in 1927 certiorari has not been granted by the Supreme Court in any case upon the application of an individual litigant, while on the other hand only one such request for review has been denied when made by the Commission. From 1927 to 1942 the Supreme Court granted a review in seven cases upon petition by this governmental agency and denied only one; it granted no review in behalf of a private litigant, although many were requested. Obviously the road to the Supreme Court for persons unsuccessful before the Court of Appeals is a one-way street.

"We have attempted to deal with this situation and subject in such a way as to insure review by the Supreme Court in a limited but most important class of cases, namely those cases in which the Commission on its own motion proceeds against the holder of an existing license. This is by a provision which would make Supreme Court review in this class of cases obligatory upon the Court rather than optional with it. Such a provision is not unique or without precedent. In other important classes of cases it has been in effect and it should be adopted here if judicial review of Commission action is to be a meaningful rather than an empty term.

#### SECTION 13

"Section 13 of the bill provides for such changes in section 405 of the present law relating to the subject of rehearings as are necessary to conform to the changes in the administrative organization of the Commission proposed in sections 2 and 3 of the bill. Further provision is made for delaying the effective date of any decision, order or requirement made in any case which is the subject of petition for rehearing until after final decision upon such petition. An attempt has also been made to eliminate doubt now prevalent concerning when his petition for rehearing must be filed before judicial review of the Commission's order can be had. Under the provisions of the amendment proposed, the petition for rehearing will not be a condition precedent to judicial review except where the party seeking such review was not a party to the proceedings before the Commission resulting in such order or where the party seeking such review relies upon questions of law or fact upon which the Commission has been afforded no opportunity to pass.

#### SECTION 14

"Section 14 of the bill proposes an amendment to paragraph (a) of section 409 of the present act which deals with the cases heard by less than a quorum of the Commission or either division thereof. The procedure employed by the Commission in cases of this character has led to a great deal of controversy and there has been a decided lack of uniformity both in the handling of such matters and the character of reports submitted by the hearing officer. The proposed amendment requires not only the submission of a uniform type of report setting out in detail and with particularity all basic or evidentiary facts developed as a result of the evidence taken but also conclusions of fact and law upon each issue submitted for hearing. It further makes mandatory the hearing of oral argument by the Commission or the division having jurisdiction of any case upon request of any party before the entry of a final order. The Commission or division is also required to accompany any final order with a full statement in writing of all the relevant facts as well as conclusions of law upon those facts.

"Here again an attempt has been made to conform to the recommendations of the report of the Attorney General's committee on administrative procedure, and these provisions, if enacted, would be wholly consistent with those recommendations or any legislation which may result therefrom.

#### SECTION 15

"Section 15 authorizes the issuance of declaratory rulings respecting the rights and the legal relations of any person who is the holder of or applicant for a license or a construction permit.

"It is proposed that whenever necessary to end a controversy or to remove substantial doubt and uncertainty as to the application of this act or of any regulation of the Commission to any such person, the Commission upon petition therefor, may hear and determine the matters and things in issue and may enter a judgment ruling, which shall have, in the absence of reversal after judicial proceeding, the same force and effect as a final order of the Commission and in the case of proceedings by the Commission having as their purpose the revocation, modification, or failure to renew or extend an existing permit or license, the Commission shall be required to entertain such petition for declaratory relief.

"Provision is made for notice and hearing upon any

such petition and for appeal to the Court of Appeals of the District.

"This proposal provides a means by which applicants and licensees may have a judicial determination as to questions of vital importance to their business without putting in jeopardy their very business existence.

#### SECTION 16

"Section 16 of the bill proposes the addition of an entirely new section. This section is designed to curb an alleged tendency upon the part of the Commission to discriminate in a manner not authorized by the statute between applicants for broadcast and other radio facilities and to require as a condition to grants made, the doing of acts which the Commission has no authority under the statute to require.

"When the Congress enacts a law creating an administrative tribunal and defines its powers, duties, and functions, we consider it as fundamental that the authority conferred must be limited by the enabling act. Such a tribunal has and must exercise those powers which are specifically enumerated. In addition, it must exercise those powers which are necessarily incident to the exercise by it of those powers expressly enumerated. It is not, however, authorized or permitted to set itself up as a general legislative body making its own rules of conduct and decision wholly apart from and beyond the language of the statute. The tendency to do this, prevalent among virtually all administrative tribunals, has recently become very aggravated at the Commission. This, in our opinion, must be arrested by the enactment of specific legislation along the lines here suggested."

We print the bill below:

### THE WHITE-WHEELER BILL

S. 814

#### A BILL

To amend the Communications Act of 1934, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

"(bb) The term 'license', 'station license', or 'radio-station license' means that instrument of authorization required by this Act, or the rules and regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name the same may be designated by the Commission."

SEC. 2. Amend paragraph (b) of section 4 of said title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following: "Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

SEC. 3. Amend section 5 of said title I by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The members of the Commission, other than the Chairman, shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications, and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division, but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

“(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission’s regulations.

“(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission’s regulations.

“(d) The whole Commission shall have and exercise jurisdiction over the assignment of bands of frequencies to the various radio services; over all matters arising under the provisions of part 2 of title III of this Act, as amended; over all signals and communications of an emergency nature, including distress signals by ships at sea and communications relating thereto, signals and communications by police and fire departments and other like emergent signals and messages; over all signals and communications by and between amateur stations; over the qualifications and licensing of all radio operators; over the adoption and promulgation of all rules and regulations of general application required or authorized by this Act, including procedural rules for the Commission and the Divisions thereof; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all matters with respect to which authority is not otherwise conferred by other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission.

“(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate and organize the work of the Commission and each Division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said Divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said Divisions with full power as a member thereof until the cause or circumstances requiring said service shall have been eliminated or corrected.

“(f) Each Division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each Division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said Divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

“(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of

the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such Commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

“(h) The term ‘Commission’, as used in this Act, shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with. The term ‘cases and controversies’, as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term ‘adjudications’ means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or a named res.

“(i) The Commission or either Division thereof is hereby authorized by its order to assign or refer any portion of its work, business, or functions to an individual Commissioner, or to a board composed of an employee or employees of the Commission, to be designated by such order for action thereon, and by its further order at any time to amend, modify, or rescind any such order or reference: *Provided, however*, That this authority shall not extend to duties specifically and exclusively imposed upon the Commission, either Division thereof, or the Chairman of the Commission, by this or any other Act of Congress. Any order, decision, or report made or other action taken by any such individual Commissioner or board in respect of any matter so assigned or referred shall have the same force and effect and may be made, evidenced, and enforced as if made by the Commission or the appropriate Division thereof: *Provided, however*, That any person affected by any such order, decision, or report may file a petition for review by the Commission or the appropriate Division thereof, and every such petition shall be passed upon by the Commission or that Division.”

SEC. 4. Amend paragraph (a) of section 308 of title III of said Act by striking out all appearing before the first proviso clause in said paragraph and by inserting in lieu thereof the following:

“The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it.”

Further amend paragraph (a) of said section 308 by adding at the end of said paragraph the following: “*And provided further*, That (1) in cases of emergency found by the Commission involving danger to life or property, or (2) during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission or either Division thereof may grant and issue authority to construct or operate apparatus for the transmission of energy or communications or signals by radio during the emergency so found by the Commission or either Division thereof or during the continuance of any such war in such manner and upon such terms and conditions as it shall by regulation prescribe, and without the filing of a formal application.”

SEC. 5. Amend section 309 of said title III by striking out paragraph (a) thereof; by relettering present paragraph (b) as paragraph (d); and by inserting in lieu of paragraph (a) as deleted the following:

“(a) If upon examination of any application provided for in section 308 hereof the Commission shall determine (1) that public interest, convenience, or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee or applicant, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

“(b) If upon examination of any such application the Commission is unable to make the findings specified in paragraph (a) hereof, it shall designate the application

for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing-subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearings shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof."

SEC. 6. Amend paragraph (b) of section 310 of said title III striking out the whole of said paragraph and by inserting in lieu thereof the following:

"No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus and no rights granted thereunder shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee possesses the qualifications required of an original permittee or licensee and is capable of constructing or operating under such instrument of authorization in the public interest, convenience, and necessity. The procedure to be employed in the handling of such applications shall be that provided in section 309 of said title III, as amended."

SEC. 7. Amend section 315 of said title III by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcast station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcast station, and the Commission shall make rules and regulations to carry this provision into effect. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

SEC. 8. Amend section 326 of said title III by inserting before the first sentence thereof a new sentence so that as amended said section shall read as follows:

"Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any radio broadcast station and no regulation, condition, or requirement shall be promulgated, fixed, or imposed by the Commission, the effect or result of which shall be to confer upon the Commission supervisory control of station programs or program material, control of the business management of the station or control of the policies of the station or of the station licensee. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

SEC. 9. Add to said title III the following new section:

"SEC. 330. No licensee of any radio-broadcast station shall permit the use of such station for the discussion of any public or political question whether local, State, or National in its scope and application, unless the person or persons using such station shall, prior to such use, disclose in writing and deliver to the licensee the name or names of the person or persons or organization upon whose instance or behalf such broadcast is to be made or conducted. Upon the making of any such broadcast the name of the speaker or speakers using the station, together with the other information required by this section, shall be announced both at the beginning and at the end of such broadcast. Public officers, speaking as such, whether local, State, or National, and whether elective or appointive, shall be relieved of compliance with the foregoing provisions, but in all cases the licensee shall cause an announcement to be made both at the beginning and at the end of the broadcast, stating the name of the speaker, the office held by him, whether such office is elective or appointive, and by what political unit or public officer such power of election or appointment is exercised. Where more than one broadcasting station or a network of such stations is used as herein provided, the requirements of this section will be met by compliance therewith at the station which originates such broadcast."

SEC. 10. Add to said title III the following new section:

"SEC. 331. In all cases where public officers other than the President of the United States use a radio-broadcast station for the discussion of public or political questions, the licensee of any station so used shall afford a right of reply to any person designated by the accredited representatives of the opposition political party or parties. In all cases the right of reply herein provided shall be afforded upon the same terms and conditions as the initial discussion and the Commission shall make such rules and regulations as are necessary to carry this provision into effect."

SEC. 11. Add to said title III the following new section:

"SEC. 332. No licensee of any radio-broadcast station nor the Commission shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material broadcast under the provisions of sections 315, 330, and 331 hereof: *Provided, however,* That no licensee shall be required under the provisions of this section or otherwise to broadcast any material for or upon behalf of any person or organization which advocates the overthrow of government by force or violence, and that no licensee shall be required to broadcast any material which is slanderous or libelous or which might subject the licensee or its station to any action for damages or to a penalty or forfeiture under any local, State, or Federal law or regulation. In all such cases the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section, and

the Commission shall make rules and regulations to carry this provision into effect.”

SEC. 12. Amend section 402 of title IV by striking out the whole of said section and by inserting in lieu thereof the following:

“(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

“(b) Appeals may be taken from decisions and orders of the Commission to the United States Court of Appeals for the District of Columbia in any of the following cases:

“(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

“(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

“(3) By any applicant for the permit required by section 325 of this Act or any permittee under said section whose permit has been modified, revoked, or suspended by the Commission.

“(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in subparagraphs (1), (2), and (3) hereof.

“(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

“(6) By any radio operator whose license has been revoked or suspended by the Commission.

“(c) Such an appeal shall be taken by filing a notice of appeal with the court within thirty days after the entry of the order complained of. Such notice of appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order, directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

“(d) Upon the filing of any such notice of appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the city of Washington. Within thirty

days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

“(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

“(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

“(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions, and decisions of the Commission, the court shall consider and decide, so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inference, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

“(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined.

“(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

“(j) The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States as hereinafter provided:

“(1) An appeal may be taken direct to the Supreme Court of the United States in any case wherein the jurisdiction of the court is invoked, or sought to be invoked, for the purpose of reviewing any decision and order entered by the Commission in proceedings instituted by the Commission which have as their object and purpose the revocation, modification, or failure to renew or extend an existing license. Such appeal shall be taken by the filing of an application therefor or notice thereof within thirty days after the entry of the judgment sought to be reviewed, and in the event such an appeal is taken the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such an appeal is allowed under such rules as may be prescribed. Appeals under this section shall be heard by the Supreme Court at the earliest possible time and shall take precedence over all other matters not of a like character.

“(2) In all other cases, review by the Supreme Court of the United States shall be upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by the appellant, by the Commission, or by any interested party intervening in the appeal or by certification by the court pursuant to the provisions of section 239 of the Judicial Code, as amended.”

SEC. 13. Amend section 405 of said title IV by striking

out the whole thereof and by inserting in lieu thereof the following:

"SEC. 405. After a decision, order, or requirement has been made by the Commission or any Division thereof in any proceeding, any party thereto or any other person, aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a Division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a Division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order, or requirement complained of and except for those cases in which the decision, order, or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order, or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order, or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish. The time within which an appeal must be taken under section 402 (b) hereof shall be computed from the date upon which the Commission enters its order disposing of all petitions for rehearing filed in any case, but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

SEC. 14. Amend paragraph (a) of section 409 of said title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a Division thereof having jurisdiction of the subject matter or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a Division thereof or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearings. In all cases the Commission, or the Division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the Division and such oral argument shall precede the entry of any final decision, order, or requirement. Any final decision, order, or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts."

SEC. 15. Amend the Act by adding thereto as a new section 417 the following:

"SEC. 417. (a) The Commission shall have the power to issue declaratory rulings concerning the rights, status, and other legal relations of any person who is the holder of or an applicant for a construction permit or license provided for in this Act or by the rules and regulations of the Commission enacted pursuant to this Act.

"(b) Upon the petition of any such person and when necessary to terminate a controversy or to remove a sub-

stantial uncertainty as to the application of the terms of this Act or of Commission regulations enacted pursuant to this Act to such person, the Commission may hear and determine the matters and things in issue and may enter a declaratory ruling which shall, in the absence of reversal after appropriate judicial proceedings, have the same force and effect and be binding in the same manner as a final order of the Commission. When a petition for declaratory ruling is entertained by the Commission, all persons shown by the records of the Commission to have or claim any interest in the subject matter shall be ordered by the Commission to be made parties to the proceeding and no such ruling shall bind or affect the rights of persons who are not parties to such proceeding.

"(c) In all proceedings instituted by the Commission and which have as their object and purpose the revocation, modification, or failure to renew or extend an existing construction permit or license, the Commission shall be required to entertain any petition for declaratory relief which is filed within a period of ten days after the institution of any such proceedings, and such proceedings so instituted by the Commission shall be held in abeyance until all petitions for declaratory rulings involving the same parties and the same subject matter have been heard and determined and the results thereof made subject to judicial review as herein provided.

"(d) Any party to a proceeding in which the Commission has entered a declaratory ruling may appeal from such ruling and any party to a proceeding arising under paragraph (c) hereof in which the Commission is requested to issue a declaratory ruling may appeal from such ruling or from the Commission's failure to issue such ruling to the United States Court of Appeals for the District of Columbia, and that court shall have jurisdiction to hear and determine any such appeal in the same manner and to the same extent as in the case of final orders of the Commission appealable under section 402 (b) of this Act, as amended."

SEC. 16. Add to said title IV the following new section:

"SEC. 418. Penalties, denials, prohibitions, and conditions other than those expressly authorized by statute shall not be exacted, enforced, or demanded by the Commission in the exercise of its licensing function or otherwise and no sanctions not authorized by statute shall be imposed by the Commission upon any person. Rights, privileges, benefits, or licenses authorized by law shall not be denied or withheld in whole or in part where adequate right or entitlement thereto is shown. The effective date of the imposition of sanctions or withdrawal of benefits or licenses shall, so far as deemed practicable, be deferred for such reasonable time as will permit the persons affected to adjust their affairs to accord with such action or to seek administrative reconsideration or judicial review.

## BATTERY MEETING TODAY

Representatives of the Department of Agriculture, the Office of War Information, War Production Board and the National Association of Broadcasters are meeting Friday. The battery situation is receiving the complete and serious consideration of NAB and the government.

Dry cell battery manufacturers are to meet with WPB on March 10.

## NEW LIBEL LAW

An amendment to the North Carolina Libel Law was ratified February 25. It requires that radio and television stations be given five days notice before the commencement of either civil or criminal action for libel or slander. By broadcasting a retraction within ten days of such notice, provided the utterance was broadcast in good faith and its falsity due to an honest mistake of the facts, or without prior knowledge of the station or with reasonable grounds for believing the utterance was true, only actual damages can be recovered in a civil action and a fine of only a penny and costs can be imposed upon verdict of guilty in a criminal proceeding.

We print the Act in full below:

**"AN ACT TO AMEND SECTIONS TWO THOUSAND FOUR HUNDRED TWENTY-NINE AND TWO THOUSAND FOUR HUNDRED THIRTY OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO LIBEL AND SLANDER BY RADIO OR TELEVISION STATIONS."**

**SECTION 1.** That Section two thousand four hundred twenty-nine of the Consolidated Statutes of 1939 be amended by adding thereto subsection (b) reading as follows: "(b) Before any action, either civil or criminal, is brought for the publishing, speaking, uttering, or conveying by words, acts or in any other manner of a libel or slander by or through any radio or television station or company, the plaintiff or prosecutor shall at least five days before instituting such action serve notice in writing on the defendant, specifying the time of and the words or acts which he or they allege to be false and defamatory."

**SECTION 2.** That Section two thousand four hundred thirty of the Consolidated Statutes of 1939 be amended by adding thereto subsection (b) reading as follows: "(b) If it appears upon the trial that such words or acts were conveyed and broadcast in good faith, that their falsity was due to an honest mistake of the facts, or without prior knowledge or approval of such station or company, and if with prior knowledge or approval that there were reasonable grounds for believing that the words or acts were true, and that within ten days after the service of said notice a full and fair correction, apology and retraction was conveyed or broadcast by or over such radio or television station or company at approximately the same time of day and by the same sending power so as to be as visible and audible as the original acts or words complained of, then the plaintiff in such case, if a civil action, shall recover only actual damages, and if, in a criminal proceeding, a verdict of "guilty" is rendered on such state of facts, the defendant shall be fined a penny and costs, and no more."

**SECTION 3.** This act shall not affect any pending litigation relative to libel and slander by any radio or television station.

**SECTION 4.** This act shall be in full force and effect from and after its ratification.

Ratified February 25, 1943.

## PERSONNEL OWI OVERSEAS STUDIOS

Some progress has been made in the cooperative effort undertaken by NAB with the International Division of the Office of War Information to secure the necessary personnel to staff its New York studios. The appeal made in the REPORTS (February 12) to stations to make known to NAB any personnel available, has brought some response. Two of the large stations have offered the services of employees who can be spared and another station has offered to place notices on its bulletin board to see if any of its employees are interested.

Meantime the International Division is perfecting plans to institute an intensive program to train studio operators, but the immediate need is for a limited number of experienced supervisors and technical men. Since but a few of these are needed, NAB joins with the International Division in again appealing to any station having employees who may be released for this purpose, to provide that information to the International Division through NAB. Stations having applications from semi-trained men or women are urged to send in that information.

The effort to secure personnel on a voluntary basis and the training program is instituted as a means of avoiding the necessity for soliciting employees in areas and from stations where great harm might be done domestic broadcasting. In other words an attempt is being made to solve this problem through cooperation and voluntary action. Stations having personnel which can be released are urged to get in touch with NAB immediately.

## TECHNICIANS AVAILABLE

The American Radio Relay League is cooperating with the NAB Engineering Department in a registration of amateur radio operators who are willing to assist in the war effort by taking technical positions in broadcast stations. Applications will not be accepted from persons now employed within the broadcast industry, as the purpose of the campaign is to recruit persons outside the industry who are not now utilizing their radio training. The March issue of QST, the official magazine of the ARRL, carried an appeal to the amateurs.

NAB is now receiving a limited number of letters from amateurs listing their radio background, age, sex, draft classification, availability for full or part time work and information as to localities in which they are willing to work. A substantial portion of the applications are from persons already holding commercial operator licenses. Those that are not licensed, in many instances, have an acceptable technical background and have some knowledge of transmitting equipment.

Stations in need of replacement technicians should first make every effort to fill vacancies locally. If it is found impossible to secure the required replacements, stations are invited to write to the NAB Engineering Department for the names of several available persons. NAB has no knowledge of the applicants other than the statements contained in the registration letter and is therefore not in a position to make employment recommendations. The usual employment references should be secured by direct correspondence with the applicants.

## THANKS TO RADIO

Basil O'Conner, president of the National Foundation for Infantile Paralysis, has asked the NAB to express the institution's gratitude for the cooperation of radio during the President's Birthday Ball season.

## DISTRICT 3 MEETING

Isaac D. Levy, District 3 Director, has called a District meeting at the Benjamin Franklin Hotel in Philadelphia on March 22 to elect a Director for the term starting with the next NAB Convention.

## LABOR ARBITRATION

John Lapp, noted labor arbiter, has written an excellent book covering the whole subject of arbitration. It should be of interest to every employer who deals with labor unions, especially now when so many labor negotiations wind up in arbitration.

The NAB has made arrangements with the National Foremen's Institute, Inc., to supply members of the NAB with copies of the book at \$2.50 each when ordered through the NAB. The regular price is \$3.50.

Do not send any money with your order. The publisher will bill you when the book is sent.

## COST OF LIVING

The United States Department of Labor reports that the cost of living increased 0.2% between December 15, 1942, and January 15, 1943, bringing the increase since January 15, 1942, to 7.7%.

## EGOLF, DENNIS AT NAB

Willard D. Egolf, NAB assistant to the president, and Walter L. Dennis, NAB news bureau chief, both new staff members, swung into action officially at the recent NAB directors' meeting in New York City. They released



stories of the meeting to trade, wire service and network news outlets. Dennis, former sales promotion manager of KVOO, Tulsa, is a veteran of 10 years' newspaper and radio experience and, on going to work in Washington, he discovered a host of former newsmen with whom he had worked in the past stationed in various government agencies, including two former "bosses."

### EDUCATIONAL SERVICE

Declaring radio to be a "solemn responsibility" of the people to see that it is kept to the highest standards, Mrs. Leo A. Viano, state radio chairman of Northern California, paid tribute to the NAB educational activities recently in a talk entitled "Radio—A Public Service" before the California Federation state convention. Mrs. Viano termed radio to be "the greatest medium of communication the world has ever known and . . . (is) the basis of national unity."

### DAYLIGHT TIME

In New York City last week, while attending the NAB board meeting, Neville Miller, president, released the following statement to press and radio:

"The action of some states, in abolishing national Daylight Saving Time, constitutes a threat to America's civilian communications system, now vital in wartime.

