



1760 N STREET, N. W.

WASHINGTON, D. C.

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WAR CONFERENCE

Attendance Instructions

Wartime demands on the transportation facilities of the country are tremendous. Joseph B. Eastman, head of the Office of Defense Transportation, has emphasized the necessity for the most severe curtailment of civilian travel. He has made a plea for voluntary cooperation on the part of all.

We have discussed attendance at our NAB War Conference with officials of the ODT and have agreed to cooperate in discouraging attendance of any but absolutely essential personnel. Broadcasters, associate members and others are cautioned in planning their attendance at the conference and that of staff members, to consider the following questions:

1. Will the persons who go to Chicago contribute constructively to assist the broadcasting industry in more effectively aiding the war effort; or,

2. Will the persons who go to Chicago attend the serious sessions arranged for them and gain a clearer understanding of their responsibility and thus be able to serve more effectively the national interests through radio.

Unless anyone you send fits into one of the above classes, he should not attend. It is intended that this year's conference be limited strictly to those members of the broadcasting industry responsible for its continued functioning in the war program.

It is to be regretted no invitation can be extended to the wives nor are any plans being made for their entertainment for reasons which are most obvious.

Promotional Display Out

After discussing the subject with the Office of Defense Transportation, we have determined to abandon entirely all plans to conduct any kind of a promotion display. Stations are, therefore, requested not to send any material to Chicago and not to expect to see any display of any kind there, except such as may be of purely local origin. We ask your cooperation.

Associate Exhibits

Any Associate Member who had planned an exhibit at Chicago is asked to abandon those plans. The need for

**The NAB
Radio War Conference
Palmer House, Chicago
April 27-29**

conserving transportation space, both express and mail, is so urgent as to justify us in asking you not to exhibit.

Definition of Peabody Awards

The industry may gain a better understanding of the Peabody Awards by reading the following letter which Willard Egolf wrote to John K. Hutchens, radio editor of the New York Times:

DEAR JOHN:

Your criticism of the Peabody Awards brought forth an issue which is worth clarifying.

You say, "Of the six programs honored, only two are heard nationally . . . one may be permitted to wonder a little about the emphasis on programs which the average listener could not possibly have heard. . . . There is not much in the Peabody Awards this year to converse about."

We must remember that the great consideration which underlies all selections of the Peabody Award Committee is radio's operation in the "public interest, convenience and necessity." Regardless of classification, each award has that unwritten suffix.

In the application of these principles, which should we consider more significant: the amusement, edification and elevation of a broad panorama of population, through network programs, or the complete salvation of some segment of humanity, perhaps a single soul, in an isolated community? I describe both ends of the pole for obvious reasons. Civilization will concentrate all its resources on the preservation of a single human life. Usually this has the aspect of an emergency, which finds radio proficient. By the same token, in my opinion, a service of radio which accomplishes the complete deliverance of a single soul or a small community will outweigh any average service to the nation at large. It might happen in a Rocky Mountain valley or far away in Alaska. Only through careful description, such as lies within your power, could the people and other radio stations be impressed with its full import. Upon those precepts the Pipes of Pan, if broadcast by a single radio station to accomplish such a purpose at a strategic moment, should be entitled to an award, although that award may say "for outstanding entertainment." In short, the multiple services of radio have such broad significance that they defy adequate description. Every attempt must be viewed through the reducing glass of "public interest, convenience and necessity."

The members of the Peabody Awards Committee deserve aid, encouragement and patience; above all, patience. They are attempting to implement the broadest possible gathering facilities, as well as a clear delineation of awards. Their task is tremendous. I should be the first to complain if they refused to realize it, but they do.

Byron Price Accepts

(This release issued by NAB News Bureau March 26)

Byron Price, director of censorship, has accepted the invitation of the NAB to address the radio war conference, April 27-29, in Chicago.

Price commented as follows: "Station and network managers and their staffs are to be congratulated on the
(Continued on page 144)



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.

DEFINITION OF PEABODY AWARDS

(Continued from page 143)

splendid manner in which they are observing the Code of Wartime Practices for American broadcasters. I welcome the opportunity to address the radio industry on the subject of voluntary censorship, now in its second successful year."

Spiritual Programming

In an attempt to reach all members of the community with spiritual grace and comfort, WHBC is programming a broadcast titled "The Hour of Prayer."

Arrangements were made with a downtown church in Canton, Ohio, to open its doors every noon for the convenience of people during the lunch hour. WHBC sets up microphones and broadcasts a program which consists of playing and singing old, familiar hymns, interspersed with only two one-minute prayers and a single one-minute scripture reading. No one is identified on the show, not even the minister who offers the prayers and reads the scripture. The church is not lighted except for the cross above the pulpit. Prayers and scripture readings are made by various ministers of the community, appointed by the Ministerial Association. There is no pomp or formality, no mention of denominations.

Aimed at Non-Church Group

The announcements stress tolerance; the services are open to all. The audience is invited to "lay aside the routines of the moment and join with your neighbors and friends in a prayer to Almighty God to lead us safely through these troubled waters. . . ."

Felix Hinkle, WHBC manager, believes this idea, if expanded into other communities or even over the networks, could reach that great body of persons who do not attend church, but who have the "one common inherent religious complex in all rational human beings—sincere belief in a Supreme Power of some kind or other."

He further believes radio should in great measure provide spiritual grace in these critical times when war has caused a re-awakening to the precepts and teachings of Jesus Christ.

This philosophy, if broadcast properly, "holds the basic solution for all the world's troubles," in his opinion.

Approach Is Psychological

Reduced to barest essentials, the Canton program, Hinkle suggests, follows the "psychological line of bringing about a comfort and a softening and a change in the hearts and the minds of the people unconsciously. . . ."

He comments, however, that such an idea can achieve universal status best through broad network treatment,

mentioning the drawbacks of local programming and the uncertain ability of local choirs and ministers at the microphone. Fred Waring's choir, or the golden voices of Marian Anderson and John Charles Thomas could take the "Rock of Ages" hymn and "make it a masterpiece," Hinkle declares, adding that all organizations and individuals on the program should be COMPLETELY ANONYMOUS to impress the listeners only with the artistry of what they hear.

Hinkle's regard for complete program anonymity has progressed to the point where he suggests that other stations, should they consider his idea favorably for local production, do not use a local church but originate the program from their studios.

Selective Service

NEVILLE MILLER PRAISES SELECTIVE SERVICE SYSTEM

(This release issued by NAB News Bureau March 26)

Praising the efficient operation of Selective Service, Neville Miller complimented draft officials upon their "sympathetic understanding and consideration of the manpower problems of the broadcasting industry."

The complete statement follows:

"It is my considered opinion that the Selective Service has been most efficiently operated within the statutory authority of the Selective Training and Service Act of 1940, as amended. Certainly the officials at national headquarters are to be complimented upon their sympathetic understanding and consideration of the manpower problems of the broadcasting industry.

"It must be remembered that the basic policy of the act is decentralization whereunder the local boards are virtually autonomous, subject to the right of appeal to the boards of appeal. As a consequence, the Occupational Bulletins issued for the guidance of local boards can only be advisory; under the act they cannot be mandatory. Each local board must select the registrants to be inducted, in so doing it presumably uses its best judgment in the light of all the circumstances in its locality.

"With almost 6500 local boards, it is to be expected that the quality of their judgment will not be uniform. But, by and large, I believe the system is being ably administered in accordance with the law as enacted by Congress and approved by the President. It is a democratic, grass roots system of selection. It is possible that a national service act, such as proposed in the Austin-Wadsworth bill, would provide for keener discrimination between the needs of the Armed Forces and essential industry. That is for Congress to decide.

"Meanwhile, as NAB has repeatedly advised the industry, the training wherever possible of personnel not subject to induction is the safest course for stations to follow in meeting the manpower problem."

STATION MANAGERS

"The NAB War Conference has every aspect of a military assignment," Neville Miller says. (Chicago—April 27-29)

THIS IS WAR!

From a WBIG Broadcast

Nobody enjoys war . . . there isn't one of us who can escape the tragedy and hardship and discomfort that war

brings. We all have certain jobs to do . . . and if the jobs are war jobs, we can't be slackers.

You're listening right now to your radio station . . . a business enterprise erected primarily to serve you as best we can. Now, with the nation at war, our responsibility is greater by far than it ever was when we were at peace. Even then, we were charged with certain duties and obligations and we worked hard to make good. Our job is to do more than entertain . . . radio must also be educational and instructive, informative and illuminating if it is to serve the community.

Now, we are working hard to sell Bonds, to explain rationing, to find homes for war workers, to find as entertainment. We aren't pretending that we can compete with a swing band or a soap opera when it comes to pure listening pleasure. We have a job to do, and we intend to do it. We know that the man fighting with a gun and the man working all day with gun-making tools don't think it's fun . . . they too have a job to do, and they're doing it.

Well, perhaps you're wondering right now why we're rambling through all this explanation . . . we have a pretty good reason for trying to make clear to you how earnest we are about our war work. Some people have objected from time to time . . . even written letters to us . . . unsigned letters . . . full of unkind name calling like phony Bond salesmen" . . . and naturally, we resent the letters, especially since the writer hasn't the courage to sign a name. We cool off, and then we realize that perhaps some people just forget that even if all announcements and appeals mean nothing to them, even if they are already buying Bonds and doing war work and learning all about Bond buying and Point Rationing and how to train for a job in an essential industry.

If, by doing our job of helping the folks who need the information we have, we annoy someone who isn't interested, we are honestly sorry, for we dislike annoying anyone. But aren't at all apologetic . . . we are even proud that we are able to serve the listeners who do answer the appeals we make and make the most of the opportunities we advertise.

No, war isn't fun . . . it's a deadly serious business . . . and we here at your radio station are well aware that our industry and our nation and even our personal lives as free people are at stake. We are Americans in free America . . . if we weren't, you'd never hear an explanation as you are hearing now . . . an explanation as to why you hear at certain intervals certain messages from your government and its agencies. No, there isn't any compulsion about radio listening here, and there never will be . . . you listen as you like . . . but when you listen and you hear us down here hard at work trying to get the war won, just remember that we're doing our best at the most important job we'll ever have . . . and we hope you're doing yours . . . THIS IS WAR!

Labor Relations

Labor Broadcasts

Recognition of a release from Joseph L. Miller, NAB director of labor relations, pointing out the number and scope of labor broadcasts over the networks in 1942 came from the nation's two top labor leaders in letters as follows: "Many thanks for your kind favor of March 9, and the enclosed release showing the number of labor broadcasts during 1942. I hope to have an opportunity of talking with you sometime soon.

(President, CIO)

(Signed) Philip Murray"

"I thank you for your letter dated March 9th with copy of a release in which there is set forth the number of labor broadcasts which were made over the networks during 1942. You are right in your conclusion that I would be interested in this information. It is gratifying to know that more than 100 broadcasts were made by representatives of organized labor during the year 1942.

(President, AFL)

(Signed) W. Green"

CBS and IBEW Sign

The National War Labor Board this week announced approval of parts of a wage agreement between the Columbia Broadcasting System and the International Brotherhood of Electrical Workers, AFL, providing for an average increase of 7¢ an hour for 268 technicians and supervisory personnel, retroactive to October 1, 1942.

The agreement establishes a new wage schedule with a starting rate of \$50 weekly and automatic increases up to \$85 for technicians, and rates ranging from \$90 to \$100 for supervisors. The wage schedule prior to the increases approved by the Board had a starting rate of \$49.60 for technicians and ranged from \$87.20 to \$98.70 for supervisory personnel.

(1) The Board disapproved a proposal by the company and the union to eliminate three steps in the present wage progression schedule on the ground that it would create an inequity with respect to the National Broadcasting Company and the Mutual Broadcasting Company.

(2) The Board also disapproved a clause in the wage agreement providing for payment of time and a half for hours in excess of ten, instead of twelve as now provided. The Board held that since both NBC and Mutual now have a 12 hour maximum workday, approval of a 10 hour maximum for Columbia would create new inequalities between the three systems.

The approved wage schedule will correct maladjustments resulting from the rise in the cost of living, and will result in increases well within 15% of the January 1, 1941 wage level.

Wage Stabilization Notes

Escalator clauses in labor contracts, which provide for automatic wage increases in ratio to the rise in the cost of living index are regarded as valid by the National War Labor Board as long as they do not conflict with national wage stabilization policies, the Board said this week.

This was pointed out in the case of the American Home Products Company, of Jersey City, New Jersey, and the National Council of Gas, Coke and Chemical Workers, CIO, in which the Board denied the parties' request for a 2½ cent per hour increase for employees covered by a contract between the union and the company. The increase was provided for in an escalator clause in the contract.

The Board found that the increases could not be granted under the 15% cost of living formula and that no inequalities existed because wage differentials between the company and other comparable companies in the area were well established.

* * *

The National War Labor Board has issued the following statement about compliance with the wage stabilization program:

Alleged violations of the wage stabilization provisions of the Anti-Inflation Act of October 2, 1942, and of Executive Order 9250 have from time to time been brought to the attention of the National War Labor Board. In these first few months since Congress passed the Act those violations proved on investigation to have been committed rather through ignorance than through wilful disregard

of the law. It was deemed appropriate, therefore, that the Board's enforcement policy in those early months be tempered by the knowledge that the national policy of wage stabilization was still imperfectly understood. . . . Obviously, wilful violations of the law must be stopped

if the anti-inflation program is not to be impaired and the critical manpower situation rendered more acute. Where the Board's investigation of the facts warrant, violations will be prosecuted immediately and vigorously. Ignorance can no longer be pleaded as an excuse.

NATIONAL WAR LABOR BOARD

Regional War Labor Board Offices

REGION	REGIONAL CHAIRMAN	STREET ADDRESS	CITY	TERRITORY COVERED
I	Saul Wallen	209 Washington St.	Boston, Mass.	All of N. E.
II	Theodore Kheel	220 East 42nd St.	New York City	New York & Northern Counties of N. J.
III	Sylvester Garrett	Room 428, Stephen Girard Bldg., 21 S. 12th St.	Philadelphia, Pa.	Pa., Del., Md., D. C. & Southern Counties of N. J.
IV	M. T. Van Hecke	116 Candler Bldg.	Atlanta, Ga.	Ga., N. C., S. C., Fla., Tenn., Ala., Miss., & Va.
V	Lewis Gill	3rd Floor, Guardian Bldg., 629 Euclid Ave.	Cleveland, Ohio	Ohio, West Va., & Kentucky
VI	Robert K. Burns	222 West Adams St., Room 553	Chicago, Ill.	Ind., Ill., Wis., Minn., N. D., & S. D.
VII	Joseph A. Hoskins	11th Floor, Fidelity Bldg., 911 Walnut St.	Kansas City, Mo.	Mo., Ark., Nebr., Kansas & Iowa
VIII	Floyd McGown	9th Floor, New Mercantile Bank Bldg.	Dallas, Texas	Texas, Louisiana & Oklahoma
IX	Charles Graham	504 Boston Bldg.	Denver, Colo.	Colo., New Mex., Montana, Wyoming, Utah & Idaho
X	Thomas Fair Neblett	1355 Market St.	San Francisco	Calif., Nevada & Arizona
XI	Edwin E. Witte	Room 1164, Penobscot Bldg.	Detroit, Michigan	Michigan
XII	G. Bernard Noble	White Henry Stewart Bldg.	Seattle, Wash.	Washington & Oregon

CHAIRMAN FLY COMMENTS

The manpower situation as it affects broadcast stations is still a very live subject. At a press conference this week FCC Chairman James Lawrence Fly said that he had sent another letter to Manpower Commission Chairman McNutt on the subject.

"On the manpower situation," said Fly, "I overlooked a letter to Mr. McNutt that we had some earlier correspondence that for the moment had seemingly settled that rather difficult problem, and I forwarded another letter to Mr. McNutt the other day supplementing my recent letter forwarding copies of the correspondence on the earlier case. I haven't heard from them over there which leads me to believe, as I of course would have believed, that they are giving the matter very careful consideration."

On the same subject Fly said, "We have never had any conflict or controversy at all with the War Manpower Commission and we haven't got one now and we have always had the best and most cooperative relations with them."

Security Survey Underway

Chairman Fly told the conference that the Commission is making considerable progress on the various security studies and in explanation of this he said that "you probably know that the Commission staff, that is, the field

division of the engineering department, has been making for sometime a continuous survey of security measures at the various communication plants."

Fly said further that "up to March 19th they had completed the survey and reported on 256 different facilities. Of course that includes the radio communication, telephone and certain of the domestic communication systems, and the broadcasting stations which by the way would cover two locations. I think that about 380 locations have been completed and various suggestions have been made for security measures which would be adopted and I think in every case the staff has met with the full cooperation of the various owners. They have no complaints regarding this advisory service, and I think it is moving along in good shape. We have every reason to believe it will be helpful to all concerned."

FCC Simplifying Forms

Fly said the FCC is trying to simplify its many forms and questionnaires. For a number of years he said the Commission has been trying to simplify the forms. "As a matter of fact," he said, "during the past few years every form we have got out we put every effort to have it just in the simplest way possible."

Regarding the financial studies of the small stations, Fly said, "I am rather inclined to hold off as far as any

BROADCASTING "ESSENTIAL"

In the revised lists of activities, products, services and facilities certified by the War Manpower Commission since July, 1942, issued March 25, 1943, the following classification appears: "all communication services and production of communications." This includes broadcasting.

public statement on that matter is concerned. I will continue to give attention to the plight of the small stations—that in itself is a continuing matter—but I rather think that we will not make any further announcements as to the financial status of the stations until the NAB War Conference in Chicago and at that time I will try to give the industry a complete report on the financial conditions of the entire industry so far as that is reflected in our reports here."

Manpower—Materials

THE TUBE SITUATION

Frank H. McIntosh, of the Radio Division, War Production Board, today urged more even distribution of radio tubes to keep home sets in repair.

He addressed a letter to tube manufacturers urging that they exchange tubes among themselves and that they concentrate production on critical types. In making the letter public, Mr. McIntosh pointed out that the conversion of the radio industry was designed to permit tube production sufficient to maintain civilian radio. Production of radio tubes available for replacement in civilian sets is almost as high as peace times, he said.

"A careful survey of the industry," the letter said, "indicated that radio tube production, available for replacement purposes, is almost as high as in normal peace times; nevertheless, many complaints have been received, particularly from rural areas, stating that tubes are not available.

"It appears evident from the figures on production and existing inventories that production is not the sole difficulty responsible for the lack of tubes. Maldistribution, caused by the inability of manufacturers to round out their lines, and low production of certain critical types of tubes, appears to be responsible, in part, for present shortages.

"This office therefore suggests that manufacturers concentrate their civilian production on critical tube types, even though such types may be low profit items.

"It is further urged that, during this critical period, manufacturers exchange tubes freely in order to make the best use of existing distribution channels."

COMMENT

On Sunday, March 28, the New York Times carried a story which quotes an unnamed tube factory man to the effect that the country's whole tube-making industry could not produce more than 2,000,000 bulbs a month above the present high war output.

This prophet was unmasked a few days later when Mr. McIntosh of WPB officially announced that January 1943 sales by tube manufacturers for replacement purposes were almost 2,500,000. These were all of new manufacture.

A Soldier "On the Beam"

(This release issued by NAB News Bureau March 26)

He's a private in the Army Air Forces and entitled to a free frank on his letters, but when he read of the critical need for radio tubes, he sent an air-mail letter with regular postage offering enthusiastically to donate to the war effort transmitter tubes he left at home.

His name is Private William Redpath, of Pittsburgh, Pa., and he is stationed in the Southwest. The notice he read was a request issued by the NAB through QST, the American Radio Relay League magazine, asking "hams" (amateur radio operators) to register their tubes for sale through NAB to broadcasters who might need them. "Hams" are off the air for the duration.

Redpath sent his letter to Howard Frazier, NAB director of engineering.

Canadians Not "Foreigners"

James Lawrence Fly, chairman of the Board of War Communications, has sent the following notice to all persons engaged in the wire and radio communications industry, including manufacturing:

"Reference is made to the attached resolution of the Defense Communications Board (now the Board of War Communications), Mimeo. No. 53152, of August 21, 1941, regarding visits to communication plants and stations. In this connection, the Board of War Communications today amended its policy with respect to visits to communication plants and stations so that Canadian citizens would be treated on the same basis as American citizens.

"Therefore, all persons engaged in the wire or radio communications industry may admit Canadian citizens to their plants and stations when visits by such persons are considered necessary by the management in the conduct of its business.

"The foregoing does not apply to visits to manufacturing plants engaged in the execution of contracts for the Army or Navy or plants engaged in scientific research and development in collaboration with the Office of Scientific Research and Development. These departments issue their own regulations with respect to visits to such manufacturing plants."

The resolution referred to had requested that all foreign persons, representatives, associations or corporations be excluded from said plants or stations.

'WAR TIME'

The War Production Board issued the following bulletin March 24, 1943:

The Necessity for "War Time"

The observance of "War Time" throughout the United States is essential if this country is to meet its production requirements. This fact has already been proved by the experience of over a year since the enactment by the Congress in January, 1942, of the law to advance by one hour the time to be observed in each of the standard time zones. A failure to observe "War Time" will result in severe strains upon power resources and in a diversion of essential materials which will seriously hamper the production of ships, tanks, planes, ammunition, synthetic rubber and aviation gasoline.

Savings from "War Time"

Observance of "War Time" has resulted in important savings in the total amount of electricity used but even more important it has saved the materials for generators and power plants which otherwise would have been necessary to provide additional power capacity for war production.

Translating these savings into war materials, "War Time" has saved copper for 2,500,000,000 rounds of 30 caliber ammunition, and steel needed for the production of 6,000 medium size tanks or 140 destroyers of average size. The additional power facilities which would have been required to supply the power saved by "War Time" would have required these amounts of needed and scarce war materials. The electric energy saved by "War time" is equivalent to the amount required to produce aluminum for 7,500 medium size bombers or 16,000 fighters.

These figures are based not upon conjecture as to possible savings resulting from "War Time" but upon actual experience during the past year as determined by the engineering staff of the War Production Board.

How "War Time" Saves Power

The way in which the adoption of "War Time" has brought about these savings in plant capacity is not generally understood. Existing power plants are capable of producing only a certain amount of electric power at one time. The size of our power facilities must be sufficient to meet the maximum demand for power during any day. Under standard time the heaviest demand for power is in the late afternoon hours, since the greatest concentration of use by households and institutions, including office buildings, stores and shops, is during this period. "War Time" by advancing the clocks one hour enables these users to operate by daylight for an additional hour in the late afternoon. This cuts down on the total demand for electricity at the peak period for lighting and enables the increased requirements of war production to be carried by power plants that would otherwise have to be used for this lighting load. Thus "War Time" eliminates the necessity for building additional power plants in the amount of these savings. Nor does the earlier start in the morning in general have any serious consequences for power systems, since the heaviest morning demand on power is in the daylight hours even with the time advanced.

Reserve Power Essential

The saving of kilowatt capacity brought about by the observance of "War Time" for the country as a whole represents about 50 percent of the minimum reserves required to furnish adequate and reliable power service in case of accidents to power plants. This reserve, which is essential if we are to be prepared to meet emergencies, could have been maintained without "War Time" only through the expenditures of critical materials in building additional power plant capacity.

It is thus evident that the establishment of "War Time" in effect made available electric power producing capacity for load and reserves for an expanding war production effort without the expenditure of critical materials, labor, machine tools and manufacturing space.

It should be noted that there are substantial savings effected in all months of the year through a reduction in the amount of electric energy required for household, office and commercial use. Even though "War Time" causes some increase in the use of electricity in the early morning hours in the fall and winter months by providing an additional hour of daylight in the evening, it has lowered the over-all consumption of electric energy the year round. This has resulted in important savings in fuel

which in turn result in a saving of critical facilities used for the transportation of oil and coal from producing centers.

Confusion from Local Changes

The failure of a state to observe "War Time," confusing in times of peace, becomes very serious in times of war. With the transportation facilities of the country already taxed to capacity, a lack of uniformity in the use of "War Time" throughout the 48 states impairs the efficient operation of these facilities and results in public confusion, causing delays and waste of manpower in the shipment of war materials.

The experience of the few states which have, in effect, abolished "War Time" has resulted in wide-spread comment in the press. In Ohio, which is now following a time which is equivalent to Eastern Standard Time, many of the cities are still following Eastern "War Time" and the interstate transportation services and post offices are required by law to operate on "War Time." The result has been serious confusion which has been pointed out in numerous editorials.

The Dayton, Ohio, *News* on February 22, 1943, commented editorially on the confusion in Ohio as follows:

"The Time Muddle"

"Ohio goes on its new time in a state of confusion. About half the people of the state now find themselves on the new time decreed by the legislature. The rest, through the independent action of cities, remain as they were.

"If the division were on lines of geography, as with the western half of the state on western and the eastern half on eastern time, it would not be so bad. But the differences go by spots.

"Cities remaining on eastern war time are as far apart as Cincinnati and Cleveland. The clock now changes, as one travels across the state, every half hour or so. The situation is absurd and changes, in one way or another, will have to be made. The good intentions of the legislature have done the paving job which unintelligent good intentions are noted for. We have before us a striking example of the results when legislators jump at conclusions, instead of seeking facts and using their heads."

The Lansing, Michigan, *Journal* of February 24, 1943, had the following article.

"Lansing war industries are likely to revert to Eastern war time 'in the interest of winning the war,' spokesmen declared Wednesday after the city council voted, 11 to 3, in 'closed' session Tuesday night against changing back to 'fast' time.

* * * * *

"A. H. Brandel, production manager of Oldsmobile, said the slow time schedule of Lansing 'has caused utter confusion in all lines of communication with other cities in and out of the state.' He declared that four hours a day are lost by rail, truck and wire.

"'We have got to win a war and we can't let personal inconveniences interfere,' Mr. Brandel added. 'You can't ignore the men who are fighting over across.'"

Readjustments Under "War Time"

The great advantages of "War Time" have obviously not been effected without inconveniences. However, all the issues which are currently being raised have been canvassed many times by the Congress, as well as by state legislatures. Experience has shown that while some groups, particularly in agricultural areas, may find that they are inconvenienced and that "War Time" is of little benefit to them or to their production, the interest of the

country as a whole requires the observance of "War Time."

To offset these inconveniences, the possible readjustment of time schedules in the picking up and delivery of dairy products is a matter which should be carefully explored. The predominantly agricultural communities in many cases may observe sun time for purposes of production and still work out an adequate distribution and transportation arrangement with other communities which are on "War Time." Cooperation between farm and city dwellers in the matter of deliveries and in the harvesting of crops could greatly minimize these inconveniences. Although in England one of their most serious problems is that of food production, they have found that the saving resulting from the adoption of two hour "War Time" in the summer months and one hour "War Time" the rest of the year, has more than justified its adoption.

Federal Agencies Support "War Time"

The conclusion that "War Time" is essential to the war effort has not been hastily reached. It has been the result of a year's experience in this country and the experience of our Allies. The War and Navy Departments, the War Production Board, the Office of Defense Transportation, the Interstate Commerce Commission, the Federal Power Commission and other affected Federal agencies have repeatedly endorsed "War Time" as an essential war measure. Recently, Robert P. Patterson, Under Secretary of War, and James V. Forrestal, Under Secretary of the Navy, joined Mr. Donald Nelson in a warning that any change in the law establishing "War Time" would be a serious detriment to increased production in 1943.

Research Committee Meets

The meeting of the NAB Research Committee was held at NAB Headquarters Wednesday, March 31. The meeting was called by Chairman Roger W. Clipp of Station WFIL. Those attending were Barry T. Ruple of NBC and Dr. Frank N. Stanton of CBS. G. Bennett Larson of Station WWDC, Washington, and John C. McCormack of Stations KTBS-KWKH, Shreveport, were not able to attend. Edward F. Evans of the Blue Network attended the meeting at the invitation of the Chairman. Staff members, Lew Avery and Paul Peter also attended.

The task of preparing a recommendation on Station Coverage occupied most of the time of the committee. The Market Data Handbook for Broadcast Stations was briefly examined in copy and printers proof form.

Inasmuch as the agenda for the meeting was not entirely covered, the meeting was recessed to be continued April 14 at NAB Headquarters. The complete report of the research meeting will be given after the continued session.

LEPROSY

The NAB is in receipt of a letter from the Carville, La., Leprosarium from which the following excerpts have been taken:

"What occasions this letter is the frequent use over the radio by other than physicians and scientists of the words 'leper' and 'leprosy' in such a manner as to be not only mis-informative but most unjust to the victims of the disease.

"Dramatic playlets and comedy sketches are the chief offenders." (Here specific examples are cited; i.e.: "You avoid me as though I were a leper.")

The letter further explains that the staff and inmates of the Leprosarium appreciate the task involved to change a conception that has been in the minds of people for untold centuries, but requests that on radio, where control is possible, "in place of the word 'leprosy' use the word

'plague,' and replace 'leper' with 'pariah.' This rule to be applied to programs not concerned with scientific discussion of the disease, but where the word is merely dragged in because it is colorful and connotative.

"We earnestly solicit your careful consideration. . . ."

Radio Receives Music Tribute

In an extension of remarks printed in the Congressional Record of Thursday, February 25, 1943, authored by Senator Reynolds of North Carolina, radio receives the following accolade in a letter quoted from Mrs. Margaret Banks, music director of WBIG, writing on "Music in War":

"The development of radio and the phonograph brings music to thousands of homes that it could not otherwise have reached . . . with our splendid inventions of records and transcriptions, music can now come into all sectors. . . ."

Nashville Radio Meeting Attracts Leading Citizens

Mrs. Dorothy Lewis, now touring the east and southwest for the OWI and NAB, reports a fine meeting in Nashville, at which she appeared as Coordinator of Listener Activity for NAB, sponsored by the Radio Council of Tennessee and WSM, WLAC and WSIX.

The following persons attended in addition to Mrs. Lewis and Earl Glade, chairman of the NAB code committee:

R. B. Beale, chamber of commerce secretary; Dr. Joseph E. Burke, president, Ward Belmont college; Dr. A. L. Crabbe, education professor at George Peabody college; Dr. E. H. Ijams, president, David Lipscomb college; Dr. Edward L. Turner, president, Meharry college; Dr. H. L. Swint, Vanderbilt; Frances Zeigler, Vanderbilt school of nursing dean and Altrusa president; Dr. Harold F. Smith, Dean Fisk university, and Norene Dunn, education professor at Scarritt college.

Dr. J. E. Windrow, Peabody Demonstration school principal; Father Earnest Wiley, superintendent of Catholic schools; Dr. A. L. Holt, Tennessee Education association secretary; Martha Parks and Velma Shaffer, state department of education; Carl Brockett, Davidson county schools superintendent; Julia Green, early elementary education supervisor of Davidson county; Mrs. Ora Wakefield, Nashville schools health coordinator, and Miss Leech, Nashville schools library supervisor.

Representing the radio stations were: Harry Stone and Jack Stapp, WSM; F. C. Sowell, jr., Paul Oliphant and J. T. Ward, WLAC, and Jack Wolover and Jack Draughon, WSIX.

Prominent Women Attend

Walter Gasser, American Legion N post commander; Mrs. Paul J. Dunn, Tennessee P.-T. A. congress president; Mrs. W. H. Lambeth, state DAR regent; Mrs. Rogers N. Herbert, regional state commander of Women's Field Army; Mrs. Roland C. Wolfe, National Council of Catholic Women, state treasurer; Mrs. W. H. Fessey, State Medical association women's auxiliary vice president; Mrs. J. C. Gill, state radio chairman of Tennessee Federation of Women's clubs; Mrs. Walter L. Jones, 6th district FWC secretary; Mrs. Y. M. Haley, Nashville FWC president, and Mrs. Buford Smith, Nashville P.-T. A. council president and board of education member.

Mrs. R. H. Warner, Jr., Middle Tennessee Council of Catholic Women district president; Mrs. Isadore Frank, Nashville Council of Jewish Women president; Mrs. Robert L. Green, Housewives' League president; Mrs. Robert L. Lawrence, jr., Nashville Woman's club president; Mrs. Walter Gasser, Nashville Legion Auxiliary president; Mrs. Fred Fuller, Centennial club; Mrs. Edwin Keeble, Junior League; Margaret McKenzie, Business and Professional Women's club; Mrs. A. L. Crabbe, Peabody college, and Mrs. A. K. Holmes, county ACE.

Mrs. Harold Smith, Garden club of Nashville; Lillian

Taylor, UDC chapters; Mrs. M. P. Workman, Carnegie library; Mrs. Donald Maynard, radio council vice president; Mrs. Manuel Eskind, radio council secretary; Mrs. C. J. Bush, radio council treasurer; Mrs. J. G. Bowman, radio council membership chairman; Mrs. Bradley Walker, radio council publicity chairman; Mary Sneed Jones, radio council education chairman; Mrs. Kate H. Trawick, radio council president; Alice Wilkinson, county board of education librarian, and Elizabeth Herbert.

ESMWT Grads Are Good Technicians Says WJTN Goldman

The Engineering, Science, Management and War Training courses of the U. S. Department of Education, given throughout the United States, have been exceedingly helpful to broadcasters, the military and industry at large.

Simon Goldman, manager WJTN, Jamestown, N. Y., took an early interest in these courses. How the station has benefited demonstrates that these courses are fertile recruiting grounds for stations technical employees.

We are printing below Mr. Goldman's observations and suggestions in the hope that they will point the way to a complete utilization of this source for broadcast technicians:

Goldman's Report

"The need for licensed technicians for transmitter work on the part of radio stations in general has been one of the big personnel problems of the industry.

"I can't help feeling, however, that some stations are passing up marvelous opportunities afforded them through the NAB-sponsored ESMWT Radio Technicians Courses. Here at WJTN we have worked out a definite plan of attack.

"At first we tried writing letters to the teachers of these courses, which told of the opportunities in the broadcasting field, and asked them to pass the information on to the students who showed aptitude and were doing a creditable job in learning the basic fundamentals. This didn't work, however. So next the chief engineer and I made specific visits to the classes from time to time, talking with the teachers and finding out which students showed natural aptitude and were grasping on to the radio fundamentals in good style.

Much Available Talent

"We then talked to these students, finding out whether they were interested in making radio a career—that is, if they were not enlisted in the Signal Corps or subject to immediate induction in the Army.

"Believe it or not, in these classes are men who are 4-F, some who are below the draft age, some who are above the draft age!

"We supplied ourselves with plenty of copies of the FCC Requirements for licenses and other pamphlets on this subject as furnished by the FCC. In addition, we furnished copies of Nielson & Horning's 'Radio Questions and Answers.'

"Our next step was to take the interested parties and give them the material from which to study. Then we made appointments for them to take their license examinations. Most of the fellows get their 2nd class and then go back within 8 weeks for their 1st class.

"Our records to date are as follows: three 1st class men, two 2nd class men (one of whom has already gotten his 1st class, and the other will shortly.) The group contains three 4-F's, and two under the draft age.

"We lost one of our 4-F's to the local police radio system, and both of the fellows under 18 are used in a reserve capacity since they both still go to high school. They fill in for vacations, sicknesses, etc. In addition, our staff has another licensed operator who didn't come up through the ESMWT plan.

"The reason for this letter, portions of which you may want to use, is to encourage other stations to send their Chief Engineers, or go down themselves if necessary, to

Engineering

MORE TECHNICIANS AVAILABLE

The campaign currently being conducted by the NAB Engineering Department to recruit broadcast station technicians, not presently employed in the broadcast industry, is producing very satisfactory results. NAB has now registered available men and women from 37 states and the District of Columbia.

Stations in need of replacement technicians are again invited to write NAB if it is impossible to fill vacancies locally. The names of several available technicians will be promptly forwarded.

RULE SUSPENDED

Suspension of two operating requirements for FM radio stations and a wartime substitution of less exacting provisions have been adopted by the FCC. Sections 3.229 and 3.261, including subsections (a) and (b), of FCC Rules and Regulations were suspended until further order of the Commission. The action is in recognition of the wartime shortages in materials and particularly in necessary skilled personnel.

Section 3.229, suspended by the Commission, provided that:

"Within 1 year of the date of first regular operation of a high-frequency broadcast station, continuous field intensity records along several radials shall be submitted to the Commission which will establish the actual field contours, and from which operating constants required to deliver service to the area specified in the license are determined. The Commission may grant extensions of time upon showing of reasonable need therefor."

This rule permitted a check of the actual service area with the predicted area at time of license issuance, as well as data upon which to base power adjustments if required. This type of survey, however, requires the considerable time and services of skilled personnel and the use of suitable measuring equipment installed in an auto or truck. No substitute provision was adopted for Section 3.229.

Section 3.261 (a) required licensees of high frequency (FM) broadcast stations to maintain a regular daily operating schedule, except Sundays, of at least 3 hours between 6 a. m. and 6 p. m. and at least 3 hours between 6 p. m. and midnight, local standard time. Subsection (b) of this rule required the licensees to broadcast during each of the daytime and nighttime scheduled periods at least one hour's program service not duplicated simultaneously in the same area by a standard broadcast station or another FM station. The suspension of today applies to both subsections. In lieu thereof, the Commission substituted a more flexible requirement, which will permit FM operators a minimum service daily, except Sunday, of 6 hours during any portion of the broadcast day, and that the transmission of 2 hours of unduplicated programs be during any part of the broadcast schedule.

the Radio Technicians Courses which are in existence throughout the country. Then, do a little selling for themselves and the industry by encouraging students to go on to get their licenses. Many of these people don't know the procedure, and a little help and discussion finds these men responsive to the idea because they usually are the type who like radio and are anxious for broadcast experience.

"It boils down to the following type of procedure: (1) Personally contact students in the ESMWT Courses; (2) provide them with proper material to study for the exam; (3) make arrangements for them to take the exam in the city where an FCC inspector holds forth; (4) provide employment to as many of those who get their license this way as is possible.

"There's a wealth of technician material in these classes, and it's only a matter of going after it.

"Seek and ye shall find!"

"P. S. Just now another graduate of ESMWT came in to see me and we're sending him up to take his exam. He is over 38. Brings the total to 6."

Where Courses Are Given

"Fundamentals of Radio I and II" are the names of the ESMWT-NAB courses. According to ESMWT "list of approved courses", July 1, 1942, through January 31, 1943, courses are given at the Universities listed below:

ALABAMA: Alabama Polytechnic Institute, Fundamentals of Radio I* & II*

ARKANSAS: University of Arkansas, Fundamentals of Radio I* & II*

CALIFORNIA: Stanford University, Fundamentals of Radio I* & II*

University of California, Fundamentals of Radio I* & II*

University of Southern California, Fundamentals of Radio I* & II*

University of Santa Clara, Fundamentals of Radio I

COLORADO: University of Colorado, Radio I, II*, III

CONNECTICUT:

FLORIDA: University of Florida, Fundamentals of Radio I* & II*

GEORGIA: Georgia School of Technology, Fundamentals of Radio I (For Negroes)

Fundamentals of Radio I* & II*

IDAHO: University of Idaho, Fundamentals of Radio I* & II*

ILLINOIS: Northwestern University, Fundamentals of Radio I & II

University of Chicago, Fundamentals of Radio I

University of Illinois, Fundamentals of Radio I* & II*

Fundamentals of Radio I (women)

Wheaton College, Fundamentals of Radio I & II

INDIANA: Purdue University, Fundamentals of Radio I* & II* (Ins.)

Rose Polytechnic Institute, Fundamentals of Radio I, II

IOWA: Iowa State College, Fundamentals of Radio I* & II*

State University of Iowa, Fundamentals of Radio I* & II*

KANSAS: University of Kansas, Fundamentals of Radio I* & II*

KENTUCKY: University of Kentucky, Fundamentals of Radio I*

University of Louisville, Fundamentals of Radio I*, II*

LOUISIANA: Louisiana Polytechnic Institute, Fundamentals of Radio I*, II*

Tulane University, Fundamentals of Radio I, II

MAINE: Bates College, Fundamentals of Radio I, II

University of Maine, Fundamentals of Radio I*, II

MASSACHUSETTS: Boston College, Fundamentals of Radio I

Lowell Textile Institute, Fundamentals of Radio II

Massachusetts State College, Fundamentals of Radio II

Northeastern University, Fundamentals of Radio I, II*

Smith College, Fundamentals of Radio

Wellesley College, Fundamentals of Radio II

MICHIGAN: Detroit Institute of Technology, Fundamentals of Radio I, II

Lawrence Institute of Technology, Fundamentals of Radio I, II

Michigan College of Mining & Technology, Fundamentals of Radio I, II

Michigan State College, Fundamentals of Radio I*, II*

University of Detroit, Fundamentals of Radio I, II

Wayne University, Fundamentals of Radio I, II, III

MINNESOTA: St. Olaf College, Fundamentals of Radio II

University of Minnesota, Fundamentals of Radio I*, II*

MISSISSIPPI: Mississippi State College, Fundamentals of Radio I, II (Ins.)

MISSOURI: University of Missouri, Fundamentals of Radio I*, II*

Washington University, Fundamentals of Radio I, II

NEBRASKA: University of Nebraska, Fundamentals of Radio I*, II*

NEW HAMPSHIRE: University of New Hampshire, Radio Technician I

NEW JERSEY: Rutgers University, Radio Technician Training Course I*, II*

NEW MEXICO: University of New Mexico, Fundamentals of Radio I

NEW YORK: Brooklyn College, Fundamentals of Radio I, II

Canisius College, Fundamentals of Radio I, II

The City College of the City of N. Y., Fundamentals of Radio I*, II

Clarkson College of Technology, Fundamentals of Radio I* & II*

Cornell University, Fundamentals of Radio I*

Hofstra College, Fundamentals of Radio I

Hunter College, Fundamentals of Radio I, II

Long Island University, Fundamentals of Radio I, II

Manhattan College, Fundamentals of Radio I, II

New York University, Fundamentals of Radio I, II

Polytechnic Institute of Brooklyn, Fundamentals of Radio I (2 courses)

Pratt Institute, Fundamentals of Radio I, II

Rensselaer Polytechnic Institute, Fundamentals of Radio I*, II*

* Available in more than one city.

Syracuse University, Fundamentals of Radio I*, II*

University of Buffalo, Radio Technician Training I*, II

University of Rochester, Fundamentals of Radio I, II

Vassar College, Fundamentals of Radio I, II

NORTH DAKOTA: North Dakota Agricultural College, Fundamentals of Radio I, II

University of North Dakota, Radio Technician Training I

OHIO: Case School of Applied Science, Radio Technician Training II

Miami University, Fundamentals of Radio I

Ohio Northern University, Radio Technician Training*

Ohio State University, Fundamentals of Radio I

Ohio University, Fundamentals of Radio I*, II*

University of Dayton, Fundamentals of Radio I, II (Ins.)

University of Toledo, Radio Technician Training I, II

Western Reserve University, Fundamentals of Radio I, II

PENNSYLVANIA: Carnegie Institute of Technology, Fundamentals of Radio I*

Franklin & Marshall College, Fundamentals of Radio I

Temple University, Fundamentals of Radio I*, II*

SOUTH CAROLINA: University of South Carolina, Fundamentals of Radio I, II

SOUTH DAKOTA: South Dakota State College, Fundamentals of Radio, I*, II*

TENNESSEE: University of Tennessee, Radio Technicians II*

Radio Technicians (Negroes)

Vanderbilt University, Fundamentals of Radio I, II

TEXAS: A. & M. College of Texas, Fundamentals of Radio Communications*

Fundamentals of Radio Communications (Negroes)*

Southern Methodist University, Fundamentals of Radio I, II

Texas Christian University, Fundamentals of Radio I, II

Texas College of Arts & Industries, Fundamentals of Radio I*, II*

Texas Technological College, Fundamentals of Radio I*, II*

University of Texas, Fundamentals of Radio I*, II*

UTAH: University of Utah, Fundamentals of Radio I, II*

Utah State Agricultural College, Fundamentals of Radio

VIRGINIA: University of Richmond, Fundamentals of Radio I, II (Ins.)

Virginia Military Institute, Radio Technician Training Course II

Virginia Polytechnic Institute, Fundamentals of Radio I*, II*

WASHINGTON: University of Washington, Fundamentals of Radio I

Radio Technician Training Course I, II

WEST VIRGINIA: Fundamentals of Radio I, II*

WISCONSIN: University of Wisconsin, Fundamentals of Radio I*, II*

PUERTO RICO: University of Puerto Rico, Fundamentals of Radio

* Available in more than one city.

Other Schools, Too

These schools are prime contractors and the names of other educational institutions which clear through these prime contractors are not listed. Names of additional schools are obtained by writing to the ESMWT Institutional Representative at any of the schools listed above. Sometimes, such schools are located nearer the particular station.

State Legislation

Illinois:

H. 344 (Same as H. 321) (Cilella) RADIO SLANDER ACT—Provides that anyone who makes a statement by radio broadcast, which if published in writing, would be a libel, is 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. Repeal the radio slander act. 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, April 5th. They are subject to change.

Monday April 5

Further Consolidated Hearing

To Be Held in Federal Court Room 324, Old Post Office Building, Atlanta, Ga.

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, April 7

Oral Argument Before the Commission

REPORT No. B-168:

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—C. P., 1490 kc., 250 watts, unlimited.

Friday, April 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

- Associated Broadcasters, Inc., San Francisco, Calif.—Granted construction permit for new international broadcast station using 6060, 7230, 9570, 11870, 15290, 17760 and 21610 kc., A3 emission, 50 KW; sharing with WBOS-KWID on 6060, 9570, 11870 kc.; sharing with KWID on 7230, 15290, 17760 and 21610 kc. (B5-PIB-40).
- W67NY—Columbia Broadcasting System, Inc., New York City.—Granted license (B1-LH-15) to cover construction permit (B1-PH-55, as modified), in part, for new station; conditions.
- W67C—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted license (B4-LH-17) to cover construction permit (B4-PH-57, as modified), in part, for new station; conditions.
- WBAX—John W. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for 90-days extension of temporary license pending Commission decision in so-called Wilkes-Barre cases.

LICENSE RENEWALS

- KMAC—Howard W. Davis, d/b as The Walmac Company, San Antonio, Texas.—Granted temporary extension of license for a period of two months, to June 1, 1943, pending receipt and action on application for renewal.
- KWLC—Luther College—Decorah, Iowa.—Granted renewal of license for the period April 1, 1943, to April 1, 1945.
- WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted renewal of license for the period April 1, 1943, to April 1, 1945.
- WLOK—The Fort Industry Company, Lima, Ohio.—Granted renewal of license for the period April 1, 1943, to April 1, 1945.

MISCELLANEOUS

- W2XMT—Metropolitan Television, Inc., New York, N. Y.—Granted modification of construction permit, as modified, which authorized new experimental television broadcast station, for extension of completion date from March 31 to May 31, 1943 (B1-MPVB-98).
- WEGO—Wayne M. Nelson, Concord, N. C.—Granted license to cover construction permit as modified, which authorized a new broadcast station (B3-L-1756); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1505).
- WSAP—Portsmouth Radio Corp., Portsmouth, Va.—Granted license to cover construction permit as modified, which authorized a new broadcast station (B2-L-1754); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1499).
- KGDM—E. F. Peffer, Stockton, Calif.—Granted modification of construction permit as modified, which authorized change in frequency, hours of operation, increase in power, installation of directional antenna for night use, and new transmitter, for extension of completion date from March 20 to May 20, 1943 (B5-MP-1703).
- WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Scheduled for oral argument on April 7, 1943, in re Docket No. 6367.
- KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Denied Special Service Authorization to make changes in equipment and operate on 660 kc., with 10 KW power, unlimited, for period ending June 1, 1944 (B-SSA-59).
- WBYN—WBYN-Brooklyn, Inc., Brooklyn, N. Y.—Denied Special Service Authorization to operate with main studio in New York, N. Y., for period ending December 1, 1944 (B1-SSA-67).
- WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Denied petition for reconsideration of Commission's action of October 27, 1942, designating for hearing application for modification of license, and for grant of same without hearing (Docket No. 6454).

- KMAC—Howard W. Davis, tr/as The Walmac Company, San Antonio, Texas.—Granted renewal of license for the period April 1, 1943, and ending not later than April 1, 1945 (B3-R-411).
- WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1507).
- WLAY—Muscle Shoals Broadcasting Corp., Muscle Shoals, Ala.—Granted license to cover construction permit which authorized installation of a new transmitter (B3-L-1758).
- KGBK—Helen Townsley, Area of Great Bend, Kansas.—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 April 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 April 1, 1943 (B3-SRY-132).
- WHQ—Mackinac Radio Service (E. M. Tellefson), Mackinac Island, Mich.—Granted motion for continuance of hearing now scheduled for March 30 to April 30, 1943, in re application for renewal of license.
- WOKO—WOKO, Inc., Albany, N. Y.—Granted petition for continuance of hearing on application for renewal of license from April 14 to June 1, 1943.
- WLAN—Thomas J. Watson, Endicott, N. Y.—Granted motion for continuance of hearing on application for modification of construction permit from April 1 to May 4, 1943.
- KINY—Edwin A. Kraft, Juneau, Alaska.—Granted motion for leave to amend application for modification of construction permit under Rule 1.73, to request frequency 1460 instead of 1050 kc., 5 KW, and application removed from hearing docket.

APPLICATIONS FILED AT FCC

960 Kilocycles

- KMA—May Broadcasting Co., Shenandoah, Iowa.—Modification of construction permit (B4-P-2599 as modified for installation of directional antenna for night use and increase power) for extension of completion date from 4-23-43 to 6-23-43.
- WELI—City Broadcasting Corp., New Haven, Conn.—Transfer of control from Patrick J. Goode to Arde Bulova (2150 shares common stock).

1410 Kilocycles

- WNBC—State Broadcasting Corp., Hartford, Conn.—Transfer of control from William J. Sanders to Arde Bulova.

MISCELLANEOUS APPLICATIONS

- KRED—Redwood Broadcasting Co., Inc., Portable-Mobile, Eureka, Calif.—License to cover construction permit (B5-PRY-287) for new relay broadcast station.
- W9XYH—Head of the Lakes Broadcasting Co.—License for Temporary Class 2 Experimental Station.

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.

Automatic Canteen Company of America, 222 West North Bank St., Chicago, is charged in a complaint with engaging in

unlawful practices which may tend to injure competition and create in the respondent corporation a monopoly in the leasing and licensing of automatic vending machines and in the sale of confections and nut products dispensed by the machines. (4933)

Celanese Corporation of America, 180 Madison Ave., New York, is charged in a complaint with failing adequately to disclose to the purchasing public that the yarns and fabrics it manufactures and sells under the name "Celanese" are acetate rayon products and are not composed of silk or wool which they resemble in texture and appearance. (4934)

STIPULATIONS

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

Makers of Kal, Inc., 256 North New Hampshire Ave., Los Angeles, entered into a stipulation to cease and desist from misrepresenting the therapeutic properties of two medicinal preparations it sells under the names "Lak" and "Lak Plus." (03094)

Nem Company, 457 Fifth Ave., New York, engaged in the sale of a coal tar hair dye designated "Regina," stipulated that they will cease representing in their advertising matter that the product contains an ingredient which will provide the user with special or unique benefits. (03095)

Nu Yorker, entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of electrically heated scalp caps and facial masks respectively designated "The 'Nu-Yorker' Infra-Red Scalp Cap" and "The 'Nu-Yorker' Infra-Red Beauty Mask." (3425)

Pneumatic Institute Co., 103 Park Ave., New York, has entered into a stipulation to cease and desist from representing that the "Vita-Pneumatic Action" truss he sells is a new discovery and that the use of the device will cause or prevent difficulties associated with rupture or hernia or do more than afford relief from certain kinds of rupture or hernia. (3626)

J. H. Thorp & Co., Inc., 250 Park Ave., New York, engaged in the sale of textile fabrics, stipulated that it will cease and desist from advertising, labeling, or selling any product composed in whole or in part of rayon without disclosing that fact by use of the word "rayon"; and when a product is composed in part of rayon and in part of other fibers, the corporation agrees to discontinue failing to disclose each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent. (3627)

CEASE AND DESIST ORDERS

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

Erdley Hatcheries—An order to cease and desist from misrepresentation in the sale of baby chicks has been issued against John F. Erdley, trading as Erdley Hatcheries, Wray, Colo., and Montgomery Ward & Co., Chicago. (4969)

Walter Kidde & Co., Inc., 140 Cedar St., New York, manufacturer and distributor of fire-extinguishing apparatus, has been ordered to cease and desist from certain misrepresentations of its products and consequent disparagement of competitors' products. (3866)

Linen Supply Board of Trade of New Jersey, Newark, N. J., and its officers, directors and member companies have been ordered to cease and desist from entering into or continuing any combination or agreements under which they engage in restraint of trade practices, including price fixing. The board's member companies supply, lease and rent linen supplies such as coats, trousers, aprons, towels and tablecloths to customers in and adjacent to Newark and New York City. (4588)

Master Artists' Association, Inc.—An order to cease and desist from misrepresentation in the sale of colored photographic enlargements and frames has been issued against Eugene M. Woolard, trading as Master Artists' Association, Inc., who formerly had his principal place of business in East St. Louis, Ill. (4514)

Westville Refinery, Inc., Westville, Ind., engaged in reclaiming, processing and distributing used motor oil, has been ordered to cease and desist from certain misrepresentations concerning the nature of its business and its products. (4370)

March Index

AWARDS	<i>Page</i>
Peabody	133
BROADCAST ADVERTISING	
Per-Inquiry Offers	124
"Plug-Uglies Personal"	131
Retail Promotion Committee	97
Stories on Effective Broadcasting	135
DEFENSE	
"E" Award Broadcasts	116
Farm Worker Recruiting	125
Report on Radio Courses	107
Stations Must Broadcast to Retain Licenses	116
War Time	107
ENGINEERING	
Battery Problems	123-134
Engineers and the War Conference	137
Quartz Crystals	126
Recent Articles	118
Technicians Available	106
FEDERAL COMMUNICATIONS COMMISSION	
915 Stations	119
Figures on 722 Stations	136
Fly Discusses Legislation	127
Fly to Address War Conference	133
GOVERNMENT	
FTC Survey	127
OPA Sets Price Ceiling for Radios	126
Personnel OWI Overseas Studio	106
WMC Regional Offices	119
WMC Manual of Operations	111
LABOR	
48 Hour Week	97-108-118-132
Labor Arbitration	106
Post War Labor Outlook	127
LEGISLATION	
Federal Legislation	112
New Libel Law	105
State Legislation	112-119-127-138
White-Wheeler Bill	98
NATIONAL ASSOCIATION OF BROADCASTERS	
Board Meeting	97
District #3 Meeting	106-137
District #5 Meeting	118-138
Egolf and Dennis Join NAB	106-108
Program Directors Meet	124-131
Proposed By-Law Amendments	139
Radio War Conference	115
RATIONING	
"C" Books for Temporary Remotes	117
Tires and Recaps	117



IMPORTANT NOTICE

NAB By-Laws provide for an annual meeting of the membership at which Directors-at-Large will be nominated and elected and at which any other business pertaining to the Association may be transacted. They further provide that each individual, firm or corporation admitted to active membership "and whose dues are not more than one month in arrears" shall certify one person actively engaged in the business to be its representative in the Association and vote and act for it in all NAB affairs, including the holding of office therein. One vote only is allowed for each active member.

Every member station has been sent a certification card so that it may designate its representative. **Be sure to send these cards in promptly.** Specific attention is also called to the provision regarding payment of dues. Any station whose March, 1943, dues have not been paid by the time of the Conference will be ineligible to vote and any person from that station ineligible to hold office. You are requested to give this matter prompt attention.

Selective Service

McNUTT WRITES FLY

The manpower situation insofar as it affects the broadcasting industry was clarified this week when FCC Chairman James Lawrence Fly made public a letter which he had received from Chairman McNutt of the War Manpower Commission. The letter was as follows:

"I have your communications of March 24 and 27, concerning the local determination of particular radio stations as being essential to the war effort.

"As you know, neither the *List of Essential Activities* nor the *Activities and Occupational Bulletins* relating to the broadcasting services give any basis for differentiation in the essentiality of one radio station as against another. Insofar as the character and content of broadcasting services are similar as between individual radio stations and such services are deemed related to the war effort, no distinction can be drawn as between particular stations. You recognize, of course, that this interpretation does not assure automatic deferment for all persons in essential occupations in broadcasting services. I have called your communications to the attention of the Bureau of Selective Service and requested that they inform their representatives in the field that no such determination shall be made. Requests for occupational deferment are made by local Selective Service Boards on an individual basis and not on the basis of particular radio stations in which an individual may be employed. Needs of the armed forces are such as to require withdrawal in some instances of persons in essential occupations in essential activities. It is possible, therefore, for individuals in essential occupations in radio stations to fail to obtain occupational deferment, but such failure, however, is not on the grounds of the lack of essentiality of the individual radio station."

Fly Commends Letter

Fly gave it as his offhand impression that the letter clarifies the manpower situation. "This (the letter)", said Chairman Fly, "I think is in line with the understanding which we have cooperatively arrived at with the War Manpower Commission. In matters of detail arising under it I am sure we will continue to have the cooperation of the Manpower Commission. I am quite happy to have this letter and I agree to give it to you for such assistance as it may render to the industry."

The Chairman said FCC had never asked the Manpower Commission to assure broadcast stations that all radio employees should be deferred. The Manpower Commission was asked, Fly said, to recognize the broadcast

(Continued on page 156)

Radio War Conference Palmer House, Chicago, April 27-29

The War and Radio's part in the War are of vital concern to you as an American citizen and as a broadcaster. The War Conference is an assignment in the war interest as well as a civic responsibility. Your participation and attendance are necessary to successful operation of War Radio. Avail yourself of the privilege of pre-registration. Send your cards and checks to NAB.



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*.

SELECTIVE SERVICE

(Continued from page 155)

industry as an essential industry and certain of its activities as essential. That has been done.

CLASS 3-B DROPPED BY PHILADELPHIA DRAFT BOARDS

(This story was rewritten from *The Philadelphia Inquirer* of April 8, 1943. Selective Service headquarters has released nothing on this subject.)

Philadelphia draft boards Monday dropped Selective Service Classification 3-B and created a new classification, 3-D, according to a page one story in the *Philadelphia Inquirer*.

Class 3-B heretofore included married men and men with collateral dependents engaged in any one of the 35 essential industries as defined by WMC. These men will be re-classified according to their merits.

Class 3-D will include men upon whom induction would incur "extraordinary hardship," primarily financial so far as family or dependency support is concerned.

Class 3-A will consist of fathers, maintaining a home, who have children conceived prior to December 7, 1941, and born before September 14, 1942.

WMC WANTS TO AVOID NATIONAL SERVICE ACT

(Released by NAB News Bureau April 6.)

War Manpower Commission is literally "bending over backward" to procure men for the armed forces and to provide for needs of essential civilian activity without, it is hoped, having to resort to further legislation such as a National Service Act, Russell P. Place, NAB general counsel, stated last week in a release to the trade.

"During the last three months, a welter of confusing and often seemingly conflicting press releases have appeared in the papers with reference to classification and induction of registrants," Place's statement read.

"By means of legitimate pressure, permissible under the Act and Regulations, WMC is seeking to force registrants into essential activities.

"Net result is that registrants are confused and uncertain as to their status now and in the future. With about 40 million registrants concerned, impact of Selective Service on the people is second only to the war itself.

Stress "How to Stay Out"

"Effect of the publicity seems to have been to place stress on how to stay out of the Army, rather than on when induction is likely to occur. Such a major disruption of normal life as induction calls for vital rearrangements of business and personal affairs.

"The American people should be told as nearly accurately and as far in advance as possible of the imminence of induction. Uncertainty breeds fear and discontent; a measure of certainty should result in confidence and better planning by registrants and employers.

"It is common knowledge that the day when registrants with children will be inducted, and many already have been, is not far off. Reclassification into 1-A and, in many cases, determination of appeals, must precede induction. Is it not wise now to announce the date their reclassification will begin and to give a reasonably definite indication of the time when their induction will take place?"

DEFERMENT OF RADIO REPAIRMEN

Local boards have been officially informed by national headquarters of Selective Service System that Radio Repair Services are an essential activity and Radio Repairman is an essential occupation in support of the war effort. Previously included in Occupational Bulletin No. 42, this information, issued for the guidance of local boards in determining claims for occupational deferment, is now included in Activity and Occupation Bulletin No. 31, effective March 1, 1943.

When an employer has sought occupational deferment of a radio repairman by filing Form 42-A with his local board, and the local board has classified the registrant 1-A, the employer should appeal the case to the Board of Appeals. Appeal must be taken within ten days from the date of the mailing of the notice of classification, copy of which is mailed to the employer as well as to the registrant. In order to take an appeal, the employer should write a letter to the local board to that effect, or sign the appeal form on the back of the registrant's questionnaire. Employers have this right, although it has been reported to NAB that some local boards have advised employers to the contrary. If the registrant is self-employed, he himself may take appeal.

War Conference Reservations

Priorities for the NAB membership on room and suite reservations at the Palmer House will expire April 15. After that date all reservations requests will be made in the order received, whether from members, non-members or others.

TUBES TO BE STAMPED "MR"

Radio tubes currently manufactured to keep home sets in repair will carry familiar brand names instead of the general name, "Victory Line," recently considered by the industry and by the Radio Division of the War Production Board, it is announced today. WPB officials said that brand names will probably be retained for at least ninety days.

Most manufacturers have indicated that they will mark tubes made from materials allotted by the WPB for civilian use by the initials, "M.R." standing for "Maintenance and Repair."

Comment

This move is apparently designed to eliminate the indiscriminate buying of civilian tubes by government field

procurement personnel. This method has previously diverted many tubes from intended civilian use.

WOMEN TECHNICIANS

The International Brotherhood of Electrical Workers has sent to all its broadcast locals a memorandum regarding the admission of women in those stations now operating under contract with the union.

In brief, the union's policy will be to admit women at a reduced initiation fee and to permit their employment as studio technicians, the number in each station not to exceed the number of male studio technicians.

HAROLD FAIR ACCEPTS PROGRAM COMMITTEE CHAIRMANSHIP

Harold Fair, program director of WHO, has accepted the appointment of chairman of the newly organized NAB program directors executive committee. Fair will begin active functioning in his new post when he presides at the program directors executive committee dinner and round table Tuesday, April 27, at the NAB War Conference in Chicago.

FLY GETS NEW SECRETARY

Appointment of Norman E. Jorgensen as secretary to Chairman James Lawrence Fly has been announced by the FCC.

Born July 23, 1908, in Chicago, Jorgensen was educated in Chicago schools, receiving from the University of Chicago his Ph.B. in 1933, and J.D. in 1943. He is married and has two children.

Before coming to the FCC, Jorgensen worked in the sales department of the Firestone Tire & Rubber Company during 1933, and through 1940 was employed by Chalmers and Co., merchandise distributors, Iron Mountain, Mich., where he became sales manager. Most recently he was the Editor-in-Chief of the University of Chicago Law Review.

STORER TO NAVY

The Navy department has confirmed appointment of George B. Storer, president of Fort Industry Co., headquarters station WSPD, Toledo, Ohio, as lieutenant-commander. Storer, whose interests embrace the steel industry, will be inspector of material stationed at Chicago, Illinois.

CONFIDENCE MEN AT LARGE

With the increasing turnover in station personnel, unreliable and shady characters are seeking to exploit some stations. Recently we received a letter from an eastern station telling of a "deadbeat" who got on the payroll, cashed several no account checks and otherwise used the station.

NAB cannot pass upon the qualifications of men seeking employment, nor upon their reliability.

We ask any station managers who have been victimized to send us the name of the individual, all of the facts about his activities and such other material as may be pertinent.

Any time a station manager desires information about persons seeking employment, inquiry may be made of NAB and we will advise if the person is listed with us as one of those not worthy of employment, and provide the facts as they have been filed with us.

STATE LEGISLATION

Illinois:

S. 259 (Madden) BEAUTY CULTURE ADVERTISING—An act relating to the practice of beauty culture by advertising the prices for services performed by any registrant. Referred to Committee on License and Miscellany.

Ohio:

H. 180 (Griffin) SALE OF APPLES—To promote the consumption and sale of apples by providing for research and an advertising sales promotion campaign to increase the consumption of Ohio grown apples; to levy and collect an assessment; to create the Ohio state apple authority and to define its powers and duties; to provide penalties for violation of this act. Reported by Sub. in House.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, April 12. It is subject to change.

Monday, April 12

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

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted extension of Special Service Authorization for period ending August 25, 1943 (B5-SSA-70).

WJW—WJW, Inc., Akron, Ohio.—Granted modification (B2-MP-1705) of construction permit (B2-P-3263, as modified), for change of transmitter location to north side of North Royalton Rd., between Ridge Rd. and State Rd. #94, Cuyahoga County, Ohio, part (c) of conditional clause to be modified to read as follows: "The nuisance contour (0.25 mv/m) of WJW shall be determined by measurements under actual operating conditions;" and for extension of commencement and completion dates.

KVAK—Carl Latenser (Assignor), S. H. Patterson (Assignee), Atchison, Kans.—Granted consent to voluntary assignment of license (B4-AL-361) of station KVAK, from Carl Latenser to S. H. Patterson, for a total consideration of \$9,500.00 (Commissioner Payne voting "No").

WKBB—Sanders Bros. Radio Station (Assignor), Dubuque Broadcasting Co. (Assignee), Dubuque, Iowa.—Granted consent to voluntary assignment of license (B4-AL-364), of station WKBB, from Sanders Bros. Broadcasting Station to Dubuque Broadcasting Co., for a total consideration of \$25,000.00 (Commissioners Payne and Craven voting "No").

WOSH—Howard H. Wilson (Assignor), Oshkosh Broadcasting Co. (Assignee), Oshkosh, Wis.—Granted consent to assignment of license (B4-AL-365) of station WOSH from

DESIGNATED FOR HEARING

- KWSC**—State College of Washington, Pullman, Wash.—Designated for hearing application for modification of license (B5-ML-1155) to change frequency from 1250 to 1030 kc., power and hours of operation from 5 KW, S-KTW, to 1 KW night, 5 KW LS, unlimited. (Requests facilities of KOB.)
- KFMB**—Warren B. Worcester, deceased (Transferor); The First National Trust and Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester (Transferee); Worcester Broadcasting Corp., San Diego, Calif.—Designated for hearing application for consent to voluntary transfer of control of Worcester Broadcasting Corp., licensee of station KFMB, 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, together with application for renewal of license to be heard in the same proceeding (B5-TC-315).

LICENSE RENEWALS

- KAST**—Astoria Broadcasting Co., Astoria, Ore.—Granted renewal of license for the regular period (B5-R-856).
- KVAK**—Carl Latenser, Atchison, Kans.—Granted renewal of license (B4-R-1006), (Commissioner Payne voting "No").

MISCELLANEOUS

- WNAC**—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit (B1-P-3455) for move of transmitter to corner of Vershire Street and Harriett Avenue, Quincy, Mass., approximately 2.4 miles southwest of the present location; make changes in directional antenna for night use, and extend commencement date to 60 days after grant and completion date to 120 days thereafter. The action taken herein is subject to the express condition that the permittee herein shall satisfy legitimate complaints of blanketing within the 250 mv/m contour, including external and cross modulation, and submission of proof that the operation of radio station WMEX is not materially affected by the operation herein proposed. Towers to be marked in accordance with specifications issued pursuant to Section 303(q) of the Communications Act of 1934 as amended (B1-MP-1706).
- WALB**—Herald Publishing Co., Albany, Ga. (Dockets 6398 and 6399), and Herald Publishing Co., and Albany Herald Broadcasting Co., Albany, Ga. (Docket 6400).—Granted request for a continuance of the further hearing now set for April 5, 1943, in re applications of WALB for renewal of license and for construction permit, and application of Herald Publishing Co. (WALB) and Albany Herald Broadcasting Co. for voluntary assignment of license of station WALB; further consolidated hearing continued until April 19, 1943.
- WKBN**—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of construction permit 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 April 1, 1943, to June 1, 1943 (B2-MP-1708).
- WASH**—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Adopted Order dismissing application for modification of license (B2-ML-1142, Docket 6473), since the license of station WASH was cancelled by the Commission on March 16, 1943, after the facilities were voluntarily surrendered to WASH.
- WLW**—The Crosley Corp., Cincinnati, Ohio.—Granted petition to dismiss without prejudice application for modification of license to operate with 500 KW day, 50 KW night on 700 kc., using W8XO transmitter.
- WERC**—Presque Isle Broadcasting Co., Erie, Pa.—Granted motion to dismiss without prejudice application for modification of license to operate on 1330 kc., 100 watts night, 250 watts day, unlimited time.

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 4-1-43 to 6-1-43.

1140 Kilocycles

- KGDM**—E. F. Pepper, Stockton, Calif.—License to cover construction permit (B5-P-3199), as modified, for change in frequency and hours, increase in power, directional antenna for night and new transmitter.
- KGDM**—E. F. Pepper, Stockton, Calif.—Authority to determine power by direct measurement.

1170 Kilocycles

- KVOO**—Southwestern Sales Corp., Tulsa, Okla.—License to cover construction permit (B3-P-2539), as modified, for increase in power, change hours and install new transmitter and directional antenna for night.
- KVOO**—Southwestern Sales Corp., Tulsa, Okla.—Authority to determine operating power by direct measurement.

1240 Kilocycles

- KICD**—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Modification of license to change location of main studio from 6th Street and Grand Avenue, Spencer, Iowa, to on U. S. Highways 71 and 18, 0.8 mile North of Spencer, Iowa.

1350 Kilocycles

- WORK**—York Broadcasting Co., York, Pa.—Modifications of construction permit (B2-P-3205, as modified, for installation of directional antenna for night use) for extension of completion date to 6-18-43.

1370 Kilocycles

- WSAY**—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Modification of construction permit (B1-P-2924, as modified, which authorized change of frequency, increase in power, directional antenna for day and night, and new transmitter and move of transmitter), for extension of completion date from 5-1-43 to 11-1-43.

1400 Kilocycles

- WCBI**—Birney Imes, Columbus, Miss.—Voluntary assignment of license from Birney Imes to BIRNEY IMES, JR.

1450 Kilocycles

- WHDL**—WHDL, Inc., Olean, N. Y.—Modification of license to change main studio from Olean, N. Y., to 3219 W. State Road, Route 17, Town of Allegany, N. Y.

1480 Kilocycles

- KCMO**—KCMO Broadcasting Co., Kansas City, Mo.—Modification of license to increase power from 1 KW night and 5 KW day to 5 KW day and night, employing directional antenna night.

FM APPLICATION

- W39NY**—City of New York, Municipal Broadcasting System, New York, N. Y.—License to cover construction permit (B1-PH-83, as modified and which authorized new high frequency broadcast station).

MISCELLANEOUS APPLICATION

- W3XO**—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky & Bailey, Washington, D. C.—License for Temporary Class 2 Experimental Broadcast Station.

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.

California Lima Bean Growers Association, et al.—Violation of the brokerage section of the Robinson-Patman Act is alleged in separate complaints issued against California Lima Bean Growers Association (4939), Oxnard, Calif., and Harry Duvall Childers, trading as H. D. Childers Co. (4938), Mobile, Ala.

National Merchandising Co., and Max H. Greenberg, having their place of business at 326 Erie Building, Cleveland, Ohio, are charged, in a complaint with the use of lottery methods in the sale to ultimate purchasers of sporting goods, silverware, radios, pen and pencil sets and other merchandise. (4936)

Proctor & Gamble Company—A complaint has been issued charging Proctor and Gamble Co., Cincinnati, with misrepresentation of its liquid dentifrice designated "Teel" and with consequent unfair disparagement of tooth pastes and powders sold by competitors. Of the several ingredients contained in Teel, its principal cleansing agent is sodium alkyl sulphate, which possesses detergent qualities similar to those of soap. (4937)

Albert E. Voaden, 211 Charlervoix Building, Detroit, is charged in a complaint with misrepresentation in connection with the sale of printed questionnaire cards and forms intended for use by collection agencies and creditors in obtaining information concerning debtors. The respondent trades under various names, including "Cigarette Smoker's Survey," "Bankers and Merchants Pen Co.," and "Alvin's (No-Lose) Key Chains." (4935)

STIPULATIONS

No stipulations were entered into by the Commission last week.

CEASE AND DESIST ORDERS

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

Atmoray, Inc., 408 N. E. Thompson St., and Atmozone, 2140 N. E. Union Ave., both of Portland, Oreg., manufacturers and distributors of a medical device known as "Atmoray," an ozone generator intended for use in the treatment of various ailments and diseases, have been ordered to cease and desist from false advertising and misrepresentation of the product. (4630)

Gallant Trading Co., Los Angeles, is directed in an order to cease and desist from misrepresentation in connection with the sale of various articles of merchandise, including clothing, shoes, blankets, mattresses and tarpaulins. (4780)

A. & M. Karagheusian, Inc., 295 Fifth Ave., New York, manufacturer and importer of carpets and rugs, has been ordered to cease and desist from representations which tend to mislead purchasers into the erroneous belief that certain of its domestic rugs are Oriental rugs or reproductions of Orientals. The respondent has factories at Freehold and Roselle, N. J., and foreign offices in Tientsin, China, and throughout Persia. (4305)

Marshall Field & Co., Chicago, trading as Karastan Rug Mills, has been ordered to cease and desist from certain misrepresentations in the sale of rugs. (4493)



Broadcast Advertising

SMALL STATIONS WAR CONFERENCE COMMITTEE NAMED

On the Thursday morning program at the War Conference, the role of advertising in time of war will be discussed. In addition to talks by Chester LaRoche, director of the Advertising Council, and William B. Lewis, of the OWI, there will be a talk by a representative of a small station, who will outline the problems faced by small stations.

Many in the industry have expressed keen interest in the small stations problems, and many solutions have been suggested, including government payment for time. So that the views of the industry on these various subjects may be presented at this meeting, Neville Miller is requesting the following broadcasters to serve on a committee to consider these subjects and make the report.

James W. Woodruff, Jr., WGPC, Albany, Ga.—
Chairman

James R. Curtis, KFRO, Longview, Tex.

John Elmer, WCBM, Baltimore, Md.

Leo Fitzpatrick, WJR, Detroit, Mich.

John J. Gillin, Jr., WOW, Omaha, Neb.

Herbert Hollister, KANS, Wichita, Kans.

Robert Hudson, Rocky Mountain Radio Council,
Denver, Colo.

William F. Maag, Jr., WFMJ, Youngstown, Ohio

Marshall Pengra, KRNR, Roseburg, Ore.