"If this confusion grows, the people will find themselves more and more isolated from the Office of War Information, whose effective use of radio depends on a uniform national time schedule."

Stations remaining on War Time, despite local action, and wishing to maintain public identification of their effort to preserve a national unified radio time pattern, may do so by announcing their time as "Eastern RADIO War Time," or "Central RADIO War Time," etc., Willard Egolf suggests. Such action may gain favor with OWI, for the correct pre-announcement of special broadcasts, it is thought.

### DEAN LAMPE REPORTS ON RADIO COURSES

A report of the activities of the NAB-ESMWT radio training program in Connecticut from March to January, 1943, has been prepared by J. H. Lampe, Dean of Engineering, University of Connecticut, who is the State Coordinator.

Franklin M. Doolittle, president, WDRC, Hartford, is Industry Representative in this enterprise and works in close harmony with Dean Lampe.

Said the Dean: "While this report deals with the University of Connecticut's radio course at Hartford, it should be emphasized that very successful radio training courses have also been given or are in progress at New Haven, Waterbury, Bridgeport, Stamford and New London." All these courses have had the support of the broadcasting stations in Connecticut. This support was organized through the efforts of the National Association of Broadcasters, with Mr. Doolittle as Industry Representative. All courses were given under the ESMWT program of U. S. Office of Education.

At New Haven and Waterbury, Yale University with the New Haven Junior College, cooperating, operated the courses. At Bridgeport and Stamford, Yale University with the Bridgeport Engineering Institute, cooperating, sponsored the training work; and at New London, the University of Connecticut with the New London Junior College, cooperating, operated the radio course. In Hartford, the University of Connecticut gave the radio training courses at its Extension Center (Walter Camp School).

Section 5 of the report covers "conclusion." The opinion is that "these courses have been able successfully to train students for active participation in the field of radio, either in the armed forces, war industry, or other critical

activities. A sincere effort has been made to furnish the maximum of instructional value in the class and laboratory work to make those who finish the course most useful wherever they may be assigned. The experience gained by the staff in this effort should enable them to do an even better training job in the future."

### GOOD PGM IDEA FROM WROK

The format for maintaining a fine state of worker morale in Rockford, Ill., undoubtedly has application in other parts of the country. Radio is the medium, "Soldiers of Industry" the vehicle.

The 30 minute program is broadcast at 2 p. m. Sundays; 9:15 p. m. Mondays and 6:15 a. m. Tuesdays. This insures a large audience of workers on the various shifts. The program is transcribed each Friday night. Transcriptions are also available for play-back in plants each week.

Sponsors are 12 major war plants in Rockford as follows:

American Cabinet Hardware Corp.; Cotta Transmission Corp.; George D. Roper Corp.; Greenlee Bros. & Co.; Ingersoll Milling Machine Co.; National Lock Co.; Rockford Drilling Machine Co.; Rockford Machine Tool Co.; Sundstrand Machine Tool Co.; and the Woodward Governor Co.

The program was developed by John J. Dixon, commercial manager, WROK. It combines news and drama. The first quarter-hour is devoted to flash news of personnel activities in each of the plants. There are reviews of bowling and other sports activities shared by employees as well as "personal" items about individual workers. The news portion also includes letters from former employees now in service. Factory personnel managers supply the news from each plant.

The last fifteen minutes of each program is in the nature of a dramatic tribute to the workers of one of the participating factories. The story traces the use of the plant's principal product from the time it is shipped from Rockford until it is doing its duty on land, on the sea or in the air. Based on actual happenings, the drama provides a vivid answer to the factory worker's question of how his seemingly insignificant task at a machine applies to the winning of the war.

Concerning the purpose of the show Mr. Dixon said: "The average factory worker—the fellow on the machine or the girl in the office—can't realize the importance of his job. He's doing the same work today that he did in peace time and he can't see the connection between his job and the men on the battlefronts. Through the dramatic episodes on 'Soldiers of Industry' we picture the production of certain items from the machine to the finished product as it is used by our fighting men. This brings home to the worker that he is responsible for making the goods that will win the war."

The main object of the program is to impress upon each worker the importance of his job, thus building his morale.

### THANK YOU, CY!

Neville Miller has received the following heart-warming letter:

DEAR NEVILLE:

I am in receipt of a bill for 1943 associate membership dues and I wish to call your attention to the fact that the damn bill is *wrong*.

You're charging me \$250.00 for associate membership and I *say* it should be \$500.00!

Yes, Neville, and I am delighted to hand you our check in the amount of \$500.00 in payment of our membership in the swellest association it's ever been my privilege to be a member of.

Cordially yours,

LANG-WORTH FEATURE PROGRAMS INC.,  
(s) "Cy"  
C. O. LANGLOIS, *President*.

mp/enc.

## WKIP BOND AUCTIONS SELL

According to Ned Lynch, WKIP, Poughkeepsie, N. Y., bond sales continue good. He says: "Our greatest plug for war bonds is on three weekly War Bond Auctions . . . we promote them several times daily."

## EGOLF TALKS TO BOARD

In his maiden speech before the NAB board of directors, Thursday, February 25, in New York City, Willard D. Egolf, newly appointed assistant to the president, discussed the definition of public relations:

"When I told my family that one of my duties was to handle public relations for the National Association of Broadcasters, my twelve year old son said, 'Daddy, what are public relations for broadcasters?'"

"Kids can ask the damndest questions!"

"I said, son, that's what the broadcasters and I are going to find out!"

Egolf then stated his conception of public relations, as follows:

"The conduct of public relations, for any industry, is the science of being known favorably by the greatest number of people. I shall leave no avenue untouched to reach that goal. The affairs of this office shall be conducted with dignity and pride in the belief that the American system of broadcasting is the greatest medium the world has ever known."

## DONALD STAUFFER TO OWI

Elmer Davis, Director of the Office of War Information, announced the appointment of Donald D. Stauffer as Chief of the Domestic Radio Bureau, OWI, to fill the vacancy created when William B. Lewis was appointed to the post of Assistant Director of the Domestic Branch. Mr. Stauffer, now Vice President in charge of Radio for Ruthrauff & Ryan, has been granted a leave of absence and will take office on March 15. His headquarters will be in Washington.

## CHILDREN'S PROGRAMS

The prize-winning letter to the Radio Council of Greater Cleveland on the subject: "What I Consider Good Radio Listening for Children" made the following points as procedure in educating children to better radio listening: strict censorship over the child's listening when he is small to provide the proper start for later discrimination; a "bargain" agreement as the child grows older whereby for every adventure type program listened to the child would also listen to musical programs of a quality nature and to portions of important talks or lectures, and, finally, programs where good grammar and ordinary or pleasant voice tones were used in preference to programs of wide voice ranges and slang. Calm, unflurried presentation of programs were preferred to loud, emotional types.

## PERSONNEL DATA

To simplify the gathering of important information desired by the Armed Forces, NAB has agreed to contact all radio stations in the country with a request for personnel data which each station should have readily accessible. By the time you read this, you should have received or shortly will receive a letter and questionnaire form on this matter and also a questionnaire form concerning news editors and commentators on your stations. Expeditious filling out and returning of these forms will be of utmost benefit.

## LISTENING GUIDE

The Springfield, Mass., radio stations, WBZA, WSPR and WMAS, have issued a "Radio Guide to Good Listening" for their listeners. In pamphlet form, the guide was prepared by the Pioneer Radio Council of Springfield.

## ADVERTISING DEFENDED

A sturdy defense of radio advertising, as well as advertising in other media, has been received at NAB New York headquarters by Mrs. Dorothy Lewis from Mrs. John D. Robinson, of Wallace, N. C., of the North Carolina Federation of Women's Clubs.

Mrs. Robinson, in a letter, declares that advertising has contributed directly to the nation being "better fed, better clothed, better housed" and in this advancement of living standards "radio has played a magnificent part."

## 48-Hour Week

Relief for radio stations which find a 48-hour week impractical must be obtained locally, although the NAB is preparing to ask for a "directive" on the subject from the War Manpower Commission to its local enforcement agents.

Administration of the 48-hour week order (see NAB REPORTS, p. 55) is being totally decentralized. The best advice the NAB can give stations in the 32 critical areas at the moment is to *get together* and talk over the situation with their local WMC directors.

The monkey is on the employer's back. In case all his employees or the employees in any department are not going to a 48-hour week before April 1, he must be prepared to justify his schedule. On the other hand, if the employer does go to a 48-hour week so that he can release one or more employees for other war work, he must get WMC approval before the employees are released.

To hire a new employee after April 1, the employer must get a WMC permit. At that time, the WMC undoubtedly will ask whether the employer's employees are on a 48-hour week. If not, the employer will have to justify his schedule before he can get the permit. Local draft boards probably will take this into consideration, too, in acting on employers' requests for employee deferments.

In instances where employees are now working less than 48 hours and the employer feels that an advance to a 48-hour schedule would work a hardship, we feel that the employer should encounter no great difficulty in justifying his present schedules. For instance, take the six-man engineering department. Theoretically, five men at 48 hours can turn out the same number of hours work as six at 40. If one of the six is released on that basis, however, and another gets sick, is drafted, or goes on vacation, the remaining four have to work a 60-hour week to get the same amount of work done. "Peak loads" for both technicians and announcers make another problem. Radio is not like a factory where vast numbers of employees are doing the same work throughout an unbroken work-day. Certain union restrictions pose other problems.

All these complexities should be considered when the station applies the two tests:

- (1) If the entire station or any department goes to a 48-hour week, can manpower be released for other war work?
- (2) If the entire station or any department goes to a 48-hour week, will this obviate the necessity for hiring more men?

If the answer to either of these questions is "yes," fundamentally, the answer to the 48-hour week is "yes"—unless the complexities of the situation, such as those above, stand in the way.

In preparing radio's case to present to the WMC, the NAB held conferences in Washington, D. C., Springfield, Mass., and Baltimore, three of the "critical areas."

Joseph L. Miller, director of labor relations, met with the broadcasters in Baltimore and Springfield, while Paul Peter, director of research, held the Washington meeting. Those present at the three meetings:

Springfield—C. S. Young, WBZ; Harold Randol, WBZA; Albert Marlin, WMAS; Patrick Montague, WHYN; and Thomas Humphrey, WHYN.

Baltimore—George Roeder, WCBM; H. W. Batchelder, WFBR; L. Waters Milbourne, WCAO; Thomas Tinsley, WITH, and William Good, WBAL.

Washington—Earl Gammons, WJSV; Ken Yourd, WJSV; Carleton Smith, WRC; Mr. Margraf, WRC; Ken Berkeley, WMAL; Henry Lyon, WOL; G. Bennett Larson, WWDC; and Miss Davis, WINX.

### STATEMENT BY WMC

Regulations issued February 28 by Chairman Paul V. McNutt of the War Manpower Commission to govern the applications of the 48-hour week called for by the President will, with some exceptions, affect all employers of eight or more persons in 32 designated areas whose production can be increased by a longer week or who can maintain their production with fewer men.

The exact boundaries of these areas, for the purpose of applying the 48-hour week, will be fixed by the regional directors of the WMC in the various localities.

In addition to applying in these areas, the 48-hour week also will be in effect in the lumbering and nonferrous mining industries on a nation-wide scale, Mr. McNutt said.

Inquiries concerning application of the regulations should be directed to the proper regional or area manpower director. Administration of the order is delegated by the Chairman to the commission's regional directors and area directors.

It is made clear that the lengthened week order will not apply to farms or to persons employed by any state or any of its political subdivisions or instrumentalities, or to youth under the age of 16, or to persons who, because of other employment, household duties, or physical disabilities, are not available for full-time work, or for business houses in which fewer than eight persons are employed regularly.

The exclusion of establishments with fewer than eight persons, it is explained in an interpretative statement issued with the regulations, is based chiefly on assumption that in smaller establishments the extension of the workweek would not result in the release of workers.

The regulations have been sent to regional and area directors and to U. S. Employment Service Offices, together with instructions for carrying out terms of the President's order.

In the regulations, it is stated that from time to time regional manpower directors may designate additional areas and activities if they find such action will reduce labor shortages which are holding back the war effort.

Regional and area directors are authorized to consider a minimum workweek of less than 48 hours when a full 48-hour week would neither increase production, release workers for other employment, nor otherwise further the war effort.

Mr. McNutt explains in the regulations that the President's Order "shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces

and our expanding production program by fuller utilization of our available manpower."

Continuing, the regulations state:

"Effectuation of this purpose requires that, in situations of labor shortages, employers do not hire new workers when their manpower needs can be effectively met by a fuller utilization of their current labor force and that workers who can be released by an extension of the workweek are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort."

The regulations provide that, if the labor requirements of an employer are such that the extension of the workweek will not permit the release of any workers but would result rather in their continued full utilization in their present employment or their transfer to other employment under his direction, the 48-hour week should be put into effect at once.

Whenever the regional or area manpower director or the designated representative of either determines that released workers can be placed promptly in suitable employment, their employer will be notified. The employer should then proceed promptly to shift to the longer week. If the representative of the War Manpower Commission has not determined and notified the employer, however, that his released workers can be placed without delay, the workweek will not be extended before April 1, 1943.

Before that the date the employer will be expected to submit to the representative of the Commission a statement as to how many workers would be released and their occupational classification, together with a proposed schedule for the timing of their release. In such cases, the regional or area manpower director or designated representative will authorize the schedule for the extension of the workweek to the 48-hour workweek and for the release of the workers in accordance with the needs of the labor market. The employer then will extend his workweek in accordance with such schedule.

An employer in any designated area or activity who is not in compliance with the regulations shall not hire any workers.

Following are the text of the regulations and two orders, one listing the areas in which the 48-hour regulations are to be effected and another extending the regulations to the lumbering and non-ferrous mining industries.

### REGULATIONS NO. 3

By virtue of authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301 establishing a minimum wartime workweek of 48 hours, and by Executive Orders Nos. 9139 and 9279, I hereby prescribe the following Regulations:

#### 903.1 General Policy for Interpretation and Application of Executive Order

Executive Order No. 9301 shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower. Effectuation of this purpose requires that in situations of labor shortage employers do not hire new workers when their manpower needs can be effectively be met by a fuller utilization of their current labor force and that workers who can be released by an extension of the workers are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort.

#### 903.2 Application to Areas and Activities

The Chairman of the War Manpower Commission will from time to time by order designate areas and activities

as subject to the provisions of Executive Order No. 9301. Regional manpower directors may designate additional areas and activities within their respective regions as subject to the provisions of Executive Order No. 9301 if they find, and by appropriate public notice so declare, that such action will aid in alleviating labor shortages which are impeding the war effort. Unless and until an area or activity has been so designated, employers therein will not be required to extend their workweek.

### 903.3 Delegation of Authority

Regional and area manpower directors are authorized and directed to determine all questions arising within their respective regions and areas with respect to the interpretation and application of these Regulations, in conformity with such procedures and instructions as the Executive Director of the War Manpower Commission may issue in implementation thereof.

### 903.4 Minimum Wartime Workweek

"Minimum Wartime Workweek" as used in these Regulations means a workweek of 48 hours, except in cases where a workweek of 48 hours (a) would be impracticable in view of the nature of the operations, (b) would not contribute to the reduction of labor requirements, or (c) would conflict with any federal, state, or local law or regulation limiting hours of work. In such cases "Minimum Wartime Workweek" means the greatest number of hours (less than 48) feasible in the light of the nature of the operations, the reduction of labor requirements, or the applicable federal, state, and local law or regulation, as the case may be.

### 903.5 Extension of Workweek in Designated Areas and Activities

If the workweek applicable to any worker employed in any plant, factory, or other place of employment in an area or any activity designated as subject to the provisions of Executive Order No. 9301 is less than the Minimum Wartime Workweek, such workweek shall be extended to the Minimum Wartime Workweek as follows:

(a) Whenever extension of such workweek to the Minimum Wartime Workweek would not involve the release of any workers, the affected employer shall proceed promptly to extend the workweek to the Minimum Wartime Workweek.

(b) Whenever the regional or area manpower director or a designated representative of either determines that extension of such workweek to the Minimum Wartime Workweek would involve the release only of workers who can be promptly placed in suitable employment with other employers, the affected employer will be notified of such determination and thereupon shall proceed promptly to extend the workweek to the Minimum Wartime Workweek.

(c) If extension of such workweek to the Minimum Wartime Workweek would involve the release of some workers and the regional or area manpower director or designated representative has not determined and notified the employer he placed in suitable employment with other employers, the workweek shall not be extended except as authorized below. On or before April 1, 1943, the affected employer shall submit to the regional or area manpower director or the designated representative of either director a statement as to the number of workers whose release would be involved and their occupational classification, together with a proposed schedule for the timing of such releases. The regional or area manpower director or designated representative will authorize a schedule for the extension of the workweek to the Minimum Wartime Workweek and for the release of workers in terms of labor market needs, and the employer shall thereupon proceed to extend the workweek in accordance with such schedule.

### 903.6 Restriction Upon Hiring of Workers

No employer shall hire any worker in an area or activity designated as subject to the provisions of Executive Order No. 9301 if the employer has failed in any manner to comply with the provisions of Section 903.5 of these Regulations in the plant, factory, or other place of employment in which the worker would be employed.

### 903.7 Exclusions

No provision of these Regulations shall be construed or applied so as to require the extension of a workweek:

(a) in any establishment or other place of employment in which less than eight workers are regularly employed;

(b) in any establishment or place of employment principally engaged in agriculture;

(c) of persons in the employ of any State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing;

(d) of youth under the age of sixteen years; or

(e) of individual who, on account of other employment, household responsibilities, or physical limitations, are not available for full-time work.

### 903.8 Definitions

As used in these Regulations:

(a) "Workweek" means the number of hours within a period of seven successive days, beginning with the same calendar day each week, during which workers are normally required to be on duty.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry and shall not include any packing, canning, processing, transportation, or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

Effective date, February 22, 1943.

## GENERAL ORDER NO. 5

### Designation of Certain Areas as Subject to the Provisions of Executive Order No. 9301

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours, and in accordance with the provision of Section 903.2 of the Regulations prescribed by me on February 22, 1943, I hereby designate the following areas as subject to the provisions of Executive Order No. 9301:

Akron, Ohio; Baltimore, Md.; Bath, Me.; Beaumont, Tex.; Bridgeport, Conn.; Brunswick, Ga.; Buffalo, N. Y.; Charleston, S. C.; Cheyenne, Wyo.; Dayton, Ohio; Detroit, Mich.; Elkton, Md.; Hampton Roads, Va.; Hartford, Conn.; Las Vegas, Nev.; Macon, Ga.; Manitowoc, Wis.; Mobile, Ala.; New Britain, Conn.; Ogden, Utah; Panama City, Fla.; Pascagoula, Miss.; Portland, Oreg.; Portsmouth, N. H.; San Diego, Calif.; Seattle, Wash.; Somerville, N. J.; Springfield, Mass.; Sterling, Ill.; Washington, D. C.; Waterbury, Conn.; Wichita, Kan.

Effective date: February 22, 1943.

## WMC Manual of Operations

### OPERATING INSTRUCTION—FIELD NO. 14

#### 1. Purpose

.01 The purpose of this instruction is to establish the procedures to be followed in the field offices of the War

Manpower Commission in carrying out the provisions of Executive Order No. 9301, and the Regulations prescribed under the terms of that Order by the Chairman of the War Manpower Commission.

## 2. Policy

.01 The effectuation of the purposes of Executive Order No. 9301, hereinafter referred to as the Executive Order, shall be the responsibility of the several Regional Manpower Directors in their respective jurisdictions. The responsibilities and authorities set forth in this instruction, with the exception of the authority to designate areas and activities subject to the provisions of the Executive Order, may be delegated by Regional Manpower Directors to Area Manpower Directors, or to any other persons administratively responsible to them.

.02 Regulations No. 3 prescribed by the Chairman on February 22, 1943, for the application of the Executive Order, hereinafter referred to as the *Regulations*, which together with the *Interpretations* thereof, establishes the policies under which Regional Manpower Directors and their designated representatives will proceed to carry out their responsibilities.

## 3. Procedure

.01 General Order No. 5, approved by the Chairman on February 22, 1943, designated 32 areas as areas in which the Executive Order must be made operative. It is the responsibility of the Regional Manpower Directors to define the geographical limits of these areas. These designated areas should generally be defined so as to be identical with respect to the surrounding communities to be included, with the so-called Group I areas in the February list. However, for purposes of the Executive Order and the Regulations, the Regional Manpower Director may exclude certain of these surrounding communities if he finds that such exclusions are necessary for the purpose of properly effectuating the Executive Order. The Regional Manpower Director shall give notice as to the communities which are to be included in each of the designated areas.

.02 Regional Manpower Directors are authorized to designate additional areas or activities in the respective regions as subject to the provisions of the Executive Order. Prior to any such designation they shall make a finding that the designation of such area or activity will aid in alleviating labor shortages which are impeding the war program.

.03 The findings to be made by the Regional Manpower Director with regard to the area or activity shall be based upon such labor market information as he can obtain.

.04 The Regional Manpower Director's findings shall clearly describe the areas or activity to be designated as subject to the provisions of the Executive Order. The boundaries of designated areas shall conform as closely as is practicable to the boundaries of the "labor market areas" used in analyzing the adequacy of available manpower. The findings shall designate a date, subsequent to the time of their announcement, which date shall, for the purpose of the newly designated area or activity, serve the same purpose as the date *April 1, 1943*, in Section 903.5 (c) of the Regulations.

.05 The Regional Manpower Director or his representative shall then give public notice of these findings through newspapers, trade journals, radio, and other channels. (Because of Office of War Information regulations regarding release of public information, all public informational materials should have advance clearance by the Regional Informational Service Representative.)

.06 Regional Manpower Directors shall inform the Executive Director of all designations and definitions of areas made in accordance with provisions of subsections

3.01, 3.02, 3.03, and 3.04 of this instruction. This information shall be forwarded as far as is practicable in advance of the date referred to in subsection 3.04.

.07 In carrying out their responsibilities, Regional Manpower Directors or their authorized representatives shall review complaints from individuals or organizations regarding non-compliance. They shall make such investigations as may be necessary to determine whether the employer is complying with the Regulations.

.08 In making investigations as to the non-compliance of an employer, the Regional Manpower Director or his representative shall utilize to the extent necessary the reports, records, and personnel of the War Manpower Commission and of other Government agencies.

.09 If a Regional Manpower Director, or his authorized representative has reason to believe that in a particular plant, factory or other place of employment the Minimum Wartime Workweek could be adopted as provided in subsection (b) of Section 903.5 of the Regulations, he may require the employer to submit information as to the number of workers, classified according to occupation, who would be released as a result of the extension of the workweek.

.091 If the Regional Manpower Director or his representative determines that it should be possible to place the workers promptly in suitable employment with other employers, he shall:

(a) instruct the employer to proceed promptly to extend the workweek to the Minimum Wartime Workweek; and

(b) inform the appropriate local offices of the United States Employment Service of the number and occupational classification of workers to be released.

.092 If the demand for such workers in the locality does not make it possible for them to be placed promptly in suitable employment with other employers, the Regional Manpower Director or his representative shall notify the employer that the workweek shall be extended to the Minimum Wartime Workweek only in conformity with the provisions of subsection (c) of Section 903.5 of the Regulations.

.10 All schedules for the release of workers approved in accordance with subsection (c) of Section 903.5 of the Regulations shall be forwarded by Regional Manpower Directors or their representatives to appropriate Local Offices of the United States Employment Service.

.11 If the Regional Manpower Director or his representative determines that, with respect to any plant, factory, or other place of employment, an employer is not complying with the Regulations, he shall:

(a) notify such employer that he is not permitted to hire workers for work in such plant, factory, or other place of employment; and

(b) so inform appropriate local offices of the United States Employment Service.

.12 Regional Manpower Directors shall instruct all review units established under approved employment stabilization programs in areas and for activities designated as subject to the provisions of the Executive Order to consider the Minimum Wartime Workweek as defined in Section 903.4 of the Regulations as full time employment for the purpose of determining eligibility of a worker for a Statement of Availability.

.13 When the designated representative of a Regional Manpower Director cannot secure compliance with the Regulations through resources available to him, he shall submit a full report of the nature and extent of the violation to the Regional Manpower Director who shall take action through the appropriate Government agency.

.14 Any worker or employer, or group of workers or employers, dissatisfied with any act or failure to act

pursuant to the terms of the Regulations and this instruction shall be given a fair opportunity to present his or their case through the War Manpower Commission appeals procedure.

## FEDERAL LEGISLATION SENATE

S. 814 (White, R-Maine) (For himself and Mr. Wheeler, D-Mont.) COMMUNICATIONS—To amend the Communications Act of 1934 and for other purposes. Referred to the Committee on Interstate Commerce.

## STATE LEGISLATION

### MISSOURI:

H. 295 (Tucker) DENTISTRY—ADVERTISING—Provides for new section 10088A relating to advertising by a person not licensed to practice dentistry or to construct dentures, etc.

### WASHINGTON:

H. 325 (Anderson) DENTISTRY PRACTICE—Relating to the practice of dentistry, providing for penalties and repealing conflicting laws. Referred to Committee on Medicine, Dentistry, and Pure Foods.

H. 374 (Cramer) BROADCASTING—FINANCIAL RESPONSIBILITY—Provides that the sponsor or person broadcasting shall be held financially responsible for matter broadcast. Referred to Committee on Judiciary.

S. 275 (Rosellini) BROADCASTING—SPONSOR ANNOUNCED—Provides that news reporters, analysts, and commentators, when broadcasting, must disclose the name of their sponsor. Referred to Committee on Judiciary.

### WEST VIRGINIA:

H. 304 (Flint) LIQUOR—ADVERTISEMENT—Prohibiting the advertisement in any form or medium of alcoholic liquor or beer. Fixes penalties. Referred to Committee on Temperance.

## FEDERAL COMMUNICATIONS COMMISSION

### NEW FREQUENCY CLASSIFICATION

The FCC has announced a new classification of radio frequencies into seven major bands, effective immediately.

As a result of the Commission action, Section 2.5 of the General Rules and Regulations will read as follows:

Sec. 2.5 *Useful radio spectrum*—"Useful radio spectrum" means the total number of frequencies or wavelengths which may be used for the transmission of energy, communications or signals by radio.<sup>3</sup>

<sup>3</sup> At the present development of the art the useful radio spectrum is considered to extend from 10 kilocycles to 30000000 kilocycles or 30000 meters to 0.01 meters. These frequencies are classified into bands with designations and abbreviations as follows:

Frequency in Kilocycles			Designations	Abbreviations
Above	10 to 30	inclusive	Very Low	VLF
"	30 to 300	"	Low	LF
"	300 to 3000	"	Medium	MF
"	3000 to 30000	"	High	HF
"	30000 to 300000	"	Very High	VHF
"	300000 to 3000000	"	Ultra High	UHF
"	3000000 to 30000000	"	Super High	SHF

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, March 8th. It is subject to change.

Tuesday, March 9

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, 700 kc., 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

W67B—Westinghouse Radio Stations, Inc., Boston, Mass.—Granted modification (B1-MPH-83) of construction permit (B1-PH-62) for change in transmitter and extension of commencement and completion dates. Also granted license (B1-LH-32) to cover construction permit in part, pursuant to August 4 policy. Conditions.

W49PH—Penna. Broadcasting Co., Philadelphia, Pa.—Granted modification (B2-MPH-103) of construction permit (B2-LH-69) to extend completion date to July 22, 1943. Also granted license (B2-LH-26) to cover construction permit in part, subject to condition that the licensee will take steps to comply fully with the Rules, Regulations and Standards of the Commission when materials and personnel become available or when required by the Commission to do so. 44900 kc., 9,300 square miles.

WEMP—Milwaukee Broadcasting Co. (a Corp.), (Assignor), and Glenn D. Roberts, et al., d/b as the Milwaukee Broadcasting Co. (Assignee), Milwaukee, Wis.—Granted voluntary assignment of license from Milwaukee Broadcasting Co. (a corporation), to Glenn D. Roberts, Melva F. Roberts, Wellwood Nesbit, Robert M. LaFollette, Jr., Evalyn H. Dolph, Hope D. Pettey, Leo T. Crowley and James T. Markham, co-partners, d/b as Milwaukee Broadcasting Co. (B4-AL-363).

KFQD—Anchorage Radio Club, Inc. (Assignor), and William J. Wagner, d/b as Alaska Broadcasting Co. (Assignee), Anchorage, Alaska.—Granted voluntary assignment of license station KFQD, from Anchorage Radio Club, Inc., to William J. Wagner, d/b as Alaska Broadcasting Co. (B-AL-347).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted modification of license to use 100 watts, unlimited time on 1450 kc., subject to installation of a radiating system which complies with the Commission's Standards of Good Engineering Practice, and power determined by direct method in accordance with Rule 3.51. Action on application to increase power to 250 watts night, 100 watts day, and increase in hours to unlimited, held in abeyance.

WCBI—Birney Imes, Columbus, Miss.—Granted modification of license to change frequency from 1400 to 1340 kc. (B3-ML-1150).

W73PH—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license (B2-LH-19) to cover construction permit in part, on condition that licensee will take steps to comply fully with the Rules, Regulations, and Standards of the Commission when materials and personnel become available or when required by the Commission to do so. 47300 kc., 9,300 square miles.

W57PH—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted license (B2-LH-36) to cover construction permit in part. Conditions.

W75P—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted license (B2-LH-33) to cover construction permit in part. Conditions.

### MISCELLANEOUS

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted modification of construction permit as modified, which authorized installation of new equipment and directional antenna for day and night use, change frequency, increase in power, and move of transmitter, for extension of completion date from March 22 to June 22, 1943 (B3-MP-1696).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of construction permit, as modified, which authorized increase in power, installation of new

APPLICATIONS FILED AT FCC

790 Kilocycles

- transmitter and directional antenna for night use, and change hours of operation, for extension of completion date from March 1 to April 1, 1943 (B2-MP-1694).
- KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Granted license to cover construction permit as modified, for new broadcast station (B5-L-1752); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1497).
- WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted license to cover construction permit as modified, which authorized change in frequency, increase power, change hours of operation and install directional antenna for night use (B3-L-1753); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1498).
- KAQY—Don Lee Broadcasting System, Portable-Mobile, area of Los Angeles, Calif.—Granted license to cover construction permit as modified, for new relay broadcast station (B5-LRE-426).
- WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Granted modification of construction permit as modified, which authorized change in frequency, increase in power, install new transmitter and directional antenna for night use, and move transmitter, for extension of completion date from March 5 to May 5, 1943 (B3-MP-1695).
- WALB—Herald Publishing Co., Albany, Ga. (Docket Nos. 6398 and 6399); and Albany Herald Broadcasting Co., Albany, Ga. (Docket 6400).—Granted request for a continuance of the further hearing now set for February 25, 1943, on applications of WALB for renewal of license and for construction permit, and for voluntary assignment of license of Station WALB; hearing continued until March 16, 1943.
- W6XDU—Don Lee Broadcasting System, Portable-Mobile, area of Los Angeles, Calif.—Granted license to cover construction permit as modified, which authorized addition of aural equipment using special emission; granted on an experimental basis only, conditionally (B5-LVB-39).
- WBEZ—Board of Education, City of Chicago, Ill.—Granted modification of construction permit as modified, which authorized new non-commercial educational broadcast station, for extension of completion date from March 7 to April 7, 1943 (B4-MPED-17).
- KEGW—Salt River Valley Broadcasting Co., area of Phoenix, Ariz.—Cancelled relay broadcast station license in accordance with written request of licensee (B5-RRE-76).
- KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension upon a temporary basis, of relay broadcast station license, pending determination upon application for renewal of license, not later than April 1, 1943 (B4-SRY-240).
- WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension upon a temporary basis, of relay broadcast station license, pending determination upon application for renewal of license, not later than April 1, 1943 (B3-SRY-132).
- WLAN—Thomas J. Watson, Endicott, N. Y.—Adopted order granting the motion of Thomas J. Watson for a continuance of the hearing set for March 2, 1943, on application for modification of construction permit; hearing continued until April 1, 1943 (Docket No. 6453).
- National Broadcasting Co., Inc.—Granted in part petition for indefinite continuance of hearing on petition for rehearing filed by National Broadcasting Co., Inc. (KOA), re application of WJW, Inc. (WJW), Akron, Ohio, for modification of construction permit (Docket 6485); hearing continued until a date subsequent to Supreme Court decision in KOA case; balance of petition dismissed without prejudice.
- WLW—The Crosley Corp., Cincinnati, Ohio.—Granted petition for postponement of hearing scheduled for March 9 re application for modification of license to operate on 700 kc., 50 KW night, 500 watts day, unlimited time, using W8XO transmitter; continued to April 9, 1943 (Docket 6341).
- Chattahoochee Broadcasting Co., Columbus, Ga.—Granted withdrawal of motion for continuance of hearing set for March 4 re application for construction permit for new station; granted substitute motion to dismiss application without prejudice; hearing set for March 4, 1943 cancelled (Docket 6456).
- South Florida Broadcasting, Inc., Miami, Fla.—Granted petition to dismiss without prejudice application for construction permit for new station (Docket 6153).

- KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-3237 as modified, which authorized new transmitter, installation of directional antenna for day and night use, change in frequency, increase in power and move) for extension of completion date from 4-30-43 to 7-30-43.

990 Kilocycles

- WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Modification of construction permit (B2-P-3207 as modified, which authorized new transmitter and directional antenna for day and night use, change hours, increase power and move transmitter and studio) for extension of completion date from 3-8-43 to 6-9-43.

1140 Kilocycles

- KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified, which authorized change in frequency, hours, increase power, directional antenna for night use, new transmitter) for extension of completion date from 3-20-43 to 5-20-43.

1230 Kilocycles

- KVOS—KVOS, Inc., Bellingham, Wash.—Special Service Authorization to operate on 790 kc. with 250 watts power, for period ending 2-1-45.

1250 Kilocycles

- KWSC—State College of Washington, Pullman, Wash.—Construction permit to change frequency from 1250 kc. to 1030 kc., change power from 5 KW to 1 KW night, 5 KW day, hours of operation from share with KTW to unlimited time and make changes in antenna and ground systems. Request facilities of KOB. Amended: to request modification of license and omit request for changes in antenna and ground systems.

1380 Kilocycles

- KPQ—Thomas Patrick, Inc., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

1410 Kilocycles

- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Extension of Special Service Authorization to operate on 560 kc., 500 watts night, 1 KW day, unlimited time, using transmitter authorized by B5-P-3150 as modified, for period ending 8-25-43.

TELEVISION APPLICATIONS

- W3XPA—Philco Radio & Television Corp., Portable-Mobile, area of Philadelphia, Pa.—License to cover construction permit (B2-PVB-89) for new television relay broadcast station to be used with WPTZ.
- W3XPC—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover construction permit (B2-PVB-90) for new television relay broadcast station to be used with WPTZ.

MISCELLANEOUS APPLICATION

- WPTZ—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover construction permit (B2-PCT-4 as modified, which authorized new commercial television broadcast station) *in part*.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### COMPLAINTS

The 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.

**Hawkeye Sales, Inc.**, and Tim Lake, 615 Tenth St., Des Moines, Iowa, manufacturing and distributing a preparation for spraying poultry, designated "Blu-V-Spray", and a medicinal feed supplement for poultry, designated "Jermite," are charged in a complaint with misrepresentation. (4919)

**P. Lorillard Company, Inc.**—A complaint has been issued alleging misrepresentation in the advertising claims made for Old Gold cigarettes and certain other tobacco products manufactured by P. Lorillard Co., Inc., which has its principal office in Jersey City and operates plants in that city and in Louisville, Ky., Richmond and Danville, Va., Middletown, Ohio, and Lancaster, Pa. (4922)

**Minneapolis-Honeywell Regulator Company**—A complaint has been issued charging Minneapolis Honeywell Regulator Co., Minneapolis, with engaging in unlawful practices which tend to create a monopoly and restrain trade in the sale of automatic temperature controls used in the operation of domestic heating plants. The respondent has manufacturing plants in Minnesota, Indiana and Pennsylvania and distributing points in other States. (4920)

### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**American Industrial Rubber Co.**, 4405 South LaSalle St., Chicago, and its officers and agents have been ordered to cease

and desist from falsely representing low-grade recapped automobile tires as being of superior quality and guaranteed as to durability and service. (4819)

**Harlem Co.**, 30 Church St., New York, has been ordered to cease and desist from certain misrepresentations concerning the jewelry he sells. (4843)

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Dr. V. P. English**, R.R. 3, San Diego, Calif., has stipulated that she will discontinue certain misrepresentations in connection with the advertising and sale of medicinal preparations designated "Cerate," "Tissue Food Tablets A" and "Tissue Food Tablets B," a device called "Head-Hold Spine-Stretch Harness" and a booklet that purportedly contains information for use in the relief of spinal ailments. (03091)

**Min-O-Ral Products Co.**, 1535 West Willis St., Detroit, entered into a stipulation to discontinue representing that the mineralized water they sell under the name "Min-O-Ral," when taken internally as directed, is of any therapeutic value other than in the treatment of iron deficiency or, when administered externally, has any value other than that of an inhibitory antiseptic or an astringent or styptic. (3616)

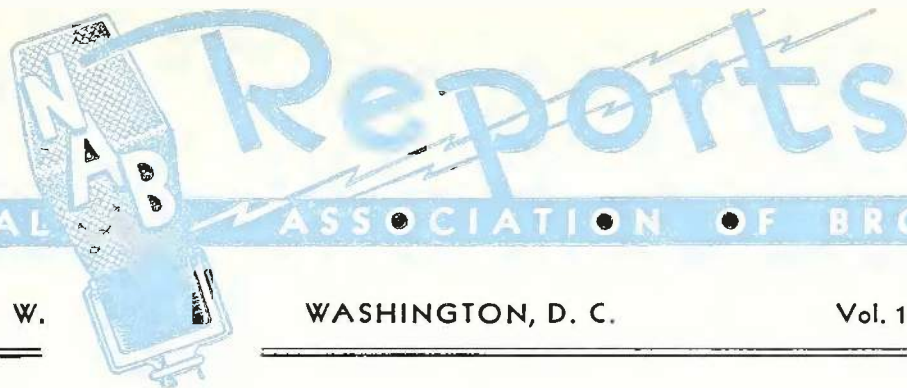
**Thaxly Co.**, 450 Randolph St., N. W., Washington, has entered into a stipulation to cease and desist from certain misrepresentations concerning a wide variety of preparations compounded from formulas he sells. (03090)

### FTC CASE CLOSED

The Federal Trade Commission has closed without prejudice the case growing out of the complaint it issued against D. K. Tuey, Los Angeles, dealer in Chinese herbs.

The complaint had charged the respondent with misrepresenting the therapeutic value of his products.





The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 11, March 12, 1943

## NAB RADIO WAR CONFERENCE

### To Be Held in Chicago April 26 - 29

As previously reported in the REPORTS (Page 97), the Board of Directors voted unanimously to abandon the 1943 convention. Instead a Radio War Conference under NAB auspices will be held April 26-29, inclusive. The Board expressed the view that both from geographic and strategic considerations, Chicago was the most logical site.

Negotiations with Chicago hotels and the Chicago Association of Commerce culminated with selection of Chicago's famed Palmer House as War Conference headquarters. A luncheon meeting of the NAB Chicago stations was had and the following were present: W. E. Hutchinson, WAAF; R. S. Peterson, WENR; Charles M. Freeman, WLS; Harry Templeton, WLS; J. L. Van Volkenburg, WBBM-CBS; Leslie C. Johnson, WHBF, Rock Island, 9th District Director-Elect; A. W. Kaney, WMAQ-NBC; Robert E. Bausman, WISH, Indianapolis, Indiana; Milton M. Blink, Standard Radio, Inc.; Howard Lane, CBS; William Knodle, Free & Peters; and Gale Blocki, John Blair & Co.

District Director Edgar Bill was unable, because of previous business engagements, to attend but will name the necessary local committees immediately. All of the stations in Chicago are enthusiastic about the forthcoming meeting.

Monday, April 26, is "Pre-Conference Day". Preliminary registration and some group meetings will be scheduled. The final meeting of the 1942-1943 Board of Directors will be held that evening at a dinner session. The Conference will officially open on Tuesday, April 27, at 10 a. m.

Next week a special War Conference bulletin will be issued in connection with the regular REPORTS. Pre-registration information, full details of hotel accommodations and prices, and other pertinent preliminary subjects will be fully covered.

Consistent with the national interest in these crowded war times, station managements are urged to consider the question of attendance at this 1943 NAB Radio War Conference. It will be strictly a working meeting—no frills, no adornments. Every meeting, whether general or special, will be dedicated to a consideration of the war and domestic radio broadcasting's relation to it. As an incident all business having to do with the internal affairs of the trade association will be transacted.

### By-Law Amendments

The attention of members is called to the following provision of the By-Laws:

"Article XIII, Section 1—These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change."

The 1943 membership meeting will be held in conjunction with the Radio War Conference, April 26-29. Therefore, any proposals to change the By-Laws must be published in the NAB REPORTS

(Continued on page 116)

Neville Miller, *President*      C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising*; Walter L. Dennis, *Chief, News Bureau*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## NAB RADIO WAR CONFERENCE

(Continued from page 115)

which go to press on March 25. Already three such proposals, all by the NAB Board of Directors, are on file. These, with any others submitted, will be published in the REPORTS two weeks hence.

### Associate Members

The Radio War Conference will, of course, include those allied industries which are in NAB associate membership. Transcription companies, station representatives, market research organizations and manufacturers are a vital part of radio's war role.

While provision will be made for any who desire to exhibit, it is not expected from advance inquiry that many will do so. A sufficient number of rooms to care for all associate members has been reserved on the Palmer House seventh floor. A concentration of reception rooms and headquarters in one section of the hotel will contribute, it is felt, to the advantage of all. Rooms are adaptable to any use to which the individual associate member desires to put them.

### STATIONS MUST STAY ON AIR TO RETAIN LICENSES

The FCC at its meeting Tuesday rejected a proposal that standard broadcast stations be permitted to cease operation for the duration of the war and retain their licenses. While making no change of its existing general policy permitting temporary suspensions to enable stations to meet and overcome current emergencies, the Commission expressed the belief that the door should not be opened for any general suspension of radio broadcast operations during the war period.

In announcing the decision, James Lawrence Fly, Chairman of the Commission, drew attention to the fact that the adoption of a policy permitting suspension generally would probably result in the elimination of radio broadcasting in many areas where the need for public service is the greatest. He pointed out that the indefinite suspension of broadcast operations might jeopardize this country's interest in the radio frequencies as provided in the North American Regional Broadcasting Agreement. Mr. Fly also said that various steps have already been taken to alleviate the difficulties of the smaller stations. For example, it is provided that stations may operate as little as six hours per day.

While the Commission declined to give the broadcasters who may be forced to suspend any preferred claims to use of the frequencies after the war, it was observed that broadcasters who have rendered an effective public service in the past and were forced to close down because of circumstances beyond their control would have certain natural advantages over other applicants at a later time when

operations may become feasible. It was pointed out that presumably the business organizations and the broadcasting properties would remain intact even though actual operations are suspended. This would enable the owners of the stations to move promptly to ask for the assignment of frequencies and the resumption of operations at the end of the war.

It was also pointed out that the Commission will continue its policy of permitting temporary suspensions for short periods in order to alleviate emergency conditions. In other words, the operator may ask for a temporary suspension when he can show the necessity of closing down for a brief spell. He would be required to present a feasible plan for the alleviation of the difficulties and the return of the station to the air at an early date. The policy approved by the Commission follows:

Insofar as relief may be needed by standard broadcast station licensees from difficulties of operation incident to the war, no general policy will be adopted, but the Commission will continue to consider on an individual basis requests for permission to temporarily suspend operations for short periods while efforts are being made to work out a means of resuming operations on a permanent basis.

Applications of the Astoria Broadcasting Company (KAST), Astoria, Oregon, and of The Petersburg Newspaper Corporation (WPID), Petersburg, Virginia, for authority to suspend operations for the duration of the war were denied.

### "E" AWARD BROADCASTS

Misunderstanding of a recent letter of the Industrial Services Division, Bureau of Public Relations, War Department, relative to company expenses in connection with "E" awards was discussed and remedied at a meeting this week at which Col. A. Robert Ginsburgh, chief of the division, Neville Miller and Willard Egolf were present.

Some radio station operators had derived the impression that this division of the War Department had advised against the use of radio in connection with "E" award ceremonies. Actual text of the letter stated that "expenses related to advertising, broadcasting, etc." should be kept at a minimum. Obviously the letter was misinterpreted to mean "expenses of advertising, broadcasting, etc." because the intent of Colonel Ginsburgh was to advise against excessive talent costs, entertainment, etc.

In the printed release now under preparation, Colonel Ginsburgh has even gone so far as to eliminate entirely any reference to "advertising, broadcasting, etc." and uses only the word "expenses." He expressed a desire to cooperate at all times with the radio industry and advertising in general.

### NAB REPORTS TEN YEARS OLD

The NAB REPORTS is ten years old this week.