Fred Schilplin, KFAM, St. Cloud, Minn.

H. E. Studebaker, KUJ, KRLC, Walla Walla,
Wash.

Art Thomas, WJAG, Norfolk, Neb.

The committee will meet at 6:30 p. m., Tuesday, April 27th, to discuss the subjects and to prepare a report for the Conference. Members of the industry are urged to send to any member of this committee their views.

Woodruff, who is a NAB director-at-large representing small stations, in addition to acting as chairman of the committee will also preside at the Thursday morning War

Conference session at which these subjects will be discussed.

Labor

WAGE AND SALARY FREEZING

President Roosevelt on April 8 eliminated "inequalities" from the list of reasons for increasing wages or salaries—and thus eliminated the mainstay for most recent increases.

The only remaining grounds for increases are the "Little Steel" (15 per cent) formula and "substandards." Your guess is as good as the next one as to what constitutes a "substandard" wage or salary. The War Labor Board doesn't know.

The text of the President's statement and the accompanying executive order, elsewhere in this issue of the reports.

NAB PROTESTS IBEW AWARD

The NAB has asked the San Francisco Regional War Labor Board for permission to appear and to file a brief when the board considers an arbitration award in a controversy between Station KPAS, Pasadena, and the International Brotherhood of Electrical Workers.

The board has taken the NAB request under advisement.

In setting the new wage scale for KPAS, George Cheney, a Labor Department conciliator acting as arbiter, announced two principles which the NAB contends are wholly fallacious:

(1) That the wages of broadcast technicians and building trades technicians are comparable.

(2) That all broadcast technicians do the same work, no matter what the size or condition of the station; and that all should receive equal pay.

It is probable that Executive Order 9328, printed in this issue, will forestall board approval of the award, but the

(Continued on page 162)

Radio and The War

That's the principal business of the NAB Radio War Conference to be held April 27-29 at the Palmer House in Chicago. Broadcasting is a war weapon. The War Conference will give you pointers and ask your advice on how to wield it best in the cause of freedom.

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 PROTESTS IBEW AWARD

(Continued from page 161)

NAB intends to proceed with its contest of the principles involved.

RELIEF TAX ABOLISHED

Members of Local 802, American Federation of Musicians, New York, voted Monday at a meeting in Carnegie Hall to abolish the 3 per cent tax which the union has levied on its working members for the last seven years to aid its unemployed musicians. **Increased employment was one reason advanced why the tax should be abolished.**

Of \$752,904.49 collected for last year's relief and organizational fund, the 3 per cent tax accounted for \$485,911.74, according to Local 802's official journal. The other methods of raising funds for unemployment relief will continue, it was said. In another vote yesterday the musicians defeated a resolution which would have limited a member to one steady job.

AFM PULLS OUT OF CTLC

The American Federation of Musicians has resigned from the Canadian Trades and Labor Congress because delegates to a recent congress convention in Winnipeg, including two members of the musicians' union, voted to let a children's orchestra entertain them.

The story of how the Canadian labor representatives "hooted down" the A. F. M. official who sought to object to the concert by the nonunion youth group, appears in the minutes of the federation's executive board meeting on February 6. The minutes are published in the new issue of *The International Musician*, the union's organ.

The minutes on the matter follow:

"Report is received from Brother Arthur Dowell of Toronto of an incident which happened at the convention of the Canadian Trades and Labor Congress held in Winnipeg recently, at which he was the official representative of the A. F. M.

'Out of Order'

"During one of the sessions of the convention, a children's orchestra played and when Brother Dowell attempted to object he was hooted down and declared out of order by the chairman.

"On this occasion Brother D. Swailes of Local 190, Winnipeg, and Ed Jamieson of Local 145, Vancouver, spoke in favor of the children's orchestra and expressed disapproval of the position taken by Brother Dowell.

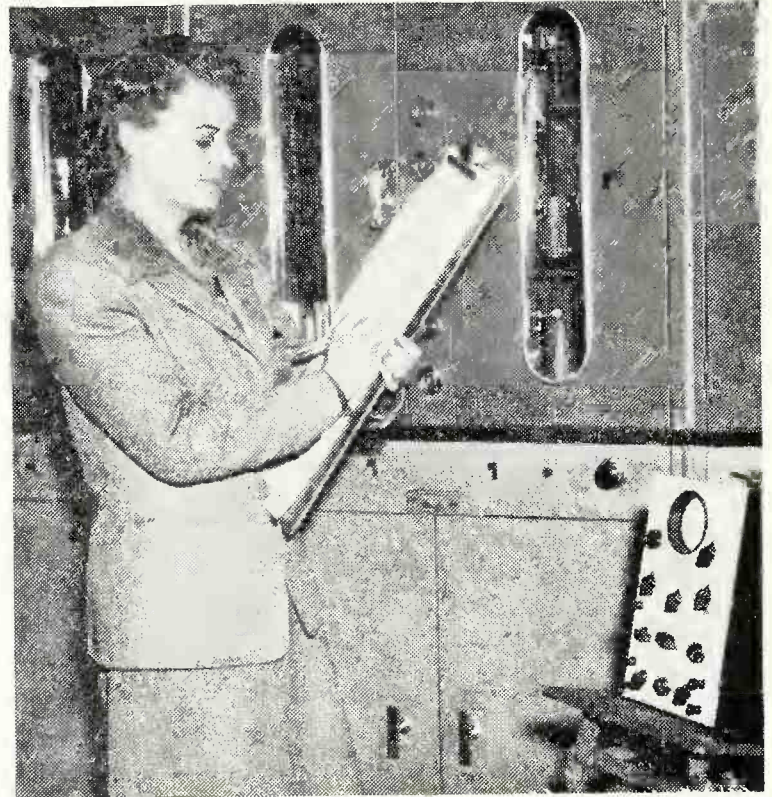
"In view of the treatment accorded our representative and the permitting of a non-federation orchestra to play at a trade union convention, the board, on motion, decides to resign from the Canadian Trades and Labor Congress.

"On motion, it is decided that Brothers Swailes and Jamieson be directed to show cause why charges should not be preferred against them for their attitude on this occasion."

YOU, TOO, CAN DO THIS!



Terry Teal



Mrs. Ruth Dorin

These women are full-time technicians employed by Station WRNL, Richmond, Va. Miss Teal operates the studio controls, while Mrs. Dorin takes a meter reading at the transmitter. They were trained first as part-time station personnel by the chief engineer and took the ESMWT courses at the same time. With the continually increasing war manpower needs draining technicians, station operators are urgently advised to undertake training of women. They are proving up as good as men and are turning in able performances, according to reports.

PLAUDITS GIVEN BY DAVIS

Bravery of American correspondents and enterprise of American communications and news media, including radio, were cited by Elmer Davis, director, OWI, with giving the American people "frank and complete information about the war."

In giving the roll of the correspondents killed and wounded in line of duty, Davis mentioned Don Bell, anti-Japanese radio news commentator in Manila, killed by occupying forces, and Frank Josef Cuhel, of MBS, killed in an overseas plane crash en route to cover a war assignment.

'SUBLINE FAITH'

(Reprinted from *Variety*)

Simon & Schuster, the book publisher, has discovered radio advertising produces customers with sublime faith in the advertiser. During the final lap for federal income tax returns, the publisher received filled-out tax forms with money attached, plus a note asking that the figures be checked and the contents relayed to the collector of internal revenue.

S. & S. had used spot radio to plug its \$1 edition on how to make out the federal tax return, and some of the purchasers figured that the publisher wouldn't mind granting the additional service.

THE BEAM

Due to the current revision of the membership list of the Association of Women Directors of NAB, station operators who received The Beam with last week's reports are asked to pass it on to their women broadcasters as it will not be sent to the AWD list.

BMI TOP TUNES

(These songs currently are listed by *Variety* "sheets" as being among those most played on the air.)

BRAZIL—Southern Music Publishing Co.

DON'T CRY—National Music Co.

CANTEEN BOUNCE—Edward B. Marks Music Corp.

I DON'T BELIEVE IN RUMORS—BMI.

DO I KNOW WHAT I'M DOING—Melody Lane.

IT STARTED ALL OVER AGAIN—Embassy.

SHO' NUFF—Republic.

I HEARD YOU CRIED LAST NIGHT—Campbell, Loft and Porgie.

IN A LITTLE SWISS CHALET—Top Music.

NIGHT TRAIN FOR MEMPHIS—Southern Music.

913 STATIONS

During the month of March 1943, the FCC licensed three stations and two stations were deleted. A comparative table by months, follows:

	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1
Operating	897	899	906	906	905	906	908	910	909	910	910	910	911
Construction	27	25	18	19	16	14	11	9	9	7	6	5	2
	924	924	924	924	925	920	919	919	918	917	916	915	913

Listener Activity

DOROTHY LEWIS TOUR CUT SHORT BY FAMILY ILLNESS

Dorothy Lewis, on tour of southwestern and eastern cities for the Office of War Information and NAB, was forced to cut short her itinerary at Birmingham, Ala., because of the serious illness of her daughter. Mrs. Lewis missed stops at Atlanta, Winston-Salem, Richmond, Greensboro and Washington, D. C.

Following are reports of meetings Mrs. Lewis attended on the completed portion of her trip:

St. Louis

Meeting held March 29, with George Burbank, KSD, presiding. A planning committee was appointed to set up a Radio Council for the St. Louis area. The Association of Women Directors of St. Louis radio stations met during the morning and expressed the need of enlisting services of community leaders to help tell the war story and to create better local understanding of government directives.

Columbia, Mo.

Plans were made to establish a Radio Council of Columbia at a meeting at Stephens College with representatives of KFRU and Sherman Lawton, of Stephens College radio division, cooperating.

Kansas City, Mo.

On April 1 a luncheon was held at the Womens City Club with Mrs. George P. Truitt acting as chairman. A Radio Council plan was approved and Mrs. Truitt named temporary chairman, with Mrs. Marisha Pugsley as secretary. Both the Federation of Womens Clubs and the P.-T. A. Council (71 units), Mrs. R. L. Dominick, president, pledged support. Representatives from Topeka, Independence and Grand View were present. Dr. Clarence Decker, president, Kansas City University, offered cooperation. Radio station executives approved all proposed council projects.

Tulsa, Okla.

A conference on children's programs was held with representatives of all local stations attending, followed by a luncheon at the chamber of commerce, April 2, at which Mrs. Lewis made the principal speech, "The Listeners Stake in American Radio." An afternoon meeting in KVOO's studios was held with station representatives from the three local stations voting to hold a Radio Council organization meeting later.

Oklahoma City, Okla.

Meeting was held April 3 at the YWCA with representatives from the four local stations and 12 civic and service organizations present. A Radio Council was approved with Dr. Alice Sowers of the University of Oklahoma and representatives of the Junior League and local P.-T. A. named to head a planning committee.

VICTORY VOLUNTEER WEEK

The President has proclaimed May 16 as "I Am An American Day." The program sponsored by the "I Am An American" Foundation provides for Victory Volunteer Week with days assigned as follows: Sunday, May 9, Churches; Monday, May 10, Labor; Tuesday, May 11, Management; Wednesday, May 12, Law Makers; Thursday, May 13, Schools; Friday, May 14, Organizations; Saturday, May 15, Farmers; Sunday, May 16, the climax of Victory Volunteer Week of Rededication when citizens of all ages, faiths and occupations are asked to join in the solemn pledge to give, to work, to sacrifice for victory and freedom, and to join in public "exercise designed to assist our citizens, both native-born and naturalized, to understand more fully the duties of citizenship and its special responsibilities in a nation at war."

Inquiries concerning Victory Volunteer Week should be addressed to Benjamin Neal, Taft Building, Los Angeles, California.

Materials

YOUR REPORT IS NEEDED

Information requested from stations on March 26 has been received from cities listed below. Included are several which reported after the bulletin-letter of April 14 was mailed.

It is our hope that the desired information will soon be received from all other cities not listed.

Information is reported en route from Cincinnati, Kansas City, Mo., Memphis, Philadelphia, Richmond, Southern California and Toledo.

Reporting Cities

ALABAMA—Birmingham, Muscle Shoals (Sheffield)
ALASKA—Ketchikan
ARKANSAS—Little Rock
CALIFORNIA—Hollywood, Eureka, Fresno, Merced, Monterey, Los Angeles, Sacramento, Stockton, Santa Barbara, San Luis Obispo
COLORADO—Denver
FLORIDA—Miami, Tampa
GEORGIA—Gainesville, West Point
ILLINOIS—Chicago, Peoria, Quincy, Rockford, Tuscola
INDIANA—Fort Wayne, Kokomo, Muncie, Terre Haute
IOWA—Burlington, Clinton, Des Moines, Mason City, Shenandoah, Sioux City
KANSAS—Coffeyville, Dodge City, Emporia, Wichita
KENTUCKY—Louisville, Owensboro
LOUISIANA—Baton Rouge, Shreveport
MAINE—Portland
MARYLAND—Baltimore
MASSACHUSETTS—Springfield
MICHIGAN—Grand Rapids, Kalamazoo, Pontiac
MINNESOTA—Virginia
MISSISSIPPI—Greenville
MISSOURI—Columbia, St. Louis, Springfield
NEBRASKA—North Platte, Omaha
NEW MEXICO—Albuquerque
NEW YORK—Albany, Binghamton, Elmira, Jamestown, Syracuse, Utica, Watertown, Ithaca

NORTH CAROLINA—Asheville, Charlotte, Greensboro
NORTH DAKOTA—Jamestown
OHIO—Canton, Lima, Marion, Youngstown
OKLAHOMA—Tulsa
OREGON—Albany, The Dalles, Corvallis, Eugene, Portland
PENNSYLVANIA—Pittsburgh, Sunbury
SOUTH CAROLINA—Charleston
SOUTH DAKOTA—Yankton
TENNESSEE—Knoxville, Nashville
TEXAS—Dallas, Houston, Longview, San Antonio, Waco
UTAH—Ogden
VIRGINIA—Charlottesville, Danville, Lynchburg, Norfolk-Portsmouth, Roanoke, Suffolk
WASHINGTON—Aberdeen, Vancouver, Wenatchee
WEST VIRGINIA—Beckley, Morgantown, Wheeling
WISCONSIN—LaCrosse, Sheboygan

Ohio Radio Institute

High point of NAB participation in the 14th Institute for Education by Radio, Ohio State University, April 30-May 3, at the Deshler-Wallick hotel, Columbus, will be at 8 p. m. Saturday, May 1, with Neville Miller presiding.

The Peabody awards will be presented at that time with Dr. S. V. Sanford, chancellor, University System of Georgia, making the presentations, and Earl Glade, of KSL, NAB code committee chairman, will speak on "What is the public interest, convenience and necessity?" as applied to radio.

Also participating in the various sessions from NAB will be Willard D. Egolf, assistant to the president; Lewis Avery, director of broadcast advertising; Howard S. Frazier, director of engineering, and Dorothy Lewis, coordinator of listener activity.

Under the general heading of "Radio in the War and After" the Institute breaks down into the following sub-sessions and meetings:

April 30

8 p.m. "Radio's Wartime Strategy," Arthur J. Klein, dean, college of education, Ohio State University, presiding.
10:15 p.m. "Meeting for Chairmen," I. Keith Tyler, director, Institute for Education by Radio, chairman.

May 1

9 a.m. "Problems of Wartime Operation," Howard L. Bevis, president, O.S.U., presiding.
10:45 a.m. "Problems of News Broadcasting," Harvey H. Davis, vice president, O.S.U., presiding.
12:15 p.m. "Religious Broadcasts Luncheon," Albert W. Palmer, president, Chicago Theological Seminary, chairman.
1:50 p.m. "Of Men and Books Demonstration," Wilfred Eberhart, assistant professor of education, O.S.U., chairman.
2 p.m. "Preparatory General Meeting."
2:30 p.m. "Agricultural and Homemaking Broadcasts," Maurice L. Du Mars, radio service, office of information, U. S. Department of Agriculture, presiding.
2:30 p.m. "Broadcasting by National Organizations," Tom Stewart, American Junior Red Cross, chairman.
2:30 p.m. "Children's Programs," Gloria Chandler, Association of Junior Leagues of America, chairman.
2:30 p.m. "Recordings for School Use," R. R. Lowdermilk, U. S. Office of Education, chairman.
2:30 p.m. "Research in Educational Broadcasting," H. B. Summers, manager, public service division, BLUE network, chairman.
2:30 p.m. "School Broadcasting," George Jennings, radio council, Chicago Public schools, chairman.
2:30 p.m. "College Courses in Radio," Albert Crews, radio department, Northwestern University, chairman.
2:30 p.m. "Music Broadcasts," Burton Paulu, manager station WLB, University of Minnesota, chairman.

- 5 p.m. "Documentary Reporting," T. C. Holy, bureau of educational research, O.S.U., presiding.
- 8 p.m. "In-School Broadcasting," Marguerite Fleming, radio workshop, South high school, Columbus, presiding.
- 8 p.m. "National Association of Broadcasters," Neville Miller, president.
- 8 p.m. "National Association of Educational Broadcasters," Gilbert D. Williams, program director, WBAA, Purdue University, presiding.
- 8 p.m. "National Association of Women Directors, NAB," Ruth Chilton, station WSYR, Syracuse, presiding.
- 8 p.m. "Teacher Education in Radio," Luella Hoskins, New York University, presiding.
- 8 p.m. "The Negro and Radio in Education," Walter N. Ridley, Virginia State College for Negroes, presiding.
- 8 p.m. "Radio Editors," Wauhilla La Hay, *Chicago Sun*, presiding.
- 8 p.m. "Public Health Broadcasts," David Resnick, National Society for the Prevention of Blindness, presiding.

May 2

- 9:30 a.m. (Saturday afternoon sessions continued.)
- 2:30 p.m. "Radio Interpreting a Region," W. W. Charters, War Manpower Commission, presiding.
- 3:30 p.m. "Radio and Manpower," Judith Waller, public service director, NBC, Chicago, presiding.
- 7 p.m. "Annual Institute Dinner," Sir Gerald Campbell, K.C.M.G., British minister and special assistant to the British Ambassador, speaker on topic "Developing Understanding Among the United Nations."

May 3

- 9:45 a.m. "Production Techniques," Kenneth W. MacGregor, program director, WGN, chairman.
- 9:45 a.m. "Promotion of Educational Programs," Jenninos Pierce, public service manager, NBC, Hollywood, chairman.
- 9:45 a.m. "College Public Relations Broadcasting," Joseph F. Wright, station WILL, University of Illinois, chairman.
- 9:45 a.m. "Foreign Language Teaching by Radio," W. S. Hendrix, professor romance languages, O.S.U., chairman.
- 9:45 a.m. "Public Events Broadcasts in the War," John L. Carpenter, stations KOIN-KALE, chairman.
- 9:45 a.m. "Radio Writing Under War Conditions," Robert J. Landry, program writing director, CBS, chairman.
- 9:45 a.m. "Television and Education," Paul Thornton, educational department, RCA, chairman.
- 9:45 a.m. "Hate Propaganda and Its Effect Upon War and Peace," Carl Friedrich, director, Radiobroadcasting Research Project, chairman.
- 9:45 a.m. "Children's Program Idea Exchange," Harriet Hester, formerly with station WLS, chairman.
- 9:45 a.m. "Radio and Civilian Defense," B. H. Darrow, information officer, OCD, Cleveland, chairman.
- 9:45 a.m. "Teaching Radio Program Discrimination," Alice Sterner, Barringer high school, Newark, N. J., chairman.
- 2 p.m. "Radio and the Post-War World," Mr. Tyler, presiding.

Two pre-conference meetings on April 30 are:

"International Radio as a Means to Understanding," at 10 a.m. with Sterling Fisher, director, Inter-American University of the Air, presiding, and an informal tea for newcomers at 3 p.m. with Mr. Tyler, chairman.

USDA APPOINTS JARRETT

Henry Jarrett has been named assistant director of information, Department of Agriculture, in charge of press and radio. He succeeds Whitney Tharin who is resigning from the Government service to become Washington manager of the Agricultural News Service. Jarrett has served as reporter and copyreader on the *Baltimore Sun* papers. Since 1934, he has done press and radio work on the AAA and Department of Agriculture staffs. In 1941 he served as chief of press for the Department. For a time in 1942 he was on the staff of the *United States News*. He returned to the Department in 1942 as special assistant to the Secretary, from which position he returns to the Office of Information. Contacts formerly made with

Tharin should be made now with Jarrett. W. K. Charles continues as chief of press and Wallace L. Kadderly as chief of radio.

STATEMENT BY THE PRESIDENT

The Executive Order I have signed today is a Hold-the-Line order.

To hold the line we cannot tolerate further increases in prices affecting the cost of living or further increases in general wage or salary rates except where clearly necessary to correct substandard living conditions. The only way to hold the line is to stop trying to find justifications for not holding it here or not holding it there.

No one straw may break a camel's back, but there is always a last straw. We cannot afford to take further chances in relaxing the line. We already have taken too many.

On the price front, the directions in the Order are clear and specific.

All items affecting the cost of living are to be brought under control. No further price increases are to be sanctioned unless imperatively required by law. Adjustments in the price relationships between different commodities will be permitted if such adjustments can be made without increasing the general cost of living. But any further inducements to maintain or increase production must not be allowed to disturb the present price levels; such further inducements whether they take the form of support prices or subsidies, must not be allowed to increase prices to consumers. Of course, the extent to which subsidies and other payments may be used to help keep down the cost of living will depend on Congressional authorization.

Some prices affecting the cost of living are already above the levels of September 15, 1942. All of these cannot be rolled back. But some of these can and should be rolled back. The Order directs the reduction of all prices which are excessively high, inequitable, or unfair. The Stabilization Act was not intended to be used as a shield to protect prices which were excessively high on September 15, 1942.

No Further Wage Increases

On the wage front the directions in the Order are equally clear and specific.

There are to be no further increases in wage rates or salary scales beyond the Little Steel Formula, except where clearly necessary to correct substandards of living. Reclassifications and promotions must not be permitted to affect the general level of production costs or to justify price increases or to forestall price reductions.

The Order also makes clear the authority of the Chairman of the War Manpower Commission to forbid the employment by an employer of any new employee except in accordance with regulations of the Chairman, the purpose being to prevent such employment at a higher wage or salary than that received by the employee in his last employment unless the change of employment will aid in the prosecution of the war.

It further calls the attention of all agencies of the federal government and of state and municipal authorities concerned with the rates of common carriers and public utilities to the stabilization program in the hope that rate increases will be disapproved and rate reductions ordered so far as may be consistent with federal and state laws.

For sometime it has been apparent that this action must be taken because of the continued pressure for increased wages and increased prices. I have heretofore refrained from acting because of the contention of the supporters of the Bankhead bill that under the Act of October 2, 1942, I had no authority to place ceiling prices on certain commodities at existing levels. My views on that question were set forth in my message of April 2, vetoing the Bankhead bill.

'Cannot Permit Upward Spiral'

The Senate did not vote upon the question of passing the bill over the veto. Its author moved to recommit the bill to the Committee on Agriculture, stating that there were not sufficient votes to override the veto.

I am advised that weeks or months from this date the bill may be reported for consideration. I am also advised that in the history of the Congress no bill vetoed by a President and recommitted to a committee has ever become law.

I cannot wait to see whether the Committee at some future date will again report the bill to the Senate. I cannot permit a continuance of the upward spiral of prices.

Some groups have been urging increased prices for farmers on the ground that wage earners have unduly profited. Other groups have been urging increased wages on the ground that farmers have unduly profited. A continuance of this conflict will not only cause inflation but will breed disunity at a time when unity is essential.

Under the Act of October 2, 1942, Congress directed that so far as is practicable, wages, salaries and prices should be stabilized as of the level of September 15. Under that direction inflation has been slowed up. Now we must stop it.

We cannot stop inflation solely by wage and price ceilings. We cannot stop it solely by rationing. To complete the job, Congress must act to reduce and hold in check the excess purchasing power. We must be prepared to tax ourselves more, to spend less and save more. The details of new fiscal legislation must be worked out by the appropriate committees of the House and the Senate. The executive departments stand ready to submit suggestions whenever the committees desire.

I am exerting every power I possess to preserve our stabilization program.

I am sure the Congress will cooperate.

EXECUTIVE ORDER

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by the First War Powers Act, 1941, and the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes," as President of the United States and Commander in Chief of the Army and Navy, and in order to safeguard the stabilization of prices, wages and salaries, affecting the cost of living on the basis of levels existing on September 15, 1942, as authorized and directed by said Act of Congress of October 2, 1942, and Executive Order No. 9250 of October 3, 1942, and to prevent increases in wages, salaries, prices and profits, which, however, justifiable if viewed apart from their effect upon the economy, tend to undermine the basis of stabilization, and to provide such regulations with respect to the control of price, wage and salary increases as are necessary to maintain stabilization, it is hereby ordered as follows:

1. In the case of agricultural commodities the Price Administrator and the Administrator of Food Production and Distribution (hereinafter referred to as the Food Administrator) are directed, and in the case of other commodities the Price Administrator is directed to take immediate steps to place ceiling prices on all commodities affecting the cost of living. Each of them is directed to authorize no further increases in ceiling prices except to the minimum extent required by law. Each of them is further directed immediately to use all discretionary

powers vested in them by law to prevent further price increases direct or indirect, to prevent profiteering and to reduce prices which are excessively high, unfair or inequitable. Nothing herein, however, shall be construed to prevent the Food Administrator and the Price Administrator, subject to the general policy directives of the Economic Stabilization Director, from making such readjustments in price relationships appropriate for various commodities, or classes, qualities or grades thereof or for seasonal variations or for various marketing areas, or from authorizing such support prices, subsidies or other inducements as may be authorized by law and deemed necessary to maintain or increase production, provided that such action does not increase the cost of living. The power, functions and duties conferred on the Secretary of Agriculture under section 3 of the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) and under section 3 of the Act of October 2, 1942 (Public Law 729, 77th Cong.) are hereby transferred to, and shall be exercised by the Food Administrator.

2. The National War Labor Board, the Commissioner of Internal Revenue and other agencies exercising authority conferred by Executive Order No. 9250 or Executive Order 9299 and the regulations issued pursuant thereto over wage or salary increases are directed to authorize no further increase in wages or salaries except such as are clearly necessary to correct substandards of living, provided that nothing herein shall be construed to prevent such agencies from making such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the Little Steel Formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941 and May 1, 1942. Nor shall anything herein be construed to prevent such agencies, subject to the general policies and directives of the Economic Stabilization Director, from authorizing reasonable adjustments of wages and salaries in case of promotions, reclassifications, merit increases, incentive wages or the like, provided that such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

3. The Chairman of the War Manpower Commission is authorized to forbid the employment by any employer of any new employee or the acceptance of employment by a new employee except as authorized in accordance with regulations which may be issued by the Chairman of the War Manpower Commission, with the approval of the Economic Stabilization Director, for the purpose of preventing such employment at a wage or salary higher than that received by such new employee in his last employment unless the change of employment would aid in the effective prosecution of the war.

4. The attention of all agencies of the Federal Government, and of all State and municipal authorities, concerned with the rates of common carriers or other public utilities, is directed to the stabilization program of which this order is a part so that rate increases will be disapproved and rate reductions effected, consistently with the Act of October 2, 1942, and other applicable federal, state or municipal law, in order to keep down the cost of living and effectuate the purposes of the stabilization program.

5. To provide for the consistent administration of this order and Executive Order No. 9250, and other orders

and regulations of similar import and for the effectuation of the purposes of the Act of October 2, 1942, the Economic Stabilization Director is authorized to exercise all powers and duties conferred upon the President by that Act, and the Economic Stabilization Director is authorized and directed to take such action and to issue such directives under the authority of that Act as he deems necessary to stabilize the national economy, to maintain and increase production and to aid in the effective prosecution of the war. Except insofar as they are inconsistent with this order or except insofar as the Director shall otherwise direct, powers and duties conferred upon the President by the said Act and heretofore devolved upon agencies or persons other than the Director shall continue to be exercised and performed by such agencies and persons.

6. Except insofar as they are inconsistent with this order, Executive Order 9250 and the regulations issued pursuant thereto shall remain in full force and effect.

Franklin D. Roosevelt.

The White House,
April 8, 1943.

Here Are a Couple of Roses

OFFICE OF PRICE ADMINISTRATION

Mr. Neville Miller, President,
National Association of Broadcasters,
Washington, D. C.

DEAR MR. MILLER:

I wish to take this opportunity to express on behalf of the Office of Price Administration and myself the deepest appreciation for the fine public service rendered by your industry during the past few months in helping explain to the American people the essential facts concerning recent rationing programs instituted by this agency.

We in OPA have been faced recently with the problem of implementing complex rationing programs covering footwear, processed foods, and meats and fats. The task of instilling in the American people an understanding of (a) the reasons underlying these programs and (b) the mechanics of their operation has been a difficult one. In certain cases we have had to get information out to every household and to thousands of merchants with a minimum of delay. We turned, of course, to our system of free radio for aid in this important work.

The industry has responded magnificently. You have helped us in three principal ways: (a) Through your regular news broadcasts you have enabled us to get basic information out almost simultaneously; (b) through your commentators you have aided us in dissemination of explanatory material designed to secure wide understanding and acceptance of our programs; and (c) by making available time on your stations for myself and other OPA officials you have made it possible for us to make detailed explanations of OPA problems.

Your cooperation has proved to be a vital factor in the success of these "home front" measures which are related intimately to the winning of the war. For that we in OPA extend to you our grateful thanks and appreciation.

Sincerely yours,

PRENTISS M. BROWN.

TREASURY DEPARTMENT

April 15, 1943.

Mr. Art Stringer,
National Association of Broadcasters,
1760 N Street N. W.,
Washington, D. C.

DEAR MR. STRINGER:

On behalf of the Treasury Department, we want to express to you and all associated with NAB our heartiest thanks for the invaluable cooperation given us in planning and publicizing RADIO DAY to launch the 2nd War Loan.

April 12, 1943 should go down in radio history as the greatest all-out cooperative effort ever accomplished by the industry. The Treasury Department is deeply grateful to the nation's broadcasters who gave so unsparingly of their time and effort to make Radio Day such a tremendous success. Since it is impossible personally to thank the thousands of people who contributed toward the radio launching of the 2nd War Loan, we hope that you will pass on to all your stations our sincere and heartfelt THANKS.

Sincerely

VINCENT F. CALLAHAN,
*Director of Radio, Press
and Advertising.*

MARJORIE L. SPRIGGS,
*Chief, Radio Section,
War Savings Staff.*

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 19th. They are subject to change.

Monday, April 19

Further Consolidated Hearing

To Be Held in Room 324, Old Post Office Building,
Atlanta, Georgia

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.

Tuesday, April 20

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.

Wednesday, April 21

WMAN—M and M Broadcasting Co., Marinette, Wis.—Modification of license, 570 kc., 100 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

LICENSE RENEWALS

WBRW—McDowell Service Company, Welch, W. Va.—Granted renewal of license for the regular period (B2-R-1086).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.; KSFO, The Associated Broadcasters, Inc., San Francisco, Calif.—Granted renewal of license for station KQW for the period ending February 1, 1944, authorizing unlimited time operation on 740 kc. with 5 KW, using directional antenna. The Commission also adopted Decision and Order denying without prejudice the applications for construction permits of KQW and KSFO, and ordered that Proposed Findings of Fact and Conclusions of the Commission (B-162), except for paragraph 7 thereof, be adopted as the Findings of Fact and Conclusions of the Commission.

W1XTG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted license for Class 2 Experimental Broadcast Station, the same to conform with that dated July 16, 1940, except as follows: (1) antenna supporting structure to be painted and lighted in accordance with Specification 'B' (to conform to requirements issued WTAG for the structure); and (2) transmitter to be described as General Electric Type GF-101-A (to conform to a cross index filed by the manufacturer); and (3) for the term beginning the date of grant and ending April 1, 1944.

KGDM—E. F. Peffer, Stockton, Calif.—Granted license (B5-L-1759) to cover construction permit (B5-P-3199 as modified), for change in frequency to 1140 kc., hours of operation to unlimited, increase in power to 5 KW, installation of directional antenna for night use, and new transmitter; also authority to determine operating power by direct measurement of antenna power (B5-Z-1510).

MISCELLANEOUS

KRED—Redwood Broadcasting Co., Inc., Portable-Mobile, area of Eureka, Calif.—Granted license to cover construction permit for new relay broadcast station (B5-LRY-290).

APPLICATIONS FILED AT FCC

1340 Kilocycles

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen and Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Construction permit to move transmitter and studio from General Tyler Hotel, West Point, Georgia, to 1028½ Broadway, Columbus, Georgia.

1460 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Modification of construction permit (B-P-3089, which authorized increase in power and changes in equipment and antenna) for change in frequency from 1460 to 1050 kc., changes in transmitting equipment, and extension of commencement and completion dates from 9-9-41 and 3-9-42 to 20 days after grant and 30 days thereafter, respectively. Amended: to install new transmitter, omit request for change in frequency, and extend commencement and completion dates from 9-9-41 and 3-9-42 to 10 days after grant and 90 days thereafter, respectively.

1470 Kilocycles

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Authority to determine operating power by direct measurement of antenna power.

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Authority to determine operating power by direct measurement of antenna power.

TELEVISION APPLICATION

W8XCT—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-PVB-23, as modified and which authorized new television station) for extension of completion date from 4-28-43 to 10-28-43.

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

No complaints were issued by the Federal Trade Commission last week.

CEASE AND DESIST ORDERS

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

Garment Box Manufacturers Association and its members and officers, all of New York City, have been ordered to cease and desist from fixing prices and engaging in other restraint-of-trade practices in connection with the sale of garment boxes. The association members are assemblers of garment boxes, their volume of sales constituting a substantial part of all such products sold in the United States. (4777)

Grabosky Brothers, cigar manufacturers with plants at Philadelphia and Perth Amboy, N. J., have been ordered to cease and desist from violation of the Robinson-Patman Act in the sale of their products. (4740)

STIPULATIONS

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

Bond Stores, Inc., 261 5th Ave., New York, operating manufacturing plants at Rochester, N. Y., and New Brunswick, N. J., and retail stores in various cities, has entered into a stipulation to cease and desist from certain representations in connection with the sale of men's clothing. (3632)

Boomer's Mail Order Service, 815 County St., Portsmouth, Va., engaged in the sale of a coal tar hair dye designated "Blackstone Hair Coloring," entered into a stipulation to cease and desist from representing that the product restores hair to its natural color and that it is safe and harmless. According to the stipulation, the preparation contains ingredients which may cause skin irritation on certain individuals. (03097)

Buenger Pharmacal Co., 1441 Welton St., Denver, have entered into a stipulation to cease and desist from representing that the medicinal preparation it sells under the name "Me-Ba" will relieve or cure gas pains, indigestion, heartburn or ulcers or that it goes to the cause of disorders of the stomach. (03096)

Chicago Mail Order Co., 511 South Paulina St., Chicago, engaged in selling medicinal preparations designated "Security Sup-

positories" and "Stillman's Suppositories," has stipulated to cease and desist from representing by use of the designation "security," or by any other means, that the preparation designated "Security Suppositories" gives security or complete protection against conception or that its preparations are non-irritating to normal vaginal tissues. (03099)

Consolidated Royal Chemical Corporation, 544 South Wells St., Chicago, selling a preparation designated "Krank's Hair Oil," and Benson & Dall, Inc., an advertising agency disseminating advertisements for the product, have stipulated to cease representing that "Krank's Hair Oil" will stop dandruff; that it is a cure or remedy for dandruff or has therapeutic value in the treatment of dandruff in excess of the removal of dandruff scales; that it will stop falling hair or early baldness; that it will promote the development of a good head of hair, or that Krank's Hair Oil will have any therapeutic value in the treatment of irritation of the scalp in excess of affording relief from minor irritation due to the presence of dandruff scales. (03098)

Cravenette Company, U. S. A., Hoboken, N. J., selling and distributing a compound or preparation designated "Cravenette" for use as a treatment for fabrics, has stipulated that, in connection with the sale of its product or of any other preparation of substantially the same ingredients, it will cease and desist from the use of representations, "SHEDS RAIN—SNOW—SLEET," "Won't Get Soggy," or from any other statement or representation of like meaning. (3630)

A. C. Horn Company, Horn Bldg., Long Island City, N. Y., selling and distributing alleged waterproofing and dampproofing materials, including products designated "Colorundum," "Dehydratine," "Ferro-Fax," "Hydratite" and "Metalon," has entered into a stipulation in which it agrees to discontinue use of the words "waterproof," "waterproofing," "watertight," "dampproofing" or other words of like meaning as descriptive of such products; provided, however, that if the product or products are effective waterproofers or dampproofers under certain conditions, then such words may be used if immediately accompanied in equally conspicuous type, by such words as will definitely and truthfully disclose the conditions or condition under which such products are effective for the purposes represented. (3628)

Jessop Steel Co., 534 Green St., Washington, Pa., stipulated that it will cease and desist from making any statement or representation which may tend to convey the impression that certain of its steel products designated "Silver-Ply Stainless-Clad Steel" are made of or are plated with silver or silver-ply. (3630)

Thomas Martindale & Co., 25 North Tenth St., Philadelphia, selling a medicinal preparation designated "Thomas Lecithin Capsules with Vitamin D." has stipulated to cease representing that the preparation will be beneficial in the treatment of nervous exhaustion, nervous headache, nervous insomnia, nervousness, or the symptoms of nervousness such as irritability or loss of temper; that it will increase "nerve energy" or is "brain food," or that the preparation, if used as directed, will furnish the average minimum daily requirement of phosphorus. (03101)

Milkmaid, Inc., 647 Fifth Ave., New York, and Lorr Laboratories, 200 Godwin Ave., Paterson, N. J., selling various cosmetics under the brand name of "Milkmaid," and The H. M. Kiesewetter Advertising Agency, Incorporated, 9 East 40th St., New York, advertising agency which disseminated advertisements for the products, have stipulated to cease representing that Milkmaid cosmetics will nourish the skin or that the cosmetics designated "Milkmaid Emulsion" contains milk or cream. The respondents also agree to cease and desist from use in the brand name of the cosmetic designated "Milkmaid Emulsion" or the word "Milkmaid" unless in direct conjunction therewith it is stated that the preparation does not contain milk. (03100)

Richman Brothers Co., Cleveland, Ohio, has been ordered to cease and desist from misrepresentation in the sale of men's clothing which it manufactures and distributes through 62 retail stores it operates in 57 cities. The respondent company also does a mail order business and employs some 600 salesmen. (4844)

United Sales Co., selling and distributing novelty jewelry stipulated that it will cease representing as the customary or regular prices of any article of jewelry, prices that are fictitious and in excess of the prices at which such products are regularly offered for sale and sold; using the words "REPLICA DIAMOND RINGS," "REPLICA GEMS" or other words of like meaning as descriptive of any ring inset or other product which is not in fact a true reproduction of the inset or gem named, that is to say, an article having the essential hardness, properties, and other characteristics of a diamond or other gem; using the terms "14 K Gold Plated," "14-KT Gold Finish" or "14-K Finish" or other term of like meaning as descriptive of a gold alloy covering which is not of actually 14 carat fineness and which is not of such substantiality as properly to be designated or described as "14 K Gold Plated"; representing that his jewelry is "high-quality," that its quality is such as to withstand tests by acid or fire or that it is acid proof; using the statement "Social leaders, millionaires and our finest people wear these . . ." or other representation of like meaning, or representing that he is directly cooperating with manufacturers in the sale of such jewelry or that he represents any jewelry manufacturer in the sale and distribution of merchandise. (3629)



Elmer Davis to Address NAB War Conference

(Released by NAB News Bureau April 19)

Elmer Davis, director of the Office of War Information, will be one of four keynote speakers at the NAB War Conference at the Palmer House, Chicago, April 27-29.

In accepting the NAB invitation, Davis said: "It is a pleasure to address the War Conference of the National Association of Broadcasters. The industry has given great service to the war effort and I am confident that service will be continued."

As previously announced, James Lawrence Fly, Federal Communications Commission chairman, and Byron Price, director of the Office of Censorship, also will address the conference. The fourth speaker, a high ranking military officer, must remain anonymous until the day he speaks, for security reasons.

Supplementing these four speakers will be prominent men from civilian, government and military ranks. Included among broadcasters who will address the conference are William S. Paley, president, Columbia Broadcasting System; Dr. James R. Angell, public service counsellor, National Broadcasting Company, and Lindsay Wellington and William M. Newton, of British Broadcasting Corporation.

Doctor Angell, commenting on the conference, said: "There is no part of our national war activity to which radio has not made significant contributions, many of them invaluable. On the battle front and the home front alike, its voice is constantly heard bringing information, encouragement and good cheer to all."

AGENDA NAB Radio War Conference

Monday, April 26—Pre-Conference

- 9:00 A.M.—Registration
- 10:30 A.M.—Sales Managers Committee
- 10:30 A.M.—Accounting Committee
- 12:30 P.M.—American Federation of Musicians Steering Committee
- 2:00 P.M.—NAB Bureau of Copyrights
- 2:00 P.M.—Public Relations Committee
- 2:00 P.M.—Research Committee
- 2:00 P.M.—Engineering Committee
- 2:30 P.M.—Code Committee
- 3:00 P.M.—Retail Promotion Committee
- 3:00 P.M.—Labor, Wage and Hour Committees
- 4:00 P.M.—BMI Board
- 7:00 P.M.—NAB Board of Directors (past and present) Supper

(Continued on page 172)

Job Freezing

Unless and until Paul McNutt changes his mind, radio employees cannot change jobs for higher pay without the permission of the War Manpower Commission. This permission, it is said, will be hard to get.

Mr. McNutt's order provides the answer to one of the country's greatest problems: inflationary bidding in the labor market.

Needless to say, the labor unions are against it and are making strenuous efforts to get Mr. McNutt to weaken. The unions are finding a great deal of support from those employers who would rather outbid other employers for trained men than train men themselves. Such a combination may wear Mr. McNutt down. If they do, wage and salary stabilization just won't work, and you'd better hold your hats, boys, for an inflationary ride that will make Mr. Morgenthau's "phoney dollar" seem, in retrospect, sound as the Rock of Gibraltar.

If the order sticks, it should stimulate interest in training plans to a degree that up to now has not even been dreamed of.

Here are (1) the text of Mr. McNutt's order, (2) Mr. McNutt's explanatory statement, and (3) a list of the 66 cities in which there are employment stabilization plans in effect (not to be confused with the labor shortage list). The stabilization list is important because hiring must be done in accordance with those plans in those cities. Elsewhere, the WMC must be consulted. *To play safe, consult your local WMC officials before hiring anyone who has been working at another station or in another essential industry.*

REGULATIONS OF WAR MANPOWER COMMISSION RESTRICTING TRANSFER OF WORKERS

(Official Text)

TITLE 29—LABOR

CHAPTER VII—WAR MANPOWER COMMISSION

PART 904—RESTRICTING TRANSFER OF WORKERS

(Regulation No. 4)

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9328, dated April 8, 1943, I hereby prescribe the following regulation:

904.1 *Workers Previously Engaged in Other Than Essential Activities for Work in Essential Activities.* Any employer engaged in an essential activity may hire for work in such activity any new employee who for the preceding 30 days was not engaged in an essential activity.

904.2 *Workers Previously Engaged in Essential Activities for Work in Other Than Essential Activities.* No

(Continued on page 173)



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*.

ELMER DAVIS TO ADDRESS NAB WAR CONFERENCE

(Continued from page 171)

Tuesday, April 27

- 7:30 A.M.—Staff Breakfast
- 8:30 A.M.—Registration
- 8:30 A.M.—C. E. Hooper, Inc., Breakfast
- 10:30 A.M.—General Session—War Manpower and Materials

Speakers: Lawrence A. Appley, executive director, War Manpower Commission; Almon Roth, wage stabilization and manpower director, War Labor Board; Lindsay Wellington, North American manager, British Broadcasting Corporation, and Lieut.-Comm. Patrick H. Winston, assistant executive, Selective Service System.

President's Report
Secretary-Treasurer's Report
Committee Appointments
Announcements
Manpower

- 1. Needs of the Army
- 2. Needs of Industry
- 3. Selective Service
- 4. How to Meet the Need

12:45 P.M.—Luncheon
Elmer Davis, Director, Office of War Information, speaker

Memorial to Radio War Dead

2:30 P.M.—General Session—War and Materials

Speakers: Frank McIntosh, assistant director, Radio and Radar division, War Production Board; Col. R. Ernest Dupuy, chief, news division, War Department public relations; Col. E. J. F. Glavin, 1st Army Command, 1st Corps Area, New York; Lieut.-Col. Edward M. Kirby, Radio division, War Department public relations; Capt. Frank E. Pellegrin, Radio division, War Department public relations; Lieut.-Comm. Morgan Reichner, Navy public relations, Washington, and Lieut. Holman Faust, Navy public relations, Chicago.

Morris Weisz, industry consultant branch, labor production division, War Production Board, special consultant.

- 1. Operation of Stations
- 2. Listeners
- 3. Operations under Fighter Command

4:30 P.M.—Clear Channel stations meeting
6:30 P.M.—Program Managers Executive Committee dinner
6:30 P.M.—Small Stations Problems Committee
7:00 P.M.—CBS Advisory Committee
8:30 P.M.—Program Managers Round-Table

Wednesday, April 28

7:30 A.M.—Staff Breakfast
8:30 A.M.—Breakfast Round-Tables

- 1. Manpower and Selective Service—Lt. Col. Ernest M. Culligan and Lieut.-Comm. Patrick H. Winston, speakers.

- 2. Foreign Language—Arthur Simon, WPEN, Philadelphia, chairman of the Foreign Language War-time Control Committee, and Robert Richards, assistant, radio division, Office of Censorship.
- 3. Tubes, Equipment, Batteries, Receiving Sets—Frank McIntosh
- 4. Music
- 5. Radio Management Club of Chicago—Sales and Program Managers

10:30 A.M.—General Session—Radio Problems and the War

Speakers: Byron Price, director, Office of Censorship; Don Stauffer, chief, radio branch, Office of War Information; Andrew Dudley, chief, campaigns section, Office of War Information; William S. Paley, president, CBS; and Dr. James R. Angell, public service counsellor, NBC.

- 1. Censorship
- 2. The Government and Programs

12:45 P.M.—Luncheon

James Lawrence Fly, chairman, Federal Communications Commission, speaker.

2:30 P.M.—General Session—Sales Problems During Wartime

Speakers: Lewis H. Avery, director, department of broadcast advertising, NAB; Sheldon R. Coons, advertising consultant, and Paul Morency, WTIC, Hartford, Conn., chairman, Retail Promotion Plan Committee.

- 1. Retail Promotion Committee Plan
- 2. Petrillo Recording Ban

NAB Annual Meeting

- 1. Election of Directors-at-Large
- 2. Vote on By-Laws Changes

7:30 P.M.—“Desert Victory”—motion picture

8:30 P.M.—“Sales—A Wartime Necessity”—Lewis H. Avery, Helen Kennedy, Kroger Grocery & Baking Co., Cincinnati, and John A. Garber, Strawbridge and Clothier, Philadelphia, speakers.

8:30 P.M.—NAB Association of Women Directors—Mrs. Dorothy Lewis, NAB coordinator of listener activity; Willard D. Egolf, NAB assistant to the president, and Ruth Chilton, WSYR, Syracuse, New York, president, AWD.

Thursday, April 29

7:30 A.M.—Staff Breakfast

8:30 A.M.—Breakfast Round-Tables

- 1. Censorship—J. Harold Ryan, Fort Industry stations, assistant director, Office of Censorship, and Gene Carr, assistant, radio division, Office of Censorship, speakers.
- 2. Manpower; Women; 48-Hour Week; Wage Stabilization—William M. Newton, middle-western representative, British Broadcasting Corporation, speaker.
- 3. Office of War Information—Don Stauffer, Philip H. Cohen, chief, government liaison division, Office of War Information, and Richard Connor, acting chief, industry relations division, Office of War Information.

- 4. Sales Managers; Audience Measurement—Carlos Franco, vice-president, Young and Rubicam, Inc.
- 5. The Recording Ban
- 6. Legislation and Taxation—Alger B. Chapman, lawyer, Alvord & Alvord, Washington, D. C., speaker.

10:30 A.M.—General Session—Role of Advertising in Wartime

- 1. Recommended Standards for Coverage Maps—Roger Clipp, WFIL, Philadelphia, chairman, NAB Research Committee; John M. Outler, Jr., WSB, Atlanta, chairman, NAB Sales Managers Executive Committee, and John Hymes, Foote, Cone & Belding, speakers.
- 2. The Small Stations Problem—Marshall Pengra, KRNR, Roseburg, Ore., speaker. Panel: Chester LaRoche, chairman, Advertising Council; Wil-

liam Lewis, assistant director, plans and production, Office of War Information, and James Woodruff, WATL, Atlanta, chairman, Small Stations Problems Steering Committee.

1:30 P.M.—Luncheon

Military speaker—name withheld for military security. Resolutions and Adjournment of Conference.

2:30 P.M.—Meeting of new NAB Board of Directors

JOB FREEZING

(Continued from page 171)

employer shall hire for work in an activity other than an essential activity any new employee who, during the preceding 30-day period, was engaged in an essential activity if the wage or salary rate to be paid by the employer would exceed the rate most recently earned by such employee.

904.3 *Workers Previously Engaged in Essential Activities for Work in Other Essential Activities.* No employer shall hire (except as provided for in Section 904.4 of this regulation) for work in an essential activity any new employee who, during the preceding 30-day period, was engaged in an essential activity if the salary or wage rate to be paid by the employer would exceed the rate most recently received during such period by the employee.

904.4. *Workers Previously Engaged in Essential Activities for Work in Other Essential Activities in Areas or Industries Subject to War Manpower Commission Employment Stabilization Program.* (a) Any employer engaged in an essential activity may hire for work in such activity any new employee who, during the preceding 30-day period, was engaged in an essential activity, without regard to his preceding wage rate or salary scale, providing such hiring is subject to, and permitted under an employment stabilization program approved by the War Manpower Commission. (b) A statement of availability shall be issued to any worker by his last employer or by the War Manpower Commission as may be provided in such employment stabilization programs and whenever the worker:

- (1) is discharged by his last employer,
- (2) is laid off for an indefinite period or for a period of 7 or more days, or
- (3) can establish that his present employment does not utilize him at his highest skill or that he is not being employed at full time.

No statement of availability shall be issued solely on the ground that an individual's wage or salary rate is substantially less than that prevailing in the locality for the same or substantially similar work.

Any such statement shall contain the worker's name, his social security account number, if any, the name and address of the issuing employer or War Manpower Commission officer and office, the date of issuance, and a statement to the effect that the worker may be hired elsewhere in an essential activity. The inclusion by an employer on such notice of any information other than that required by this regulation shall be deemed to be a violation of this regulation.

904.5 *Acceptance of Employment by Workers.* No individual shall accept new employment with an employer if the employer is prohibited from hiring him under this regulation.

904.6 *Penalties.* The hiring by an employer of a new employee, or the acceptance by an individual of new employment, in violation of this regulation is subject to the penal provisions of the Act of October 2, 1942 (Pub. No. 729, 77th Cong.). The provisions of Sec. 4001.10 of the Regulations of the Economic Stabilization Director, issued October 27, 1942, apply to any wages or salaries paid in violation of this regulation.

904.7 *Definitions.* (a) *Essential activity* means any activity in the War Manpower Commission List of Essential Activities (see Appendix A) and any activity approved by a Regional Manpower Director as a locally needed activity.

(b) *New employee* means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period.

(c) *New employment* means employment with an employer by whom the individual has not been employed at any time during the 30-day period preceding such employment.

904.8 *Employer-Employer Agreements.* Nothing in this regulation shall be construed to prejudice existing rights of an employee under any agreement with his employer.

904.9 *Effective Date.* This regulation shall become effective at 12:01 a.m., Sunday, April 18, 1943.

(Signed) PAUL V. MCNUTT,
Chairman,
War Manpower Commission,
April 16, 1943.

Approved:

JAMES F. BYRNES (Signed)
Economic Stabilization Director,
April 16, 1943.

STATEMENT OF WAR MANPOWER COMMISSION CHAIRMAN EXPLAINING JOB-TRANSFER REGULATIONS

(Official Text)

Opening Statement of Mr. McNutt at Press Conference of
Saturday, April 17

These regulations are a sincere attempt on my part to fulfill the intention of Section 3 of the Executive Order issued by the President on April 8. The extent of that Section, as we have interpreted it, is exactly what it says—to prohibit the transfer of workers for higher pay except as such transfers are in interest of the war effort.

For some time the War Manpower Commission has been promoting voluntary control over transfer of workers through what is known as Employment Stabilization Plans. The basic purpose of these plans is to see that workers are placed in positions which will fully utilize their skills to the best interests of the war effort.

These plans spell out those conditions of transfer which are in the interests of the war effort. In general, they say specifically that workers cannot transfer from one essential activity to another except with statements of availability issued by the employer or the local War Manpower authorities.

It is therefore natural that I should look to these stabilization plans as the means for determining that transfers involving differences in pay are in the interest of the war effort.

There are now in operation over 60 of these stabilization plans and they are increasing in number each week. At this moment several are in process of development. They are all in areas where the labor shortages are critical and by that I mean Groups I and II.

Paragraph 904.1 deals with the movement of workers from other than essential activities into essential activities. You will notice this movement is permitted without regard to wages, as it is at present. The reason for the 30-day period is to prevent workers from leaving an essential activity, working in an other than essential activity for two or three days and then moving from there back into some essential activity at a higher wage. The reason we are not restricting this movement into essential activity is because such movement is in the interest of the war effort and should be encouraged.

Paragraph 904.2 deals with workers transferring from essential activities into other than essential activity. This is not in the interest of the war effort, therefore no such transfers are permitted at an increase in pay. It should be indicated that while such transfers are not desirable, they are not prohibited at equal pay.

Paragraph 904.3 deals with movement between essential activities. Such movement is not permitted when an increase in pay is involved, except as provided in 904.4. This movement between essential activities for no other reason than to receive higher pay is one of the most serious and wasteful forms of labor turnover now prevalent.

Paragraph 904.4 is also concerned with the movement of workers from one essential activity to another. It permits transfers at higher pay when such transfers are in the interest of the war effort, provided they are made in

accordance with the provisions of the local employment stabilization plans.

It should be explained that a "Statement of Availability" is synonymous with a "Certificate of Separation" which is the term used in some plans.

You will notice in the last sentence of Section 904.4 it says that the employer cannot place on the Statement of Availability any information other than required. The reason for this is to protect the employee against prejudicial information that has no bearing whatever on the case.

Paragraph 904.5 makes the employee equally liable with the employer for transfer not in accordance with these regulations.

The rest of the document needs no elaboration at this time. I am perfectly willing, however, to answer any questions. I would like to point out that the reason for making it effective on Sunday morning is to give workers and employers an opportunity to read it carefully and understand it better, thereby avoiding confusion that might be created by quick headline reading on a work day morning.

We have endeavored to write these regulations in the simplest of terms. They mean exactly what they say and I am now open to any questions that you may have. (END OF OFFICIAL TEXT).

WAR MANPOWER COMMISSION EMPLOYMENT STABILIZATION PLANS NOW IN EFFECT

(Official Text)

(Following is the latest War Manpower Commission listing of areas in which employment stabilization plans are in operation.)

I. AREA PLANS

(Total: 66)

REGION I

MASSACHUSETTS New Bedford Fall River Springfield	CONNECTICUT Waterbury	NEW HAMPSHIRE Portsmouth
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REGION II

NEW YORK Albany Buffalo	Rochester Syracuse	Utica-Rome- Herkimer
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REGION III

Covered by region-wide stabilization policy. Non-piracy agreement in effect in northern New Jersey area (Newark Plan).

REGION IV

MARYLAND Baltimore Cumberland Hagerstown	VIRGINIA Hampton Roads
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REGION V

OHIO Akron Canton Cleveland Hamilton- Warren County Lima Lorain Mercer County Portage County Sandusky Sidney- Piqua-Troy Springfield Toledo Warren-Niles Youngstown	MICHIGAN Battle Creek Bay City-Saginaw- Midland County Detroit Grand Rapids Muskegon Monroe County Pontiac Port Huron
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REGION VI

ILLINOIS Rockford Springfield- Decatur	WISCONSIN Milwaukee	INDIANA Evansville Indianapolis South Bend- La Porte- Michigan City
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REGION VII

ALABAMA Mobile- Gulf Coast	GEORGIA Savannah- Brunswick	FLORIDA Tampa
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REGION VIII

IOWA Des Moines	MINNESOTA Twin Cities	NEBRASKA Omaha
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REGION IX

KANSAS Wichita	MISSOURI Kansas City St. Louis	OKLAHOMA Oklahoma City
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REGION X

TEXAS
Beaumont

REGION XI

COLORADO State of Colorado	WYOMING Cheyenne Area	UTAH Industrial Area I
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REGION XII

CALIFORNIA Los Angeles San Diego	OREGON Portland	NEVADA State of Nevada
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ARIZONA State of Arizona	WASHINGTON State of Washington
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INDUSTRY PLANS

(Total: 4)

Rainwear Clothing Allied Industries—Greater Boston
Thermometer Industry—New York
Non-Ferrous Metals and Lumbering—Regions X, XI, XII
Shipbuilding—Head of the Lakes Area
Bay Area, San Francisco

WHITE-WHEELER BILL HEARINGS

Hearings on the White-Wheeler Bill (S. 814) to amend the Communications Act have been scheduled to begin on Thursday, May 6. Decision was made at a meeting last Friday of the Subcommittee of the Interstate Commerce Committee, attended by Senators Wheeler, Chairman, White and Hill. [The subcommittee is composed of Burton K. Wheeler (D-Mont), Chairman, Lister Hill (D-Ala), D. Worth Clark (D-Idaho), Wallace H. White, Jr., (R-Maine) and Warren R. Austin (R-Vt).]

It is understood that the record of the hearings on the Sanders Bill will be incorporated by reference into the record of the subcommittee hearings, and that testimony on the sections of the bill corresponding to those in the Sanders Bill will be held down to the minimum necessary. The hearings will go on irrespective of the decision in the Network Cases, it is reported, there being a feeling in certain quarters that amendment of the section covering network regulation will be necessary in any event. Decision in the Network Cases is expected to be handed down when the Court reconvenes May 3.

EDGAR BILL NAMED CHAIRMAN OF PUBLIC RELATIONS COMMITTEE

(Released by NAB News Bureau, April 19th.)

Washington, D. C., April 20.—Edgar Bill, president of radio station WMBD, Peoria, Ill., co-author of the National Association of Broadcasters' code of ethics, has been named chairman of NAB's public relations committee, Neville Miller, NAB president, announced today.

Other members of the newly-appointed committee are:

Kern Tipps, manager, KPRC, Houston, Texas; Craig Lawrence, vice-president and general manager, Iowa Broadcasting Co., Des Moines; John F. Patt, general manager, WGAR, Cleveland, Ohio; Leslie Joy, general manager, KYW, Philadelphia, Pa.; Edgar H. Twamley, director, WBEN, Inc., Buffalo, N. Y.; Frank M. Russell, vice-president, NBC, and Dr. Frank Stanton, vice-president, CBS.

First meeting of the committee will be held at the NAB War Conference, Monday, April 26, at 2 p. m.

The NAB public relations plan will be discussed and implemented at this meeting as adopted by the NAB board of directors in October, 1942, under direction of Willard D. Egolf, NAB assistant to the president.

MILLER CRITICIZES FOOD CONFERENCE NEWS BAN

(Released by NAB News Bureau, April 20th.)

Criticizing the barring of radio newscasters and the press from the United Nations Food Conference at Hot Springs, May 18, Neville Miller termed the action "a serious mistake."

His statement follows:

"I believe a serious mistake has been made in barring radio newscasters and the press from the United Nations Food Conference at Hot Springs, Virginia, May 18th. This conference is of great importance to civilians and is not military in character.

"Working under voluntary censorship, radio and the press have demonstrated that they can be relied upon not to release information giving aid and comfort to the enemy. The right of the people to the remainder of the information coming out of such a conference must not be abridged."

FLY WANTS TELEVISION PATENTS AVAILABLE TO ALL

It is possible that at the end of the war some of the more valuable television patents may be in the hands of the government itself, FCC Chairman James Lawrence Fly said at a press conference early this week, discussing the television situation.

"On the whole I would hope", said the Chairman on this subject, "we will find some feasible way to make all of the patents available to everybody interested in the production of television equipment. I don't want to stick my neck out any further at this time, but that is something we hope to see in the future."

The television situation came up at the conference when one of the newsmen suggested that recently there has been considerable talk about television and that there will be a monopoly by two or three companies once television finally gets going after the war. To this question Mr. Fly said that he was not prepared to talk at any length on that subject but "when you say that patents would be controlled by two or three companies that are heaviest in the research would naturally come off with the predominant number of patents, though there will be important patents in the hands of other concerns."

WPB STOPS TUBE HOARDING

"Tube for tube" and "radio part for part" are the rules which hereafter will govern the repair of radio sets.

Limitation Order L-265, issued today by the War Production Board, requires that the owner of a radio set turn in an old part when he buys a new one or when a new one is installed by a repair man. It makes exception, however, for cases in which the return of a part is impractical.

In issuing the order, WPB officials emphasized that owners of radio sets need not secure priority ratings to replace

old parts. In some localities repair men demand such unobtainable ratings in order to sell more expensive servicing.

WPB officials said that dealers should be able to supply tubes and other radio parts to their customers as old ones are turned in. Existing shortages will be remedied as manufacturers concentrate production on types most in demand and, by exchanging tubes among themselves, round out their own stocks and those of their dealers.

The order makes allowance for rural set owners who can buy only by mail and for those who have lost the part which is to be replaced. Such a buyer must "certify that the part(s) specified on this order are essential for presently needed repair of electronic equipment which I own or operate."

The radio repair man or dealer must collect a part or certificate when he sells a part to a consumer, but need not pass that part along to his supplier. Instead, he must certify that he has collected either components of the kind being ordered or certificates for them. Such certification must be made both by the repair man who sells a part to an owner of a set and by the supplier who sells to a repair man or to another jobber. Dealers must take used parts to scrap heaps or salvage stations within sixty days of receiving them.

WPB officials pointed out that the dealer is free to develop his own bookkeeping system in balancing the receipt of parts and certificates against purchases. They stated that the order will be enforced through checks made in the field. Records of sales and purchases must be kept. In most cases, this will not require changes in bookkeeping practice, officials said.

The order applies generally to electronic equipment, radios and phonographs, but exceptions are made to permit the sale of entire radio sets, phonographs and sound motion picture projectors completed before today. Hearing aid devices, electric batteries and power and light equipment are not covered by the order. L-265 supersedes L-44 and L-44a, incorporating the prohibitions of those orders against the manufacture of new radio sets, phonographs and the like.

The order also supersedes L-183, which required a minimum rating of A-3 for transfers by manufacturers of electronic equipment, and raises this rating to A-1-a. However, purchases against parts or certificates do not require ratings. L-265 prohibits the manufacture of electronic equipment, except to fill orders of the Services, orders rated AA-4 or higher, or to the extent that the manufacturer has received his materials under the Controlled Materials Plan.

NATIONAL AND INTER-AMERICAN MUSIC WEEK

Broadcasters are asked to play the national anthem at noon each day during National and Inter-American Music Week in a letter addressed to the National Association of Broadcasters by C. M. Tremaine, Secretary:

"It has been suggested that all the broadcasting stations broadcast the national anthem at noon each day of National and Inter-American Music Week, May 2-9. Our Committee feels that this would be particularly appropriate this year, when Music Week is cooperating so actively in the war effort by appealing to millions of music lovers and all the friends of music to purchase War Bonds during the seven-day celebration. The 1943 observance is also made the occasion to further the use of music in speeding up production in munitions plants, and relaxing and refreshing tired nerves, building morale among the general public, in training camps and in active service on the many battle fronts in distant lands.

"The Star-Spangled Banner is always inspiring, but when played during Music Week it emphasizes the close

association between patriotism and music in uniting the spirit of the nation.

"It is my hope that all the broadcasting stations will wish to give their full cooperation in carrying out the above suggestion and that it will enlist your sympathetic interest.

"Enclosed you will find President Roosevelt's 1943 letter to our Committee. Last year 47 governors issued Music Week proclamations or gave out public statements to the press urging their citizens to participate, and we believe an equal number will do so this year."

RED CROSS THANKS RADIO

Norman H. Davis, Chairman of the American Red Cross, addressed the following letter to Neville Miller. It is released for use on the air or in industry and station publications, if desired, along with the letters from O.P.A. and the Treasury Department, released last week.

Dear Mr. Miller:

The American Red Cross has surpassed its 1943 War Fund goal of \$125,000,000 and I take this opportunity to thank you and the broadcasters in your Association for the outstanding cooperation and active assistance which was a prime factor in making our campaign a success.

Despite the strain of many additional program activities made mandatory by the war, preliminary reports indicate that radio stations and networks during March gave the Red Cross War Fund Campaign the greatest support ever given a private fund-raising effort.

The splendid cooperation so spontaneously given by the broadcasters and other public service media and the way the nation as a whole rallied to our call shows beyond a doubt that the American Red Cross has the confidence and support of all the people. We hope that you will relay to your members, and through them to the public, assurance that the Red Cross will strive to merit that faith by carrying out with added zeal the humane work assigned to it by the Congress, the Armed Forces and the people.

Sincerely yours,

NORMAN H. DAVIS
Chairman

LABOR BOARD ELECTIONS

Employers who may think about talking with their employees before an NLRB election should read Judge Learned Hand's decision in *NLRB v. American Tube Bending Co.* (Second Circuit Court of Appeals, April 5). In this case, the employer was held to have been within his rights in both talking with and writing to his employees about the election issues because he neither threatened the employees with reprisals if the union won the election nor had any "anti-union" record into which the speech and letter would fit.

EDUCATIONAL ORGANIZATION

New York City network and station executives and educators, at a meeting Saturday, April 17, decided to form a metropolitan chapter of the Association for Education by Radio. Group met at the home of Mrs. Dorothy Lewis, NAB Coordinator of Listener Activities. Major Harold W. Kent, president of the Association, and of the Public Relations Department of the War Department, attended. Meeting appointed a planning committee which will confer Thursday, April 22, at Town Hall Club dinner, to shape policy and set up a program of activities. Association is having its annual meet, April 30-May 3 at Columbus, Ohio.

Members of the planning committee for the metropolitan area are as follows: Jane Monahan, Radio Director of the New York City Public Schools; Robert McDougal, radio director of New Jersey State Teachers College, Trenton, N. J.; Grace Johnson, Director of Women's Activities of the

Blue Network; Mrs. Henriette Harrison, National Radio Director of the YMCA (sic); Leon Levine, assistant director of education at CBS; Mrs. Dorothy Lewis; Madge Dower, assistant to Miss Monahan; James McAndrew, Radio Co-ordinator for the New York School Board of Education, WNYC, New York; and Harold McCarty, OWI, New York.

NEW LIBEL LAW

The new libel law enacted by the Legislature of the State of Washington and approved March 20, 1943, appears as Chapter 229, Laws 1943. The Act:

AN ACT relating to the broadcast of defamatory matter over the facilities of radio or television broadcasting stations.

Be it enacted by the Legislature of the State of Washington:

Section 1. Where the owner, licensee, or operator of a radio or television broadcasting station, or the agents or employees thereof, has required a person speaking over said station to submit a written copy of his script prior to such broadcast and has cut such speaker off the air as soon as reasonably possible in the event such speaker deviates from such written script, said owner, licensee, or operator, or the agents or employees thereof, shall not be liable for any damages, for any defamatory statement published or uttered by such person in or as a part of such radio or television broadcast unless such defamatory statements are contained in said written script.

Section 2. Nothing herein contained shall be construed as limiting the liability of any speaker or his sponsor or sponsors for defamatory statements made by such speaker in or as a part of any such broadcast.

Section 3. This act shall not be applicable to or affect any cause of action existing at the time this act becomes effective.

STATE LEGISLATION

MASSACHUSETTS:

H. 1540 (Reported on H. 428) LIBEL—Bill prohibiting the libel of groups of persons because of race, color or religion.

ADVERTISING CAN AID GOVERNMENT PROGRAMS OF WAR INFORMATION AND INCREASE YOUR LOCAL TIME SALES

Probably you are familiar with the many, carefully planned government programs of war information. Undoubtedly you have explored the possibilities of selling time and talent in support of these programs to local manufacturers, distributors and retailers. Such efforts have the unqualified endorsement of the Office of War Information because of the evident need for more advertising and more publicity in support of these informational campaigns.

How great is the need for advertising was ably summed up by Gardner Cowles, Jr., well-known newspaper publisher and radio station operator now serving as Director of Domestic Operations for the Office of War Information, in a talk before the Annual Advertising Awards Presentation Banquet on February 5, 1943, in New York. Here are three significant paragraphs from that speech:

"Today Americans are ready to make sacrifices. If anything, they want to make more sacrifices in order to get on with winning the war. But specifically as to the details of each government program, too often they are confused and unconvinced. They are unconvinced in large part because they don't have full enough information on why a program is necessary and how it works.

"And that is where advertising should come in. In my opinion, even with the help of all the editorial and news channels open to us in OWI today, we need advertising. Advertising is the only force powerful enough to do the job. It is the only one which can put these government programs before the public in simple, exact terms often

enough and with enough power and with enough control to get results.

"The war on the home front can be won, in my opinion, and should be won without giving up the traditional free character of our media and our advertising, provided the media owners, the agencies and the advertisers realize advertising can and should and must be geared to help with war problems on the home front."

In other words, the government depends on private enterprise for the advertising support needed to implement fully the programs of war information. What's more, you can co-operate in this activity to the profit of your station.

Look over the following partial list of programs of war information. Each of these is a pertinent subject in the very near future. Have you solicited advertising from every local account—whether it be a manufacturer, distributor or retailer—that can logically tie in with one or another of these programs? If you have overlooked any sources of support for the government campaigns or profit for yourself, now is a good time to call on such prospects.

Victory Gardens

No other program is more important and more vital to the success of the war on the home front than Victory Gardens and home canning as an aid to meeting food needs by producing for home use. Many stations have capitalized on this program to sell time and talent for effective advertising campaigns.

Who are the prospects for a program dealing with Victory Gardens? Here are a few:

China and glassware stores	Gas and electric utilities
Department stores	Hardware stores
Feed and seed dealers	Merchandise brokers

This promotion is now in full bloom with special emphasis planned for May. It will be continued until the first "killing" frost in your section of the country and Victory Gardens who planted early crops will be urged to replant for a second crop.

Recruitment of Farm Labor and Food Processing Labor

While it may sound unusual for a broadcasting station to run a "Help Wanted" program, such a feature, well-planned and intelligently presented, can serve both manufacturer and farmer as well as prospective employees. First tried on the West Coast, where aircraft manufacturers turned to radio in a desperate attempt to relieve the manpower shortage, such programs have proved amazingly successful.

This campaign will be launched in May to persuade the public to volunteer for peak-season work of farms and in food processing plants. Write to NAB for the campaign guide entitled, "U. S. Crop Corps."

Nutrition Program

This educational campaign will be directed to the public on the use of available food supplies for best nutrition, and to stimulate proper nutrition on the part of war workers. While this campaign is scheduled to start in June, now is the time to line up accounts to supplement the promotion you will put behind this effort as a part of the OWI Allocation Plan.

It gives you a brand-new approach to brokers, commission merchants, distributors, chain food stores and voluntary groups of stores. Take full advantage of this opportunity to convert these logical prospects to users of broadcast advertising.

Recapping in Time Saves Tires

With rubber available for recapping almost all motorists' tires, this campaign gives you a logical reason to approach

the tire dealers in your community. Here are some of the prospects you should solicit:

Tires—Manufacturers
Distributors
Dealers
Accessory dealers
Service stations

Preliminary information indicates that some of the tire manufacturers may match advertising expenditures with distributors and dealers in this campaign. While it is not known whether this money will be ear-marked for a particular medium, the fact that it may be available should stimulate your sales approach.

Fuel Conservation and Home Heating

In May, OWI will inaugurate a concentrated campaign to the public to sell the the following objectives:

1. Order coal early.
2. Conserve fuel oil and where possible convert to coal.
3. Conserve household gas.
4. Heat-condition the home (by insulation, weather-stripping, storm sashes, etc.)

This campaign opens up a field in which radio stations can write a substantial volume of new business by careful planning. Check the following list of prospect types with the actual prospects in your community and get to work early:

Asbestos products
Boiler cleaning and repair
Chimney cleaning and repair
Cleaning compounds
Coal dealers
Concrete contractors
Floor contractors
Furnace cleaning and repair
General contractors
Hardware stores
Heating contractors
Heating engineers
Insulation manufacturers & contractors
Lumber dealers
Millwork manufacturers
Paperhangers
Plumbers
Pipe covering contractors
Roofing contractors

Fats and Grease Salvage

A new campaign to urge the collection of waste fats and greases for explosives will be conducted during July and August. While this will primarily concern the placement of national spot advertising, you should cover every possible local angle in connection with this activity.

In this connection, the Department of Broadcast Advertising will work with the advertising agency and trade association involved in an effort to obtain a larger share for broadcast advertising of the rumored \$500,000 budget.

Homes for War Workers

The National Housing Agency and OWI will shortly announce a three-fold campaign to alleviate the housing shortage that exists in many war production centers. This campaign has three objectives:

1. To induce property owners to make available to war workers all the vacant space—houses, apartments and rooms—which can be utilized without any expenditure of critical materials.
2. To induce other owners, whose properties are not now suitable for use, to convert them into additional accommodations by remodeling with their own funds or with the assistance of private financial institutions.
3. To induce property owners, who are unwilling or unable to convert on their own responsibility, to lease their buildings to the government, and let the government do the job.

Here, too, is a field in which alert radio station sales executives can render a real service in the government campaign as well as build a substantial volume of new business.

Conservation

Soon a nation-wide campaign will be instituted to induce people to use less, waste less, save more. This program will be concentrated in two fields:

1. Household equipment (maintenance of electrical appliances, etc.)
2. Clothing (making clothing go further.)

Look at the list of prospect types in this field of conservation. What's more, many radio stations have already developed important customers from among these groups:

Air conditioning service
Cleaners and dyers
Clothing repair and reweaving establishments
Electrical appliance service
Laundries
Oil burner service
Refrigeration service

These government informational campaigns represent real sales opportunities if you will but translate the objectives of each activity into terms of local accounts that can and should contribute to the program.