President Roosevelt had been in office just one week, and Alfred J. McCosker, NAB president, had sent him a wire assuring him of the "hearty and continued cooperation of the broadcasters" throughout his administration.

That promise has been kept.

The banks were closed but the New Deal's alphabetical array of administrative agencies—including the FCC—had yet to be born. Congress, the courts and the Radio Commission were the only things in Washington the industry had to worry much about.

Phil Loucks, managing director of the NAB, in the first issue described the policy of the NAB REPORTS as follows:

"NAB REPORTS will give to members the official news of the Association, texts of important court decisions, digests of bills which would affect radio, decisions of the

*Federal Radio Commission, rulings of state and federal government departments relating to radio, and other similar material. In other words, NAB REPORTS will constitute a service rather than a news bulletin."*

Although Phil probably didn't dream at the time of how much the NAB REPORTS would have to cover to fulfill that policy, it was a *good* policy then, and now.

We see no need for changing it.

## "C" BOOKS FOR TEMPORARY REMOTES

Radio broadcasting engineers and technicians were made eligible for C gasoline rations necessary for transporting heavy equipment to and from temporary broadcasting facilities by an order issued yesterday by the OPA.

This amendment is the result of the pleas for relief made by NAB, followed up by a hearing on January 29 before Richard C. Harrison, OPA Chief of Eligibility, Gasoline Rationing. At the hearing, network engineers and Washington, D. C. station men testified and filed supporting data and the actual equipment used on temporary remotes was exhibited. Present were: Ken Berkeley, WMAL; Burton Harkins, WOR; Clyde Hunt, WJSV; George McElrath, NBC; George Milne, Blue; and Russell P. Place, NAB Counsel.

Temporary facilities, OPA pointed out, often are set up for special broadcasts away from the radio station; for example, for special broadcasts from Army camps. The equipment must be regarded as non-portable to qualify engineers and technicians for C ration books. Applicants also must show that alternative means of transportation are inadequate.

Previous regulations made radio broadcasting engineers and technicians eligible for preferred mileage (C ration books) for travel to and from permanent broadcasting facilities, located in suburban or rural areas. The new action was taken in Amendment No. 29 to Ration Order No. 5C, effective March 17.

The amendment reads as follows:

Ration Order 5C is amended in the following respect:

§ 1394.7706 (n) is amended to read as follows:

(n) By the following persons for the following purposes:

(1) Any person, including an employer, employer's organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers to, from or between their places of employment; or

(2) An engineer or technician for transportation between home or lodgings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area; or

(3) An engineer or technician for the transportation of non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

This amendment shall become effective March 17, 1943.

## TIRES AND RECAPS

On the basis of information supplied by the OPA, the OWI last Tuesday released a recapitulation of eligibility rules governing the procurement of tires and recaps.

It was pointed out that the desire to have car owners recap their tires in time, so that a potentially recappable tire is not lost entirely, was the chief reason for freeing passenger car tire recapping from rationing restrictions. This step has been made possible by control of mileage of passenger cars through gasoline rationing.

## NO MORE BATTERY INFO NEEDED

That a thoroughly adequate supply of dry cell batteries for farm radios will be made available continues to be NAB's firm conviction.

This belief is supported by what transpired at Wednesday's (March 10) farm battery conference in Washington.

Various government departments which have an interest in the several material stockpiles involved and in necessary production facilities came into general agreement with the thesis of maintaining rural radio with the same reliability as urban radio.

### 1. Passenger Cars.

There is no restriction on the recapping of passenger car tires with "passenger type camel-back." "Camel-back" is any rubber compound designed for application to a worn tire to make a new tread. "Passenger type" camel-back is made of reclaimed rubber only, using no crude.

All passenger cars are also eligible for some type of replacement tire, if their present tires aren't recappable. The grade of tire for which a car is eligible depends upon the gas mileage allowed the particular vehicle.

Thus, cars with mileage allowances up to 560 miles a month (A and B cards) are entitled to Grade III tires, which are used or recapped tires. (This is in addition to the permission to recap the car's own tires.)

Cars with mileage allowances of from 560 to 1000 miles a month (C card) are entitled to Grade II tires such as a new reclaimed-rubber tire or a prewar tire priced at 85 per cent or less of the price of new-car equipment grade.

Cars with mileage allowances of more than 1000 miles a month (C card with longer mileage) can have choice of any kind of passenger tire.

### 2. Trucks and Trailers.

Trucks and trailers included in the List A eligibility classification in OPA's regulations (those vehicles providing services deemed most essential by OPA) are eligible for new crude rubber tires if their present casings can't be recapped.

Trucks and trailers performing important services not on List A may apply for certificate entitling them to recapping with "truck type camel-back," which includes a certain amount of crude rubber. Truck tires cannot be made or recapped with reclaimed rubber only.

3. Taxis operating under ODT rules are eligible for truck-type recapping or for new tires if their casings are not recappable.

### 4. Busses.

Public busses operating regular routes and services are eligible for recapped or new tires.

Private busses performing certain necessary transportation services, including carrying persons to certain essential establishments or schools, also are eligible for recapping or for new tires.

Tire inspections are required for virtually all commercial and private vehicles, but frequency depends on type of vehicle and mileage ration.

Facilities for recapping are good throughout the country. Moulds and rubber are available.

## PRIORITY FOR SUPPLIES

Under the terms of Priorities Regulation 3, as amended March 9, 1943, the P-133 preference rating cannot be applied to the following supplies: materials for maintenance or repair of buildings; printed matter, stationery and office supplies; fuel or electric power; and office machinery or office equipment. Stations unable to procure such supplies at retail or from jobbers should use WPB Form PD-1A if ordered for March 31 or prior delivery.

For delivery after March 31, priorities should be applied as specified in Controlled Material Plan Regulation No. 5, which is now being revised for early release, and will be covered in an early issue of NAB REPORTS. Under CMP Reg. No. 5 as presently worded, the following items are excluded from "operating supplies": printed matter and stationery; fuel or electric power; and office machinery or equipment. Stations unable to get these supplies at retail should now use Form PD-1A for delivery after March 31.

## DISTRICT 5 MEETING

Frank King, WMBR, NAB District 5 Director, has called a meeting of the NAB member stations in that District, which embraces Florida, Georgia, Alabama and Puerto Rico. The meeting will be held on Saturday, March 20, at the George Washington Hotel in Jacksonville. The main purpose of the meeting is to elect a District Director for the 1943-45 term. Other industry matters will be discussed. All District 5 NAB members are urged to attend.

## RECENT ENGINEERING ARTICLES

Many engineers will be interested in reading the following articles appearing in recent technical publications:

1. Proceedings of the IRE, January, 1943: *Contemporary Problems in Television Sound*, C. L. Townsend; *Engine Driven Emergency Power Plants*, Karl Troeglen, Station WIBW; *Selected Problems in Architectural Acoustics*, M. Rettinger; *Postwar Radio Planning*, James Lawrence Fly, Chairman FCC.

2. Electrical Communications, Volume 21, No. 1 (Technical Journal of the International Telephone and Telegraph Corporation): *WABC, Key Station of the Columbia Broadcasting System*, E. M. Ostlund.

3. QST, February, 1943: *Rejuvenating Old Meters*, W. R. Triplett.

4. Communications, February, 1943: *Report on IRE Winter Conference*, Lewis Winner; *Emergency Circuits for Level Equalization*, Donald Phillips.

5. Proceedings of the IRE, March, 1943: *Maintenance of Broadcast Operations in Wartime*, J. A. Ouimet, assistant chief engineer, CBC.

"The Future of Television," a recent book by Orrin Dunlap, Jr., published by Harper & Brothers, New York, is excellent non-technical reading for those interested in the past, present and future possibilities of television.

## DO YOU HAVE ANY EXTRA COPIES OF "RADIO IN THE CLASSROOM"?

A number of important requests for the NAB published booklet, "How to Use Radio in the Classroom," issue of 1941, have been made to NAB headquarters and we are out of stock. Thus we request that any stations having some extra copies on hand mail them to us as soon as possible, billing us for postage and at the rate of 5¢ for each copy returned. Send to Walt Dennis, Chief, NAB News Bureau, Washington office.

## 48-Hour Week

### ENFORCEMENT LOCAL

The establishment of a general 48-hour week in critical labor shortage areas will be carried out by the area and regional directors of the War Manpower Commission, Executive Director Lawrence A. Appley and Deputy Chairman Fowler Harper announced at a press conference.

"It is anticipated and expected," Appley said, "that these directors will use their horse sense in dealing with questions that arise."

The directors will have the authority, subject to appeal, to decide disputes over extension of the 48-hour work week in their territories, Appley said.

"If a dispute over policy arises that involves two or three geographical areas the matter will be settled by negotiation between the directors of those areas," Appley explained. "If the dispute expands into a national matter, then it will be discussed in Washington."

Both Appley and Harper made it clear that because of the diversity of circumstances, the War Manpower Commission felt it could not give specific answers to general questions involving the 48-hour week.

"The significant feature of this regulation," Appley said, "is the manner in which it will be administered. It leaves to the local and regional people the responsibility for deciding what must be done."

The 48-hour week, Harper said, is a tool to pry needed workers from the labor market.

If the workers who would be released by the company going on a 48-hour week are not needed elsewhere, the War Manpower Commission will say: Don't go on the 48-hour week until the workers are needed, he said.

The inability of the WMC to obtain needed funds for the operation of the United States Employment Service, Government employment agency, will obviously slow the establishment of the increased work week, the WMC officials said, inasmuch as action would take place only as rapidly as the offices could handle the load.

It may be several months after the April 1 deadline, Harper said, before the commission is able to arrange employe release schedules for many employers.

"The added load will not mean a breakdown of USES," Harper said. "Merely delay."

Appley interposed that the morale of the USES Officials was "splendid" and that they were "determined to do the job."

"Accomplishment of the aims of the President's executive order will be fulfilled," Harper said. "How long it will take we do not know, but it will be fulfilled."

"We will do the job as fast as we can. But Mr. Appley is determined that we shall not crowd the USES to the point where it breaks the service's back."

In answer to a question, Harper said the lack of funds for the USES would also hinder the area management-labor committees in labor shortage areas where employment stabilization plans are in operation or in preparation.

"The USES, as you know, is the chief operating agency of the War Manpower Commission," Harper told the reporters.

The WMC's legal staff said the 48-hour directive would supersede any employer-labor agreement limiting working time but would not affect wage agreements. Nor is the War Manpower Commission to consider the effect upon costs of their actions. That, they said, is a problem for other Government agencies.

In other words, they pointed out, if the adoption by a company of a 48-hour week involved increased labor costs, that factor will not be taken into consideration by WMC officials.

Other details brought out by the press conference were:

(1) In the case of a business that operates both inside and outside of a critical labor shortage area, those employees within the area will go on a 48-hour week if by so doing production can be increased or additional labor

made available. Those outside the area will not be affected at this time.

(2) A business like a railroad or cross-country trucking company, that operates partly inside but mostly outside an area, will not immediately be affected.

(3) The 48-hour week in lumber and the non-ferrous metals industries will exist throughout the nation, as "a logical follow up of previous actions." Other special industry arrangements will be made if and when the facts justify such action.

(4) All industries will be studied, however, and the present list may be extended or revised at any time.

Some queries the officials would not answer in detail. They pointed out that full authority had been delegated to regional and area officials who had ample jurisdiction to make their rulings fit the facts.

"We are trying to make manpower a tailor-made job, custom made to fit the needs of areas and industries—not a rigid plan handed down from Washington," Appley said. "All requests by employers for details and interpretations should be directed to the regional and area offices—not to Washington."

A list of the regional offices of the War Manpower Commission follows:

### War Manpower Commission Regional Offices

REGION I: 10 Post Office Square, Boston, Massachusetts  
Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts

Regional Director—Joseph A. Smith

REGION II: 11 West 42nd Street, New York, New York  
New York State

Regional Director—Mrs. Anna Rosenberg

REGION III: 1634 Widener Building, Philadelphia, Pennsylvania

Pennsylvania, Delaware, New Jersey

Regional Director—L. B. F. Raycroft

REGION IV: 1025 Vermont Avenue, N.W., Washington, D. C.

Maryland, Virginia, West Virginia, District of Columbia, North Carolina

Regional Director—Dillard Lasseter

REGION V: 521 Union Commerce Building, Euclid Avenue & E. 9th Street, Cleveland, Ohio

Kentucky, Ohio, Michigan

Regional Director—Robert C. Goodwin

REGION VI: 222 West Adams Street, Chicago, Illinois  
Indiana, Illinois, Wisconsin

Regional Director—William H. Spencer

REGION VII: 157 Peachtree Street, NW, Atlanta, Georgia  
Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee

Regional Director—Bowman F. Ashe

REGION VIII: 500 Midland Bank Building, Minneapolis, Minnesota

Minnesota, Iowa, North Dakota, South Dakota, Nebraska

Regional Director—Frank M. Rarig, Jr.

REGION IX: 1600 Fidelity Building, 911 Walnut Street, Kansas City, Mo.

Missouri, Arkansas, Kansas, Oklahoma

Regional Director—Ed McDonald

REGION X: New Mercantile National Bank Building, 6th Floor, Dallas, Texas

Texas, Louisiana, New Mexico

Regional Director—James H. Bond

REGION XI: 221 Equitable Building, Denver, Colorado  
Montana, Wyoming, Idaho, Utah, Colorado

Regional Director—John R. McCusker

REGION XII: 245 Furniture Mart Building, San Francisco, California

California, Arizona, Oregon, Washington, Nevada

Regional Director—William K. Hopkins

### MR. FLY DISCUSSES PROBLEM

No part of the radio industry has asked the FCC to do anything about the talent manpower problem, Chairman

James Lawrence Fly said at a press conference this week. He stated that a limited number of requests have been brought to his personal attention "but I don't think there has been any general movement under way."

Mr. Fly said that the Commission has not adopted any policy or "line of action" in regard to this problem. He stated that the Commission has not considered the matter generally and "I hardly know what our policy might be if we were to look into it."

Discussing the manpower situation in the broadcast industry generally, the Chairman called attention to the fact that the Commission, even in the general manpower situation, has been merely seeking to get the classifications of jobs of each man performing essential service so that it would be identified and understood and would be recognized as essential. He called attention to the fact that that merely meant that those who were essential would be eligible for deferment.

The Chairman called the conference attention to the fact that the FCC has relaxed the rules on FM and television applications. He said that these new rules liberalized the situation regarding FM and television applications permitting them to stay on the books during the war and not be dismissed. Since the change in the rules Mr. Fly said that the Commission has had a number of requests for reinstatement of FM applications. He expressed the belief that four or five of them have already been filed.

### NAB ACTIVITY

The NAB has tentatively scheduled a conference with WMC officials for next week to discuss the effect of a 48-hour week in the broadcasting industry.

This week has been spent in analyzing the returns to a questionnaire sent to stations in Washington, D. C., Springfield, Mass., and Baltimore, Md., and in preparing a memorandum to guide the WMC if that agency sees fit to send a directive order on radio to local enforcement officials.

### STATE LEGISLATION

ILLINOIS:

S. 148 (Barr & Marovitz) EMPLOYMENT AGENCIES—Relating to employment offices and agencies. Referred to Committee on Judiciary.

INDIANA:

H. C. R. 18 RADIO—TELEPHONE BATTERIES—Memorializes Congress to lift priority restrictions on batteries for farm radios and telephones. Passed by House 3/6/43. Passed by Senate 3/6/43.

NEW YORK:

A. 1612 (Ehrlich) CHILDREN—EMPLOYMENT—Prohibits employment of children under 16 years in theatrical performances, circuses, motion pictures, radio broadcast performances, except church or school exhibitions or on amateur programs with written consent of education board or officials when in their opinion such performances are not harmful. Referred to Committee on Rules.

TEXAS:

H. 561 (Klingeman) POLITICAL RADIO ADVERTISING—Provides that no station shall broadcast matter which influences voting at any election without announcing that it is a paid political advertisement. Referred to Committee on Elections.

### 915 STATIONS

During the month of February 1943, the FCC issued an operating license to one station and deleted the call letters of another, which holds the count of operating stations to the same as at the close of January. The station call letter deleted does not constitute a discontinuance in opera-

tion. It is rather a consolidation of a station wherein two call letters were employed on one transmitter and the same set of studios. Commission action merely discontinued the use of one of the call letters.

A comparative table by months, follows:

	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1
Operating	893	897	899	906	906	905	906*	908*	910*	909*	910*	910*	910
Construction	31	27	25	18	19	16	14*	11*	9*	9*	7*	6*	5
	924	924	924	924	925	921	920	919	919	918	917	916	915

\* Corrections

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 15th. They are subject to change.

#### Monday, March 15

WQBC—Delta Broadcasting Company, Inc., Vicksburg, Miss.—Modification of license, **1470 kc.**, 500 watts night, 1 KW day, unlimited.

#### Tuesday, March 16

##### Further Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB, **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.**, 1 KW, DA-night, unlimited.

#### Wednesday, March 17

WMAM—M and M Broadcasting Company, Inc., Marinette, Wis.—Modification of license, **570 kc.**, 100 watts night, 250 watts day, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted Special Service authorization to use two F-124-A tubes, for the balance of the license period which expires April 1, 1944.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Adopted an order denying petition for a grant of application for construction permit insofar as it requests a change in frequency from **1450 to 630 kc.**, and set forth new issues upon which application will be heard. (Docket No. 6304)

W47A—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted license to cover construction permit as modified, in part, for new station (B1-LH-3).

W2XEO—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted construction permit for new ST station (to reinstate construction permit) (B1-PST-12), granted license to cover B1-PST-12 in part (B1-LST-4).

WMJT—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Retained in pending files pursuant to policy announced February 23, 1943, application for modification of construction permit for extension of completion date indefinitely (B4-MPCT-21).

The Commission has announced its Decision and Order (B-172) granting the application of Westchester Broadcasting Corp. (WFAS), White Plains, New York, for modification of license to change frequency from **1240 to 1230 kc.**, and increase operating time from part-time sharing with WGBB, Freeport, N. Y., to unlimited time. Commissioners Case and Craven voted "No".

### MISCELLANEOUS

WAYS—Inter-City Advertising Co., Charlotte, N. C.—Granted license to cover construction permit as modified, for new broadcast station for approval of studio site (B3-L-1611); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1344).

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted license to use formerly licensed composite main transmitter of Station WAAB as an auxiliary transmitter, with power of 1 KW (B1-L-1750).

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted modification of construction permit as modified, which authorized move of transmitter, new transmitter, change in frequency, changes in directional antenna for night use, and increase in power for extension of completion date from March 13 to June 13, 1943 (B3-MP-1698).

KAST—Astoria Broadcasting Co., Astoria, Ore.—Denied request for authority to suspend operations for the duration of the war and a specified period beyond that with the provision that the license shall remain in the property of the Astoria Broadcasting Co. for the time the suspension remains in effect; deferred action on renewal of license in order that a statement may be obtained from applicant as to whether or not it will continue operation.

WPID—The Petersburg Newspaper Corp., Petersburg, Va.—Denied request for authority to suspend operations for the duration of the war.

### APPLICATIONS FILED AT FCC

#### 560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-3150 as modified, which authorized new transmitter and directional antenna for night use, increase power and change frequency) for extension of completion date from 4-25-43 to 8-25-43.

#### 590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Modification of license to change from directional antenna night use to directional antenna from 5 p. m. to 9 a. m., Central Standard Time.

#### 1110 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to determine operating power by direct measurement of antenna power.

#### 1130 Kilocycles

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Extension of special service authorization to operate from 7 a. m. to local sunrise during months when sunrise occurs later than 7 a. m., with power of 250 watts for the period ending 4-1-44.

#### 1320 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Texas—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

#### 1400 Kilocycles

WJHO—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Voluntary assignment of license to Yetta G.

Samford, C. S. Shealy, Thomas D. Samford, Jr., d/b as Opelika-Auburn Broadcasting Company.

#### 1410 Kilocycles

WEGO—Wayne M. Nelson, Concord, N. C.—License to cover construction permit (B3-P-3007) as modified, for a new broadcast station.

WEGO—Wayne M. Nelson, Concord, N. C.—Authority to determine operating power by direct measurement of antenna power.

#### TELEVISION APPLICATION

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified for new television station) for extension of completion date only from 3-31-43 to 5-31-43.

### FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

#### COMPLAINTS

The 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.

**Auburn Die Company, Inc., et al.**—Eleven New England manufacturers of steel dies, used for cutting leather in the production of shoes, are charged in a complaint with conspiring to fix uniform prices for their products.

The respondents, whose annual volume of business amounts to \$750,000, which is 25 percent of the total volume of such business in the United States, are:

Auburn Die Co., Inc., and Androscoggin Die Co., Inc., both of Auburn, Maine; Joseph E. Knox & Co., Inc., John Hermanson, Stanley Leskiewicz and Joseph Toll, trading as North Shore Cutting Die Co.; Hyman Resnick, Henry April and Hyman Rosenblatt, trading as Bay State Cutting Die Co., and Vincent W. Burke, trading as Bee Machine Co., all of Lynn, Mass.; Boston Cutting Die Co., Inc., Boston; Faustyn K. Jakiel and Richard B. Friend, trading as State Die Co., and Axel Swanson and Raymond Duprey, trading as Manchester Die Co., both of Manchester, N. H.; Brockton Cutting Die & Machine Co., Inc., Avon, Mass.; and Granite Die Co., Inc., Haverhill, Mass. (4921)

**Latta Cream**, 505 Fifth Ave., New York, is named respondent in a complaint charging it with disseminating false advertisements concerning a cosmetic designated "Latta Cream." (4925)

**McNeil Drug Company, Inc.**—A complaint has been issued charging McNeil Drug Co., Inc., and Associated Advertising Agency, Inc., both of Jacksonville, Fla., with misrepresenting the therapeutic value of a medicinal preparation designated "McNeil's Magic Remedy" and with disseminating advertisements which fail to reveal the harmful potentialities that may result from use of the product under conditions prescribed in the advertisements or under such conditions as are customary or usual. The preparation also is sold under the names "Magic Remedy" and "McNeil's Magic Remedy Brand." (4923)

**United Art Studios**, 1615 G St., S. E., Washington, and Benjamin and Ada Kadet, trading as Kadet Art & Frame Co., 909 Fifth Ave., Pittsburgh, are charged in a complaint with enter-

ing into arrangements with each other for the use of false and deceptive practices to induce the purchase of photographic enlargements and frames sold by United Art Studios. (4924)

#### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Albee Studio**, 1426 G Street, N. W., Washington, D. C., selling and distributing photographs, enlargements and miniatures, has been ordered to cease and desist from certain deceptive acts and misrepresentations in connection with the sale of his products. (4871)

**Johnson Smith & Co.**, 6615 East Jefferson Ave., Detroit, has been ordered to cease and desist from representing in any manner that the watches they sell are railroad watches when such is not a fact. (4778)

**Kaiden-Kazanjian Studios, Inc.**—A New York photographic service and its officers has been ordered to cease representing themselves and their employees as newspaper photographers or using the names of newspapers, magazines or periodicals without the consent of the publications. The Commission finds that the Kaiden-Kazanjian Studios, Inc., also trading as Keystone News & Photo Service, and Frances Kaiden and Aram Kazanjian, with offices at 21 West 46th St., New York, has induced numerous persons to pose for photographs under the representation by agents that the photographs were desired by them for immediate or future use in connection with newspaper or magazine articles. (4812)

**Wisconsin DeLuxe Doll & Dress Co.**, trading as Wisconsin DeLuxe Corporation, 1902 North Third St., Milwaukee, has been ordered to cease and desist from the use of lottery methods in connection with the sale and distribution of its products. (4830)

#### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Chartered University of America**—A Huron, S. D., corporation and its board of directors have entered into a stipulation to cease and desist from false advertising and misrepresentation in connection with the sale to purchasers in India of so-called diplomas which purport to evidence the conferring of scholastic degrees.