THE SAWDUST TRAIL

Each time the Department of Broadcast Advertising receives a letter from an NAB member station, calling attention to a per-inquiry offer, a sales letter is immediately written to the advertiser or advertising agency, urging the use of broadcast advertising on an ethical basis. Now and then such letters result in conversions. Here are two recent examples:

From Arthur M. Holland of the Malcolm Howard Advertising Agency, 20 E. Jackson Blvd., Chicago, Ill.:

"May we state that at no time has this agency ever placed any advertising with ANY radio station anywhere in the United States on a 'per-inquiry' basis, and this one instance where such an attempt was made, was done without the authorization of anyone in authority.

"We hope this will clear up our position with regard to the subject in question."

From Michael F. Ellis of the Ellis Advertising Company, Buffalo, N. Y.:

"I promise never again to deviate from the straight and narrow path under pain of being deprived on my nationally known non de plume of Ethical Ellis . . .

"Seriously, thank you for bringing this to our attention. It's all over now and won't occur again."

HELLO, SUCKER!

For complete frankness on the purpose of per-inquiry offers, the following excerpt from a letter received within the last few days deserves first prize and a place in your memory:

"We did not originate the idea of making radio commitments on a per inquiry basis. As a matter of fact, we were approached by two out-of-town stations, through their representatives, who solicited contracts on that basis. Since we felt that some of the smaller stations, whose facilities we would not use on any other basis, might be willing to enter into a similar arrangement, we proceeded to suggest same in a letter to them. Frankly, we did not expect any large station to enter into the arrangement, and surely there could be nothing wrong in offering the deal to anyone who wished to take it on.

"For your information, we are also buying time for . . . in the regular way on larger stations in major cities, and shall continue to do so so long as radio pays out."

THE STATION VIEWPOINT

Having preached against per-inquiry business times without number, this column is herewith turned over to Robert T. Mason, President of WMRN, Marion, Ohio:

"We have steadfastly refused to accept any PI business. I maintain that when we go into direct mail merchandising I'll buy my own merchandise and sell it, but while I am selling radio advertising I am going to stick to that business. When radio advertising reaches the point where it can't stand on its own feet as a merchandising medium I'll give serious thought to opening up a mail order house myself.

"I don't believe that radio will ever get its share of department store advertising and retail store advertising until we have out-grown, as did the newspapers, the era of cut rates and shady deals. It can be done because we've done it and I would like to see some of the other stations likewise clean up their operation."

Thanks, Bob, that tells the story perfectly.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 26th. They are subject to change.

Monday, April 26

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P., 630 kc., 1 KW, unlimited, DA-day and night.

Thursday, April 29

WJRM—Allegheny Broadcasting Corporation, Elkins, W. Va.—Mod. of C. P., 1240 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WPTZ—Philco Radio and Television Corp., Philadelphia, Pa.—Granted license (B2-LCT-5) to cover construction permit in part for commercial television broadcast station, 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. Also granted modification of Construction permit (B2-MPCT-20) to extend completion date to June 1, 1943.

Balaban & Katz Corp., Chicago, Ill.—Granted construction permit (B4-PVB-94) for new experimental television broadcast station using facilities of commercial television station WBKC, to operate on Channel No. 2 (60090-66000 kc.), power 4 KW. (peak) visual and 2 KW. aural, A5 and special for FM (aural) emission.

LICENSE RENEWALS AND EXTENSIONS

The following stations were granted renewal of license for the period ending May 1, 1944:

W45V, Evansville on the Air, Inc.; W47NV, The National Life and Accident Ins. Co.; W47P, WWSW, Inc.; W49FW, Westinghouse Radio Stations, Inc.; W51C, Zenith Radio Corp.; W51R, Stromberg-Carlson Tel. Mfg. Co.; W53H, The Travelers Broad-

casting Service Corp.; W53PH, WFIL Broadcasting Co.; W55M, The Journal Co. (The Milwaukee Journal).

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1943.

W45BR—Baton Rouge Broadcasting Co. Inc., Baton Rouge, La.—Present license extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending June 1, 1943.

The following stations were granted renewal of license for the period ending May 1, 1944:

WBOE, Cleveland, Ohio; WIUC, Urbana, Ill; WNYE, Brooklyn, N. Y.

KALW—Board of Education of the San Francisco Unified School Dist., San Francisco, Cal.—Present license extended upon a temporary basis only, pending action upon application for renewal of license, for the period ending June 1, 1943.

WBKY—University of Kentucky, Beattyville, Ky.—Present license extended upon a temporary basis only, pending action upon application for renewal of license, for the period ending June 1, 1943.

W10XF—National Broadcasting Co. Inc. (Portable)—Granted renewal of license for the period ending May 1, 1944.

W10XR—National Broadcasting Co. Inc. (Portable or Portable Mobile)—Granted renewal of license for the period ending May 1, 1944.

W3XDD, W3XPY—Bell Telephone Labs. Inc., Whippany, N. J.—Present licenses extended upon a temporary basis only, pending receipt of and action upon applications for renewal, for the period ending June 1, 1943.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Present license extended upon a temporary basis only, pending action upon application for renewal of license, for the period ending June 1, 1943.

W9XUI—State University of Iowa, Iowa City, Iowa.—Granted renewal of experimental television broadcast station license for the period ending February 1, 1944.

W3XO—Jansky & Bailey, Washington, D. C.—Granted license (B1-LEB-5) for Temporary Class 2 Experimental Broadcast station, for the period ending April 1, 1944, said license to conform to that of W3XO dated March 12, 1940.

W9XYH—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted license (B4-LEB-4), for temporary Class 2 Experimental station, for the period ending April 1, 1944, said license to conform to that of W9XYH dated May 6, 1940.

W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted license (B2-LEB-3) for temporary Class 2 Experimental broadcast station, for the period ending April 1, 1944, said license to conform to that of W8XFM dated November 28, 1940.

W2XWG—National Broadcasting Co. Inc., New York City.—Granted license (B1-LEB-1) for temporary Class 2 Experimental broadcast station, for the period ending April 1, 1944, said license to conform to that of W2XWG, dated January 24, 1940, except frequency 45100 kc., (in accordance with present operation).

W9XBT—Balaban and Katz Corp., Chicago, Ill.—Present experimental television broadcast station license further extended upon a temporary basis, for the period ending June 1, 1943, pending determination upon application for renewal of license.

W2XBD—General Electric Co., Schenectady, N. Y.—Granted renewal of license for the period ending April 1, 1944.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted renewal of license for the period ending March 1, 1944.

W9XWT—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted renewal of license for the period ending March 1, 1944.

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 June 1, 1943.

MISCELLANEOUS

WORK—York Broadcasting Co., York, Pa.—Granted modification of construction permit, as modified, which authorized in-

stallation of directional antenna for night use, for extension of completion date from March 18 to June 18, 1943 (B2-MP-1709).

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted license to cover construction permit as modified, for increase in power and installation of directional antenna for night use (B2-L-1730), granted authority to determine operating power by direct measurement of antenna power (B2-Z-1472).

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted license to cover construction permit as modified, for increase in power and installation of directional antenna for night use (B3-L-1757), granted authority to determine operating power by direct measurement of antenna power (B3-Z-1506).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted license to cover construction permit as modified, for increase in power, change hours of operation, and install new transmitter and directional antenna for night use (B3-L-1760); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1511).

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1502).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1509).

Upon consideration of the petition of Massachusetts Broadcasting Corp. (WCOP), Boston, Mass., for an order to take depositions in the matter of petitioner's application for renewal of license (Docket No. 6476), and the motion by petitioner for continuance of the hearing scheduled for May 17, 1943 in this matter, *granted* the motion for continuance, and *directed* that the hearing in this matter be continued to June 16, 1943. Action upon the petition to take depositions was passed over to the Motions Docket to be held on May 12, 1943.

West Allis Broadcasting Co. Inc., West Allis, Wisc.—Adopted order denying petition for reconsideration directed against the Order of the Commission of January 4, 1943, adopting as final the Proposed Findings of Fact and Conclusions (B-157), denying application for construction permit for a new station.

KOBH—Black Hills Broadcast Co., Rapid City, S. Dak.—Adopted order (1) denying applicant's motion for grant of construction permit to install new transmitting equipment, change transmitter location, install directional antenna system for night use, and change operating assignment from 1400 to 610 kc., and power from 250 watts to 5 KW; (2) designated application for further hearing upon additional issues, and further ordered that the petition of WDAF, Kansas City Star Company, be granted insofar as it requests leave to intervene in the hearing.

WHAM—M and M Broadcasting Company, Marinette, Wisc.—Adopted order denying petition for reconsideration of the Commission's action of December 15, 1942, designating for hearing application for modification of license to increase power to include nighttime operation with 100 watts, and to grant same without hearing.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted motion for continuance of hearing on application for modification of license to operate on 860 kc., 500 watts night, 5 KW day, unlimited time, now scheduled for May 3, 1943, hearing continued for 30 days, to June 3, 1943 (Docket 6493).

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted petition for postponement of hearing on application for construction permit to operate on 630 kc., 1 KW, unlimited time, directional antenna day and night, now scheduled for April 26; continued for 60 days, to June 28, 1943 (Docket 6304).

WHKC—United Broadcasting Co., Columbus, Ohio.; KNOK—Star-Times Publishing Co., St. Louis, Mo.; WMAL—Evening Star Broadcasting Co., Washington, D. C.—Granted petitions to intervene in the hearing on WLAP (above).

WKRC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Denied petition to intervene in the hearing on WLAP (above); Attorney for applicant noted an exception to the denial.

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2827 as modified, for change in hours, directional antenna for night use and move of transmitter) for extension of completion date from 5-18-43 to 11-18-43.

600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—License to cover construction permit (B3-P-2814) as modified for new equipment and directional antenna for day and night use, change frequency, increase power and move of transmitter.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Authority to determine operating power by direct measurement.

680 Kilocycles

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Involuntary transfer of control of licensee corporation from Alexander H. Rogers, deceased, to Irving E. Rogers, Harold B. Morrill & National Shawmut Bank of Boston, co-executors under the will of Alexander H. Rogers, deceased (501 shares common stock).

1010 Kilocycles

NEW—Baylor University and Carr P. Collins, Corpus Christi, Texas.—Construction permit for new station to be operated on **1010 kc.**, 50 KW power, unlimited time, employing directional antenna day and night. Amended to change name from Baylor University to Baylor University and Carr P. Collins, change hours from unlimited to Day to Sunset at Little Rock, Ark.

1290 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License to cover construction permit (B2-P-3514) for installation of new sampling loops.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio— Authority to determine operating power by direct measurement.

1340 Kilocycles

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Florida.— Voluntary assignment of license to Capital City Broadcasting Corporation.

1450 Kilocycles

WCHV—Charles Barham, Jr. and Emmalou W. Barham d/b as Barham & Barham, Charlottesville, Va.—Authority to determine operating power by direct measurement.

1490 Kilocycles

KRNR—News-Review Co., Roseburg, Ore.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

FM Application

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—License to cover construction permit (B4-PH-5 as modified for new High Frequency Broadcast Station) *in part*.

Miscellaneous Application

NEW—Roy C. Kelley, Grand Rapids, Mich.—Authority to transmit programs to Station CKLW, Windsor, Ontario, Canada, from Grand Rapids, Mich.

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.

Basic Foods, Inc., and Curtis Howe Springer, its president, also trading as Dr. Springer and Dr. Curtis Howe Springer Foundation, Inc., 2226 North New Hampshire Ave., Hollywood, Calif., manufacturing and distributing a line of products described as health foods, are charged in a complaint with misrepresentation. (4941)

Colonial Alloys Company has been issued a complaint charging three Philadelphia individuals, engaged in the sale of "Colalloy," with various misrepresentations which have enabled them to sell substantial quantities of their products to manufacturers and contractors performing war work.

The complaint is directed against Samuel L. Cohn, also known as Pat Casey; Charles C. Cohn, also known as Charles Cahn, and Edward Engel. The Cohns are copartners trading under the fictitious names Colonial Alloys Co., Colonial Stove Co. and Base Products Co. Engel is associated with them as chief engineer and metallurgist of Colonial Alloys Co.

The respondents, whose place of business is at 2154 East Somerset St., Philadelphia, purchase aluminum and aluminum alloys from recognized fabricators or jobbers and subject it to a so-called "electron-izing" treatment which merely consists of placing it in a chemical bath through which an electric current is passed, the process requiring from three to nine minutes. The "electron-ized" product is sold under the name "Colalloy" and advertised extensively as being superior in many respects to aluminum alloys of comparable composition. (4943)

Domestic Diathermy Co., 251 West 57th St., New York, selling and distributing a device designated "Domestic Short-Wave Diathermy," is charged in a complaint with false advertising and misrepresentation. (4942)

McFadden 3 Sisters Springs, selling and distributing mineral waters under the name "McFadden 3 Sisters Springs," is charged in a complaint with misrepresentation. (4940)

Superbilt Manufacturing Company—Misrepresentation of the retail price of Superest mattresses and matching box springs is alleged in a complaint issued against Superbilt Manufacturing Co., Inc., 2511 N. E. Holladay St., Portland, Ore. (4944)

Winterrine Manufacturing Co., 105 Wazee Market, Denver, Colo., is charged in a complaint with misrepresentation in connection with the sale of a so-called antifreeze solution designated "Antarctic," recommended for use in the cooling system of automobiles and other combustion type engines. (4945)

CEASE AND DESIST ORDERS

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

STIPULATIONS

The Commission issued no stipulations last week.



1760 N STREET, N. W.

WASHINGTON, D. C.

Vol. 11, No. 18, April 30, 1943

The President

This has been an eventful year for broadcasters—a year full of uncertainties, but also, it has been a year of achievement.

In making this Report, I shall not attempt to survey the whole field of radio, but rather to report briefly upon the major activities of your Association, since our Convention in Cleveland last year. For detailed information concerning the activities of the various departments, I commend to you the reports of the members of the NAB Staff. A reading of them will not only give you an overall picture of the activities of your Association, but I am sure by so doing you will absorb much information which will be of value. Also, as you become better acquainted with the work of our Staff, you undoubtedly will make greater use of the services offered.

War Activity Our First Endeavor

Our first endeavor at all times during the past year has been to assist in the prosecution of the war. We have kept the public the best informed people in the world; we have recruited for the Army, Navy, Marine Corps, WAACS and WAVES; we have sold bonds for the Treasury; we have helped collect the scrap and save the fat; we have established schools to train radio technicians; have served on government and industry committees; in short, have served the government and the community in many and various ways—it truly has been a year of public service.

Listening has been up and, realizing the great importance of maintaining the largest possible listening audience, program policies and techniques have received constant study and attention. We have worked in close cooperation with the Office of War Information in perfecting plans for the carrying of government announcements, and with the Advertising Council to the end that broadcasting has cooperated with other media in rendering to the government the greatest possible service through advertising.

Manpower and Material Problems

Although business on the great majority of stations has continued good, radio has faced many serious problems, the manpower problem being the most serious. Due to the fact that this is a technical war, and that radio is playing an ever increasing part, trained technicians and personnel with practical broadcasting experience have been in great demand.

The industry is proud of the large number of executives it has furnished to the staffs of the radio branches of the public relations offices of the Army and Navy, and of the many government agencies and departments; proud of the technical experts furnished to carry on experimental work and the technicians supplied to perform much useful service in so many various war activities. Early realizing the need for trained personnel, the industry took the lead in setting up training courses which have furnished a large number of technicians, not only for radio, but for many other services.

Broadcasting was early declared an essential industry, and has been included on every list of essential industries published by Selective Service and the War Manpower Commission. However, broad-

casting is relatively a young industry with the personnel still composed of young men and, therefore, the demands of the armed forces cut deeply into our ranks. The NAB has worked in close cooperation with Selective Service and the War Manpower Commission and is appreciative of the sympathetic and understanding treatment which our problems have received at all times. Due to the extensive training program which has been carried on and to the ever increasing use of women, many crises have been avoided, but the manpower problem continues to be our most serious problem.

Next in importance to the manpower problem has been the material problem. The NAB has worked closely with the WPB at all times and due to the especially splendid work of the WPB, tubes and other material necessary for station operation have been available. The NAB also has made extensive surveys to locate all available material, has established a "Swap Bulletin" and has tried in every way to make the best possible use of such material. It has required eternal vigilance to guard against the many threats to the maintenance of the listening audience. Recently, a serious shortage in batteries for home sets developed along with a shortage of tubes for receiving sets. In both these instances, we have received the most helpful cooperation from the WPB and solutions are being worked out.

Freedom of Radio Important

Sincerely believing that the freedom of democracy is linked to the freedom of radio, we have at all times been on our guard against attacks threatening radio's freedom. Too well do we all know that man does not lose his freedom by one act of government—that the greatest danger is from indirect and disguised attacks.

Radio to be free must be able to pay its way. Advertising has proved to be an efficient tool of business. Attacks on advertising are attacks on the freedom of radio and as such we have opposed them.

We all realize that war times require restrictions which must be endured for the successful conduct of the war. However, it has well been said: "Eternal vigilance is the price of liberty," and such has been our policy lest restrictions placed on radio under war conditions should in the end shackle radio in its great task when the present conflict ends.

Legislation

On the legislative front there has been great activity. Last summer the House of Representatives held extensive hearings on the Sanders Bill. Your President testified at this hearing, and recommended, on behalf of the industry, certain amendments to the Communications Act. A bill similar to the Sanders Bill has been introduced again in the House by Representative Holmes, and Senators Wheeler and White have introduced in the Senate a bill containing many similar provisions. Hearings on this bill have been set for May 6th.

It is my belief that a revision of the Communications Act is greatly needed, and that such a revision should be a goal towards which we should work with all diligence.

A. F. of M. Ban

As usual there has been much activity on the music front, although this time from a different direction. Without previous demands or negotiations, James Caesar Petrillo, President of the A. F. of M., placed a ban on all recordings made by members of the A. F. of M. This ban has been extremely detrimental to the war effort. Not only has it prevented a supply of newly recorded music for home use, but it has stopped the supply of music for recreational centers, for members of the armed forces and, in addition, it has prevented all recordings by symphonic orchestras and dried up the composition and supply of music from many sources.

In short, at the most critical period in our nation's history, Mr. Petrillo, merely to maintain his control in his own union, has deprived this nation of a large supply of music.

The NAB is proud that, with the united backing of the industry, it has fought this dictatorial display of power. We believe that by so doing we are rendering a real service not only to radio, but to the entire field of music, and that we shall be successful.

The Code and Programming

With the outbreak of the war, the Code Committee became actively engaged with problems created by the war. It has continued that activity. A development of interest has been the adoption of a Code by the Canadian Association of Broadcasters, many provisions of which are similar to the provisions of the NAB Code.

Believing that good programming is the basis of all broadcasting, we have appointed recently a Program Managers Committee for the purpose of developing a program of activity for the program managers. This activity has received the enthusiastic approval of the industry and we believe it will prove very beneficial.

Retail Promotion Plan

The Board of Directors, at Cleveland last year, approved in principle the Retail Promotion Plan and, under the leadership of Paul W. Morency, Director of District #1, and Lewis H. Avery, Director of the Bureau of Broadcast Advertising, this Plan has been presented to the industry and has received enthusiastic support. It is confidently expected that at this Conference, the remaining support necessary to insure the success of the Plan will be forthcoming.

The success of this Plan is of great importance to the industry. If it succeeds, other plans similar in character will follow.

Public Relations

Willard Egolf, of KVOO, Tulsa, recently was appointed Assistant to the President and will devote a large portion of his time to the public relations activities of the NAB. Associated with him is Walt Dennis, also formerly of KVOO, who has been appointed Chief of the NAB News Bureau. With these additions to our Staff, we shall have an increased tempo in our public relations activities.

Mrs. Dorothy Lewis, our Coordinator of Listener Activity, has continued her trips and her work with the Radio Councils, which have proved very beneficial.

We have also worked in close cooperation with many religious and educational groups. Your President is serving on the Federal Radio Education Committee. Other members of the Staff are taking an active part in various conferences.

District Meeting and Membership

Representatives of the Office of Censorship, OWI, OCD, WPB, WMC, Selective Service, Army, Navy, Marine Corps, Treasury, attended the series of District Meetings held last Fall and discussed with representatives of 446 stations the various problems which had arisen in connection with the war. The meetings were very successful and again proved the value of District Meetings.

The membership during the year remains about constant, there being 524 members on April 1, 1943, as compared with 525 as of May 1, 1942. As a result of the change of the By-Laws providing for network membership, CBS and NBC joined as network members. We hope that the Blue Network and Mutual will follow their example.

Committees

As is normal in trade association work, much of NAB's work was performed by industry committees. The work performed by these committees was extremely helpful and, on behalf of the entire industry, we wish to express to these committeemen our sincere appreciation for the time and energy which they so generously gave to the work of the Association. Their services were a real contribution to the industry.

NAB's New Home

For some time we have hoped that eventually the NAB could have a permanent home. Therefore, last December when the Normandy Building, where the NAB offices had been located for four years, was taken over by the government, our dream came true by the purchase of the building at 1760 N Street, N. W., which has provided very suitable offices for our Staff. Upon its walls we are hanging pictures of past Presidents, past Boards of Directors, group pictures of past Conventions and Meetings

and other pictures connected with radio history. We extend to all our members a cordial invitation to make the NAB Offices your headquarters while in Washington.

The NAB Staff

There have been several changes in the Staff during the year. Frank E. Pellegrin, formerly our Director of the Department of Broadcast Advertising, last Summer was commissioned a Captain in the Army and assigned to the War Department Radio Branch, Public Relations Division, under Lieut. Col. Edward M. Kirby, who was formerly our Director of Public Relations. Lynne Smeby, formerly our Director of Engineering, accepted a position with the War Department as a civilian Consultant Engineer.

These vacancies were filled by the appointment of Lewis H. Avery as Director of the Department of Broadcast Advertising and Howard Frazier as Director of Engineering. Willard Egolf was appointed Assistant to the President, assuming the duties formerly performed by Lieut. Colonel Kirby, and Walt Dennis was appointed Chief of the NAB News Bureau. We believe the NAB has been extremely fortunate in securing the services of these men as members of our Staff.

Post War Activity

It is to be hoped that by the time we meet again next year this world conflict may be over. But with the armed conflict over, radio will face its greatest test and its most promising opportunity. For the first time in the history of the world the microphone will be at the peace table and with it there public opinion will play an even more important part than ever before. The war, which will have been fought and won by armed might on the land, on the sea and in the air, must again be fought and won in the minds of men and there the conflict will be most severe; there we must fight for a mutual understanding between ourselves and our defeated enemies—if we hope for any lasting peace. Radio more than any other force is most capable of rendering service to mankind in this conflict—a service which will be in every sense a true public service.

We in radio have a great mission, not only for ourselves, but for mankind. Another opportunity like this one will not come for many generations. May we realize it and put our faith and effort in doing the job which lies ahead of us.

Respectfully submitted,

NEVILLE MILLER,
President.

Secretary-Treasurer's Office

The eleven and one half months since the Cleveland Convention have been busy and in some respects trying ones for the executive, administrative and clerical staffs at NAB. Operating in Wartime Washington, overcrowded in both office space and living accommodations, has not made our lot an entirely pleasant one.

RESIGNATIONS

Three resignations from our Administrative Staff have occurred. Ed Kirby, Public Relations Director from 1938, who had been on loan throughout 1941 to the War Department, resigned to accept a Lieutenant Colonelcy. He continues his work as Chief of the Radio Branch of the War Department's Bureau of Public Relations. Shortly thereafter Lynne Smeby took leave to assume a highly impor-

tant and confidential role in a civilian capacity with the Signal Corps. In the latter part of June Frank Pellegrin who joined the staff in April 1941 as Director of the Department of Broadcast Advertising, became Captain Pellegrin, AUS. He is now Administrative Assistant to Colonel Kirby at the War Department.

REPLACEMENT

Replacing these experienced and capable staff executives presented a problem of major proportions. We have, however, been extremely fortunate in recruiting from the ranks of the industry worthy successors for each of them. Willard Egolf, with the title of Assistant to the President, takes over the work formerly performed by Colonel Kirby with some additional duties in the fields of legislative contacts and press relations. With eleven years of practical experience as a broadcaster, a legal education and a broad background of dealing with civic and political matters, Egolf comes to his new duties well equipped. He has been provided with an experienced press relations man in the person of Walt Dennis, now Chief of NAB's Press Bureau.

To take up the task where Captain Pellegrin left off Lewis H. Avery was chosen. Seventeen years of active association with every phase of the commercial aspects of radio ably qualify him to carry on as head of the Department of Broadcast Advertising. Howard S. Frazier, named as Smeby's successor, is a veteran radio engineer whose experience spans the whole life of broadcasting. The industry is fortunate to secure the services of these men and NAB will continue to render a high quality of service through these as well as other departments.

CLERICAL STAFF LOYAL

In the face of tempting offers in government employment our clerical staff has remained 100 per cent loyal. Not a stenographer or clerk has been lured by the higher salaries offered in many of the government offices. For this we are sincerely grateful to them. One of our messengers, George Many, joined the Army in the Fall and is now serving in the Aviation Corps. Charles Dodge, who had been on the clerical staff as a messenger and a clerk in the Research Department, is now an Army Flying Cadet.

ORDERED TO MOVE

Near tragedy struck when in early November we were notified that the Reconstruction Finance Corporation had taken over the Normandy Building in which our headquarters were located. We were ordered to move within thirty days. Space in Washington office buildings, especially in the dimensions required, was non-existent. The Finance Committee, cooperating with the Secretary-Treasurer, received Board approval by a mail referendum to purchase the property at 1760 N Street, Northwest. This is a fine appearing, substantial building which lends itself admirably to our use. Some remodeling and repair work has been done; we are settled in our new home and what looked like a tragedy has really proven a blessing in disguise. Our new quarters are more efficient than our old ones and a material reduction in overhead operating expense has been accomplished.

WAR WORK

In common with the radio industry which it serves NAB has dedicated itself to an all-out war effort. The government agencies charged primarily with the many activities incident to wartime operation and civilian morale have leaned heavily upon us for consultation and advice. The managements of radio stations likewise turn to us for assistance in many of their problems. The NAB staff has kept abreast of these ever-growing demands. In the reports of the several departments will be found information as to the detail of this work. We feel that we can say with becoming modesty that the NAB staff has established and is maintaining with all of the essential war agencies contacts based upon respect and confidence. We are prepared to serve the membership in the effective discharge of their wartime responsibilities and in meeting the many operating problems which beset them.

NEW YORK OFFICE

To more effectively care for the interests of the industry in meeting the challenge presented by the A. F. of M. recording ban NAB established a branch office at 535 5th Avenue, New York. Serving primarily as headquarters for our Legal and Public Relations Counsel in the Petrillo matter it is also used as headquarters for the Retail Promotion Committee and Mrs. Dorothy Lewis, NAB Coordinator of Listener Activity.

PERSONNEL

The complete roster of NAB employees follows:

Executive Staff:

Neville Miller, President. C. E. Arney, Jr., Secretary-Treasurer.

Administrative Staff:

Lewis H. Avery, Director, Broadcast Advertising.
Walt Dennis, Chief, News Bureau.
Willard Egolf, Assistant to the President.
Howard S. Frazier, Director of Engineering.
Joseph L. Miller, Director, Labor Relations.
Paul F. Peter, Director of Research.
Russell P. Place, Counsel.
Everett E. Revercomb, Auditor.
Helen H. Schaefer, Research Assistant.
Arthur Stringer, Director, Promotion and Circulation.

Secretarial, Clerical and Part Time:

Ella P. Nelson, Secretary.
Mildred M. Ramsay, Secretary.
Geraldine Finnegan, Stenographer.
Jane A. Fry, Stenographer.
Loretta J. Kealy, Stenographer.
Hester M. Love, Stenographer.
Helen J. Morris, Stenographer.
Grace H. Walsh, Stenographer.
Cordelia O. Paquet, Typist.
Maisie Swartwout, Switchboard Operator.
Mary G. Lucas, File Clerk.
Kathryn Donahue, Bookkeeper.
George C. Stuart, Clerk and Messenger.
Elliott Irving, Clerk and Messenger.
Lynne Lamm, Reporter.
Wesley Hayes, Janitor.

New York Office:

Carl Haverlin (part time), Supervisor.
Dorothy Lewis, Coordinator, Listener Activities.
Constance Mendel, Stenographer.
Marjorie Kryske, Stenographer.

MEMBERSHIP

On April 15, 1943, the membership of the National Association of Broadcasters stands at 524, composed of 505 active members and 19 associate members. The following tables show detailed analyses of the membership:

NAB Membership by Dues Classification

Class	NAB Members	
	May 1, 1942	April 15, 1943
A	94	76
B	67	70
C	84	93
D	47	51
E	58	56
F	28	33
G	28	30
H	30	24
I	22	19
J	9	16
K	11	7
L	5	8
M	6	4
N	3	3
O	7	7
P	6	7
Q	1	1
R	0	0

(Continued on page 186)

(Continued from page 185)

Class	NAB Members	
	May 1, 1942	April 15, 1943
S	0	0
T	0	0
U	0	0
V	0	2
W	0	0
X	0	0
Associate	19	19
Total	525	526

NAB Membership by NAB Districts

District	NAB Members	
	May 1, 1942	April 15, 1943
1	41	34
2	34	34
3	27	27
4	54	54
5	47	49
6	30	37
7	22	25
8	21	20
9	25	23
10	34	35
11	25	21
12	19	19
13	23	20
14	23	21
15	21	25
16	23	24
17	31	33
FM	6	4
Networks	0	2
Associate	19	19
Total	525	526

NAB Membership by Network Affiliation as of April 15, 1943

		NAB Membership	Percent Membership
Total Network Affiliates	560	372	66.4%
Blue	124	82	66.1%
CBS	121	95	78.5%
MBS	207	109	52.7%
NBC	140	105	75.0%
Less Duplicates*	—32	—19	
Independents	353	129	36.5%
Total Standard Broadcast	913	501	54.9%
High Frequency Educational		1	
Frequency Modulation		3	
Networks		2	
Associate Members		19	
Total NAB Membership		526	

* Duplicates:

Blue and MBS	13	9	NAB members
Blue and NBC	5	2	" "
CBS and MBS	4	3	" "
NBC and MBS	10	5	" "

FINANCIAL

As in past years, the books and records of NAB have been audited by independent certified public accountants

and a copy of their report has been sent each NAB Director. There follows a statement of income and expense for the year ending March 31, 1943.

NATIONAL ASSOCIATION OF BROADCASTERS

Statement of Income and Expenses

For the Period, April 1, 1942, to March 31, 1943

Cash on Hand, April 1, 1942	\$ 59,929.87
(As reported at 1942 Convention)	
Less: Accounts Payable, March 31, 1942	5,118.90
	\$ 54,810.97

Income

Receipts from All Sources	\$315,628.55
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Expenses

Advertising Council	\$ 2,500.00
Annual Convention	4,014.76
Board of Directors Meetings	11,542.91
Building Expense	1,041.29
Committee Expenses	20,691.74
Dues and Publications	1,462.05
Furniture and Fixtures	1,974.71
Legal and Accounting Fees	6,225.00
Land and Building	33,554.15
Listener Activities	6,037.43
Miscellaneous	16,121.89
Musicians Controversy	54,224.01
NAB Reports	12,300.92
Office Supplies	2,595.92
Postage	3,231.73
President's Expenses	1,763.36
Printing	9,168.23
Rent	6,846.66
Salaries	122,548.84
Taxes	3,432.50
Tax Fees	7,221.33
Telephone and Telegraph	3,629.93
Travel	10,946.36
	343,075.72

Add: Accounts Payable, March 31, 1943	9,634.69
	27,363.80

Cash on Hand, March 31, 1943	\$ 36,998.49
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Respectfully submitted,

C. E. ARNEY, JR.,
Secretary Treasurer.

Assistant to the President

The office of Assistant to the President of NAB has been given a new definition. Government contacts and general administrative duties have been added to the primary responsibility of public relations. The new post was filled on March 1, 1943, by Willard D. Egolf, pursuant to the preparation of a Public Relations Plan by a special committee and its adoption by the Board.

In accordance with a resolution adopted at the July meeting of the Board, President Miller appointed a Committee consisting of himself as Chairman; Walter J. Brown, WSPA-WORD, Spartanburg, South Carolina;

Frank King, WMBR, Jacksonville, Florida; Leslie W. Joy, KYW, Philadelphia, Pennsylvania; Gilmore Nunn, WLAP, Lexington, Kentucky; Richard H. Mason, WPTF, Raleigh, North Carolina; and Edgar H. Twamley, WBEN, Buffalo, New York.

The Committee met at NAB Headquarters on September 11, 1942, with the following present: Neville Miller, Frank King, Gilmore Nunn, Richard H. Mason and Edgar H. Twamley, with C. E. Arney, Jr., acting as Secretary.

The past public relations activities of NAB were reviewed and discussed and the objects and purposes were outlined.

RECOMMENDATIONS

Detailed recommendations covering the establishment of more intimate relations with various trade groups, such as ANA, AAAA, RAM, AFA, NRDGA, ANPA, the Better Business Bureau and other organizations having many interests similar to those of NAB, were suggested.

In the field of women's groups, the work of Mrs. Dorothy Lewis, Coordinator of Listener Activity, was considered, and the Committee felt that this work should be continued and expanded. Active contacts should be established through Mrs. Lewis with the heads of all national women's organizations. Volunteer workers in various areas should be enlisted to assist in organizing councils and listener groups.

Selected broadcasters capable of interpreting radio's story and problems should be encouraged to appear before groups of various kinds at conventions and other meetings. Basic data should be furnished by NAB. This cooperation should extend to local broadcasters appearing before Rotary and other civic clubs.

The value of contacts with educational and religious groups was emphasized as highly important and worth steady development.

Labor problems should remain under the exclusive province of the Director of Labor Relations, consistent with NAB public relations policies. Preparation of material on political and legislative problems of the industry was defined as an important service to broadcasters.

METHODS

Adroit use of radio's facilities in telling its own story was recommended with both network shows and local programs, including transcriptions. Other media were given equal importance, including speeches, printed material and articles in both trade and consumer magazines.

PROJECTS

Under this heading, continuing effort was requested in compiling a statistical record of radio's service in the war and publicizing this record most effectively. This should be paralleled by a study of regular public service features such as agricultural, religious, educational and cultural.

VIGILANCE

General vigilance was urged, on behalf of radio as an instrument of public service without equal in America, frequently misunderstood, sometimes maligned and seldom given full credit for its contribution to the cause of a free people.

The Committee concluded by recommending that someone should be engaged to handle these activities and work begun at the earliest possible date.

ACTION ON REPORT

Acting upon the special Committee's report, the NAB Board of Directors, at the October 12-13 meeting in Chi-

cago, authorized President Neville Miller to appoint a sub-committee to assist him in the selection of a proper person not only to direct public relations but to participate in the maintenance of government contacts and handle some of the general administrative problems.

A sub-committee was appointed, consisting of Edgar Bill, WMBD, Peoria, Illinois; James W. Woodruff, Jr., WRBL, Columbus, Georgia; and Eugene O'Fallon, KFEL, Denver, Colorado.

This sub-committee met with President Miller for two days in Washington and later, interviewing candidates, for a day in Chicago, Illinois. Eligible men inside and outside of radio were considered. Thorough investigation and personal interviews resulted in the unanimous choice of Willard D. Egolf, then in his eleventh year as Commercial Manager of KVOO, Tulsa, Oklahoma. In addition, he was a graduate of the University of Oklahoma School of Law and member of the Oklahoma Bar Association.

Egolf joined NAB in Washington on March 1, 1943, and immediately organized the NAB News Bureau, placing at its head Walt Dennis, magazine writer and newspaper man of ten years' experience, with two and a half years' radio background as Promotion Manager at KVOO. Dennis makes the following report of News Bureau activities since March 1:

"POLICY AND OBJECTIVE: To insure radio fair and impartial treatment in the news. Vigilance is maintained over the sources of all news pertaining to the radio industry. This bureau is established to provide wire services, correspondents and radio news editors with news and statements reflecting the attitudes and policies of the broadcasting industry.

SUBSIDIARY DUTIES: Act as an information center; edit publications issued by NAB; write original articles on phases of the radio industry and NAB activities.

Since assuming the duties of this office March 1, 1943, I have made the following organization contacts through key personnel, mostly by personal calls:

1. New York and Washington staff personnel of the leading trade papers.
2. Staff executives of New York and Washington press associations, including the radio wire editors.
3. New York newspaper radio editors, including *Time* magazine.
4. Government and military press, radio and technical information personnel.
5. Radio network news editors, New York, Washington and Chicago.
6. Pertinent miscellaneous source contacts in related and other industries, news services and organizations.

This list will continue to grow as rapidly as contacts can be made.

In addition to the above, numerous services have been rendered to station and associate members. Constant relations with key personnel of news organizations and radio news personnel will be maintained, as a functional activity of this Bureau."

PROGRESS

In the thirty-day period since March 1, other Public Relations activities have embraced the following:

Survey of radio personnel now in the Armed Forces.

A thorough study of the Radio Council Plan. Cooperation with the Association of Women Directors in the furtherance of their organization, including the preparation and printing of their first bulletin, "The Beam." Collaboration with Mrs. Dorothy Lewis on "A Handbook for Radio Chairmen" and cooperation in the handling of

her tour of South and Southwestern cities. Issuance of the Luther Weaver speech, "How to Listen to the Radio."

Conferences with Dr. Frank C. Goodman, Executive Secretary of the Federal Council of Churches of Christ in America, and representatives of other religious and educational organizations in Washington and New York.

Preparation of material for NAB Reports. Analysis of NAB publications.

Meetings with Officers and Directors of the Advertising Federation of America, in New York.

Meeting with the Peabody Awards Committee in New York and handling of all news releases, followed by conference on plans for coming year.

Participation in the formation of the Program Managers' Executive Committee and assumption of duties as temporary Secretary for this Committee.

Plans for attendance at ANPA Conference in New York City April 20-22.

Participation in plans for the Ohio Conference of the Institute for Education by Radio, at Ohio State University, April 20, May 1-3.

Handling all NAB news releases, as well as publicity, statements and biographies regarding the NAB War Conference, April 27-29, in Chicago.

Listener Activity

The work of Mrs. Dorothy Lewis, Coordinator of Listener Activity for NAB, falls into several categories, as follows:

1. Contact is consistently maintained with national organizations, particularly women's groups, to provide service and suggestions in the use of radio time and to educate in proper listening habits and program evaluation.
2. Supervision of the Association of Women Directors of NAB, organized at the Cleveland NAB convention in 1942. This group is proceeding toward complete national organization with only four districts yet unorganized. A quarterly bulletin is published, first issue of which was released in April, 1943.
3. The development of radio councils throughout the country continues. Mrs. Lewis has traveled extensively within the past year, strengthening existing units and organizing new councils.
4. Children's programs and audience reactions to same are now thoroughly documented by the NAB, which has built up complete files and information on the subject through the Listener Activity division. This work continues unabated through contacts with educators, agencies handling the program, listener groups, surveys in schools, networks and other radio organizations and qualified individuals.
5. An important phase of the Listener Activity program is the personal contact with civic club and organization leaders as well as radio station personnel throughout the United States and Canada.
6. Several publications are under preparation by the Listener Activity department, including a radio handbook for radio chairmen of lay groups and civic organizations. Also proposed are pamphlets offering source material for radio talks and procedures for radio councils.
7. This department has compiled a list of approximately 150 speakers on radio subjects in the 17 NAB districts. These speakers are available for any talks before civic groups, schools, etc.

Principal objective of this department for 1943 is to continue the program of education of the listening audience with principal emphasis on program evaluation, to report on audience reactions and service to all those groups or individuals wishing aid in using radio, when such use is in the public interest.

Department of Broadcast Advertising

A review of the activities of the Department of Broadcast Advertising during the past year begins properly with a deserved tribute to Frank E. Pellegrin who, prior to his appointment as a Captain in the U. S. Army, served as Director from April 1, 1941, to July 3, 1942.

Perhaps the outstanding achievement of his regime was the publication of "A Manual of Radio Advertising," which shall stand long as a token to Captain Pellegrin's abilities and contributions to the broadcast advertising field.

This publication has been widely heralded as the first authoritative work of a practical nature on the application, principles and use of broadcast advertising. It is being widely used as a text in schools and universities.

Dozens of station managers and sales managers have reported how the NAB "Manual of Radio Advertising" had been used effectively to sell radio as a basic advertising medium. They repeatedly declared that with the fundamentals thus established in the advertiser's mind, it is relatively easier to interpret the station's local story.

Many specific sales have been reported in which the Manual has been given credit. Typical of comments was this statement of one station sales manager: "I know your 'Manual of Radio Advertising' made it possible for us to get this account on the air, so again we say—many thanks for the splendid job you have done!"

Not only did Captain Pellegrin conceive and publish this valuable work, but he also produced considerable other useful material as well as maintained constant contact with individual advertisers, advertising agencies and their associations.

During the period from July 3 to October 1, 1942, the Department was without a full-time director. Its activities at that time were planned and supervised by C. E. Arney, Jr., Secretary-Treasurer, while Miss Geraldine Finnegan, who had served as secretary for Captain Pellegrin, maintained the routine correspondence with radio stations, advertisers and advertising agencies. All requests for NAB Sales Helps were promptly filled so that NAB member stations were supplied with the day-to-day assistance which the Department is established to provide.

At the NAB Annual Convention in Cleveland, two resolutions were passed unanimously: one condemned the efforts of some organizations and movements outside the government to obtain the free use of broadcasting facilities; the other urged member stations to deny the use of their facilities to advertisers and advertising agencies seeking to place business on a contingent, guaranteed or per-inquiry basis. Copies of these resolutions have been mailed to all who attempted to infringe the standards of good business practice the industry thus sought to establish.

STANDARD CONTRACT FORMS: The Annual Report for 1942 stated that a new standard contract form had been negotiated with the AAAA and awaited approval of the NAB Board of Directors. Following this approval, two forms of the recommended contract were prepared: one for advertising agencies; the other for advertisers who

do not employ advertising agencies. Mats of both forms were mailed to stations for convenience and economy in local printing. During the year an ever-increasing number of radio stations adopted the standard contract form to the benefit of advertisers, advertising agencies and stations.

WHAT RADIO BUYERS WANT TO KNOW: Through the generosity of Dr. Herman S. Hettinger, Associate Professor of Marketing, Wharton School of Finance and Commerce, University of Pennsylvania, a factual study of agency and advertiser desires in station research, together with some arresting and inescapable conclusions, was released to NAB member stations on July 1, 1942. Unfortunately, circumstances made it impossible to provide the desired follow-up of this material.

In order that broadcasting executives generally might be apprised of the facts customers want to know about radio stations before spending their money, a discussion of this publication was included on the agenda for the NAB District Meetings. That the industry is now aware of the significance of this study is clearly evident from the fact that more than 1500 copies have been distributed and the demand continues little abated.

SALES MANAGERS EXECUTIVE COMMITTEE: To bring the new Director up to date on the activities of the Sales Managers, immediately prior to his association with NAB, the Chairman of the Committee called a special two-day meeting in Chicago on September 23 and 24, 1942. Special thanks are due each of the following members of that Committee for his advice and assistance during the service of the present Director in the period covered by this report:

John M. Outler, Jr., Chairman, WSB, Atlanta, Georgia
Frank R. Bowes, WBZ, Boston, Massachusetts
Donald D. Davis, WHB, Kansas City, Missouri
Dietrich Dirks, KTRI, Sioux City, Iowa
George H. Frey, NBC, New York, N. Y.
Arthur Hull Hayes, CBS, New York, N. Y.
William Malo, WDRC, Hartford, Connecticut

DISTRICT MEETINGS: In company with President Neville Miller, the Director attended 18 meetings in the 17 NAB Districts, starting in Philadelphia on October 19, 1942, and concluding in Boston on December 10, 1942. For this series of District meetings, two booklets were prepared: one contained four charts on the growth of radio ownership and broadcast advertising, and four tabulations of the distinctive advantages of radio as an advertising medium; the other contained summaries of eight topics of discussion at the sales meetings held in conjunction with these District meetings.

In some Districts these sales meetings were held as a part of the general district sessions; in others, they were conducted simultaneously with the general sessions. In each instance, the Director is sincerely indebted to the following District Chairmen of the Sales Managers Committee for their counsel and help in the organization and conduct of these meetings:

Kingsley F. Horton, WEEL, Boston, Massachusetts
Charles F. Phillips, WFBL, Syracuse, New York
John E. Surrick, WFIL, Philadelphia, Pennsylvania
J. Dudley Saumenig, WIS, Columbia, South Carolina
John M. Outler, Jr., WSB, Atlanta, Georgia
J. C. Eggleston, WMC, Memphis, Tennessee
William I. Orr, WBNS, Columbus, Ohio
J. B. Conley, WOWO, Fort Wayne, Indiana
James F. Kyler, WCLO, Janesville, Wisconsin
Sam H. Bennett, KMBC, Kansas City, Missouri
Barney J. Lavin, WDAY, Fargo, North Dakota
Clark A. Luther, KFH, Wichita, Kansas
Jack Keasler, WOAI, San Antonio, Texas
W. E. Wagstaff, KDYL, Salt Lake City, Utah

Wilt Gunzendorfer, KSRO, Santa Rosa, California
Charles A. Storke, KTMS, Santa Barbara, California
W. B. Stuht, KOMO-KJR, Seattle, Washington

CO-OPERATION WITH OTHER TRADE GROUPS: Since the conclusion of the District meeting tour, the Director has continued the efforts begun earlier to co-operate with and enlist the active support of various trade associations and groups in the interests of broadcast advertising. These contacts have included the American Association of Advertising Agencies, the Association of National Advertisers, the Advertising Federation of America, the National Retail Dry Goods Association, the Radio Executives Club of New York, the Chicago Radio Management Club, the New York State Bankers Association, etc.

Included in this co-operation has been the preparation of a digest on broadcast advertising for incorporation in a Public Relations Manual now being prepared by the New York State Bankers Association for distribution to its 850 members; talks before a regional convention of the AFA and the Indianapolis Advertising Club, etc.

Through the provision of sales promotion material and success stories, the Department has assisted various trade papers in other fields to present up-to-date stories on the use of broadcast advertising by many types of accounts.

CO-OPERATION WITH GOVERNMENT AGENCIES: Where such co-operation would further the war effort, and in the interests of broadcast advertising, the Department has maintained close relations with the Office of War Information, Office of Censorship, Department of Commerce, Federal Trade Commission, etc.

COVERAGE MAPS: Just prior to the start of the NAB District meeting tour, Paul F. Peter, NAB Director of Research, released the "Recommended Standards for the Determination of Coverage Maps" tentatively approved by the Research Committee. At each of the meetings, these standards were presented for an extended discussion, culminating in a show of hands on the acceptability of the recommendations.

Since this project originated with the Time Buyers Committee of the AAAA and the President of the Radio Executives Club of New York, the Director, following the District meetings, informed this group of the approval of these standards by an overwhelming majority of the station executives to whom they had been submitted. As a result of this meeting, the AAAA agreed to provide a seal or stamp of approval of this method of determining coverage maps.

Meanwhile, the project was referred to Howard S. Frazier, NAB Director of Engineering, and the NAB Engineering Committee. This group recommended certain changes which were incorporated in the final draft submitted to the Sales Managers Executive Committee at its meeting in New York on March 9, 1943, and to the Research Committee at its meeting in Washington on March 31, 1943. From the latter meeting came a further slight modification and final approval of the standards. The Research Committee also authorized the preparation of sample coverage maps (day and night) based on these standards and the issuance of a booklet outlining the method of compiling and computing such maps. It is hoped that this material will be available for distribution at the NAB War Conference.

Industry-wide recognition should be given the following members of the group through which this project was initiated, in appreciation of their co-operation and counsel in the establishment of these standards:

John Hymes, Foote, Cone & Belding, Chairman
Miss Linnea Nelson, J. Walter Thompson Company
Charles Ayers, Ruthrauff & Ryan, Inc.
William Maillefert, Compton Advertising, Inc.
Carlos Franco, Young & Rubicam, Inc.

Thomas H. Lynch, William Esty Company, President, Radio Executives Club of New York and representative of the non-AAAA agencies

SALES CONTACTS: Utilizing contacts already established, the Director continued the campaign to gain greater recognition of broadcast advertising in fields in which the medium is used to a limited extent. Some of these efforts were of a confidential nature and can not now be disclosed, although it is hoped and believed that they will prove increasingly productive in the near future. Full details will be released in the "NAB Reports" when the time is expedient.

TALKS: The present Director spoke on various phases of broadcast advertising before the Regional Convention of the AFA in Boston, the Indianapolis Advertising Club and the Retail Advertising class at Ohio State University. In addition, he presented a luncheon talk on "Good Taste in Radio Advertising" at several of the District meetings.

PER-INQUIRY AND FREE TIME: When an analysis disclosed that the number of per-inquiry offers and free time requests received by radio stations during a six-month period in 1942 was substantially above the number of such unethical approaches in the same period of 1941, a somewhat different attack was decided upon. In the "NAB Reports" all such offers and requests were treated facetiously and sarcastically.

The immediate result was a doubling and quadrupling of the number of such attempts reported to the department and, favorably, the conversion of several such efforts to standard trade practice.

SALES MANUAL FOR LOCAL ACCOUNTS: Recognizing the special and serious problems faced by radio stations dependent for the most part on local business, the Sales Managers Executive Committee, at its meeting in New York on March 9 and 10, 1943, instructed the Director to prepare as rapidly as possible a Sales Manual for Local Accounts. This is now in production and a final draft is planned for submission to the Committee at its meeting preceding the NAB War Conference. The finished publication should be available within a short time.

RETAIL PROMOTION COMMITTEE PLAN: Acting on a resolution of the Sales Managers Committee, passed at the NAB Annual Convention in 1942, the NAB Board of Directors authorized the appointment of a Retail Promotion Committee (originally termed Department Store Clinic Committee) to investigate the present use of broadcast advertising by department stores and leading retail establishments, and to recommend ways and means of increasing the acceptance of radio in this field.

The Committee (which was later augmented to bring in non-member representatives) includes:

Paul W. Morency, WTIC, Hartford, Connecticut, Chairman

Robert E. Bausman, WISH, Indianapolis, Indiana

Gene L. Cagle, KFJZ, Fort Worth, Texas

William Crawford, WOR, New York, N. Y.

Dietrich Dirks, KTRI, Sioux City, Iowa

John Esau, KTUL, Tulsa, Oklahoma

Sherman D. Gregory, WEAJ, New York, N. Y.

Kenneth K. Hackathorn, WHK-WCLE, Cleveland, Ohio

Arthur Hull Hayes, CBS, New York, N. Y.

Walter C. Johnson, WTIC, Hartford, Connecticut

C. L. McCarthy, KQW, San Francisco, California

John M. Outler, Jr., WSB, Atlanta, Georgia

Oliver Runchey, KOL, Seattle, Washington

After a preliminary investigation, the Committee selected Sheldon R. Coons, distinguished business counsel, to make the study and prepare the presentation. An outline of the project and a schedule of the proposed cost of participation for radio stations was submitted to the NAB

Board of Directors at a meeting in Chicago on September 24, 1942, and approved unanimously. The campaign to raise funds was launched on October 30, 1942.

In essence, the Retail Promotion Committee Plan is designed to finance and present a study into the problems of retail selling, retail distribution and the part radio advertising may play in their solution.

It will be presented as a dramatic, four-hour Master Showing employing:

- motion slide films
- animation
- sound motion pictures
- transcriptions
- charts
- supplementary exhibits
- printed material for distribution

It will be shown at joint meetings of the owners and managers of retail establishments and the executives and salesmen of participating radio stations.

Where it is not feasible to present the Master Showing, complete presentations in Jumbo Easel form will be available for similar meetings. Every participating station will receive a desk presentation which will be an exact photographic reduction of the Jumbo Easel form.

In both the study and the presentation, Mr. Coons will draw upon sources of unquestioned stature—men known to all in advertising, business, government, labor, management, retailing and broadcasting. All to the end that there shall be presented to the retail industry and broadcasters alike a sweeping compilation of such authoritative opinion and verifiable facts as to show conclusively how the broadcasting industry may serve the retailer.

Many leaders in the industry have termed this project the most constructive activity ever undertaken by broadcasters. Certainly it is the first industry-wide effort to sell the medium on a thoroughly sound and constructive basis.

For the tremendous energy and unlimited time that Chairman Morency has devoted to the development of this project, broadcasters will long be indebted. With the goal in sight, the entire committee hopes to raise, at the NAB War Conference, the additional funds required to complete the study and presentation.

To assist Chairman Morency in the campaign for funds, the Director has devoted more than a majority of his time since the conclusion of the District meetings. To those who are closely associated with the project, no other activity in the commercial phase of broadcasting has ever possessed either the appeal or the possibilities of the Retail Promotion Committee Plan.

THE NECESSITY FOR SALES: Elsewhere in this Annual Report you will find ample evidence of the all-out effort of broadcasting stations to help in every way possible in the successful prosecution of the war. But such efforts are necessarily contingent upon sufficient income to insure continued operation of each and every radio station.

Today, more than ever before, radio stations need continued and, if possible, increased income. The Department of Broadcast Advertising is dedicated to this task as its contribution to the war effort. To that end, individual radio stations have co-operated unstintingly. For such co-operation, the Director hereby extends his sincere thanks.

The report of this Department would be incomplete without an expression of appreciation for the complete co-operation of the entire NAB staff. Particularly helpful to the new Director was the special assistance given him by President Neville Miller, Secretary-Treasurer C. E. Arney, Jr., and Director of Research Paul F. Peter.

Respectfully submitted,

LEWIS H. AVERY,
Director of Broadcast Advertising.

Engineering Department

The NAB Engineering Department is now devoted almost exclusively to industry problems of a technical nature created by the war. These activities include the conservation of tubes, spare parts and other materials essential for operation; the recruiting of competent technical personnel from sources outside the industry, the maintenance of home receivers and direct assistance to stations with materiel and personnel problems. The normal work of the Department has been continued along with the wartime problems.

BOARD OF WAR COMMUNICATIONS

Neville Miller is chairman of the Domestic Broadcasting, Committee IV and a member of the International Broadcasting, Committee VI and Communications Liaison Committee for Civilian Defense, Committee XII. The Director of Engineering serves as alternate and technical advisor for the NAB president on these three committees. The work of all Board of War Communications' committees is confidential; therefore, this phase of the Engineering Department's activities cannot be reported. However, it can be said that much work has been done for the benefit of the nation and the broadcast industry.

TECHNICAL MANPOWER

It is anticipated that losses of the industry's technical manpower will be one of the most serious problems to be faced by the industry in the near future.

For many months this Department has been preaching the wisdom of training women and men, who because of age or physical fitness are not subject to military service, as replacement technicians and operators. The Executive Engineering Committee has not considered it advisable to undertake an industry operator training program as the operating practices of individual stations vary widely. Assistance and advice concerning the training problems of individual stations are always available from NAB.

The British Broadcasting Corporation has been extremely cooperative by informing NAB of their experience with technical personnel problems under wartime conditions. Recently the NAB Engineering Department, with the cooperation of the American Radio Relay League, inaugurated a campaign to recruit men and women possessing radio operator licenses or other qualifying experience for technical positions in broadcast stations. Applicants have already been registered from 37 states and the District of Columbia. Upon request, the names of registered persons are forwarded to stations. NAB makes no investigation of the registrants nor does it act as an employment agency. This function is merely that of an intermediary to bring the employer and the volunteer replacement technician together.

PRIORITIES AND MATERIALS

Conservation measures instituted by cooperative action of WPB, FCC and BWC together with the exchange of surplus materials, as implemented by the FCC catalog of surplus equipment and the NAB Swap Bulletin, have made possible the continued operation of the industry with a minimum drain upon the nation's stock pile of vital materials. So far as is known by NAB, no station has been off the air for longer than a brief period due to a lack of replacement tubes or parts.

The NAB Swap Bulletin is mailed to all standard broadcast stations regardless of NAB membership. Likewise,

the columns of the Swap Bulletin are available to all broadcasters. Thirty-three issues of the Swap Bulletin have been published and some of the statistics are interesting. A total of 449 items wanted by 279 stations were listed. The "For Sale" columns offered 1,560 items from 272 sellers. Through the joint NAB-ARRL appeal to amateurs for the sale of their transmitting tubes to broadcasters, 1,111 transmitting tubes were made available to the industry.

The delivery of necessary replacement materials to broadcasters has been expedited by the granting of the preference rating AA-2X which is comparable with the priorities accorded military requirements.

MAINTENANCE OF HOME RECEIVERS

There is a growing realization that the effectiveness of broadcast station operation is dependent upon the continued maintenance of home receiving sets. Although not serious at the present time, this problem has been aggravated by the loss of substantial numbers of radio service mechanics to the armed services and other industries, as well as the temporary shortage of some replacement parts and tubes. The Engineering Department has devoted much of its efforts during recent months to this phase of the industry's wartime technical problems. This work is being carried on in close cooperation with governmental agencies involved and other NAB departments.

RECORDING STANDARDS

The work of the Recording and Reproducing Standards Committee has been suspended for the duration of the war. However, sixteen of the most important items of standardization have been approved by the NAB Board of Directors in accordance with the Committee's recommendations. The Engineering Department is constantly encouraging the wide-spread use of the standards which have already been adopted by many recording organizations, governmental agencies and broadcasters.

GENERAL

Among the varied activities of the Engineering Department, the following are worthy of special mention. Publication of a directory of tube repairing facilities, priority instructions to broadcasters, the purchase by broadcasters of transmitting tubes from amateurs, relaxation of FCC operator requirements, a continuous review of technical publications with reading recommendations for broadcast engineers and executives, selective service problems and the investigation of new broadcast equipment developments.

EXECUTIVE ENGINEERING COMMITTEE

John V. L. Hogan, Chairman, WQXR
Franklin M. Doolittle, WDRC
G. Porter Houston, WCBM
E. K. Cohan, CBS
O. B. Hanson, NBC
Howard S. Frazier, NAB, ex-officio

Respectfully submitted,

HOWARD S. FRAZIER,
Director of Engineering.

Labor Relations

Since we last met, we have seen the most drastic changes in labor relations since the right to strike was established a hundred years ago.

The whole field of relations between men and management is now under the control of the federal government.

Collective bargaining is only a sham. Either side in labor negotiations can end them at will, knowing that compulsory arbitration must follow. And even if a bona fide collective agreement is arrived at, it must be submitted to the federal government for approval.

Wages and salaries have been "stabilized". That means "frozen", with some little leeway.

Labor is forbidden to strike.

Not only does the government now fix maximum hours of employment (without penalty) but also tells management just how long its men shall work.

Some headway has been made toward "freezing" men in their jobs if essential to the war effort, and labor conscription within the coming year is the probable development which will complete the governmental grip on this field.

All this is for the best. To fight a regimented economy effectively, we must regiment ours. If we want to be free men in the world of the future, however, we must be ready to rid ourselves of this regimentation once the war is won.

In so doing, if management is wise, it will seek the support and cooperation of organized labor. Most labor unions, like management, are chafing under virtual bureaucratic dictatorship. They will be ready and willing to help management restore economic freedom—if management does not try to define economic freedom as unbridled freedom for management and serfdom for labor.

II

The past year, likewise, has been of unprecedented importance in radio's own labor relations. A start was made toward determining whether radio was responsible for the permanent maintenance of those members of the American Federation of Musicians who could not make a living with their instruments.

James C. Petrillo, president of the musicians union, started the ball rolling when, in June, 1942, he announced to his convention that A. F. of M. members would make no recordings after August 1. In calling this strike, Mr. Petrillo defied the President of the United States and broke labor's pledge of no strikes for the war's duration. That apparently troubled Mr. Petrillo not at all. Nor did it bother him to turn down the pleas of Army, Navy and Marines for records for our soldiers abroad. Until forced to do so by a Senate committee in February, Mr. Petrillo would not even say what he wanted the recording companies to do, to permit the resumption of recording. Under the committee's pressure, he finally stated that he wanted the recording companies to contribute cash to a union-managed "unemployment fund". This they refused to do.

Sooner or later, the issue will be decided, and recording will be resumed.

Whatever the decision, it likely will determine in the long run whether the private WPA for musicians which is now maintained in many radio stations must be continued. The sooner this question is decided, the better for all concerned.

III

I have done my usual chores during the past year to the apparent satisfaction of most of the members. These have included:

(1) Keeping the entire membership advised of pertinent developments in the field of labor relations.

(2) Assisting the industry and individual stations in applying the multiplicity of labor laws, rules and regulations to their operations.

(3) Helping individual stations in their dealings with labor unions.

(4) Keeping both labor union officials and governmental officials dealing with labor advised of radio's labor problems and obtaining their help in solving them.

(5) Dealing with the still troublesome problems which arise from labor's desire to reach the American people by radio.

Along with this routine work (if labor relations work can ever be called routine), I have spent much of my time on the A. F. of M. problem. The balance has been devoted to the war effort. Last August Robert Patterson, Assistant Secretary of War, asked me to handle the labor relations in a Boston munitions plant for several weeks. This assignment was successfully completed. I have also been working with the employers' group at the National War Labor Board with the thought that, in so doing, I could be of assistance to radio both directly and indirectly in helping to effectuate the national wage stabilization program. I wish to thank the Association for permitting me to undertake these governmental assignments.

IV

The Labor and Wage and Hour Committees of the Association have been extremely helpful during the past year. I could not close this report without a special note of appreciation for the advice and guidance I have received from their good Chairmen, Ralph Brunton and C. T. Lucy.

Respectfully submitted,

JOSEPH L. MILLER,
Director of Labor Relations.

April 10, 1943.

Legal Department

I

Following the Cleveland Convention, hearings on the Sanders Bill to amend the Communications Act were resumed May 19, 1942. The reported testimony, comprising 1058 pages, should be of great value to the Interstate and Foreign Commerce Committee in future deliberations. In January, 1943, Representative Holmes (R-Mass.) introduced in the 78th Congress a bill virtually identical with the Sanders Bill, and in March Senators White and Wheeler jointly introduced a bill which also included the recommendations of the Federal Communications Bar Association, but went even further and included, among other provisions, the three proposals advanced by NAB at the hearings on the Sanders Bill last year. NAB had endorsed in principle the Bar Association's recommendations. There is a distinct possibility, it is generally believed, that the present Congress will amend the Act.

Also on the Congressional front are three bills which would prohibit the advertising of alcoholic beverages. The Johnson and Capper Bills in the Senate, and the Culkin Bill in the House, were referred respectively to the Senate Interstate Commerce Committee and the House Interstate and Foreign Commerce Committee, where they now remain. Hearings have not been scheduled, and appear unlikely to be. NAB, as in the past, is opposed to these measures.

Executive Resolution "E", the adoption of which by the Senate would make the United States party to the International Copyright Convention without prior revision of our domestic copyright law, remains dormant in the

Senate Foreign Affairs Committee. A continuing threat to broadcasting, its chances of being reported out at this session are believed to be slim.

Forty-three state legislatures have been in session during 1943 to date, and Alabama will meet in May. Twenty-one have adjourned sine die. In nine states bills to bar liquor advertising on the radio were introduced, of which seven were killed or died, and two are still in committee. North Carolina and Washington enacted libel laws favorable to broadcasting. Several bills objectionable to radio are buried in committee or have died with the close of the session. Broadcasters appointed by NAB to serve as legislative contacts in the various states have been most helpful.

II

Preparation of the NAB Selective Service Handbook and Supplements, correspondence with stations relative to occupational deferment of key men, and contact with National Headquarters of the Selective Service System, have consumed considerable time and effort. Activity and Occupation Bulletins issued by headquarters for the guidance of local boards have not prevented induction of many key employees in broadcasting, although the industry as a whole, it is believed, has been accorded reasonably fair treatment. The training of women, men over 45 and men in 4-F remains, as NAB has repeatedly stated, the safest course to pursue in order to insure sufficient manpower for continued operation. With the drafting of fathers imminent, the picture daily looms more grim. Under the law the local boards, subject to the right of appeal to the Boards of Appeal, have the power to determine all claims and questions relative to occupational deferment. Under the Selective Service System's basic policy of decentralization, the power of State Directors seems to be increasing with corresponding reluctance on the part of the Director of Selective Service to intervene in occupational cases. Employers have no right under the law to appeal to the President in occupational cases. General Hershey and the State Directors have the authority in their discretion to take such appeals, an authority they exercise only infrequently. The local boards, at the grassroots, are virtually all-powerful, and are seldom reversed if they have observed procedural regulations. Counsel has been of some help in a number of cases where stations requested investigation by headquarters; but the prospects for the future appear less bright.

III

The principal task performed by the Code Committee was the clearing up of a misunderstanding between the Cooperative League of the U. S. A. and certain stations with respect to the purchase of time by the League. The committee has met twice since the last report.

In November, the Federal statutory three-judge court in New York dismissed the network suits against the Government to enjoin operation of the FCC's network regulations. The cases were dismissed on the merits without taking evidence. The Supreme Court's decision on the networks' appeals is expected shortly.

Contacts with OPA, WPB, WMC, Selective Service, and other Government agencies have been maintained. Relaxation of the gasoline regulations to make engineers and technicians eligible for Class C coupon books for driving necessary to the installation and servicing of temporary remote-control pickups was secured. Efforts to secure similar relaxation for other workers in the industry were unsuccessful. Correspondence with stations and their attorneys on various and sundry matters, and

consultation with members of the staff have consumed considerable time.

RUSSELL P. PLACE,
Counsel.

April 10, 1943.

Promotion and Circulation

This department continues to be almost wholly concerned with government departments. It operates in the belief that broadcasting is the medium of mass communication which can do most to inform, instruct, persuade, inspire and bring a moment of relief through entertainment to all those millions who are holding the home front. If the home front is breached, the war front collapses.

By their actions broadcasters signify that they realize this nation is fighting for its very existence and that it needs every help within their power to give.

The industry provides a tremendous amount of support to the nation's war effort. As calculated by the NAB research department it amounted to 5,556,000 announcements and 601,000 programs of local origination in 1942.

Elmer Davis, director of the Office of War Information, officially reported radio's contribution another way. On March 26, 1943, he stated that \$86,900,000, divided, \$71,570,000 for time and \$15,330,000 for talent, was the dollars and cents value of the over-all radio effort of bringing war information to the public.

To continue to do so much in the future will necessitate both courage, aggressiveness and ingenuity on the part of the industry. Ability will depend on three factors—men, materials and money.

MANPOWER

Stations which have not yet safeguarded their operation by placing women, over-age men and 4-Fs in key spots are faced with sizable difficulties now, larger ones in a few months. Paul McNutt said it all last January 4: "Employers must accustom themselves to the fact that, as the war goes on, the armed services will almost certainly claim every replaceable male employee of military age and fitness in every industry, regardless of essentiality."

By acting promptly stations have one last chance to secure dependable replacements for the duration. It is our feeling that some measure of relief may be afforded by checking lists of nearby students who have been enrolled in the ESMWT-NAB "Fundamentals of Radio" courses. Not all have entered the armed forces because men and women of all ages and physical fitness were and are among the students. Chief engineers and managers report that graduates make excellent technicians. For institutions to contact, consult NAB REPORTS of April 2, 1943 and the Annual Report issue of NAB REPORTS, May, 1942.

For the next fiscal year the ESMWT program has received the blessing of the Bureau of the Budget. Officials believe it will receive Congressional approval. To get a course repeated or started consult the ESMWT Institutional Director at nearest school. Conditions demand that students should be women and men not required by the military. Ignore any prejudice about employing women. They are doing an excellent job for BBC and an ever increasing number of American stations. Signal Corps schools are full of them; they will work on sets more intricate than standard band transmitters.

MATERIEL

Frank McIntosh, assistant director, Radio & Radar Division, WPB, is coming to the Chicago War Conference to tell the industry about transmitter and receiver tubes and parts, what he expects to happen during the forthcoming twelve months and what he envisions for post war radio.

The March-April tube survey undertaken by NAB for Radio & Radar was reported "excellent and most helpful" by WPB.

After the War Conference another check will be made as to the supply of radio repairmen. They have been declared essential to the war effort in Selective Service Occupational Bulletin No. 42, December 22, 1942, and again in Activity and Occupation Bulletin No. 31, effective March 1, 1943.

Over ten thousand copies of a folio dealing with this matter were distributed by NAB with the help of broadcast stations, jobber and service associations and set manufacturers. At this writing it would seem that the radio service operation must be streamlined in areas where a sufficient flow of work would permit a breakdown of the service job. Radio repair will also receive study at the War Conference.

Already "coverage" conscious, broadcasters apparently must go all the way and become "circulation" conscious. Unless individual sets (circulation) are maintained in repair, the war effort will suffer. Specifically we mean that Mr. Morgenthau's continuous bond sales will flop, that Chester Davis' food program will suffer, that home front morale will deteriorate.

WITHOUT RADIO, MORALE SUFFERS

What actually happens to the morale of families, deprived of accustomed news and other broadcast services, was demonstrated this spring when many farm families were unable to buy radio batteries. Large numbers became resentful, uncooperative and disgusted. The state legislatures of North Dakota, South Dakota, Nebraska, Minnesota, Iowa and Indiana were "up in arms" and memorialized the Congress of the United States to lift restrictions on the manufacture of radio batteries. The Illinois House unanimously adopted the battery resolution on March 31 and it has been referred to the Senate Executive Committee. There were speeches in Congress.

One investigator summed up the farmer's feeling as follows:

"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.'"

Another said: "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."

Another reported: "Virtually all replies indicate radio as one of the major factors in keeping up morale."

Direct statements by farmers were more pungent. Said one: "I could get along without sugar or coffee, I could even go barefooted, but when we can't get batteries for our radio, it is just terrible."

Another stated: "Have a boy in service. Are up early to hear the news. We would feel like working harder if we had the use of our radio."

And another: "What will us farmers do without a radio? No hog market, no chicken, egg, grain markets of any kind. And no news."

It is unfortunate that farmers were the unwilling guinea pigs whose reactions, when deprived of broadcast service, aroused such public indignation. But this experience has clearly demonstrated to all the importance of maintaining a radio in every American home throughout the emergency.

Respectfully submitted,

ARTHUR STRINGER.

Research

There is considerable progress to report on the research activity of the NAB since the Cleveland Convention in May 1942. The NAB Research Department, under the direction of the NAB Research Committee, has completed its study of Station Coverage and is preparing a publication of its recommendation on the subject. This will be mailed to the membership as soon as it is printed. The title of the publication will be "How to Determine Station Coverage".

The Research Department has also completed its tabulations and calculations of Census data to be included in the "NAB Market Data Handbook for Broadcasters". Copy for the book is in the hands of the printer and will be sent to NAB members as soon as the printing is completed.

The Research Department has held to a minimum the number of questionnaires addressed to stations from the Association consistent with the handling of the problems facing the industry. Also, NAB has exerted its efforts to dissuade outside organizations from conducting surveys addressed to broadcast stations. Recent conferences have been held with FCC and Bureau of the Budget personnel on the subject of questionnaires addressed to stations and forms required by FCC from stations. The FCC has recently announced that it is now in the process of revising its forms. It is hoped that the FCC efforts along this line will result in material savings of employee time and station expense in keeping records, preparing applications, and answering questionnaires.

There were two surveys addressed to broadcast stations during the past year by the NAB Research Department which were of particular importance. These were the questionnaires on use of musicians by broadcast stations and a survey of the manpower situation in the industry.

In the following paragraphs, the principal or time consuming tasks handled by the NAB Research Committee and the Research Department are discussed by subject matter.

STATION COVERAGE

Station Coverage has been a topic for discussion in the ranks of broadcasters, advertising agencies, and advertisers for almost as many years as there has been advertising use of radio. There has been a growing dissatisfaction on the part of agencies and advertisers with the coverage claims stations have been making because there has been no consistent definition as to just what station coverage means and there has been no uniformity in arriving at coverage claims. Also, there has been a failure in most cases to clearly set forth how coverage claims were arrived at to give some clear indication as to the value of the claims.

The Radio Executives Club of New York in conference with the NAB Sales Managers Executive Committee sug-

gested that NAB prepare a standard coverage specification. The Time Buyer members of the REC stated their complete satisfaction with a coverage method defined as a physical determination of area served by stations, measured through the use of audience mail analyses and signal strength surveys, and accompanied by market data to evaluate the service area.

The NAB Sales Managers Executive Committee asked the NAB Research Committee to undertake a study of the Time Buyers proposal and prepare a recommendation which could be sent to all stations setting forth the need for standardized coverage claims, the definition of Station Coverage most desired in the field of radio advertising, and, the methods recommended with suggestions to aid stations in applying methods.

The NAB Research Committee participated in a survey conducted by Herman S. Hettinger of the Wharton School of Finance of the University of Pennsylvania, addressed to advertising agency and advertiser executives. The summary of the findings of the results of this survey was published in July 1942 by the NAB under the title, "What Radio Buyers Want To Know". The interest of the Research Committee in the survey was to determine the attitude of agencies and advertisers on the specific question of Station Coverage. Dr. Hettinger's survey demonstrated that the views of the Time Buyer members of the Radio Executives Club of New York were in perfect agreement with the views held by agency and advertiser executives across the country. Findings indicated that coverage ranked high in the list of information desired, figured strongly in the factors listed as important in the purchase of station time and, in answer to the question as to the type of coverage preferred, audience mail ranked first and field intensity studies ranked second. It should not be overlooked that in answer to the question on type of coverage preferred, a substantial number answered such, as "conservative and uniform coverage data", "standardized data", and, "accurate factual data".

The characteristic view within the advertising fraternity seems to be one of reasonable tolerance in the matter of definition of station coverage and method employed to determine coverage so long as the objective of standardization is attained. NAB is anxious to contribute to this end because the broadcast advertising industry will gain materially if the purchase of station time can be simplified and the reasonable requests of the advertisers and agencies met.

The NAB recommendation on Station Coverage is now in the hands of the printer and will be distributed to member stations and advertiser and agency organization executives in the very near future. The booklet will contain a recommendation on method of determining the station coverage area, and the manner of handling the calculation of the market data used to interpret the coverage area. Also included will be a sample station coverage presentation including a demonstration of maps, titling, and copy. The Time Buyers Committee of the American Association of Advertising Agencies has agreed to work with the NAB on the Station Coverage presentation and authorized the use of the 4A Stamp of Approval on the presentation format. The recommendation will also include a discussion of procedure on method, handling of figures, printers specifications, etc., designed to aid the station in using the recommendation.

The essence of the recommendation as to method is as follows: Station Coverage is defined as the physical limits of the area served as demonstrated by actual listening. The half millivolt signal strength contour is used to give evidence of the deliverance of signal to show where the station can be heard to the extent of one-half millivolt signal. Audience mail is used to establish the actual coverage area since audience mail reflects the location of

actual listeners. The coverage interpreted from audience mail analysis by county is in terms of market data consisting of population, number of families, number of radio families and selected retail sales data. Under this definition, the physical area of a station's coverage is determined without reference to audience competition. The measurement represents a potential in service in that it assumes that under ideal conditions the station is capable of serving all radio families within its primary area. In other words, the method produces only the physical limitations of station service without reflecting audience competition. (NAB is currently studying the problem of audience measurement and will prepare a recommendation on that subject later on.)

METHOD

SIGNAL STRENGTH: The NAB Engineering Committee prepared a recommendation on the subject in 1940 under the title, "National Association of Broadcasters Recommendation for Field Intensity for the Purpose of Estimating Field Contours of a Broadcast Station in the Regular Broadcast Band."

In the introduction of the report an objective of the recommendation is stated, "that the interpretation and presentation of such measurements might be such that the work of one engineer might readily be compared with that of another, and the claims of one station compared with those of another, it is desirable to have a uniform practice of procedure for doing this work". It is recommended here that the engineering procedure for measuring field strength, as set forth in the report mentioned above, be followed. It is highly desirable that the station complete a signal strength survey report as prescribed because of its engineering value and also its value to management in effectively gauging the efficiency of physical equipment used in radiating a signal. Such a report will also serve as substantiating material for the signal strength data drawn from it in this coverage method.

For the purpose of the recommendation, signal strength measurements are used to show where the station may be heard within a standard of signal intensity. The signal strength data used will not be directly related to audience mail analysis, but will serve as an orienting factor.

The signal strength measurement findings employed in this coverage recommendation are confined to the .5 millivolts per meter contour ground wave. Such measurements are made in the daytime and therefore the half millivolt contour will be presented on the daytime coverage map and will not appear on the night-time map. It is fully realized that the arbitrary standard of .5 millivolts per meter is not a true criterion of effective coverage. However, the uniform information for all stations will be valuable for the advertising fraternity on the physical radiation of signals. And, more important in this recommendation, the half millivolt contour will enable better understanding of the commercial coverage claim as produced by audience mail.

The descriptive material to be used in conjunction with signal strength should include: date of the survey, name of the engineer and his qualifications, description of the method used, setting forth what portions of the data were obtained through actual measurement and which were arrived at by calculation, and the total number of field strength readings taken.

AUDIENCE MAIL: Audience mail analysis is used to introduce the factor of actual listening. Interpretation of audience mail is confined to a geographic examination of its distribution by county. Audience mail analysis is capable of showing the where of listening audience but is not offered to indicate, to any degree, the amount of listening or the relative popularity among stations. The

number of pieces of mail analyzed will have no significance beyond the specification that a sufficient amount of mail be used to insure an adequate statistical sample. Mail will be analyzed as to the county from which it is sent. Mail which cannot be identified positively as to the location of the writer will not be used in coverage calculation. Similarly, mail for coverage calculation will be confined to that which can be identified to specific programs.

Audience mail analysis will be confined to that which is drawn in response to programs originated by stations. This specification is made because the recommendation aspires to produce coverage claims of individual stations. It has been clearly demonstrated in network research that there exists differences in the coverage of individual stations when carrying network programs as compared to their coverage for locally produced programs. It is obvious, therefore, that there must be separate calculations for the two. This recommendation is confined to individual station coverage and will, therefore, have its commercial value confined to matters of national spot business and local business claims.

Separate analyses of audience mail addressed to day programs and night programs are to be made to produce separate day and night coverage maps. It is obvious therefore that the identification of the program producing the mail response must be positive. The segregation of day and night will be based on the hour of average sunset as set forth in the FCC Standards of Good Engineering Practice.

Audience mail used for coverage calculation may fall into one of two broad classifications. An identification of the type used is to be presented on the face of the coverage map. The two types of mail are: 1. Cumulative Mail—that received over a period of time to all locally produced programs during the day (or night) which can be definitely identified to programs; and, 2. Mail Produced by Special Offers—a concerted drive for mail by offering an object of no intrinsic value through announcements spotted at various times during the day (or the night).

Coverage maps produced by the two methods, under ideal conditions, will not differ materially so long as there is a sufficient volume of mail to constitute an adequate sample and the appeals to the audience contain no bias which would cause a higher degree of response from any segment of population.

The use of Cumulative Mail should minimize the effect of any bias because of the averaging influence of response to all programs over a period of time.

Special Offer Mail has the advantage of ease in handling since each response is quickly identified, contains a return mail address, can be tailored in the spotting of announcements to insure a representative sample of the time period measured (before or after sunset). The sample can be developed in a relatively short time by a concerted station campaign. Disadvantages of the Special Offer analysis lie in the possibility of producing bias if great care is not exercised in the matter of selecting the object offered and the volume of mail may not be as large as could be expected in response to all programs over a period of time.

If Special Offer Mail is to be used, particular care must be taken in setting up the entire campaign for audience mail. The two items to be offered must be selected for clear differentiation since one will be offered during the daytime (before sunset) and the other during night-time operation (after sunset). In this way, separate samples will be accumulated for calculating day and night maps. In the spotting of the announcements of the offers, care must be taken to distribute the announcements as evenly as possible over the full period measured. Care must also be taken to avoid use of network

program adjacencies since this will tend to restrict the area measured.

ANALYSIS OF COVERAGE: Coverage is analyzed by relating the count of mail received from each county to the 1940 Census figures of radio families within each county. The number of letters received is divided by the number of radio families and pointed off decimally to reflect mail per thousand radio families. As an illustration, if 625 letters are received from a given county having 5,000 radio families, the calculation takes the form of dividing 625 by 5,000, producing a .125 result. By moving the decimal point three places, the index of response becomes 125 letters per thousand radio families.

The home county, or specifically the county in which the station's principal studios are located, will be used as the base for evaluating the response of all other counties from which mail is received. The evaluation takes the form of calculating the percentage relationship of each county to the home county; that is, by dividing the response index of each county by the response index of the home county.

The degree of coverage of each county is gauged on the percentage relationship each county bears to the home county. Primary coverage of a station may be defined as that area or those counties in which the station has a strong signal and a substantial audience at all times. The radio time buyers have indicated their desire for a three group classification of the degree of coverage; the first group to consist of those counties having an index relationship 50% or greater than the home county; the second classification—those counties having 25 to 50%; and, the third, 10 to 25%. These will be termed "Intense", "Excellent", and "Good", respectively.

Experience in the industry indicates that primary coverage extends to those counties having 25% or greater relationship to the home county. Primary coverage, therefore, is divided into two parts—"Intense" and "Excellent". Secondary coverage is that mentioned above as "Good"—counties having 10 to 25% relationship to the home county.

The classifications of coverage, then, are as follows:

Primary—Intense	50% or greater
Primary—Excellent	25% to 50%
Secondary—Good	10% to 25%

A substantial volume of letters should be used for the audience mail coverage analysis. No minimum count of mail can be prescribed, since there are too many factors involved which would control the amount of mail received by stations. Among these factors are the classifications of stations; the population of the area served; and the responsiveness of the audience, which is coupled with the appeal for mail the station has made in the past to develop responsiveness, etc.

The safest test of sample adequacy which can be offered at this time is that point in audience mail analysis when additional quantity of mail does not alter the coverage classification of individual counties. This procedure can be followed without undue hardship by progressive analysis—analyzing the mail at intervals during the period selected for accumulating the sample.

MARKET DATA

In conjunction with the Station Coverage Recommendation, NAB is preparing a Market Data Book for Broadcast Stations which will contain basic information for station use. Prior to the Cleveland Convention, the Research Department presented in the NAB REPORTS, the Census figures of 1940 count of families, percent radio ownership, and radio families for several states which had been completed by the Bureau of the Census by that

time. Following the Convention, this work was completed for all states and presentation in the REPORTS included such information for each state, by county and by cities of 25,000 or more population. It was necessary for the Research Department at the direction of the Research Committee to calculate projections of the radio family figures since the Census was not complete in coverage of all families.

The Market Data Book will contain the radio family figures for each state and county with separate figures for urban, rural non-farm and rural farm families. Also, for each state will be presented a complete list of all urban places having population of 2,500 or more. Census figures of population by county and city will be included. In the same detail, figures from the Retail Census of 1939 will be given showing the number of stores and sales in dollars for total retail trade, with separate figures for the food group, the general merchandise group, the apparel group and drug stores. These four classifications on retail business are included in the Market Data Book because of their commercial significance in broadcast advertising.

Information in summary form will be presented in the book to show the growth of radio families since 1923 and a discussion of the relationship of radio families to total receiving sets in use. There will also be a summary section presented on the change in civilian population from the Census date, April 1940 to May 1942. This will be given in detail by state and metropolitan districts. There will also be a section devoted to metropolitan districts giving the complete information of radio family population and retail trade figures.

Copy for the Market Data Book is now in the hands of the printer and every effort is being made to distribute it to the membership and to advertiser and agency executives as soon as possible.

MANPOWER

The importance of the problem of manpower to operate the industry compelled NAB to address a questionnaire to all stations in September of 1942. A similar questionnaire had been sent to all stations on the subject of selective service in May 1941 but was confined to technical personnel. The drains of manpower from all departments of radio operation necessitated our having available information on all classes of employees.

The manpower questionnaire was sent to 919 broadcast stations. Replies were received from 667 stations, representing a 73% response.

The survey shows that on October 19, 1940, the average station employed 22.5 persons. On September 15, 1942, the station average had dropped to 21.1. The employment of men by stations dropped from the average of 18 to 16. Employment of women rose from 4.4 to 5.0. In the two-year period, all station employment decreased 6.2%, with a 10.9% decrease for men and a 12.9% increase for women.

In the two-year period, 26.2% of the number of men employed by stations were lost to the armed services. Roughly, two-thirds of those going into the armed services enlisted or were ordered to active duty in reserve capacities. About 35% were drafted.

Considerable concern has been expressed over the migration of employees within the industry to other stations, other civilian employment, as well as to the armed services. The survey shows that the number of persons leaving stations between October 19, 1940, and September 15, 1942, represented 69.5% of the personnel employed at October 19, 1940.

On September 15, 1942, 64.4% of all persons employed by stations were in draft ages 20 to 45 years. In addition, boys of ages 18 and 19 constituted 4.3% of all employees, bringing the present percentage within draft age

to 68.7%. A selective service classification of those within ages 20 to 45 years on September 15th as expressed in percentages shows men classified in 1A or 1B to be 9.0%; those in 2A or 2B, 2.3%; those holding reserve commissions or awaiting call, 1.3%; classification 3A, 67.6%; classification 3B, 1.5%; classification 4, 9.5%; and not yet classified, 8.8%.

Stations classified as essential men to their operation only 19% of their employees. In terms of average employment per station, only 4 of 21 were listed as essential. In terms of actual figures as reported in the survey, 608 stations showed total employment of 12,821 and listed as "necessary men", 2,464. Of this number, 150 were in Selective Service classification 1A, 116 were in 2A or 2B and 1,958 in 3A or 3B. Approximately 67% of the men in 3A and 3B have dependent children. Thus it can be readily seen that a request of the industry to National Selective Service for deferment of essential employees involves an exceedingly small number of registrants.

A subsequent analysis of the questionnaire made to reflect the number of persons between the ages 37 to 45 showed that 20.5% of "key people" in radio stations were affected by the Selective Service order restricting the drafting of men in that group.

The Research Department is currently preparing a simplified questionnaire to revise the information since manpower is probably the most acute problem facing the industry today. A minimum of information will be required of stations to reduce the burden placed on them. However, it is imperative that full cooperation be given NAB in this matter.

MUSICIANS

The Research Department has devoted much time to the collection of information needed in treating the problem of the musicians' ban on music recording. A questionnaire on employment of musicians in the industry was sent to all stations July 13, 1942. The survey produced valuable information, some of the results of which have been presented in the NAB REPORTS. No complete report has been made, since the developments in the musicians' problem have been such as not to warrant such use of the information.

The Research Director attended the Congressional Hearings of the A. F. of M. and has made studies of the factual claims set forth in testimony by Mr. Petrillo and Mr. Padway. Advisability of some consumer research was indicated in the testimony and the Research Department has undertaken surveys to develop the actual facts on the subjects.

WAR EFFORT

The NAB Research Department has cooperated in developing information on the extent of radio's contribution to the War Effort. An average of better than 500 radio stations have consistently submitted reports on the programs and announcements carried on behalf of the War Effort each month since the Fall of 1941. The Research Department has made the analyses of the reports. The results of these analyses have been published in the NAB REPORTS. A projection of industry totals from the tabulations of nine months of 1942 shows that stations broadcast approximately 5,556,000 announcements and 600,000 programs for the entire year as their contribution to the War Effort. This represents station contributions only and does not reflect the contributions by networks and individual advertisers.

The Research Department has worked closely with the Office of War Information in matters of research on War Effort broadcasting.

EXCESS PROFITS TAX

The Research Department undertook to assemble as much information as could be made available for the use

of stations in calculating excess profits taxes. Information developed has been of value although it was found that there was serious limitation of possibilities in the absence of any information for the year 1936 from any official source. The tabulation of Broadcast Service Income (net profit before Federal Tax) was presented in the NAB REPORTS, page 59 of the February 12, 1943 issue and in the separately printed NAB Tax Bulletin of the same date.

Also in conjunction with tax problems, the NAB Research Department has cooperated with the firm Alvord and Alvord, Tax Lawyers, retained by NAB, in the matter of collecting information required for Congressional Hearings and the like.

48 HOUR WEEK

The Research Department assisted in the preparation of a Data Sheet and Instructions for its use to assist stations in critical labor areas in observing the 48-hour week to conform with the Executive Order of the President. This matter has been handled by the Labor Relations Department.

MISCELLANEOUS

The Research Department assisted the National Retail Dry Goods Association in preparing a questionnaire to its membership on the subject of retail advertising. In tabulating the results of this survey, the Research Department supervised an outside organization and cooperated with NRDGA and the Retail Promotion Committee in interpreting the results.

The Research Department cooperated with the Director of Engineering and the Director of Industry Promotion in collecting information on the problems of keeping radio stations in operation during the war period. Considerable time was spent in collecting data on battery sets in use in the United States and requirements of radio tubes and repair parts.

The Research Department assisted in the preparation of graphic charts of basic radio information for the use of the Director of Broadcast Advertising.

In addition to the work outlined briefly above, the Research Department has devoted increasing time to the furnishing of information to member stations and outside organizations on the subject of radio.

From the basic records maintained by the Research Department, there appears at the conclusion of this report, analyses of standard broadcast stations in operation April 1, 1943, showing the number of stations by operating classifications and by city size with membership in NAB for each.

The Association has advanced in matters of research during the past year and is planning now the research

requirements of the Association for the coming year. It appears that there are areas of broadcast operation which demand special attention from the standpoint of information which has been brought about because of the war.

Respectfully submitted,

NAB RESEARCH COMMITTEE

ROGER W. CLIPP, *Chairman*, WFIL, Philadelphia
 EDWARD F. EVANS, WJZ, New York
 G. BEN LARSEN, WWDC, Washington
 JOHN C. MCCORMACK, KTBS-KWKH, Shreveport
 BARRY T. RUMPLE, NBC, New York
 FRANK N. STANTON, CBS, New York

DIRECTOR OF RESEARCH

PAUL F. PETER

April 10, 1943.

STATION ANALYSES

	<i>Stations as of April 1, 1943</i>	<i>NAB Membership April 15, 1943</i>
Clear Channel:		
Unlimited (50kw)	45	38
Part-time (50kw)	4	4
Unlimited (5 to 25kw)	25	18
Part-time (5 to 25kw)	5	2
Regional Channel:		
Unlimited	266	186
Limited and Day	44	20
Part-time	19	9
Local Channel:		
Unlimited	425	205
Day and Part-time	30	8
Total Commercial, Operating in Continental U. S.		
Non-commercial	863	490
Territorial	34	4
Construction Permits	14	7
	2	0
Total Standard Broadcast Stations .		
High Frequency Education	913	501
Frequency Modulation		1
		3
Total NAB Stations.....		
Networks		505
Associate Members		2
		19
Total Membership in NAB.....		
		526

Metropolitan Districts (1940 Census)	Operating Commercial Stations Continental U. S.		Non-Commercial Stations		Territorial Stations		Construction Permit Stations		Total Stations	
	Total	NAB	Total	NAB	Total	NAB	Total	NAB	Total	NAB
2,500,000 and over	66	31	5	1	0	0	0	0	71	32
1,000,000 to 2,500,000	52	28	1	0	0	0	0	0	53	28
500,000 to 1,000,000	51	36	2	0	0	0	0	0	53	36
250,000 to 500,000	100	67	4	2	1	0	0	0	105	69
100,000 to 250,000	127	93	2	0	7	4	1	0	137	97
50,000 to 100,000	52	35	1	0	1	0	0	0	54	35
City and Town ,										
25,000 to 50,000	120	71	1	0	0	0	0	0	121	71
10,000 to 25,000	204	98	9	0	0	0	0	0	213	98
Less than 10,000	91	31	9	1	5	3	1	0	106	35
Total Standard Broadcast	863	490	34	4	14	7	2	0	913	501
High Frequency Education										1
Frequency Modulation										3
Total NAB Stations										505
Networks										2
Associate Members										19
Total Membership in NAB										526

War Conference

NEVILLE MILLER

"The NAB War Conference made a direct contribution to the war effort. A large number of broadcasters registered and attended all the sessions and by their very earnestness indicated that they are serious in their determination to do their utmost in assisting government representatives in every way possible. Their one thought was and will be "Let's get on with the war!" The position of the radio industry in the war has been strengthened by the Conference."

C. E. ARNEY, JR.

"There is an almost universal feeling on the part of those who attended the NAB War Conference that it was a thoroughly worthwhile meeting. The total absence of entertainment features, which have high-lighted past NAB meetings, added to, rather than subtracted from the interest.

An atmosphere of seriousness surrounded the entire proceedings. Most remarkable was the fact that more than 400 broadcasters attended the several breakfast sessions held on Wednesday and Thursday mornings. The total registration of broadcasters, well over a thousand, eclipses all previous attendance figures.

The many government officials representative of the war agencies who were present, expressed gratification at the opportunities afforded to discuss mutual problems with broadcasters. Those from the industry are unanimous in their statements that the Conference was highly beneficial in bringing them a clearer understanding of their relations to the war."

BY-LAW AND CODE AMENDMENTS

Three amendments to the NAB By-Laws were adopted at the annual meeting held in connection with the recent War Conference.

There was also an amendment made to the NAB Code. (See Resolution No. 11 on subsequent page of this report.) These By-Law and Code amendments are now being incorporated in a reprint of these two documents which will be sent to the members within the next few days.

Resolutions

Following are the resolutions passed at the recent NAB War Conference in Chicago:

1. The National Association of Broadcasters expresses its appreciation to the various government agencies which

WAR CONFERENCE TRANSCRIPTS

A complete transcript of all pertinent and valuable material taken at breakfast meetings and general sessions of the War Conference will be available soon for NAB members and will be sent in printed form. Please withhold any requests for this material or portions of it until you have seen the transcripts.

have cooperated with the Association and the radio broadcasting industry in the solution of the numerous problems which have confronted the industry during the past year. The Association is particularly indebted to their representatives who have attended and taken part in the Association's 1943 War Conference.

2. The National Association of Broadcasters expresses its deep appreciation to the representatives of our armed forces, government agencies and others appearing on the program of the 1943 War Conference, for the recognition they have accorded our industry for the role it is playing in the common interest of victory, and the Association pledges its continued efforts in this our primary task.

The Association also expresses its appreciation to the federal agencies here represented which have so materially contributed by their counsel and aid, to make possible these accomplishments of service.

3. The assistance rendered by Edgar Bill, retiring Director of the 9th NAB District, and by Leslie Johnson, incoming Director, in assisting in the arrangement of the many details incident to the Conference, is deeply appreciated.

4. To the management and personnel of the Chicago NAB member stations is due an expression of special commendation. They have fulfilled their role as hosts in a most creditable manner and at no little sacrifice of time and energy. We thank and congratulate them.

5. To Edward T. Lawless, Vice President and Managing Director, Richard L. Collison, Director of Sales, and the entire Palmer House staff, we extend an expression of our sincere appreciation. The uniform courtesy which has marked their contacts and the efficient manner in which their part in all of our meetings and luncheons has been handled has made this one of our outstanding meetings.

6. To the Chicago Association of Commerce and particularly to William J. Hennessy, Manager of the Bureau
(Continued on page 202)



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. Egoft, *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*.

RESOLUTIONS

(Continued from page 201)

of Conventions, a word of thanks for all the assistance given in arranging the many details incident to setting up the conference.

7. The National Association of Broadcasters extends sincere thanks to Gene Carr, author Lang-Worth Feature Programs, Inc., Wendell Corey, narrator and the Columbia Recording Corporation for the script, production, and recording of the MEMORIAL TO RADIO'S WAR DEAD.

8. The 21st Annual Meeting of the National Association of Broadcasters hereby approves the official acts performed since the last annual meeting by its duly qualified officers.

9. WHEREAS, Brand names and trademarks, possess established values of benefit to consumers and producers alike in the marketing of commodities, and

WHEREAS, There appears to be no valid reason why such established values in brand names need to be destroyed or in any degree impaired in order to control the sale of commodities during wartime;

BE IT RESOLVED: That the National Association of Broadcasters is unalterably opposed to any and all measures, governmental or otherwise, looking to the abolition of brand names and trademarks in the marketing of commodities.

BE IT FURTHER RESOLVED: That the National Association of Broadcasters heartily endorses the proposed study of this question authorized under the Halleck resolution, H. Res. 98, confident that a thorough study will completely sustain our position.

10. RESOLVED: That the President appoint a committee of the Association to study and report to the Board of Directors with respect to the establishment of an NAB Bureau of Audience Measurement.

11. RESOLVED: That the Code of the National Association of Broadcasters be amended by adding at the end thereof the following new section:

"Solicitation of Memberships"

"Solicitations of memberships in organizations, except where such memberships are incidental to the rendering of commercial services such as an insurance plan either in respect to casualty to life or property, or for membership in the American Red Cross or like organizations engaged in charitable work, are deemed to be unacceptable under

the basic theory of the Code and therefore time should be neither given nor sold for this purpose."

12. WHEREAS, James C. Petrillo, on behalf of the American Federation of Musicians, has demanded of electrical transcription companies that they pay to the American Federation of Musicians a percentage of the gross receipts received by such companies from the broadcasting industry for library transcriptions, and

WHEREAS, the electrical transcription industry has denounced such demands as inherently unsound, destructive of technical progress, in conflict with wartime manpower policy, an attempted evasion of the president's wage freeze regulations and otherwise violative of law, and

WHEREAS, the electrical transcription industry is now engaged in negotiation with Mr. Petrillo and his union;

NOW THEREFORE,

BE IT RESOLVED by the National Association of Broadcasters, that the broadcasting industry endorses the position of the electrical transcription industry as defined in its letter of February 23, 1943, addressed to Mr. Petrillo, and

BE IT FURTHER RESOLVED, that the broadcasting industry, in convention assembled, calls upon the electrical transcription companies, in their present negotiations with Mr. Petrillo, to stand firm by the position so taken by them so that they will not give tacit or implicit recognition to Mr. Petrillo's false and insincere claim of widespread unemployment in his union, or to his equally false claim that the industry owes an obligation to members of his union not employed by it, and

BE IT FURTHER RESOLVED: that the broadcasting industry calls upon the electrical transcription industry promptly to take such measures under the law as shall be necessary to end Mr. Petrillo's ban against musical recordings, which, in violation of labor's pledge to the nation, has injured wartime morale, deprived the civilian population and the armed forces of recorded entertainment, and inflicted grievous and unjustified injuries upon the broadcasting and transcription industries.

Adopted by the Board of Directors, April 26, 1943.

MEMBERSHIP CAMPAIGN

About a month prior to the War Conference, NAB launched a campaign to add to the membership. With the cooperation of the 17 District Directors and state and area chairmen appointed by them, 28 new stations have been enrolled. While these results are most gratifying and we plan at least one more mailing in the formal campaign, we appeal to every member station to aid in bringing outsiders into the fold.

We have plenty of ammunition at NAB headquarters to be used in presenting the value of membership to stations of any size or location. If you feel that we can assist in showing a non-member how NAB membership would be of value, please call upon us.

FTC and FCC

FORTUNE MAGAZINE DISCUSSES THE FCC IN THE MAY ISSUE

Broadcasters will be interested in reading "Government by Commission"—an article concerning the present FCC-Network controversy in the May, 1943, issue of *Fortune Magazine*, page 86.

GAREY ASKS—DURR DEMURS

Herewith is printed for your information the exchange of correspondence between Eugene L. Garey, general counsel, House committee investigating the FCC, and Commissioner C. J. Durr:

CONGRESS OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Select Committee to Investigate
Federal Communications Commission

Washington, D. C., April 20, 1943.

My dear Mr. Commissioner:

Will you be good enough to advise me for the information of the Committee:

1. The name(s) and address(es) of all banks, trust companies or other depositaries employed by you since January 1, 1937, for the deposit of funds and the name(s) in which such account(s) was carried.

2. The source of all funds received by you during such period and whether such funds constituted income or return of capital.

3. In the event any portion of such funds constituted a return of capital please submit in respect thereof a brief statement of all facts connected therewith.

4. Whether at any time during the period stated you carried funds belonging to you or in which you had or claimed an interest (direct, beneficial or otherwise), with any person, firm, association or corporation, banking or otherwise, other than those institutions named by you in answer to paragraph 1, supra, and whether carried in your own name or otherwise.

5. Whether, during the period stated, you have had any safety deposit box(es) and, if so, state the name(s) and address(es) of the institution from which the same was rented.

6. Whether, during the period stated, you have acquired by purchase or otherwise, any real property, and, if so, state the details thereof.

7. Whether, during the period stated, you have any investment(s) of any kind, and, if so, state the details of such investment(s).

8. Whether, during the period stated, you had acquired or sold any stocks, bonds, or other securities, and, if so, state the details of each such acquisition or sale.

Very truly yours,

(Signed) E. L. GAREY,
Eugene L. Garey,
General Counsel.

Honorable C. J. Durr,
Commissioner,
Federal Communications Commission,
Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

April 23, 1943.

Mr. Eugene L. Garey,
General Counsel,
Select Committee to Investigate
Federal Communications Commission,
House of Representatives,
Washington, D. C.

My dear Mr. Garey:

Receipt is acknowledged of your letter of April 20, 1943, in which you ask for the names of all banks in which I may have carried deposits or had safety deposit boxes since January 1, 1937, and the sources of all funds and the nature and circumstances of all investments I may have made during such period.

While I have absolutely nothing to conceal from the Committee, it seems to me that the information you are requesting is of an entirely personal nature unless it is for the purpose of ascertaining whether or not I have been

guilty of accepting bribes or of similar misconduct in the performance of my official duties. If you have any information which would lead you to feel that further inquiry along this line is warranted, it is suggested that you refer the matter to the Department of Justice.

Very truly yours,

(Signed) C. J. DURR,
C. J. Durr,
Commissioner.

FTC RADIO ADVERTISING SURVEYS

The FTC has advised NAB that it would be neither practicable nor consistent with certain war-related duties which the FTC is performing to reduce the annual rate of rendering copies of continuity returns below the present average rate of four times yearly per station, covering specified 15-day broadcast periods. Suggestions for simplification of clerical work in assembling commercial continuity returns for submission to the FTC were also made in the following letter to NAB:

April 22, 1943.

Attention: *Mr. Russell P. Place, Counsel.*

In re: Radio Advertising Surveys—War-Related Matters,
etc.

Gentlemen:

In compliance with your telephoned request to this office, of this morning, I am pleased to summarize herein, the phases concerning both this Commission's normal advertising work, and war-related matters, whereby your organization and its broadcaster members may be enabled to cooperate more understandingly with our current duties.

Owing to contributing elements, which I will amplify hereinafter for your information, I do not consider that it would be either practicable or consistent with certain war-related duties which this Commission is performing to reduce the annual rate of rendering copies of continuity returns for broadcasters below the present average rate of four times yearly per station, covering specified 15-day broadcast periods, as requested from time to time in general letters addressed to groups of stations by this Commission.

While individually, the omission or temporary deferment of commercial continuity returns of broadcasters might not, temporarily, materially affect the objective of our normal Commission work, it is necessary for me to keep in mind and provide adequate cooperation and compliance with certain existing projects which this Commission is carrying on in conjunction with the specific emergency war agencies indicated below.

More specifically, our continuous survey of both published and radio advertising includes a search for data respecting such matters as: Troop concentrations and movements, unit identities; war plant locations, their research, developments, etc.

This Commission is also assembling and reporting from available published and radio script certain matters of interest to the Office of Price Administration pertaining to rationing and price control subjects. Also for several months past, this Commission has been reporting analyses of advertising script examined, to the War Production Board pertaining to selected commodities and products in connection with the policy and planning objectives of that organization.

From the above, I feel sure that you will appreciate that our work, as currently scheduled and performed in connection with advertising, has its concurrent, useful place in the national war effort, and that any curtailment

of the present representative coverage might materially affect the value of this Commission's war-related efforts.

Further, I suggest consideration of the following typical items which may serve to simplify some of the clerical steps in assembling commercial continuity returns submitted to the Federal Trade Commission pursuant to our regular station coverage: (A) script is needed only on commercial announcements, or commercial portions of programs, designed directly or indirectly to promote the interest of products and commodities in commerce; (b) in the specified broadcast periods, where commercial announcements are repeated substantially, in similar words of like meaning, a single representative copy of the announcement is sufficient for our purpose, provided that the dates upon which the announcements were repeated are noted clearly on the face of the copy; and (c) where recourse is made to a form of ad lib announcements, using published advertisements or circulars as a basis for such announcements, (and the stations are handicapped for typing service) marked portions of such advertisements or circulars, with announcement dates noted thereon, may be submitted for our advertising scrutiny.

I trust that the information given above may serve to answer more satisfactorily the questions raised in your telephonic inquiry, in addition to providing answers to questions on war-related policy and effort as raised in inquiries from your broadcaster members, insofar as this Commission is concerned. We have appreciated, indeed, the cooperative responses thus far received from the radio broadcasters generally, and from your organization specifically.

Very truly yours,

(Signed) P. B. MOREHOUSE,
Director.

FCC APPOINTS NEW ASSISTANT CHIEF ENGINEER

The FCC has announced the appointment of Manfred K. Toepfen of Detroit, Michigan, as assistant chief engineer and chief of the common carrier division, succeeding Lieut.-Comm. Gerald C. Gross, NSNR, now on active duty. Toepfen has been with the Commission since May 1, 1935, when he was appointed principal engineer on the special investigation of the American Telephone and Telegraph company. On January 1, 1937, he was appointed chief of the communications property section. In October, 1941, he was designated assistant chief, and in January, 1943, he was named acting chief of the common carrier division.

7 STATES MEMORIALIZE CONGRESS

Illinois is the seventh state to pass a resolution memorializing Congress to lift restrictions on the manufacture of batteries for farm radios.

Broadcasters are appreciative of the work of Leslie C. Johnson, general manager, WHBF, Rock Island, and NAB 9th District Director, for his effective leadership.

Other states which have adopted similar resolutions are: Indiana, Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NAB WELL REPRESENTED AT OHIO RADIO INSTITUTE

Participating in a special session presided over by Neville Miller, NAB was well represented at the Ohio Institute for Education by Radio, Deshler-Wallick Hotel, Columbus, Ohio, April 30-May 3.

NAB conducted its portion of the program, beginning at 8 P. M. Saturday, May 1, at which Dr. John Drewry,

Dean of the School of Journalism, University of Georgia, made the official presentation of 1943 Peabody Awards to their recipients. Certificates and medals went into the hands of those who heard once more the praise of the Peabody Committee.

Earl Glade, vice-pres., KSL and chairman of the NAB Code Committee followed with an address on "What is Public Interest, Convenience and Necessity?" Glade divided the obligation of station operators into "constants" and "variables," the former being strict requirements laid down by the Federal Communications Commission, the latter being a broad field of public service and allegiance to the principles of Americanism which serves as a perpetual challenge to every broadcaster. The audience response to Glade's speech elicited the promise from Willard Egolf, NAB Assistant to the President, that it would be printed for distribution.

Religious Broadcasts Discussed

The meeting was concluded with a round-table discussion which saw religious broadcasts claiming most attention, general conclusions being that the radio industry and religious organizations must collaborate in finding a satisfactory policy to which all may adhere.

Members of the NAB headquarters staff, in addition to Miller and Egolf, who were seen attending the numerous sessions of the four day conference, were Lewis Avery, director of the department of broadcast advertising, who spoke before the Association of Women Directors of NAB, at their session; Howard Frazier, director of engineering, who appeared on the Manpower and Materials panel; and Dorothy Lewis, co-ordinator listener activity, who prepared the agenda and supervised the Conference activities of the Association of Women Directors of NAB.

HELPFUL INFORMATION

For the benefit of any station management contemplating the employment of either Ray Edward, sometimes known as Edward Ray Pifer, or John Van Cronkhite, NAB has information from a member station which it will be glad to make available upon inquiry.

Public Relations

OUTSTANDING STATION PROMOTIONS TO BE GIVEN INDUSTRY PUBLICITY

The NAB public relations committee, meeting at Chicago during the War Conference, expressed a desire to circulate among the industry reports of outstanding station promotions. Here are some excellent examples from WMRN and KWIL. We have received complete details of these promotions from these stations. When these reports reach us in sufficient quantity we will publish special promotion releases:

WMRN

In promoting the beginning of the second War Loan Drive, April 12, WMRN lengthened its broadcasting day 2½ hours and presented special events, including several business area remotes, from the city.

State, city and county officials, school children, churches, and even participants in a Rollarena skating show all added their portions to the drive, including many shows featuring the station's talent and staff members. Bond and stamp sales in the county at midnight that day totaled \$1,231,537.

Every spot on April 12 was a war bond spot as KWIL went all out to begin the second War Loan Drive with a bang. Every program contained nothing but bond appeals.

City, county, state and regional entertainers all helped. A pig was auctioned off for \$2000 worth of war bonds, clubs, organizations, "Miss Oregon" (Carol Worth), corporations, farm groups, the American Legion, schools, banks and many other individuals and groups contributed during the day to make the accounting at the final minute total \$1,303,750, or almost half of the entire total for the county for the campaign.

RETURN GOVERNMENT TRANSCRIPTIONS

Richard F. Connor, chief, station relations division, OWI, recently sent to all stations a communication outlining procedure for return of government transcriptions. Stations are urged in the interest of the conservation of essential materials to heed this request promptly.

In the bulletin sent out by OWI, stations are advised to reduce the weight of mailing to the minimum. It is suggested that all discs be removed from envelopes and that they be placed, without extra pads, in the original shipping container to keep the maximum weight to four pounds to comply with postal regulations. Do not send by air express or special delivery and see that all markings of this nature are removed from the outside of the package.

It is suggested that all packages be sealed or tied with string. Be sure that the self-addressed government frank is affixed and mail only one package at a time. Stations are specifically warned to use the government frank a not to send by express. The cooperation of all broadcasters is urged.

WHITE-WHEELER BILL

Hearings on the White-Wheeler bill (S. 814) to amend the Communications Act have been postponed to Tuesday, May 25. Prior thereto there will be a meeting of the NAB Legislative Committee to consider policy and procedure relative to the bill and hearings. The committee: Don Elias, WMNC; Clair McCollough, WGAL; Joseph H. Ream, CBS; Frank M. Russell, NBC; and James D. Shouse, WLW. Neville Miller is chairman ex officio.

RADIO SALARY INCREASES GRANTED BY WAR LABOR BOARD

Salary increases of 4½% to 10% for actors, singers, announcers and sound effect technicians of 7 broadcasting companies have been unanimously approved by the National War Labor Board. The increases were granted under the Board's 15% cost of living formula.

The American Federation of Radio Artists, A. F. of L., represents the employees. Companies involved are the Columbia Broadcasting System, National Broadcasting Company, Blue Network Company, Inc., Don Lee Broadcasting System, WGN, Inc., Agricultural Broadcasting System and WOR Program Service, Inc.

The 10% increase which the parties agreed upon for eleven classifications was approved by the Board except in the case of WGN sound effects technicians in Chicago and NBC staff announcers in Cleveland. These two groups were found to have received increases since January, 1941, in excess of the 15% allowable under the "Little Steel" formula. They now receive weekly minima of \$40.00 and \$47.00 respectively. The other groups had received no increase since January, 1941.

Affects Only New Employees

Instead of the 6% increase requested for CBS employees in Los Angeles, the Board approved an increase of 4½%, the amount allowable under the "Little Steel" formula.

A 10% increase in the minimum rates paid to sound effects technicians, staff producers and announcers by the Don Lee Broadcasting System in Hollywood and San Francisco was approved. This increase will affect only new employees because all present employees are already paid at least 10% above the current minima.

Increases for NBC and CBS sound effects technicians in Chicago were made retroactive to January 1 and January 17, 1943, respectively; all other increases are retroactive to December 15, 1943.

The WLB reconsidered and changed its decision disapproving certain parts of the new CBS-IBEW contract (NAB REPORTS, p. 145). The entire contract is now approved.

MORSE SALISBURY PROMOTED

War Food Administrator Chester C. Davis has named Morse Salisbury as deputy administrator in charge of information, department of agriculture. W. K. Charles, as press service chief, and Wallace Kadderly, as radio service chief, will continue their respective functions.

Broadcast Advertising

THE IMPACT OF THE WAR ON AMERICAN BUSINESS

Mushroom expansion occurred in some areas; depressing contraction took place in others during the transition to a war economy. Some regions were cushioned by the diversification of their industries. Others were swept headlong into a boom that threatens even more complex problems when the war is over.

Agriculture is plagued by the war economy. Wholesalers are trying to keep trade channels open on the home front. Retailers are approaching a difficult situation with restricted supplies of merchandise, increased consumer demands and sharply reduced services and personnel.

Many of these problems have been reviewed on a national basis in business trade papers. The first comprehensive analysis of these problems on a regional basis has just appeared in a series of quarterly reports by the United States Department of Commerce. Prepared by the Regional Business Consultants, these reports cover the first three months of 1943. Here are the titles and numbers of each report:

War Problems Reports

- 2-10446 The Impact of the War Effort upon New England Business.
- 2-10829 The Impact of the War on the New York Region.
- 2-10411 War Molds the Business Front in Penn-Del-Jersey.
- 2-10376 The Effect of the War on the Richmond Region.
- 2-10816 The Southeastern States in a War Economy.
- 2-10642 The Impact of the War Effort upon Business In Cleveland Region.
- 2-10718 The Chicago-Detroit Region Goes to War with a Vengeance.
- 2-10663 The Impact of the War Effort upon Business in the St. Louis Region.

2-10852 The Effect of the War on Business in the Minneapolis Region.

2-10710 The Kansas City Region Takes Its Place in World War II.

2-11161 Current Conditions and Potential Trends of Southwestern Business and Industry under War Economy.

2-10779 War Booms and Twists the Far West.

Information Is Helpful

Copies of these quarterly reports may be obtained by title or number from the Regional Business Consultants in the District Offices or from Dr. Wilford L. White, Chief, Regional Research Unit, Department of Commerce, Washington, C. C.

You will find the information contained in these publications genuinely helpful in analyzing business prospects and possibilities in the area served by your station. If you would like to receive these reports quarterly as issued, the Department of Commerce will place your name on a permanent mailing list for such information.

PER INQUIRY PARADE

Topping the list this week is the Airplane Model Kit offer of that perennial per-inquiry promoter, N. J. McMahon of United Advertising Companies, Chicago, Ill. You sell the kit for \$1.49, keep 50¢ less 15% agency commission. Better leave the blue sky to the airplanes and sell where you are paid fairly and in full.

Hahn-Rodenburg Co.

"Good News from Home" may be all that the title implies, but it isn't good news to any radio station on a per-inquiry basis from the Hahn-Rodenburg Co., of Springfield, Ill. Sell the book for a dollar and keep 50¢—but don't count on buying very many war bonds with the half dollars.

Herald Publishing Co.

The women in your audience are just waiting to hear about a new book on charm entitled, "Better than Beauty." At least, that's what the Herald Publishing Co., of New York, N. Y., thinks. In the letter to stations this publisher graciously states: "we have just launched a \$50,000 magazine advertising campaign . . ." We have reminded him that broadcast advertising would do an outstanding job for this book with \$50,000 on a rate-card basis.

Service Life Insurance Co.

The Service Life Insurance Company of Omaha through France and Duff Advertising Agency, also of Omaha, is offering their "6-Bell Combination Policy" on a contingent basis. Such business is not only unethical but may be dangerous for the station that carries it on such a basis. Before you contract for such advertising, ask yourself these questions: Is the company authorized to write insurance in the state in which I am doing business? Would I be acting as agent in the solicitation of inquiries for such insurance on a per-inquiry basis?

The Scott 'P-I' Formula

Not long ago an advertising agency offered to keep the details of its per-inquiry arrangement with radio stations strictly confidential. The best reply to that offer came from Clyde Scott of KFI-KECA, who wrote:

"You may be sure that we will keep the offer outlined in your letter very confidential. In fact the only one who will know about it will be the janitor when he digs it out of the waste basket."

That should be the answer of every radio station.

MIEHLE WARTIME LIBRARY

Although this library is an example of printed co-operation of advertisers with the government's war activities, broadcasters will derive much information and inspiration from it, in the opinion of Neville Miller and Willard Egolf, who attended a meeting of the War Activities Council in New York recently, at which the library was exhibited and explained.

The Miehle Wartime Library consists of twelve volumes of hand-mounted samples of printed material put out by advertisers to promote the war. Some of it has been used in connection with radio programs. There are several editions of the library now being routed throughout the country. Broadcasters may have the opportunity to view the material through local advertising clubs, industrial concerns or trade associations. Watch for its appearance in your city.

WROK RENEWS WAR SHOW

Cpl. Barney Ross, Marine hero of Guadalcanal, is to address war workers of Rockford, Ill., via the "Soldiers of Industry" program over station WROK. Ross recently transcribed the talk especially for the factory morale show. Sponsors are twelve war plants in Rockford and the program has just been renewed for 39 weeks. Station joins Blue network, May 17.

GAS RATIONING

Provisions for lifting the ceiling on mileage which may be allowed for in-course-of-work driving outside the eastern shortage area from 470 miles a month to 720 miles a month were announced Monday by the Office of Price Administration with the Office of Rubber Director making sufficient increased quotas available to cover the additional tire requirements.

This action, supplementing a previous order permitting additional home-to-work mileage in hardship cases, is intended to help car owners who need more mileage in the course of their work than they have been able to get. It does not change the mileage that now may be allowed for driving between home and work. But it brings all motorists who need to drive in the course of their work, and who were eligible in the past for "B" ration books only, up to the mileage level of essential salesmen who were granted additional rations last January.

To qualify for the additional rations an applicant must:

1. Show that he needs it entirely for course-of-work travel.
2. Meet regular car-sharing requirements. This means that he arranges to carry three or more persons in his car if this is possible.
3. Show that he is not already allowed as much as 720 miles a month for home-to-work travel as provided in an earlier order of February 24. (Amendment No. 23.)

Order Applies to Fleets Also

This order provided additional mileage to any car owner who showed that he could not get to his job any other way and that even the maximum "B" ration book would not give him enough mileage.

However, a driver who has thus broken the "B" ceiling for driving to and from work, for an amount less than 720 miles, may obtain an additional amount up to 720 miles for driving strictly in the course of work.

The new order also applies to fleet cars, and since these automobiles, presumably, are all used for in-the-course-of-work driving, all of them may now get up to 720 miles a month.

Any preferred mileage to which any driver is entitled may be obtained in addition to the mileage allowed in the new amendment, it was pointed out.

War Price and Rationing Boards will be instructed to issue "C" books and stickers to applicants who are allowed rations exceeding 470 miles a month.

Persons who can qualify for increased rations under the new provisions should not go to boards immediately for their new rations, but should use the rations which they now hold, as long as possible. This will avoid confusion which would arise from having a large number of applications flow into the boards at once.

This action was taken in Amendment No. 45 to Ration Order 50, effective May 1. Boards may act on applications for the additional mileage beginning that date.

HERE'S NEW LIST OF CITIES COMPLETING REPAIR SURVEYS

The cities listed below have supplied information last requested in bulletin-letter of April 14.

All this is in addition to the information received from cities listed in NAB REPORTS of April 16. It is greatly appreciated and has been placed in channels where it will do the most good.

Cities which have not yet reported are earnestly urged to do so.

Cities Reporting Since April 16

ALASKA—Juneau.
HAWAII—Honolulu.
ARIZONA—Phoenix.
CALIFORNIA—Modesto, Riverside, San Francisco, San Luis Obispo, Santa Rosa.
CONNECTICUT—Darien, Greenwich, Hartford, New Canaan, New Haven, Norwalk, Stamford.
COLORADO—Colorado Springs, Grand Junction.
FLORIDA—Jacksonville, Orlando, Panama City, Pensacola, St. Petersburg.
GEORGIA—Columbus, Hot Springs, Tocoa.
IDAHO—Lewiston.
ILLINOIS—Bloomington & McLean County, Harrisburg, Rock Island.
INDIANA—Fort Wayne.
IOWA—Ames, Cedar Rapids, Davenport, Dubuque, Fort Dodge, Ottumwa, Waterloo.
KANSAS—Coffeyville, Kansas City, Lawrence, Topeka.
KENTUCKY—Hopkinsville, Lexington, Louisville.
MARYLAND—Laurel.
MASSACHUSETTS—Greenfield, New Bedford, Worcester.
MICHIGAN—Battle Creek, Bay City, Calumet, Detroit, Flint, Grand Rapids, Lansing, Pontiac, Royal Oak.
MINNESOTA—Mankato, Minneapolis, St. Paul.
MISSISSIPPI—Jackson.
MISSOURI—Kansas City.
MONTANA—Billings.
NEW MEXICO—Clovis, Hobbs.
NEVADA—Las Vegas, Reno.
NEW HAMPSHIRE—Laconia, Manchester, Portsmouth.
NEW YORK—New York City, Rochester, Schenectady.
NORTH CAROLINA—Burlington, Winston-Salem.
NORTH DAKOTA—Grand Forks.
OHIO—Cleveland, Columbus, Portsmouth, Steubenville, Toledo, (N. W. Ohio and South. Mich.).
OKLAHOMA—Oklahoma City, Shawnee.
PENNSYLVANIA—Butler, Dubois, Philadelphia, Reading, Scranton, Uniontown, Washington, Williamsport.
SOUTH CAROLINA—Greenville, Spartanburg.
TENNESSEE—Chattanooga, Memphis (and surrounding tri-state area).
TEXAS—Amarillo, Corpus Christi, Dallas, Fort Worth, Galveston, Midland, Weslaco.
UTAH—Cedar City, Salt Lake City.
VIRGINIA—Martinsville, Richmond (and 16 cities in area).
WISCONSIN—Madison, Racine.
WASHINGTON—Seattle, Walla Walla.
WYOMING—Rock Springs.

Other Reports Coming

We have been notified that reports from the following locations are almost completed and will be forwarded at an early date:

- 1—Charleston, W. Va.
- 2—Milwaukee.
- 3—Southern California (by Southern California Broadcasters Association).

State Legislation

CALIFORNIA:

A. 2006 LIBEL AND SLANDER—Relating to defamation without the necessity of explanatory fact. Referred to Committee on Judiciary.

FLORIDA:

S. 183 (BEACHAM) MUSICAL COPYRIGHTS—An Act relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions. Passed Senate April 19. Reported favorably in House April 20.

MASSACHUSETTS:

S. 454 (Reported on P. D. 144, JJ Item 16) LIBEL AND SLANDER ACTIONS—Relative to the proof of malice in actions of libel and slander. Referred to Calendar.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 10th. They are subject to change.

Monday, May 10

WKBZ—Ashbacker Radio Corporation, Muskegon, Mich.—Modification of license, 1450 kc., 250 watts, unlimited.

Wednesday, May 12

Oral Argument Before the Commission

Report No. B-171:

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—C. P., 880 kc., 10 KW, unlimited, DA-day and night.

Friday, May 14

WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of C. P., 1450 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted modification of license to operate non-directionally on 1560 kc. with 10 KW power; and dismissed application (B1-MP-1689) for modification of construction permit to extend completion date. The grant of modification of

license is made subject to condition that it may be cancelled or modified by the Commission without hearing, in event Cuba signifies its intention of establishing a Class I-B station on **1560 kc.** and the licensee fails to take necessary steps in time to prevent the causing of electrical interference thereto, in accordance with requirements of NARBA.

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted application for modification of license (B4-ML-1148) to operate on **1190 kc.** with 10 KW power, unlimited time, subject to the condition that it may be cancelled or modified by the Commission, without a hearing, in the event it becomes necessary for the licensee to protect the services of other stations operating on the **1190 kc.** frequency, in accordance with the Commission's Rules and Regulations and with provisions of NARBA.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Granted authority to delete call signal close the record of this station and dismiss pending application for renewal of license. On March 22, 1943, the licensee advised the Commission that in view of the denial of its petition to suspend operation for the duration, it would be necessary to cease operation of the station April 1, 1943, the expiration date of its outstanding license.

W59C—WGN, Inc., Chicago, Ill.—Granted license (B4-LH-23) to cover construction permit (B4-PH-7) in part for new station, subject to requirements concerning Order No. 79.

W71SB—South Bend Tribune, South Bend, Ind.—Granted license (B4-LH-24) to cover construction permit (B4-PH-54, as modified) in part, for new station, subject to requirements concerning Order No. 79.

DESIGNATED FOR HEARING

KFXM—J. C. & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Designated for hearing application (B5-ML-1147) for modification of license to operate unlimited time, simultaneously with **KPPC**.

DOCKET CASE ACTION

The FCC has announced its Proposed Findings of Fact and Conclusions (B-178), proposing to issue temporary licenses for a period of six months for the operation of Stations **WDSU**, New Orleans, La., **WMIS**, Natchez, Miss., and **WGRM**, Greenwood, Miss.

The proceedings arose upon the applications of **WDSU, Inc.** (**WDSU**), **Natchez Broadcasting Co.** (**WMIS**), and **P. K. Ewing** (**WGRM**), for renewal of licenses, and upon the application of **WDSU** for reinstatement of construction permit, as modified, which authorized an increase of day and night power of Station **WDSU** from 1 KW to 5 KW, the installation of a new transmitter, changes in transmitter location, and the employment of a directional antenna for both day and night operation. (Dockets 6331 through 6334.)

The Commission took cognizance of various and numerous—and on occasions repeated—violations of the Rules and Regulations of the Commission, but concluded:

"It appears that public interest would best be served by the issuance of temporary license for a period of six months for the operation of these stations and, if during that period no violations of the law or the Rules and Regulations of the Commission are disclosed, that license on a regular basis should then be issued to them. However, if further violations should be disclosed, the matter should be opened for introduction of evidence on such violations and the cases then finally determined upon the enlarged record.

"The application of **WDSU**, Docket No. 6331, to reinstate its construction permit, should be held in abeyance until the expiration of the temporary license period, herein proposed, and then granted if the application for renewal of license (Docket No. 6332) is finally issued for the operation of Station **WDSU**."

* * *

Based upon the policy announced in the Commission's Memorandum Opinion of April 27, 1942 (which policy specifically refers to the use and not the acquisition of materials), the Commission announces its Proposed Findings of Fact and Conclusions, proposing to deny without prejudice the following:

Application of **Massachusetts Broadcasting Corp.** (**WCOP**), Boston, Mass., for construction permit to make changes in the direc-

tional antenna for nighttime use, to make changes in transmitting equipment, and to increase power from 500 watts to 1 KW. (Docket No. 6336; B-169.)

Application of **J. C. Kaynor** for construction permit for a new local broadcast station at **Ellensburg, Wash.**, to operate on **1310 kc.**, 250 watts power, unlimited time. (Docket No. 5965; B-173.)

Application of **Beauford H. Jester**, Individually, and as Trustee for **W. W. Callan, DeWitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert E. Levy, Ross M. Sams, and Davis Stribling**, for construction permit for a new standard broadcast station at **Waco, Tex.**, to operate on the frequency **1230 kc.**, 250 watts power, unlimited hours of operation. (Docket No. 6218; B-176.)

MISCELLANEOUS

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 June 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 June 1, 1943. (B3-SRY-132)

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted license to cover construction permit as modified, for change in frequency, increase in power, move of transmitter, and install new transmitter and directional antenna for night use; and granted authority to determine operating power by direct measurement of antenna power. (B3-L-1740; B3-Z-1482)

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted license to cover construction permit as modified, for installation of new transmitter and directional antenna for day and night use, increase power, change frequency, and move of transmitter; granted authority to determine operating power by direct measurement of antenna power. (B3-L-1739; B3-Z-1481)

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Scheduled for oral argument on May 12, 1943, in re application for construction permit to change frequency from **1320 to 880 kc.**, increase power from 5 KW to 10 KW, make changes in directional antenna system for both daytime and nighttime use and change transmitter. (Proposed Findings of Fact and Conclusions No. B-171; Docket 6351)

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 April 23, 1943, to June 23, 1943. (B4-MP-1707)

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1512)

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1513)

WWL—Loyola University, New Orleans, La.—Dismissed without prejudice petition to intervene in re application of **Plains Radio Broadcasting Co.** (**KGNC**), Amarillo, Texas, for modification of license to operate on **860 kc.**, 500 watts night, 5 KW day, unlimited. (Docket 6493)

W3XPA—Philco Radio & Television Corp., Portable-Mobile (area of Philadelphia, Pa.)—Granted license to cover construction permit which authorized new experimental television relay broadcast station. (B2-LVB-40)

W3XPC—Philco Radio & Television Corp., Portable-Mobile (area of Philadelphia, Pa.)—Granted license to cover construction permit which authorized new experimental television relay broadcast station. (B2-LVB-41)

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover construction permit for installation of new sampling loops (B2-L-1160); granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1516)

WCHV—Barham & Barham, Charlottesville, Va.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1508)

W8XO—The Crosley Corp., Cincinnati, Ohio.—Denied petition for rehearing directed against an Order of the Commission adopted December 29, 1942, dismissing application for

renewal of license of station W8XO; and denied petition to dismiss without prejudice application for renewal of license for station W8XO.

W59NY—Interstate Broadcasting Co., Inc., New York City.—Granted license (B1-LH-16) to cover construction permit (B1-PH-109, as modified) in part.

W6XLA—Television Productions, Inc., Los Angeles, Calif.—Granted modification (B5-MPVB-95) of construction permit (B5-PVB-87) to make changes in equipment, reduce maximum power output from 800 watts to 25 watts (100 watts peak), and extension of commencement and completion dates.

WJHO—Yetta G. Samford, C. S. Shealey, Thomas D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co. (Assignor), Yetta G. Samford, C. S. Shealy, and Thos. D. Samford, Jr., d/b as Opelika-Auburn Broadcasting Co. (Assignee), Opelika, Ala.—Granted consent to voluntary assignment of license (B3-AL-366) of station WJHO from Yetta G. Samford, C. S. Shealy, Thos. D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., to Yetta G. Samford, C. S. Shealy, and Thomas D. Samford, Jr., d/b as Opelika-Auburn Broadcasting Co. This is a newly formed partnership doing business under the same name as the assignor and present licensee. The assignee proposes to pay J. H. Orr the retiring partner, \$3,150.00, for his 25% interest in the licensee partnership.

APPLICATIONS FILED AT FCC

820 Kilocycles

WAIT—WAIT, Inc., Chicago, Ill.—Voluntary assignment of license to Gene T. Dyer, Evelyn M. Ringwald, Elizabeth Hinzman, Adele Moulds, Vivian Christoph, Wm. F. Moss, d/b as Radio Station WAIT.

1230 Kilocycles

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Modification of license to increase power from 100 watt night, 250 watts day to 250 watts day and night.

1450 Kilocycles

WCHV—Charles Barham, Jr., and Emmalou W. Barham, d/b as Barham and Barham, Charlottesville, Va.—Modification of license to change frequency from 1450 kc. to 1240 kc.

1480 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—License to cover construction permit (B3-P-3520) to move main transmitter.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

NEW—King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit for new High Frequency Broadcast Station to operate on 47300 kc., coverage 6750 square miles. (Formerly W73D)

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit for new High Frequency Broadcast Station to operate on 46900 kc., coverage 5300 square miles. (Formerly W69GR)

NEW—Edwin H. Armstrong, Alpine, N. J.—License for new High Frequency Broadcast Station. Frequency 43100 kc., coverage not to exceed 15,610 square miles. (Formerly licensed as Experimental High Frequency Broadcast Station W2XMN)

MISCELLANEOUS

W9XMB—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4 as modified for new ST station), for extension of completion date from 5-16-43 to 8-16-43.

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.

Associated Laboratories—Milton Irwin, Dr. Walter G. Berg and Dr. David W. Miles, trading as Associated Laboratories, 4609 Nicollet Ave., Minneapolis, have been ordered to cease and desist from disseminating false advertisements in connection with the sale of their "Gordon Detoxifier," a medicinal device recommended by them for use in cleansing the intestines. (4722)

Lawrence Blanket Company, et al.—Misbranding of blankets in violation of the Wool Products Labeling Act and the Federal Trade Commission Act is alleged in a complaint against Lawrence Blanket Co., Worcester, Mass.; Thomas B. Keen and Marian C. Keen, trading as Thomas B. Keen Co., 40 Worth St., New York, and Robert Mars, 401 First St., S. E., Washington, D. C. (4946)

Northwest Studios, Inc., 6013A Phinney Ave., Seattle, trading as Interstate Sales Co., and formerly trading as Pacific Studios; Charles H. Van Scoy, Mrs. Charles H. Van Scoy and Mrs. E. S. Holm, individually and as executives of the corporation and engaged in the sale and distribution of tinted or colored enlargements of photographs and of frames therefor, are charged in the complaint with misrepresentation. (4951)

F. Ad. Richter & Co., Inc., located at Berry and South Fifth Sts., Brooklyn, manufacturer and distributor of Anchor Pain Expeller, and its advertising representative, H. W. Kastor & Sons Advertising Co., 360 North Michigan Ave., Chicago, are charged in a complaint with disseminating false advertisements concerning the preparation. (4955)

United Diathermy, Inc., 1537 Chestnut St., Philadelphia, is charged in a complaint with the dissemination of false advertisements concerning the device designated "United Short Wave Diathermy" which it sells in interstate commerce. (4952)

Welch Grape Juice Company—A complaint has been issued charging Welch Grape Juice Co., Westfield, N. Y., with misrepresentation in connection with the advertising and sale of Welch's Grape Juice, recommended by the respondent corporation as being a cure for obesity. The complaint also is directed against H. W. Kastor & Sons Advertising Co., Chicago, advertising representative of Welch Grape Juice Co. (4953)

White Laboratories, Inc.—A complaint charging misrepresentation in the sale of a medicinal preparation designated "Feena-mint" has been issued against White Laboratories, Inc., 113 North 13th St., Newark, N. J., and its advertising agency, William Esty & Co., 100 East 42nd St., New York. (4950)

Zo-Ak Company, Inc.—Misrepresentation on the sale of a medicinal preparation designated "Orotone Ear Drops" and failure to reveal the harmful potentialities that may result from its use are alleged in a complaint against Zo-Ak Co., Inc., and its ad-

vertising agency, Jasper, Lynch & Fishel, Inc., both of 22 West 48th St., New York. The complaint also is directed against Alfred P. Zabin and Juliette Zabin, officers of Zo-Ak Co., Inc., who also trade as Harvin Co. (4954)

CEASE AND DESIST ORDERS

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

American Chemical Company—Misrepresentation of the quality and effectiveness of Flexo, a so-called antifreeze solution recommended for use in the cooling system of automobiles and other combustion type engines, is alleged in a complaint issued against the manufacturer of the product, American Chemical Co., 229 Bradberry St., S. E., Atlanta, Ga. (4956)

Bureau of Research and Reclassification Department, 215 West 5th St., Los Angeles, and William Edgar Spicer, 302 Bond Bldg., Washington, D. C., have been ordered to cease and desist from the use of unfair and deceptive acts and practices in connection with the sale of mailing cards which are used by collection agencies and creditors to procure information of the whereabouts and employment of debtors. The Commission finds that the respondent Greenberg represents by implication that his business is connected with the United States Government and that the information is sought on behalf of the Government. (4810)

Milton Goldenberg, Natalie Goldenberg and Leonard Goldenberg, 2857 Sedgwick Ave., New York, have been ordered to cease and desist from misrepresentation in connection with the sale of post cards containing questionnaires designed for the use of collection agencies and creditors in obtaining information concerning delinquent debtors. The respondents Goldenberg, also known as Golden, engaged in the business from April, 1941, to August, 1942, trading under the names The Golden Skip Tracing Agency, Golden Sales Agency and Golden Distributors. (4907)

Pow-A-Tan Medicine Co., Huntington, W. Va., has been ordered to cease and desist from certain misrepresentations in connection with the sale of a medicinal preparation it designates as "Powatan Herb Tonic." (4817)

Jacob Siegel Co., 317 North Broad St., Philadelphia, has been ordered to cease and desist from misrepresenting the fiber content of men's overcoats and topcoats it sells under the trade name "Alpacuna." (3403)

A. Stransky Manufacturing Co., Pukwana, S. Dak., has been ordered to cease and desist from certain misrepresentations in connection with the sale of a mechanical device described as a vaporizer and decarbonizer for use on automobiles. (1612)

Terminal Messenger Service and **Pioneer Inheritance Service**, Stuart Bldg., Lincoln, Nebr., have been ordered to cease and desist from misrepresentation in connection with the sale of questionnaire letters and envelopes intended for use in obtaining information concerning debtors. (4897)

John F. Trommer, Inc., operating breweries in Brooklyn and Orange, N. J., has been ordered to cease and desist from certain misrepresentations made concerning a brand of beer designated "White Label." (4689)

STIPULATIONS

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

Emile Bernat & Sons Co., Jamaica Plain, Mass., entered into a stipulation to discontinue misrepresenting the fiber content of knitting yarns it sells. (3634)

Dr. W. B. Caldwell, Inc., Monticello, Ill., and an advertising agency, Sherman & Marquette, Inc., Chicago, have stipulated that in connection with the advertising and sale of the preparation designated "Dr. Caldwell's Laxative Senna combined with Syrup Pepsin" they will cease and desist from representing that any therapeutic properties possessed by the product are enhanced by its pepsin content. (03102)

Hairtone Laboratories, 381 Fulton St., Brooklyn, agrees that in the sale of preparations for use on the scalp and hair, variously designated as "Quinine Hairtone," "Quinine Hair Marvel," "Hairtone Scalp Formula" and "Hairtone Hair Straightener," it will cease and desist from representing that any of the products will promote the growth of hair or constitute an effective treatment for falling hair; is an effective treatment or competent remedy for dandruff; is indicated for itching or sore scalp or will result in a healthy condition of the scalp; or that they are new discoveries, vegetable compounds or herbal formulas. (3633)

Heinrichson's Natural Food Company—A stipulation to discontinue misrepresenting the therapeutic value of medicinal preparations designated "Needee Acidophilus Culture" and "Needee Lactone" has been entered into by John T. Heinrichson, trading as Heinrichson's Natural Food Co., 3455 Lawrence Ave., Chicago. (03104)

Knomark Manufacturing Co., Inc., 214 Taaffe Place, Brooklyn, has entered into a stipulation to discontinue representing in advertising that its product designated "Spick White Shoe Cleaner" and "Knomark White Shoe Dressing" will not rub off. (03103)

George H. Lee Co., 1115 Harney Street, Omaha, engaged in the sale of poultry remedies, has entered into a stipulation to discontinue representing that the preparation known as "Germozone" will prevent or cure diarrhea or crop or intestinal troubles in poultry, or that either of the preparations designated "Acidox" or "Germozone," whether administered alone or in conjunction with each other, is of value in preventing coccidiosis, or that either of them will check death losses or avoid bad after-effects of such disease. (03105)

Republic Manufacturing & Supply Co., 154 Nassau St., New York, engaged in the business of exporting steel products, entered into a stipulation to cease and desist from certain practices. (3638)

Suey Chee Herb Co., 644 Kearny St., San Francisco, engaged in the sale and distribution of Chinese medicinal preparations, entered into a stipulation to cease and desist from representing that his pills strengthen the heart or that their use is indicated for strengthening the heart. (3637)

FTC COMPLAINT DISMISSED

The Federal Trade Commission has dismissed its complaint against General Electric Co., New York, which had been charged with misrepresentation in connection with the sale of electric light bulbs.

April Index

AWARDS	Page
Peabody	143
BROADCAST ADVERTISING	
Department of Broadcast Advertising Annual Report	188
Government War Information Programs Aid Local Time	176
Per-Inquiry and Free Time	178
Small Stations Committee Named	161
DEFENSE	
E.S.M.W.T. Courses	150
Necessity for "War Time"	147
ENGINEERING	
Engineering Department Annual Report	191
Fly Wants Television Patents Available to All ..	175
More Technicians Available	150
Soldier Offers Tube Donation	147
Two Operating Requirements Suspended	150
Tube Comments	147
Tube Situation	147
Tubes to be Stamped "MR"	156
Women Technicians	157
WPB Stops Tube Hoarding	175
FEDERAL COMMUNICATIONS COMMISSION	
FCC Simplifying Forms	146
Fly Comments on Manpower Situation	146
Fly Gets New Secretary	157
Fly Wants Television Patents Available to All ..	175
McNutt Writes Fly	155
Security Survey Underway	146
Two Operating Requirements Suspended	150
GENERAL	
BMI Top Tunes	163
Confidence Men at Large	157
Leprosy-Use in Broadcasting	149
National and Inter-American Music Week	175
Radio Receives Music Tribute	149
Red Cross Thanks Radio	176
Statement by the President	165
LABOR	Page
A. F. of M. Relief Tax Abolished	162
A. F. of M. Resigns from C.T.L.C.	162
C.B.S. and I.B.E.W. Sign	145
Labor Board Elections	176
Labor Broadcasts	145
Labor Relations Annual Report	191
NAB Protests I.B.E.W. Award	161
Job Freezing	171
Regional War Labor Board Offices	146
Wage and Salary Freezing	161-165
Wage Stabilization	145
LEGISLATION	
Beauty Culture Advertising	157
Legal Department Report	192
New Libel Law	176
Radio Slander Act	152
Sale of Apples	157
White-Wheeler Bill	174
NATIONAL ASSOCIATION OF BROADCASTERS	
Annual Report of President	181
Elmer Davis to Address War Conference	171
Fair Accepts Program Committee Chairmanship ..	157
NAB Protests I.B.E.W. Award	161
Research Committee	149
War Conference	143-155-171
PROMOTION	
This is War! WBIG Broadcast	144
Promotion Department Annual Report	193
PUBLIC RELATIONS	
Association of Education by Radio	176
Edgar Bill—Chairman of Public Relations Committee ..	174
Listener Activity	163-188
Nashville Radio Meeting	149
Ohio Radio Institute	164
Spiritual Programming	143
SELECTIVE SERVICE	
Class 3-B Dropped by Philadelphia Boards	156
Deferment of Radio Repairmen	156
McNutt Writes Fly	155
N. Miller Praises System	144
WMC Wants to Avoid National Service Act	156



NAB In Action

OPA RECOGNIZES RADIO'S PART IN PRICE NEWS COVERAGE

When a news story was recently released which quoted Prentiss Brown, OPA administrator, as asking newspapers to cooperate in releasing new price ceiling information and indicating newspapers only would receive that information, NAB through Neville Miller swung into action.

The same story, released to International News Service by Cranston Williams, ANPA general manager, quoted Williams to the effect that radio would be able to get the price information from the newspapers.

After conferring with OPA officials, Miller authorized release by the NAB of the two following stories, first to the general and trade press, the second to INS only. Also listed below is Brown's telegram sent NAB after the price ceiling information was issued last week-end:

(Released by NAB News Bureau)

Washington, D. C., May 7—Radio will again play a vital part in acquainting the public with government regulations when the Office of Price Administration announces the community area maximum food price ceilings this week-end in 150 cities throughout the country, Neville Miller, National Association of Broadcasters president, announced today.

Miller released the following telegram received from Prentiss Brown, OPA administrator:

"Our field offices in the various cities in which the new OPA community top price program will be effective on Monday are reporting the splendid cooperation which the radio stations and networks are giving us. I am sure this aid in our fight against inflation will continue through the entire life of the program."

Radio news wires and editors will receive the same price releases as issued to newspapers at 8 p.m., Saturday, May 8, Miller said.

Network broadcasts are being arranged for OPA for Sunday night. Station managers in cities where there are OPA district directors may get full information and plan local broadcasts accordingly. Other stations may play up the news angles of the new regulations if OPA offices are not available, Miller said.

(Released by NAB News Bureau to INS)

Washington, D. C., May 7—The Office of Price Administration joined Neville Miller, president, National Association of Broadcasters, in denying discrimination would be shown against radio stations in release of the new price regulations as reported by Cranston Williams, general

manager, American Newspapers Association, in a statement to International News Service May 6.

"Radio will play fully as vital a part in the release and handling of the price ceiling regulations this week-end as will the newspapers," Miller said.

OPA officials backed Miller up by stating that radio stations will receive the same releases in the 150 cities affected, at 8 p.m., Saturday, May 8, as will newspapers.

Williams' statement to INS was to the effect that "There will be no release locally to radio stations . . . but of course it is to be expected that local radio stations will make broadcasts as soon as the radio stations see the newspapers . . ."

In answer to this Prentiss Brown, OPA administrator, released the following telegram to Miller:

"Our field offices in the various cities in which the new OPA community top price program will be effective on Monday are reporting the splendid cooperation which the radio stations and networks are giving us. I am sure this aid in our fight against inflation will continue through the entire life of the program."

NEVILLE MILLER
NATIONAL ASSOCIATION OF BROADCASTERS

ALL OF RADIO STATIONS NETWORK AND SPONSORS CONTRIBUTED GREATLY TO THE SPLENDID COVERAGE GIVEN THE NEW OFFICE OF PRICE ADMINISTRATION FOOD TOP PRICE PROGRAM. ALTHOUGH THE PLAN BECAME EFFECTIVE ONLY THIS MORNING WE KNOW IT WILL BE SUCCESSFUL AND RADIO SHOULD TAKE WELL-EARNED PRIDE IN ITS SHARE OF THIS SUCCESS.

PRENTISS M. BROWN, ADMINISTRATOR

Supreme Court

FCC AUTHORITY UPHELD

The Supreme Court May 10 upheld the FCC's authority under the Communications Act to promulgate the Network regulations. In an opinion of sweeping import written by Justice Frankfurter, the court held that the Act gave the Commission power to regulate the contractual relations of stations with networks under the phrase "public interest, convenience or necessity" as read in conjunction with other sections of the Act. Chief Justice Stone and Justices Reed, Jackson and Douglas concurred. Justice Murphy wrote a vigorous dissent in which Justice Roberts joined. Justices Black and Rutledge did not participate.

The network regulations will become effective 10 days after receipt by the District Court in New York of the mandate from the Supreme Court. Although the date of

(Continued on page 214)



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*.

SUPREME COURT

(Continued from page 213)

receipt of the mandate by the lower court cannot be predicted with certainty, in normal course, it would be between June 14 and 17.

Complete text of the majority and dissenting opinions will be found on pages 221 to 233 of this issue of the REPORTS.

Neville Miller's stand on the decision, which followed the expressed action of the NAB in convention in 1941, is embodied in a statement released by the NAB following the court's decision to all the trade and general press. It follows:

"Hearings on the White-Wheeler Bill to review the present Communications Act are set to commence May 25th. Today's decision of the Supreme Court once more emphasizes the necessity for prompt Congressional review of the radio law in the light of present development of the broadcasting art."

The White-Wheeler bill seeks to re-define the operation and regulation of the broadcasting industry.

In today's decision, the Supreme Court upheld the right of the Federal Communications Commission to regulate certain business practices of the networks.

It will be recalled that at the 1941 NAB convention the following resolution was passed:

"Be it resolved that the National Association of Broadcasters urge the United States Senate to give prompt and favorable consideration to a resolution introduced by Senator Wallace White of Maine, which would result in a thorough investigation of the whole radio structure with a view to the enactment of a new radio law; and would request the Federal Communications Commission to suspend operation of the new network rules pending completion of the Senate investigation."

CHAIRMAN FLY COMMENTS

In response to a question from the press concerning reports to the effect that the broadcasting industry is under the impression that the FCC has decided to postpone its chain broadcasting regulations until September, or possibly later, Chairman James Lawrence Fly stated:

"I want to correct any such misapprehension. The enforcement of the chain broadcasting regulations has already, as a result of litigation, been postponed over a year and a half since they were promulgated in their present form. The effective date of the regulations is now stayed by Supreme Court order for ten days after its mandate goes to the lower court, or in normal course, until June 14. The Commission has no intention of delaying their effective date further. A full month thus remains for stations and networks to make necessary adjustments of contracts."

COMMISSIONER DURR FILES A PETITION AND WRITES A LETTER

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Petition That the Honorable E. E. Cox be Disqualified as a Member of the Select Committee to Investigate The Federal Communications Commission

I, Clifford J. Durr, a citizen of the United States and a duly qualified member of the Federal Communications Commission (hereinafter sometimes referred to as the "Commission"), respectfully petition the House of Representatives of the Congress of the United States that the Honorable E. E. Cox be disqualified by said House as a member of its Select Committee appointed pursuant to House Resolution 21, 78th Congress, 1st Session, to investigate the organization, personnel and activities of the Federal Communications Commission, for the following reasons:

1. That said E. E. Cox has a personal interest in the investigation authorized by such resolution in that:

(a) Such resolution was introduced by the said E. E. Cox and he was at the time of the introduction of such resolution and at the time of the adoption thereof the record owner of \$2,500 aggregate par value of stock of Albany Herald Broadcasting Company and, so far as petitioner has been able to ascertain, is still the record owner of such stock; proceedings are now pending before the Commission to determine whether or not the renewal of a license heretofore issued by the Commission to Herald Publishing Company, an affiliate of Albany Herald Broadcasting Company, for the operation of the broadcasting station in Albany, Georgia, and the transfer of such license to Albany Herald Broadcasting Company will be in the public interest; the facts indicate that the said E. E. Cox, in introducing such resolution, was motivated to a large degree, if not wholly, by the Commission's activities in connection with the ownership of Station WALB.