The corporation is known as "Chartered University of America; Medical Council; and Board of Examinations and Management of Huron, South Dakota." The directors are W. A. Johns, Julia W. Johns and Isiah O. Hagen. (3619)

**Harold Lifton Co.**, 100 Fifth Ave., New York, engaged in the sale of blankets, stipulated that he will discontinue using the word "satin" or any other word connoting silk as a designation for a product not composed of silk. (3620)

**National Rat and Mouse Exterminator Co.**, 3721 West Villard Ave., Milwaukee, entered into a stipulation to cease and desist from representing that the product he sells under the name "Kil-Balm Rat and Mouse Exterminator" will "embalm" the bodies of rats and mice; that it can be depended upon to destroy all rats and mice in buildings or on premises in two or three days or any other period of time; and that the bodies of rodents killed by use of the preparation will not leave an odor. (3621)

**Union Mill Ends**, Monticello, N. Y., has stipulated that it will discontinue using the word "silk" to describe rayon fabric remnants it sells. The remnants are used in making dresses, window curtains, towels, quilts and like products. (3618)

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1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 12, March 19, 1943

## HOME RADIO TUBES

The tube situation is about ready to "jell." While nothing is to be gained by the recitation of "shop talk," it may be appropriate to reiterate that Radio and Radar division of WPB is emphatic in its determination to provide required tubes for home radios. At this writing Radio and Radar awaits the concurrence of tube manufacturers on several points essential to the success of the program.

## BATTERY PROBLEM SOLUTION NEARS

Actual increased production of farm radio batteries should quickly follow a meeting in Washington today, March 19. The Office of Civilian Supply has forwarded its recommendations to increase the manufacture of farm radio batteries to Consumer Durable Goods division. This division is to work out specific procedures to implement the findings of OCS.

Immediate production could begin through the release of zinc, now in stock at manufacturing establishments, but presently held for military uses. Facilities at plants to handle the production of farm radio batteries continue favorable.

Meantime, state legislatures continue an active interest in the farm battery situation. Two more state legislatures have passed resolutions memorializing Congress to make dry cell batteries available for farm use. Included with dry cell batteries for farm radios were batteries for farm telephones and fences. These last two uses, while important to many farmers, require only small amounts of material.

### Iowa Resolution

A concurrent resolution memorializing the Congress of the United States to lift the priorities and restrictions on dry cell batteries for farm radio sets and telephones was passed unanimously by both the House and Senate of the Iowa State Legislature last Saturday. It was negotiated by J. O. Maland, vice president, WHO, Des Moines. The resolution follows:

#### House Concurrent Resolution 25

A concurrent resolution memorializing the Congress of the United States to lift the priorities and restrictions on dry cell batteries.

WHEREAS, Telephones and radios in rural and farm communities are of great convenience and of practical necessity in securing information relative to farm work, livestock marketing and community affairs necessary in the war effort and conserving rubber; and,

WHEREAS, The restrictions and priorities placed on these commodities by the federal government have resulted in great inconveniences to farms and residents of rural communities, thereby retarding the war effort; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF IOWA, THE SENATE CONCURRING:

Section 1. That we respectfully urge and memorialize Congress to lift the priorities and restrictions on batteries used for rural telephones, radios and electric fences to the end that a sufficient supply of such commodities may be made available to rural communities.

Section 2. That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives, the War Production Board, and to the Iowa members of the Senate and House of Representatives in Congress.

### Indiana

It was reported that the Indiana resolution passed both houses the same day. Eugene C. Pulliam, WIRE, Indianapolis, arranged for this legislation.

### Mississippi

In Mississippi W. P. Harris, director WJDX, consulted with the Commissioner of Agriculture of the state on battery shortages since the State Legislature does not meet this year. The Commissioner prepared a statement which was broadcast over WJDX. This produced a number of letters which have been forwarded to interested individuals. The Commissioner said:

"A shortage that has not received the attention nor the publicity of the rubber and food shortages, but is important in its own field of service is the shortage of batteries for radio receiving sets.

"It was found, after a check of dealers and distributors, that when present batteries are exhausted, a very large percentage of the battery radios will be useless for the duration of the war or until provision is made for additional batteries.

"Families that were depending upon the change to electricity will be forced to wait until after the war as copper conductors are unavailable.

"There are many rural families that do not subscribe to a newspaper but depend solely upon the radio for news and information; they are faced with the possibility of having this service discontinued.

"The radio is a valuable and absolutely necessary part of the life of the people of the farm. Farm people are most patriotic. They have sent their sons to war. With less than the needed amount of farm help, they have produced a record-breaking amount of food. They are entering another crop year, hampered by scarcities, but ready to do everything possible to produce the tremendous amounts of food necessary. The work of the farms will be more important than ever before in the history of this nation during the coming planting season and until victory is won.

"The farm family will be the busiest people in the land. They will work from dawn until dusk.

"Now hundreds of farm families will be unable to get valuable reports which are necessary to keep the farm fully informed on conditions as they exist in our country and elsewhere, the progress of war, markets and weather conditions.

"Farmers listen carefully to the government-planned programs on drives for the sale of bonds and other matters so vital for the successful prosecution of the war. Should the radio stations lose hundreds of thousands of rural

(Continued on page 124)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising*; Walter L. Dennis, *Chief, News Bureau*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## BATTERY PROBLEM SOLUTION NEARS

(Continued from page 123)

listeners because they can no longer secure batteries for their radios, our government departments that depend upon radio stations to furnish that information to those listeners, will lose thousands of supporters of their programs, and in my opinion the war effort will be the loser.

"If you are a user of a battery receiving set, you cannot hope for much over six more months of life in those batteries. When they are gone, it will be virtually impossible to have them replaced.

"Do you have a neighbor whose radio cannot be used because the batteries are dead?"

"Won't you write your Congressman and invite his attention to this serious matter—get your neighbor to write also. You can send your letter in care of WJDX here in Jackson and it will be forwarded to your Congressman.

"Do it today, for tomorrow your radio may be useless—"

### Nebraska

John J. Gillin, Jr., president, WOW, Omaha, communicated with each member of the Nebraska Legislature and with Nebraska Congressmen in Washington.

## PROGRAM DIRECTORS MEET

Initial meeting of the newly formed Program Directors' executive committee of NAB will be held at NAB Washington headquarters, March 24-25, to discuss plans for more definite participation of NAB in the radio program field.

The meeting will set up for program directors an activity paralleling the activity of the sales managers carried on by our department of broadcast advertising. This function would not supplant the work now processed by the code committee, but would be handled in close cooperation with the code and sales managers committees.

The tentative agenda, including the list of the program directors and the NAB members who will sit with them, is as follows:

William Adams, WCHS	Earl Glade, Code Committee
J. Robt. DeHaven, WTCN	Roy Harlow, BMI
Harold Fair, WHO	Neville Miller, NAB
Robert L. Kennett, WHAS	Lewis Avery, NAB
Robert Landry, CBS	Willard Egolf, NAB
Clarence Menser, NBC	Russell Place, NAB
Herbert C. Rice, WGR	
Ray Shannon, KQV	
Tod Williams, WSPD	

### WEDNESDAY

#### Morning Session—10:00 A. M.

- 1) Call to Order
- 2) Statement of Purpose of Meeting—Neville Miller, President, NAB

- 3) Work of Code Committee—Earl Glade, Chairman, NAB Code Committee
- 4) Work of Sales Managers Committee—Lewis H. Avery, Director, NAB Department of Broadcast Advertising
- 5) Report on BMI Program Directors Meeting—Roy Harlow, BMI
- 6) Programs and Public Relations—Willard Egolf, Assistant to the President NAB
- 7) General Discussion

#### Luncheon—1:00 P. M.—Mayflower Hotel

#### Afternoon Session—2:30 P. M.

- 1) Recent Program Trends—Willard Egolf
- 2) Nature of Recent Complaints—Plug Uglies, etc.
- 3) What can be done to help Program Directors:
  - a) Commercial Programs;
  - b) Sustaining Programs;
  - c) War Programs.
- 4) Character of Information Needed
- 5) Value of Case Histories
- 6) Small Stations' Problems
- 7) Value of a Joint Meeting of Program Directors and Sales Managers Committee with Selected Group of Advertisers, Agencies and Station Representatives
- 8) Value of Column for Program Directors in NAB REPORTS
- 9) Value of Program Awards
- 10) General Discussion

### THURSDAY

#### Morning Session—10:00 A. M.

- 1) Plans of Program Directors for NAB War Conference April 27-29
- 2) Plans of Program Directors for future NAB District Meetings
- 3) Plans and Scope of Permanent Program Activities of NAB
- 4) General Discussion

#### Luncheon—1:00 P. M.—Mayflower Hotel

Guests: Harold Ryan and Gene Carr, Office of Censorship  
Lt. Col. Edward M. Kirby and Capt. Frank Pellegrin, Public Relations, War Department  
Don Stauffer and Douglas Meservey, OWI  
Earl Gammons, CBS  
Frank Russell, NBC

#### Afternoon Session—2:30 P. M.

Unfinished Business

Adjournment

## Broadcast Advertising

### BARGAIN COUNTER FOR P-I OFFERS

"Step right up, ladies and gentlemen—you pays your money and you takes your choice." There is, indeed, something of the appeal of the old-fashioned medicine show in the description which the promoter of a per-inquiry deal gives to his wares. And probably just about as little value, too!

Here's an up-to-date list of current offers that deserve to be avoided as you would the plague:

Universal Audit and Account Service of Neligh, Neb., is offering the "Universal Farm Record—For Income Tax" on a highly profitable basis—to Universal Audit and Account Service. You won't have to worry about the effect on your income tax from any income that you *might* receive from the broadcast of this offer.

Huber Hoge and Sons, 699 Madison Avenue, New York, N. Y., is back in the lists with a comprehensive tabulation of publications your listeners just can't do without. This agency and the account involved do spend money at card rates over many stations. Tell the story of your station and its mail-producing power convincingly enough and you can obtain an order at card rates.

Herald Advertising Company, 610 N. Medina St., San Antonio, Texas, is now promoting Grandma's Tea to remedy the ills left untouched by its earlier magnanimous offer of Grandma's Cough Syrup. This is the "no-money-involved" deal that puts you in the laxative business in a big way. We have been tempted to buy a gross and send a package to every advertising agency and advertiser that offers a per-inquiry deal to broadcasting stations.

The Louis B. Yacht Syndicate, 220 West 42nd Street, New York, N. Y., has the solution to the gray-hair problem on a per-inquiry basis. We're willing to bet that any station manager who takes these P-I deals can grow gray hair faster than "Everglo" vitamin will restore the natural color.

Kermit-Raymond Corporation, 745 Fifth Avenue, New York, N. Y., is back again with the same mailing to which has been attached a "memo" wondering if you overlooked the earlier offer. We hope every station not only overlooked the earlier offer but will continue to overlook all offers of this type.

Progressive Circulation Company, P. O. Box 9385, Sta. S, Los Angeles, Cal., urges stations to broadcast solicitations for subscriptions to various magazines with the appeal: "Give our magazine offers a *chance*—and they will *pay!*" You bet they will! They will pay Progressive Circulation Company handsomely!

Frank R. Steel Associates, Inc., 360 N. Michigan Ave., Chicago, Ill., is offering a Princess Pat Beauty Kit on what amounts to a P-I basis. Here, too, orders can be obtained on a straight rate-card basis. It may take a little work to get it on that basis, but it can be done.

A pretty imposing list, isn't it? Do you really think every one of those offers is "the best of its kind"? It couldn't be, could it? Then let's keep plugging for business we can be proud to carry.

## IOWA BROADCASTERS ELECT

Iowa broadcasters met at Des Moines March 13 to discuss problems and to reorganize the Iowa Association of Broadcasters which had not met since 1937.

J. O. Maland, WHO, Des Moines, was elected president and Earl Peak, KFJB, Marshalltown, secretary-treasurer. Most of the day was devoted to the manpower problem and Selective Service regulations resulting in the election of an Advisory Board to cooperate with Selective Service State Headquarters in determining "necessary men" required by each station to insure continued operation of all stations in the state.

Other committees selected were:

Retail Promotion Committee, Dietrich Dirks, KTRI, Sioux City, chairman

Legislative Committee, Edward Breen, KVFD, Fort Dodge, chairman

Sports Broadcasting Committee, Earl N. Peak, KFJB, Marshalltown, chairman

Resolutions urging immediate relaxation in restrictions on manufacture and distribution of dry batteries for farm

radio sets were adopted and sent to Donald M. Nelson of the War Production Board, Claude Wickard, Secretary of the United States Department of Agriculture, and to Chairman Fly of the Federal Communications Commission.

In attendance were:

G. B. McDermott, KBUR, Burlington

W. B. Quarton, WMT, Cedar Rapids

Douglas B. Grant, WMT, Cedar Rapids

Buryl Lottridge, WOC, Davenport

Craig Lawrence, KSO-KRNT, Des Moines

J. O. Maland, WHO, Des Moines

Paul Loyet, WHO, Des Moines

Harold Fair, WHO, Des Moines

Ralph Evans, WHO, Des Moines

Woody Woods, WHO, Des Moines

Kirby Smith, KBUR, Burlington

K. S. Gordon, KDTH, Dubuque

Edward Breen, KVFD, Fort Dodge

E. N. Peak, KFJB, Marshalltown

J. C. Rapp, KMA, Shenandoah

E. T. Flaherty, KSCJ, Sioux City

Lt. Col. Frank B. Hallagan, Iowa Selective Service Hdqrs.

Phil Hoffman, WNAX, Yankton, S. D.

## BIG RECRUITING JOB COMING UP

Somewhere down the line many broadcasters will have a special opportunity to serve the nation at war by helping in the farm-worker recruiting problem for 3,500,000 persons.

According to present plans at the Department of Agriculture the spark plug of this activity will be Wayne H. Darrow. He will work through County War Boards which are set up in most counties. Consequently the size of the job will vary from county to county depending on availability of workers and demand for them.

It is suggested that local stations, suitably situated, contact their County War Boards now, in advance of instructions from Washington to the Boards. The experience of stations will be invaluable to the Board members, who have never before faced a recruiting job of such magnitude.

## NOTIFY SALVAGE COMMITTEE

An Ohio station engaged in collecting keys and old razor blades has inquired of NAB whether any franking provision is available for the delivery of such items to the proper authorities.

OWI advised on Thursday that no franking arrangements are available in this instance. On advice of the salvage people in Washington, the suggestion was made that the local salvage committee be notified of the collection of such material. This committee would handle even if the items had to be stored temporarily.

On specific question it was asserted that local salvage committees are functioning over a wide area and in probably all radio-station cities.

## HIRES TO ARMY

Charles E. Hires, of WCAU's engineering staff, was inducted into the Army this week.

## WAR BULLETIN MAILED TODAY

War bulletin No. 14 is being mailed all stations in the United States today.

It is concerned with the proposition of broadcast assistance for the U. S. Treasury in the forthcoming Victory bond campaign for thirteen billion dollars.

The Office of War Information and NAB are strongly in favor of station support.

## NOTE TO PROFESSOR KRANZ

(Reproduction of our personal letter)

March 18, 1943.

Prof. Leon Kranz,  
Physical Education Department,  
Northwestern University,  
Evanston, Illinois.

Dear Prof. Kranz:

On Monday of this week the Associated Press carried your statement that the rejection of more than 40 per cent of the draft registrants is a reflection of "coddling" of the nation's youth by automobiles, movies and radio.

We desire to speak generally on that subject, not especially on behalf of radio.

Selective Service headquarters in Washington state that rejections in World War I reached approximately 40 per cent also. At that time we had no radio and fewer automobiles and movies. In addition, the draft age was between 18 and 31 only.

Further Selective Service figures relative to the present war should encourage you: There have been only 33.2% rejections between 18 and 25. There have been only 34% rejections between 26 and 30. Remember also that modern methods of detecting physical and mental debilities are greatly advanced, which would influence more rejections in this war.

Most modern devices are designed for easier living. You would not advocate dispensing with them, I am sure.

If I interpret you correctly, you have no complaint against automobiles, movies and radio, as one might think after reading your statement. You simply believe that an enlightened people should recognize the need for a health-building program in everyone's life, to offset sedentary habits which tempt all of us. If that is true, radio has been a help in the past and might aid you materially in the future, with proper programming.

Cordially,

(Signed),

Willard D. Egolf,  
Assistant to the President.

## QUARTZ CRYSTALS

WPB Conservation Order M-146, issued March 8, 1943, restricts the production of quartz crystals used as radio oscillators. Paragraph (b) section 5 of the order reads in part as follows:

"On and after March 8, 1943, no person shall fabricate quartz crystals or blanks except in the manufacture of:

"Radio oscillators and filters and optical parts to be used in the replacement of parts which are defective, cracked, or broken, provided the equipment or instruments requiring such parts are implements of war or are needed solely in activities directly connected with defense, public health, welfare, or security."

NAB has been advised that the order is interpreted as including broadcast stations under the section quoted above. If difficulties are encountered in securing replacement crystals, the NAB Engineering Department will be glad to assist broadcast stations.

## PAN-AMERICAN DAY

Originally proclaimed March 4, 1933, by President Roosevelt, the Good Neighbor policy will be formally recognized again this year on Pan-American Day, April 14th, and mayors of all cities of 10,000 population or more have been circularized by the American Municipal Association with requests to initiate Pan-American projects on that day. The radio section is quoted verbatim from a release issued by the Coordinator of Inter-American Affairs in Washington as follows for station operators' information:

(17) *Radio* Like the newspapers, the radio stations will receive from the Radio Division of the

Office of the Coordinator of Inter-American Affairs a great deal of help. There will be special programs on the networks. There will be transcribed programs for the individual stations. In addition to the above, which will require no local effort, there should be special coverage by radio stations of the various local events. By special arrangement, you can undoubtedly have the radio stations stagger their programs based on the holiday so that there will be no duplication at any particular period. The stations should also be requested to see that musical programs go on at the luncheon and dinner hours, to capitalize the many small restaurants which depend on the radio for their musical entertainment.

## "RADIO MANNERS"

Angelo Patri, noted child guidance authority, wrote the following suggestions concerning "Radio Manners" in a recent column which may interest station managers and women's directors:

1. Let the radio rest whenever it is not actually wanted . . . a radio that goes on all day deafens the mind and in time wearies the nerves of listeners . . .

2. Don't twiddle. Once you set the dial . . . let it alone and don't go wandering all over the air calling out all the fiendish noises imaginable. Stick by the program and give it a chance to catch your interest—you have no excuse for listening otherwise.

3. Don't walk into a quiet room and reach for the button without first inquiring if it is agreeable to others in the room. This is important in dentists' and physicians' offices where there may be people suffering tortures. In private homes, ask permission and inquire about program like and dislikes.

## SET PRICES

To provide a precise method of determining maximum prices on radios and phonographs assembled by retailers and distributors, the OPA will issue shortly a new regulation controlling the price ceilings for such sets.

Coming under the new regulation will be a scattered number of radio distributors, retailers and brokers who, since the summer of 1942, have become assemblers of household phonograph and radio receiving sets. By comparison with full fledged manufacturing procedures their operations are relatively simple, consisting of the mounting of the fully assembled chassis with the speaker and frequently with a phonograph pick-up mechanism into a finished cabinet.

Specifically excluded from the new regulation will be regular manufacturers of radios. They will continue under Revised Price Schedule No. 83 (radio receivers and phonographs). Manufacturers are practically removed from production of such sets, by limitation Orders L-44A and L-183 issued by the WPB. However, these WPB Orders do not prevent placing a chassis manufactured in accordance with the terms of the Orders into a cabinet.

Meetings were held by OPA with representative distributors, retailers and assemblers of radios and phonographs in New York on Thursday, March 18, and in Chicago on Friday, March 19, for the purpose of outlining the provisions of the proposed regulation and inviting discussion of them.

At the present time wholesale and retail prices of radios and phonographs are controlled by The General Maximum Price Regulation. OPA points out that it is a violation of this price regulation for assemblers of radios to make sales unless a maximum price has been specifically authorized by the OPA of Section 3(b) of the General Maximum Price Regulation in all cases except where the

assembled radio is actually similar to a model sold during March 1942.

## POST WAR LABOR OUTLOOK

With this copy of the NAB REPORTS, we are sending through the courtesy of Prentice-Hall, Inc., a copy of Section 2—"What's Happening in Washington—Post War Labor Outlook." We are sure you will find the contents of this bulletin interesting.

## FLY DISCUSSES LEGISLATION

Chairman James Lawrence Fly of the FCC said at his press conference this week that the Commission has not made a study of the question of equal time for speakers on the issues of the day. In this connection he called attention to the fact that the Commission in its public statements has "tried to go along with I think pretty much the same policies that are announced in the broadcasters' code."

Mr. Fly said that the Commission has encouraged the idea of giving both sides of controversial issues. The Chairman still discussing this question said further "As you know, in one or two decisions we criticized the editorial policy or advocacy on the part of the station itself, feeling that the station ought to be there as a mechanism for the purpose of giving a complete and balanced reporting and then when giving the outstanding debatable issues to be sure, of course, that both sides were presented. The Commission has not given consideration to the particular provisions so I don't know what it would want to say about that."

## STATE LEGISLATION

### GEORGIA:

S. R. 68 (Foster-Pittman) STORAGE BATTERIES—Memorializing Congress to release storage batteries for use in radios. Referred to Committee on General Judiciary No. 1.