(b) The \$2,500 of stock above referred to was purchased by the said E. E. Cox with the proceeds of a check in the amount of \$2,500 issued by Albany Herald Broadcasting Company to the said E. E. Cox accompanied by a voucher stating that said check was in payment of "legal expenses"; the Commission being of the opinion that such information should be submitted to the Department of Justice for a determination as to whether or not such payment was made for services rendered by the said E. E. Cox in an endeavor to secure favorable action in connection with applications filed with the Commission with respect to said broadcasting station and was therefore in violation of Section 113 of the Criminal Code of the United States, the matter was, pursuant to unanimous action of the Commission, duly reported to the Attorney General of the United States for appropriate action; so far as petitioner is advised such matter is still under consideration by the Attorney General.

In his remarks in support of House Resolution 31 Congressman Cox stated on the floor of the House on January 19, 1943:

"Mr. Speaker: I am this morning bringing to you a matter in which I have the deepest possible personal interest."

2. That the said E. E. Cox, prior to this appointment to the Select Committee had already prejudged and con-

demned the Commission, its personnel and activities and has shown himself to be biased, prejudiced, and lacking in the objectivity of mind requisite for a member of such Committee in that he, in a speech on the floor of the House on January 19, 1943, in support of Resolution 21, accused the Commission of being "the nastiest nest of rats to be found in this entire country" and "a nest of Reds"; and has otherwise on numerous occasions publicly denounced in violent and intemperate language, the Commission, its personnel and activities.

Respectfully submitted,

Clifford J. Durr

May 13, 1943.

May 13, 1943

Honorable E. E. Cox
Honorable Richard B. Wigglesworth
Honorable Warren B. Magnuson
Honorable Edward J. Hart
Honorable Louis E. Miller,
House of Representatives,
Washington, D. C.

Gentlemen:

Attached hereto is a copy of a Petition and Memorandum which I have today handed the Speaker of the House of Representatives, asking that Congressman E. E. Cox be disqualified from serving as a member of the Select Committee to Investigate the Federal Communications Commission.

As you are aware from copies of letters which I have forwarded to you from time to time, I have on several occasions raised objections to procedures being followed by the Committee's staff in obtaining information. I have stated that these procedures were unnecessarily hampering this Commission in the performance of its duties, that they did not afford assurance that the members of the Committee, or of Congress, would receive all the information they should have, and that certain specific inquiries from the Committee's staff seemed to call for information of an entirely personal nature, in which I assumed the members of the Committee were not interested. In addition to these objections to inquiries addressed to me individually, I have also opposed the action of my fellow Commissioners in permitting the carting away by truck of Commission files when time was not allowed even to list what was taken or to see to it that irreplaceable Government records were properly received for.

A further incident has now arisen. On May 10, 1943, Dr. Robert D. Leigh, Director of our Foreign Broadcast Intelligence Service, was called by Eugene L. Garey, the General Counsel of the Select Committee, and was asked to testify, with no member of the Committee present. Dr. Leigh asked that a transcript of what was taken down be made available to him and was told that no copy would be made available. He then expressed his unwillingness to testify under oath in closed session, with no member of the Committee present and with no transcript made available to him.

A subpoena was thereupon served upon him, and he was ordered to testify forthwith in a closed hearing at which the only member of the Committee present was Congressman Cox. Dr. Leigh asked again whether he would be given a copy of the transcript, to make certain that his testimony was correctly recorded, and was again told that no copy would be furnished him. This incident, and particularly the requirement that witnesses testify behind closed doors before Congressman Cox alone, raises an issue even more fundamental than the procedures previously adopted, and intensifies a concern which I have felt for some time.

I would like to make it clear that I recognize the right of Congress to full and complete information with respect

to the activities of any agency created by it. This is essential to the proper functioning of a government responsible to the people, and that is the only kind of government I want to live under. I recognize, too, that Congress must, as a practical matter, act through its committees in obtaining the information it desires or should have with respect to the agencies of the Government. If, therefore, Congress is to be fully and accurately informed, it is not only necessary that the agencies and their officials be cooperative in furnishing the basic information needed, but it is of equal importance that the Committees of Congress which are charged with the responsibility for receiving and analyzing such information and for reporting to Congress on the basis thereof, be motivated only by a desire to obtain and present the facts fairly and fully. If the Committee, or any member thereof, has any purpose other than this, or if any member enters upon his duties with either a predilection or a prejudice so strong as to impair or destroy his objectivity, the best interests of neither the public nor the Congress itself will be served.

It is because of my strong belief in the importance of Congressional committees to the successful functioning of our democratic form of government that I feel I should call to the attention of the Congress certain facts which raise a serious question as to whether or not Congressman Cox has the disinterest and objectivity requisite for the chairman or member of a Committee charged with a duty to investigate and to report upon its investigation to the House of Representatives. The facts indicate that Congressman Cox was inspired to a large degree, if not wholly, by prejudice, animosity, and personal interest in introducing the resolution pursuant to which this investigation is being conducted, in pressing for its adoption, and in conducting the investigation since its passage.

In the opening remarks made by Congressman Cox in his speech on the floor of Congress on January 19, 1943, in support of the resolution pursuant to which this investigation is being conducted, he stated:

"Mr. Speaker: I am this morning bringing to you a matter in which I have the deepest possible personal interest."

The matter to which he then referred was Station WALB in Albany, Georgia, which Congressman Cox served as legal counsel, from which he received a \$2,500 fee for "legal services", and in which he is a stockholder.

Because of his personal interest and because of the prejudice and bias which he has already shown, both of which are fully set forth in the Petition and Memorandum. I do not think that Congressman Cox is an appropriate person to conduct an inquiry into my activities as a member of the Federal Communications Commission or into my personal affairs. Nor, in the light of long-standing precedents of the House of Representatives, do I believe that, having the full information before it, the House of Representatives will deem it appropriate for him to conduct an inquiry into the activities of the Federal Communications Commission.

In view of the above I am unwilling to testify before the Committee—and certainly not before Congressman Cox or Mr. Garey in closed session—or to furnish its staff with any further information unless and until the House of Representatives, with full knowledge of the facts which I have herein outlined, indicates its desire that the Committee, as now constituted, should continue with the investigation or indicates that it does not deem such facts of sufficient importance to warrant its attention. If the House of Representatives so indicates, I will appear before the Committee at any time it may request my attendance

and answer to the best of my ability any question that the Committee may address to me concerning the Commission or my activities as a member of the Commission, including any questions the Committee may deem it appropriate to ask with respect to my personal financial affairs, whether or not these questions relate to periods prior to or during my tenure of office as a member of the Commission.

The attached petition has been filed because I know of no other way of bringing the matter formally to the attention of the House of Representatives.

Very truly yours,

C. J. Durr,
Commissioner.

IN THE PUBLIC INTEREST

Recently Sterling Drug Co. Inc., manufacturers of Fletchers Castoria, was confronted with the serious problem of warning the consuming public that due to certain mysterious causes, their product contained some elements which made it unusable. Their object was to warn distributors to remove all stock from their shelves and to try to get in from customers all Fletchers Castoria sold within the last few months.

Harold B. Thomas, Vice President of Sterling Drug, Inc., has made the following signed statement to the National Association of Broadcasters:

"The speedy and sympathetic cooperation given to the manufacturer of Fletchers Castoria in broadcasting a nationwide warning against the sale and use of this product is a dramatic demonstration of the effectiveness with which the broadcasting industry serves the public interest. As the manufacturer of Fletchers Castoria, the Centaur Company Division of Sterling Drug, Inc., brought this matter to the attention of the major networks in order that its warning to consumers and retailers might be speedily disseminated. Networks pointed out that they could not carry such an announcement on a commercial basis, but NBC, CBS, Blue and MBS offered to, and did, carry the announcement a number of times on Tuesday, May 4, on a public service basis. We understand that many independent stations also carried this announcement. The manufacturer deeply appreciates this cooperation."

The record speaks for itself.

Selective Service

Employers engaged in war production or in activities essential to support of the war effort should file with Selective Service local boards written evidence of their employment of registrants who maintain bona fide homes with children less than 18 years of age, born on or before September 14, 1942, the Selective Service Bureau of the War Manpower Commission emphasized last week. Selective Service form No. 42B, which is available at local board offices, should be used for this purpose. (See Supplement No. 10 to NAB Selective Service Handbook, dated May 8, 1943.)

The local board, it was pointed out, thus will be advised of the registrant's employment in an essential activity, and the employer will receive notice of reopening of the registrant's classification any time it is undertaken by the local board. The employer, after receiving such notification, will have opportunity to submit additional evidence of the essentiality of necessary men in his employ.

Urge Filing of 42B

The only fathers now being inducted under the Selective Service Act are those engaged in activities or occupations on the War Manpower Commission's non-deferrable list;

farm workers who, without permission of their local board, leave essential agriculture pursuits for which they have been deferred, and fathers whose children were born on or after September 15, 1942. Submission of Form 42B is urged, however, for men who have a child, or children, with whom they maintain a bona fide family relationship in their homes, to assure the employer that if the time comes when such registrants are needed in the armed forces he would receive notice of his employees' Selective Service status.

Heretofore, form 42B was used by employers to indicate men with dependents engaged in an activity essential to war production or in support of the war effort for whom a Class III-B deferment was requested. However, now that Class III-B, for the designation of such men, has been eliminated, form 42B will be filed only for men with children who are in Class III-A.

Coincident with these suggestions to employers, Selective Service also announced an interpretation of its previously issued memorandum relating to filling calls. On April 12, 1943, in a memorandum to local boards Selective Service said:

"Insofar as possible, men who are finally classified in Class I-A, men fit for military service; Class I-A-O, men fit for noncombatant service in the armed forces; or Class IV-E, men fit for work of national importance, who are available for induction or assignment to work of national importance, should be called for induction or assignment to work of national importance from the following groups in the order listed: (1) single men with no dependents, (2) single men with collateral dependents, (3) married men with wives only, and (4) men with children."

WEATHER LEAKS

The Office of Censorship requests the active cooperation of all station managers to prevent leaks which disclose weather conditions. Unwittingly information which reflects weather conditions creeps into many reports such as those emanating from state highway departments or state conservation or fishing commissions. All such releases should be carefully scrutinized by some responsible person in every radio station.

No paragraph in any such release which reflects "unseasonable", "recent rainy" or similar weather conditions as effecting fishing or hunting should be given on the air. These are quite apparently violations of the Wartime Code of Censorship.

Broadcasters' Responsibility

The duty of enforcing this Code is a solemn responsibility on the part of every broadcaster. If steps can be taken to eliminate incidental reference to weather in these official reports by contact at the source, this should be done. Where stations feature a sportsman's program care should be exercised so that no reference is made to the effect of changing weather upon fishing conditions.

Station managers are urged to advise the Office of Censorship of the contents of any pamphlets or releases gotten out by such authorities as above mentioned which make reference to weather conditions. This is in order that the Office may take the necessary steps to prevent recurrence of this practice.

Labor

SALARIES AND MANPOWER

A low cloud of administrative confusion still hangs over both the salary and manpower "freeze" programs,

making exact answers to many questions still impossible.

On the salary side, there are signs that the cloud will soon lift. On Wednesday of this week, the freeze order of April 8 (Executive Order 9328) was modified. The War Labor Board is now permitted to allow salary increases under the "Little Steel" formula; in cases of "gross inequities," to promote "effective prosecution of the war." A "gross inequity" was defined as a salary under the lowest salary in the prevailing bracket for the same job in the same area.

For instance, if a substantial majority of the technicians in the stations in Podunk receive between \$40 and \$50, the WLB can now on the application of an employer permit any technician receiving less than \$40 to be raised to that amount.

How the WLB will define "effective prosecution of the war" remains to be seen.

In connection with the "Little Steel" formula, it should be remembered that this *cannot* be applied to individuals. Here is how it works:

Take the average, hourly, straight time earnings of the group involved as of January, 1941. Say this is \$1. Under the "Little Steel" formula, this group is entitled to an *average* increase of 15 cents an hour unless there have been increases since January, 1941. If they have, the average of these increases must be deducted from the 15 cents. The total increase allowable may be apportioned among individuals in any way the employer (or the employer and a union) sees fit.

On the manpower front, the best bet for broadcasters still is to consult their local War Manpower Commission officials or the local United States Employment Service before hiring. The administration of the job freeze program is being decentralized, and the rules and regulations may vary from place to place. It apparently is necessary for an employee to swap jobs at a higher rate of pay without a "certificate of availability," but the conditions for obtaining these may vary from place to place.

ANOTHER MANPOWER SOURCE

Stations are advised that investigation at WMC and Selective Service headquarters discloses that men in substantial numbers are now being discharged from the armed services, and that many of these men have specialized training in radio. It is suggested that stations interested in employing such men communicate their needs to their state director of Selective Service and their state director of the USES.

Men who are service casualties are granted a Certificate of Disability Discharge, and their names are reported to the Reemployment committeemen at their local draft boards by Selective Service, and to their local USES offices. Other disability cases are reported by WMC to their local USES offices. Both sources may afford excellent opportunities for securing replacement technicians.

Consideration should be given to the individual's acceptability as a permanent employee, both from the standpoint of the reemployment requirements of the Selective Training and Service Act and the public relations problems to be encountered in the possible discharge of a wounded veteran.

AFRA BLOCKS CBS USE OF "THIS IS THE ARMY"

AFRA this week turned thumbs down on a new CBS commercial which was to have used the cast of "This Is The Army."

Mrs. Emily Holt, AFRA's executive secretary, said that the decision had been a difficult one for the union's

board to make lest it be thought that the actors were interfering with Army relief needs, even though the performers of the country had helped raise a total of \$2,120,212.60, by official accounting, for Army and Navy relief during 1942.

The deciding factor in the board's decision, she said, was the realization that the cast of "This Is the Army," working for regular Army pay, would be promoting a venture that would mean substantial profits for the Columbia network and its affiliated stations and national advertising for the sponsor's product.

"We feel that soldiers and sailors ought not to be asked to sell soap or any other product," Mrs. Holt said.

Since the show was commercial, she said, the technical issue raised was whether A. F. R. A. members, some of whom are in "This Is the Army," should be asked to work with non-union performers. Of equal importance, she said, was the fact that the sponsor, with a proved program on its hands, would have a tremendous competitive advantage over the sponsors who paid the usual union wages and met all other commercial working conditions.

Engineering

WARTIME RECOMMENDATION FOR FIELD INTENSITY SURVEYS

During wartime, it is recognized that facilities for making a sufficient number of field intensity measurements to determine average daytime contours may not be available. The NAB executive engineering committee has therefore recommended an alternate wartime method for calculating these contours.

The new recommendation has been issued as a supplement page of the NAB Engineering Handbook, and will be mailed to all NAB member stations with the May 14 issue of the Swap Bulletin.

NOTICE

WANTED: For publication in a profusely illustrated brochure, to be published by NAB, 8 x 10 gloss print of your women radio technicians.

PURPOSE: To show that womanpower is relieving manpower. By "proof of the pudding" technique, to assist stations, not now employing women technicians, to recruit them.

COMPOSITION: Show the girls at work. Photo should tell the story—women handling equipment in studio or at transmitter.

COPY: Write your own story. Say whether training was given under supervision of your chief engineer or whether girls were formally trained, say in an ESMWT radio course . . . or combination. Comment on ability as proven in practice. What grade license, if any, do they hold? Full information will permit us to conform your copy to format.

DEADLINE: Photo and copy should reach NAB by June 7, 1943. Send to Arthur Stringer.

THANK YOU: If you are now employing women operators or technicians, you will help the industry by participating in this promotion. Thanks for your help.

WSJS WILL TRAIN TECHNICIANS OVER 45

In an effort to help relieve the shortage of trained technical personnel for radio, WSJS will inaugurate a radio technician training school to train women and men over 45 as transmitter and control operators.

Phil Hedrick, technical supervisor of WSJS, will teach the school, which will be tuition-free to students who are accepted for enrollment. Hedrick has had ample previous experience in such work, having been on the faculty of two previous radio technical school terms in Winston-Salem, conducted under the supervision of the extension division of North Carolina State College.

"The school," says station director Harold Essex, "was planned to be of benefit to other stations in our area, as well as to our own. Each student accepted understands that he or she is under no obligation to accept employment at WSJS after successful completion of the course, nor is the station to be under any obligation to provide or obtain employment for a student. Naturally, we expect to pick up one or two good ones for ourselves, but we expect also to turn out many students who will find connections with other stations as well."

From six to eight weeks, with classes two evenings each week, will be required for the course it is estimated. Plans are to "graduate" a group of students in time to have them take the F.C.C. examination the first Saturday in August, the next date on which the examination will be given in Winston-Salem.

NAB COVERS SCHENECTADY RADIO COUNCIL MEETINGS

The Northeastern Radio Council of New York will meet this week-end at Union College, Schenectady, to hold its first regional conference on radio in education.

Dorothy Lewis, NAB coordinator of listener activity, is scheduled to speak on "What A Council Can Mean." Walt Dennis, NAB news bureau chief, will be on hand to cover the meeting and to renew acquaintance with P. Schuyler Miller, of the Schenectady Board of Education, and discuss news broadcasts for children.

Miller is author of the children's news broadcast scripts over stations in that area as well as publicity director of the radio council.

Kenneth Bartlett, director of Syracuse university's radio workshop and Dr. James Rowland Angell, NBC public service counsel, also are scheduled speakers.

Leon Levine, assistant director of education for CBS, and Grace Johnson, director of women's and children's programs for the BLUE, will also speak. Kolin Hager, WGY manager, will preside at the Saturday luncheon. Mrs. Carolyn G. Tarbell is council president.

BMI TOP TUNES

(These songs currently are listed by Variety "sheets" as being among those most played on the air.)

DON'T CRY—National Music Co.
BRAZIL—Southern Music Publishing Co.
CANTEEN BOUNCE—Edward B. Marks Music Corp.
DO I KNOW WHAT I'M DOIN'?—Melody Lane.
I HEARD YOU CRIED LAST NIGHT—Campbell, Loft and Porcie.
I DON'T BELIEVE IN RUMORS—BMI.
IT STARTED ALL OVER AGAIN—Embassy.
I'M THINKING TONIGHT OF MY BLUE EYES—Peer.
GOODNIGHT LITTLE ANGEL—Wells.
SII! DON'T LOOK NOW—Top Music.

PEABODY "LISTENING POSTS"

To aid the George Foster Peabody Radio Awards Board in its annual selections, listening post committees are being set up in institutions of higher learning throughout the United States, according to Dean John E. Drewry, Henry W. Grady School of Journalism, The University of Georgia, which, with the National Association of Broadcasters administers these "Pulitzer prizes of the air."

Institutions that have already set up such committees, which will function through the office of the dean of the Grady School, are the state universities of California, Colorado, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Minnesota, New Jersey (Rutgers), Montana, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Washington, West Virginia, and Wisconsin.

Under the direction of Dorothy Lewis (NAB), coordinator of listener activity, New York City, similar listening post committees are being established through the groups with which she works.

At least twice, and possibly three times, each year, members of these listening post committees will make reports as to significant broadcasting activities within their respective areas.

Adella A. Spence

Adella A. Spence, wife of Edwin M. Spence, former secretary-treasurer of NAB and manager of WWDC, died Wednesday, May 12, in Stuart, Florida. Mrs. Spence had been ill for more than a year and had been moved from her native city of Atlantic City to Florida to recuperate. Funeral services will be held from the Jeffries and Keates funeral home in Atlantic City with interment at Pleasantville cemetery.

AWD ANALYZES ACTIVITIES

An analysis and crystalization of the wartime activities of the members of the Association of Women Directors was made during the recent NAB and Ohio Institute sessions.

Plans to extend these projects were incorporated into the following statement of policy: "The Association of Women Directors of the National Association of Broadcasters pledge their wholehearted support and talents to the promotion of essential war projects. Believing that the enlistment of woman power for the services, for industry and for civilian wartime activities presents an immediate and serious problem, the steering committee recommends that the members carefully consider the needs in their locality, and as their current major responsibility offer their services and talents to the solution of the problem."

The following members attended the sessions:

Ruth Chilton, president, WSYR, Syracuse, N. Y.; Mildred Bailey, secretary, WTAG, Worcester, Mass.; Rhea McCarty, treasurer, WCOL, Columbus, Ohio; Dorothy Lewis, NAB, New York City; Mary Mason, district chairman, WRC, Washington, D. C.; Ann Ginn, district chairman, WTCN, Minneapolis, Minn.; Ruth Crane, district chairman, WJR, Detroit, Mich., and Peggy Cave, district chairman, KSD, St. Louis, Mo.

Others included: Florence Shugars, district chairman, WROK, Rockford, Ill.; Victoria Corey, district chairman, KDKA, Pittsburgh, Pa.; Marvel Campbell, district chairman, WAIR, Winston-Salem, N. C.; Frances Wilder, state district chairman, KNX, Hollywood, Cal.; Jane Weaver, WTAM, Cleveland, Ohio; Duffy Schwartz, WBBM, Chicago, Ill.; Marjorie A. Wever, WHIZ, Zanesville, Ohio; Gladys Borne, WISR, Butler, Pa.; Virginia Pierson,

WTAD, Quincy, Ill.; Judith Waller, WMAQ, Chicago, Ill., and Madge L. Cooper, WMRN, Marion, Ohio.

Also: Hilda C. Wothrmeyer, WOWO-WGL, Fort Wayne, Ind.; Verda Mae Zeigler, Fort Wayne Public School, Fort Wayne, Ind.; Grace E. Ingledue, WFIN, Findlay, Ohio; Gertrude Broderick, FREC, Washington, D. C.; Lt. Hazel Markel, U. S. Navy, Washington, D. C.; Capt. Ruth Morton, WAAC, Washington, D. C.; Linnea Nelson, J. Walter Thompson, New York City; Dorothy Spicer, Chicago, Ill.; Hayle Cavenor, Regional Director, OWI, Minneapolis, Minn., and Madeline Johnson, WCOL, Columbus, Ohio.

Also: J. A. Barber, representing Ruth Schleber, KGVO, Missoula, Mont.; Lillian Gold, Chicago, Ill.; Kirt Cuff, Variety, Chicago, Ill.; Mrs. Oscar A. Ahlgren, president, Indiana Federation Women's Clubs; Mrs. R. F. Grosskopf, 7th District, Indiana Federation of Women's Clubs; Mrs. Esther Cook, state radio chairman, Wisconsin Federation of Women's Clubs; Mrs. Clarence A. Muth, Children's Theater, WTMJ, Milwaukee, Wis.; Mrs. George B. Palmer, national radio chairman, General Federation of Women's Clubs and regional director of listener activity for NAB; Mrs. R. K. Stoddard, regional director of listener activity of NAB in Iowa; Mrs. W. F. Ottmann, regional director of listener activity in Nebraska; Mrs. Robert Sterling, Illinois Federation of Women's Clubs, and Willard Egolf, NAB, Washington, N. C.

MORE REPORTS RECEIVED

Additional reports on the repairs to materials survey launched on March 26, 1943, have been received and are acknowledged with thanks.

Reporting cities are listed below. These are in addition to the cities reported in NAB REPORTS of April 16 and May 7.

Charleston, W. Va., Cincinnati, Ohio, Dixon, Ill. (and surrounding territory), Fairmont, W. Va., Harrisburg, Pa., Huntington, W. Va., Parkersburg, W. Va., Redding, Calif.

EXCESS PROFITS TAX

The Bureau of Internal Revenue this week issued regulations covering the excess profits tax relief provisions contained in Sec. 222 of the Revenue Act of 1942, Title II. Regulation 109 as thus amended may be procured from the Bureau of Internal Revenue, Washington, D. C., or from the nearest Collector of Internal Revenue.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, May 17th. It is subject to change.

Monday, May 17

Further Hearing

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of C. P., under C. P. 1240 ke., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WPTZ—Philco Radio & Television Corp., Wyndmoor, Pa.—Granted permission for licensee to use the announcement "WPTZ, Philadelphia", at its transmitter-studio when de-

sirable for program correlation, until such time as national defense restrictions permit the use of the Tioga and C Streets studio in Philadelphia, or a new studio is acquired elsewhere within the city limits of Philadelphia.

KYA—Palo Alto Radio Station, Inc., San Francisco, Calif.—Granted special service authorization to permit broadcast of calls directed to Longshoremen, in accordance with request of the Pacific Coast Maritime Industry Board service to be rendered without charge. These announcements will be of 5 minutes duration in the a. m. and 5 minutes duration in the p. m.

LICENSE RENEWALS

Renewal of licenses for the following stations were granted for the period ending April 1, 1945:

KALB, Alexandria, La.; KDLR, Devils Lake, N. Dak.; KFJI, Klamath Falls, Ore.; KGY, Olympia, Wash.; KPFA, Helena, Mont.; KVSQ, Ardmore, Okla.; WFOY, St. Augustine, Fla.; WGCM, Gulfport, Miss.; WJEJ, Hagerstown, Md.; WMFG, Hibbing, Minn.; WSNJ, Bridgeton, N. J.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Granted renewal of license for the period ending June 1, 1945.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted renewal of license for the period ending June 1, 1945.

WFTC—Jonas Weiland, Kinston, N. C.—Granted renewal of license for the period ending February 1, 1945.

Renewal of licenses for the following stations were granted for the period ending June 1, 1945:

KBND, Bend, Ore.; KOCY, Oklahoma City, Okla.; KVIC, Victoria, Texas; KVOL, Lafayette, La.; KWOC, Poplar Bluff, Mo.; KXRO, Aberdeen, Wash.; WAIR, Winston-Salem, N. C.; WBRK, Pittsfield, Mass.; WCLS, Joliet, Ill.; WFBG, Altoona, Pa.; WGTM, Wilson, N. C.

W9XBT—Balaban & Katz Corp., Portable-Mobile, area of Chicago, Ill.—Granted renewal of license for the period ending February 1, 1944.

KALW—Board of Education of the San Francisco Unified School Dist., San Francisco, Calif.—Granted renewal of license for the period ending May 1, 1944.

WBRV—University of Kentucky, Beattyville, Ky.—Granted renewal of license for the period ending May 1, 1944.

W75NY—Metropolitan Television, Inc., New York City.—Granted renewal of license for the period ending June 1, 1944.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of license for the period ending May 1, 1944.

ORDER ADOPTED

The FCC has adopted an Order, pursuant to its Proposed Findings of Fact and Conclusions (B-170) entered on March 23, 1943, denying without prejudice the application of Georgia School of Technology, Atlanta, Ga., for renewal of license of Station WGST. The application was denied without prejudice to the filing of a further application for renewal of license in accordance with the conclusions reached in these proceedings, such further application to be filed within 60 days from March 23, 1943, and to set forth the plan of the applicant 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.

The Commission further ordered that the outstanding temporary license for the operation of Station WGST be extended for a period of 90 days from March 23, 1943, or until June 21, 1943. (Docket No. 5903)

MISCELLANEOUS

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted license to cover construction permit as modified, for installation of new equipment and directional antenna for day and night use, change frequency, increase power, and move of transmitter (B2-L-1762); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1517).

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 May 16 to August 16, 1943 (B4-MPST-14).

WSAY—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Granted modification of construction permit as modified, which authorized change of frequency, increase in power, installation of directional antenna for day and night use and new transmitter, and move of transmitter, for extension of completion date from May 1 to November 1, 1943 (B1-MP-1710).

WWPG—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Granted modification of license (B3-ML-1154) to change designation of station from Lake Worth to Palm Beach, Florida.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Action on petition for order to take depositions in re application for renewal of license, was passed over until June 16. (Docket No. 6476)

WLAN—Thomas J. Watson, Endicott, N. Y.—Granted petition for leave to dismiss without prejudice application for modification of construction permit to operate on 1450 kc., 250 watts, unlimited time. (Docket No. 6453)

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Granted motion for continuance of hearing on application for construction permit; hearing continued to June 7, 1943. (Docket No. 6488)

Transradio Press Service, Inc. (Complainant).—Granted motion for extension of time in which to file proposed findings of facts and conclusions in the matter of Trans-radio Press Service, Inc., complainant, vs. American Telephone and Telegraph Co., et al., defendants (Docket No. 5993), and in the matter of investigation of the rates, charges, classifications, regulations, practices and services of American Telephone and Telegraph Co., et al., in the rendition of press private line teletypewriter service (Docket No. 6202); time extended to August 2, 1943.

APPLICATIONS FILED AT FCC

550 Kilocycles

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—License to cover construction permit (B2-P-2913) as modified, for changes in directional antenna for night use, and increase in power.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-3049) as modified, which authorized move of transmitter, new transmitter, change in frequency, changes in directional antenna for night use, and increase in power; also for approval of new type transmitter.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

1330 Kilocycles

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—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 experimental television station) for extension of completion date from 5-31-43 to 12-31-43.

MISCELLANEOUS APPLICATION

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Transfer of control from Beatrice L. Devaney,

Executrix of Estate of John P. Devaney, David J. Winton and Charles J. Winton, Jr., to Ralph Atlass (972 shares common stock).

NEW—Blue Network Co., Inc., New York, N. Y.—Extension of authority to transmit programs to Stations CFCF and CBL and the Canadian Broadcasting Corp.

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.

Atlantic City Wholesale Drug Company, Atlantic City, N. J., and Roy H. Cochran and Rodney S. Pullen, Jr., president and sales manager of the corporation, are charged in a complaint with violation of the Robinson-Patman Act. (4957)

Carter Products, Inc., 53 Park Place, New York, engaged in the sale of a cosmetic and deodorant designated "Arrid," is charged in a complaint with disseminating advertisements containing false representations concerning the preparation. The complaint also is directed against Small & Seiffer, Inc., advertising agency at 24 West 40th St., New York, which prepares and places advertising copy to promote the sale of the preparation. (4960)

Sculler Safety Corp.—A complaint charges that the Sculler Safety Corporation, 116-122 Broad Street, New York, engaged in the sale and distribution of marine signal equipment and supplies has sold and distributed in commerce certain old and obsolete signal pistol cartridges bearing fictitious dates and which are worthless and ineffective, thus placing in jeopardy the lives of passengers and crew and the safety of the vessels in which the undated cartridges have been used. (4958)

Willys-Overland Motors, Inc.—Misrepresentation in the advertising of Willys-Overland Motors, Inc., as to the creation and perfection of the U. S. Army "Jeep," is charged in a complaint. The complaint alleges that the idea of creating a "Jeep" was originated by the American Bantam Car Company, of Butler, Pa., in collaboration with certain officers of the United States Army. (4959)

ORDER

National Administrators. An order to cease and desist from misrepresentation in connection with the sale of questionnaire forms used by creditors and collection agencies in obtaining information concerning delinquent debtors has been issued against Dan Trainor, trading as National Administrators, Winona, Minn.; John A. Janssen and Lloyd L. Hill, operating a collection agency known as Consumer Distribution Consultants, 520 North Michigan Ave., Chicago; and Chicago Mail Order Co. and Spiegel, Inc., Chicago corporations operating mail order businesses for the sale of merchandise at retail. (4870)

STIPULATIONS

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

G. S. Dowdy Sales Co., 602 North Walnut St., Florence, Ala., stipulated that in connection with the sale or distribution of his

candy products he will cease and desist from the use of any sales plan involving a lottery scheme, gaming device or gift enterprise. (3641)

Elfeo Service, 440 North Wells St., Chicago, stipulated that it will cease and desist from certain misrepresentations in connection with the sale of publications containing formulas recommended for various ailments and conditions of the body. The titles of the publications are "Formula Book" and "Brains Boiled Down." (03106)

J. E. Hanger, Inc.—Two corporations engaged in the manufacture of artificial limbs, and the advertising representative of one of them, have entered into stipulations to cease and desist from certain misrepresentations in connection with the sale of their products. Entering into the stipulations were J. E. Hanger, Inc., of Texas, located at 1914 Olive St., St. Louis, Mo.; and J. E. Hanger, Inc., of Delaware, located at 221 G St., N. W., Washington, D. C., and its advertising representative, R. Loran Langsdale, Inc., Baltimore. (3639-3640)

Kovac Laboratories, Inc., 6219 South Main St., Los Angeles, has entered into a stipulation to discontinue certain misrepresentations it has made concerning the therapeutic properties of food preparations sold under the names "Kovac," "Chikovac," "Papaya Dyjestin" and "Kovac Type Acidophilus Culture." (3642)

Kroehler Manufacturing Co., Naperville, Ill., stipulated that in connection with the sale and distribution of its furniture, it will cease and desist from representing that any comparative figures or data pertaining to volume of sale, turnover, gross margin or cost of merchandise of Kroehler dealers, as compared with furniture dealers generally, is based upon reports by any number of Kroehler dealers in excess of the number actually reporting on each and every item concerning which representations are made. (3643)

Si-Oze Co., 116 South Michigan Ave., Chicago, engaged in selling a medicinal preparation designated "Si-Oze," entered into a stipulation to cease and desist from disseminating any advertisement which fails to reveal that excessive use of the preparation may be dangerous and that it should not be administered to infants and younger children except on competent advice nor used by individuals suffering from high blood pressure, heart disease, diabetes or thyroid trouble except on competent advice, and, further, that frequent or continued use may cause nervousness, restlessness or sleeplessness; provided, however, that such advertisement need only contain the statement, "CAUTION: Use only as directed," if and when the directions for use, wherever they appear on the label or in the labeling, contain a warning to the same effect. (03109)

CEASE AND DESIST ORDERS

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

Bristol-Myers Co., Hillside, N. J., has been ordered to cease and desist from certain misrepresentations concerning the therapeutic and curative properties of the laxative designated "Sal Hepatica." The representations prohibited were made by the respondent corporation in advertisements in newspapers and magazines and in radio continuities. (3645)

Franklin Sales Co., 212 South Franklin St., Chicago, has been ordered to cease and desist from selling or otherwise disposing of any merchandise by means of a lottery scheme. The respondent deals in various articles of merchandise, including glassware, silverware, pen and pencil sets, radios, luggage and electrical appliances, which are sold to ultimate purchasers by means of push cards furnished by the respondent to his distributors. (4782)

Howe & Company—An order to cease and desist from certain misrepresentations in connection with the sale of cosmetics has been issued against Phil Howe, David A. Howe, and Joanne B. Howe, trading as Howe & Co., 1535 11th Ave., Seattle, Wash. (4729)

McNeil Drug Company, Inc., and Associated Advertising Agency, Inc., both of Jacksonville, Fla., have been ordered to cease and desist from certain misrepresentations and false advertising in connection with the sale and distribution of a medicinal preparation variously designated as "Magic Remedy," "McNeil's Magic Remedy," and "McNeil's Magic Remedy Brand." The advertising corporation is engaged in the preparation, editing and dissemination of advertising material for the McNeil Corporation. (4923)

Samuel H. Moss, Inc., 36 East 23rd Street, New York, a manufacturer, processor and distributor of "made to order rubber stamps," has been ordered to cease and desist from certain price discriminations in the sale of its products. (4405)

Nash Brothers Drug Co., Jonesboro, Ark., compounding, selling and distributing a medicinal preparation formerly designated "Nash's C & L Tonic," now designated "Nash's C & L Malaria Chill Tonic and Laxative," has been ordered to cease and desist from misrepresentation and false advertising in connection with the sale of the preparation. (3775)

Stetson Felt Mills, 223 East Fourth St., St. Paul, Minn., has been ordered to cease and desist from the use of false representations and fraudulent schemes to promote the sale of the felt rugs they manufacture. (4234)

FTC CLOSES PART OF CASE

The Federal Trade Commission has closed without prejudice a portion of its case involving alleged misrepresentation in connection with the sale of Nucoa Oleomargarine, manufactured and distributed by The Best Foods, Inc., New York.

The effect of the order is to strike out those portions of the complaint in which the Commission alleged as misleading and deceptive the representations that oleomargarine "is a fit food for children" and that "wholesome margarine and butter are equally delicious and nutritious (both yield 3400 calories—food-energy units—to the pound)." The allegation that such representations are untrue unless vitamin A is added to the product in sufficient quantity also is stricken from the complaint.

Remaining in force are those portions of the complaint which allege that the respondent's representations concerning the whole milk content of its product and its method of manufacture are misleading and deceptive.

Full Text of FCC Opinion

May 10, 1943

Nos. 554-555.—OCTOBER TERM, 1942.

National Broadcasting Company, Inc., Woodmen of the World Life Insurance Society, and Stromberg-Carlson Telephone Manufacturing Company, Appellants,

554 vs.

The United States of America, Federal Communications Commission, and Mutual Broadcasting System, Inc.

Columbia Broadcasting System, Inc., Appellant,

555 vs.

The United States of America, Federal Communications Commission, and Mutual Broadcasting System, Inc.

Appeals from the District Court of the United States for the Southern District of New York.

[May 10, 1943.]

Mr. Justice FRANKFURTER delivered the opinion of the Court.

In view of our dependence upon regulated private enterprise in discharging the far-reaching role which radio

plays in our society, a somewhat detailed exposition of the history of the present controversy and the issues which it raises is appropriate.

These suits were brought on October 30, 1941, to enjoin the enforcement of the Chain Broadcasting Regulations promulgated by the Federal Communications Commission on May 2, 1941, and amended on October 11, 1941. We held last Term in *Columbia System v. U. S.*, 316 U. S. 407, and *Nat. Broadcasting Co. v. U. S.*, 316 U. S. 447, that the suits could be maintained under § 402(a) of the Communications Act of 1934, 48 Stat. 1093, 47 U. S. C. § 402(a) (incorporating by reference the Urgent Deficiencies Act of October 22, 1913, 38 Stat. 219, 28 U. S. C. § 47), and that the decrees of the District Court dismissing the suits for want of jurisdiction should therefore be reversed. On remand the District Court granted the Government's motions for summary judgment and dismissed the suits on the merits. 47 F. Supp. 940. The cases are now here on appeal. 28 U. S. C. § 47. Since they raise substantially the same issues and were argued together, we shall deal with both cases in a single opinion.

On March 18, 1938, the Commission undertook a comprehensive investigation to determine whether special regulations applicable to radio stations engaged in chain broadcasting¹ were required in the "public interest, convenience, or necessity". The Commission's order directed that inquiry be made, *inter alia*, in the following specific matters: the number of stations licensed to or affiliated with networks, and the amount of station time used or controlled by networks; the contractual rights and obligations of stations under their agreements with networks; the scope of network agreements containing exclusive affiliation provisions and restricting the network from affiliating with other stations in the same area; the rights and obligations of stations with respect to network advertisers; the nature of the program service rendered by stations licensed to networks; the policies of networks with respect to character of programs, diversification, and accommodation to the particular requirements of the areas served by the affiliated stations; the extent to which affiliated stations exercise control over programs, advertising contracts, and related matters; the nature and extent of network program duplication by stations serving the same area; the extent to which particular networks have exclusive coverage in some areas; the competitive practices of stations engaged in chain broadcasting; the effect of chain broadcasting upon stations not licensed to or affiliated with networks; practices or agreements in restraint of trade, or in furtherance of monopoly, in connection with chain broadcasting; and the scope of concentration of control over stations, locally, regionally, or nationally, through contracts, common ownership, or other means.

On April 6, 1938, a committee of three Commissioners was designated to hold hearings and make recommendations to the full Commission. This committee held public hearings for 73 days over a period of six months, from November 14, 1938, to May 19, 1939. Order No. 37, announcing the investigation and specifying the particular matters which would be explored at the hearings, was published in the Federal Register, 3 Fed. Reg. 637, and copies were sent to every station licensee and network organization. Notices of the hearings were also sent to these parties. Station licensees, national and regional networks, and transcription and recording companies were invited to appear and give evidence. Other persons who sought to appear were afforded an opportunity to testify. 96 witnesses were heard by the committee, 45 of whom were called by the national networks. The evidence covers

¹ Chain broadcasting is defined in § 3(p) of the Communications Act of 1934 as the "simultaneous broadcasting of an identical program by two or more connected stations." In actual practice, programs are transmitted by wire, usually leased telephone lines, from their point of origination to each station in the network for simultaneous broadcast over the air.

27 volumes, including over 8,000 pages of transcript and more than 700 exhibits. The testimony of the witnesses called by the national networks fills more than 6,000 pages, the equivalent of 46 hearing days.

The committee submitted a report to the Commission on June 12, 1940, stating its findings and recommendations. Thereafter, briefs on behalf of the networks and other interested parties were filed before the full Commission, and on November 28, 1940, the Commission issued proposed regulations which the parties were requested to consider in the oral arguments held on December 2 and 3, 1940. These proposed regulations dealt with the same matters as those covered by the regulations eventually adopted by the Commission. On January 2, 1941, each of the national networks filed a supplementary brief discussing at length the questions raised by the committee report and the proposed regulations.

On May 2, 1941, the Commission issued its Report on Chain Broadcasting, setting forth its findings and conclusions upon the matters explored in the investigation, together with an order adopting the Regulations here assailed. Two of the seven members of the Commission dissented from this action. The effective date of the Regulations was deferred for 90 days with respect to existing contracts and arrangements of network-operated stations, and subsequently the effective date was thrice again postponed. On August 14, 1941, the Mutual Broadcasting Company petitioned the Commission to amend two of the Regulations. In considering this petition the Commission invited interested parties to submit their views. Briefs were filed on behalf of all of the national networks, and oral argument was had before the Commission on September 12, 1941. And on October 11, 1941, the Commission (again with two members dissenting) issued a Supplemental Report, together with an order amending three Regulations. Simultaneously, the effective date of the Regulations was postponed until November 15, 1941, and provision was made for further postponements from time to time if necessary to permit the orderly adjustment of existing arrangements. Since October 30, 1941, when the present suits were filed, the enforcement of the Regulations has been stayed either voluntarily by the Commission or by order of court.

Such is the history of the Chain Broadcasting Regulations. We turn now to the Regulations themselves, illumined by the practices in the radio industry disclosed by the Commission's investigation. The Regulations, which the Commission characterized in its Report as "the expression of the general policy we will follow in exercising our licensing power", are addressed in terms to station licensees and applicants for station licenses. They provide, in general, that no licenses shall be granted to stations or applicants having specified relationships with networks. Each Regulation is directed at a particular practice found by the Commission to be detrimental to the "public interest", and we shall consider them *seriatim*. In doing so, however, we do not overlook the admonition of the Commission, that the Regulations as well as the network practices at which they are aimed are interrelated: "In considering above the network practices which necessitate the regulations we are adopting, we have taken each practice singly, and have shown that even in isolation each warrants the regulation addressed to it. But the various practices we have considered do not operate in isolation; they form a compact bundle or pattern, and the effect of their joint impact upon licensees necessitates the regulations even more urgently than the effect of each taken singly." (Report, p. 75.)

The Commission found that at the end of 1938 there were 660 commercial stations in the United States, and that 341 of these were affiliated with national networks. 135 stations were affiliated exclusively with the National Broadcasting Company, Inc., known in the industry as NBC,

which operated two national networks, the "Red" and the "Blue". NBC was also the licensee of 10 stations, including 7 which operated on so-called clear channels with the maximum power available, 50 kilowatts; in addition, NBC operated 5 other stations, 4 of which had power of 50 kilowatts, under management contracts with their licensees. 102 stations were affiliated exclusively with the Columbia Broadcasting System, Inc., which was also the licensee of 8 stations, 7 of which were clear-channel stations operating with power of 50 kilowatts, 74 stations were under exclusive affiliation with the Mutual Broadcasting System, Inc. In addition, 25 stations were affiliated with both NBC and Mutual, and 5 with both CBS and Mutual. These figures, the Commission noted, did not accurately reflect the relative prominence of the three companies, since the stations affiliated with Mutual were, generally speaking, less desirable in frequency, power, and coverage. It pointed out that the stations affiliated with the national networks utilized more than 97% of the total nighttime broadcasting power of all the stations in the country. NBC and CBS together controlled more than 85% of the total nighttime wattage, and the broadcast business handled by the three national network companies amounted to almost half of the total business of all stations in the United States.

The Commission recognized that network broadcasting had played and was continuing to play an important part in the development of radio. "The growth and development of chain broadcasting", it stated, "found its impetus in the desire to give widespread coverage to programs which otherwise would not be heard beyond the reception area of a single station. Chain broadcasting makes possible a wider reception for expensive entertainment and cultural programs and also for programs of national or regional significance which would otherwise have coverage only in the locality of origin. Furthermore, the access to greatly enlarged audiences made possible by chain broadcasting has been a strong incentive to advertisers to finance the production of expensive programs. . . . But the fact that the chain broadcasting method brings benefits and advantages to both the listening public and to broadcast station licensees does not mean that the prevailing practices and policies of the networks and their outlets are sound in all respects, or that they should not be altered. The Commission's duty under the Communications Act of 1934 is not only to see that the public receives the advantages and benefits of chain broadcasting, but also, as far as its powers enable it, to see that practices which adversely affect the ability of licensees to operate in the public interest are eliminated." (Report, p. 4.)

The Commission found that eight network abuses were amenable to correction within the powers granted it by Congress:

Regulation 3.101—Exclusive affiliation of station. The Commission found that the network affiliation agreements of NBC and CBS customarily contained a provision which prevented the station from broadcasting the programs of any other network. The effect of this provision was to hinder the growth of new networks, to deprive the listening public in many areas of service to which they were entitled, and to prevent station licensees from exercising their statutory duty of determining which programs would best serve the needs of their community. The Commission observed that in areas where all the stations were under exclusive contract to either NBC or CBS, the public was deprived of the opportunity to hear programs presented by Mutual. To take a case cited in the Report: In the fall of 1939 Mutual obtained the exclusive right to broadcast the World Series baseball games. It offered this program of outstanding national interest to stations throughout the country, including NBC and CBS affiliates

in communities having no other stations. CBS and NBC immediately invoked the "exclusive affiliation" clauses of their agreements with these stations, and as a result thousands of persons in many sections of the country were unable to hear the broadcasts of the games.

"Restraints having this effect", the Commission observed, "are to be condemned as contrary to the public interest irrespective of whether it be assumed that Mutual programs are of equal, superior or inferior quality. The important consideration is that station licensees are denied freedom to choose the programs which they believe best suited to their needs; in this manner the duty of a station licensee to operate in the public interest is defeated. . . . Our conclusion is that the disadvantages resulting from these exclusive arrangements far outweigh any advantages. A licensee station does not operate in the public interest when it enters into exclusive arrangements which prevent it from giving the public the best service of which it is capable, and which, by closing the door of opportunity in the network field, adversely affect the program structure of the entire industry." (Report, pp. 52-57.) Accordingly, the Commission adopted Regulation 3.101, providing as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization."

Regulation 3.102—Territorial exclusivity. The Commission found another type of "exclusivity" provision in network affiliation agreements whereby the network bound itself not to sell programs to any other station in the same area. The effect of this provision, designed to protect the affiliate from the competition of other stations serving the same territory, was to deprive the listening public of many programs that might otherwise be available. If an affiliated station rejected a network program, the "territorial exclusivity" clause of its affiliation agreement prevented the network from offering the program to other stations in the area. For example, Mutual presented a popular program, known as "The American Forum of the Air", in which prominent persons discussed topics of general interest. None of the Mutual stations in the Buffalo area decided to carry the program, and a Buffalo station not affiliated with Mutual attempted to obtain the program for its listeners. These efforts failed, however, on account of the "territorial exclusivity" provision in Mutual's agreements with its outlets. The result was that this program was not available to the people of Buffalo.

The Commission concluded that "It is not in the public interest for the listening audience in an area to be deprived of network programs not carried by one station where other stations in that area are ready and willing to broadcast the programs. It is as much against the public interest for a network affiliate to enter into a contractual arrangement which prevents another station from carrying a network program as it would be for it to drown out that program by electrical interference." (Report, p. 59.)

Recognizing that the "territorial exclusivity" clause was unobjectionable in so far as it sought to prevent duplication of programs in the same area, the Commission limited itself to the situations in which the clause impaired the ability of the licensee to broadcast programs otherwise available. Regulation 3.102, promulgated to remedy this particular evil, provides as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another sta-

tion serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization."

Regulation 3.103—Term of affiliation. The standard NBC and CBS affiliation contracts bound the station for a period of five years, with the network having the exclusive right to terminate the contracts upon one year's notice. The Commission, relying upon §307(d) of the Communications Act of 1934, under which no license to operate a broadcast station can be granted for a longer term than three years, found the five-year affiliation term to be contrary to the policy of the Act: "Regardless of any changes that may occur in the economic, political, or social life of the Nation or of the community in which the station is located, CBS and NBC affiliates are bound by contract to continue broadcasting the network programs of only one network for 5 years. The licensee is so bound even though the policy and caliber of programs of the network may deteriorate greatly. The future necessities of the station and of the community are not considered. The station licensee is unable to follow his conception of the public interest until the end of the 5-year contract." (Report, p. 61.) The Commission concluded that under contracts binding the affiliates for five years, "stations become parties to arrangements which deprive the public of the improved service it might otherwise derive from competition in the network field; and that a station is not operating in the public interest when it so limits its freedom of action." (Report, p. 62.) Accordingly, the Commission adopted Regulation 3.103: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years: *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within 120 days prior to the commencement of such period."

Regulation 3.104—Option time. The Commission found that network affiliation contracts usually contained so-called network optional time clauses. Under these provisions the network could upon 28 days' notice call upon its affiliates to carry a commercial program during any of the hours specified in the agreement as "network optional time". For CBS affiliates "network optional time" meant the entire broadcast day. For 29 outlets of NBC on the Pacific Coast, it also covered the entire broadcast day; for substantially all of the other NBC affiliates, it included 8½ hours on weekdays and 8 hours on Sundays. Mutual's contracts with about half of its affiliates contained such a provision, giving the network optional time for 3 or 4 hours on weekdays and 6 hours on Sundays.

In the Commission's judgment these optional time provisions, in addition to imposing serious obstacles in the path of new networks, hindered stations in developing a local program service. The exercise by the networks of their options over the station's time tended to prevent regular scheduling of local programs at desirable hours. The Commission found that "shifting a local commercial program may seriously interfere with the efforts of a [local] sponsor to build up a regular listening audience at a definite hour, and the long-term advertising contract becomes a highly dubious project. This hampers the efforts of the station to develop local commercial programs

and affects adversely its ability to give the public good program service. . . . A station licensee must retain sufficient freedom of action to supply the program and advertising needs of the local community. Local program service is a vital part of community life. A station should be ready, able, and willing to serve the needs of the local community by broadcasting such outstanding local events as community concerts, civic meetings, local sports events, and other programs of local consumer and social interest. We conclude that national network time options have restricted the freedom of station licensees and hampered their efforts to broadcast local commercial programs, the programs of other national networks, and national spot transcriptions. We believe that these considerations far outweigh any supposed advantages from 'stability' of network operations under time options. We find that the optioning of time by licensee stations has operated against the public interest." (Report, pp. 63, 65.)

The Commission undertook to preserve the advantages of option time, as a device for "stabilizing" the industry, without unduly impairing the ability of local stations to develop local program service. Regulation 3.104 called for the modification of the option-time provision in three respects: the minimum notice period for exercise of the option could not be less than 56 days; the number of hours which could be optioned was limited; and specific restrictions were placed upon exercise of the option to the disadvantage of other networks. The text of the Regulation follows: "No license shall be granted to a standard broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8:00 a.m. to 1:00 p.m.; 1:00 p.m. to 6:00 p.m.; 6:00 p.m. to 11:00 p.m.; 11:00 p.m. to 8:00 a.m. Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations."

Regulation 3.105—Right to reject programs. The Commission found that most network affiliation contracts contained a clause defining the right of the station to reject network commercial programs. The NBC contracts provided simply that the station "may reject a network program the broadcasting of which would not be in the public interest, convenience, and necessity." NBC required a licensee who rejected a program to "be able to support his contention that what he has done has been more in the public interest than had he carried on the network program". Similarly, the CBS contracts provided that if the station had "reasonable objection to any sponsored program or the product advertised thereon as not being in the public interest, the station may, on 3 weeks prior notice thereof to Columbia, refuse to broadcast such program unless during such notice period such reasonable objection of the station shall be satisfied."

While seeming in the abstract to be fair, these provisions, according to the Commission's finding, did not sufficiently protect the "public interest". As a practical matter, the licensee could not determine in advance whether the broadcasting of any particular network program would or would not be in the public interest. "It is obvious that from such skeletal information [as the networks submitted to the stations prior to the broadcasts] the station cannot determine in advance whether the program is in the public interest, nor can it ascertain whether or not parts of the program are in one way or another offensive. In practice, if not in theory, stations affiliated with networks have delegated to the networks a large part of their programming functions. In many instances, moreover, the network further delegates the actual production of

² Station licenses issued by the Commission normally last two years. Section 3.34 of the Commission's Rules and Regulations governing Standard and High-Frequency Broadcast Stations, as amended October 14, 1941.

programs to advertising agencies. These agencies are far more than mere brokers or intermediaries between the network and the advertiser. To an ever-increasing extent, these agencies actually exercise the function of program production. Thus it is frequently neither the station nor the network, but rather the advertising agency, which determines what broadcast programs shall contain. Under such circumstances, it is especially important that individual stations, if they are to operate in the public interest, should have the practical opportunity as well as the contractual right to reject network programs. . . .

"It is the station, not the network, which is licensed to serve the public interest. The licensee has the duty of determining what programs shall be broadcast over his station's facilities, and cannot lawfully delegate this duty or transfer the control of his station directly to the network or indirectly to an advertising agency. He cannot lawfully bind himself to accept programs in every case where he cannot sustain the burden of proof that he has a better program. The licensee is obliged to reserve to himself the final decision as to what programs will best serve the public interest. We conclude that a licensee is not fulfilling his obligations to operate in the public interest, and is not operating in accordance with the express requirements of the Communications Act, if he agrees to accept programs on any basis other than his own reasonable decision that the programs are satisfactory." (Report, pp. 39, 66.)

The Commission undertook in Regulation 3.105 to formulate the obligations of licensees with respect to supervision over programs: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance."

Regulation 3.106—Network ownership of stations. The Commission found that NBC, in addition to its network operations, was the licensee of 10 stations, 2 each in New York, Chicago, Washington, and San Francisco, 1 in Denver, and 1 in Cleveland. CBS was the licensee of 8 stations, 1 in each of these cities: New York, Chicago, Washington, Boston, Minneapolis, St. Louis, Charlotte, and Los Angeles. These 18 stations owned by NBC and CBS, the Commission observed, were among the most powerful and desirable in the country, and were permanently inaccessible to competing networks. "Competition among networks for these facilities is nonexistent, as they are completely removed from the network-station market. It gives the network complete control over its policies. This 'bottling-up' of the best facilities has undoubtedly had a discouraging effect upon the creation and growth of new networks. Furthermore, common ownership of network and station places the network in a position where its interest as the owner of certain stations may conflict with its interest as a network organization serving affiliated stations. In dealings with advertisers, the network represents its own stations in a proprietary capacity and the affiliated stations in something akin to an agency capacity. The danger is present that the network organization will give preference to its own stations at the expense of its affiliates." (Report, p. 67.)

The Commission stated that if the question had arisen as an original matter, it might well have concluded that the public interest required severance of the business of

station ownership from that of network operation. But since substantial business interests have been formed on the basis of the Commission's continued tolerance of the situation, it was found inadvisable to take such a drastic step. The Commission concluded, however, that "the licensing of two stations in the same area to a single network organization is basically unsound and contrary to the public interest", and that it was also against the "public interest" for network organizations to own stations in areas where the available facilities were so few or of such unequal coverage that competition would thereby be substantially restricted. Recognizing that these considerations called for flexibility in their application to particular situations, the Commission provided that "networks will be given full opportunity, on proper application for new facilities or renewal of existing licenses, to call to our attention any reasons why the principle should be modified or held inapplicable." (Report, p. 68.) Regulation 3.106 reads as follows: "No licensee shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing."

Regulation 3.107—Dual network operation. This regulation provides that: "No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided*, That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network." In its Supplemental Report of October 11, 1941, the Commission announced the indefinite suspension of this regulation. There is no occasion here to consider the validity of Regulation 3.107, since there is no immediate threat of its enforcement by the Commission.

Regulation 3.108—Control by networks of station rates. The Commission found that NBC's affiliation contracts contained a provision empowering the network to reduce the station's network rate, and thereby to reduce the compensation received by the station, if the station set a lower rate for non-network national advertising than the rate established by the contract for the network programs. Under this provision the station could not sell time to a national advertiser for less than it would cost the advertiser if he bought the time from NBC. In the words of NBC's vice-president, "This means simply that a national advertiser should pay the same price for the station whether he buys it through one source or another source. It means that we do not believe that our stations should go into competition with ourselves." (Report, p. 73.)

The Commission concluded that "it is against the public interest for a station licensee to enter into a contract with a network which has the effect of decreasing its ability to compete for national business. We believe that the public interest will best be served and listeners supplied with the best programs if stations bargain freely with national advertisers." (Report, p. 75.) Accordingly, the Commission adopted Regulation 3.108, which provides as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs."

The appellants attack the validity of these Regulations

along many fronts. They contend that the Commission went beyond the regulatory powers conferred upon it by the Communications Act of 1934; that even if the Commission were authorized by the Act to deal with the matters comprehended by the Regulations, its action is nevertheless invalid because the Commission misconceived the scope of the Act, particularly § 313 which deals with the application of the anti-trust laws to the radio industry; that the Regulations are arbitrary and capricious; that if the Communications Act of 1934 were construed to authorize the promulgation of the Regulations, it would be an unconstitutional delegation of legislative power; and that, in any event, the Regulations abridge the appellants' right of free speech in violation of the First Amendment. We are thus called upon to determine whether Congress has authorized the Commission to exercise the power asserted by the Chain Broadcasting Regulations, and if it has, whether the Constitution forbids the exercise of such authority.

Federal regulation of radio³ begins with the Wireless Ship Act of June 24, 1910, 36 Stat. 629, which forbade any steamer carrying or licensed to carry fifty or more persons to leave any American port unless equipped with efficient apparatus for radio communication, in charge of a skilled operator. The enforcement of this legislation was entrusted to the Secretary of Commerce and Labor, who was in charge of the administration of the marine navigation laws. But it was not until 1912, when the United States ratified the first international radio treaty, 37 Stat. 1565, that the need for general regulation of radio communication became urgent. In order to fulfill our obligations under the treaty, Congress enacted the Radio Act of August 13, 1912, 37 Stat. 302. This statute forbade the operation of radio apparatus without a license from the Secretary of Commerce and Labor; it also allocated certain frequencies for the use of the Government, and imposed restrictions upon the character of wave emissions, the transmission of distress signals, and the like.

The enforcement of the Radio Act of 1912 presented no serious problems prior to the World War. Questions of interference arose only rarely because there were more than enough frequencies for all the stations then in existence. The war accelerated the development of the art, however, and in 1921 the first standard broadcast stations were established. They grew rapidly in number, and by 1923 there were several hundred such stations throughout the country. The Act of 1912 had not set aside any particular frequencies for the use of private broadcast stations; consequently, the Secretary of Commerce selected two frequencies, 750 and 833 kilocycles, and licensed all stations to operate upon one or the other of these channels. The number of stations increased so rapidly, however, and the situation became so chaotic, that the Secretary, upon the recommendation of the National Radio Conference which met in Washington in 1923 and 1924, established a policy of assigning specified frequencies to particular stations. The entire radio spectrum was divided into numerous bands, each allocated to a particular kind of service. The frequencies ranging from 550 to 1500 kilocycles (96 channels in all, since the channels were separated from each other by 10 kilocycles) were assigned to the standard broadcast stations. But the problems created by the enormously rapid development of radio were far from solved. The increase in the number of channels was not enough to take care of the constantly growing number of stations. Since there were more stations than available

³ The history of federal regulation of radio communication is summarized in Herring and Gross, *Telecommunications* (1936) 239-36; *Administrative Procedure in Government Agencies*, Monograph of the Attorney General's Committee on Administrative Procedure, Sen. Doc. No. 186, 76th Cong., 3d Sess., Part 3, dealing with the Federal Communications Commission, pp. 82-84; 1 Socolaw, *Law of Radio Broadcasting* (1939) 38-61; Donovan, *Origin and Development of Radio Law* (1930).

frequencies, the Secretary of Commerce attempted to find room for everybody by limiting the power and hours of operation of stations in order that several stations might use the same channel. The number of stations multiplied so rapidly, however, that by November, 1925, there were almost 600 stations in the country, and there were 175 applications for new stations. Every channel in the standard broadcast band was, by that time, already occupied by at least one station, and many by several. The new stations could be accommodated only by extending the standard broadcast band, at the expense of the other types of service, or by imposing still greater limitations upon time and power. The National Radio Conference which met in November, 1925, opposed both of these methods and called upon Congress to remedy the situation through legislation.

The Secretary of Commerce was powerless to deal with the situation. It had been held that he could not deny a license to an otherwise legally qualified applicant on the ground that the proposed station would interfere with existing private or Government stations. *Hoover v. Inter-city Radio Co.*, 286 Fed. 1003. And on April 16, 1926, an Illinois district court held that the Secretary had no power to impose restrictions as to frequency, power, and hours of operation, and that a station's use of a frequency not assigned to it was not a violation of the Radio Act of 1912. *United States v. Zenith Radio Corp.*, 12 F. 2d 614. This was followed on July 8, 1926, by an opinion of Acting Attorney General Donovan that the Secretary of Commerce had no power, under the Radio Act of 1912, to regulate the power, frequency or hours of operation of stations. 35 Ops. Atty. Gen. 126. The next day the Secretary of Commerce issued a statement abandoning all his efforts to regulate radio and urging that the stations undertake self-regulation.

But the plea of the Secretary went unheeded. From July, 1926, to February 23, 1927, when Congress enacted the Radio Act of 1927, 44 Stat. 1162, almost 200 new stations went on the air. These new stations used any frequencies they desired, regardless of the interference thereby caused to others. Existing stations changed to other frequencies and increased their power and hours of operation at will. The result was confusion and chaos. With everybody on the air, nobody could be heard. The situation became so intolerable that the President in his message of December 7, 1926, appealed to Congress to enact a comprehensive radio law:

"Due to the decisions of the courts, the authority of the department [of Commerce] under the law of 1912 has broken down; many more stations have been operating than can be accommodated within the limited number of wave lengths available; further stations are in course of construction; many stations have departed from the scheme of allocations set down by the department, and the whole service of this most important public function has drifted into such chaos as seems likely, if not remedied, to destroy its great value. I most urgently recommend that this legislation should be speedily enacted." (H. Doc. 483, 69th Cong., 2d Sess., p. 10.)

The plight into which radio fell prior to 1927 was attributable to certain basic facts about radio as a means of communication—its facilities are limited; they are not available to all who may wish to use them; the radio spectrum simply is not large enough to accommodate everybody. There is a fixed natural limitation upon the number of stations that can operate without interfering with one another.⁴ Regulation of radio was therefore as vital to its development as traffic control was to the development of the automobile. In enacting the Radio Act of 1927,

⁴ See Morecroft, *Principles of Radio Communication* (3d ed. 1933) 355-402; Terman, *Radio Engineering* (2d ed. 1937) 593-645.

the first comprehensive scheme of control over radio communication, Congress acted upon the knowledge that if the potentialities of radio were not to be wasted, regulation was essential.

The Radio Act of 1927 created the Federal Radio Commission, composed of five members, and endowed the Commission with wide licensing and regulatory powers. We do not pause here to enumerate the scope of the Radio Act of 1927 and of the authority entrusted to the Radio Commission, for the basic provisions of that Act are incorporated in the Communications Act of 1934, 48 Stat. 1064, 47 U. S. C. § 151 *et seq.*, the legislation immediately before us. As we noted in *Federal Communications Comm'n v. Pottsville Broadcasting Co.*, 309 U. S. 134, 137, "In its essentials the Communications Act of 1934 [so far as its provisions relating to radio are concerned] derives from the Federal Radio Act of 1927. . . . By this Act of Congress, in order to protect the national interest involved in the new and far-reaching science of broadcasting, formulated a unified and comprehensive regulatory system for the industry. The common factors in the administration of the various statutes by which Congress had supervised the different modes of communication led to the creation, in the Act of 1934, of the Communications Commission. But the objectives of the legislation have remained substantially unaltered since 1927."

Section 1 of the Communications Act states its "purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges". Section 301 particularizes this general purpose with respect to radio: "It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license." To that end a Commission composed of seven members was created, with broad licensing and regulatory powers.

Section 303 provides:

"Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—

- (a) Classify radio stations;
- (b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

* * * * *

- (f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act . . . ;
- (g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;

* * * * *

- (i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

* * * * *

- (r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act. . . ."

The criterion governing the exercise of the Commission's licensing power is the "public interest, convenience,

or necessity". §§ 307(a) (d), 309(a), 310, 312. In addition, § 307(b) directs the Commission that "In considering applications for licenses and modifications and renewals thereof, when and insofar as there is demand for the same the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

The Act itself establishes that the Commission's powers are not limited to the engineering and technical aspects of regulation of radio communication. Yet we are asked to regard the Commission as a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other. But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic. The facilities of radio are not large enough to accommodate all who wish to use them. Methods must be devised for choosing from among the many who apply. And since Congress itself could not do this, it committed the task to the Commission.

The Commission was, however, not left at large in performing this duty. The touchstone provided by Congress was the "public interest, convenience, or necessity", a criterion which "is as concrete as the complicated factors for judgment in such a field of delegated authority permit". *Federal Communications Comm'n v. Pottsville Broadcasting Co.*, 309 U. S. 134, 138. "This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. Compare *N. Y. Central Securities Co. v. United States*, 287 U. S. 12, 24. The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character, and quality of services" *Radio Comm'n v. Nelson Bros. Co.*, 289 U. S. 266, 285.

The "public interest" to be served under the Communications Act is thus the interest of the listening public in "the larger and more effective use of radio". § 303(g). The facilities of radio are limited and therefore precious; they cannot be left to wasteful use without detriment to the public interest. "An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts." *Federal Communications Comm'n v. Sanders Radio Station*, 309 U. S. 470, 475. The Commission's licensing function cannot be discharged, therefore, merely by finding that there are no technological objections to the granting of a license. If the criterion of "public interest" were limited to such matters, how could the Commission choose between two applicants for the same facilities, each of whom is financially and technically qualified to operate a station? Since the very inception of federal regulation by radio, comparative considerations as to the services to be rendered have governed the application of the standard of "public interest, convenience, or necessity". See *Federal Communications Comm'n v. Pottsville Broadcasting Co.*, 309 U. S. 134, 138 n. 2.

The avowed aim of the Communications Act of 1934 was to secure the maximum benefits of radio to all the people of the United States. To that end Congress endowed the Communications Commission with comprehensive powers to promote and realize the vast potentialities of radio. Section 303(g) provides that the Commission shall "generally encourage the larger and more effective use of radio in the public interest"; subsection (i) gives the Commission specific "authority to make special regulations applicable to radio stations engaged in chain broadcasting"; and subsection (r) empowers it to adopt "such rules and regulations and prescribe such restrictions and conditions

not inconsistent with law as may be necessary to carry out the provisions of this Act".

These provisions, individually and in the aggregate, preclude the notion that the Commission is empowered to deal only with technical and engineering impediments to the "larger and more effective use of radio in the public interest". We cannot find in the Act any such restriction of the Commission's authority. Suppose, for example, that a community can, because of physical limitations, be assigned only two stations. That community might be deprived of effective service in any one of several ways. More powerful stations in nearby cities might blanket out the signals of the local stations so that they could not be heard at all. The stations might interfere with each other so that neither could be clearly heard. One station might dominate the other with the power of its signal. But the community could be deprived of good radio service in ways less crude. One man, financially and technically qualified, might apply for and obtain the licenses of both stations and present a single service over the two stations, thus wasting a frequency otherwise available to the area. The language of the Act does not withdraw such a situation from the licensing and regulatory powers of the Commission, and there is no evidence that Congress did not mean its broad language to carry the authority it expresses.

In essence, the Chain Broadcasting Regulations represent a particularization of the Commission's conception of the "public interest" sought to be safeguarded by Congress in enacting the Communications Act of 1934. The basic consideration of policy underlying the Regulations is succinctly stated in its Report: "With the number of radio channels limited by natural factors, the public interest demands that those who are entrusted with the available channels shall make the fullest and most effective use of them. If a licensee enters into a contract with a network organization which limits his ability to make the best use of the radio facility assigned him, he is not serving the public interest. . . . The net effect [of the practices disclosed by the investigation] has been that broadcasting service has been maintained at a level below that possible under a system of free competition. Having so found, we would be remiss in our statutory duty of encouraging 'the larger and more effective use of radio in the public interest' if we were to grant licenses to persons who persist in these practices." (REPORT, pp. 81, 82.)

We would be asserting our personal views regarding the effective utilization of radio were we to deny that the Commission was entitled to find that the large public aims of the Communications Act of 1934 comprehend the considerations which moved the Commission in promulgating the Chain Broadcasting Regulations. True enough, the Act does not explicitly say that the Commission shall have power to deal with network practices found inimical to the public interest. But Congress was acting in a field of regulation which was both new and dynamic. "Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." *Federal Communications Comm'n v. Pottsville Broadcasting Co.*, 309 U. S. 134, 137. In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers. It was given a comprehensive mandate to "encourage the larger and more effective use of radio in the public interest", if need be, by making "special regulations applicable to radio stations engaged in chain broadcasting". § 303(g) (i).

Generalities unrelated to the living problems of radio communication of course cannot justify exercises of power by the Commission. Equally so, generalities empty of all concrete considerations of the actual bearing of regulations promulgated by the Commission to the subject-matter entrusted to it, cannot strike down exercises of power by

the Commission. While Congress did not give the Commission unfettered discretion to regulate all phases of the radio industry, it did not frustrate the purposes for which the Communications Act of 1934 was brought into being by attempting an itemized catalogue of the specific manifestations of the general problems for the solution of which it was establishing a regulatory agency. That would have stereotyped the powers of the Commission to specific details in regulating a field of enterprise the dominant characteristic of which was the rapid pace of its unfolding. And so Congress did what experience had taught it in similar attempts at regulation, even in fields where the subject-matter of regulation was far less fluid and dynamic than radio. The essence of that experience was to define broad areas for regulation and to establish standards for judgment adequately related in their application to the problems to be solved.

For the cramping construction of the Act pressed upon us, support cannot be found in its legislative history. The principal argument is that § 303(i), empowering the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", intended to restrict the scope of the Commission's powers to the technical and engineering aspects of chain broadcasting. This provision comes from § 4(h) of the Radio Act of 1927. It was introduced into the legislation as a Senate committee amendment to the House bill (H. R. 9971, 69th Cong., 1st Sess.) This amendment originally read as follows:

"(C) The commission, from time to time, as public convenience, interest, or necessity requires, shall—

* * * * *

(j) When stations are connected by wire for chain broadcasting, determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting."

The report of the Senate Committee on Interstate Commerce, which submitted this amendment, stated that under the bill the Commission was given "complete authority . . . to control chain broadcasting." Sen. Rep. No. 772, 69th Cong., 1st Sess., p. 3. The bill as thus amended was passed by the Senate, and then sent to conference. The bill that emerged from the conference committee, and which became the Radio Act of 1927, phrased the amendment in the general terms now contained in § 303(i) of the 1934 Act: the Commission was authorized "to make special regulations applicable to radio stations engaged in chain broadcasting". The conference reports do not give any explanation of this particular change in phrasing, but they do state that the jurisdiction conferred upon the Commission by the conference bill was substantially identical with that conferred by the bill passed by the Senate. See Sen. Doc. No. 200, 69th Cong., 2d Sess., p. 17; H. Rep. 1836, 69th Cong., 2d Sess., p. 17. We agree with the District Court that in view of this legislative history, § 303(i) cannot be construed as no broader than the first clause of the Senate amendment, which limited the Commission's authority to the technical and engineering phases of chain broadcasting. There is no basis for assuming that the conference intended to preserve the first clause, which was of limited scope, and abandon the second clause, which was of general scope, by agreeing upon a provision which was broader and more comprehensive than those it supplanted.⁵

⁵ In the course of the Senate debates on the conference report upon the bill that became the Radio Act of 1927, Senator Dill, who was in charge of the bill, said: "While the commission would have the power under the general terms of the bill, the bill specifically sets out as one

A totally different source of attack upon the Regulations is found in § 311 of the Act, which authorizes the Commission to withhold licenses from persons convicted of having violated the anti-trust laws. Two contentions are made—first, that this provision puts considerations relating to competition outside the Commission's concern before an applicant has been convicted of monopoly or other restraints of trade, and second, that in any event, the Commission misconceived the scope of its powers under § 311 in issuing the Regulations. Both of these contentions are unfounded. Section 311 derives from § 13 of the Radio Act of 1927, which expressly commanded, rather than merely authorized, the Commission to refuse a license to any person judicially found guilty of having violated the anti-trust laws. The change in the 1934 Act was made, in the words of Senator Dill, the manager of the legislation in the Senate, because "it seemed fair to the committee to do that". 78 Cong. Rec. 8825. The Commission was thus permitted to exercise its judgment as to whether violation of the anti-trust laws disqualified an applicant from operating a station in the "public interest". We agree with the District Court that "The necessary implication from this [amendment in 1934] was that the Commission might infer from the fact that the applicant had in the past tried to monopolize radio, or had engaged in unfair methods of competition, that the disposition so manifested would continue and that if it did it would make him an unfit licensee." 47 F. Supp. 940, 944.

That the Commission may refuse to grant a license to persons adjudged guilty in a court of law of conduct in violation of the anti-trust laws certainly does not render irrelevant consideration by the Commission of the effect of such conduct upon the "public interest, convenience, or necessity". A licensee charged with practices in contravention of this standard cannot continue to hold his license merely because his conduct is also in violation of the anti-trust laws and he has not yet been proceeded against and convicted. By clarifying in § 311 the scope of the Commission's authority in dealing with persons convicted of violating the anti-trust laws, Congress can hardly be deemed to have limited the concept of "public interest" so as to exclude all considerations relating to monopoly and unreasonable restraints upon commerce. Nothing in the provisions or history of the Act lends support to the inference that the Commission was denied the power to refuse a license to a station not operating in the "public interest", merely because its misconduct happened to be an unconvicted violation of the anti-trust laws.