### NEW YORK:

A. 1635 (Crews) GROUP LIBEL—Defines group libel as malicious publication by writing, printing or other representation or by radio broadcasting, which exposes persons because of race or religion to hatred, contempt or ridicule or causes persons to be shunned or injures them in business. Referred to Committee on Rules.

A. 1891 (Hults) LIBEL—RADIO BROADCAST—Provides person who, himself or through agent, makes orally by radio broadcast a statement about another person which if published in writing would be a libel, shall be deemed to have made and published a libel and shall be punished accordingly. Referred to Committee on Rules.

S. 1600 (Duryea) (Same as A. 1891) LIBEL—RADIO BROADCAST—Provides person who, himself or through agent, makes orally by radio broadcast a statement about another person which if published in writing would be a libel shall be deemed to have made and published a libel and shall be punished accordingly. Referred to Committee on Codes.

### OKLAHOMA:

H. 385 (Edwards) ADVERTISING—Levying a tax upon gross proceeds of political and commercial advertising carried in certain newspapers and by radio stations owned and controlled by newspapers. Referred to Committee on Revenue and Taxation.

### WISCONSIN:

S. 246 (Murray) MUSICAL COMPOSITIONS—COPYRIGHTS—To repeal and recreate 177.01 of the statutes, relating to copyrights and public performing rights in musical compositions; to regulate the issue of licenses with respect thereto; to prohibit discrimination;

to levy a privilege tax. Referred to Committee on Judiciary.

## FTC SURVEY

The Federal Trade Commission in connection with its regular continuing survey of radio and periodical advertising has made special analyses of advertisements dealing with war related subjects. The Reports which are not available for publication were made for the Office of Censorship, the WPB and the OPA.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 22nd. They are subject to change.

Monday, March 22

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—C. P., 1330 kc., 5 KW, unlimited. DA-night.

Tuesday, March 23

Further Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., 1550 kc., 1 KW, DA-night, unlimited.

Wednesday, March 24

KDNT—Harwell V. Shepard, Denton, Texas.—Modification of license, 1400 kc., 100 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted consent to transfer of control of Wyoming Broadcasting Co., licensee of Station KVRS, from R. R. West (transferor) to Mrs. Marjorie Lannen McCracken (transferee) for a consideration of \$18,500 for 9,996/10,000 shares of issued and outstanding capital stock (B5-TC-313).

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co. (assignors), Howard W. Davis, tr/as The Walmac Co. (assignee), San Antonio, Texas.—Granted consent to voluntary assignment of license of Station KMAC from W. W. McAllister and Howard W. Davis, d/b as The Walmac Company to Howard W. Davis, tr/as The Walmac Company, for a total consideration of \$35,000 (B3-AL-362).

WASH—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted request to cancel the outstanding license issued to Station WASH and to delete the call signal.

### LICENSES GRANTED

W39B—Yankee Network, Inc., Boston, Mass.—Granted license to cover construction permit, in part, for FM station, upon condition that licensee shall, when required materials are

### 1230 Kilocycles

WDSM—WDSM, Incorporated, Superior, Wis.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 250 watts.

### 1290 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—License to cover construction permit (B3-P-2944 as modified) for increase in power and installation of directional antenna for night use.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Authority to determine operating power by direct measurement.

### 1380 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Transfer of control from Nelson P. Poynter to Times Publishing Company (25½ shares).

## MISCELLANEOUS APPLICATIONS

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. D.—Construction permit to change frequency from 1400 kc. to 610 kc., increase power from 250 watts to 5 KW, install directional antenna for day and night, change transmitter and move. AMENDED to install directional antenna for night use only.

KDRO—Albert S. Drohlich & Robert A. Drohlich d/b as Drohlich Brothers, Sedalia, Mo.—Voluntary assignment of license to Milton J. Hinlein.

KWKW—Southern California Broadcasting Co., Pasadena, Calif.—Transfer of control from Marshall S. Neal and Marshall S. Neal as trustee of all other stockholders of record to L. W. Peters (100% of common stock).

available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B1-LH-12).

W65H—WDRC, Inc., Hartford, Conn.—Granted license to cover construction permit, in part, for FM station, upon condition that licensee shall, when required materials are available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B1-LH-20).

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Granted license to cover construction permit, in part, and change in studio location upon condition that licensee shall, when materials are available, take immediate step to comply fully with the Rules, Regulations and Standards of the Commission (B5-LH-30); dismissed and retired to closed files application for extension of completion date (B5-MPH-98).

W45CM—WBNS, Inc., Columbus, Ohio.—Granted license to cover construction permit, in part, upon condition that the licensee shall, when required materials are available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B2-LH-21); dismissed and retired to closed files application for extension of construction period (B2-MPH-94).

K49KC—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted license to cover construction permit, in part, upon condition that licensee shall, when required materials are available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B4-LH-34).

## MISCELLANEOUS

WKAQ—Radio Corp. of Porto Rico, San Juan, Puerto Rico.—Granted modification of construction permit which authorized move of auxiliary transmitter, for extension of completion date from March 1, 1943, to July 26, 1943 (B-MP-1700).

William G. H. Finch, New York, N. Y. (Docket 6363); Hughes Productions, Division of Hughes Tool Co., Los Angeles, Calif. (Dockets 6370, 6371); Head of the Lakes Broadcasting Co., Duluth, Minn. (Docket 6474); Sea Board Radio Broadcasting Corp., Philadelphia, Pa. (Dockets 6479, 6480).—On the Commission's own motion ordered that the hearing dates be indefinitely continued on applications in Dockets 6363, 6370, 6371, 6474, 6479 and 6480 (to conform with the Commission's policy of February 23, 1943 regarding FM and television applications).

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted petition to dismiss without prejudice application for construction permit (B5-P-3499).

WCOP—Mass. Broadcasting Corp., Boston, Mass.—Postponed until April 14 action on petition for order to take depositions in re application for renewal of license, and the Commission on its own motion continued to May 17 the hearing now scheduled for April 19.

KTEM—Bell Broadcasting Co., Temple, Texas.—Denied without prejudice motion to intervene in the hearing on application of KDNT for modification of license (B3-ML-1143).

## APPLICATIONS FILED AT FCC

### 1090 Kilocycles

KTHS—Radio Broadcasting, Inc., Hot Springs National Park, Ark.—Construction permit to increase power from 5 KW night, 10 KW day to 50 KW day and night, change hours of operation from Shares equally with KRLD to Unlimited, install new transmitter and directional antenna for night use, move transmitter to Near Wrightsville, Ark. and move studio to Little Rock, Arkansas.

### 1150 Kilocycles

KSWO—Willard Carver & Byrne Ross, Lawton, Okla.—Special service authorization to operate unlimited time, for period ending 8-1-44.

### 1210 Kilocycles

WCAU—WCAU Broadcasting Company, Philadelphia, Pa.—Authority to determine operating power by direct measurement.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

## COMPLAINTS

The 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.

**Adlerika Company**, St. Paul, Minn., selling and distributing a laxative medicinal preparation designated "Adler-i-ka," is charged in a complaint with false advertising. (4927)

**Blackstone College of Law, Inc.**—Two Chicago correspondence schools controlled and directed by the same officers are charged in a complaint with operating a "diploma mill" by offering to sell law diplomas and degrees of various kinds merely upon the payment of stipulated sums of money and without the fulfillment of any reasonable scholastic effort or course of study.

Respondents named in the complaint are Blackstone College of Law, Inc., engaged in the sale of correspondence courses in law; Blackstone-Sprague School, Inc., offering purported courses in short story writing; and Harold L. Lister and E. Stanley Gerig, officers of the two corporations which are located at 307 North Michigan Ave., Chicago. (4929)

**W. M. Meador & Co., Inc.**—Violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint issued against W. M. Meador & Co., Inc., Mobile, Ala., a jobber buying in its own name, for its own account, various food products,

canned goods, and miscellaneous merchandise which it resells. (4928)

**Nature Seed Co.**, 175 East Broadway, New York, selling and distributing a medicinal preparation designated "Nature Seed," is charged in a complaint with false advertising and misrepresentation of the product. (4926)

### STIPULATIONS

During the past week the Commission announced no stipulations.

### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Greening Nursery Co.**, Monroe, Mich., selling and distributing fruit trees and other nursery products, has been ordered to cease and desist from certain misrepresentations in its advertising. (3673)

**Josten Manufacturing Company**—An order has been issued directing Josten Manufacturing Co., Owatonna, Minn., manufacturer of school class rings and similar jewelry, to cease and desist from misrepresentation in connection with the sale of its products. (3611)

**London Tobacco Co.**, 132 Hanover St., Boston, manufacturing and distributing cigarettes, tobacco and other smoking supplies, has been ordered to cease and desist from misrepresentation of his products. The Commission finds the respondent manufactured and sold a brand designated by him as "London Special Cigarettes." On the top of each box appeared a pictorial representation simulating the British Royal Coat of Arms. Counter advertising cards and circulars supplied by the respondent, for the use of retail dealers, also featured the name "London Special," together with a simulated picturization of the British Royal Coat of Arms. (4126)

**Parfum L'Orle, Inc.**, 6 East 39th St., New York, selling and distributing perfumes and related products, has been ordered to cease and desist from misrepresentation of its products. (4511)

**Sally's Furs, Inc.**—An order to discontinue misrepresentations in connection with the sale of fur garments has been issued against Sally's Furs, Inc., New York. (4705)

**F. A. Stuart Co.**, Marshall, Mich., selling and distributing a medicinal preparation designated "Stuart's Laxative Compound Tablets," and Benson & Dall, Inc., 327 South La Salle St., Chicago, an advertising agency, disseminating advertising for the F. A. Stuart Co., have been ordered to cease and desist from false advertising and misrepresentation of the preparation. (4753)







## Program Directors Meet

Acting immediately on a resolution adopted by a temporary program directors executive committee of the National Association of Broadcasters meeting at NAB Washington headquarters March 24-25, Neville Miller announced the committee as appointed would become the official committee for the coming year.

Members are: William Adams, WCHS, Charleston, W. Va.; J. Robert DeHaven, WTCN, Minneapolis; Harold Fair, WHO, Des Moines; Robert L. Kennett, WHAS, Louisville; Robert Landry, CBS, New York; Clarence Menser, NBC, New York; Herbert C. Rice, WGR, Buffalo; Ray Shannon, KQV, Pittsburgh, and Tod Williams, WSPD, Toledo. All were present except DeHaven.

The resolution was as follows:

"WHEREAS, Neville Miller and other officials of the National Association of Broadcasters have called this meeting of Program Managers in Washington, D. C., with the statement that 'programming is one of the most vital responsibilities of the radio industry.'

"THEREFORE, BE IT RESOLVED, that a Program Managers Executive Committee be continued as one of the permanent committees of the National Association of Broadcasters.

"That it be the purpose of this Committee to cooperate with and augment the work of the other National Association of Broadcasters Committees in furthering high program standards.

"That we express our sincere appreciation for the admirable leadership exemplified by the Code Committee of the National Association of Broadcasters.

"That time be allotted to the Program Managers at the National Association of Broadcasters War Conference for a discussion of problems arising from programming under war conditions."

## Endorse Retail Plan

The committee reacted at once by planning active participation in the impending NAB War Conference and requesting that speakers be obtained to address program directors.

Whole-hearted approval and endorsement of the objectives of the Retail Promotion Committee Plan by unanimous vote was given by the committee after a report on the plan was presented by Lewis H. Avery, NAB director of broadcast advertising.

Other business of the two-day conference follows:

Miller opened the sessions stating that "the program executive committee in its field can parallel and cooperate with the work of other NAB committees."

Earl Glade, manager of KSL, Salt Lake City, and chairman of the NAB code committee, reported on his committee's work, declaring that it is "in the interest of

## IMPORTANT

Official notice of the proposed By-Law amendments appears on page 139. Due to paper shortage we will not this year separately mimeograph these proposals for mail distribution. *This Is Official Notice.*

good programming and service to the public to be conscious at all times of the goal which each program is trying to achieve."

Avery, reporting on the sales managers' committee, said it is "anxious to cooperate with the program managers committee to improve commercial programs, reduce mortality of ill-advised programs and develop new sustaining ideas for commercial sponsorship."

## BMI Reports 'Success'

Roy Harlow, assistant to the general manager of Broadcast Music, Inc., reported on BMI program directors' meetings, commenting: "the grand success of these meetings of program managers as applied to BMI problems is significant to the plans being formulated by the program managers executive committee."

Speaking on "Programs and Public Relations," Willard D. Egolf, assistant to the president, NAB, said: "Our public relations goal is to be known favorably by the greatest number of people. This is a challenge to our own medium, because radio reaches the greatest number of people. We must not mistake the challenge, however, and use our facilities for broadcast braggadocio, pointing at ourselves with pride.

"We must realize that the general good conduct of our programming provides the best opportunity to do a fine public relations job. Be good to the people. Do good deeds. Our greatest concern must center on commercial programs, because while they undertake to be good to the people, they ask the people to be good to them, too, and buy radio-advertised products."

Following a report on program trends by Paul Peter, NAB director of research, the committee recommended that a study of program trends and influences with a thorough analyses calculated to make the information valuable as a guide be made.

## 'Plug-Uglies Personal'

Discussion and analysis of recent complaints against radio's programming such as so-called "plug-uglies" resulted in a decision that attacks have been personal in nature, not founded on a knowledge of the medium and not substantiated by any convincing expression from the general public.

The committee indicated it would seek a central cor-

(Continued on page 132)



**THE NATIONAL ASSOCIATION OF BROADCASTERS**

1760 N St., N.W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising*; Walter L. Dennis, *Chief, News Bureau*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

## PROGRAM DIRECTORS MEET

(Continued from page 131)

relation and distribution outlet of important program ideas and policy information.

A discussion of the value of the program directors and sales managers committees of NAB meeting with representative groups of advertisers, agencies and station representatives was predicted on establishing an approved system of close cooperation between sales managers and program directors in the individual stations.

The small stations' problem was tabled for further discussion.

At the luncheon closing the sessions Lieut-Col. Ed M. Kirby and Glade spoke briefly. Kirby, now with the war department public relations department, gave the following information regarding war interviews and policy for radio:

### Kirby Talks on Policy

"Hospital interviews with ambulatory (movable) casualties may be cleared locally since March 15. Facts bearing immediately on a specific citation may be given, without clearance, together with facts about the individual's personal life, the latter on his own release. Operators desiring further information may address the war department public relations division, Washington, D. C., c/o either Kirby or Capt. Frank Pellegrin."

Glade made a plea for sympathetic, sensitive handling by announcers of all casualty interviews.

Attending the luncheon as guests in addition to those mentioned were: Pellegrin, Eugene Carr, Censorship; J. Harold Ryan, Censorship; Earl Gammons, CBS; Frank Russell, NBC; Philip Cohen, OWI; William Lewis, OWI; Douglas Meservey, OWI, and Don Stauffer, OWI.

## 48 - Hour Week

No blanket exemption for radio, or any other industry.

Each employer in a critical area must justify any schedule of less than 48-hours with his local War Manpower Commission officials.

WMC (national) still considering advisability of a "directive" on radio, but this doubtful.

This, in a nutshell, is the 48-hour week situation. The following letter went to all member stations in critical areas after last week's conference with the WMC.

We had a long meeting with Mr. Hollander of the War Manpower Commission this morning relative to radio and the 48-hour week. The up-shot of the meeting was:

1. It is not the War Manpower Commission's present intention to grant a blanket exemption to the radio industry (or any other industry).

2. Every station in a critical labor shortage area will have to justify every work-week of less than 48 hours to obtain WMC approval for new hiring after April 1.

3. The WMC has under consideration a "directive" to its regional directors pointing out that certain classifications of radio employees (talent and possibly announcers) cannot be put on any fixed work schedule in most cases.

4. Despite good testimony to the contrary from the NAB the WMC is of the opinion that in many cases the hours of technicians and general office help can be increased to (a) release manpower, or (b) obviate the necessity for hiring additional men or women.

### Survey Your Situation

With this in view we suggest that you immediately go to work on the enclosed survey of your manpower situation and when this survey is completed, discuss your problems with your local War Manpower Commission officials. It was plainly indicated to us this morning that "I can't do anything" usually would not be regarded as a good answer. The war effort needs additional men. It is up to us to do what we can to help—without impairing radio's own great service.

Here are some of the factors that you might consider in discussing your problem with your WMC officials:

1. The comparatively small number of employees in the radio broadcasting industry is divided into a comparatively large number of employment units and is still further divided within these units into a large number of crafts.

2. Opportunities for interchange are few.

3. Because of radio's peculiarities a variable number of hours in the work week is normal rather than the exception.

4. Radio has the peculiarity of "peak loads" which makes any rigid increase in working hours impractical.

5. The peak or maximum operation fixes the irreducible minimum need.

### Hardship on Talent

6. Reduction to the absolute minimum of workers at maximum hours for "normal" operation would enhance the possibilities of breakdown in service, besides making for serious overwork in the event of sickness, emergencies, staff reduction due to Selective Service, etc.

7. Radio talent such as singers, actors, news analysts and the like and the creative artists cannot be expected to be "on duty" 48 hours per week.

8. Union contract restrictions in many instances hamper the fullest utilization of manpower.

9. Many stations could dispense with their staff orchestras but are obligated by contract to continue their employment.

10. Radio broadcasting is essential to the war effort. The degree of co-operation and assistance it can continue to give to the war effort depends upon the maintenance of its service as a good program service. A rigid enforcement of the 48 hour ruling might seriously impair such service.

Please keep us advised of how you make out and do not hesitate to call on us for any additional help we can give you. We will keep after the WMC here for the directive.

## Fly to Address War Conference

(This released to press associations and trade press March 20 by NAB News Bureau)

FCC Chairman James Lawrence Fly will address the NAB War Conference, Palmer House, Chicago, April 26-29.

In his letter of acceptance to Neville Miller, Fly stated that he expects "to discuss the manpower, material and small station question, as well as other aspects of wartime operation." Full text of his letter follows:

"I shall be glad to participate in the forthcoming War Conference of the National Association of Broadcasters now scheduled for the Palmer House of Chicago, April 26-29. The meeting should prove valuable, both to the Government and Industry, in providing an opportunity for joint discussion of problems confronting wartime broadcasting. In my talk, I expect to discuss the manpower, material and small station questions, as well as other aspects of wartime operation.

"More than ever before, it is essential that we have a sturdy broadcasting industry because of its important role in military and civilian morale. Both the government and the individual broadcasters are determined that broadcasting service shall be maintained unimpaired. I believe that this meeting will help us all in doing that job."

## Peabody Awards

(This release issued to trade press and press associations March 22 by the NAB News Bureau)

The 1942 George Foster Peabody Radio Awards, the "Pulitzer Prizes" of radio, were given to the following:

Charles Collingwood, Columbia Broadcasting System, "Outstanding Reporting of the News"; "The Man Behind the Gun," Columbia Broadcasting System, "Outstanding Entertainment in Drama"; The Standard Symphony, National Broadcasting Company (Pacific Coast Network), "Outstanding Entertainment in Music."

"Afield with Ranger Mac," Radio Station WHA, Madison, Wisconsin, "Outstanding Educational Program"; "Our Hidden Enemy—Venereal Diseases," Radio Station KOAC, Corvallis, Oregon, "Outstanding Public Service Program by a Local Station—1,000 Watts or Under."

"The Home Front," Radio Station WCHS, Charleston, West Virginia, "Outstanding Public Service Program by a Regional Station—Up to 10,000 Watts."

### Based on Public Service

First awarded in 1941, the Peabody Radio Awards are administered jointly by the Henry W. Grady School of Journalism, University of Georgia, and the National Association of Broadcasters. They are designed to give educational recognition to meritorious public service by broadcasters to perpetuate the memory of George Foster Peabody, benefactor and life trustee of the university.

Today's selections were made by the national advisory board, individual members of which have made special studies of programs in the various categories. The board also had a digest, with recommendations, from a University of Georgia faculty committee, based on a sifting of hundreds of entries which were submitted by stations throughout the country.

Members of this board, a majority of whom were pres-

ent today at the meeting in New York City, are: John H. Benson, president, American Association of Advertising Agencies, N. Y. C.; Dr. Ralph Casey, director, school of journalism, University of Minnesota; Jonathan Daniels, editor, Raleigh, N. C., News and Observer; Mark Ethridge, vice president and general manager, Louisville, Ky., Courier-Journal and Times; Joseph Henry Jackson, literary editor, San Francisco Chronicle; Waldemar Kaempfert, science editor, New York Times; Alfred A. Knopf, publisher, New York City; Dr. I. Keith Tyler, director of evaluation of school broadcasts, Ohio State University; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody, president, "Yaddo" (artists and writers foundation, Saratoga Springs, N. Y.); Edward Weeks, editor, Atlantic Monthly, Boston, Massachusetts; Earl Glade, chairman, NAB code compliance committee, and Dr. S. V. Sanford, chancellor, University System of Georgia.

### Announced by Drewry

Also present at today's meetings was Dean John E. Drewry, of the Grady school, who officially announced the awards for the University of Georgia. Actual presentation will be made by Chancellor Sanford at the NAB War Conference in Chicago, April 26-29.

The first year of the Peabody awards, the winners were: Columbia Broadcasting System for networks; WLW, Cincinnati, for large stations, WGAR, Cleveland, for medium stations, and KRFU, Columbia, Missouri, for small stations. Elmer Davis, now OWI director, was the only individual cited the first year, and he for his "terse, incisive and impartial reporting of the news."

Last year the winners were Alfred Wallenstein and MBS for music; Chicago Roundtable of the Air and NBC for education; "Against the Storm" by Sandra Michael and John Gibbs and "The Bill of Rights" by Norman Corwin for drama; Cecil Brown and CBS for reporting, and the International Shortwave Broadcasters for public service by individual stations.

This year the Peabody board members made a deliberate effort to recognize both stations and programs. "Disinterested and meritorious public service" and outstanding excellence were the bases of selection in each case.

George Foster Peabody was born in Columbus, Georgia. He became a highly successful New York banker. He served as a trustee of a number of institutions of higher learning and was given honorary degrees by Howard, Washington and Lee, and the University of Georgia. He was once treasurer of the National Democratic Committee. 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."

Mr. Peabody devoted much of his fortune to educational and social enterprises. His daughter, Mrs. Marjorie Peabody Waite, aided in establishing the awards and is a member of the board.

### The Citations

"Awards for outstanding reporting of the year goes unanimously to Charles Collingwood of CBS who, with the tools of inference, indignation and fact, has conveyed to us through the screen of censorship an understanding of the troublesome situation in North Africa.