Alternatively, it is urged that the Regulations constitute an *ultra vires* attempt by the Commission to enforce the anti-trust laws, and that the enforcement of the anti-trust laws is the province not of the Commission but of the Attorney General and the courts. This contention misconceives the basis of the Commission's action. The Commission's Report indicates plainly enough that the Commission was not attempting to administer the anti-trust laws:

"The prohibitions of the Sherman Act apply to broadcasting. This Commission, although not charged with the

of the special powers of the commission the right to make specific regulations for governing chain broadcasting. As to creating a monopoly of radio in this country, let me say that this bill absolutely protects the public, so far as it can protect them, by giving the commission full power to refuse a license to anyone who it believes will not serve the public interest, convenience, or necessity. It specifically provides that any corporation guilty of monopoly shall not only not receive a license but that its license may be revoked; and if after a corporation has received its license for a period of three years it is then discovered and found to be guilty of monopoly, its license will be revoked. . . . In addition to that, the bill contains a provision that no license may be transferred from one owner to another without the written consent of the commission, and the commission, of course, having the power to protect against a monopoly, must give such protection. I wish to state further that the only way by which monopolies in the radio business can secure control of radio here, even for a limited period of time, will be by the commission becoming servile to them. Power must be lodged somewhere, and I myself am unwilling to assume in advance that the commission proposed to be created will be servile to the desires and demands of great corporations of this country." 68 Cong. Rec. 2881.

duty of enforcing that law, should administer its regulatory powers with respect to broadcasting in the light of the purposes which the Sherman Act was designed to achieve. . . . While many of the network practices raise serious questions under the antitrust laws, our jurisdiction does not depend on a showing that they do in fact constitute a violation of the antitrust laws. It is not our function to apply the antitrust laws as such. It is our duty, however, to refuse licenses or renewals to any person who engages or proposes to engage in practices which will prevent either himself or other licensees or both from making the fullest use of radio facilities. This is the standard of public interest, convenience or necessity which we must apply to all applications for licenses and renewals. . . . We do not predicate our jurisdiction to issue the regulations on the ground that the network practices violate the antitrust laws. We are issuing these regulations because we have found that the network practices prevent the maximum utilization of radio facilities in the public interest." (Report, pp. 46, 83, 83n. 3.)

We conclude, therefore, that the Communications Act of 1934 authorized the Commission to promulgate regulations designed to correct the abuses disclosed by its investigation of chain broadcasting. There remains for consideration the claim that the Commission's exercise of such authority was unlawful.

The Regulations are assailed as "arbitrary and capricious". If this contention means that the Regulations are unwise, that they are not likely to succeed in accomplishing what the Commission intended, we can say only that the appellants have selected the wrong forum for such a plea. What was said in *Board of Trade v. United States*, 314 U. S. 534, 548, is relevant here: "We certainly have neither technical competence nor legal authority to pronounce upon the wisdom of the course taken by the Commission." Our duty is at an end when we find that the action of the Commission was based upon findings supported by evidence, and was made pursuant to authority granted by Congress. It is not for us to say that the "public interest" will be furthered or retarded by the Chain Broadcasting Regulations. The responsibility belongs to the Congress for the grant of valid legislative authority, and to the Commission for its exercise.

It would be sheer dogmatism to say that the Commission made out no case for its allowable discretion in formulating these Regulations. Its long investigation disclosed the existences of practices which it regarded as contrary to the "public interest". The Commission knew that the wisdom of any action it took would have to be tested by experience: "We are under no illusion that the regulations we are adopting will solve all questions of public interest with respect to the network system of program distribution. . . . The problems in the network field are interdependent, and the steps now taken may perhaps operate as a partial solution of problems not directly dealt with at this time. Such problems may be examined again at some future time after the regulations here adopted have been given a fair trial." (Report, p. 88.) The problems with which the Commission attempted to deal could not be solved at once and for all time by rigid rules-of-thumb. The Commission therefore did not bind itself inflexibly to the licensing policies expressed in the Regulations. In each case that comes before it the Commission must still exercise an ultimate judgment whether the grant of a license would serve the "public interest, convenience, or necessity." If time and changing circumstances reveal that the "public interest" is not served by application of the Regulations, it must be assumed that the Commission will act in accordance with its statutory obligations.

Since there is no basis for any claim that the Commission did not fail to observe procedural safeguards required by law, we reach the contention that the Regulations should be denied enforcement on constitutional grounds. Here, as in *N. Y. Central Securities Co. v. United States*, 287 U. S.

12, 24-25, the claim is made that the standard of "public interest" governing the exercise of the powers delegated to the Commission by Congress is so vague and indefinite that, if it be construed as comprehensively as the words alone permit, the delegation of legislative authority is unconstitutional. But, as we held in that case, "It is a mistaken assumption that this is a mere general reference to public welfare without any standard to guide determinations. The purpose of the Act, the requirements it imposes, and the context of the provision in question show the contrary." *Ibid.* See *Radio Comm'n v. Nelson Bros. Co.*, 289 U. S. 266, 285; *Federal Communications Comm'n v. Pottsville Broadcasting Co.*, 309 U. S. 134, 137-38. Compare *Panama Refining Co. v. Ryan*, 293 U. S. 388, 428; *Intermountain Rate Cases*, 234 U. S. 476, 486-89; *United States v. Lowden*, 308 U. S. 225.

We come, finally, to an appeal to the First Amendment. The Regulations, even if valid in all other respects, must fall because they abridge, say the appellants, their right of free speech. If that be so, it would follow that every person whose application for a license to operate a station is denied by the Commission is thereby denied his constitutional right of free speech. Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to governmental regulation. Because it cannot be used by all, some who wish to use it must be denied. But Congress did not authorize the Commission to choose among applicants upon the basis of their political, economic, or social views, or upon any other capricious basis. If it did, or if the Commission by these Regulations proposed a choice among applicants upon some such basis, the issue before us would be wholly different. The question here is simply whether the Commission, by announcing that it will refuse licenses to persons who engage in specified network practices (a basis for choice which we hold is comprehended within the statutory criterion of "public interest"), is thereby denying such persons the constitutional right of free speech. The right of free speech does not include, however, the right to use the facilities of radio without a license. The licensing system established by Congress in the Communications Act of 1934 was a proper exercise of its power over commerce. The standard it provided for the licensing of stations was the "public interest, convenience, or necessity". Denial of a station license on that ground, if valid under the Act, is not a denial of free speech.

A procedural point calls for just a word. The District Court, by granting the Government's motion for summary judgment, disposed of the case upon the pleadings and upon the record made before the Commission. The court below correctly held that its inquiry was limited to review of the evidence before the Commission. Trial *de novo* of the matters heard by the Commission and dealt with in its Report would have been improper. See *Tagg Bros. v. United States*, 280 U. S. 420; *Acker v. United States*, 298 U. S. 426.

Affirmed.

Mr. Justice BLACK and Mr. Justice RUTLEDGE took no part in the consideration or decision of these cases.

Mr. Justice MURPHY, dissenting.

I do not question the objectives of the proposed regulations, and it is not my desire by narrow statutory interpretation to weaken the authority of government agencies to deal efficiently with matters committed to their jurisdiction by the Congress. Statutes of this kind should be construed so that the agency concerned may be able to cope

effectively with problems which the Congress intended to correct, or may otherwise perform the functions given to it. But we exceed our competence when we gratuitously bestow upon an agency power which the Congress has not granted. Since that is what the Court in substance does today, I dissent.

In the present case we are dealing with a subject of extreme importance in the life of the nation. Although radio broadcasting, like the press, is generally conducted on a commercial basis, it is not an ordinary business activity, like the selling of securities or the marketing of electrical power. In the dissemination of information and opinion radio has assumed a position of commanding importance, rivalling the press and the pulpit. Owing to its physical characteristics radio, unlike the other methods of conveying information, must be regulated and rationed by the government. Otherwise there would be chaos, and radio's usefulness would be largely destroyed. But because of its vast potentialities as a medium of communication, discussion and propaganda, the character and extent of control that should be exercised over it by the government is a matter of deep and vital concern. Events in Europe show that radio may readily be a weapon of authority and misrepresentation, instead of a means of entertainment and enlightenment. It may even be an instrument of oppression. In pointing out these possibilities I do not mean to intimate in the slightest that they are imminent or probable in this country, but they do suggest that the construction of the instant statute should be approached with more than ordinary restraint and caution, to avoid an interpretation that is not clearly justified by the conditions that brought about its enactment, or that would give the Commission greater powers than the Congress intended to confer.

The Communications Act of 1934 does not in terms give the Commission power to regulate the contractual relations between the stations and the networks. *Columbia System v. United States*, 316 U. S. 407, 416. It is only as an incident of the power to grant or withhold licenses to individual stations under §§ 307, 308, 309 and 310 that this authority is claimed,¹ except as it may have been provided by subdivisions (g), (i) and (r) of § 303, and by §§ 311 and 313. But nowhere in these sections, taken singly or collectively, is there to be found by reasonable construction or necessary inference, authority to regulate the broadcasting industry as such, or to control the complex operations of the national networks.

In providing for regulation of the radio the Congress was under the necessity of vesting a considerable amount of discretionary authority in the Commission. The task of choosing between various claimants for the privilege of using the air waves is essentially an administrative one. Nevertheless, in specifying with some degree of particularity the kind of information to be included in an application for a license, the Congress has indicated what general conditions and considerations are to govern the granting and withholding of station licenses. Thus an applicant is required by § 308(b) to submit information bearing upon his citizenship, character, and technical, financial and other qualifications to operate the proposed station, as well as data relating to the ownership and location of the proposed station, the power and frequencies desired, operating periods, intended use, and such other information as the Commission may require. Licenses, frequencies, hours of operation and power are to be fairly distributed among the several States and communities to provide efficient service to each. § 307(b). Explicit provision is made for dealing with applicants and licensees who are found guilty, or who

¹ The regulations as first proposed were not connected with denial of applications for initial or renewal station licenses but provided instead that: "No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization", which contained any of the disapproved provisions. After a short time, however, the regulations were cast in their present form, making station licensing depend upon conformity with the regulations.

are under the control of persons found guilty of violating the federal anti-trust laws. §§ 311 and 313. Subject to the limitations defined in the Act, the Commission is required to grant a station license to any applicant "if public convenience, interest or necessity will be served thereby". § 307(a). Nothing is said, in any of these sections, about network contracts, affiliations, or business arrangements.

The power to control network contracts and affiliations by means of the Commission's licensing powers cannot be derived from implication out of the standard of "public convenience, interest or necessity". We have held that: "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." *Commission v. Sanders Radio Station*, 309 U. S. 470, 475. The criterion of "public convenience, interest or necessity" is not an indefinite standard, but one to be "interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services", . . . *Radio Comm'n v. Nelson Bros. Co.*, 289 U. S. 266, 285. Nothing in the context of which the standard is a part refers to network contracts. It is evident from the record that the Commission is making its determination of whether the public interest would be served by renewal of an existing license or licenses, not upon an examination of written applications presented to it, as required by §§ 308 and 309, but upon an investigation of the broadcasting industry as a whole, and general findings made in pursuance thereof which relate to the business methods of the network companies rather than the characteristics of the individual stations and the peculiar needs of the areas served by them. If it had been the intention of the Congress to invest the Commission with the responsibility, through its licensing authority, of exercising far-reaching control—as exemplified by the proposed regulations—over the business operations of chain broadcasting and radio networks as they were then or are now organized and established, it is not likely that the Congress would have left it to mere inference or implication from the test of "public convenience, interest or necessity", or that Congress would have neglected to include it among the considerations expressly made relevant to license applications by § 308(b). The subject is one of such scope and importance as to warrant explicit mention. To construe the licensing sections (§§ 307, 308, 309, 310) as granting authority to require fundamental and revolutionary changes in the business methods of the broadcasting networks—methods which have been in existence for several years and which have not been adjudged unlawful—would inflate and distort their true meaning and extend them beyond the limited purposes which they were intended to serve.

It is quite possible, of course, that maximum utilization of the radio as an instrument of culture, entertainment, and the diffusion of ideas is inhibited by existing network arrangements. Some of the conditions imposed by the broadcasting chains are possibly not conducive to a freer use of radio facilities, however essential they may be to the maintenance of sustaining programs and the operation of the chain broadcasting business as it is now conducted. But I am unable to agree that it is within the present authority of the Commission to prescribe the remedy for such conditions. It is evident that a correction of these conditions in the manner proposed by the regulations will involve drastic changes in the business of radio broadcasting which the Congress has not clearly and definitely empowered the Commission to undertake.

If this were a case in which a station license had been withheld from an individual applicant or licensee because of special relations or commitments that would seriously compromise or limit his ability to provide adequate service to the listening public, I should be less inclined to make any objection. As an incident of its authority to determine the eligibility of an individual applicant in an isolated case, the Commission might possibly consider such factors. In the present case, however, the Commission has reversed the order of things. Its real objective is to regulate the business practices of the major networks, thus bringing within the range of its regulatory power the chain broadcasting industry as a whole. By means of these regulations and the enforcement program, the Commission would not only extend its authority over business activities which represent interests and investments of a very substantial character, which have not been put under its jurisdiction by the Act, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion. To assume a function and responsibility of such wide reach and importance in the life of the nation, as a mere incident of its duty to pass on individual applications for permission to operate a radio station and use a specific wave length, is an assumption of authority to which I am not willing to lend my assent.

Again I do not question the need of regulation in this field, or the authority of the Congress to enact legislation that would vest in the Commission such power as it requires to deal with the problem, which it has defined and analyzed in its report with admirable lucidity. It is possible that the remedy indicated by the proposed regulations is the appropriate one, whatever its effect may be on the sustaining programs, advertising contracts, and other characteristics of chain broadcasting as it is now conducted in this country. I do not believe, however, that the Commission was justified in claiming the responsibility and authority it has assumed to exercise without a clear mandate from the Congress.

An examination of the history of this legislation convinces me that the Congress did not intend by anything in § 303, or any other provision of the Act to confer on the Commission the authority it has assumed to exercise by the issuance of these regulations. Section 303 is concerned primarily with technical matters, and the subjects of regulation authorized by most of its subdivisions are exceedingly specific—so specific in fact that it is reasonable to infer that, if Congress had intended to cover the subject of network contracts and affiliations, it would not have left it to dubious implications from general clauses, lifted out of context, in subdivisions (g), (i) and (r). I am unable to agree that in authorizing the Commission in § 303(g) to study new uses for radio, provide for experimental use of frequencies, and "generally encourage the larger and more effective use of radio in the public interest", it was the intention or the purpose of the Congress to confer on the Commission the regulatory powers now being asserted. Manifestly that subdivision dealt with experimental and development work—technical and scientific matters, and the construction of its concluding clause should be accordingly limited to those considerations. Nothing in its legislative history suggests that it had any broader purpose.

It was clearly not the intention of the Congress by the enactment of § 303(i), authorizing the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", to invest the Commission with the authority now claimed over network contracts. This section is a verbatim re-enactment of § 4(h) of the Radio Act of 1927, and had its origin in a Senate amendment to the bill which became that Act. In its original form it provided that the Commission, from time to time,

as public convenience, interest, or necessity required, should:

"When stations are connected by wire for chain broadcasting, [the Commission should] determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting."

It was evidently the purpose of this provision to remedy a situation that was described as follows by Senator Dill (who was in charge of the bill in the Senate) in questioning a witness at the hearings of the Senate Committee on Interstate Commerce:

". . . During the past few months there has grown up a system of chain broadcasting, extending over the United States a great deal of the time. I say a great deal of the time—many nights a month—and the stations that are connected are of such widely varying meter lengths that the ordinary radio set that reaches out any distance is unable to get anything but that one program, and so, in effect, that one program monopolizes the air. I realize it is somewhat of a technical engineering problem, but it has seemed to many people, at least many who have written to me, that when stations are carrying on chain programs that they might be limited to the use of wave lengths adjoining or near enough to one another that they would not cover the entire dial. I do not know whether legislation ought to restrict that or whether it had better be done by regulations of the department. I want to get your opinion as to the advisability in some way protecting people who want to hear some other program than the one being broadcasted by chain broadcast." (Report of Hearings Before Senate Committee on Interstate Commerce on S. 1 and S. 1754, 69th Cong., 1st Sess. (1926) p. 123.

In other words, when the same program was simultaneously broadcast by chain stations, the weaker independent stations were drowned out because of the high power of the chain stations. With the receiving sets then commonly in use, listeners were unable to get any program except the chain program. It was essentially an interference problem. In addition to determining power and wave length for chain stations, it would have been the duty of the Commission, under the amendment, to make other regulations necessary for "equitable radio service to the listeners in the communities or areas affected by chain broadcasting." The last clause should not be interpreted out of context and without relation to the problem at which the amendment was aimed. It is reasonably construed as simply as authorizing the Commission to remedy other technical problems of interference involved in chain broadcasting in addition to power and wave length by requiring special types of equipment, controlling locations, etc. The statement in the Senate Committee Report that this provision gave the Commission "complete authority . . . to control chain broadcasting" (R. Rep. No. 772, 69th Cong., 1st Sess., p. 3) must be taken as meaning that the provision gave complete authority with respect to the specific problem which the Senate intended to meet, a problem of technical interference.

While the form of the amendment was simplified in the Conference Committee so as to authorize the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", both Houses were assured in the report of the Conference Committee that "the jurisdiction conferred in this paragraph is substantially the same as the jurisdiction conferred upon the Commission by . . . the Senate amendment." (Sen. Doc. No. 200, 69th Cong., 2d Sess., p. 17; H. Rep. No. 1886, 69th Cong., 2d Sess., p. 17). This is further borne out by a statement of Senator Dill in discussing the conference report on the Senate floor:

"What is happening to-day is that the National Broadcasting Co., which is a part of the great Radio Trust, to say

the least, if not a monopoly, is hooking up stations in every community on their various wave lengths with high powered stations and sending one program out, and they are forcing the little stations off the board so that the people cannot hear anything except the one program.

"There is no power to-day in the hands of the Department of Commerce to stop that practice. The radio commission will have the power to regulate and prevent it and give the independents a chance." (68 Cong. Rec. 3031.)

Section 303(r) is certainly no basis for inferring that the Commission is empowered to issue the challenged regulations. This subdivision is not an independent grant of power, but only an authorization to: "Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act." There is no provision in the Act for the control of network contractual arrangements by the Commission, and consequently § 303 (r) is of no consequence here.

To the extent that existing network practices may have run counter to the anti-trust laws, the Congress has expressly provided the means of dealing with the problem. The enforcement of those laws has been committed to the courts and other law enforcement agencies. In addition to the usual penalties prescribed by statute for their violation, however, the Commission has been expressly authorized by § 311 to refuse a station license to any person "finally adjudged guilty by a Federal court" of attempting unlawfully to monopolize radio communication. Anyone under the control of such a person may also be refused a license. And whenever a court has ordered the revocation of an existing license, as expressly provided in § 313, a new license may not be granted by the Commission to the guilty party or to any person under his control. In my opinion these provisions (§§ 311 and 313) clearly do not and were not intended to confer independent authority on the Commission to supervise network contracts or to enforce competition between radio networks by withholding licenses from stations, and do not justify the Commission in refusing a license to an applicant otherwise qualified, because of business arrangements that may constitute an unlawful restraint of trade, when the applicant has not been finally adjudged guilty of violating the anti-trust laws, and is not controlled by one so adjudged.

The conditions disclosed by the Commission's investigation, if they require correction, should be met, not by the invention of authority where none is available or by diverting existing powers out of their true channels and using them for purposes to which they were not addressed, but by invoking the aid of the Congress or the services of agencies that have been entrusted with the enforcement of the anti-trust laws. In other fields of regulation the Congress has made clear its intentions. It has not left to mere inference and guess-work the existence of authority to order broad changes and reforms in the national economy or the structure of business arrangements in the Public Utility Holding Company Act, 49 Stat. 803, the Securities Act of 1933, 48 Stat. 74, the Federal Power Act, 49 Stat. 838, and other measures of similar character. Indeed the Communications Act itself contains cogent internal evidence that Congress did not intend to grant power over network contractual arrangements to the Commission. In § 215(e) of Title II, dealing with common carriers by wire and radio, Congress provided:

"The Commission shall examine all contracts of common carriers subject to this Act which prevent the other party thereto from dealing with another common carrier subject to this Act, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable."

Congress had no difficulty here in expressing the possible desirability of regulating a type of contract roughly sim-

iliar to the ones with which we are now concerned, and in reserving to itself the ultimate decision upon the matters of policy involved. Insofar as the Congress deemed it necessary in this legislation to safeguard radio broadcasting against arrangements that are offensive to the anti-trust laws or monopolistic in nature, it made specific provision in §§ 311 and 313. If the existing network contracts are deemed objectionable because of monopolistic or other features, and no remedy is presently available under these provisions, the proper course is to seek amendatory legislation from the Congress, not to fabricate authority by ingenious reasoning based upon provisions that have no true relations to the specific problem.

Mr. Justice ROBERTS agrees with these views.

JOHN T. CAHILL (JAMES D. WISE, A. L. ASHBY, HAROLD S. GLENDENING, and JOHN W. NIELDS with him on the brief) for appellant, National Broadcasting Co., Inc.; E. WILLOUGHBY MIDDLETON (THOMAS H. MIDDLETON with him on the brief) for

appellant Stromberg-Carlson Telephone Mfg. Co.; CHARLES E. HUGHES, Jr. (ALLEN S. HUBBARD, HAROLD L. SMITH, and WRIGHT TISDALE with him on the brief) for appellant, Columbia Broadcasting System, Inc.; CHARLES FAHY, Solicitor General (VICTOR BRUDNEY, RICHARD S. SALANT, CHARLES R. DENNY, General Counsel, Federation Communications Commission, HARRY M. PLOTKIN, DANIEL W. MEYER, and MAX GOLDMAN with him on the brief) for appellees, United States and Federal Communications Commission; LOUIS G. CALDWELL (LEON LAUTERSTEIN, EMANUEL DANNETT, and PERCY H. RUSSELL, JR. with him on the brief) for appellee, Mutual Broadcasting System, Inc.; ISAAC W. DIGGES filed brief on behalf of Association of National Advertisers, Inc., as amicus curiae; GEORGE LINK, JR., filed brief on behalf of American Association of Advertising Agencies as amicus curiae; HOMER S. CUMMINGS, MORRIS L. ERNST, BENJAMIN S. KIRSH, WILLIAM DRAPER LEWIS, and HARRIET F. PILFEL filed brief on behalf of American Civil Liberties Union as amicus curiae.



Music

PETRILLO EXECUTES ANOTHER "ABOUT FACE"

James Caesar Petrillo, president of the American Federation of Musicians, again shifted his ground at a meeting with the transcription companies held on May 13th. It will be recollected that Petrillo's written demands served upon the transcription companies were for the payment directly to the union of a percentage of the gross revenue derived by transcription companies from library services. Apparently, no demands were made with respect to commercial transcriptions, but Petrillo consistently refused to permit commercial transcriptions to be made until his demands with respect to library transcriptions were met.

On April 13th, Petrillo withdrew the written demands which he had served on the transcription companies and demanded instead that the transcription companies agree that they would not permit either library or commercial recordings to be used by any stations which the Federation might from time to time characterize as "unfair." Petrillo made it clear that the test of "unfairness" would be whether the broadcasting station employed a number of musicians satisfactory to the Federation.

Demand Is Rejected

The transcription companies rejected this demand and on May 14th released the following statement:

"Representatives of a number of electrical transcription companies have been meeting with the Executive Board of the American Federation of Musicians since Feb. 11th in an effort to effect a solution of the problems concerned in the strike of musicians against the electrical transcription industry which has been continued since August 1st of last year, a period of more than 9 months.

"These meetings which started some weeks ago were concluded tonight (May 13) with both sides agreeing that an impasse had been reached.

"In a meeting last month a proposal was made to the union by the electrical transcription manufacturers that musicians be permitted to resume work on commercial advertising transcriptions with no further restrictions except that they be limited to one use for a single broadcast on a station.

"For libraries it was proposed that they resume work on the basis of an increase in the pay of the musicians. This proposal first met with a favorable response from the Federation but they subsequently decided that the possible additional compensation was not a sufficient inducement for them to return to work.

"It appears that there is no dispute between the Union and the employers on the general subjects of wages, hours and working conditions but the only basis on which the Federation is presently prepared to return to work is with the limitation in that the recordings made be withheld from broadcast by stations deemed at any time unfair by the American Federation of Musicians. This boycott demand was rejected by the transcription companies because of their station and customer relations and its doubtful legality.

"The meeting was concluded with the understanding that the electrical transcription companies would be available to meet at any time the Federation had new proposals to make which did not involve the boycott principle.

"The above statement was made by the following companies—Associated Music Publishers, Inc.; Empire Broadcasting Corp.; Lang-Worth Feature Programs, Inc.; MUZAK Transcriptions, Incorporated; Radio Recording Division of National Broadcasting Co.; Standard Radio; WOR Recording Studios; and, World Broadcasting System, Inc."

Petrillo's present demands therefore are that the transcription companies agree to an illegal boycott against their customers in aid of a plan to create forced employment. It is understood that the transcription companies are meeting to consider what course of action they will take in view of the new demands which to some extent change the hitherto existing situation.

FCC OVERRULED

Dividing 4 to 2, the Supreme Court May 17 held that KOA had the right, under Section 312 (b) of the Communications Act, to be made a party to the proceedings on WHDH's application for unlimited operation on KOA's frequency, and that KOA was entitled under Section 402(b) of the Act to appeal from the Commission's action in excluding it from participation in the proceeding and from the order made by the Commission. The majority opinion was written by Justice Roberts, in which Chief Justice Stone and Justices Reed and Jackson concurred. Justice Frankfurter and Justice Douglas wrote dissenting opinions. Justices Black, Murphy and Rutledge took no part in the consideration or decision of the case.

"These rules (Secs. 3.21 and 3.25 of the Commission's Rules defining a 'clear channel' and designating frequencies and power) were incorporated into the terms of KOA's license which granted it a frequency of 850 kilocycles and a power of 50 kilowatts", the court stated, "To alter the rules so as to deprive KOA of what had been assigned to it, and to grant an application which would create interference on the channel given to it, was in fact and in substance to modify KOA's license."

"This being so," the court declared, "Sec. 312(b) requires that it be made a party to the proceedings."

(The opinion of the court is printed in full on p. 240.)



NATIONAL ASSOCIATION OF BROADCASTERS

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WASHINGTON

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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*.

"NO STALLING" FLY SAYS

At his weekly press conference, Chairman Fly of the FCC said the networks to date haven't requested any more time to act on the new regulations after June 14, date on which the regulations take effect.

Fly said he would give the networks extra time if necessary, but added: "I would imagine that would give the stations ample time (June 14). Of course we will give them whatever time is necessary, but offhand I don't see that further time is necessary. I will say this; that there will be no more dilatory tactics."

IMPORTANT NOTICE

In compliance with the recent system of zoning established by the post office, covering deliveries in metropolitan centers, all mail to NAB should hereafter be addressed as follows:

NATIONAL ASSOCIATION OF BROADCASTERS
1760 N Street, N. W.
Washington 6, D. C.

Compliance with this suggestion will assure prompt handling of mail.

EMPLOYEES VACATIONS

Joseph B. Eastman, Director of the Office of Defense Transportation, has asked the cooperation of trade associations in appealing to employers to begin and end all employees' vacations on Tuesday, Wednesday or Thursday. It is also suggested by ODT that vacations be scheduled throughout the year rather than confined to the summer months.

The transportation situation makes it imperative to start vacation schedules now and extend them through the year in such a way as to avoid travel at holiday periods. Eastman said that railroads and bus lines could not handle vacation travel this year if it is concentrated in July and August.

Adoption by employers of the recommended vacation policy is necessary, Eastman said, to even out the usual midsummer and week-end travel concentration.

"We are strongly urging persons who can take vacations this year," he said, "to spend them at home or as near home as possible. We are urging them, if they go away from home, to limit their travel on public carriers to a single round-trip to the place where the vacation is spent. And we are urging them to do any vacation traveling only on days other than Fridays, Saturdays or Sundays so as to avoid the week-end travel peaks."

RADIO EXECUTIVES CLUB OF N. Y. HOLDS PROGRAM PANEL

Sponsored by SESAC, the Radio Executives Club of New York held a panel on "Radio Programs and Radio's Future" May 19 at which Leonard Callahan, SESAC treasurer and counsel, was moderator.

Participating were: Ben Gross, New York Daily News radio editor; Jerry Franken, PM radio editor; Linnea Nelson, J. Walter Thompson, time buyer; Herb Pettey, WHN manager, and Clarence Menser, NBC program vice-president.

Principal topic was spot announcements with the newspaper boys decrying overuse of same, while the radio panel members and Miss Nelson defended use of spots as being vital to radio's revenue and, hence, continuance.

High points from each panel participant's remarks are quoted as follows:

"Radio is spineless in defending its rights to free speech as compared to daily newspapers." (Gross)

"We will sell that for which there is a demand." (Pettey)
"Ad agencies will put out the types of appeals (defending spots) which are producing results." (Nelson)

"Spot announcements and the whole structure of programming depend on the thinking of the industry as governed by conditions. We've got to make money to spend it (for better programming)." (Menser)

"The independent stations should devote more time and money to improving local programming (instead of depending wholly on spots to carry the financial load)." (Franken)

Walt Dennis, NAB news chief, attended the panel for NAB.

WANTED: WOMEN TECHNICIAN PHOTOS

Request for photos and stories of women technicians employed at member stations for inclusion in a brochure, has already procured excellent material from:

WBAL, Baltimore; WEIM, Fitchburg; WMBD, Peoria; WRNL, Richmond; and WWDC, Washington.

If you are employing women technicians be sure to forward material as outlined on Page 217 of the May 14, NAB REPORTS. This is an industry promotion and this material from your station will help.

NEW BATTERY ORDER EXPECTED

According to information received from battery manufacturers, a revised order affecting the production of farm radio batteries is expected to be released by WPB this week, perhaps Friday.

Without any further increase in production it is believed that 1,300,000 packs will be produced during the present quarter ending June 30. It is believed that production will be materially increased during the third and fourth quarters.

FLAG WEEK—JUNE 8-14

Sale of an additional 100 million dollars worth of war bonds and stamps is this year's goal of the United States Flag Association during the Fifth Annual National Celebration of Flag Week, June 8-14.

Flag Week committees, appointed by mayors throughout the United States, will add their efforts to those of other local war bond committees, in order to reach the extra 100 million dollar goal. Heads of business, civic, religious, patriotic and other groups have been asked to serve on Flag Week committees.

On the National Council are Henry L. Stimson, secretary of war; Henry Morgenthau, Jr., secretary of the treasury; Frank Knox, secretary of the navy, and Walter D. Fuller, president, Curtis Publishing Company.

According to word from William F. Seals, Flag association director, material for press and radio is to be distributed direct.

The Association asks that our flag be displayed in homes and places of business during the week.

SCORE A SWELL IDEA FOR WLS

Staff members of WLS are in Washington implementing a plan which they believe is necessary to secure the maximum cooperation from farmers in the "Food for Freedom" campaign.

According to Glen Snyder, WLS general manager, and Harry Templeton, program manager, all the government-released material for radio failed to explain adequately why vast amounts of additional food must be produced. The farmers understood it well enough when they were called upon to feed the fighting forces. But they had not been told about the conditions affecting agriculture in all of the United Nations.

So, asked Messrs. Snyder and Templeton, who can tell that story and tell it most effectively? They believed the information would be found in the respective Washington embassies of the United Nations governments. Acting on that hunch they came to Washington, met with OWI, and discovered there were agricultural experts of most all of the United Nations who were quartered at the embassies. With the cooperation of OWI, portable recording equipment was moved in and the agricultural expert of the nation involved explained conditions in his country which made it necessary to obtain food elsewhere. Fortunately, all of these men speak excellent English.

As of the first part of this week, 17 quarter hours have been cut.

OWI plans to release the transcriptions to all stations in the surplus food production belts of the United States.

NORTHEASTERN RADIO COUNCIL HOLDS FIRST CONFERENCE

(This conference was covered for NAB by Walt Dennis, NAB news bureau chief, and the story is presented for your information.)

Leading broadcasters, educators, and civic leaders of the Tri-Cities (Albany, Troy and Schenectady, N. Y.) gathered May 14-15 in "Old Chapel", Union College, Schenectady, to hold the first regional conference of the Northeastern Radio Council, which was organized in September, 1942.

Topic of the conference was "Broadening Our Horizons Through Radio and Other Audio Materials."

The conference opened Friday evening with a radio broadcast over WGY at 7:30 p. m., which featured Colonel Carlos Romulo, author of "I Saw the Fall of the Philippines", and a panel of critics in a discussion of Romulo's book. Conference delegates made up the "studio" audience and participated in an open forum following the broadcast.

Principal speech of the evening was made by Kenneth Bartlett, Syracuse university workshop director, on "Education by Radio."

Bartlett pointed out that "four inventions have changed man's life most—the wheel, the printing press, airplane and radio tube."

He urged expansion of use of radio in the schools including assigned "homework" of radio listening, adding that although radio has changed American society, it had scarcely made an impression in the schools. Citing figures, Bartlett said only "one school in twenty uses radio in the curriculum."

Council Awards Citations

A series of citations was awarded outstanding local radio programs and program series by the council with first award going to P. Schuyler Miller's series of newscasts for children presented over WSNY. Miller is a staff member of the Schenectady board of adult education.

The Saturday morning session was opened by Mrs. Dorothy Lewis, NAB coordinator of listener activity, who spoke on "What a Council Can Mean."

"Freedom of the air and its preservation is one vital function a radio council can perform," Mrs. Lewis said. "The recent Supreme Court decision has made a football of radio—the decision is a blow to freedom of the air. It is up to our radio councils to lead the way in restoring freedom of the air to radio by exercising unceasing vigilance to see that the government stays in line and does not usurp the powers vested in the people to whom the air belongs."

Mrs. Lewis told the delegates one of their first duties was to understand radio and then to act as "editors" of the air by making their wishes as listeners known to radio managers via mail or telephone and to exchange opinions among themselves on radio programs.

Council Is 'Liaison'

"This council and the many others now organized and being organized in America provide the mediums whereby the listeners can exercise the privileges of democracy to the highest plane. Its very civic makeup of people representing all types of organizations allows it to become a medium of transmission of ideas—a perfect liaison group between the people and radio managers," Mrs. Lewis declared.

She said that more than 2,000,000 persons were now enrolled in radio councils over the nation.

Grace Johnsen, director of women's and children's programs for the BLUE network, was the next speaker and pointed out how the network served the public in point rationing, home economics and other home front efforts by programming. Miss Johnsen also listed the many other public service and educational programs carried by the BLUE.

Asks Record Library

Max U. Bildersee, radio supervisor, New York State department of education, spoke on "Education by Recordings" and urged that a record library be established in schools to afford complete and controlled access to the fine programs now being broadcast. He also asked for establishment of "audio" workshops in teachers colleges where prospective teachers could be taught how to use radio and recordings in schools.

A message to the conference was sent by Arch Oboler, radio writer, in which he wrote:

"The devil is getting a place in hell ready for radio executives, advertising agency executives, manufacturers of products advertised over the air and radio writers for their part of the responsibility for the national indifference that led to Pearl Harbor."

Oboler wrote that "the appalling lack of qualified radio writers is responsible for the lack of adult and intelligent acquainting of the world with the vital issues of today."

He made a plea for the networks to establish a fund to train radio dramatic writers to fill this lack.

Two-Headed Monster

Writing of the Hooper and Crossley audience survey systems, Oboler declared: "Hooper-Crossley is a two-headed monster fostering the idea that unless a program has a Jack Benny rating it doesn't exist."

Speaking on the subject "Radio Plans for the Future," Leon Levine, assistant education director, CBS, said: "Radio has made it possible for the world's leaders to explain immediately and to answer the questions of the people.

"Radio is a great neutral instrument which provides a channel for all opinions and allows the people to listen and to make up their own minds. There may be confusion, yes, but out of confusion comes decision and when it is made, it is the person's own decision not the thought someone else has tried to force on him."

Levine expressed concern over the future of radio in the light of the recent network-FCC decision and told the delegates that little planning for the future can be done until the FCC reveals what it will do with the power granted it by the court.

He gave warning about overdoing postwar talk on the air without careful planning "else the boys will come marching home looking for the ice cream sodas and will forget all about postwar problems."

Levine said "the soldier is going to come home and he is going to want the world he left, but he will be changed, his country will be changed and the place from which he came will be changed. He must be educated in this change gradually and carefully."

He then gave a complete explanation of the CBS postwar planning department and said the department was fully staffed by full time people working on postwar programming and other radio problems.

Dr. Angell Speaks

The conference meetings closed with a luncheon at which Kolin Hager, WGY manager, presided and at which Dr. James R. Angell, NBC public service counsellor, was the principal speaker.

Doctor Angell stressed the complexity of radio and took a look into the future where he saw numerous and widespread results accruing from the use of television "the standard form of radio of the future."

Not overlooking short-wave, Doctor Angell said: "short-wave is giving us a contact with the peoples of the world—and it is inconceivable this contact will not have considerable effect on international relations, principally in languages, arts, education and politics. It will give us a broad tolerance of view in our dealings with our neighbors."

He said councils can familiarize themselves with the inside of radio—the "who, what and why" and pass this information on to the people. Doctor Angell concluded by praising the great work of radio in furthering the war.

Saturday afternoon was devoted to field trips to WGY, WSNY, W47A and WGY's television studios where a demonstration was given. Mrs. Carolyn Tarbell is council chairman, and was general chairman of the conference.

NEW PREFERENCE RATING IS "AA-2"

Radio broadcasting now has AA-2 rating instead of AA-2X rating assigned last February 14, under P-133.

All other terms of P-133 still apply with one possible exception. This concerns the quantity of material you are now using for maintenance, repair and operating supplies. Quantity cannot be more than that used in 1942. This is covered in paragraph (f) of CMP Reg. 5, reproduced below.

In buying materials your new AA-2 preference rating is applied by use of the following certification appearing on order and properly signed:

"Preference rating AA-2—MRO. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35(A) of the United States Criminal Code, that the items

covered by this order are required for essential maintenance, repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5; and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation."

Use form PD-1A for material not obtainable with AA-2. No change in this procedure.

The above is an interpretation of the new regulations obtained from WPB.

Paragraph (f) covering quantity restrictions follows:

(f) *Quantity restrictions.* (1) No person who uses the allotment symbol of preference ratings assigned by this regulation to obtain any maintenance, repair or operating supplies shall order for delivery during any calendar quarter maintenance, repair or operating supplies in an aggregate amount exceeding one-fourth of his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or his fiscal year ending nearest to December 31, 1942), except that a person engaged in a seasonal business may use such allotment symbol or preference ratings to order for delivery during any calendar quarter, up to, but not in excess of, his aggregate expenditures for maintenance, repair and operating supplies during the corresponding quarter of 1942 (or of such fiscal year). In neither case, however, shall any person use such allotment symbol or preference ratings to obtain maintenance, repair and operating supplies during the 12 months ending March 31, 1944, in an amount exceeding his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or such fiscal year). In determining the dollar amount of expenditures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for supplies obtained by use of the allotment symbol or preference ratings hereby assigned, but also expenditures for supplies which are obtained without the use of such symbol or rating plus amounts expended in acquiring minor capital additions under paragraph (b) (3) of this regulation. Expenditures during the base period shall be computed in the same way, except that amounts expended in acquiring minor capital additions during the base period shall not be included.

(2) A person who has several plants or other operating units which maintain separate records of maintenance, repair and operating supplies shall treat each of them separately for purposes of complying with the provisions of subparagraph (1) of this paragraph (f).

(3) In the case of a plant or other operating unit which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), the person operating the same may take, as a base, his expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when the plant or unit was in operation, reasonably adjusted for seasonal or other variable factors; *Provided*, That he first notifies the War Production Board in writing of the base which he is taking, the reasons therefor, and the nature of any adjustments made. In the case of a plant starting operations after February 28, 1943, maintenance, repair and operating supplies may be acquired pursuant to this regulation in the minimum amounts necessary for operation, without other restrictions, up to \$5,000 per quarter. If more than this amount is required, application should be made to the War Production Board for a specific quota. In any case where the base provided in subparagraph (1) or by this subparagraph (3) is deemed too low for necessary operations, application may be made for modification thereof by filing a letter in triplicate with the War Production Board stating the relevant facts.

(4) The restrictions contained in this paragraph (f) shall apply in addition to any quantitative restrictions contained in any order in the "P" series, unless the particular P order expressly provides that the restrictions of this regulation shall be inapplicable.

(5) The quantity restrictions in this paragraph (f) shall not apply to persons whose aggregate requirements

of maintenance, repair and operating supplies do not exceed \$5,000 per year.

(6) The War Production Board may, by further regulations or orders, require specified persons or classes of persons to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same, either larger or smaller than the limits provided above in this paragraph (f).

NOTE: Paragraph (6) redesignated May 13, 1943.

State Legislation

MASSACHUSETTS:

H. 1704 (Reported on P. D. 144) CHAIN LIBEL—Relative to chain libel, so called.

H. 1705 (Reported on P. D. 144) LIBEL CASES—DAMAGES—Relative to retraction and damages in libel cases.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 24th. They are subject to change.

Tuesday, May 25

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners, d/b as Red Lands Broadcasting Ass'n, Lufkin, Texas—Renewal of license, 1340 kc., 250 watts, unlimited.
KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners, d/b as Red Lands Broadcasting Ass'n (Assignor); Darrell E. Yates (Assignee), Lufkin, Texas—Voluntary assignment of license, 1340 kc., 250 watts, unlimited.

Wednesday, May 26

Further Hearing

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, South Dakota—C. P., 610 kc., 5 KW, DA night, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KRNR—News-Review Company, Roseburg, Ore.—Granted modification of license to increase power from 100 watts night, 250 watts LS, to 250 watts day and night, subject to the provision that the applicant shall erect an antenna which complies with the Commission's standards when materials again become available (B5-ML-1160).

Roy C. Kelley, Grand Rapids, Mich.—Granted authority to transmit programs to station CKLW, Windsor, Ontario, Canada (B2-FP-108).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted consent to transfer of control of Station KEVR from Walter L. Wyckoff and Fred Bianco (transferors) to A. W. Talbot (transferee), by transfer of 950 shares (or 72%) of issued and outstanding capital stock of licensee corporation. The consideration proposed to be paid is \$17,515 (B5-TC-320).

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, d/b as Red Lands Broadcasting Assn., Lufkin, Texas—Adopted an order continuing the hearing now set for May 25 until June 14, 1943, in re application for renewal of license and for voluntary assignment of license. The Commission also ordered that the hearing be transferred to Lufkin, Tex. (Dockets 6491 and 6492).

WEMV—The WGAR Broadcasting Co., Cleveland, Ohio—Granted application for construction permit for changes in equipment, frequencies and in type of emission from A3 to special emission for frequency modulation of relay station WEMV (B2-PRE-425).

LICENSE RENEWALS

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

KCKN, Kansas City, Kans.; KFRE, Fresno, Calif.; KFYO, Lubbock, Tex.; KMYR, Denver, Colo.; KRJF, near Miles City, Mont.; KRMD, Shreveport, La.; KROS, Clinton, Iowa; WDMJ, Marquette, Mich.; WEBR and auxiliary, Buffalo, N. Y.; WFHR, Wisconsin Rapids, Wisc.; WJPF, near Herrin, Ill.; WLBC, South of Muncie, Ind.; WHFF, Plattsburgh, N. Y.; WRAW, Reading, Pa.; WSAJ, Grove City, Pa.; WSOY, Decatur, Ill.; KHMO, Hannibal, Mo.; WLAV, Grand Rapids, Mich.; WLNH, Laconia, N. H.

MISCELLANEOUS

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Adopted an order granting petition for leave to dismiss without prejudice application for modification of license to change frequency from 1490 kc. to 1450 kc. (Docket 6454)

W8XCT—The Crosley Corp., Cincinnati, Ohio—Granted modification of construction permit as modified, which authorized new experimental television broadcast station, for extension of completion date only from April 28 to October 28, 1943. (B2-MPVB-99)

APPLICATIONS FILED AT FCC

1140 Kilocycles

WFTL—Ralph A. Horton, Ft. Lauderdale, Fla.—Voluntary assignment of license and construction permit to The Fort Industry Company.

1490 Kilocycles

KXO—Valradio, Incorporated, El Centro, Calif.—Authority to determine operating power by direct measurement.

MISCELLANEOUS APPLICATIONS

WRET—Ralph A. Horton, Portable-Mobile, area Ft. Lauderdale, Fla.—Voluntary assignment of license to The Fort Industry Company.

WAAD—Ralph A. Horton, Portable-Mobile, area Ft. Lauderdale, Fla.—Voluntary assignment of license to The Fort Industry Company.

WFTL—The Fort Industry Co., Ft. Lauderdale, Fla.—Modification of license to move main studio from Ft. Lauderdale to Miami, Fla. (contingent upon the granting of B3-APL-15 above).

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.

Bortz & Co., Trust Service Co., and Susquehanna Pen Co., is charged in a complaint with misrepresentation in connection with the sale of postcards and form letters for use by collection agencies and attorneys in obtaining information concerning delinquent debtors. (4961)

Ever-Flo Company—Misrepresentation in the sale of a so-called antifreeze solution designated "Ever-Flo," recommended for use in the cooling systems of automobile and other combustion type engines, is alleged in a complaint issued against the manufacturer of the product, The Ever-Flo Co., 1701 Rockwell Ave., Cleveland, Ohio. (4965)

Home Service Co., Deerfield, Ill., selling a so-called moth-proofing preparation designated "H-S-C Immunizing Solution" and a cleaning solution called "Nu Life Foam," is charged with misrepresentation in a complaint. (4964)

Dr. F. A. Newcomb—A complaint has been issued charging Fay A. Newcomb, trading as Dr. F. A. Newcomb, 927½ Massachusetts St., Lawrence, Kans., with misrepresentation in connection with the sale of a home treatment for various diseases and ailments, particularly cataract of the eye. (4962)

Paul, Rice & Levy, Inc., 501 Poydras St., New Orleans, distributors of marine supplies, is charged in a complaint with violating section 5 of the Federal Trade Commission Act by selling quantities of obsolete signal pistol cartridges as new, thereby endangering the lives of passengers and crews and the safety of vessels equipped with such outdated cartridges. The signal flare cartridges sold by the respondent corporation are designed and intended to be used by ships in distress or under conditions of emergency at sea where it is necessary to obtain assistance from other vessels. (4963)

STIPULATIONS

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

Ace Fastener Corp., 3415 North Ashland Ave., Chicago, engaged in the manufacture of stapling machines and staples, entered into a stipulation to discontinue representing that its machines will give perfect stapling satisfaction for ten years or for any indicated period of time; that they will never jam or clog, or that they are proof against or immune to jamming or clogging. (3647)

Electrovox Co., 169 Maplewood Ave., Maplewood, N. J., has entered into a stipulation to discontinue certain misrepresentations in connection with the sale of Walco phonograph needles made of duraluminum and equipped with a sapphire tip. (3644)

A. Freedman & Sons, Inc., shoe manufacturer of New Bedford, Mass., stipulated that in connection with the sale and distribution of its products it will cease and desist from the use of the words "a solid steel arch" or other words of similar import as a mark, stamp, brand or label for those of its shoes which are not provided with an arch or shank of the type indicated. (3645)

International Products Co., Inc., 1441 Lamar Ave., Memphis, Tenn., engaged in reprocessing feathers which it sells to manufacturers of pillows, mattresses and like products, stipulated that it will cease and desist from representing that such feathers are new when actually they are, either in whole or in part, old or second-hand or have been previously used; and from failing to disclose clearly that they are composed, in whole or in part, of second-hand materials. (3646)

Troy Chemical Co., 115 Montgomery St., Binghamton, N. Y., engaged in selling a stock remedy designated "Savoss," has entered into a stipulation to cease and desist from representing that the preparation is a cure or remedy for any disease or ailment of horses or has any therapeutic properties except to the extent that it may act as a counter-irritant and vesicant, and from using the word "guarantee" or the term "guarantee contract" in connection with certain conditions of horses to represent that Savoss is a cure or remedy for such conditions. (03108)

CEASE AND DESIST ORDERS

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

Charlotte Novelty Co., 2631 Pennsylvania Ave., Baltimore, has been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a lottery scheme and from placing in the hands of his agents or the public pull cards or other devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme. (3457)

Duo-Tint Bulb & Battery Co., Inc., 4431 North Racine Ave., Chicago, selling and distributing small glass incandescent electric light bulbs and batteries, and Carrie Riggs, Helen Corts and Dalton W. Riggs, officials of the corporation, have been ordered to cease and desist from misrepresentation in the sale of their products. (4814)

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice the case growing out of its complaint against Scott Products Co., trading as America-Chiffon Co., Chicago, which had been charged with misrepresentation in connection with the sale of hosiery.

KOA DECISION TEXT

No. 585.—OCTOBER TERM, 1942.

Federal Communications Commission, Petitioner,	}	On Writ of Certiorari to the United States Court of Appeals, District of Columbia.
vs. National Broadcasting Company, Inc., (KOA), et al.		

[May 17, 1943.]

Mr. Justice ROBERTS delivered the opinion of the Court.

This case presents important questions of procedure arising under Title III of the Communications Act of 1934.¹

The respondent is licensed to operate station KOA at Denver, Colorado, on a frequency of 850 kilocycles. Station WHDH, of Boston, Massachusetts, had a license to operate, daytime only, on the same frequency. October 25, 1938, WHDH applied to the Communications Commission for an increase in power and for operation unlimited in time. The Commission set down the application and designated certain issues for hearing, of which the following are pertinent: To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly KOA and other named stations; to determine whether public interest, convenience or necessity would be served by modifying the rules governing standard broadcast stations to authorize the proposed operation of WHDH.

The Commission's rules precluded the operation of a second station at night on KOA's frequency;² provided that an application not filed in accordance with its regulations would be deemed defective, would not be considered, and

¹ Act of June 19, 1934, c. 652, 48 Stat. 1064, 1081; 47 U. S. C. Sec. 301 ff.

² Secs. 3.22 and 3.25.

would be returned to the applicant;³ and also that if an applicant desired to challenge the validity or wisdom of any rule or regulation he must submit a petition setting forth the desired change and the reasons in support thereof.⁴

The respondent petitioned to intervene. Its petition was denied. It then moved to dismiss WHDH's application for failure to conform to the rules and regulations. The motion was denied. Meantime the Commission evidently believing that, in view of the possible alteration of the rules concerning standard broadcast stations, questions of policy might be involved and that, consequently, under Sec. 409(a), the hearing would have to be conducted by a member of the Commission,⁵ designated Commissioner Case to conduct the hearing.

No hearing was held under the original notice. A new notice was issued which indicated that the Commission did not then contemplate modification of its substantive rules but intended merely to afford the applicant an opportunity to urge that they be construed in the applicant's favor. Issues specified in the second notice were "to determine whether or not the Commission's Rules Governing Standard Broadcast Stations, particularly Sections 3.22 and 3.25 (Part III) properly interpreted and applied preclude the granting of the application" and to determine the nature, extent, and effect of any interference which would result from a grant of the application, particularly with Station KOA and others named. The inquiry thus limited could be heard before an examiner under Sec. 409(a) and, accordingly, the Commission withdrew the designation of Commissioner Case and assigned an examiner.

A hearing was held January 29 and 30, 1940, but the respondent was not permitted to appear or participate. December 9, 1940, the Commission promulgated proposed findings of fact and conclusions. Two commissioners dissented. All agreed that Secs. 3.22 and 3.25 of the regulations precluded a grant of WHDH's application. Three voted to modify those regulations and to grant the application. Respondent then filed its second petition to intervene, which was denied. The Commission subsequently, on its own motion, permitted respondent to file briefs and present an oral argument *amicus curiae*. April 7, 1941, the Commission adopted a final order amending Sec. 3.25 of the rules and granting the WHDH application, two commissioners dissenting.

Respondent filed a petition for rehearing pursuant to Sec. 405 of the Act.⁶ This was denied. Thereupon respondent gave notice of appeal to the Court of Appeals of the District of Columbia,⁷ which concluded that the Commission's action effected a modification of respondent's license and consequently the statute entitled the respondent to be made a party and to participate in the hearing. The court below therefore reversed the Commission's order and remanded the case for further proceedings.⁸

The respondent contends that it was entitled, as a matter of right, to participate in the hearing before the Commission on the question of the granting of WHDH's application and that its rights in this respect were not satisfied by permitting it to file a brief and present argument. It further insists that the Commission's proceeding was invalid due to the provisions of Sec. 409(a) of the statute, the failure to comply with the rules then in force, and the arbitrary and capricious action taken. Finally, the respondent asserts § 405 entitled it to a rehearing and § 402(b) (2) granted it an appeal.

³ Sec. 1.72.

⁴ Sec. 1.71.

⁵ Sec. 409(a), 47 U. S. C. § 409(a) provides that, in the administration of Tit. III, an examiner may not hold hearings with respect to a matter involving a change of policy by the Commission or a new kind of use of frequencies.

⁶ 47 U. S. C. Sec. 405.

⁷ Pursuant to Sec. 402(b) (2); 47 U. S. C. Sec. 402(b) (2).

⁸ 132 F. 2d 545.

The petitioner urges the grant of WHDH's application did not amount to a substantial modification of KOA's license or so affect KOA's rights as to require that KOA be permitted to intervene and that, in any event, KOA was not denied any substantial right of participation in the proceeding.

First. We are of the opinion that respondent was entitled to be made a party.

Section 312(b) of the Act provides:

"Any station license hereafter granted . . . may be modified by the Commission . . . if in the judgment of the Commission such action will promote the public interest, convenience, and necessity. . . . *Provided, however,* That no such order of modification shall become final until the holder of such outstanding license . . . shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue."

The Commission found that there would be interference with KOA's broadcast in the eastern part of the United States if WHDH's application were granted. The Commission's own reports to Congress show that at night a small proportion of the urban population and a much larger proportion of the rural population of the country enjoy only such broadcasting service as is afforded by clear channel stations. KOA, one of the stations upon which this service depends, has operated continuously at Denver since 1924 and has used a clear channel upon which only one station is permitted to operate during the night. Under the Commission's regulations (§§ 3.22 and 3.25) KOA had, therefore, little or no channel interference from any station located within the United States. In addition, its signals throughout the United States were free, and entitled to remain free, of channel interference from any station in Canada, Mexico or Cuba, pursuant to the provisions of the North American Regional Broadcasting Agreement.⁹ The Commission's order deprives KOA of freedom from interference in its night service over a large area lying east of the Mississippi River. Furthermore, the order opens the way for Canada, Mexico, and Cuba, signatories to the broadcasting agreement, to acquire the right to operate stations which may cause channel interference at night on KOA's frequency within the United States.

The respondent urges that it can be shown that the service of WHDH, while interfering at night with that of KOA, would not be a service equally useful, and that the grant to WHDH adds a new primary service to an area already heavily supplied with such service. In its petitions to intervene, the respondent called attention to the terms of its existing license, asserting that the grant of WHDH's application would cause interference in areas where KOA's signal was interference free; that respondent would be aggrieved and its interests adversely affected by a grant of the application and that the operation proposed by WHDH would not be in the interest of public convenience and necessity; that a grant of the application would result in a modification of respondent's license in violation of § 312(b) and would result in a modification of the Commission's regulations without such a hearing as is required by § 303(f) of the Act. In its petition for rehearing the respondent elaborated and reiterated the reasons embodied in its motions for dismissal of the petition and its petitions to intervene.

The Commission says that the section has no application to this case. It asserts that the proceeding was an application by WHDH for modification of its station license and that, under § 309(a) of the Act, the Commission might have acted on the application without any hearing. So much may be conceded, if nothing more were

⁹ 55 Stat., Part 2, 1005.

involved. But the grant of WHDH's application, in the circumstances, necessarily involved the modification of KOA's outstanding license. This petitioner denies, saying KOA's license granted no more than the privilege of operating its station in a prescribed manner and that the grant of WHDH's application in nowise altered the terms of KOA's license. This contention stems from the circumstance that KOA's license authorizes it to operate a transmitter of 50 kilowatts on the frequency 850 kilocycles at Denver. The petitioner says that the grant of WHDH's application affects none of these terms. But we think this too narrow a view. When KOA's license was granted the Commission's rules §§ 3.21 and 3.25 embodied these provisions:

"A 'clear channel' is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas."

"The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations are given:

(a) To each of the channels below there will be assigned one class I station and there may be assigned one or more class II stations operating limited time or daytime only: . . . The power of the class I stations on these channels shall not be less than 50 kilowatts."

850 kilocycles was one of the frequencies appearing on the schedule forming part of the rule.

These rules were incorporated into the terms of KOA's license which granted it a frequency of 850 kilocycles and a power of 50 kilowatts. To alter the rules so as to deprive KOA of what had been assigned to it, and to grant an application which would create interference on the channel given it, was in fact and in substance to modify KOA's license. This being so, § 312(b) requires that it be made a party to the proceeding. We can accord no other meaning to the language of the proviso which requires that the holder of the license which is to be modified must have notice in writing of the proposed action and the grounds therefor and must be given a reasonable opportunity to show cause why an order of modification should not issue. Certainly one who is to be notified of a hearing and to have the right to show cause is not to be considered a stranger to the proceeding but is, by the very provisions of the statute, to be made a party. The very notices issued by the Commission show that that body knew there would probably be an interference with KOA's signals if the pending application of WHDH were granted; and that the Commission also realized there was a serious question whether the application could be granted under its existing rules. It is not necessary to discuss at any length the sufficiency of the petitions to intervene if, as we have held, the Act itself provided that, in such an instance as the present, KOA was entitled to be brought in as a party. A licensee cannot show cause unless it is afforded opportunity to participate in the hearing, to offer evidence, and to exercise the other rights of a party.

Much is said to the effect that KOA was not in fact injured, because the Commission permitted it to file a brief *amicus curiae* and to present oral argument. It is beside the point to discuss the Commission's rules as to intervention and the privileges accorded by the Commission to one denied intervention since we are of opinion, as already stated, that, under the terms of the Act, the respondent was entitled to participate in the proceedings.

Second. While the Commission did not urge before the court below, and did not advance as a reason for the grant of certiorari, that respondent was not entitled to appeal to the Court of Appeals, this matter was argued here and, as it raises a question of jurisdiction, we shall consider it.

It would be anomalous if one entitled to be heard before the Commission should be denied the right of appeal from an order made without hearing. We think the Act does not

preclude such an appeal. Section 402(b) (2) permits an appeal to the Court of Appeals of the District of Columbia by "any . . . person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing" any application for modification of an existing station license. If, within the intent of the statute, the interests of KOA would be adversely affected, or if KOA would be aggrieved by granting the application of WHDH, then the statute grants KOA a right of appeal.

In *Federal Communications Commission v. Sanders Bros. Radio Station*, 309 U. S. 470, we dealt with a similar situation. There the question was whether a rival station, which would suffer economic injury by the grant of a license to another station, had standing to appeal under the terms of the Act. We held that it had. We pointed out that while a station license was not a property right, and while the Commission was not bound to give controlling weight to economic injury to an existing station consequent upon the issuance of a license to another station, yet economic injury gave the existing station standing to present questions of public interest and convenience by appeal from the order of the Commission. Here KOA, while not alleging economic injury, does allege that its license ought not to be modified because such action would cause electrical interference which would be detrimental to the public interest.

In view of the fact that § 312(b) grants KOA the right to become a party to the proceedings, we think it plain that it is a party aggrieved, or a party whose interests will be adversely affected by the grant of WHDH's application, as, indeed the Commission seems to have thought when it first noticed WHDH's application for hearing. We, therefore, hold KOA was entitled to appeal from the Commission's action in excluding it from participation in the proceeding and from the order made by the Commission.

The judgment is affirmed.

Mr. Justice BLACK, Mr. Justice MURPHY and Mr. Justice RUTLEDGE took no part in the consideration or decision of this case.

Mr. Justice FRANKFURTER, dissenting.

Unlike courts, which are concerned primarily with the enforcement of private rights although public interests may thereby be implicated, administrative agencies are predominantly concerned with enforcing public rights although private interests may thereby be affected. To no small degree administrative agencies for the enforcement of public rights were established by Congress because more flexible and less traditional procedures were called for than those evolved by the courts. It is therefore essential to the vitality of the administrative process that the procedural powers given to these administrative agencies not be confined within the conventional modes by which business is done in courts.

In my judgment the decision of the Court in this case imposes a hampering restriction upon the functioning of the administrative process. This is the aspect that lends this case importance and leads me to express the reasons for my dissent.

The Communications Act of 1934, 48 Stat. 1064, 47 U. S. C. § 151 *et seq.*, directs the Federal Communications Commission to "classify radio stations", "prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class", and "assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate". § 303(a) (b) (c). Accordingly, the Commission has established a plan for allocating the available radio facilities among the stations of the country. Under its Rules there are three classes of standard broadcast channels: "clear channels", on which

dominant stations render service over extensive areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial part of their secondary service areas; "regional channels", on which several stations serving smaller areas operate simultaneously with powers not in excess of 5 kilowatts; and "local channels", on which many stations serving local areas operate simultaneously with powers not in excess of 250 watts. § 3.21. Similarly, standard broadcast stations are classified into four groups: "class I stations"—dominant stations operating on clear channels and designed to render primary and secondary service over large areas and at relatively long distances; "class II stations"—operating on clear channels and designed to render service over a primary service area which is limited by and subject to such interference as may be received from class I stations; "class III stations"—operating on regional channels and designed to render service primarily to metropolitan districts and the rural areas contiguous thereto; and "class IV stations"—operating on local channels and designed to render service primarily to cities or towns and the suburban and rural areas contiguous thereto. § 3.22. Section 3.25 divides clear channels into two further groups: I-A channels, to which only one class I station is assigned, with one or more class II stations operating limited time or daytime only, and I-B channels, to which both class I and class II stations may be assigned, with more than one station operating at night.

On October 25, 1938, Station WHDH in Boston, Massachusetts, a class II station licensed to operate during the daytime only on the frequency 830 kilocycles (a class I-A channel) with power of 1 kilowatt, applied to the Commission for modification of its license so that it could operate both night and day on that frequency with increased power of 5 kilowatts. At that time Station KOA in Denver, Colorado, was the dominant class I station on the frequency 830 kilocycles, operating unlimited time with power of 50 kilowatts. Since the Commission's Rules provided for the assignment of only one station to operate at night on the frequency 830 kilocycles, the WHDH application could not be granted without amendment of § 3.25.

Section 309(a) of the Act specifies the procedure which the Commission must follow in passing upon applications for modification of licenses, such as that of WHDH: "If upon examination of any application for . . . modification of a station license the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize . . . modification thereof in accordance with said finding. In the event the Commission upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe." The Commission, upon its examination of the WHDH application, was unable to find that a grant would serve the public interest, convenience, or necessity. The application was therefore, on September 2, 1939, designated for hearing. Three weeks later, on September 23, 1939, KOA filed a petition to intervene. Its petition, in substance, alleged only that the proposed operation of WHDH would "cause interference to station KOA in areas where KOA's signal is not interference free", that KOA "would be aggrieved and its interests adversely affected" by the proposed operation, and that a grant of the WHDH application would not be in the public interest, convenience or necessity.

The Court holds that the Commission was required as a matter of law to grant KOA's petition to intervene in the hearing upon the WHDH application. In my judgment the Act precludes such a construction. Section 4(j) provides that the Commission "may conduct its proceedings in such manner as will best conduce to the proper dispatch of busi-

ness and to the ends of justice"; § 303(r) authorizes it to make "such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act". We have held that by force of these provisions "the subordinate questions of procedure in ascertaining the public interest, when the Commission's licensing authority is invoked—the scope of the inquiry, whether applications should be heard contemporaneously or successively, whether parties should be allowed to intervene in one another's proceedings, and similar questions—were explicitly and by implication left to the Commission's own devising, so long, of course, as it observes the basic requirements designed for the protection of private as well as public interest." *Federal Communications Comm'n v. Pottsville Broadcasting Co.*, 309 U. S. 134, 138.

The breadth of discretion entrusted to the Commission is limited, however, by §§ 303(f) and 312(b). The former provides that "changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this Act will be more fully complied with". Section 312(b) authorizes the Commission to modify outstanding station licenses "if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this Act or of any treaty ratified by the United States will be more fully complied with: *Provided, however,* That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue."

The procedural scheme established by the statute is thus clear: if application is made for a station license, or for modification or renewal of a license, the Commission may grant such application without a hearing if it finds, upon examination of the application, that a grant would be in the public interest. If it is unable to reach such a determination from its study of the application, it must afford the applicant a "hearing". § 309(a). If a Commission order involves a change in the frequency, authorized power, or hours of operation of an existing station without its consent, such licensee is entitled to a "public hearing". § 303(f). If a Commission order involves "modification" of an outstanding license, presumably something other than a change in frequency, power, or hours of operation, the modification order cannot become effective until the licensee is given notice in writing and a "reasonable opportunity to show cause why such an order of modification should not issue". § 313(b). It is relevant here, also, that under § 312(a) a Commission order revoking a station license cannot take effect "until fifteen days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation." The Act explicitly provides for a "hearing", therefore, when the Commission proposes to deny an application for a license, or to revoke a license, or to change the frequency, power, or hours of operation of a station licensee. But when a Commission order merely involves "modification" of the license of an existing station, the latter is entitled only to notice in writing and a "reasonable opportunity to show cause" why the order should not issue.

The Commission has exercised the authority given it by Congress to formulate its administrative procedure. Section 1.102 of its Rules, relating to intervention in Commission proceedings by interested parties, provides as follows:

"Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest, and must be subscribed or verified in accordance with section 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same."

Under an earlier rule any person could intervene in a Commission proceeding if his petition disclosed "a substantial interest in the subject matter". § 105.19, Commission's Rules and Regulations (1935). The reasons for the change in the Commission's intervention rule were thus stated by the Attorney General's Committee on Administrative Procedure, Sen. Doc. No. 186, 76th Cong., 3d Sess., Pt. 3, pp. 16-17: "The effects of this complete freedom of intervention [available under the old rule] upon the Commission's activities were very marked. Not only was the record unnecessarily prolonged by the discussion of non-controversial issues, but the evidence relevant to each issue was increased manyfold by virtue of the extended cross-examination of witnesses by each intervener. More often than not the interveners presented no affirmative evidence on the issues at hand. The major functions served by them were apparently to impede the progress of the hearing, to increase the size of the record, and to obfuscate the issues by prolonged and confusing cross-examination. Nor were these dilatory and destructive tactics restricted to the hearing itself. Each intervener would customarily avail himself of his rights to take exceptions to the examiner's report, to oral argument before the Commission, and, in many cases, to appeal from the Commission's order to the District of Columbia Court of Appeals. . . . If this [new] provision is enforced intelligently and forcefully, an important step will have been taken both toward the protection of applicants and the increase of the Commission's prestige." Compare *In re Hazelwood, Inc.*, 7 F. C. C. 443.

KOA's petition for intervention was denied, presumably because the showing required by § 1.102 had not been made. And on January 29 and 30, 1940, a hearing upon the WHDH application was held before an examiner of the Commission. Although KOA was denied the right to intervene, it could, under § 1.195 of the Commission's Rules, have appeared and given evidence. That rule provides that the Secretary of the Commission shall maintain "a record of all communications received by the Commission relating to the merits of any application pending before the Commission", and if the application is designated for hearing, the Secretary must notify all persons who have communicated with the Commission regarding the application "in order that such persons will have an opportunity to appear and give evidence at such hearing." Under this rule if KOA had appeared at the hearing upon the WHDH application, it would have been entitled to present evidence relating to the matters raised in its petition for intervention. But, so far as the record before us shows, it made no effort to take advantage of the right of participation afforded it by § 1.195.

On December 9, 1940, the Commission issued proposed findings and conclusions. Under these the Commission found that the proposed operation of WHDH, with use of a directional antenna, "would not cause any interference to the primary service of Station KOA, Denver, Colorado,

and that such interference as the proposed operation of WHDH might reasonably be expected to cause to reception of KOA would be limited to receivers in the eastern half of the United States"; that the operation of WHDH as proposed in its application would "enable it to deliver service of primary signal quality to an area having a population of 3,093,000 or to 621,000 more people than are now included within the primary service area of the station"; that by extending WHDH's hours of operation "a new primary service to 94.9% of the Boston metropolitan area, including a population of 2,185,000", would be provided; that, in addition to the improved service to listeners in the Boston area, there would be "an improvement and extension of service which applicant station [WHDH] now endeavors to render over the fishing banks situated off the New England coast"; and that the public interest would be served by amending § 3.25 of the Rules so as to make the frequency 830 kilocycles a I-B channel, upon which more than one station could operate at night, thereby permitting "more efficient use of the frequency."

On December 16, 1940, KOA again petitioned to intervene. Its petition alleged only that the proposed action, if adopted, would result in "interference to Station KOA in areas where KOA's signals are now interference free", would constitute a modification of KOA's license without affording it an opportunity to be heard, and would result in "a degradation of service on 830 kc which will be prejudicial to the priority rights in the United States on this channel, will discriminate against service to rural listeners in order to furnish additional service to the City of Boston which is already well served". KOA made no offer to contradict or add to the evidence adduced at the hearing, nor did it dispute the Commission's conclusions as to the extent of the interference which KOA would suffer from the proposed operation of WHDH. Accordingly, on January 7, 1941, the Commission denied KOA's second petition to intervene, but it permitted KOA, as well as other "clear channel" stations interested in the proceeding, to participate in the oral argument before the Commission, and to file briefs *amicus*, in order to determine whether the proposed findings should be made final.

Meanwhile, on January 23, 1941, the President proclaimed the North American Regional Broadcasting Agreement, 55 Stat. 1005. The purpose of this Agreement, which was concluded at Havana on December 13, 1937, among Canada, Cuba, Dominican Republic, Haiti, Mexico, and United States, was to "regulate and establish principles covering the use of the standard broadcast band in the North American Region so that each country may make the most effective use thereof with the minimum technical interference between broadcast stations". The signatory Governments recognized that "until technical developments reach a state permitting the elimination of radio interference of international character, a regional arrangement between them is necessary in order to promote standardization and to minimize interference." The Agreement established priorities in the use of specified clear channels, sixty-three of which were assigned to the United States, and provided that each such channel "shall be used in a manner conforming to the best engineering practice with due regard to the service to be rendered by the dominant stations operating thereon".

In order to carry out the provisions of the Agreement, the United States was obliged to make extensive adjustments in the assignments of its existing stations. As part of the accommodations required, stations assigned to the frequency of 830 kilocycles were to be moved to 850 kilocycles. This change affected both WHDH and KOA. The license of KOA, like that of all other standard broadcast stations, would have expired on August 1, 1940, while the WHDH application was pending. The licenses of all stations, including KOA and WHDH, were successively

extended by the Commission, first to October 1, 1940, and then to March 29, 1941, the effective date of the Agreement. KOA had filed an application for renewal of its license to operate on 830 kilocycles, 50 kilowatts, unlimited time. On February 4, 1941, the Commission advised all applicants for renewals, including KOA, that under the Agreement, their operating assignments were to be changed and that their applications for renewals would be regarded as applications to operate upon the new frequencies, unless the applicant wished to operate upon some other frequency, in which event its application would be designed for hearing. So far as appears, KOA did not notify the Commission that it had any objection to its renewal application being regarded as an application to operate on the frequency 850 kilocycles. Accordingly, when its license to operate on 830 kilocycles expired on March 29, 1941, its license was renewed on the frequency 850 kilocycles. In no sense, therefore, did the action of the Commission changing KOA's frequency assignment pursuant to the North American Regional Broadcasting Agreement constitute a modification of KOA's license. And, indeed, KOA makes no such contention here, for review of Commission orders modifying station licenses, upon the Commission's own motion, can be reviewed only in a suit brought in a district court under § 402(a). See *Scripps-Howard Radio, Inc. v. Federal Communications Comm'n*, 316 U. S. 4, 8-9, note 3.

On March 26, 1941, three days before the Agreement was to become effective, the Commission issued an order adopting the proposed findings and conclusions upon the WHDH application, granting WHDH authority to operate on 850 kilocycles, with power of 5 kilowatts, day and night, and amending § 3.25 of its Rules so as to make the frequency 850 kilocycles a I-B channel upon which more than one station could operate at night. This order was made effective April 7, 1941.

On April 25, 1941, KOA filed a petition for rehearing before the Commission, repeating in substance the allegations contained in its earlier petitions to intervene. And on May 20, 1941, the Commission, in an opinion that considered in detail each of the allegations in the petition for rehearing, denied the petition. The Commission stated that, "in view of the importance of the matters involved in this proceeding, we shall re-examine our findings and conclusions and the record upon which they are based." In summary, it found that a grant of the WHDH application "would not result in interference to the primary service of Station KOA, Denver, Colorado, and that such interference to the reception of Station KOA as might reasonably be expected to result from a grant of the Matheson [WHDH] application would occur in its secondary service area and would be limited to receivers in the eastern half of the United States, remote from the KOA transmitter; that such secondary service as KOA could render in this area would be of uncertain character because of its dependence upon the characteristics of the individual receiver, the signal intensity and the signal to interference ratio involved in each individual case"; and "that although petitioner [KOA] contends it is entitled to serve the rural areas in which it is claimed interference will occur, it fails to allege either that it has been providing a useful service in such areas or point out, in terms of population, the nature and extent of the claimed interference."

On June 7, 1941, KOA filed an appeal from the Commission's order in the Court of Appeals for the District of Columbia under § 402(b)(2) of the Communications Act of 1934. Section 402(b) provides for appeals to the Court from decisions of the Commission "in any of the following cases: (1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modi-

fication of an existing radio station license, whose application is refused by the Commission. (2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application."

The court below could not take jurisdiction of the suit unless KOA had a right to appeal under § 402(b)(2), in other words, unless it was "aggrieved" or its "interests were adversely affected" by the granting of the WHDH application. Since the Commission in exercising its licensing function must be governed by the public interest and not the private interest of existing licensees, an appellant under § 402(b)(2) appears only to vindicate the public interest and not his own. *Federal Communications Comm'n v. Sanders Radio Station*, 309 U. S. 470; *Scripps-Howard Radio, Inc. v. Federal Communications Comm'n*, 316 U. S. 4. That the Commission's order may impair the value of an existing station's license is in itself no ground for invalidating the order; it merely may create standing to attack the validity of the order on other grounds. Whatever doubts may have existed as to whether the ingredients of "case" or "controversy", as defined, for example, in *Muskrat v. United States*, 219 U. S. 346, are present in this situation were dispelled by our ruling in the *Sanders* case that the legality of a Commission order can be challenged by one "aggrieved" or "whose interests are adversely affected" thereby, even though the source of his grievance is not what is claimed to make the order unlawful. But from this it must not be concluded that anyone who claims to be "aggrieved" or who is in any way adversely affected by Commission action has a right to appeal. As the prevailing opinion in the Court of Appeals pointed out: "In the present stage of radio, very few changes, either in frequency or in power, can be made without creating some degree of electrical interference. This may range from minute and practically harmless interruption with remote and very occasional listeners in secondary service areas to total obliteration in the primary field. . . . It seems not unreasonable to read the [*Sanders*] opinion as requiring by implication that there be probable injury of a substantial character. So much by way of limitation seems necessary to prevent vindication of the public interest from turning into mass appeals by the industry at large, with resulting hopeless clogging of the administrative process by judicial review. Likewise, with electrical interference, it is hardly necessary to secure appellate championship by every broadcaster who may be affected in only a remote and insubstantial manner." 132 F. 2d 545, 548.

In order to establish its right to appeal, therefore, KOA had to make a showing that its interests were substantially impaired by a grant of the WHDH application. This, the record makes clear, it failed to do. In its notice of appeal to the court below, KOA made only a general allegation, what courts normally regard as a conclusion of law, that the Commission's action resulted in a "substantial modification" of its license. No supporting allegations of fact were tendered. There was no claim that KOA's economic position was in any way impaired, or that the proposed operation of WHDH would cause substantial interference with KOA, or that such operation would result in a substantial loss of listeners to KOA, or that any areas of substantial size would no longer be able to receive satisfactory service from KOA. Neither in its petitions for intervention, nor in its petition for rehearing before the Commission, nor in its notice of appeal to the court below, did KOA specifically challenge the correctness of the Commission's findings.

The record affords no basis, therefore, for finding that KOA had standing to appeal from the grant of the WHDH application. But even if it had, I do not believe that KOA was afforded less opportunity to participate in the pro-

ceedings before the Commission than the statute requires. Assuming that the grant of the WHDH application constituted a "modification" of KOA's license in the sense that the scope of the operations authorized by KOA's license was thereby limited, only § 312(b) would come into operation. Section 303(f) is inapplicable because the grant of the WHDH application unquestionably did not change KOA's frequency, power, or hours of operation. Both before and after the Commission's action, KOA's operating assignment was precisely the same: 850 kilocycles, 50 kilowatts, unlimited time. And so the only question on this phase of the case is—was KOA afforded such opportunity of participation in the WHDH proceeding as § 312(b) requires? That section provides that no order modifying the license of any existing station "shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

KOA does not claim that it did not have sufficient notice, formal and otherwise, of the proceedings upon the WHDH application. Nor can there be any doubt that it had ample and "reasonable opportunity to show cause" why WHDH's application should not be granted. Under § 1.195 of the Commission's Rules it could have appeared and given evidence at the hearing upon the WHDH application. That it did not take advantage of such an opportunity is certainly no reason for saying that it had none. KOA was permitted to argue before the Commission that the proposed grant of the WHDH application should not be made final. It submitted a petition for rehearing which the Commission considered on its merits and which the Commission denied only after a detailed review of all the contentions made by KOA.

The Court holds, nevertheless, that the Commission was required to afford KOA more than all these opportunities to show cause. Section 312(b) is construed to require a hearing in which the licensee whose interests may be affected is entitled to intervene as a formal party. Such a construction appears to me to disregard the structure and language of the legislative scheme. Congress might have been explicit and provided in § 312(b) that every licensee whose interests may be affected by Commission action shall be entitled to a hearing as an intervenor in the proceeding. As has been noted, the draftsmen of the Communications Act of 1934 knew how to use apt words when they wished to afford parties before the Commission the right of "hearing." Section 309(a) requires the Commission to afford an applicant for a license a "hearing", not notice and an opportunity to show cause, before the application can be denied. Section 313(a) gives a licensee a "hearing", not notice and an opportunity to show cause, before its license can be revoked. Section 303(f) provides that the Commission cannot change the frequency, authorized power, or times of operation of a licensee unless it affords such licensee a "public hearing", not merely notice and an opportunity to show cause. But, for reasons which it deemed sufficient, Congress did not choose to make this technical requirement of a "hearing" in specifying the procedure for the protection of licensees who might be affected by Commission action. Congress may well have desired to avoid the litigious waste so abundantly established by the voluminous cases to which the claim of intervention in courts has given rise. The requirement of notice and an opportunity to show cause is not equivalent of the requirement of a "hearing." By imposing this requirement for the adequate protection of substantial interests Congress charged the Commission with the duty of devising appropriate procedure which would "best conduce to the proper dispatch of business

and to the ends of justice." § 4(j). The Commission's response was §§ 1.102 and 1.195 of its Rules.

Can it seriously be claimed that the Commission acted beyond its authority in providing that before a licensee can intervene in another proceeding he must indicate some solid ground by setting forth "the facts on which the petitioner bases his claim that his intervention will be in the public interest"? Otherwise anyone who asserts generally that the grant of another's application will affect his license may become a party to a proceeding before the Commission and may, to the extent to which a party can shape and distort the direction of a proceeding, gain all the opportunities that a party has to affect a litigation although he has not made even a preliminary showing that his intervention will be in the public interest. I cannot read the requirement for "reasonable opportunity to show cause why such an order of modification should not issue" as a denial to the Commission of power to make such a reasonable rule for sifting the responsibility of potential intervenors. And if the Commission's rule for intervention was within its discretionary authority in formulating appropriate rules of procedure for the conduct of its proceedings, it is equally clear that the Commission, in the circumstances of this particular case, was justified in finding that KOA made no substantial claim that the grant of the WHDH application would impair KOA's economic interests or entail a substantial loss of listeners or make any appreciable inroads upon any areas served by KOA or otherwise substantially affect its interest or that of the public.

To deny to the Commission the right to require a preliminary showing, such as was found wanting here, before admitting a petitioner to the full rights of a party litigant is to fasten upon the Commission's administrative process the technical requirements evolved by courts for the adjudication of controversies over private interests. See *Federal Communications Comm'n v. Pottsville Broadcasting Co.*, 309 U. S. 134, 142-44. It is to assume that the modes familiar to courts for the protection of substantial interests are the only permissible modes, regardless of the nature of the subject matter and the tribunals charged with administration of the law. This is to read the discretion given to the Federal Communications Commission to fashion a procedure relevant to the interests for the adjustment of which the Commission was established through the distorting spectacles of what has been found appropriate for courts. We must assume that an agency which Congress has trusted is worthy of the trust. And especially when sitting in judgment upon procedure devised by the Commission for the fair protection of both public and private interests, we must view what the Commission has done with a generous and not a jealous eye.

Mr. Justice DOUGLAS dissenting.

While I am in substantial agreement with the views expressed by Mr. Justice FRANKFURTER, there are a few words I desire to add on one phase of the case.

I agree with the Court that if as we held in the *Sanders* case (309 U. S. 470) a person financially injured by the grant of a license has a standing to appeal, so does one whose station will suffer from electrical interference if the license is issued. I expressed my doubts, however, in *Scripps-Howard Radio, Inc. v. Federal Communications Commission*, 316 U. S. 4, 20-21, whether Congress endowed private litigants with the power to vindicate the public interest when it gave the right of appeal under § 402(b) to a person "aggrieved or whose interests are adversely affected" by a decision of the Commission. I also expressed my concern in that case with the constitutionality of a statutory scheme which allowed one who showed no invasion of a private right to call on the courts to review an order of the Commission. See *Muskrat v. United States*, 219 U. S. 346. But if we accept as constitutionally valid a system of judicial review invoked by a private

person who has no individual substantive right to protect but who has standing only as a representative of the public interest,¹ then I think we must be exceedingly scrupulous to see to it that his interest in the matter is substantial and immediate. Otherwise we will not only permit the administrative process to be clogged by judicial review; we will most assuredly run afoul of the constitutional requirement of case or controversy. *Federal Radio Commission v. General Electric Co.*, 281 U. S. 464.

Any actual controversy which may now be present in this case is between KOA and the Commission. Any controversy which existed between WHDH and the Commission has come to an end. *United States v. Alaska S. S. Co.*, 253 U. S. 113, 116. The interest, if any, of the appellant KOA is the interest of a private person and accordingly must be measured in terms of private injury. That interest must be substantial and immediate if the standard of the statute and if the constitutional requirements of case or controversy, as interpreted by the *Sanders* and

¹ Referred to as a sort of King's proctor by Edgerton, J., in *Colorado Radio Corp. v. Federal Communications Commission*, 118 F. 2d 24, 28; and as "private Attorney Generals" by Frank, J., in *Associated Industries of N. Y. State, Inc. v. Ickes*, — F. 2d —.

the *Scripps-Howard* cases, are to be satisfied. It is necessary to show in effect that KOA has sustained or is about to sustain some direct and substantial injury (see *Massachusetts v. Mellon*, 262 U. S. 447, 488)—an injury which for the purpose of this case must result from electrical interference. The *Sanders* case and the *Scripps-Howard* case do not dispense with that requirement. They merely hold that an appellant has his case decided in light of the standards of the public interest, not by the criteria which give him a standing to appeal.

I do not understand that the opinion of the Court takes a contrary view. It only holds on this phase of the case that KOA made an adequate showing under § 402(b). I disagree with that conclusion.

PAUL A. FREUND (CHARLES FAHY, Solicitor General, HARRY M. PLOTKIN, and DANIEL W. MEYER with him on the brief) for petitioner; PHILIP J. HENNESSEY, JR. (LESTER COHEN, KARL SMITH, A. L. ASHBY, and HENRY LADNER with him on the brief) for respondent.



FCC Decision

WHITE-WHEELER HEARINGS POSTPONED; BOARD MEETING CALLED; EDITORIAL COMMENT REPRINTED

Postponing the Interstate Commerce Committee hearings on the White-Wheeler bill from May 25, Senator Wheeler has advised NAB that he will set another date for the hearings on or before June 15.

Meanwhile, Neville Miller has called a meeting of the NAB board of directors for June 3-4 at the Hotel Statler in Washington to consider the Supreme Court FCC decision and other problems.

Attacking the FCC decision as a major step toward infringement of freedom of speech, David Lawrence, Washington columnist and editor of the United States News, in his column of May 25 suggested an amendment to the first article of the Bill of Rights to protect freedom of speech against misuse of the commerce clause of the Constitution.

Lawrence wrote:

"One suggestion for a constitutional change would amend the first article of the Bill of Rights, namely, the First Amendment of the Constitution, so that the following section would be added. . . .

"The grant, sale or lease of any facilities by the United States to the press, to radio broadcasting, to television, or to any other medium of public expression shall not vest in the Congress or in any executive agency or in the several states the power to limit, restrict or regulate the contents of any printed publication, radio program or creative work emanating from any medium of public expression except as any of these media may offend against the common law governing fraud, obscenity or libel or as they disclose military information in time of war in contravention of the laws passed by Congress. . . ."

"The decision in the case of radio broadcasting issued recently shows particularly a trend toward governmental control of that means of communication which, taken together with the prosecution of the member newspapers of the Associated Press, reveals a prejudice and a political policy against which the people cannot be protected by the judiciary's whims."

Broadcasting

Broadcasters are also referred to the editorial entitled "Paging Congress" in the May 24 issue of BROADCASTING magazine, from which we quote the following paragraphs:

"The Supreme Court has spoken twice within a fortnight on the subject of radio. It has acted in both directions. . . .

"In its momentous May 10 opinion in the network cases, the court set up the FCC as a sort of Lord High Executioner of all it surveyed, with that ephemeral, indefinable phrase 'public interest, convenience or necessity' its sharpened sword. . . ."

NOTICE

Additional copies of the release "What The May 10th Supreme Court Decision Means—to American Broadcasting—to the American People" and of the text of the decision itself are available at NAB Washington headquarters for those desiring them.

"Last Monday, May 17, the highest tribunal decided in the NBC-KOA case against the FCC. . . .

"The two recent opinions make . . . more imperative than ever . . . the need for new legislation. The industry must be courageous. It should not be bludgeoned into submission by threats."

Other editorial comment from newspapers follows:

George Rothwell Brown in the Baltimore News-Post:

"The country now has a pretty well-rounded picture of long-entrenched bureaucracy fighting back at Congress, with its back to the wall. Currently the incident centers around the Federal Communications Commission, whose vast powers over radio, confirmed by the Supreme Court, threaten freedom of speech and of thought as guaranteed by the Bill of Rights."

Eureka, Cal., Times editorial:

"The gist of the Supreme Court's ruling yesterday on the assumption of certain powers by the Federal Communications Commission is that a Washington Bureau can do no wrong . . . using a law which was designed to prevent the intolerable confusion if two or more stations in one community should use the same broadcast band, the FCC has steadily extended its power over every detail of the radio business. Stations and networks fight its decrees at their peril, for the FCC can pronounce a sentence of death upon them by withholding licenses."

Greenfield, Ind., Reporter editorial:

"Some months ago we wrote more than once in this column, and at considerable length and detail, concerning the constant cramping of the rights of free expression, and the growing tendency among those entrusted with public powers and responsibility to handle adverse criticism by coercion and control . . . we know that some of our readers thought we were unduly exercised and 'hollering down the rain barrel' just to hear the echo, or were making ghosts and demons out of fence posts. But, this recent decision of the Supreme Court, sustaining the right of the Federal Communications Commission to revoke the license of a radio station if it is, in the opinion of the members of the commission 'for the public good,' is ample

(Continued on page 250)

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*.

BROADCASTING

(Continued from page 249)

proof of all the potential truth of what we have said, and more. . . .

“The thrill about it all is that a similar licensing for newspapers was openly advocated some time ago in Washington and missed enactment by only a fairly narrow margin, only because the press is both better acquainted with governmental trends than (sic) most sections of America, and is more vigilant and vocal.”

Identical editorials in Moline, Ill., Dispatch and Dixon, Ill., Telegraph:

“A recent decision of the United States Supreme Court, in which a radio station’s contract with the network was involved, seems to raise a question of freedom of expression and to be a threat to freedom of the press as well.”

Identical editorials in Honesdale, Pa., Citizen and Ambridge, Pa., Citizen:

“The decision is held as another danger to the freedom of the press.

“Radio is in a strait jacket, and the chains and stations as they now exist are held to constitute monopolies. The theory of the radio case is very much like the case against the Associated Press. New socialistic theories are challenging freedom of all forms of communication.”

Indianapolis, Ind., News editorial:

“There can be no doubt that the decision did recognize the power of Congress to regulate the broadcasting companies’ method of doing business. And there is also no doubt that when the regulation of broadcasting was taken in hand by the federal government there was no mention of any regulation beyond the necessary awarding of wave lengths. Congress merely intended in the beginning of radio broadcasting that wave lengths should be allotted to prevent general confusion and to serve the best interests of the people.

“But it (FCC) has displayed both by attitude and by specific order, an inclination to use its licensing power to inflict regulations which many believe to go far beyond the authority which Congress granted. In the recent decision, the majority opinion upheld the FCC’s interpretation of its authority and ruled that the remedy was with Congress.

“These extensions of authority are in the direction of infringement of the right of freedom of speech and freedom of the press as set out in the first article of the Bill of Rights. But no invasion of these rights has taken place which cannot be quickly and decisively repelled by act of Congress. The Supreme Court has recognized the power of Congress, and with this go sign, Congress should revise the FCC act to establish protective limitations.”

NEBRASKA BROADCASTERS URGE RADIO’S RECOGNITION

Two resolutions of the Nebraska Broadcasters Association, meeting at Lincoln, April 19, have been received at NAB Headquarters and are presented herewith in extended recognition of their aptitude:

“That John Gillin, NAB representative for the State of Nebraska, request the National Association of Broadcasters to suggest to all government script writers that they include the words, ‘and heard over the radio,’ when they speak of things read in the newspapers; and that Nebraska stations edit their teletype services to use the words, ‘press and radio’, instead of ‘press’ alone, in referring to matter disseminated by both media.”

“That Mr. Gillin be requested to ask the National Association of Broadcasters to appoint a committee to consult with the Federal Trade Commission, and suggest that some scientific sampling procedure be adopted during the war emergency period which will lessen the burden on stations with regard to furnishing copies of advertising scripts.”

OWI

WOMEN’S AUXILIARY RECRUITING

Donald D. Stauffer, chief of the domestic radio bureau of the Office of War Information, recently sent to all regional and branch offices a memorandum designed to clarify the policy on women’s auxiliary recruiting for the Army and Navy, such as the WAVES, WAACS, SPARS, etc.

The memorandum pointed out that recruitment of women auxiliaries to the armed services may be handled on radio “at the discretion of the Regional OWI Director.” It pointed out that if the quotas in any particular area are falling short, public relations officers of the Army and Navy will contact the OWI field men for help. The final decision as to whether or not these recruitment drives should be given radio coverage in any particular area rests with the OWI Regional Officers.

It is further pointed out that whenever WAVE, WAAC or SPAR recruitment material is carried in the network allocation plan or included in the national packet of spot announcements it is not necessary to give additional radio cooperation. Information as to whether or not such material is included in the allocation plan or the national packet is furnished the OWI regional office sufficiently in advance to keep the office fully advised.

Recruitment Must Clear WMC

A further point made in the memorandum has to do with the recruitment for women’s auxiliary services in critical labor shortage areas. It is made quite clear that without clearance of the regional information officer of the War Manpower Commission, no recruitment activity is permitted.

The attention of NAB recently has been called to instances in which WAVES, WAACS or SPARS in uniform have accompanied solicitors of advertising media, other than radio, to importune prospective advertisers to buy space in aid of recruitment drives for both the Army and Navy recruiting offices. We are advised that such activity on the part of women in uniform is strictly prohibited by service rules and regulations.

Radio station operators who have knowledge that such practices are being followed in any community should give full information, including the names of the persons in service, the advertising solicitor, the name of the advertising medium and the names of any persons solicited. With this information available, proper steps may be taken both to discipline infractions and to prevent recurrence.

OWI TIGHTENS RULE

Elaine Ewing, assistant chief of station relations, Office of War Information, recently communicated to all regional and branch offices a memorandum dealing with OWI regulation No. 2. In this regulation, originally issued on September 9, 1942, Elmer Davis set forth procedure to be followed in clearance of radio material by the several government agencies through the domestic radio bureau, OWI.

At the time of issuance of the original regulation, the regional offices in every case were not ready to service all the radio stations and government agencies throughout the country. Special exceptions and interpretations therefore were made.

The memorandum just issued directs the OWI regional information officer, where he deems it advisable, to require that all radio material prepared by any government agency be cleared through the proper regional office. Regional information officers are further instructed to re-examine programs that have been running on local stations prior to or since the issuance of regulation No. 2, to determine if those programs are fulfilling the purposes for which they were established.

If in the judgment of the OWI regional officers, a change or discontinuance of the program is required, the regional office is instructed to notify the proper government agency. This memorandum will undoubtedly serve to clarify some cases and misunderstandings.

CONCERNING FLAG DAY

Two releases have been mailed all stations by OWI in the interest of Flag Day, June 14.

Regarding the observance of Flag Day, OWI says:

"It is important at this time that the American people be fully informed concerning the facts about the United Nations and the observance of Flag Day provides an excellent opportunity to bring this material to the attention of the people."

Public Service

WHAS GIFT TO THE UNIVERSITY OF KENTUCKY SETS UP MOUNTAIN RADIO LISTENING CENTERS

The University of Kentucky executive committee of the board of trustees has acknowledged "with gratitude" a financial gift to the university from WHAS which makes it possible for the university to double the number of mountain radio listening centers, a total of 80 to be realized when the work is completed.

Impact of the war with attendant gasoline rationing and curtailment of travel in the Kentucky mountain regions has placed more responsibility on radio for contact with the outside world, increasing the importance of these "listening centers." This situation is further embellished by the current lack of radio batteries, but "listening center"

radios get preference for batteries because they serve many families instead of one.

The present WHAS gift supplements a previous contribution of 40 sets made two years ago. Listening centers are now located in Breathitt, Morgan, Magoffin, Floyd, Leslie, Letcher, Knott, Estill, Clay and Martin counties with the new grants to provide additional centers in Leslie and Knott counties. Every resident of these two counties, except in areas contiguous to towns and state roads, will thus be provided a listening center within a three-mile reach.

RADIO GREATEST DONOR TO SECOND WAR LOAN CAMPAIGN

Radio time and talent contributed to the Second War Loan Campaign, April 12 to May 1, reached the grand total of \$7,095,500.00, revised figures indicate. This total establishes radio as top donor by more than two million dollars and exceeds the contributions of all other media combined. Radio's preliminary figure of \$6,262,350.00, announced Saturday, May 22, also enjoyed the latter distinction.

Both figures embrace the 118,000 radio announcements and 8,000 programs of fifteen minutes or more credited to radio by Henry Morgenthau, Jr., Secretary of the Treasury, in his release of May 22.

Radio's final figure of \$7,095,500.00 is a joint computation of the Office of War Information and the NAB. The OWI computation, released to NAB, totals \$6,170,000.00 and is based solely on definite OWI commitments under the Network Allocation Plan, the National Spot Allocation Plan and the Station Announcement Plan. It is significant that even this figure for radio exceeds the contributions of all other media combined. OWI, however, called attention to the fact that this computation did not include the value of local station time and talent, both commercial and sustaining, which was devoted to the Second War Loan Campaign.

It will be remembered that a great number of stations devoted their entire broadcast day to the Second War Loan Campaign, April 12. As estimated at NAB headquarters, the value of this time was approximately \$925,500.00, or a conservative 15 per cent above and beyond definite OWI commitments. This figure is thought to be exceptionally low but must stand as an estimate in the absence of what would be a burdensome and next to impossible survey of all stations, particularly objectionable in wartime.

TREASURY STREAMLINES WAR BOND ORGANIZATION

The Treasury Department's organization of volunteer war bond salesmen is being streamlined and amplified, Secretary Morgenthau announced Thursday. The Secretary said the War Savings Staffs and Victory Fund Committees of the Treasury Department would be merged into a single organization to take charge of War Loan drives and the continuing campaign to sell War Bonds.

This consolidation is the result, he explained, of the amazing success of the second war loan drive which raised eighteen and one-half billion dollars for the war effort in three weeks.

The new and merged organization will be directed by state chairmen who will report to Secretary Morgenthau.

CBS REPORTS ON ITS POSTWAR RESEARCH AND PROGRAMMING

After a year and a half of research on problems of the post-war world, CBS is ready to translate these findings

into terms of actual radio production, according to Douglas Coulter, CBS Director of Broadcasts.

Robert Lewis Shayon, CBS producer-director, has been selected to produce these programs, designed to give the average American a clearer understanding of the kind of world in which he can expect to live after the war. Shayon will work in close conjunction with Lyman Bryson, CBS Director of Education and head of the "Post-War Division."

Columbia's "Post-War Division" was established December 1, 1941, six days before Pearl Harbor.

"We realized then that whether or not the United States was drawn into war, we would inevitably have to take part in the tremendous rehabilitation program which would follow World War II," Bryson stated.

"The vital role which radio will play in world-wide reconstruction was apparent, since for the first time in the history of wars and peace treaties, such a means of mass communication has been available."

The research staff of CBS' post-war division has made digests from hundreds of important books, pamphlets and articles which represent the opinions of a wide cross-section of writers.

They also have prepared five elaborate charts of post-war issues which have been placed at the disposal of public officials, experts on foreign affairs and others active in post-war planning.

Research of CBS' post-war division includes study of the work being done by more than 300 organizations already in the field, representing every shade of political and economic thought.

It is Shayon's intention to translate this vast amount of research material into programs that listeners will understand and enjoy.

Presentation of this material will not be limited to the discussion or lecture form. To reach the widest possible audience, Shayon plans to make use of the full scope of radio. Daytime serials, an outstanding evening show combining dramatic and documentary techniques, interviews—any of these media may be used. More than fifteen program ideas submitted in weekly conferences of CBS producers and executives are under consideration. Final selection will be made on the basis of educational value combined with entertaining and effective radio.

The importance of such programs was stated by Coulter when he declared:

"The people of the United States by the exercise of their right to vote will be called upon to decide many issues of the post-war world. Radio can perform a valuable public service by thoughtful presentation of the problems the people must solve in the future."

INTER-AMERICAN RELATIONS

It is universally agreed that the broadcasting industry has done a magnificent job in the war effort. Not only have the stations carried thousands of announcements and programs, but they have voluntarily censored broadcasts in accordance with the Code of Wartime Practice issued by the Office of Censorship.

Inevitably, however, some things occur which are harmful to the successful prosecution of the war and to the maintenance of cordial relations with our allies. Those stations whose signals may be heard in neighboring countries, such as Central and South America and Canada, are charged with an even greater responsibility than those whose signals are not so heard. The delicacy of relations with South American countries and our Canadian neighbors is well known.

Sensitiveness, and in some cases over-sensitiveness, is an equation which must always be taken into account. Stations broadcasting programs in English or a foreign language which reach these countries are charged with

an exceptional responsibility, and management must discharge that responsibility faithfully and make sure that nothing is broadcast that might in the least upset or impair maintenance of friendly relations.

An illustration of what can unwittingly occur was called to our attention recently by Mexican authorities.

In an ad lib sports interview over a southwestern station with a prize fighter, the program m.c. asked a question to which the fighter remarked ad lib that he saw three Mexicans in the studio audience and "I would like to kill them all. I remember the Alamo."

Statements such as these are highly offensive to the Mexicans and should at all costs be avoided.

FIRST RADIO RESCUE OF TORPEDOED SEAMEN REPORTED

An Associated Press story has reported the first rescue of torpedoed seamen credited to radio.

The skipper and radio operator of an American ship sunk off South America said 84 crewmen were rescued due to the new-type radio equipment installed in their life-boats.

Adrift in two life-boats for two days, the men kept communication with each other and contacted four potential rescue vessels before they were picked up.

The radio equipment consists of a combination radio-telegraph-telephone unit powered by a hand-cranked generator.

Broadcast Advertising

GET ON THE COAL 'WAGON'

In connection with the OWI national "Order Coal Now" Campaign, the radio section of the Solid Fuels Administration For War division of the Department of the Interior has prepared transcriptions for use by Retail Coal Dealers over their local radio stations on the commercially sponsored basis.

The NAB broadcast advertising department urges station commercial managers to get on the coal "wagon" and to contact their local coal dealers to see if they have received the transcriptions. Some 300 localities have been covered to date in shipments of the records.

Below is reprinted the letter from H. A. Gray, Deputy Solid Fuels Administrator, to coal dealers, which explains the program. Further information may be obtained by writing Lew Avery of the NAB department of broadcast advertising or to Mr. Gray's office direct:

UNITED STATES DEPARTMENT OF THE INTERIOR

Solid Fuels Administration for War
Washington

MESSAGE TO RETAIL COAL DEALERS:

The Solid Fuels Administration for War has prepared two double-faced radio records which are available for use by Retail Coal Dealers in connection with the ORDER COAL NOW campaign.

These recordings contain a series of 20 or more brief spot announcements, three 4-minute dramatized announcements and a 15-minute musical show.

Retail dealers and others interested in the ORDER COAL NOW campaign may obtain the recordings without charge by writing to Howard A. Gray, Deputy Director,

Office of Solid Fuels Administration for War, Department of the Interior, Washington, D. C.

These records were prepared with the idea of affording retail coal dealers an opportunity to use them in any local ORDER COAL NOW advertising campaigns. The messages do a direct selling job with the dealer's role in the war effort emphasized. Each message is cut so that dealers' or association names, addresses and telephone numbers can be inserted to conform with regular radio advertising practices.

A limited number of records will be available for distribution on May 17. In order to conserve time, money and effort, persons desiring to secure the records are urged to order promptly.

It should be understood that these records are separate and distinct from transcriptions prepared by the Office of War Information which have been distributed to 850 radio stations for use during the campaign.

The Office of War Information radio material is being used by radio stations without charge as a patriotic contribution to the ORDER COAL NOW campaign.

In view of the contribution of free time which the radio industry is making toward the ORDER COAL NOW campaign, we have a distinct understanding with OWI that free time will not be requested for the records offered to the industry by this circular. OWI is advising the radio industry of this understanding.

Assurances from radio chains and independent stations of cooperation on the use of the free OWI material is most encouraging. It is difficult to measure in dollars and cents the value of the time, talent and over-all cooperation we have secured from the radio industry in this campaign. However, we cannot expect radio stations and OWI to keep the campaign on the air continuously this summer, and with this in view, we believe the recordings described here will take up when the OWI schedule pauses in mid-June and their use will permit retailers to tie in with the national campaign most effectively.

Retailers who plan to sponsor radio advertising are urged to notify us immediately so that these records can be furnished them. Dealers who desire these recordings to use in connection with their advertising activities are advised to write us immediately.

Sincerely yours,

H. A. GRAY,

Deputy Solid Fuels Administrator for War.

SPECIAL SECTION FOR WROK

Front page, in two colors, and four following pages of the second section of the Rockford Register-Republic, of May 17, publicized affiliation of WROK, Rockford, with the Blue Network.

Illinois' Governor Dwight H. Green participated in the dedicatory broadcast. The section carried the welcome of the Blue Network to the Rockford area by Ruth Hanna Simms, WROK owner.

FCC INVESTIGATES DODD

The FCC has ordered an investigation of alleged misleading and conflicting reports said to have been made by W. E. Dodd of the FCC foreign broadcast intelligence division, as suggested by Representative Anderson on the floor of the House recently, Chairman James Lawrence Fly said at a press conference early this week.

The Commission has taken no action, he stated, in connection with Goodwin Watson of the same division, and none is planned, he said. The Chairman said that Dodd has been given substantial time to respond to the charges made by the Congressman. Dodd also asked for a hearing and it is understood this will be granted.

Representative Anderson said in his speech on the floor of the House that there was a conflict between the reports made by Dodd to the Commission and those made to the FBI, and the FCC in turn made the same report to the

House Committee on Appropriations. Representative Anderson charged that these reports which were originated by Dodd were in conflict with his testimony. Chairman Fly said that the investigation by the Commission involves largely a study of the documents and their comparison. Fly made it plain at the conference that the FCC investigation of Dodd does not involve the question of whether or not Dodd belonged to any association, or made any special speech, or what his political ideas might be.

Chairman Fly said neither Dodd nor Watson have resigned their positions with the Commission. He was questioned as to his attitude toward Congress cutting anyone off government payrolls. He said that he thought there is a serious doubt of the validity of any such provision. He also said he believed it would be helpful to everyone if some way were found to get authoritative tests on the adjudication of that issue.

GEORGIA ASSOCIATION OF BROADCASTERS HOLDS MEETING

The Georgia Association of Broadcasters met in Macon, Georgia, May 22 with Frank Crowther (Red Cross) presiding and Lew Avery, NAB director of broadcast advertising, representing NAB and acting as secretary.

A panel discussion on advertising problems, concerning the small stations problems, was addressed by James W. Woodruff, jr., of WRLB, and also director of NAB 5th district and member of NAB small stations problems steering committee. Avery spoke on advertising developments since the NAB War Conference.

Wilton E. Cobb moved that the Georgia association telegraph all Georgia members of Congress pointing out the discrimination against radio by the government in the preparation of mats and other services by the government for newspaper advertising while radio advertising receives no such help.

Oppose Paid Government Ads

Sentiment of the association was overwhelmingly opposed to use of paid radio advertising by the government.

Willet Kempton, OWI regional director at Atlanta, described OWI functions. Hervey Allen, noted author and WMC regional director at Atlanta, spoke and emphasized seriousness of the manpower shortage and urged broadcasters present to prepare "manning tables" or "replacement schedules" for all their personnel within draft age limits (see Selective Service Handbook supplement issued with this week's NAB "Reports").

Ray Ringson moved for appointment of a committee on training programs and replacement schedules to work with the Atlanta office of WMC.

A discussion ensued concerning the effectiveness of women as announcers and enthusiasm was expressed for a plan to train wives of drafted announcers to replace them.

Army air base officials present at the luncheon were thanked publicly for their cooperation in assisting various Georgia stations to present programs from Army air corps centers.

Eugene Carr, Office of Censorship, addressed the meeting following the luncheon on the importance of closer adherence to the voluntary censorship Code of Wartime Practice.

Kempton and Allen also spoke again on their respective topics of OWI and manpower.

Avery Talks on FCC Decision

Avery took over at the beginning of the afternoon session and presented Neville Miller's greetings on behalf of NAB. Avery spoke on the FCC Supreme Court decision,

read the statement issued by the NAB legislative committee issued in Washington May 19, and urged broadcasters present to consult their attorneys on the implications and potentialities of the decision.

He reported on the battery situation and the distribution of radio tubes.

John M. Outler, jr., of WSB, talked on the NAB sales managers committee, and its work from its formation down to the inauguration of the Retail Promotion Committee Plan in 1942.

Outler and Avery outlined the plan's purpose and asked support of those Georgia stations not yet signed up.

The Georgia association then elected officers and directors for 1943-44 as follows:

Jack Williams, WAYX, president; John Tobola, WAYX, secretary-treasurer, and Ray Ringson, WRDW, vice-president; and directors: Hoyt Wimpy, WPAX; Frank Crowther, WMAZ, and John M. Outler, Jr., WSB.

A rising vote of appreciation for Crowther was then given after which Williams assumed the chair and appointed Crowther program director for future meetings and adjourned the session.

Sixty-three members and guests attended the meeting.

Engineering

NEED TECHNICIANS?

The NAB engineering department has now been recruiting technicians, not presently employed in the broadcast industry, for several months. Several methods of recruiting both men and women for replacement technical posi-

tions are now being used. Currently, we are receiving more applications for positions than requests for assistance from broadcast stations.

It is important that these applicants be placed as soon as possible after registering with NAB or they will find employment elsewhere and be lost to the broadcast industry. In order to expedite the placing of these candidates, a few applicants are being selected from the NAB files to be placed on regional availability lists. These lists will be mailed with the current issue of the *Swap Bulletin* addressed to chief engineers.

Stations in need of replacement technicians should first make every effort to fill vacancies locally. If it is found impossible to obtain 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 obtained by direct correspondence with the applicants.

TUBES REPAIRED WITHOUT PREFERENCE RATING

The radio and radar division of WPB has just released the following interpretation of preference rating order P-133 and general limitation order L-265, insofar as the orders apply to the repairing of vacuum tubes:

"From time to time the question has arisen as to the restrictions of preference rating order P-133 with regard to the repair of vacuum tubes. The limitations and restrictions of P-133 apply only to the extension of ratings under that order.

"Order P-133 prohibits an operator from applying a rating to obtain a new tube as long as he has one spare

RMA TRANSMITTING TUBE CONSERVATION RECOMMENDATIONS

Percentages of rated normal filament voltages to be used under various operating and stand-by conditions to give maximum filament life.

Tube Type by Kind of Filament or Cathode	Operating Conditions		Recommended Stand-by Conditions (% of Normal Operating Voltage)				Typical Tube Types
	Normal Load Operation	Light Load; May In- crease Life	Under 15 Minutes	15 Min. to 2 Hours	2 to 12 Hours	Over 12 Hours	
1. Pure Tungsten filament..... (small and medium types)	100*	Reduce	80	80	off	off	207, 891R
2. Pure Tungsten filament..... (large types)	100*	Reduce	80	80	80	off	895, 899A, 898
3. Thoriated Tungsten filament..... (small and medium types)	100	95-100	80	off	off	off	211, 803, 851
4. Thoriated-Tungsten filament..... (large types)	100	95-100	80	80	off	off	827R, 861
5. Oxide-coated filament..... (small and medium-gas, vapor)	100	100	100	100	off	off	866A, 872A
6. Oxide-coated filaments or cathodes... (large-gas, vapor)	100	100	100	100	100	off	857B, 870A
7. Oxide-coated cathodes..... (high vacuum)	100	95-100	100	off	off	off	807, 837
8. Oxide-coated filaments..... (high vacuum, quick heating)	100	95-100	80	off	off	off	1616, 1619, 1624

* Normal load operation may be less than 100% as recommended in instructions.

NOTE: Recently the NAB Engineering Department asked vacuum tube manufacturers to submit recommendations covering the stand-by operating conditions that would assure the maximum life from transmitting tubes. It was found that differences of opinion existed among the manufacturers and that the problem was further complicated by the variety of tube types to be considered. The manufacturers coordinating through the RMA Transmitting Tube Committee have now released the above standard recommendations.

tube for each active tube socket. *However*, there is no limitation on the number of tubes which may be repaired, or the number of repaired tubes which may be held as spares. It is permissible to repair any tube without the extension of a preference rating. It is also to be noted that if a burned-out tube is to be repaired, it is not necessary, under P-133, to return the old tube to the manufacturer in order to obtain a new tube.

"General limitation order L-265 specifically exempts from its provisions the transfer of electronic equipment for repair, as well as exempting any operations involved in the repair of a specific piece of electronic equipment. Thus, any number of tubes can be repaired without the extension of a preference rating. *However*, a preference rating under P-133 cannot be extended for the purchase of a new tube unless an operator has in his inventory less than one spare tube per socket."

80,000 TRAINED IN RADIO

"Fundamentals of radio", promoted and prepared by the NAB War Committee, is the most popular course with trainees enrolled in all Engineering, Science, and Management war training courses.

A total of 80,000 men and women have been trained for radio work in the ESMWT course since October, 1940, according to an announcement Thursday by Paul V. McNutt, chairman, War Manpower Commission. Another 18,000, he said, have been enrolled in Electronics courses.

Dr. W. W. Charters, chief of the commission's bureau of training, explained that "radio" and "pre-radar and ultra-high frequency techniques" share the popularity of fundamentals of radio. *However*, it is known from the records possessed by NAB, that "fundamentals of radio" stands at the top of the heap. This course has been offered in every state.

McNutt said that more and more women have registered for the radio courses in the last six months as a result of the increasing demand for women with radio and electronics training. The Aircraft Radio Laboratory at Wright Field alone, he added, has more than 200 women registered in courses preparing for radio jobs.

DEADLINE FOR PIX

Deadline to receive photos and copy of your women technicians is June 7. [See page 217, NAB REPORTS, May 14.]

Since last week material has been received from:

KTSW—Emporia, WBEN—Buffalo, WCCO—Minneapolis, WDBJ—Roanoke, WDRG—Hartford, WIBW—Topeka, WISH—Indianapolis, WMBS—Uniontown, WOC—Davenport, WSUN—St. Petersburg.

FAVOR BATTERY ORDER

(General Limitation Order L-71 as Amended May 21, 1943).

The new dry cell battery order was issued last Friday as predicted in last week's NAB REPORTS.

Its provisions are generally regarded with favor by the manufacturers. It reflects the desire of Consumers Durable Goods, of WPB, to get larger production from available facilities.

6 MORE CITIES REPORT

Six more materiel reports are acknowledged with thanks from the following cities:

Cumberland, Md.; Fargo, N. D.; Fitchburg, Mass.; Moorehead, Minn.; Norfolk, Neb.; Parkersburg, W. Va., and Rochester, Minn.

Reports from cities now total 231. All have been deposited with the radio and radar Division of WPB for its guidance.

State Legislation

ALABAMA:

H. 367 FOOD-DRUGS AND COSMETICS—Providing for regulation commerce in foods, drugs devices and cosmetics in the interest of consumers and users and eliminating certain of these from commerce. To Public Health.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, May 31st. It is subject to change.

Thursday, June 3

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas—Modification of license, 860 kc., 500 watts night, 5 KW day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATION GRANTED

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Granted modification (B3-ML-1161) of license to increase night power from 100 to 250 watts.

LICENSE RENEWALS

WINX—WINX Broadcasting Co., Washington, D. C.—Granted renewal (B1-R-1104) of license for synchronous amplifier, with waiver of Rules 2.53 and 13.61 subject to same conditions contained in previous grant.

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

KGEZ, Kalispell, Mont.; KOME, Tulsa, Okla.; KUIN, Grants Pass, Ore.; KVOX, Moorhead, Minn.; KWLM, Willmar, Minn.; WEIM, Fitchburg, Mass.; WGAU, Athens, Ga.; WHAT, Philadelphia; WINX, Washington, D. C.; WIZE, Springfield, Ohio; WALL, Middletown, N. Y.; WMBO, Auburn, N. Y.; WNBH, New Bedford, Mass.; WSTV, Steubenville, Ohio; WBRE, Wilkes-Barre, Pa.; WCMI, Ashland, Ky.; WSAV, Savannah, Ga.

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

KAND, Corsicana, Texas; KGFV, Kearney, Nebr.; KPDN, Pampa, Texas; KROC, Rochester, Minn.; KWFC, Hot Springs, Ark.; WCBI, Columbus, Miss.; WDAK, West Point, Ga.; WGH, Newport News, Va.; WJPR, Greenville, Miss.; WLAK, Lakeland, Fla.; WLBK, Near Bowling Green, Ky.; WWPG, Palm Beach, Fla.; KHUB, Near Watsonville, Calif.; KSUB, Cedar City, Utah; KVSF, Santa Fe, N. Mex.; WFIG, Sumter, S. C.; WGAA, Cedartown, Ga.; WJMA, Covington, Va.; WAML, Laurell, Miss.; WEXL, Royal Oak, Mich.; WEMP and auxiliary, Milwaukee, Wis.

Licenses for the following stations were further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending August 1, 1943:

KAVE, Carlsbad, N. Mex.; KBST, Big Springs, Texas; KCMC, Texarkana, Texas; KGGF, Coffeyville, Kans.; KGKL, San Angelo,

Texas; KICA, Clovis, N. Mex.; KIUL, Garden City, Kans.; 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; WCBT, Roanoke Rapids, N. C.; WCOV, Montgomery, Ala.; WEDC, Chicago; WFCI, Pawtucket; WGGA, Gainesville, Ga.; WHOM and auxiliary, Jersey City; WING, Dayton, Ohio; WJBW, New Orleans; WJW, Akron; WNBZ, Saranac Lake, N. Y.; WOCB, Near Hyannis, Mass.; WRAL, Raleigh; WSAY, Rochester, N. Y.; WSYB, Rutland, Vt.; WTEL, Philadelphia.

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa—Granted renewal of license for the period ending April 1, 1945.

WAAC—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted renewal of license for the period ending April 1, 1945.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted renewal of license for the period ending April 1, 1945.

KWRC—Western Radio Corp., Pendleton, Ore.—Granted renewal of license for the period ending April 1, 1945.

W2XWE—WOKO, Inc., Albany, N. Y.—Present license further extended upon a temporary basis to July 1, 1943, pending determination upon application for renewal.

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted license (B4-LH-39) to cover construction permit (B4-PH-5, as modified) in part.

W85A—General Electric Co., Schenectady, N. Y.—Granted renewal of license for the period ending June 1, 1944.

W71NY—Bamberger Broadcasting Service, Inc., New York City—Granted renewal of license for the period ending June 1, 1944.

W45BR—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted renewal of license for period ending May 1, 1944.

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—Present license extended on a temporary basis only, to July 1, 1943, pending determination upon application for renewal.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis only, pending determination on application for renewal, for the period ending July 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis only, pending determination on application for renewal, for the period ending July 1, 1943.

MISCELLANEOUS

KWSC—State College of Washington, Pullman, Wash.—Motions to strike and amend notice of hearing and to strike Issues 6 and 7 of "Notice of Hearing" in re application for construction permit were dismissed without prejudice to the filing of a petition before the full Commission with permission to other parties to file opposition thereto. (Docket No. 6499)

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition for continuance of hearing on renewal of license to operate on 1460 kc., 500 watts night, 1 KW day; hearing continued to July 1, 1943 (Docket No. 6486)

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Granted modification of construction permit as modified, which authorized new experimental television broadcast station, for extension of completion date from May 31 to December 31, 1943. (B1-MPVB-100)

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozark Broadcasting Co., Springfield, Mo.—Authority to determine operating power by direct measurement of 310' vertical antenna power. (Contingent upon the granting of B4-ML-1153.)

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—License to cover construction permit (B2-P-2547) as modified, for increase in power, installation of new transmitter and directional antenna for night use, and change hours of operation.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of construction permit (B4-P-3288, as modified, which authorized increase in power and directional antenna for night use) for extension of completion date from 6-7-43 to 9-7-43.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Voluntary assignment of license to John E. Fetzer, tr/as Fetzer Broadcasting Company.

990 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—License to cover construction permit (B2-P-3207) as modified for installation of new transmitter and directional antenna for day and night, change hours, increase power and move.

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Authority to determine operating power by direct measurement.

1230 Kilocycles

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Modification of license to change frequency from 1230 to 1240 kc.

WBBZ—Adelaide Lillian Carrell, Executrix of Estate of Charles Lewis Carrell, Deceased, Ponca City, Okla.—Voluntary assignment of license to Adelaide Lillian Carrell.

1310 Kilocycles

WTNJ—WOAX, Incorporated, Trenton, N. J.—Special Service Authorization to operate hours formerly used by WCAP pending repairs to WCAP's transmitter, which was destroyed by fire.

1450 Kilocycles

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Transfer of control of licensee corporation from Richard E. Coon to Poughkeepsie Newspapers, Inc. (480 shares of common and 80 shares preferred).

1490 Kilocycles

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Modification of license to change frequency from 1490 to 1230 kc.

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 orders should not be issued against it.

L. R. Kallman & Company—Misrepresentation in the sale of two cosmetic preparations designated "Chin-Up" and "Digitite" is alleged in a complaint issued against L. R. Kallman, trading as L. R. Kallman & Co., 43 East Ohio St., Chicago. (4966)

CEASE AND DESIST ORDERS

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

Associated Distributors, Inc.—An order to cease and desist from misrepresentations concerning the origin and properties of a cosmetic designated "Chen Yu Nail Lacquer" has been issued

against Associated Distributors, Inc., and J. L. Younghusband, Paul Rowatt and Howard A. Younghusband, trading as Associated Distributors, all of 30 West Hubbard St., Chicago.

Findings of the Commission are that the respondents, through the use of the trade name "Chen Yu" accompanied by Chinese letters or symbols or by depictions of Chinese art, and by means of various representations in their advertising matter, have represented their nail lacquer as being of Chinese origin and incapable of chipping or flaking, when such are not the facts. (4749)

Neo Gravure Printing Co., Inc., et al.—An order to cease and desist from unfair and deceptive acts and practices in connection with the sale of manufacturers' advertising displays for use in export catalogs has been issued against three corporations and an individual found to have been associated in a cooperative arrangement to induce American manufacturers to purchase substantial quantities of the displays as a means of increasing their business in foreign countries.

The order is directed against Neo Gravure Printing Co., Inc., New York; Eggers & Heinlein, Inc., and Middleton & Co., Ltd., export commission firms with headquarters in New York, and Marcus A. Crews, Lawrenceburg, Tenn., trading as M. A. Crews Co. and as Pioneer Exporters, associated with the other respondents in the sale of the displays and the publication of export catalogs. The Commission previously had dismissed the complaint as to Cuneo Press, Inc., Chicago. (4781)

STIPULATIONS

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

Associated Laboratories, Inc., 21st St. at Borden Ave., Long Island City, N. Y., engaged in the sale of multi-vitamin concen-

trates, in capsule form, under the trade name "Vitamin-Quota," stipulated that it will cease and desist from representing in advertising matter that it is impossible or extremely difficult to obtain an adequate intake of vitamins from ordinary foods; that conditions such as vague aches and pains, fatigue, lack of resistance to colds, nervousness, poor appetite, poor digestion, or lack of energy are necessarily symptomatic of vitamin deficiencies; and that the ingestion of Vitamin-Quota capsules will relieve, remedy or correct such conditions or result in a superior state of health. (3648)

A. Freedman & Sons, Inc., New Bedford, Mass., engaged in the manufacture of shoes, stipulated that it will cease and desist from marking, labeling or otherwise advertising its products through use of the word "Lloyd" or the words "London Boot Shop," or any word or picturization customarily associated with the British Isles or any foreign country, so as to imply that the shoes so described are of British or other foreign origin. (3649)

Kay Preparations Co., Inc., 511 Fifth Ave., New York, has entered into a stipulation to cease and desist from certain representations in connection with the sale of cosmetics designated "Formula 301" and "Formula 301A," the latter formerly known as "Kay Special Sulphur Skin Soap." (3650)

Modern Cosmetics, Inc., 176 West Adams St., Chicago, has entered into a stipulation to cease and desist from representing that its cosmetic preparation designated "Modern Eyes Mascara" is the fastest selling brand of mascara and, when applied with the spiral brush which accompanies it, will coat all sides of the eyelashes rather than the under side only. (03109)



BOARD MEETING

Washington, D. C.

When this issue of NAB REPORTS went to press, the Board of Directors was in the midst of its opening session, Thursday afternoon, June 3. At the conclusion of the meeting a Special Bulletin will be issued to all member stations.

CHAIN BROADCASTINGS REGULATION AMENDED BY FCC

The chain broadcasting regulations will become effective as of June 15 the FCC has decided, having refused to make any change in its ruling in that regard. The Commission made public the following amended chain broadcasting regulations:

The Commission having under further consideration its order, entered in Docket No. 5060, as amended, promulgated regulations applicable to radio stations engaged in chain broadcasting.

IT IS ORDERED, That the Commission order, entered in Docket No. 5060, as amended, BE, AND THE SAME IS HEREBY, FURTHER AMENDED in the following particulars:

Section 3.103 of the regulations set forth in said order, as amended, is hereby further amended to read as follows:

3.103. *Term of affiliation*—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years: *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within six months prior to the commencement of such period.

The last paragraph of said order is hereby amended to read as follows:

“It is further ordered, that these regulations shall become effective 12:01 a. m., Eastern War Time, June 15, 1943, unless otherwise required by court order: *Provided*, That the effective date of Regulation 3.106 with respect to any station may be extended from time to time in order to permit the orderly disposition of properties: *Provided further*, that the effective date of Regulation 3.106 shall be suspended indefinitely with respect to regional network organizations; and *Provided further*, that the effective date of Regulation 3.107 shall be suspended indefinitely and any further order of the Commission placing said Regulation 3.107 in effect shall provide for not less than six months’ notice and for further extension of the effective date from time to time in order to permit the orderly disposition of properties.”

OCR OK's FARM BATTERIES

WPB, on June 1, put into operation a program worked out by the Office of Civilian Requirements to provide farmers with supplies required to increase food production.

Radio batteries were included in the list of 66 items.

This is a case in which action to provide farmers with radio batteries preceded by many weeks the inauguration of a broader farm program. Increased production of farm radio batteries began last March after NAB conferred with the Office of Civilian Supply and Consumers Durable Goods.

Push Production to Limit

Consumers Durable Goods, where implementation of the farm radio battery program is placed, stated yesterday that it is diligently watching the situation to make sure that all battery manufacturers produced farm batteries to the very limit of capacity, commensurate with the needs of the military.

Reasons for maximum production are known and appreciated by all manufacturers.

CODE COMMITTEE TO MEET IN NEW YORK

(Released by NAB News Bureau)

The Code Compliance Committee will meet at the Roosevelt Hotel in New York, Wednesday and Thursday, June 16 and 17. Principal item on the agenda is consideration of questions raised by the Radio Committee of the Na-

(Continued on page 260)

**IMPORTANT NOTICE!
CHANGE OF MAIL ADDRESS**

In compliance with the recent system of zoning established by the Post Office, covering deliveries in metropolitan centers, all mail to NAB should hereafter be addressed as follows:

National Association of Broadcasters
1760 N Street, N. W.
Washington 6, D. C.

The numeral 6 is enlarged herein so as not to escape your notice.

Compliance with this suggestion will assure prompt handling of mail.

If you are located in a city which has been zoned by the Post Office, please notify NAB of your zone number.



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*.

CODE COMMITTEE TO MEET IN NEW YORK

(Continued from page 259)

tional Council on Freedom from Censorship with reference to Labor on the air.

The Radio Committee, made up of Thomas R. Karskaddon, chairman, Morris S. Novik, Paul F. Lazarsfeld and Norman Thomas, will meet with the Code Committee to discuss these questions: 1) Should trade unions have the right to buy time for entertainment programs with incidental reference to auspices? 2) Should trade unions have the right to buy time to explain the philosophy and purposes of trade union organization, and with the right to solicit membership? 3) What additional facilities should be extended to labor spokesmen in connection with programs on sustaining time? 4) How can a viewpoint more acceptable to labor interests be included in general commercial entertainment features? 5) How can trade unions take greater advantage of the radio as a medium for getting their claims and interests before the public?

The Code Committee for 1943-44: William B. Quarton, WMT, chairman; Neville Miller, NAB, ex officio; Grant F. Ashbacher, WKBZ; William S. Hedges, NBC; Felix Hinkle, WHBC; Herbert R. Kendrick, WJLS; Eugene O'Fallon, KFEL; Arden X. Pangborn, KEX; Jan Schimek, CBS; Lee B. Wailes, KYW, and Russell P. Place, NAB, secretary.

WJW HEARING SET

In connection with the recent KOA Supreme Court decision the FCC has set the case of WJW, Akron, Ohio, for hearing on its application for modification of construction permit. The hearing is to be held June 30 before Commissioner Durr. In connection with its formal order the Commission states that the hearing will be on the following issues:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WJW as proposed in its application for modification of construction permit (B2-MP-1662) and Station KOA, Denver, Colorado;
2. To determine the areas and populations which would be expected to lose primary or secondary service particularly from Station KOA should Station WJW operate as proposed and what other broadcast services (primary or secondary) are available to these areas and populations;
3. To determine the areas and populations which would be expected to gain primary service should Station WJW operate as proposed and what other broadcast service is available to these areas and populations;
4. To determine the areas and populations now receiving primary service from WJW which may be expected to lose such service should this application be granted and what other broadcast service is available to these areas and populations;
5. To determine the extent of any interference which would result from the simultaneous operation of Stations

WJW as proposed in its application for modification of construction permit (B2-MP-1662), KOA, Denver, Colorado, and WHDH, Boston, Massachusetts, as proposed in its application for construction permit (B1-P-2201);

6. To determine the areas and populations which may be expected to lose primary or secondary service particularly from Station KOA as a result of the proposed operation of Stations WJW and WHDH, and what other services are available to these areas and populations;

7. To determine whether Station WJW should be authorized to operate unlimited time on the frequency of 850 kc. as proposed;

8. To determine whether in view of the evidence adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application;

IT IS FURTHER ORDERED, That the hearing in the above-entitled matter be consolidated with the hearing on the application of Matheson Radio Company, Inc. (WHDH), Docket No. 5453.

Labor

48-HOUR WEEK

The War Manpower Commission has added nine cities to its critical labor shortage list where a 48-hour week is obligatory unless an exemption (complete or partial) is obtained.

The nine cities:

Akron, Ohio; Chambersburg, Pa.; Pine Bluff, Ark.; Salt Lake City, Utah; San Francisco, Cal.; Sturgeon Bay, Wis.; Trenton, N. J.; Wilmington, Del., and Jacksonville, Fla.

In cities on the critical area list, radio stations must put all employees on a 48-hour week (with time and one-half for overtime for those covered by the Wage and Hour Act) unless the Area WMC Director sanctions a shorter work week for all or part of the employees.

The NAB has forms for the use of those stations seeking exemptions. Newly affected stations are also advised to read the *NAB Reports*, pp. 67, 68, 118.

NEWSPAPER JOB CLASSIFICATION

The Wage and Hour Division has issued a pamphlet classifying newspaper jobs as to Wage and Hour coverage. Since some of the jobs are similar to those of radio newsmen, stations may be interested. Copies are obtainable at the NAB or at your nearest Wage and Hour office.

INDIVIDUAL SALARY ADJUSTMENTS

The War Labor Board by General Order No. 31 has amended its General Orders No. 5 and No. 9 dealing with individual salary adjustments which need no Board approval. Since most salary adjustments in radio stations, other than those covered by union contracts, are made on an individual basis, this new order is of great importance to the industry.

Individual increases can be given without Board approval if they are made as a result of:

- (a) Individual promotions or reclassifications,
- (b) Individual merit increases within established rate ranges,
- (c) Operation of established plan of wage increases based upon length of service within established rate ranges,
- (d) Increased productivity under piece work or incentive plans,
- (e) Operation of an apprentice or a trainee system.

Paragraph (a) as applied to a radio station would mean that an announcer, for instance, could be promoted to a program director and receive an increase without Board approval. It *does not mean* that an announcer, without any change in duties, can be "promoted" or "reclassified" with just a change in title and be given an increase without Board approval.

Paragraphs (b) and (c) hinge upon the establishment of definite salary increase plans, in writing and followed without deviation. Such plans may provide for an automatic increase based on length of service or for merit increases at specified intervals (usually not more than every six months) with a minimum and maximum for each classification.

Stations would do well to consider the advisability of instituting such a plan. It can be instituted and adjustments made under it without any Board approval if the top figure in the plan does not exceed the top figure paid today. However, if institution of a plan means extension of the current rate range, WLB approval of the plan must be obtained.

Any station desiring the assistance of NAB in setting up an individual salary schedule should communicate with the Director of Labor Relations.

Engineering

FCC-NAB TECHNICIAN SURVEY

The FCC and NAB are jointly exploring the possibility of uncovering available technical personnel from the FCC list of licensed operators not presently employed in the communications field. It will be remembered that Chairman James Lawrence Fly first mentioned this activity at the NAB War Conference in Chicago. Since that time, the Economic Unit of the FCC and NAB staff members have conferred for the purpose of determining sampling techniques.

The FCC is now mailing a double postal card to licensed operators. A few simple questions concerning the eligibility of the licensee for employment is on the return portion of the card. The NAB questionnaire places particular emphasis on the requirements of the broadcast industry and is mailed together with a self-addressed stamped envelope for return.

The FCC mailing list has been divided in order to avoid duplication. After returns have been received from both surveys, another joint conference will be held in order to compare results and to determine the final method of surveying the remaining portion of the FCC operator lists. Already NAB has received several applications for placement in the broadcast industry as a direct result of this new recruiting method.

These surveys are for the purpose of bringing new technical personnel into the communications field.

WHK-WCLE ENGINEERS START RADIO SCHOOL

Cleveland broadcasters and other radio interests will look for at least a part of their licensed technical personnel in the months ahead to the recently organized Broadcast Technical Institute.

While Broadcast Technical Institute is operated under the supervision of the engineering staff of WHK-WCLE, United Broadcasting Company has no direct concern or interest in the Institute.

A fee of \$48 is charged for the sixteen weeks primary course. Intermediate and advanced courses will be avail-

able for those who already have a fundamental knowledge of radio.

Fifty students met for the first class on May 26 in WHK-WCLE studios where all classes will be held—3 evenings per week.

Instructors have been recruited from WHK-WCLE engineering staff. Many have had experience in teaching "Fundamentals of Radio," the ESMWT course prepared and promoted by NAB.

FINAL CALL FOR PHOTOS

Seventeen more member stations have forwarded photographs of women technicians and appropriate copy for inclusion in the forthcoming NAB brochure on technical womanpower. They are:

WGAR—Cleveland; WFAA-KGKO—Dallas; WDAY—Fargo; WTIC—Hartford; WKBH—LaCrosse; WAVE—Louisville; WGRC—Louisville-New Albany; WLVA—Lynchburg; WHBQ—Memphis; WRAL—Raleigh; WRVA—Richmond; WSYR—Syracuse; KTUL—Tulsa; WDTN—Tuscola; KXEL—Waterloo; WKBN—Youngstown.

Deadline for receiving material is June 7.

SUPPLEMENTAL GAS FOR TRUCKS IN EASTERN SHORTAGE AREA

A priority system has been established for the Eastern gasoline shortage area to assure the continuance of essential automotive transportation, the Office of Defense Transportation announced Sunday.

The system, based on a list of essential services which includes Radio Broadcasting, will be used in granting supplemental gasoline allotments to commercial motor vehicles in the shortage area.

Additional gasoline will be allotted only for essential commercial services which could not be continued under the 40 per cent gasoline ration "stretch-out" announced by ODT last week.

WGAR GOES 'ALL OUT' FOR ITS PERSONNEL IN THE NATION'S ARMED FORCES

Many stations are engaged in numerous activities associated with their men and women in the Armed Forces and station managers are interested in keeping these fine and worthy endeavors in high gear and in amplifying and extending them.

In the spirit of cooperation, NAB is asking for reports from stations as to what they are doing in this line and one of the first and most complete has come from Carl George, director of operations at WGAR.

Enclosed with his report, Carl sent NAB two copies of the WGAR monthly service bulletin, "Home News", which is sent to the station's people in the services.

This bulletin is a thorough job, almost magazine-complete in its scope. It has everything from WGAR staff news to a crossword puzzle and from news about Cleveland to reprints of letters from the boys and girls in uniform. It also has real photographs of staff members at work in the studios, to give a real, homey touch. The front cover is attractively mimeographed in seasonal style.

That's not all—but let Carl tell you in his own words:

"Aside from the monthly bulletin, we encourage our people to write to as many of the men in service as they can. When they leave us, we always have a luncheon and give them some kind of remembrance which is purchased from a fund which we have established for this purpose. We collect 40 cents each month from each staff member to avoid having to solicit our organization

each time someone leaves. A committee supervises the payments from this fund, so there is seldom any hesitation to buy a little remembrance for a man in one of the armed services.

"We have a bulletin board on which most of the letters we receive from our men are posted. Last Christmas, we sent each of our men a Christmas package which contained shaving necessities, fruit cake, candy, books, records, stationery, etc. We got some wonderful letters back telling how a whole gang of fellows gathered round the Christmas tree to help open the package, and how all of them envied the fellow who had been associated with an organization which remembered its employees.

"At Christmas last year, we invited the wives and children of each of our Honor Roll men to our annual staff Christmas party, and gave them an afternoon of movies, games, gifts, etc. These men's wives know that our doors are always open here to help them when any problem comes up which they have not anticipated. If there is an accident in the family, or some unfortunate circumstance develops, we want them to let us know right away and we will do anything we can to help them out, whether it be in a financial way or taking time off to talk to their insurance man or lawyer, or other contact."

Such is WGAR's contribution to the morale of its people in the services. NAB wants more stories like this for inclusion in NAB REPORTS and for a permanent file. Send along your station's story on what it is doing for its people in uniform to Willard Egolf, assistant to the president, NAB.

As another example of how radio people are contacting the people in service, "On The Beam," written and published by the student members of the Central Radio Workshop of the Radio Council (WBEZ) of the Chicago Public Schools, is mentioned. This newsy, entertaining little mimeographed pamphlet is sent to former members of the workshop now in the Armed Forces. George Jennings, acting director of the council, is supervisor of the publication and Hilly Rose is editor.

NEVILLE MILLER ELECTED TRUSTEE OF PRINCETON

(Released by NAB News Bureau)

Neville Miller was elected alumni trustee at large of Princeton University at the recent National Alumni Association's annual meeting held in connection with Princeton's 197th commencement. Miller formerly was assistant to Princeton president Harold W. Dodds.

ANDRE MAUROIS PAYS TRIBUTE TO RADIO IN ARTICLE

(Andre Maurois, famous French writer and biographer, in the June, 1943, Reader's Digest, in an article entitled "Why I Love America", reprinted from Common Sense magazine, paid the following tribute to American broadcasting)

"I never fail to be impressed by the American talent for self-government, and by your ability to thrash out a problem in debate. America was

born in a town meeting; today through its enormous networks it has become one immense town hall. It sometimes seems to me that the whole nation turns every night into a gigantic radio forum. 'For God's sake, let us hear both sides of the question', cried Thomas Jefferson, while the Constitution was being framed. Today all sides of the question are being canvassed by fervent champions. This unceasing discussion creates a highly charged current of public opinion, so vigorous and healthy that encrustations of error are scoured away. . . ."

REPLACEMENT SCHEDULES

Announcing that available manpower of military age will permit only about 1,500,000 industrial deferments at the end of this year, Chairman Paul V. McNutt of the War Manpower Commission on Tuesday urged employers of the approximately 3,000,000 men now deferred for occupational reasons to cooperate for their orderly induction by promptly filing out manning tables and replacement schedules.

When an employer files a manning table and a replacement schedule, Chairman McNutt pointed out, he gives the War Manpower Commission a picture of his personal requirements that is helpful to its entire program, together with a time table by which the Selective Service Bureau can plan its inductions. The manning table, he said, presents the over all picture, while the replacement schedule implements orderly induction.

Stressing the need for prompt filing of manning tables and replacement schedules, Chairman McNutt also stated that the estimate of 1,500,000 men who can be deferred in industry as of next December 31 takes into consideration those who will become 18 before that date and also men with dependents who had been classified in former Class 3-B.

Three Million 2A or 2B

"On May 1," he said, "there were approximately 1,000,000 Selective Service registrants 18 to 38 years old in Class 2-A, as necessary men in essential civilian activities, or in Class 2-B, as key men in war production other than agriculture. There also were around 2,000,000 men with dependents who are engaged in essential activities many of whom will be reclassified into Class 2-A or Class 2-B from former Class 3-B. In addition, there will be deferments during the remainder of the year of registrants who become 18 each month, such as students who are completing scientific or professional courses.

"On the other hand, on May 1 our pool of physically fit men between 18 and 38, including those becoming 18 each month until the end of the year, was about 6,000,000, of whom around 900,000 must be deferred during the year as necessary men in agriculture. This leaves 5,100,000 from whom approximately 2,700,000 must be inducted into the armed forces by the end of this year, if their goal of around 11,000,000 men is to be reached. There then remains about 2,400,000 of whom it is estimated approximately 900,000 will be men deferred for dependency reasons, leaving 1,500,000 as the maximum number of men who can be deferred for occupational reasons, other than agricultural at the end of this year."

6,000 Employers Cooperating

Already, Chairman McNutt said, approximately 6,000 employers throughout the United States are cooperating with the War Manpower Commission through manning tables and replacement schedules. However, he emphasized that the foregoing statistics make it urgent that employers, and particularly those who are engaged in activities essential to the war effort, get in touch with

their WMC Regional or Area Directors and arrange to provide this data.

A manning table is a plant or industry analysis made up from a complete and detailed survey of the personnel requirements of an employer. It is filed with the WMC director of the region or area in which the plant or activity is located.

A replacement schedule lists employees liable for military service with regard to their Selective Service status and states definitely when each can be replaced. Normally this schedule is based upon data developed in preparing a manning table, but a State Service Director may accept a replacement schedule for immediate operation without a manning table.

When accepted by a state Selective Service director, a replacement schedule is used to guide local boards having jurisdiction over the individual registrants so that they may be called for induction with a minimum of interference to the war effort. Each schedule is in effect, unless revised, for six months. At the end of each six months period, the employer must file a new schedule projecting the replacement of registrants into the next succeeding six months period.

DOROTHY LEWIS IS NOW A GRANDMOTHER

(Released by NAB News Bureau)

Having traveled 80,000 miles, visited hundreds of cities in 47 states and Canada, and not having missed or been late to an appointment or conference in the last three years, Dorothy Lewis, NAB coordinator of listener activity, was on time this week as her first grandchild was born in Ithaca, N. Y. Dorothy arrived in Ithaca May 16 and a few hours later Thomas Lewis Gage was born to her daughter.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, June 7th. It is subject to change.

Monday, June 7

Further Hearing

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of C. P., under C. P.; 1240 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCCO—Columbia Broadcasting System, Minneapolis, Minn.—Adopted orders granting petition for rehearing directed against the grant of special service authorization to station WNYC for increase in nighttime operation on 830 kc.; set aside the grant to WNYC, and designated application

for special service authorization (B1-SSA-52) for hearing on issues to be specified, WCCO to be made a party to the hearing, and denied petition of Clear Channel Group for rehearing and intervention directed against the WNYC grant.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Adopted orders granting petition for rehearing directed against action of the Commission April 14, 1942, granting without hearing the application of KSJB, Jamestown Broadcasting Co., Inc., Jamestown, N. Dak., for modification of license to change frequency from 1400 to 600 kc., and power from 250 watts day and night to 100 watts night, 250 watts day, unlimited time; set aside the grant to KSJB, and designated application for hearing upon specified issues, WMT to be made a party to the hearing. On its own motion the Commission granted a special service authorization to KSJB so as to permit operation of that station on 600 kc. with 100 watts night, 250 watts day, pending hearing and determination by the Commission on KSJB's application for modification of license.

WAML—The New Laurel Radio Station, Inc., Laurel, Miss.—Granted application for renewal of license on a regular basis (B3-R-709).

WJMA—Earl M. Key, Covington, Va.—Granted request to change call letters of station from WJMA to WKEY.

DESIGNATED FOR HEARING

WPAT—Frank Falkner and Rex Schepp (Transferors), Donald Flamm (Transferee), North Jersey Broadcasting Co., Inc. (Licensee), Paterson, N. J.—Designated for hearing application for consent to transfer of control of North Jersey Broadcasting Co., Inc., licensee of station WPAT, from Frank Falkner and Rex Schepp to Donald Flamm (B1-TC-318).

MISCELLANEOUS

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Granted motion to dismiss without prejudice application for modification of license to operate on 860 kc., 500 watts night, 5 KW day, unlimited time. (Docket No. 6493)

Incorporated Village of Rockville Center, N. Y.—Granted motion to dismiss without prejudice application for construction permits for new police radio system. (Docket No. 6515)

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Granted motion for continuance of hearing in re application for modification of construction permit to extend construction and completion dates; hearing continued to June 28. (Docket No. 6488)

KFMB—The First National Trust and Savings Bank of San Diego, Executor of the last Will and testament of Warren B. Worcester, deceased, Transferor; and The First National Trust and Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester, Deceased, Transferee, San Diego, Calif.; KFMB, Worcester Broadcasting Corp., San Diego, Calif.—Granted motion for authority to amend application and remove from hearing docket the application for voluntary transfer of control of Worcester Broadcasting Corp., and application for renewal of license.

WWL—Loyola University, New Orleans, La.—Granted amended petition to intervene in the hearing on application of KGNC, Plains Radio Broadcasting Co., Amarillo, Texas, for modification of license to operate on 860 kc., 500 watts night, 5 KW day, unlimited time.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted license to cover construction permit as modified, for changes in directional antenna for night use, and increase in power (B2-L-1765); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1520).

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1521).

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 July 1, 1943 (B4-SRY-240).

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension of relay broadcasting station license upon

a temporary basis only, pending determination upon application for renewal of license, in no event later than July 1, 1943 (B3-SRY-132).

The Baltimore Radio Show, Inc.; WEGI, area of Baltimore, Md.; WEGJ, area of Baltimore, Md.—Cancelled relay broadcast station licenses in accordance with written request (B1-RRE-143; B1-RRE-144).

APPLICATIONS FILED AT FCC

830 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

1300 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit to move formerly licensed 500-watt main transmitter from Walker Township, Grand Rapids, Michigan, to on Town Road between Division Street and Eastern Avenue, South of Grand Rapids, Michigan (site of new main transmitter), and use same as an auxiliary transmitter with power of 500 watts, employing directional antenna night.

1400 Kilocycles

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Construction permit to install a new transmitter.

FM APPLICATION

W47R—WHEC, Inc., Rochester, N. Y.—License to cover construction permit (B1-PH-96) for a new high frequency (FM) broadcast station.

TELEVISION APPLICATION

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for new experimental television relay broadcast station to be operated on frequency 300000-312000 kc., 25 watts power, A5 emission. (Formerly W9XCV)

MISCELLANEOUS APPLICATIONS

WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Construction permit for reinstatement of construction permit (B4-PED-22, as modified) for new non-commercial educational broadcast station.

NEW—Stanley G. Boynton, Detroit, Mich.—Authority to transmit programs to CKLW, Windsor, Ontario, Canada, from Highland Park Baptist Church, Highland Park, Michigan, each Sunday evening from 8 to 8:45 p. m., EST.

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.