"Award for the outstanding entertainment in drama goes to the new program entitled "The Man Behind the Gun" of Columbia Broadcasting System, brilliantly written by Ranald R. MacDougall and authentically produced by William Northrup Robson, for a timeliness, a racy dialogue and a vivid sound effect which intensify our appreciation of what the men in action are up against.

"Award for outstanding entertainment in music goes

## OFFICIAL STATEMENT ON BATTERIES

"The current farm battery shortage is to be relieved through a readjustment and re-scheduling of battery production," the Consumers Durable Goods division said yesterday.

"Such re-scheduling depends on a lag in other battery requirements which would permit a transfer of facilities and materials to the production of farm batteries."

This is an encouraging statement and one to get enthusiastic about when batteries come off the lines in needed quantities. It's quite a job to change over manufacturing lines and to collect stampings and materials which enter into the completed unit.

to The Standard Symphony, National Broadcasting Company Pacific Coast Network. This is a program now in its 15th year which has performed the double service of bringing the world's great music to adult listeners along the Pacific coast and of providing delightful programs of interpretation to 4,700 schools.

"Award for the outstanding educational program goes to Station WHA, Madison, Wisconsin, for its splendid series on natural science and conservation entitled "Afield with Ranger Mac." Originated by the Wisconsin School of the Air, able and accurately presented by Wakelin McNeel, chief of the Junior Forest Rangers, this series sets an example which should be widely followed.

"Award for outstanding public service by a local station goes to Station KOAC, Corvallis, Oregon, for the program "Our Hidden Enemy—Venereal Diseases," which, in the words of the U. S. Surgeon-General 'has made a unique and valuable contribution. . . .' These programs were prepared by Dr. Charles Baker, a leading syphologist, for the University of Kentucky. KOAC has the distinction of being the first to accept this courageous series.

"Award for outstanding public service by a regional station goes to Station WCHS, Charleston, West Virginia, on recommendation of the University of Georgia faculty committee, for the program "The Home Front"—a twice-weekly feature which was created and maintained morale by providing authoritative answers to listener questions dealing with the most perplexing of public problems in a community at war. In making this award the Peabody board has been guided by the University of Georgia faculty committee on preliminary selections."

## FARMERS "TROUBLED" OVER LACK OF BATTERIES

State legislatures continue their interest in the continuation of wartime radio reception by farm families that must use battery operated receivers.

According to Leslie C. Johnson, general manager, WHBF, the joint memorial appearing below has been introduced into the Illinois State Legislature:

Such memorials have already passed both Houses of Indiana, Iowa, North Dakota and South Dakota.

## Illinois House Joint Resolution

"WHEREAS: Telephones and radios in rural and farm communities are not only a great inconvenience, and time saver, but are absolutely necessary in securing information relating to farm work, markets, and community affairs related to the war effort; and

"WHEREAS: The restrictions and priorities placed on the various materials necessary to keep these utilities in repair, by the Federal government have resulted not only in a great inconvenience but an actual loss in valuable time, thereby retarding the war effort and food production; therefore, be it

"RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN: That we respectfully urge and memorialize the Congress of the United States to foster the change of such priorities and restrictions in so far as they relate to batteries and other necessary material in order to keep such rural radios and telephones in an operative condition, and, be it further.

"RESOLVED. That copies of this resolution be sent by the Secretary of State to each United States Senator and Member of Congress from the State of Illinois, and the War Production Board, at Washington, D. C."

## Comments by Investigators

The following comments by investigators in several states reflect the unrest and deteriorating farmer morale in areas without batteries. It can easily become "explosive" and destructive to the war effort.

"Farmers are urgently concerned over the shortage of batteries for radio set operation. In many cases it is their only means of keeping in touch with the markets, news and requested changes in operations necessary to meet food production goals of various crops. Many farmers feel they are being deprived of a valuable service. . . ."

*"Since our farmers depend very largely on their radios for the reception of news and for market information, they are very much disturbed over the radio situation. They feel they are being deprived of a vital service which might easily be remedied."*

"The general feeling of the farmers is that they should be supplied, if possible, with essential radio batteries because they have become accustomed to the use of radios as their main source of information and they are unable to keep informed on everyday happenings which have a very damaging effect on morale out here in the country."

"Inasmuch as farmers depend upon the radio, in many instances solely, for news and for current market information and other information pertinent to their work, it would seem extremely important that their radios be kept operating. The increased interest in government regulation affecting farming and the marketing of farm products, at this time particularly, enhances such desirability. As one listener puts it, 'radios are an absolute necessity for farm welfare.'"

"Many farm people too busy this year to go away from their place, consequently radio more important than ever."

"We had a similarity of reports regarding farmers' feelings over the situation of shortage of batteries for radio sets. First, farmers consider radios a necessity not a luxury. Some appeared to be tolerant because of the war situation. Others were discouraged and some seemed to be disgusted."

"A great many farmers report radio their only source of news. Many others credit radio as their one source of enjoyment."

*"It was indicated in one of the reports that the farmers stated they were furnishing men and food and felt that they should be entitled to have the batteries for their radios in order that they might hear reports of national food efforts and national war effort."*

"Those with sons in service particularly alarmed about danger of losing radio news."

"Virtually all replies indicate radio as one of major factors in keeping up morale."

*"Farm radio service—markets, news, storm warnings, etc.—is regarded highly essential to help achieve increased 1943 farm production."*

"President's 'chats,' rationing information, news about war crop goals being missed."

"The farmer has given his sons, his help. He labors for longer hours than any other working class. His gas is rationed so he can't see his neighbors on a friendly visit, or attend a motion picture show because the gas must be saved to make the necessary trips. He is rationed on shoes, therefore, he is not doing any more walking than necessary. What is there for him to do—sit and twiddle his thumbs?"

### Direct Quotations from Farmers

"I could get along without sugar or coffee or I could even go barefooted, but when we can't get batteries for our radio it is just terrible."

"We live off the main roads. Mail deliveries are uncertain. We depend on the radio. Storm warnings by radio have saved us much in both livestock and field crops."

"We live out in the country and don't have time to sit down and read a paper. We can work and hear the news at the same time."

*"What will us farmers do without a radio? No hog market, no chicken, eggs, grains markets of any kind. And no news."*

"We want to get markets and war news and to hear sermons."

"We are not fortunate enough to have the benefits of electricity, so we feel we should not be deprived of our radio."

"Radio—a necessity to a farmer's welfare."

"Have a boy in service. Are up early to hear the news. We would feel like working harder if we had use of our radio."

"I get my mail in town. We don't have any route by our farm, and due to gas rationing, there isn't much going for the mail."

### THE TUBE SITUATION

News reached NAB Thursday as to facilities at various plants available for increased civilian tube production. The picture seems improved over last week. No official statement will be forthcoming until all remaining points at issue are resolved.

## BROADCAST ADVERTISING

### Trade Press Features Stories on Effective Broadcasting

Feature stories on the successful use of broadcast advertising by different types of business have recently appeared in several trade papers in widely divergent fields. All were reprinted from late issues of "Radio Showmanship."

Here is a list of these articles which you may want to call to the attention of your prospects in these fields: The December, 1942, issue of "National Jeweler" reprinted the story on the use of broadcast advertising by Hershberg's, Inc., of Rochester, N. Y.; the January, 1943, issue of "Modern Beauty Shop" featured the opportunity that broadcast advertising offers the beauty shop proprietor to reach and influence consumers; while the February, 1943, issue of "National Real Estate Journal" gave prominent display to the success story of the Byron Reed Co., Inc., of Omaha, Neb.

In addition, the Department of Broadcast Advertising was recently requested to furnish success stories to "National Carbonator and Bottler." Considerable material has already been provided and other information is now being compiled. The "NAB REPORTS" will carry a notice of the issue date of this publication in which the success stories are featured.

### Institutional Value Is Great

While no one can accurately estimate the actual influence of the trade press on the businesses it represents, the frequent publication of articles on the effective use of broadcast advertising in many fields unquestionably has tremendous institutional value. Alert salesmen will capitalize on these opportunities to sell local prospects.

### LETTERS FROM OVERSEAS IN PRINT AND ON THE AIR

During the last few weeks there has been an increase in the number of queries about the clearance of letters from personnel overseas for publication in their hometown newspapers and about the clearance of interviews with personnel returned from overseas. The question of the

## PROGRAM MANAGERS ENDORSE RETAIL PROMOTION COMMITTEE PLAN

The Program Managers Executive Committee, during its two-day meeting in Washington, pledged its support of the Retail Promotion Committee Plan in the following resolution, which was unanimously adopted:

"The Program Managers Executive Committee pledges its whole-hearted approval and endorsement of the objectives of the Retail Promotion Committee Plan."

clearance of these items will continue with increasing frequency.

The following practice should be followed in the clearance of letters from personnel overseas or interviews with personnel returned from overseas:

- A. Press (for local release only)
  1. Letters from personnel overseas may be quoted in whole or in part after review by an Army PRO (press relations officer).
  2. Interviews with personnel returned from overseas may be published after review by an Army PRO.
- B. Radio (for local broadcast only)
  1. Letters from personnel overseas may be quoted in whole or in part after review by an Army PRO.
  2. Interviews with personnel returned from overseas may be broadcast after review by an Army PRO. The reviewed script will be followed with no ad libbing.
  3. The use of letters or interviews on commercially sponsored local programs must be cleared by the War Department bureau of public relations.
- C. The use of letters or interviews on network radio programs must be cleared and the material reviewed by the War Department bureau of public relations.
- D. All doubtful cases should be referred to the War Department bureau of public relations for final decision.

## FELIX MUNIZ

Felix Muniz, manager of WIAC, Puerto Rico, died suddenly March 9, according to a letter received at NAB headquarters from Enrique Abarca, owner of WIAC. Mr. Muniz has been succeeded by Tomas Muniz, his brother. Enrique Abarca, Jr., remains as assistant manager. Mr. Muniz, the deceased, was manager of WIAC since it was founded in 1942.

## DROP ENGLISH TRANSLATION OF FOREIGN BROADCASTS

The request of the Office of Censorship that the managements of domestic radio stations broadcasting in foreign tongues require English translations of such programs was dropped today, it was announced by J. H. Ryan, Assistant Director in charge of the Broadcasting Division.

In a special notice to all stations broadcasting in languages other than English, Director Byron Price asked that suggestions in Section III of the Code of Wartime Practices for American Broadcasters (Edition of Feb-

ruary 1) requesting English translations of foreign language script, be deleted.

"We have been studying foreign language broadcasting in the United States intensively for six months," Mr. Ryan said, "Our study has shown that the original factors which prompted us to suggest that English translations be required no longer exist."

## Stations Praised

"Our original purpose was to establish a format which would make more effective the voluntary efforts of managers of these media in censoring their own operations. In the early stage of this procedure, we felt there should be some check, in English, against the foreign version. The voluntary efforts of broadcasters, pursuing the suggestions of the Code, in staffing capable linguistic censors now makes possible a relaxation."

The notice emphasized that this deletion from the Code did not detract from the importance of other suggestions in the foreign language section, Mr. Ryan added.

The statement, the tenth made to American broadcasters by the Office of Censorship, said:

"In Section III (Foreign Language Broadcasts) of the Code of Wartime Practices for American Broadcasters (Edition of February 1, 1943), make following changes:

"Paragraph (b) Scripts, line four of paragraph, delete— 'with an English translation.'

"Paragraph (b) Scripts, line nine of paragraph, delete— 'with their translations.'

"Paragraph (c) Submission of Scripts, line three of paragraph, delete— 'When such requests are received, it is understood that the scripts in the original language, as well as English translations thereof, will be submitted.'

"All other requests in Section III of the Code still apply."

## Bronson of Censorship to Visit Foreign Language Broadcasters

Edward H. Bronson, chief of the Office of Censorship, foreign language section, left March 23 to visit stations in Texas, Arizona, New Mexico and southern California where he will confer with foreign language broadcasters. New England, midwestern and northern California foreign language broadcasters soon will be visited by a representative of the OC, J. Harold Ryan, assistant director in charge of broadcasting, announced.

## FLY RELEASES FIGURES ON 722 STATIONS

The FCC has received reports from 722 commercial broadcast stations for last year, Chairman James Lawrence Fly said at a press conference this week. Of this number 139 reported operating losses for 1942; 105 stations reported profits less than \$2,500 and 478 stations reported profits in excess of \$2,500. Mr. Fly said that the Commission yet has to hear from 180 stations.

Mr. Fly said that he believed that if 200 stations are given some additional financial aid during the year that that "would leave the industry in pretty fair shape." He called attention to the fact that he was just estimating the number roughly.

The Chairman stated that some of the stations are late in filing their returns because of the shortage of accountants. In many of the communities he said the accountants are understaffed and overworked "so I guess we have to be a little patient on that."

# ENGINEERS AND THE WAR CONFERENCE

(This release issued to trade press March 24 by the NAB News Bureau)

Broadcast engineers will have an important part in the NAB War Conference in Chicago, April 26 to 29. Manpower, replacement materials and servicing of home receivers head the agenda of war problems scheduled for discussion by the engineers, and occupy a prominent position on the War Conference program. Speakers from government and industry, well qualified to talk on these topics, will address the general sessions.

Although the industry has successfully coped with these three factors, vital to effective operation, the coming year will present new difficulties as reserves are depleted. The solution of these problems is dependent upon an accurate knowledge of local conditions throughout the nation and a full exchange of individual experience among engineers. It is imperative that representative engineers from each NAB district attend the special engineering meetings.

The Director of Engineering is anxious to establish immediate contact with engineers expecting to attend the War Conference. If you cannot attend, it will be very helpful to have first hand knowledge of conditions in your area submitted by mail. Engineers who are planning the trip to Chicago and those willing to help by correspondence prior to the Chicago conference are invited to offer their cooperation to the NAB Engineering Department via air mail. Please address Howard S. Frazier, National Association of Broadcasters, 1760 N Street, N. W., Washington, D. C.

## About the Draft

Chairman Fly discussed briefly the attitude taken by some local draft boards relative to action they have taken in regard to station personnel and stated he had sent a letter to Manpower Chairman McNutt on the subject to which he had not then received a reply.

On this matter Mr. Fly said: "I guess you know that the substance of the complaint was that in this station some of the local officials (draft board) were taking the view that they might distinguish between stations, that is, that while conceding that radio broadcasting service was essential, or at least taking the pronouncements of policy on that subject, they still appeared to take the view that they should decide which stations were essential or whether more than one or more than two were essential. I did pass that on to Chairman McNutt in the letter of mine, but I have not seen any response."

## WEAVER SPEECH PUBLISHED

"How to Listen to the Radio" by Luther Weaver, head of Luther Weaver and Associates of Minneapolis, an address delivered before the 11th NAB district meeting November, 1942, has been published by the NAB in pamphlet form. A copy is being sent all member stations. Additional copies are being printed and are available at 5¢ each from the NAB News Bureau, Washington, D. C. This address is one of the clearest and most intelligent discourses on radio listening the NAB has reviewed. The pamphlets are ideal for distributing to listeners, schools or other civic or professional groups as a public service project and could be imprinted with member station call letters in such localities where distributed.

## WPID TO QUIT

WPID, Petersburg, Va., will cease operating April 1, "because war conditions have made it impossible to continue operating and offer acceptable service." Operating on 1240 kcy and with 250 watts, WPID is owned by the Petersburg Newspaper Corp., and commenced operations June 5, 1940. Studio and transmitter will be maintained

and the company said it planned to apply for renewal of license after the war.

## THIRD DISTRICT MEETING

(This release issued to trade press March 24 by the NAB News Bureau)

Roy F. Thompson, general manager, WFBG, Altoona, Pa., was unanimously elected director of the 5th district (NAB), succeeding Isaac D. Levy, WCAU, Philadelphia, at the recent 5th district meeting in the Quaker City. Thompson will assume his directorship at the NAB War Conference in Chicago April 26-29.

The Pennsylvania Broadcasters Association, meeting in conjunction with the NAB district, moved to elect for the duration the 5th district NAB director as president of the PBA. This was done and Thompson was named PBA president for a one-year term.

Speakers at the meeting included: (for NAB) C. E. Arney, Jr., secretary-treasurer, on the War Conference plans; Carl Haverlin, BMI, on the progress and condition of BMI, and Lewis H. Avery, director of broadcast advertising, on the Retail Promotion Committee's plan.

Other speakers were: Commander Joseph L. Tinney, USN, 4th naval district public relations officer; Howard Browning, OWI regional director, and Lieut. Crandall, 1st Corps Area fighter command.

Following is a list of those in attendance: James Aull, KYW; H. A. Seville, WJEJ; David H. Rosenblum, WISR; George E. Joy, WRAK; Edward D. Clery, WIBG; J. C. Tully, WJAC; Roy F. Thompson, WFBG; A. C. Baltimore, WBRE; Dr. Leon Levy, WCAU; Isaac D. Levy, WCAU; Clifford M. Chafey, WEEU; Raymond A. Gaul, WRAW; Melvin Lahr, WKOK; B. A. Beck, WKOK; Charles Stahl, WDAS; Roger W. Clipp, WFIL; Clair R. McCollough, WGAL; J. Gorman Walsh, WILM-WDEL; C. G. Moss, WKBO; Benedict Gimble, WIP; Arthur Simon, WPEN; George D. Coleman, WGBI; Alexander W. Dannenbaum, WDAS; Lt. Kenneth W. Stowman, USN; Commander Joseph L. Tinney, USN; Paul Karnes, AP-Radio; Howard Browning, OWI; S. Burton Tall, OWI; C. E. Arney, Jr., NAB; Lewis H. Avery, NAB; Carl Haverlin, BMI.

## FIFTH DISTRICT MEETING

The Fifth NAB District broadcasters met at Jacksonville, Florida, March 20, to elect a district director for the ensuing two year term. Director Frank King, WMBR, presided.

James W. Woodruff, WRBL, was unanimously elected as the Fifth District board member for the ensuing two year term, which begins after the annual meeting. Mr. Woodruff has served on the board for the last two years as a director-at-large for small stations. Mr. King was not a candidate for re-election.

## DOROTHY LEWIS ON TOUR

(This release issued to trade press March 24 by the NAB News Bureau)

Representing both the NAB and the Office of War Information, Dorothy Lewis, NAB Coordinator of Listener Activity, left March 25 on a tour of 16 major U. S. cities.

Mrs. Lewis has been assigned by OWI to get audience reaction to a special list of war-time shows and manner of presentation of war information.

For the NAB, Mrs. Lewis will address groups on "Radio's Major Role in the War" and other related topics and will assist in the formation of Radio Councils of civic, professional and clerical representatives to further more discriminating and intelligent listening by the radio audience.

Her itinerary will include: Nashville, St. Louis, Kansas City, Tulsa, Oklahoma City, Fort Worth, Dallas, Little Rock, Memphis, Jackson, Birmingham, Atlanta, Greensboro, Winston-Salem, Richmond and Washington.

## NORTHEASTERN RADIO COUNCIL ISSUES SIX MONTHS' REPORT

(This release issued to trade press March 24 by the NAB News Bureau)

A six-months' progress report dating from its inception last fall has been issued by the Northeastern Radio Council of Schenectady, New York, showing activity in several fields of education via radio. The report was released by the National Association of Broadcasters' listener activity department.

The activities from September, 1942, to the present, included: six secondary school broadcasts over WGY; preparation of monthly bulletins describing secondary school broadcasts and distribution of the bulletins to schools and individuals; five-minute broadcasts daily during education week by educational leaders, and assembly school programs once weekly over WSNY.

## Children Taught by Newscasts

Direct teaching by radio in the form of a twice-weekly newscast directed at 4th, 5th and 6th grade pupils over WSNY is one of the council's prime activities, scripts being prepared by P. Schuyler Miller of the Schenectady department of education. Each school principal has charge for one week and teachers report the children follow the news with maps of the world spread before them during the programs which are aired 9:45 to 9:55 A.M. Tuesdays and Thursdays.

The council also was instrumental in organizing a council in Syracuse; it has prepared a manual entitled the "Fourth R" for teachers which is being published and distributed by the Schenectady board of education and distributed to all school boards in the state.

## Radio Library Established

A radio education library has been established and books and recordings are being filed. All Schenectady and

Scotia schools have been surveyed to determine number, type and condition of radios, phonographs and records with another survey on students' listening habits and listening tastes pending.

The council works and has worked closely with the Schenectady, Troy and Albany stations in publications of service and program guides and newspaper listings.

Officers of the council are: Mrs. Carolyn Tarbell, chairman; Emily Beaty, secretary, and Alice Warner, treasurer.

## "LEAGUESBORO"

"Leaguesboro" is a new type of soap opera, according to the New Jersey League of Women Voters, which authored it. The show is a series of radio scripts written to show how one town meets its civic and national problems with the characters taken from the typical American scene and reacting as normal Americans do. It also demonstrates the LWV attitude of mind and technique without naming the league.

Titles and subjects of scripts, which may be obtained for 15¢ each or 13 for \$1.50 from the New Jersey League of Women Voters, Kresge Dept. store, Newark, N. J., ordered by number, are as follows:

1. A Town is Born, introductory;
2. When Prices Go Up, consumer problems;
3. Milk, nutrition;
4. Rumor, idle gossip;
5. A Place to Live, housing;
6. It's a Free Country, criticism;
7. Not a Cent for Tribute, inflation;
8. Dental Health, public health;
9. This Freedom, civil liberties;
10. The Job He Likes, vocational education #1;
11. Trained for the Job, vocational education #2;
12. Overtime, wages and hours;
13. They Give Their Blood, blood bank;
14. All Men Are Created Equal, race relations;
15. Who Sent Mr. Jones to Congress, elections;
16. Eat, Drink and Be Healthy, nutrition;
17. Thy Liberty at Law, revision of state constitution;
18. Say It With Scrap, salvage;
19. Joy Ride, use of gas and tires, and
20. When Do We Get Tough, realism in thought and action.

## Protect Small Newspapers

The House postoffice committee approved a bill this week sponsored by Rep. Hagen (F-L, Minn.) relieving small newspapers suspending publication because of the war from payment of another fee for secondclass mailing privileges on resumption of business. Advantage of the fee waiver could be taken only if the publication resumed operation six months after cessation of the national emergency declared by President Roosevelt June 5, 1940.

## STATE LEGISLATION

### Illinois:

H. 321 (Cilella) REPEALS RADIO SLANDER ACT—Provides that anyone who makes a statement by radio broadcast which, if published in writing would be a libel, guilty of libel and civilly responsible therefor the same as in other cases of libel. Radio broadcasting stations would not be held responsible for libels of which they had no advance knowledge and no opportunity to prevent. Repeals the radio Slander Act. Referred to Committee on Judiciary.

HJR 24 (Smith et al) RURAL RADIOS AND TELEPHONES—Memorializes Congress to foster a change of priority regulations insofar as they relate to batteries and other necessary material in order to keep rural radios and telephones in an operative condition. Referred to the Executive Committee.



### Maryland:

H. 616 (Tingley) FRAUD IN ADVERTISING—Relating to the publication and making of false or misleading statements in advertisements. Referred to Committee on Judiciary.

H. 644 (White) ADVERTISING—To add Sec. 144A-144C to Art. 43 of the Annotated Code (1939 Ed.), prohibiting advertising by physicians and surgeons. Referred to Committee on Ways and Means.

### Massachusetts:

H. 1400 (Sub. for H. 619) MUSICAL COMPOSITIONS—Requiring the filing of contracts pertaining to the sale, licensing and disposition of performing rights in copyrighted musical compositions and relative to imposing a tax on such sales and licenses.

### Ohio:

S. 243 (Addison) ADULTERATION DRUGS, FOOD, CONDIMENTALS—Relative to the adulteration and misbranding of drugs, food and condiments. Referred to Committee on Public Health.

## PROPOSED BY-LAW AMENDMENTS

The following proposed amendments to the By-Laws are hereby officially submitted in accordance with the By-Law provision requiring the giving of 30 days notice to the membership. These amendments will be voted upon at the Annual Membership Meeting to be held in connection with the forthcoming War Conference in Chicago. The business session at which these amendments will be submitted will be held on Wednesday afternoon, April 28. All three amendments are submitted for consideration by the Board of Directors.

Amend Section 4, of Article III, under the title "District 3". Strike the whole and insert the following: "Delaware, Pennsylvania and Maryland". Under the title "District 4", strike the word "Maryland".

(NOTE: The effect of this amendment would be to remove the State of Maryland from the 4th District and place it in the 3rd District.)

Amend Section 1, of Article VI, by striking the comma (,) after the word "Association" in line 4 and inserting in lieu thereof the word "and," and by striking the words "and Executive Committee".

Amend Section 1, of Article VII, by striking therefrom the words "of twenty-six members."

Amend Section 1, of Article VIII, by striking therefrom the following words: "and of the Executive Committee" in lines 3 and 4; and also the following words "or the Executive Committee" in line 13.

Amend Section 2, of Article VIII, by striking the words "Executive Committee" in line 8 and inserting in lieu thereof the words "Board of Directors".

Also amend the same Section in line 21 thereof by striking the words "Executive Committee" and inserting in lieu thereof the words "Board of Directors".

(NOTE: This amendment merely cures some defects in the By-Laws, removing the words "Executive Committee" where they appear. By action of the membership at the Cleveland convention, the Executive Committee was abolished.)

Amend Section 5 of Article VII, paragraph E, to read as follows:

"E. The Elections Committee shall prepare ballots in blank and in coupon booklet form with at least 4 ballots in each coupon book.

"Ballot Number 1 shall be used for the election of the Network Directors; provided, however, that at the discretion of the chairman of the Elections Committee a voice or standing vote may be substituted.

"Ballot Number 2 shall be used to vote for not more than 4 nominees in each classification for Directors-at-Large. The four nominees in each classification receiving the highest number of votes upon this ballot shall be declared eligible to participate in the final election conducted on Ballot 4.

"Ballot Number 3 may be used by writing thereon the names of the first, second and third preferences of cities for the next annual meeting, provided, however, that the use of Ballot Number 3 may be waived at the discretion of the Chairman of the Elections Committee and a voice or standing vote substituted.

"Ballot Number 4 shall be used to vote for election of 2 nominees for Director-at-Large in each classification as outlined in section 2 above. Any nominee receiving a number of votes equivalent to a majority of the ballots cast shall be declared elected. Balloting shall continue until two Directors-at-Large in each classification have been so elected."

(NOTE: The effect of this amendment would be to change the method of election of directors-at-large, by providing that the 4 nominees as

a result of the first ballot (ballot number 2) should "run in the field" rather than in brackets. The by-law as it now reads requires nominees 1 and 2 to run against nominees 3 and 4 in the final balloting. If this proposed amendment is adopted, any two of the four nominees receiving a majority of the votes will be elected.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, March 29th. It is subject to change.

Thursday, April 1

WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of C. P., 1450 kc., 250 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted construction permit to install new transmitter and increase power to 1 KW, subject to the condition that permittee will satisfy legitimate complaints of blanketing and also condition regarding materials. This grant is made to the Anchorage Radio Club, Inc., present licensee of station KFQD, with consent to transfer to William J. Wagner as soon as transfer has been completed (B-P-3506).

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted renewal of license for the period ending April 1, 1944.

WJWC—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted request to cancel the existing license and outstanding special service authorization, and to delete the call signal WJWC.

W41MM—Gordon Gray, Winston-Salem, N. C.—Granted modification of construction permit for extension of completion date, and granted license to cover construction permit as modified, in part; conditions (B3-LH-35; B3-MPH-114).

W45D—The Evening News Association, Detroit, Mich.—Granted license to cover construction permit as modified, in part; conditions (B2-LH-6).

W63NY—Marcus Loew Booking Agency, New York, N. Y.—Granted modification of construction permit for extension of completion date and granted license to cover construction permit as modified, in part; conditions (B1-MPH-107; B1-LH-28).

### LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending April 1, 1945:

KANS, Wichita, Kans.; KBIZ, Ottumwa, Iowa; KDON, Monterey, Calif.; KFBC, Cheyenne, Wyo.; KFOR, Lincoln, Neb.; KOCA, Kilgore, Texas; KPPC, Pasadena, Calif.; KROY, Sacramento, Calif.; KWAT, Watertown, S. Dak.; KWIL, Albany, Ore.; KWOS, Jefferson City, Mo.; KYUM, Yuma, Ariz.; WATN, Watertown, N. Y.; WBML, Macon, Ga.; WCRW, Chicago; WEBQ, Harrisburg, Ill.; WHAI, Greenfield, Mass.; WHBU, Anderson, Ind.; WHIZ, Zanesville, Ohio; WIBU, Poynette, Wis.; WJBY, Gadsden, Ala.; WKOK, Sunbury, Pa.; WLAG, LaGrange, Ga.; WSBC, Chicago; WTAX, Springfield, Ill.; KGBS, Harlingen, Texas; WGBB, Freeport, N. Y.

Licenses for the following stations were extended on a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1943:

KAVE, Carlsbad, N. Mex.; KDLR, Devils Lake, N. Dak.; KGY, Olympia, Wash.; KPFA, Helena, Mont.; WFOY, St. Augustine, Fla.; KICD, Spencer, Iowa; WGCM, Gulfport, Miss.; WGGA,

Gainesville, Ga.; WJEJ, Hagerstown, Md.; WJMC, Rice Lake, Wis.; WJTN, Jamestown, N. Y.; WOMT, Manitowoc, Wis.; WRAL, Raleigh, N. C.; WSAY, Rochester, N. Y.; WSNJ, Bridgeton, N. J.; KALB, Alexandria, La.; KFJI, Klamath Falls, Ore.; KICA, Clovis, N. Mex.; KIUL, Garden City, Kans.; KVSQ, Ardmore, Okla.; KWRC, Pendleton, Ore.; WCOV, Montgomery, Ala.; WFTM, Fort Myers, Fla.; WJW, Akron, Ohio; WMFG, Hibbing, Minn.

Licenses for the following stations were further extended upon a temporary basis, for the period ending June 1, 1943, pending determination upon application for renewal:

KCMC, Texarkana, Tex.; KCRJ, Jerome, Ariz.; KFMB, San Diego, Calif.; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KPLT, Paris, Texas; KRBC, Abilene, Texas; KRLH, Midland, Texas; KVGB, Great Bend, Kans.; KXL, Portland, Ore.; WABI, Bangor, Maine; WBBZ, Ponca City, Okla.; WBNX, New York City; KBST, Big Springs, Texas; WBRW, Welch, W. Va.; WCBT, Roanoke Rapids, N. C.; WEDC, Chicago; WFCI, Pawtucket, R. I.; WFTC, Kinston, N. C.; WHOM and auxiliary, Jersey City; WING, Dayton, Ohio; WJBW, New Orleans, La.; WNBZ, Saranac Lake, N. Y.; WOCB, near Hyannis, Mass.; WTEL, Philadelphia; WTRC, Elkhart, Ind.; WSYB, Rutland, Vt.

The following stations were granted renewals for the period ending February 1, 1945:

KWG, Stockton, Calif.; WAYX, Waycross, Ga.; WBOC, Salisbury, Md.; WOLS, Florence, N. C.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted renewal of license for the period ending December 1, 1944.

The following stations were granted renewal of licenses for the regular period:

KASA, Elk City, Okla.; KOVO, Provo, Utah; KWJB, E. of Globe, Ariz.; KXOX, Sweetwater, Texas; WBBL, Richmond, Va.; WBIR, Knoxville, Tenn.; WGAC, Augusta, Ga.; WCOU, Lewiston, Maine; WJIM, Lansing, Mich.; WJLS, Beckley, W. Va.; WJTN, Jamestown, N. Y.; WOMT, Manitowoc, Wis.; WPAX, Thomasville, Ga.; WSNY, Schenectady, N. Y.; WINN, Louisville, Ky.; KFXM, San Bernardino, Calif.

W8XUM—WBNS, Inc., Columbus, Ohio.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W9XWT—Courier-Journal and Louisville Times Co., Louisville, Ky.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W2XWE—WOKO, Inc., Albany, N. Y.—Present license further extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending May 1, 1943.

W9XBT—Balaban & Katz, Corp., Chicago, Ill.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W9XUI—State Univ. of Iowa, Iowa City, Iowa.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W4XGG—Gordon Gray, Winston-Salem, N. C.—Granted license (B3-LST-2) to cover construction permit (B3-PST-6 as modified) in part, for Studio-Transmitter station. **337000 kc.**, 25 watts. Dismissed and retired to the closed files application (B3-MPST-9) for modification of construction permit.

W2XBD—General Electric Co., Schenectady, N. Y.—Present license for ST station extended on a temporary basis only, for the period ending May 1, 1943, pending determination on application for renewal.

W5XUA—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis only, for the period ending May 1, 1943, pending determination on renewal application.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis only, for the period ending May 1, 1943, pending determination on renewal application.

## ACTION IN DOCKET CASES KDYL

The Commission announced adoption of its Proposed Findings (B-171), proposing to deny without prejudice the application of Intermountain Broadcasting Corp. (KDYL), Salt Lake City, Utah, for construction permit to change frequency from 1320 to 880 kilocycles, increase power from 5 to 10 kilowatts, make changes in directional antenna for both daytime and nighttime use and change transmitter.

In reaching its decision in this matter, the Commission based its conclusions upon the policy announced in the Memorandum Opinion of April 27, 1942, which specifically refers to the use and not to the acquisition of materials.

\* \* \* \* \*

## WGST

The Commission also announced adoption of its Proposed Findings of Fact and Conclusion (B 170), proposing to extend the present license of Station WGST, Georgia School of Technology, Atlanta, Georgia, on a temporary basis for a period of 90 days from March 23. The Commission will consider the issuance of a renewal of license for Station WGST provided the Commission is given assurance that the applicant is prepared to and will in fact assume and discharge the full responsibilities of a licensee. In its conclusions the Commission states:

"1. The Communications Act of 1934, as amended, states that its purpose is to provide for the use of the channels of interstate and foreign radio transmission by persons for limited periods of time under licenses granted by Federal authority, and that no person shall use or operate radio transmission apparatus except with a license granted under the provisions of the Act (Section 301). The Act prescribes that the Commission shall grant licenses only upon written application setting forth such facts as the Commission may require as to citizenship, character and financial, technical and other qualifications of the applicant (Section 308). The Commission is directed to grant any applicant a station license, subject to the limitations of the Act, if public convenience, interest, or necessity will be served thereby (Sections 307, 309). The station license, the frequencies authorized to be used by the licensee and the rights granted in the license may not be transferred, assigned, or in any manner disposed of to any person unless the Commission shall, after securing full information, decide that the transfer is in the public interest and shall consent thereto in writing (Section 310).

2. The Rules and Regulations prescribe that application for consent to assignment of license or to transfer control of a corporate license shall be filed at least 60 days in advance of the contemplated effective date of the assignment or transfer, the application to contain such information as the prescribed application form calls for (Section 1.364). The forms of application call for substantially the same information about assignees and transferees as the Commission requires with reference to applicants for new facilities.

3. The Act and the Commission's rules, including but not limited to the provisions cited immediately above, firmly establish the principles that the licensee is and must be responsible for the control and operation of the station, that before becoming a licensee he must show qualifications which satisfy the Commission that as a licensee he will discharge his duties and responsibilities in the public interest, and that the licensee may not transfer to any person his responsibilities as licensee except with the Commission's written consent on written application therefor.

4. In this case, while the present operating agreement with Southern Broadcasting Stations, Inc., contains language purporting to give the licensee the right to control the operations of station WGST, the actual duties and responsibilities of the licensee with respect to this station have been assumed by Southern Broadcasting Stations, Inc., to the almost complete exclusion of the station licensee. The Georgia School of Technology as the licensee of WGST has failed to assume the responsibilities and to discharge the duties of the licensee of a radio broadcasting station as required by the Communications Act of 1934, as amended, and the Commission's Rules and Regulations. This failure to comply with the provisions of the Communications Act of 1934, as amended, and the Commission's Rules and Regulations, has been due in some measure to misunderstanding and lack of knowledge rather than to bad faith on the part of the licensee.

APPLICATIONS FILED AT FCC

850 Kilocycles

WJW—WJW, Incorporated, Cleveland, Ohio.—Modification of construction permit (B2-P-3263 as modified which authorized change in frequency, increase power, new transmitter and directional antenna for day and night use, move transmitter to On North side of N. Royalton Rd., between Ridge Rd. & State Road No. 94, Cuyahoga County, Ohio, and extend commencement and completion dates to 60 days after grant and 180 days thereafter respectively.

1090 Kilocycles

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Authority to determine operating power by direct measurement.

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-P-3445 which authorized increase in power, changes in equipment, installation of directional antenna for night use) to move transmitter from Dorchester St., Quincy, Mass., to Corner Vershire St. & Harriet Ave., Quincy, Mass., make changes in directional antenna for night use and extend commencement and completion dates to 60 days after grant and 120 days thereafter respectively.

1450 Kilocycles

WLAY—Muscle Shoals Broadcasting Corp., Muscle Shoals, Ala.—License to cover construction permit (B3-P-3508) for new transmitter.

1490 Kilocycles

WKBV—Knox Radio Corporation, Richmond, Ind.—Transfer of control of licensee corporation from William O. Knox to Central Broadcasting Corporation (1000 shares). Amended: re Part III stockholders and percentage held by transferees.

MISCELLANEOUS

W2XWG—National Broadcasting Co., Inc., New York City, N. Y.—License for Temporary Class 2 Experimental Station on 45100 kc., 1000 watts, special emission for FM.

NEW—The Crosley Corporation, Mason, Ohio.—Construction permit for new International Broadcast Station Frequencies: 6080, 9590, 11710, 15250, 17800, 21650 kc., power 50 KW, emission A3. Share on all frequencies with WLWO, WLWL, WLWR, and WLWS.

W91NJ—New Jersey Broadcasting Corp., West Orange, N. J.—Construction permit for new High Frequency (FM) Broadcast Station on 49100 kc., coverage 6200 square miles.

W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—License for Temporary Class 2 Experimental Broadcast Station on 43400 kc., 1KW power, special emission for FM.

W8XFM—The Crosley Corp., Cincinnati, O.—License for Temporary Class 2 Experimental Broadcast Station on 43200 kc., 1000 watts, special emission for FM.

5. Under the present circumstances, the license cannot be renewed. However, no useful purpose would be served by refusing to renew the license under any and all conditions. Moreover, a continuation of the program service of Station WGST under proper management will serve the public interest, convenience and necessity.

6. The Commission will consider the issuance of a renewal of the license to Georgia School of Technology provided the Commission is given assurance that the applicant is prepared to and will in fact assume and discharge the full responsibilities of a licensee. Further application for renewal of license in accordance with these conclusions shall be filed with the Commission within sixty days from the date hereof, setting forth the plan of the Station for the acquisition of the necessary facilities and equipment, and for the business management, representation, and control of its future operations, together with a list of all persons to participate therein. In the meantime the Commission will permit the continued operation of Station WGST under temporary extension of license for a period of 90 days from this date."

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Granted modification (B2-MP-1702) of construction permit (B2-P-3207) to increase power, hours of operation, etc., for extension of completion date to 6-9-43.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted modification (B5-MP-1704) of construction permit (B5-P-3150) authorizing new transmitter, increase in power, etc., for extension of completion date to 6-25-43.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1501).

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1504).

W6XYZ—Television Productions, Inc., Los Angeles, Cal.—Granted modification (B5-MPVB-97) of construction permit for new experimental television broadcast station, for extension of completion date to Sept. 15/43.

KAID—Woodmen of the World Life Insurance Society, Portable-Mobile, area of Omaha, Neb.—Granted voluntary assignment of relay broadcast station license from Woodmen of the World Life Insurance Society to Radio Station WOW, Inc. (B4-ALRY-14).

KAIZ—Woodmen of the World Life Insurance Society, Portable-Mobile, area of Omaha, Neb.—Granted voluntary assignment of relay broadcast station license from Woodmen of the World Life Insurance Society to Radio Station WOW, Inc. (B4-ALRY-15).

W69C—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate FM station W67C commercially on 46,700 kc., power 10 KW, special emission for frequency modulation, using temporary antenna, with transmitter located at 1 No. LaSalle St., Chicago, for a period beginning March 18 and ending May 16, pending action on application for license to cover construction permit.

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Granted motion for continuance of hearing on application for modification of license, to May 10. Hearing now scheduled for April 8.

KMTR—KMTR Radio Corp., Los Angeles, Cal., and Gloria Dalton.—Petition to transfer hearing to Los Angeles dismissed without prejudice. Granted oral request for continuance of hearing now scheduled for April 15 to June 15, 1943.

WALB—Herald Publishing Co., Albany, Ga.—Granted applicant's motion for adjournment of hearing on applications for renewal of license, construction permit and voluntary assignment of license for station WALB; ordered that the hearing in this matter now set for March 23 be further adjourned to April 5, 1943, to take place in the Federal Building, Atlanta, Ga. At the time of the adjourned hearing, it is expected that each of the parties will present such evidence as may be necessary to a completion of its case. The Commission will not require the further attendance of the witness Tounsley if convincing evidence at that time is presented to the Examiner that Tounsley's attendance at such hearing will be seriously detrimental to his health.

**FEDERAL TRADE COMMISSION DOCKET**

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

COMPLAINTS

The 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.

**A & N Trading Company**—A complaint alleging misbranding of various articles of wearing apparel in violation of the Wool Products Labeling Act and the Federal Trade Commission Act has been issued against Army and Navy Trading Company, trading as A & N Trading Co., A & N Trading Co., Inc., and Sport Center, with its principal place of business at 8th and D Sts., N. W., Washington, D. C. (4932)

**Artra Cosmetics, Inc.**, Bloomfield, N. J., and its officers, Oscar C. Olin and Eugene A. Kovenko, are charged in a complaint with disseminating false advertisements concerning their cosmetic preparations designated "Irma" and "Sutra" recommended for use, respectively, as a depilatory and as protection against sunburn. (4930)

**Londonderry, Ltd.**—Violation of the Federal Trade Commission and Wool Products Labeling Act is alleged in a complaint issued against Herbert Ralston and Louis W. Goodkind, trading as Londonderry, Ltd., 512 Seventh Ave., New York, manufacturers of women's coats. (4931)

### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Charlotte Brandenburg**, 804 Maverick Building, San Antonio, Tex., has been ordered to cease and desist from representing that the device she sells under the names "Electro Magnetic Nerve Vitalizer" and "Electro Magnetic Vibrator" has any therapeutic value in the treatment of any disease or condition of the body. (4614)

**Castle Co., Inc.**, 1374 Broadway, New York, is directed to cease and desist from certain misrepresentations in connection with the sale of jewelry. (4785)

**National Electrical Mfg. Association, et al.**—An order to cease and desist from entering into or continuing any agreements or understandings to fix prices has been issued against five manufacturers of unpatented electrical alloy resistance wire and their trade association, the Electrical Alloy Section of the National Electrical Manufacturers Association, 155 East 44th St., New York.

The respondent manufacturers are Alloy Metal Wire Co., Inc., Prospect Park, Pa.; Hoskins Manufacturing Co., Detroit; Wilbur

B. Driver Co., Newark, N. J.; C. O. Jelliff Manufacturing Corp., Southport, Conn.; and Driver-Harris Co., Harrison, N. J. (4558)

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Browning King Uniform Corp.**, 22 West 18th St., New York, entered into a stipulation to cease and desist from certain representations in connection with the sale of military clothing and accessories. (3623)

**Crosse & Blackwell Co.**, 6801 Eastern Ave., Baltimore, stipulated that in connection with the sale of Crosse & Blackwell Worcestershire Sauce or any other product of domestic origin it will cease and desist from representing by use of the words "London" or "English" or any other word, term or symbol indicative of British or other foreign origin that its products were made in or imported from Great Britain or other foreign country. (3622)

**Grove Products**, 409 First St., N. W., Washington, D. C., engaged in selling astrological forecasts, love and luck charms, a publication entitled "Success" and similar products, entered into a stipulation to cease and desist from representing:

That their astrological readings will show one how to become prosperous, protect health, overcome unhappiness and secure employment; that information in the book entitled "Success" will enable one to achieve his desires in love or in all transactions; that "Jinx-breaking Powder" will drive away evil or will break a jinx; or that any of their products will make one successful financially, prolong life, heal the sick and solve all problems. (03093)

**United Automotive Manufacturing Company**—A stipulation to cease and desist from misrepresentation in the sale of ignition devices intended for use on automobiles has been entered into by Pearle B. McGready, trading as United Automotive Manufacturing Co., 487 Broadway, New York. The devices, sold under the trade names "Super-Spark" and "Circuit Master," are advertised by the respondent as being capable of augmenting spark plugs and increasing motor performance. (3624)

**Vitalix, Inc.**, Canton, S. D., has entered into a stipulation to cease and desist from disseminating any advertisement which fails to reveal that harmful effects may result from use of its weight-reducing plan and certain preparations sold in connection therewith. The reducing plan consists of two medicinal preparations designated "Mild Laxative Tablets" and "Active Laxative Tablets," two diets called "Reducing Week Diet" and "Normal Week Diet," and a list of exercises. (03092)