Carter Products, Inc., 53 Park Place, New York, selling and distributing a medicinal preparation designated "Carter's Little Liver Pills," and Street & Finney, New York, advertising agency

preparing, editing and placing all advertising material for the corporate respondent, are charged in a complaint with false advertising and misrepresentation. The respondents are further charged with making disparaging statements and representations concerning the drug calomel and other laxative preparations. (4970)

Clark's Drugs & Sundries, Clark's Drugs, and Clark's, 426 South Spring St., Los Angeles, selling and distributing drugs and sundries, including male and female sex hormone preparations, is charged in a complaint with false advertising and misrepresentation. (4968)

Gladstone Brothers, 110 Fifth Ave., New York, and also doing business as Aaron Leonard Company, at the same address, are charged in complaint with misrepresentation in the sale of clothing, in violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. (4969)

Helena Volay Cosmetics, Needles, Calif., selling and distributing a cosmetic preparation designated Helena Volay Face Oil, and Chicago Union Advertising Agency, Inc., 20 West Jackson Blvd., Chicago, are charged in complaint with misrepresentation. (4967)

U. S. Rubber Company, et al.—Two leading manufacturers of rubber and canvas footwear, United States Rubber Co., New York City, and Hood Rubber Co., Inc., Watertown, Massachusetts, are charged in separate complaints with violation of the Robinson-Patman Act by discriminating in price between different purchasers of their products. (4972-4971)

STIPULATIONS

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

Flamingo Sales Co., Hollywood, Calif., engaged in the sale of a nail lacquer designated "Seal-Cote," stipulated that it will cease and desist from disseminating any advertisement which represents that use of the preparation will cause nails to grow longer, will aid their natural growth, or will correct or prevent splitting or breaking of the nails. (3652)

Hicks Rubber Co., trading as Star Rubber Co., Waco, Tex., and Milt Goldbacher, Brown Mills, N. J., sales agent of the corporation, have entered into a stipulation to cease and desist from certain representations in connection with the sale of automobile tires. They agree to discontinue the use of any comparative statement or other representation, the effect of which tends to convey the belief that the service to be obtained from their tires is in excess of the service they actually will render, that the cord contained therein is any tougher or stronger than is actually a fact or that the rubber on the sidewalls or tread is any deeper or thicker than it actually is. (3651)

Paear Co., Inc., and Alan F. Pater, 220 West 42nd St., N. Y., have entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of books, including a so-called year book of public opinion called "We, the People," a title known to the public as the name of a radio program sponsored by national advertisers. (3657)

Pitegoff Bros., Inc., 320 Van Buren St., Brooklyn, manufacturer of paint brushes sold under the brand name "Sumner," stipulated that it will cease and desist from use of the words "bristle and horse hair" as descriptive of the brushing part of its products and from use of such words to imply that the brushing part is composed wholly of the materials named. (3655)

A. Schreter & Sons, Inc., 16 South Eutaw St., Baltimore, distributor of men's neckwear, has entered into a stipulation to

cease and desist from advertising, labeling, invoicing or selling any neckwear made in whole or in part of rayon without clearly disclosing the fact by use of the word "rayon"; and, when a product is composed in part of rayon and in part of other fibers or materials, from failing to disclose each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, in immediate connection with and in type equally conspicuous as the word "rayon." (3653)

Western Medical Corp.—A stipulation to cease and desist from certain misrepresentations in the mail-order sale and distribution of medicinal preparations offered as treatments for epilepsy has been entered into by Western Medical Corp., 415 West 39th St., Chicago. (3656)

Willens Co., Inc., trading as Patriotic Stamp Co., 2130 Gladys Ave., Chicago, stipulated that it will cease and desist from misrepresenting the quality and origin of certain pens and billfolds it offers as premiums in connection with the sale of its so-called patriotic stamps. (3654)

CEASE AND DESIST ORDERS

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

Conway Tailors, 434 Elm St., Cincinnati, has been ordered to cease and desist from the use of lottery methods in the sale of men's clothing. (4910)

John F. Eberhard, Walter J. Keavney and Edmund Diaz, executives and officials formerly connected with Cyclopedica Corporation of America, Professional Circulation Co., Inc., and Professional Sales Corporation, located at 11 West 42nd St., and 55 West 42nd St., New York, engaged in the sale of combination or club offers of scientific books and magazine subscriptions, have been ordered to cease and desist from misrepresentation in connection with the offering for sale or distribution of such merchandise. (4639)

Hecht Company, also trading as Hecht Bros., Baltimore, operating department stores in Baltimore, Washington and New York, has been ordered to cease and desist from misrepresentation in the sale of mattresses. (4840)

Modernistic Candies, Inc., and Sol S. Leaf and Harry Leaf, officers of the corporation, 1734 West Hubbard St., Chicago, have been ordered to cease and desist from the use of lottery methods in the sale and distribution of their merchandise. (4605)

May Index

BROADCAST ADVERTISING	Page
Georgia Ass'n of Broadcasters Holds Meeting	253
Impact of War on American Business	205
Order Coal Now	252
Per-Inquiry and Free Time	206

ENGINEERING	Page
80,000 Trained in Radio	255
RMA Transmitting Tube Conservation Recommendations	254
Tubes Repaired Without Rating	254
Wanted: Women Technicians Photos	236
Wartime Recommendation for Field Intensity Surveys	217
New Battery Order Expected	236
WSJS to Train Technicians Over 45	218

FEDERAL COMMUNICATIONS COMMISSION	Page
Appoints Assistant Chief Engineer	204
Asks E. E. Cox be Disqualified from Committee	214
Authority Upheld in Networks Case	213
Fortune Magazine Discusses FCC	202
Garey Asks—Durr Demurs	203
Investigates Dodd	253
Opinion in Networks Case	221
Overruled in KOA Case	235

GENERAL	Page
Flag Week	236-251
Fletcher's Castoria	216
Gasoline Rationing	206
Northeastern Radio Council	237
Petrillo Executes "About Face"	235
Weather Leaks	216

GOVERNMENT	Page
7 States Memorialize Congress	204
Employees Vacations	236
F.T.C. Radio Advertising Surveys	203
New Radio Preference Rating	238
O.P.A. Recognizes Radio's Part in Price News Coverage	213
Office of War Information	250
Return Government Transcriptions	205

LABOR	Page
Another Manpower Source	217
Radio Salary Increases Granted	205
Salaries and Manpower	216

LEGISLATION	Page
FCC Asks E. E. Cox be Disqualified	214
FCC Authority Upheld in Networks Case	213
FCC Opinion in Networks Case	221
FCC Overruled in KOA Case	235
KOA Decision Text	240
State Legislation	207-239-255
White-Wheeler Bill	205-247

NATIONAL ASSOCIATION OF BROADCASTERS	Page
By-law and Code Amendments	201
NAB Covers Schenectady Radio Council Meeting	218
NAB Represented at Ohio Radio Institute	204
Resolutions	201
War Conference	201
Wanted: Women Technicians Photos	236

PUBLIC RELATIONS	Page
A.W.D. Analyzes Activities	218
Inter-American Relations	252
Peabody "Listening Posts"	218
Radio Executives Club of N. Y. Holds Program Panel	236
Station Promotions	204

SELECTIVE SERVICE	Page
Urge Filing of 42B	216



WHITE-WHEELER BILL HEARINGS HELD UP UNTIL SEPTEMBER

Senator Wheeler has advised NAB that due to the impending Congressional recess July 1 and because of lengthy hearings current on railroad matters, the White-Wheeler bill hearings will not be held until after the Congressional recess. The senator offered September 1 as a probable date for the hearings.

Senator Wheeler's full statement follows:

"It was stated today, in view of the recess of the Congress expected to begin on July 1 or soon thereafter, and because of the anticipated continuance of pending hearings upon railroad legislation for two weeks or more, it seems unwise to proceed at this time with hearings upon the Radio Bill S. 814, introduced by myself and Senator White.

"I am therefore, after conference with Senator White and with his complete concurrence, postponing the radio hearings until the re-assembling of the Senate after the planned recess. It is my purpose to begin these hearings in the early days of September and to proceed with them uninterruptedly with the hope that the committee may speedily come to a definite conclusion as to the recommendations it should make to the Senate with respect to radio legislation."

SENATOR FERGUSON APPEALS FOR FREEDOM OF SPEECH

In an address over WJR, May 29, Senator Homer Ferguson (Rep. Mich.) made the following remarks concerning freedom of speech:

"Let us beware of those who would destroy or restrict freedom of speech and of the press.

"Freedom of speech is more important to us than ever before because of the radio. To think as free men and women, we must be able to speak as free men and women. Our courts must guard this freedom of speech and not allow a decision to enlarge on what Congress has said by law.

"Congress must be ever alert and will protect and defend the Constitution which provided for freedom of the press, and freedom of speech.

"Mothers and fathers, you must insist on a Free Press and a Free Radio, or you will lose your liberty, for which your boys fight and die this very hour."

NAB TO PARTICIPATE IN AFA WAR CONFERENCE

Panel discussions on "What the New FCC Regulations Mean to Advertisers" and "The Wartime Radio Audience" will highlight the meeting on radio, sponsored by NAB, Wednesday morning, June 30, at the Advertising Federation of America War Conference, Waldorf-Astoria Hotel, June 28-30.

Lewis H. Avery, director of broadcast advertising, NAB, will preside at the sessions, which will feature officials of radio stations, advertising agencies and networks. Par-

ticipants will be announced in a future issue of the REPORTS.

HÉBERT DEMANDS ACTION

Rept. F. Edward Hébert [D-La.] yesterday urged Congress to "rewrite the Radio Act to define the Commission's hours definitely."

In a speech [full text of which will be mailed to all stations early next week] Mr. Hébert declared that the Supreme Court decision [of May 10] "gave the FCC absolute authority to tell any radio station what it may and may not put on the air."

BROADCASTING IS A-1

A complete revision, on the basis of the degree of essentiality, has been made in the list of industries to be accorded preferential treatment in the eastern gasoline shortage area, the Office of Defense Transportation announced Monday. Essential industries are divided into four groups: AA-1 (Most Critical); A-1 (Very Critical); A-2 (Critical); and A-3 (Important). **Radio broadcasting is listed in A-1.**

As long as the supply of gasoline in the east remains critical, lesser amounts may be allocated to commercial vehicles operated by the lower rated industries than to the higher.

The present commercial vehicle ration period has been extended by 25 days and operators should now be "stretching out" their gasoline allotment through reduced operations to insure being able to operate during the additional period.

NEW SLANT ON RADIO CRITICISM

The following letter was sent by Neville Miller to Mary Haworth of the *Washington Post*, whose column, "Mary Haworth's Mail," recently has been devoted to letters criticizing daytime radio.

Note how the whole issue of public criticism of radio is brought into prominence by the Supreme Court decision of May 10.

Station managers are requested to air-mail to NAB headquarters, attention of Willard Egolf, any clippings of newspaper columns which feature the public discussion of radio, especially from a critical angle. Similar letters will be mailed to those columnists.

"Recently you have published letters from your readers which criticize the content and character of daytime radio programs. I have read these letters with interest and I can assure you that they have been read also by station managers and network officials wherever your paper has circulation. It is the first obligation of radio management to pay attention to the wishes of radio listeners. Upon that formula the American system of broadcasting has

(Continued on page 268)



The 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*.

NEW SLANT ON RADIO CRITICISM

(Continued from page 267)

been built into the greatest medium of communication the world has ever known.

The people who wrote those letters acted in good faith. They believe, as good Americans, that the expression of their views should result in changes being made. It has always been a privilege of citizenship to criticize the radio and ask for something different. Station managers have received thousands of letters and made thousands of changes in radio programs to meet the public demand.

I am wondering, however, if your readers realize the effect of the Supreme Court Decision of May 10th which places in the hands of the Federal Communications Commission, a body of seven men located in Washington, D. C., supreme authority to determine, whenever they wish, what shall and shall not be broadcast to the American people. They may say, at their discretion, what the people shall hear over the radio, whether it be news, drama, music, comedy or politics.

Under the law, as now interpreted by the Court, your effort to carry to radio management the genuine criticisms of American citizens, through the columns of your newspaper, is in a fair way to become an empty gesture, a relic of bygone days.

Unless the Congress enacts new legislation, the stage is set for the American public's loss of free radio."

Research

RESEARCH COMMITTEE MEETS

The NAB research committee met in Washington, Wednesday, June 9, 1943. Members present were: J. Harold Ryan, chairman, WSPD, Toledo; Edward F. Evans, WJZ, New York; G. Bennett Larson, WWDC, Washington; John C. McCormack, KTBS-KWKH, Shreveport; Barry T. Rumble, NBC, New York; Frank N. Stanton, CBS, New York; Jack Williams, WAYX, Waycross; and, Paul F. Peter, secretary of the committee. Guests attending were: John Churchill, CBS, New York; and, C. E. Arney, secretary-treasurer of NAB. Absent was: Roger W. Clipp, WFIL, Philadelphia.

The committee reviewed the Market Data Handbook for Broadcast Stations in its final paged form and determined policy in the matter of its distribution to members, advertising agencies and advertisers. It was decided that a complimentary copy will be sent to each NAB member and a selected list of advertisers and advertising agencies placing business or prospects for national advertising in radio. Additional copies are to be sold at printing cost which will probably be \$1.50 per copy. The printing schedule of the book is delayed due to difficulties in obtaining paper stock. However, some assurance is given that mailing can start about July 15.

The NAB recommendation—"How to Determine Station Coverage" was reviewed and plans were made for discussions with the American Association of Advertising Agencies to obtain their final approval as to method and presentation format.

A long discussion was held on research plans of the association. The secretary was instructed to gather and analyze all survey material available which contributes to the store of information on radio during the war period. Also some exploratory work is to be done to assist the committee in reaching decision as to the advisability of fresh research on the subject.

Another meeting of the research committee will probably be held in the late summer or early fall.

REPORT OF BROADCASTERS QUESTIONNAIRES COMMITTEE

The broadcast sub-committee of the Advisory Committee on Government Questionnaires met June 8, 1943 in Washington. Those attending the meeting were: Roger W. Clipp, WFIL, Philadelphia; Edward F. Evans, WJZ, New York; John C. McCormack, KTBS-KWKH, Shreveport; Herbert Pettey, WHN, New York; Barry T. Rumble, NBC, New York; J. Harold Ryan, WSPD, Toledo; Jack Williams, WAYX, Waycross; John Churchill, CBS, New York, attending for Frank N. Stanton; and, Paul F. Peter, secretary of the committee. Guests attending the meeting were: David Cohn, Bureau of the Budget; Russell Schneider, secretary of the Advisory Committee; Neville Miller, president of NAB; and Newbold C. Going of Pittsburgh, secretary of another ACGQ sub-committee. Those absent were: Theodore C. Streibert, WOR, New York; and, G. Bennett Larson, WWDC, Washington.

Neville Miller opened the meeting with a greeting to the Committee and a talk outlining the developments which led to the appointment of the Broadcast Sub-committee. Miller introduced Russell Schneider who discussed the formation of the Advisory Committee on Government Questionnaires, its organization and functions. David Cohn, who is in the division of statistical standards, Bureau of the Budget, spoke on the problems of the Budget Bureau in examining questionnaires and forms. He explained the functions of the division of statistical standards and power given it in the Federal Reports Act of 1942 (Public Law 831, 77th Congress, approved, December 24, 1942). Subjects covered in his talk included a discussion of the call of the Budget Bureau to industry for counsel, the place of the broadcast sub-committee in the Advisory Committee set-up, and the assignments of the broadcast sub-committee.

Ryan Elected Chairman

Following Mr. Cohn's talk, Neville Miller, acting as temporary chairman, conducted an election in which J. Harold Ryan of WSPD was elected permanent chairman. The committee laid plans for its operation and an executive committee composed of Messrs. Larson, Pettey, and Peter was appointed. It was the thought of the committee that these members were most available to carry on discussions with the Budget Bureau and Washington government agencies and should, therefore, be empowered to act for the sub-committee between meetings of the entire group.

Mr. Cohn and Mr. Peter were called upon to review two broadcast sub-committee problems which, due to the pressure of time, were handled prior to the first meeting. Both, concerned survey requests, one from the Treasury Department and the other from the Federal Communications Commission.

The first of these, from the Treasury Department, involved a survey of all broadcast stations to determine the value of their contribution of broadcast time and talent devoted to aiding the Treasury in its Second War

Bond and Stamp Drive. This request to the Budget Bureau was denied and the information obtained through the cooperation of the Office of War Information and the NAB.

FCC Survey Approved

The FCC survey request involved a test questionnaire to be sent to 1,000 holders of first and second class radio-telephone licenses to determine the practicability of a complete survey in an attempt to obtain radio operators for the Armed Services and the Broadcast Industry. The Bureau of the Budget granted the request and NAB joined with the FCC in the test.

Messrs. Ryan, Cohn and Peter reviewed the current problem of the Committee—the FCC renewal application form for Standard Broadcast Stations—Number 303. The Committee then carefully examined the form, question by question, and submitted specific recommendations as to wording of questions, arrangement, and the burden of work involved in supplying answers to each by broadcast stations.

In addition to the renewal application form, the FCC had applied for approval of two engineering forms asking for quite complete engineering data. These are alternate forms, one to be completed by stations having directional antennas, the other to be used if the responding station utilizes a non-directional antenna. Howard Frazier, director of engineering of NAB, was called in to report the recommendation of the NAB engineering executive committee on the form and the broadcast sub-committee adopted the recommendation. The recommendation was one of approval of the form without change, provided its use will be confined to one-time execution by each station. Attention, however, was called to the fact that one item of engineering importance was not included in the questionnaire.

Preliminary Information Asked

The secretary cited a number of letters received from broadcast stations concerning FCC forms and the need for having some preliminary information as to the questions to be asked which involved bookkeeping or the keeping of records by the stations. An example discussed was that of the annual financial and employee data forms submitted by the FCC each year. In that connection, if the station does not have some preliminary information as to the questions to be asked, the station might encounter considerable work because the bookkeeping system employed may not readily produce the information desired. Station experience in the past has, in many cases, involved costly special studies.

Joseph L. Miller, labor relations director of NAB, was called in to speak of the industry need for labor statistics developed from the employee forms of the FCC. He appealed to the sub-committee to do what it could to assist in the matter of obtaining the information and having it made available quickly while the information is of real value to the industry.

The sub-committee decided that its executive committee should call upon the Commission to discuss these matters. Such conferences will anticipate the concern of the Budget Bureau with forms and questionnaires. However, Cohn expressed his approval of such procedure.

FCC

POST WAR PLAN NOT WORKING WELL, FLY SAYS

The post war committee plan is not working well, FCC Chairman James Lawrence Fly told a press conference

SMALL MARKET STATIONS

The committee appointed to follow through on matters relating to small station operations in wartime is meeting in Washington. At the press time, the committee was yet in session. A full report of their deliberations and conclusions will be issued shortly.

early this week. He said there has been some divergence of opinion among the different branches of radio and the FCC is just sitting on the sidelines waiting for the radio industry to reach an agreement. Fly said that as far as the Commission is concerned it will cooperate in any feasible plan in undertaking the studies for post war service. The chairman said he feels it is a very essential thing to do.

Fly told the newsmen that the planning should not be done by the FCC though it should sit in on the committee, must not vote but must keep informed and render any service that it can. He said that the study must be industry controlled.

RULES AMENDED ON WAR EMERGENCY SERVICE

The FCC en banc has amended section 15.75 of its Rules Governing All Stations in the War Emergency Radio Service, to provide a two-hour test period on Mondays, Wednesdays and Sundays, and to eliminate the provision which restricts the Wednesday test period to the three-month period following the date on which the respective station license was first granted. This action was taken in order to facilitate the necessarily meticulous adjustment of equipment and antenna.

The amended section reads as follows:

“Sec. 15.75 *Tests*—The licensees of civilian defense stations are permitted to make such tests as are necessary for the purpose of maintaining equipment, making adjustments to insure that the apparatus is in operating condition, training personnel, and perfecting methods of operating procedure, *Provided*, that such tests shall be conducted only during the following periods:

<i>Time Zone</i>	<i>Eastern</i>	<i>Central</i>	<i>Mountain</i>	<i>Pacific</i>
Mondays	10 p.m.-12 mid.	9-11 p.m.	8-10 p.m.	7-9 p.m.
Wednesdays	10-p.m.-12 mid.	9-11 p.m.	8-10 p.m.	7-9 p.m.
Sundays	5 p.m.- 7 p.m.	4- 6 p.m.	3- 5 p.m.	2-4 p.m.

All times given are local standard (war) time.”

COMMISSIONER DURR WRITES ANOTHER LETTER

Requesting that the House Judiciary committee conduct hearings on his petition of May 13, which urged the disqualification of Rep. E. E. Cox (Dem. Ga.) as chairman of the select committee to investigate the Federal Communications Commission, Commissioner Clifford J. Durr made public a letter to Rep. Hatton W. Sumners (Dem. Texas), chairman of the judiciary committee of the House of Representatives. (Commissioner Durr's petition questioning the fitness of Representative Cox to conduct an inquiry into Commission activities, along with supporting documents, was filed with the Speaker of the House May 13 and referred to the House Judiciary Committee for consideration on May 14.)

Commissioner Durr addressed identical letters to each member of the House Judiciary Committee.

“On May 13, 1943, I filed with the Speaker of the House of Representatives a petition requesting that the House disqualify Congressman Cox as a member of the Select Committee to Investigate the Federal Communications Commission, because of his bias and personal interest. This petition was referred to the Judiciary Committee on May 14, 1943.

At the time the petition was filed I addressed a letter to each member of the Select Committee in which I called attention to certain procedures being followed by its staff which seemed to me to be highly improper, and expressed my unwillingness to testify before the Select Committee until such time as the House of Representatives, with full knowledge of the facts set forth in my petition and the supporting memorandum, should indicate its desires with reference to continuance of the investigation of the Federal Communications Commission by the Select Committee as now constituted. A copy of this letter is enclosed for your information.

There has been no substantial change in the Committee staff's procedure since the date of my petition, and examination of witnesses continues to take place behind closed doors with only Congressman Cox and members of the staff present.

I have the highest respect for Congress and its duly constituted committees and recognize that it is essential to the successful functioning of our form of government that Congress have full and complete information concerning all departments and agencies of the government. This is particularly important in time of war when the cloak of military secrecy may so easily be used to conceal activities about which Congress should be informed.

Feeling as strongly as I do about the importance of the investigatory power of Congress, I would regret being placed in a position which could be construed as one of hostility to the exercise of that power or as an indication that I have something to hide from Congress. However, I am equally strong in my reluctance to testify before the Select Committee as now constituted because I am convinced that its chairman and staff have purposes to serve which are inconsistent with a fair and impartial determination of the facts.

I believe that the facts set forth in my petition and the

accompanying memorandum clearly show that Congressman Cox is not a suitable person to conduct an investigation of the Federal Communications Commission. I stand ready to prove these facts at any time, and I respectfully request that your Committee hold hearings on the petition at an early date at which I may be allowed to appear and present witnesses and documentary evidence.”

EGOLF TO PRESIDE AT AFA WAR CONFERENCE

Willard D. Egolf, NAB assistant to the president and Advertising Federation of America vice-president, will preside over the conference of advertising clubs at the AFA War Conference, Waldorf-Astoria hotel, New York City, June 28-30.

This is an all-day council on local advertising club war activities which will occupy Tuesday, June 29. Egolf has served during the past year as chairman of the AFA committee on awards for club achievement.

Government and industry representatives who will speak to club representatives during this session are:

William B. Lewis, OWI; Chester LaRoche, chairman, War Advertising Council; Paul H. Bolton, chief, campaign section, ODT; Edwin A. Sheridan, special adviser to James M. Landis, OCD; Ralph Allum, associate director, War Advertising Council; and Frank Tripp, general manager, Gannett Newspapers, and chairman of the bureau of advertising, ANPA. Past club activities and closer tie-in with government campaigns will be emphasized.

NAB REPORTS TO NATIONAL ENTERTAINMENT CONFERENCE ON RADIO'S WAR SERVICE

Representing NAB, Walt Dennis, news bureau chief, attended the two-day National Conference of the Entertainment Industry for War Activities in New York, June 3-4, and reported on “What Radio Is Doing in the War.”

Some 300 delegates, representing more than 35 organizations directly or indirectly connected with the entertainment field, met in three sessions at New York Times Hall and agreed on a two-fold program.

One aim is to assemble a national talent pool of actors, writers, cameramen, stagehands, radio talent both technical and performing, stagehands, composers, directors, producers, scenic artists, etc., out of which individuals could be “drafted” as needed and reimbursed from a central

We Want Local Station Promotion Material on Radio in the War!

NAB has a booth at the Advertising Federation of America War Advertising Conference, Waldorf-Astoria Hotel, New York City, June 28-30. A large display piece entitled “Radio in the War” is being prepared, picturing the information contained in the recent Special Information Bulletin sent out from NAB headquarters under the same title. Help us amplify this display. Send us at once your local brochures and promotion pieces covering your local activities for the war. Send at least a dozen copies of each piece, if possible, for give-away purposes. Address them to Arthur Stringer, director of promotion and circulation, NAB 1760 N Street, N. W., Washington 6, D. C. RUSH.

fund—all efforts to be voluntary so far as registration in the pool is concerned.

The other was to establish a national conference board with permanent control over the entertainment program. Staff work would be administered by a small, salaried unit in charge of routine.

The NAB participation received tribute from Jean Hersholt, who also reported on radio's place in the war entertainment and information picture. Dennis' report covered all phases of radio work, including technical, government, home front and shortwave overseas in the information and entertainment fields and the radar and other sonic fields of military action.

Neville Miller was named to a "continuations committee" to formulate and carry on the program until the conference board was chosen. Miller designated Dennis to act for him in the conference meetings and the NAB news chief was named to a subcommittee of seven persons to draw up plans to be submitted to the continuations committee Thursday, June 10.

"What Radio Is Doing in the War" is enclosed as a special bulletin with these REPORTS.

RADIO NEWS STYLE BOOK

A handy little "Radio News Style Book" for radio news editors and rewrite men has been published by the United Press Associations. Written by Phil Newsome, U.P. radio news manager, the booklet is not a textbook, but assumes the reader is already experienced in writing "newspaper" news and carries the material a step further to writing the news for radio. Copies may be obtained from any U.P. bureau for 75 cents.

Labor

Within the next week NAB will mail to all members a new publication of the labor relations department entitled "Decisions of the National Labor Relations Board Affecting Radio Broadcasting Stations."

Describing the booklet, Joseph L. Miller, director of labor relations, said:

"The National Labor Relations Board, charged with enforcement of the Wagner Act, issues two types of decisions:

"(1) Those involving determination of the 'appropriate unit' for collective bargaining, elections and certifications.

"(2) Those involving charges that employers have violated the 'unfair labor practice' provisions of the Act.

"Frequently NAB receives requests for copies of decisions of the first type. They are often invaluable when an issue arises as to an 'appropriate unit' for collective bargaining. Separate copies of these decisions are becoming rare. Radio broadcasting cases, along with those affecting other industries, are bound together in a series of volumes now numbering forty-eight, on sale by the government printing office. To meet the requests it receives, the NAB has collected the *texts* of all 'representation' cases affecting radio into part one of this volume. Part two contains a *list* of all radio broadcasting decisions involving alleged unfair labor practices."

ADVERTISING COUNCIL BECOMES 'WAR ADVERTISING COUNCIL'

To describe more accurately the nature of its work the Advertising Council will hereafter be known as the War Advertising Council, Chester J. LaRoche, Young & Rubicain, chairman, has announced.

In reviewing the first year's work of the council, LaRoche

said that advertisers and media contributed better than \$250,000,000 worth of time, space, etc., in the interest of public information. He said the job is getting bigger and that by the end of 1943 the annual contribution should be at the rate of half a billion dollars.

The council shortly will launch a concerted drive with the slogan "A War Message in Every Ad," LaRoche said.

LaRoche has been re-elected WAC chairman for the coming year. Other officers are: Harold B. Thomas, Centaur Co., and Paul B. West, ANA, vice chairmen; Mason Britton, McGraw-Hill Publishing Co., treasurer; Frederic R. Gamble, AAAA, secretary, and the following directors: A. L. Billingsley, Fuller & Smith & Ross; Thomas D'A Brophy, Kenyon & Eckhardt; A. O. Buckingham, Cluett, Peabody Co.; Richard Compton, Compton Advertising; Edwin S. Friendly, New York Sun, and Kerwin H. Funton, Outdoor Advertising, Inc.

Other directors are: Kolin Hager, WGY; Carleton Healy, Hiram Walker, Inc.; Paul Kesten, CBS; Charles G. Mortimer, Jr., General Foods Corp.; Stuart Peabody, Borden Company; William Reydel, Newell-Emmett Co.; H. W. Roden, Harold H. Clapp, Inc.; A. E. Winger, Crowell-Collier Publishing Co., and James W. Young, J. Walter Thompson Co.

LaRoche, West, Thomas, Britton and Gamble also are directors.

WEEI SOUND EFFECTS EXPERT IS 'NOISIEST BOSTON GIRL'

After several newspapers, including the *Christian Science Monitor*, have given her a build-up, the NAB REPORTS takes this opportunity to put in a word about radio's only girl sound effects manager—Marjorie Ochs of WEEI.

In addition to her noisy duties (*The Boston Herald* calls her the "noisiest girl in Boston") Marjorie is chief of the transcription department and sound consultant for the Arlington Civilian Defense Corps.

WEEI's sound effects expert is—ah—21, blue-eyed and weighs only 98 pounds. She got her first radio job by out-cussing a station manager who bumped into her in a hotel corridor and got her present job by bumping into WEEI's Lloyd G. del Castillo during a hobby-horse race in a Springfield, Mass., night spot.

Engineering

'MR' TUBES FOR CIVILIAN USE EXCLUSIVELY

To insure that radio tubes for home sets actually reach radio repairmen and home set owners, the War Production Board has amended limitation order L-265.

Tubes made from materials allocated to civilian production have frequently been purchased by the Armed Services on rated orders, thus depleting the supply available for home sets. Tube manufacturers have been requested to stamp civilian tubes "MR," meaning "maintenance and repair." The amendment prohibits domestic transfer of such tubes to orders of the Armed Services carrying preference ratings. Civilian orders which need no ratings are filed by manufacturers on certification that the tubes being purchased replace worn out tubes in home sets.

This order should tend to alleviate the present shortage of receiver tubes if MR tubes are produced in sufficient quantities. WPB cautioned that current production of civilian tubes is low and that requirements for some types are not being met by present production schedules.

G.E. ON POST-WAR RADIO

"Will secret war developments in radio and radar bring revolutionary changes in broadcast transmitters after the war?" is a question frequently heard. Concerning this question one manufacturer of broadcast equipment, General Electric Company, has this to say in a recent release.

"Our answer is, 'definitely no!' War developments undoubtedly will bring improvements in broadcast transmitters, FM, AM, and television, but we foresee no RADICAL changes that will prematurely render present equipment obsolete.

"What we do anticipate in the field of post-war broadcasting is the replacement by FM stations of many low-powered AM stations which are now handicapped by interference and inadequate signal strength. This probably will mean higher power and more clear channels for the remaining AM stations.

"We expect television broadcasting to develop rapidly after the war, along with FM radio broadcasting. Manufacturing experience gained in the production of electronic equipment for war will undoubtedly result in lower-priced television receivers after the war and this, plus public demand, should accelerate the expansion of television service.

"After the war, we expect to continue to build all types of transmitters—FM, AM, television—together with auxiliary equipment and such devices as the magnetic wire recorder which you may have seen at the Chicago meeting."

Post-war developments are of vital concern to all broadcasters. Expressions of opinion on this subject are invited from other manufacturers.

IRE IS OPPOSED TO KILGORE-PATMAN BILLS

The board of directors of the Institute of Radio Engineers has taken a position against the enactment of the Kilgore-Patman bills (S. 702 and H. R. 2100) for the socialization of engineering. At its meeting June 2 the board adopted a resolution condemning, as dangerous to the War, the proposed creation of a federal office of Scientific and Technical Mobilization to mobilize the scientific and technical resources of the nation.

"The enactment of these bills," the board said, "would establish a post-war bureaucracy inimical to the best interests of scientific and technical progress and thus also to these United States."

ELECTRICAL INDICATING INSTRUMENT STANDARDIZATION MAY UP OUTPUT BY 10%

The standardization of electrical indicating instruments used primarily in military radio and radar is encouraged by a WPB amendment to limitation order L-203. The amended order is expected to raise output 10%.

The amendment permits manufacturers to accept without preliminary WPB approval purchase orders for less than 500 instruments which conform to standards published by the American Standards Association or to specifications of the armed forces. Automatic approval also is given on orders for less than 500 instruments any dimension of which exceeds 3½ inches and on orders for any number of polarized van non-jeweled instruments, the most familiar of which is the ammeter on an automobile dashboard.

Instruments governed by L-203 are re-defined to exclude portable instruments which measure more than one electrical quantity. The definition thereby differentiates between "meters" administered under L-203 and "test equip-

ment" covered by general scheduling order M-293. Before it was amended, L-203 gave automatic approval based upon end use in the war program to standard purchase orders. The effect was to require specific approval of orders calling for small numbers of instruments and to approve automatically those calling for large quantities. The amendment shifts control to large orders and to orders for non-standard instruments.

The control of orders for large quantities is expected to facilitate balancing of the flow of orders with productive capacity. On the other hand, the release of small orders from such supervision will make it easier to fill those that are urgently required, since these are generally for small amounts.

60 STATIONS LISTED BY NAB AS EMPLOYING WOMEN TECHNICIANS

At least 60 stations located in 29 states and Alaska employ women technicians.

These are statistics resulting from the count of material received to date for inclusion in the forthcoming NAB brochure on woman-power in radio technical fields.

Material from stations, received since last week's NAB REPORTS, is acknowledged with thanks from the following:

KINY—Juneau; KARK—Little Rock; KIEM—Eureka; WRUF—Gainesville; WMBR—Jacksonville; WRBL—Columbus; WMBI—Chicago; KICD—Spencer; WAVE—Louisville; WTAG—Worcester; KGNF—North Platt; WAGE—Syracuse; WWNC—Asheville; WBIG—Greensboro; WSJS—Winston-Salem; WHBC—Canton; WGAR—Cleveland; KOCY—Oklahoma City; KTOK—Oklahoma City; KWIL—Albany; KOOS—Marshfield; WNAX—Yankton; WKPT—Kingsport; KRIS—Corpus Christi; WBAP-KGKO—Fort Worth; WLVA—Lynchburg; WTAR—Norfolk; WCHS—Charleston; KFBC—Cheyenne.

State Legislation

FLORIDA:

S. 672 COPYRIGHTED MUSICAL COMPOSITIONS—Relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining same, and to regulate the licensing of same.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 14th. They are subject to change.

Monday, June 14

To Be Held in County Court House, Lufkin, Texas

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-Partners, d/b as Red Lands Broadcasting Ass'n, Lufkin, Texas.—Renewal of license, 1340 kc., 250 watts, unlimited.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-Partners, d/b as Red Lands Broadcasting Ass'n, (Assignor).—Voluntary assignment of license, 1340 kc., 250 watts, unlimited.

Tuesday, June 15

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

Wednesday, June 16

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Renewal of license, 1150 kc., 500 watts, DA-night, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted license (B2-L-1767) to cover construction permit (B2-P-2547) as modified, provided licensee make such alterations in the antenna and ground system when materials become available as may be necessary to produce a minimum effective field of 175 mv/m, together with other engineering requirements. Also granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1525)

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted modification of license (B2-ML-1156) to change time when directional antenna is used to: from 5 p. m. to 9 a. m., CST, instead of local sunset to local sunrise.

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted renewal of license for the regular period (B1-R-1119); Blue Network Company, Inc.—Granted extension of authority to transmit programs to Stations CFCF and CBL and Canadian Broadcasting Corp. (B1-FP-109)

ACTION IN DOCKET CASES

The Commission has adopted an order making final its Proposed Findings of Fact and Conclusions (B-178), extending for a period of six months from April 21, 1943, or until October 21, 1943, the outstanding temporary licenses for the operation of Stations WDSU, New Orleans, La., WMIS, Natchez, Miss., and WGRM, Greenwood, Miss.

MISCELLANEOUS

WSAZ—WSAZ, Inc.—Granted license to cover construction permit as modified for new transmitter, directional antenna for night use, change in frequency, hours and move of transmitter (B2-L-1590); granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1327)

KXO—Valradio, Inc., El Centro, Calif.—Granted authority to determine operating power by direct measurement of antenna power. (B5-Z-1522)

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Granted modification of construction permit as modified, for increase in power and directional antenna for night use, for extension of completion date from June 7 to September 7, 1943. (B4-MP-1713)

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of construction permit as modified, for change in hours, installation of directional antenna for night use and move of transmitter, for extension of completion date from May 18 to November 18, 1943. (B4-MP-1711)

Beauford H. Jester, Trustee, et al., Waco, Texas.—Scheduled for oral argument on June 23, 1943, in re application for construction permit for a new standard broadcast station. (Docket No. 6218; B-176)

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Scheduled for oral argument on June 23, 1943, in re application for construction permit to make changes in directional antenna for nighttime use, to make changes in transmitting equipment, and to increase power from 500 watts to 1 KW. (Docket No. 6366; B-169)

KOA—National Broadcasting Co., Inc., Denver, Colo.—Denied petition of KOA for postponement of hearing and the motion of WJW, Inc., to dismiss petition for rehearing, upon the application of WHDH, Boston, for construction permit, and WJW, Akron, Ohio, for modification of construction permit, until cessation of hostilities.

W8XO—The Crosley Corp., Cincinnati, Ohio.—Denied petition for rehearing directed against the action of the Commission May 4, 1943, denying the Crosley petition to dismiss without prejudice its application for renewal of license for station W8XO.

APPLICATIONS FILED AT FCC

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of construction permit (B1-P-2868, 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 6-11-43 to 8-11-43.

1450 Kilocycles

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Voluntary transfer of control of licensee corporation 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. Amended: re trust agreement.

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 stockholders of transferee corporation.

FM APPLICATION

W49D—John Lord Booth, Detroit, Mich.—License to cover construction permit (B2-PH-20, as modified, which authorized new high frequency broadcast station) in part.

TELEVISION APPLICATIONS

W2XCB—Columbia Broadcasting System, Inc., Area of New York, N. Y.—Modification of construction permit (B1-PVB-46, as modified, which authorized a new television relay station) for extension of completion date from 7-7-43 to 1-7-44.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—License to cover construction permit (B4-PVB-94) for new experimental television broadcast station.

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.

Anti-Hydro Waterproofing Co., 265 Badger Ave., Newark, N. J., is charged in a complaint with misrepresentation in the sale of compounds used for treating stone, brick and cement structures so as to make them more resistant to water. Two of the compounds involved are manufactured by the respondent and

are designated "Anti-Hydro" and "Aridclear." The respondent sells other compounds known as "Aridtite" and "Amurseal," which are manufactured for it. (4975)

Belt Oil & Chemical Corp., 1265 Broadway, New York, and Overman & Co., a copartnership at 9 Rockefeller Plaza, New York, are charged in a complaint with falsely representing that the product they sell under the name "Rubber-Life" is capable of prolonging the life of automobile tires. (4973)

Ben Kalish, 330 Seventh Avenue, New York, manufacturer of furs and fur garments, is charged in a complaint with misrepresentation in connection with the sale of his products. (4974)

Kenite Laboratory, Inc., 83 Murray St., New York, is charged in a complaint with misrepresentation in the sale of a product called "Kek," recommended as a boiler cleaner and steam conditioner. (4976)

CEASE AND DESIST ORDERS

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

National Association of Sanitary Milk Bottle Closure Manufacturers, Philadelphia, its officers and six member manufacturers have been ordered to cease and desist from entering into or carrying out any combinations or agreements to fix prices or to otherwise restrict competition in the sale of closure milk bottle caps direct to dairies or through jobbers.

Manufacturers named in the order are: American Seal-Kap Corp., Long Island City, N. Y.; Cowdrey Products Co., Inc., Fitchburg, Mass.; Mid-West Bottle Cap Co., Belvidere, Ill.; Sealright Co., Inc., Fulton, N. Y.; Smith-Lee Co., Inc., Oneida, N. Y., and Standard Cap & Seal Corp., Chicago.

Respondent officers of the Association are: Stanley Dennis, chairman; George J. Lincoln, Jr., manager; and Daniel A. Mackin, Harvey M. Smith and Jarvis Williams, Jr., members of the executive committee. (4565)

STIPULATIONS

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

Cleanette Products Co., French and Winter Sts., N. W., Cleveland, Ohio, and National Solvent Corp., 3751 Jennings Road, Cleveland, Ohio, have entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of a cleaning preparation designated "Cleanette." The preparation is alleged to be a petroleum distillate of a naphtha compound prepared for Frantz by National Solvent Corp. (3663)

Crawford Mfg. Co., Inc., et al.—Three corporations and two copartnerships engaged in the sale and distribution of canvas goods have entered into stipulations to discontinue misbranding tarpaulins as to size.

The respective agreements to cease and desist were entered into by Crawford Manufacturing Co., Inc., 3rd and Decatur Sts., Richmond, Va.; Crawford-Austin Manufacturing Co., 3rd and Jackson Sts., Waco, Tex.; V. M. Goldberg, R. P. Goldberg, B. P. Goldberg, F. D. Goldberg, and W. H. Goldberg, copartners,

trading as Hoosier Tarpaulin & Canvas Goods Co., 1302 W. Washington St., Indianapolis; Fulton Bag & Cotton Mills, Atlanta, Ga.; and A. T. Clifton and A. L. Clifton, copartners trading as Clifton Manufacturing Co., Waco, Tex. (3658-3662, inc.)

Gly-Cas Medicine Co., 537 Johnson Block, Muncie, Ind., engaged in selling a laxative designated "Gly-Cas," stipulated that she will cease and desist from disseminating any advertisements which fail to reveal that the products should not be used when abdominal pains, nausea or other symptoms of appendicitis are present, provided, however, that such advertisements need only contain the statement, "CAUTION: USE ONLY AS DIRECTED," if and when the directions for use on the label or in the labeling contain a warning statement to the same effect. (03113)

Peter Grey's Laboratories and as Peter Grey, Inc., 2029 13th Ave., Oakland, Calif., engaged in the sale and distribution of phonograph needles designated "Kacti," stipulated that it will cease and desist from the use of any representation that its phonograph needles will cause records to last forever, cause records to improve each month of their use, or cause a restoration of records whose sound-vibration mechanism has become damaged through the use of metallic or other needles. (3664)

Harvest House, 50 West 17th St., New York, selling and distributing a book designated "Complete Guide for the Deafened," has entered into a stipulation in which it agrees to cease representing that the book contains directions of such nature that merely by following them the sense of hearing will be improved, saved or restored; or that it contains directions of such nature that they can be followed without assistance or direction by a person in the treatment of defective voice or speech. (03112)

Hershey Mfg. Co., 135 South La Salle St., Chicago, selling and distributing an electrically driven device for use on the hair and scalp, designated "Vita-brush," and George J. Kirkgasser and Leslie A. Drew, trading as Kirkgasser-Drew, 400 North Michigan Ave., Chicago, advertising agents who disseminated advertisements for Hershey Mfg. Co., have stipulated to cease and desist representing that the device will check or prevent falling hair or baldness; that its use will restore life to dead hair; that it will serve to prevent or ward off dandruff; that it is the secret of healthy hair or the answer to hair worries; that it will be of value in the treatment of headaches which have a circulatory origin; or that it possesses any value in the treatment or prevention of head colds or congestion, will relieve nervous insomnia, insure a good night's sleep, or cause the hair to grow thicker. (03111)

United Textile & Silk Co., 509 Fifth Ave., New York, engaged in the sale of men's ready-made shirts, has stipulated to cease and desist from the use of the words "custom made" to describe its products, and to discontinue making any representation which may tend to convey the belief that such shirts are custom made, made to order or to measure, or that they are other than ready-made shirts. (3665)

FTC COMPLAINT DISMISSED

The Federal Trade Commission has dismissed without prejudice its complaint against Pacific Coast Paper Mills, Inc., Bellingham, Wash., which had been charged with misrepresentation in connection with the sale of toilet tissues and paper napkins.



Music

REFER PETRILLO RECORD BAN TO CONCILIATION SERVICE

The electrical transcription companies have referred to the conciliation service of the Department of Labor James C. Petrillo's demand that the electrical transcription companies prevent use of both commercial and library transcriptions by stations which were not deemed, by the A. F. of M., to be hiring a quota of union musicians satisfactory to the union. The statements to the press of the transcription companies and the NAB are printed as part of this bulletin.

Petrillo's demand is one which has implications of the first importance. If the manufacturers of machines are to be made responsible by labor unions for preventing their use by anyone who does not maintain a quota of unneeded hand labor, our American progress, which has been based on science and invention, will be permanently frustrated. It goes without saying that the NAB approves the reference of this demand by the transcription companies to the agency set up by our government for handling such disputes.

If conciliation does not result promptly in clearing up the matter (and there has thus far been no indication that it will), it is to be hoped there will be a prompt certification of the dispute to the War Labor Board so that union musicians can be returned to work in the national interest.

TRANSCRIPTION GROUP STATEMENT

A. Walter Socolow, 580 Fifth Avenue, Bryant 9-7966, Attorney, speaking on behalf of the following companies:

ASSOCIATED MUSIC PUBLISHERS, INC.
EMPIRE BROADCASTING CORPORATION
LANG-WORTH FEATURE PROGRAMS, INC.
C. P. MacGREGOR
RADIO RECORDING DIVISION OF
NATIONAL BROADCASTING COMPANY, INC.
STANDARD RADIO
WORLD BROADCASTING SYSTEM, INC.

"Dr. John R. Steelman, director of the conciliation service of the Department of Labor, has been requested to mediate the American Federation of Musicians' strike against music transcription companies. (These companies produce electrical transcriptions which are recordings made specially for broadcasting and are completely different from ordinary phonograph records sold to the public.)

"The strike was called by James C. Petrillo, President of the Musicians' Union, on August 1st last, but the union did not submit any demands until February, 1943, and then only at the request of a special Senate committee headed by Senator D. Worth Clark of Idaho. Dr. Steelman designated a member of his staff, James William Fitz-

patrick, of New York City, an expert in theatrical matters, as his representative to mediate this strike.

"The union first asked the transcription companies to pay into the union treasury an unspecified percentage of their total gross receipts in addition to the musicians' regular wage scale, which demand was rejected. Negotiations continued until May 11th, when the union made a new demand that the electrical transcription companies agree not to furnish transcriptions to broadcasting stations which the union in its sole discretion branded as "unfair". This demand was rejected by the employers because it is impossible for them to control the use of their transcriptions by advertisers and radio stations and the fulfillment of the demands would give the union veto power over the use of transcriptions, resulting in secondary boycotts against the broadcasters.

"The transcription companies point out that the union wants to prevent the use of transcriptions unless it can force the hiring of an additional quota of musicians by the stations. Electrical transcriptions are used by all stations and constitute an economic necessity to many of the independent and smaller broadcasting stations in the country to enable them to offer programs of high quality in their service of the public interest. Commercial transcriptions are recorded programs and furnish the stations with advertising revenue. Library transcriptions are recordings of music by outstanding artists syndicated amongst radio stations throughout the country.

"The breakdown of negotiations with the union made it imperative for the transcription companies to refer their dispute to the Federal Government for prompt disposition in the hope that governmental intervention would bring about a resumption of their service to the hundreds of broadcasting stations which are dependent upon transcriptions as the source of supply for music to which their audiences are entitled and have become accustomed."

NEVILLE MILLER'S STATEMENT

Neville Miller, president of the National Association of Broadcasters, today issued the following statement with respect to the action of the electrical transcription companies in referring the latest demands of James C. Petrillo to the conciliation service of the Department of Labor:

"Mr. Petrillo's latest demand upon the manufacturers of electrical transcriptions is the most startling in a long series of unjustified demands. In seeking to require the manufacturer of a long established and necessary invention to forbid its use by anyone who does not employ an artificial allotment of union members, Mr. Petrillo is attempting to establish a principle which conflicts with all progress and invention.

"The electrical transcription renders an indispensable service in bringing entertainment to radio listeners, especially listeners to local broadcasting stations not affiliated with networks. The National Association of Broadcasters, therefore, welcomes the action of the electrical transcription companies in referring Mr. Petrillo's demands to the conciliation service of the Department of Labor.

"Mr. Petrillo's claim would, of course, be equally unwarranted if, for instance, it called upon the manufacturers of ready made clothing to require their customers to hire a quota of custom tailors, or demanded that the

(Continued on page 276)



NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W.

WASHINGTON

Phone NAational 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*.

NEVILLE MILLER'S STATEMENT

(Continued from page 275)

telephone company require businesses which use telephones to maintain a quota of messengers, or was applied to any other business or group of union members. It is worth pointing out, nevertheless, that electrical transcriptions, which are used exclusively by broadcasting stations, do not interfere with the employment of musicians by broadcasters. Musicians earn from radio approximately twenty million dollars a year, more than any other class of employees, and broadcasters pay to musicians an average wage of \$67.90 a week for an average work-week of approximately twenty hours. Moreover, there is virtually no unemployment in Mr. Petrillo's union and Mr. Petrillo, himself, has admitted that there is such a shortage of musicians that his union cannot fill even the normal needs of broadcasting stations.

"The broadcasting industry, so vitally necessary to war-time communications and morale, has not, due to Mr. Petrillo's action, been able to obtain freshly recorded music since last August. Mr. Petrillo has, therefore, deprived radio listeners of the legitimate benefits of a well established invention at a time when musical entertainment is most needed both by our armed forces and our civilian population, and he is trying to compel broadcasters to hire men they do not need at a time when serious manpower shortages exist in war industry."

Broadcast Advertising

SMALL STATIONS COMMITTEE GIVES OWI SOME ADVICE

(Released by NAB News Bureau)

"Radio stations in general and small market stations in particular have given more free time and talent, in proportion to their available facilities, than any other medium in furtherance of war information campaigns," Marshall H. Pengra, KRNR, chairman of the NAB small market stations committee, declared following a two-day meeting at the Mayflower Hotel.

"We feel that it is time," Pengra added, "for the Office of War Information to cease its discrimination against radio and for private industry to bear its fair share of distributing essential information to the public on a paid advertising basis."

Radio stations repeatedly have carried campaigns urging the public "don't telephone," "don't ride on busses," "buy coal new," "eat more oranges, lemons and tangerines," "turn in your bottle caps," "save tin cans," "take your shotguns and rifles to Western Auto Stores," etc., Pengra pointed out. At the same time, private industries that stood to benefit most from these campaigns have used large quantities of paid space in other media, he said.

NAB Loses Two Staff Veterans

Two veteran members of the NAB administrative staff have left as of today to enter the armed services.

Everett E. Revercomb, auditor, who came to NAB in September, 1935, and who was the staff's senior member in point of length of service, has received a commission as ensign in the Naval Communications Division.

Russell P. Place, NAB counsel since November, 1939, enters the Office of Strategic Services.

No replacements have been obtained to date.

The committee, while recognizing that all these objectives are a part of the "all-out" war effort, expressed the belief that OWI should make certain that the private industries involved in future campaigns shall have made reasonable and widespread use of radio station facilities on a paid basis before the government requests free time.

Manpower Situation Is Acute

Before attending the meeting, committee members had queried other small station managers in their areas and urged them to report on their problems. Without exception, both committee members and station men queried, agreed that the manpower situation is most acute at the small market stations, principally because the three or four key personnel often "double in brass" to the extent of holding down several jobs simultaneously.

Committeeman William B. Smullin, KIEM, urged a resolution requesting the War Manpower Commission to recognize the vital war service of small stations by permitting that such stations be allowed to keep key personnel to continue operation without interruption.

Smullin said many small stations have had more than 100 percent personnel turnover within the last year to the armed forces. He declared that small stations long have served as preparatory schools for larger stations and network personnel, but added that the source of new material had dried up under operation of Selective Service. Every small station of which the committee has knowledge is now employing women technicians and announcers as well as in other office capacities.

Urge OWI "Investigate"

Aware that OWI and other agencies and departments of the government have and are continuing to prepare newspaper advertisements in mat form, utilizing well-known artists and typographers, the committee called on the government and emphasized this discrimination against radio by pointing out that the announcements and programs prepared by OWI were not available for sponsorship by local or other advertisers. The committee urged OWI to investigate this situation and take necessary steps quickly to make such government messages available for sale to advertisers, anxious to contribute to programs of war information.

As an exception to this indictment of government agencies and departments for discrimination against radio, the Department of the Interior was commended in an expres-

sion of sincere thanks by the committee for preparation of announcements and programs in connection with the "buy coal now campaign", which asked fuel merchants to sponsor paid radio time.

Following an extended discussion of the Bankhead bill (S. 1073), which would establish an advertising fund of about \$30,000,000 for newspapers in support of war bond and stamp sales and for other purposes, the committee objected to use of government funds for paid advertising and deplored this further evidence of discrimination against radio. The committee felt that should the bill pass, funds proposed should be distributed among all mass communications media in proportion to use of such media by private industry. Moreover, the committee suggested appointment of an advisory committee to work with the Secretary of the Treasury in allocation of advertising funds.

Three Basic Difficulties Cited

It recommends that such committee consist of a representative of each of the leading media associations, such as NAB, bureau of advertising of ANPA, Outdoor Advertising Association of America, Inc., etc.

After examining the many problems reported by the small market stations, the committee reported three basic difficulties existing: 1. Lack of new revenue, 2. Lack of manpower, and 3. Full exploitation of small market potentials. On the first point the committee has authorized a study of the possibility of group selling of all small market stations. In this study the committee tentatively is grouping all stations in communities of 50,000 or less population. The second point must be worked out in relation with the WMC. Thirdly, the committee concluded that all small market stations should work harder to keep their programming keyed to their community tempo and to avoid any reduction of program standards. It urged small stations to utilize the services of NAB more fully than they have in the past and to investigate all fixed operating costs in order that they may serve the public more effectively.

Other committee members attending in addition to those named were: James R. Curtis, KFRO; Robert T. Mason, WMRN; and Lewis H. Avery, NAB, secretary of the committee. Government and military officials were guests at the second day luncheon session.

(Please note change of committee name from "small stations problems steering" to name as in story.)

C. E. HOOPER WILL SPEAK AT AFA WAR CONFERENCE

A definite acceptance has been received from C. E. Hooper, of "Hooperatings" fame, to deliver a talk at the radio meeting, to be held in conjunction with the AFA War Conference at the Waldorf-Astoria in New York on Wednesday, June 30, 1943. Hooper will discuss "How People Listen During Wartime," using charts and graphs, delineating trends in listening during the 18 months of war.

Much of the factual information in the talk will be of especial interest to radio station operators, advertising agencies and advertisers. It will point a trend in which broadcasters can take real pride and one which they should take every means at their command to protect. The increased importance of broadcasting as a means of mass communication will be demonstrated graphically.

Education

SUMMER BRINGS NEWS OF RADIO WORKSHOPS

NBC-Northwestern University

June 21-July 31

Second annual summer radio institute to be offered by NBC and Northwestern University will be held on the university campus and at NBC's Chicago studios with emphasis on training women as well as men for replacement on small station staffs, where the broadcasting manpower shortage is most acute.

Albert Crews, institute director and chairman of the Northwestern school of speech radio department, heads the faculty, which is composed of six NBC staff members and two university faculty members.

Crews will teach continuity and advanced dramatic writing, while Lois Crews, also of the school of speech, will instruct in announcing together with William Kephart, chief of the NBC central division announcing staff.

Other NBC instructors and their courses are: Arthur Jacobson, radio acting; Martin Magner, problems in radio acting; Charles C. Urquhart, directing techniques; Judith Waller (institute co-director), public service programs, and Beverly F. Fredendall, control room techniques.

Six seminars will be held in connection with the institute and the following speakers will address them: Clarence L. Menser, NBC program vice-president; Phillip H. Cohen, Office of War Information; John J. Louis, Needham, Louis and Brorby, Inc., vice-president; Herbert Hollister, KANS owner; Wynn Wright, NBC eastern production director, and Clifton Utley, news commentator.

Nine guest instructors will supplement Miss Waller's teaching in the public service program class sessions. They are: Joseph A. McDonald, NBC central division counsel; William Weddell, NBC central division sales; Sherman Dryer, University of Chicago radio director; Everett Mitchell, NBC farm commentator; William Ray, NBC central division news manager; Harriet Hester; Emmons C. Carlson, NBC central division advertising and sales promotion manager; John F. Ryan, NBC central division publicity manager, and A. W. Kaney, NBC central division stations relations manager.

New York University

July 6-Aug. 13

Robert J. Landry, CBS program writing director, has been appointed director of the annual New York University summer radio workshop, which will be devoted principally to problems of radio broadcasting in wartime.

The faculty will include: Earle L. McGill, CBS casting director; A. Murray Dyer, CBS script writer; Leon Goldstein, WMCA war program director; Luella Hoskins, workshop assistant director, and Burton Paulu, WLB manager.

Courses, to be supplemented by field trips to studios and lectures by outstanding radio personalities, will include: the American system of broadcasting, principles of direction, script writing, radio in wartime, radio in schools, planning and executing musical broadcasts, radio station news and publicity management and studio production.

Hofstra College
July 6-23

Max U. Bildersee, radio supervisor, bureau of radio and visual aids, New York state education department, will conduct a workshop in "Audio Education" at Hofstra college as part of the annual summer sessions at Hempstead, Long Island, N. Y. The course consists of "organization, preparation and administration of a program of audio-education in the elementary and secondary schools of the college's service area; coordination of community and public school facilities."

**SPRINGFIELD RADIO COUNCIL
ELECTS 1943-44 OFFICERS**

The Pioneer Radio Council of Springfield, Mass., has named Mrs. Raymond E. Kilty, club woman, as president for the coming year. Other officers are: Margaret Taylor, teacher, first vice-president; Mrs. Frank O. Fehm, PTA member, second vice-president; Lindsay H. Chilson, YMCA secretary, treasurer; Mrs. Harry A. Oltach, musician, corresponding secretary, and Mrs. Ralph T. Williams, teacher and club woman, recording secretary.

**MAJOR AMERICAN PROPAGANDA
OUTLET TO BE CROSLY WLWO**

Transmitters with a total of 750,000 watts are being installed by the Crosley Corporation at Cincinnati to operate through WLWO as the most powerful instrument of propaganda in the world, Crosley officials have revealed.

Larger than the present Moscow station, the expanded WLWO will continue to channel material piped in from the overseas branch of the Office of War Information in New York. News is now given at 15-minute intervals in all major languages.

When other major transmitters now planned augment WLWO enough power will be generated by American short-wave stations to "knock a radio set off the shelf in Italy, Germany or Japan."

Operating under an experimental license permitting 500 kilowatts, WLWO smothered the Moscow station's offerings as close as 50 miles to the Russian capital, Crosley officials said.

CODE MEETING

The NAB code compliance committee meeting is in session in New York as this issue of the Reports goes to press. A complete report will be issued NAB members in a special bulletin next week.

**KFPW RECEIVES ACCLAIM
FOR SERVICE DURING FLOOD**

In recognition of the part KFPW, Fort Smith, Ark., played in saving life and property during the recent Mississippi flood, General Manager J. E. Garner has received letters of appreciation from the Red Cross and the weather bureau of the U. S. Department of Commerce.

Wrote Tom Wolff, head, radio section, midwestern area, Red Cross, St. Louis:

"May I take this opportunity to express the appreciation of the Red Cross for the excellent job your station did on the flood. Normal Durfree, who directed relief operations there, told me that without the assistance of your station, without the CAP and the Army, the loss of life in the

flood would have been 'unbelievable.' Nearly every evacuee I talked with had time to get off his land before the waters reached it because he had heard directions from your station.

"One worker told me the story of Arbuckle Island in which the people there were informed by your station when to expect food, clothing, etc. Another Red Cross worker told me of the splendid job you did in gathering clothing for the evacuees. At 10:00 o'clock in the morning your station announced that the Red Cross would need clothing. At 11:00 o'clock it was announced where the clothing could be taken. Immediately bundles of clothing began pouring in and before 1:00 p. m. evacuees were being issued complete clean outfits.

"The humanitarian job, the public service your station has done in this flood is one which deserves national recognition, one which, to my knowledge, is among the best in the entire history of radio."

Said A. E. Osborn, meteorologist, U. S. Department of Commerce, weather bureau, Fort Smith, Ark.: "Your facilities and your untiring work and wholehearted interest in flood warnings saved this community many thousands of dollars and possibly many lives."

KOA WAR PROMOTION PIECE

James R. MacPherson, KOA, Denver, has just released a piece which illustrates and describes how that station is fulfilling its wartime obligations.

The pamphlet is newspaper size and contains pictures, front and back. The inside is printed in red and black and contains reproductions of newspaper clippings and photos dealing with promotions, including: recruitment of nurses and nurses' aides for the Red Cross, Colorado's Second War Loan drive and the KOA music center for enlisted men.

**FEDERAL COMMUNICATIONS
COMMISSION**

**FLY SAYS NETWORK RULES
REACH "HAPPY RESULT"**

The rough spots of the new network regulations of the FCC have been ironed out and Chairman James Lawrence Fly predicted at his press conference last Monday that the new rules will operate smoothly. He expressed the regulations as reaching a "happy result."

Fly told the news men that the FCC does not contemplate any further network rules. He said, however, that the Commission will not oppose any healthy competition in the broadcast industry and no effort will be made to hamper any competition under the rules. He said that these regulations were not designed for a sporadic raid on the industry. He expressed surprise that there should be talk of any super-network set up. While he said there is nothing in the rules to prevent such a combination, he did not see how it could be worked out on any feasible operating basis.

Fly referred to the scare campaigns which have been carried on by the networks and he said it was impossible to appraise any court decision by picking out 10 words here or there. He said that the feeding out of information on the Supreme Court decision by the networks did nothing but cause confusion in the radio industry.

He said that while he has no doubt there are listeners in the United States to Axis broadcasts, they are few and they don't believe what they hear.

Fly told the conference that NBC had informed the Commission that it does not care to have any hearings in connection with the recent KOA Supreme Court decision.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, June 21st. It is subject to change.

Wednesday, June 23

Oral Argument Before the Commission

Report No. B-176:

NEW—Beauford H. Jester, et al., Waco, Texas.—C. P., 1230 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WHDL—WHDL, Inc., Olean, N. Y.—Granted modification of license (B1-ML-1159) to change location of main studio from the present address to the present transmitter building.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted petition of applicant for extension of temporary license for a period of 30 days from June 21.

W81SP—Westinghouse Radio Stations, Inc., Springfield, Mass.—Granted license for new station (B1-LH-40) to use frequency 48100 kc. Licensee shall, when required materials are available, take immediate steps to comply fully with the rules and regulations and standards of the Commission.

DESIGNATED FOR HEARING

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Designated for hearing application for modification of license (B4-ML-1157) to increase night power from 1 to 5 KW.

MISCELLANEOUS

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Adopted an order continuing until July 7, 1943, the hearing in re renewal of license of Station KMTR now set for June 15, 1943. (Docket No. 6437)

WCOP—Massachusetts Broadcasting Co., Boston, Mass.—Adopted an order continuing until July 14, 1943, the hearing in re renewal of license of Station WCOP now set for June 16, 1943. (Docket No. 6476)

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Adopted an order granting petition for leave to amend the application of WNYC for special service authorization. (Docket No. 6518)

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 June 11 to August 11, 1943. (B1-MP-1712)

The Commission approved Power of Attorney executed by John L. Booth appointing Meril A. Lindbloom and Hugh M. Gray as attorneys in fact, insofar as it relates to FM Station W49D licensed to John L. Booth, and Broadcast Station WJLB, Detroit, Mich., of which Booth is the president, a director, and owner of all the outstanding stock.

APPLICATIONS FILED AT FCC

770 Kilocycles

WJZ—Blue Network Company, Inc., New York, N. Y.—Construction permit to move main transmitter from No. 1 River Road, Bound Brook, N. J., to Lodi, N. J.

WJZ—Blue Network Company, Inc., New York, N. Y.—Construction permit to change transmitter location of auxiliary transmitter to Lodi, N. J. (same as proposed for main transmitter), install new transmitter and antenna, change power from 25 KW to 10 KW.

1000 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3511, which authorized increase in power, change in hours of operation, installation of new transmitter and directional antenna for day and night use, and move of transmitter) for extension of completion date from 6-6-43 to 12-6-43.

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3512, which authorized increase in power, change in hours of operation, installation of new transmitter and directional antenna for day and night use, and move of transmitter) for extension of completion date from 6-6-43 to 12-6-43.

1150 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Involuntary assignment of license to Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased.

WAPO—Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased, Chattanooga, Tenn.—Voluntary assignment of license to Joda Patterson, Ramon G. Patterson, and Louise Patterson Pursley, d/b as WAPO Broadcasting Service.

1230 Kilocycles

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Voluntary assignment of license to WCBT, Inc.

1240 Kilocycles

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Modification of license to change frequency from 1490 kc. to 1230 kc. Amended to change requested frequency from 1230 kc. to 1240 kc.

KWJB—Bartley T. Sims, tr. as Sims Broadcasting Co., South of Globe, Ariz.—Voluntary assignment of license to Gila Broadcasting Company.

1310 Kilocycles

WCAM—City of Camden, Camden, N. J.—Special service authorization to operate hours formerly used by WCAP pending repairs to WCAP's transmitter which was destroyed by fire.

MISCELLANEOUS

WAEA—W. A. Patterson, Area of Chattanooga, Tenn.—Involuntary assignment of license to Joda Patterson, Executrix of the Estate of W. A. Patterson Deceased.

WAEA—Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased, Area of Chattanooga, Tenn.—Voluntary assignment of license to Joda Patterson, Ramon G. Patterson, and Louise Patterson Pursley, d/b as WAPO Broadcasting Service.

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.

Browning King & Company, Inc., 227 North Broad St., Philadelphia, a Pennsylvania corporation engaged in the sale of men's clothing, and its officers, A. Benjamin Wilkes and Joseph Wilkes, are charged in a complaint with various misrepresentations which mislead the purchasing public into the belief that their business is connected with or operated by the original Browning King clothing firm, established in New York City in the early part of the nineteenth century, or its successor, Browning King & Company of New York, Inc. (4977)

Prime Mfg. Company—A complaint has been issued charging The Prime Manufacturing Co., 1669 South First St., Milwaukee, with misrepresentation in the sale of its Prime Electric Fence Controller, a device recommended for use in confining livestock. (4978)

CEASE AND DESIST ORDER

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

Fratelli Branca & Co., Inc., 12 Desbrosses St., New York, has been ordered to cease and desist from disseminating advertisements which misrepresent the therapeutic value of a medicinal preparation designated "Fernet-Branca" and which fail to reveal the harmful potentialities that may result from use of the product. (4828)

STIPULATIONS

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

Bloomingdale Brothers, Inc., New York department store, have entered into a stipulation to cease and desist from use of the words "Persian lamb" or "Persian" as a designation for fur coats manufactured from the peltries of Shiraz lambs or from any peltries other than those of true Persian lambs; and from advertising, selling, branding or otherwise representing a fur as the product of a true species or breed of animals unless it actually has been obtained from a true species or breed. (3666)

Funk & Wagnalls Co., New York publishing firm, entered into a stipulation to cease and desist from exaggerating the efficiency of its "Languagephone" method of teaching foreign languages or the results to be obtained by the average student using the method. (3668)

Kumfy Products, Inc., 259 Strader Ave., Cincinnati, stipulated that, in the sale of crystal radio sets designated "Handy Radio," it will cease and desist from representing, through use of the term "Built-in Speaker," or in any other manner, that the set will provide sound sufficient in volume for an ordinary room as do built-in speakers in modern radios or that the reception it provides is in excess of what is actually the fact; that it will enable all standard broadcast programs to be tuned in easily or accurately, or to be received from distant stations or from all local stations; that it will operate or function everywhere; or that it is of any designated size contrary to facts. (3667)



1760 N STREET, N. W.

WASHINGTON 6, D. C.

Vol. 11, No. 26, June 25, 1943

PETRILLO COMES OUT OF HIDING

James C. Petrillo dropped out of the clouds into his New York office on Wednesday after he had ducked a U. S. Labor Department conciliator for nearly two weeks.

He announced that his attorneys would be glad to see the conciliator (James W. Fitzpatrick) on Thursday.

The conciliator is attempting to settle the dispute between the A. F. of M. and the transcription companies. If unsuccessful, he will likely recommend certification of the dispute to the National War Labor Board for disposition.

Certification within a few hours was slated when Petrillo suddenly appeared. The *New York Times* carried the following account of a press conference he held:

James C. Petrillo, the head man of the musicians' union who used to play a trumpet, took up character acting yesterday afternoon. With words and gestures he pooh-poohed John L. Lewis as "a guy" calling strikes "every two weeks" and not having anything to show for it.

Mr. Petrillo's dramaturgic outburst took place in his office at 570 Lexington Avenue and was occasioned by a charge by the makers of radio transcriptions that he was "ducking" a Department of Labor conciliator assigned to mediate the ten-month-old dispute over the manufacture of disks.

Attired in a blue shirt on which his initials were inscribed, Mr. Petrillo disposed of the charge by announcing that his attorneys would consult with the conciliator, James W. Fitzpatrick, today.

Then Mr. Petrillo, whom the record makers and broadcasters have frequently called a "dictator," rose from his desk. He raised his moderately bushy eyebrows, humped his shoulders, drew in his chin and crossed his arms.

"We don't pull any John Lewis stuff here," he said, with an appropriate growl. "When we call a strike, we call a strike. He calls a strike every two weeks and where's he got. He's busy trying to be President, the Secretary of Labor or something."

Mr. Petrillo quickly warmed to his role. He envisioned Mr. Lewis attending a labor convention, noting with some emphasis that the leader of the United Mine Workers would be "in the gallery."

"When he wants to talk everybody can go out and get a drink of water because John walks very slowly to the platform," added Mr. Petrillo.

He next noted that Mr. Lewis was given to mild talk. By way of illustration he offered an imaginary quotation:

"Yes, sir. William Green is a rat. Philip Murray is a double rat. And that Petrillo he's a three-triple rat."

Labor

LABOR ON THE AIR

Outcome of the NAB Code Compliance Committee meeting in New York, June 16-17, with respect to the industry's attitude toward broadcasts of organized labor groups, is

best expressed in the story released by the NAB News Bureau:

"New York, June 17: Labor has ample opportunity for the use of broadcasting facilities in this country, it was stated today by Thomas R. Carskadon, Chairman of the Radio Committee of the Council on Freedom from Censorship, after a two-day session with the Code Compliance Committee of the National Association of Broadcasters. Concurring was Roger Baldwin, Director of the American Civil Liberties Union, who participated in the discussions.

"The NAB Code, as now written, provides ample opportunity for labor and other organized groups to get on the air. No changes are recommended," Carskadon said. "The basic principles of broadcasting are adequate to insure labor's representation. The application of these principles presents the only difficulty, for it involves the definition of controversial subjects and acceptance of program material by local station management.

"Our Committee intends to advise labor and other organizations of their opportunities for broadcast privileges and how to take better advantage of them. At the same time we shall continue to cooperate with NAB, particularly through the Program Managers' Executive Committee, to improve understanding."

"Members of the Council's Radio Committee, in addition to Carskadon, are Dr. Paul Lazarsfeld, Head of the Office of Radio Research, Columbia University; Mr. Morris S. Novik, Manager of WNYC, and Norman Thomas. Others attending the discussions, in addition to Roger Baldwin, were Thomas Stix, talent agent; Morris L. Ernst, Attorney and Author, and Mrs. Harriet F. Pilpel, Attorney."

Additional clarification, from the standpoint of the radio industry, may be helpful to station management.

Radio does not regard labor as "controversial." In other words, the mere expressed wish of a labor union to have time on the air does not immediately invoke the "controversial issues" provision of the Code. Neither does it immediately invoke the "membership" provision. Labor may therefore be sold time under the same well-defined conditions that govern sale of time to others; namely:

1. Controversial issues will not be presented.
2. Memberships will not be solicited.
3. Material for broadcast will meet station program standards.

Determination of what satisfies 1, 2, and 3 resides with station management, the same as in all other cases, being dependent on local conditions.

When a labor union wishes to present a controversial issue on the air, then the "controversial issues" provision of the Code applies, which recommends that free time be provided both sides of the question, with due regard to the degree of public interest involved. This provision should be read in full as found in your copy of the Code Manual.



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*.

INDIVIDUAL PAY INCREASES

Stations have expressed so much interest in War Labor Board General Orders 5, 9 and 31, regarding individual pay increases, that we are printing the texts. Any station wishing to set up a salary "plan" might well communicate with the NAB Labor Relations Department.

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ 803.5—*General Order No. 5.* General Order No. 5 as adopted on October 14, 1942, is hereby amended to read as follows:

Subject to the requirements of General Order No. 31, wage adjustments may be made in wage rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of a wage agreement which existed previous to or has been approved since October 3, 1942, or incident to an established or approved wage rate schedule covering the work assignments of employees and are made as a result of:

- (a) individual promotions or reclassifications
- (b) individual merit increases within established rate ranges
- (c) operation of an established plan of wage increases based upon length of service within established rate ranges
- (d) increased productivity under piece-work or incentive plans
- (e) operation of an apprentice or trainee system

Wage adjustments made under this Order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(Adopted May 26, 1943)
(E. O. 9250, 7 F.R. 7871)

787

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ 803.6—*General Order No. 6.* General Order No. 6, as adopted on October 20, 1942, is hereby amended to read as follows:

- (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.
- (b) If a wage rate or range of rates for a job classification has not theretofore been established by the employer for the plant involved, the rate or rate range should bear the same relation to rates of

ranges or rates for similar classifications in the area as the existing rates or rate ranges in the plant bear to comparable rates or rate ranges in the area: provided, however, that schedules covering new establishments or new departments within existing establishments must be submitted for approval as provided in General Order No. 31.

(Adopted May 26, 1943)
(E. O. 9250, 7 F.N. 7871)

787

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ 803.9—*General Order No. 9.* General Order No. 9, as adopted on October 30, 1942, hereby amended so that Section III shall read as follows:

III. *Salary Increases Which Do Not Require Board Approval*

Subject to the requirements of General Order No. 31, salary adjustments may be made in salary rates of individual employees over which the Board has jurisdiction without the approval of the Board, if they are incident to the application of the terms of a salary agreement which existed previous to or has been approved since October 27, 1942, or incident to an established or approved salary rate schedule and are made as a result of:

- (a) individual promotions or reclassifications
- (b) individual merit increases within established rate ranges
- (c) operation of an established plan of salary increases based on length of service within established rate ranges
- (d) increased productivity under incentive plans
- (e) operation of an apprentice or trainee system, or
- (f) such other reasons, or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

Salary adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(Adopted May 26, 1943)
(E. O. 9250, 7 F.R. 7871)

787

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ 803.31—*General Order No. 31.* The following regulations supplementary to General Orders 5, 6 and 9 relating to wage and salary schedules and to plans for making individual wage and salary adjustments under such schedules are hereby adopted.

I. *Established Schedules within the meaning of General Orders 5 and 9*

A. *Definitions and criteria*

1. *Specific criteria for all established schedules*

A "schedule" involves job-classification rates or rate ranges and a plan for making individual adjustments within and between such rates or rate ranges.

a. Job-classification rates or rate ranges in existence on May 31, 1943, do not require approval of the National War Labor Board.

(1) Rate ranges consist of clearly designated minimum and maximum rates in existence as of May 31, 1943, for jobs of similar skill and responsibility. (Such minimum and maximum rates are not necessarily the rates actually being paid on May 31, 1943, for particular job clas-

sifications. Thus, individual minimum or maximum or within grade rates may be "vacant" at any given time. Nor are the established minimum and maximum rates for any given job classification necessarily determined by the fact that for special reasons particular employees may be receiving less than the minimum or more than the maximum rate. Save as exceptional cases may be brought to the Board's attention, no rate range exists (a) where the employer customarily pays single rates for particular job classifications, or (b) where jobs are remunerated on a piece-rate method of wage payment.)

b. A plan for making individual adjustments within and between rate ranges which was in existence on May 31, 1943, does not require Board approval if

- (1) It is contained in a collective bargaining agreement in existence on May 31, 1943; or
- (2) It conforms to the employer's practice prior to October 27, 1942, as demonstrated by (a) a plan formally communicated to the employees; or (b) the employer's payroll records; or
- (3) It was specifically approved by the National War Labor Board or any of its authorized agents or agencies, or
- (4) It includes one or more of the following methods and conforms to the appropriate standards set forth under each:

(a) *Merit increases* (These increases may be made only within rate ranges)

- i. These are individual wage or salary rate adjustments made as a reward for superior quantity and/or quality of work or service.
- ii. No employee may receive more than two merit increases during any calendar year.
- iii. Except in cases where there have been substantial fluctuations in employment, no more than 50 per cent of the average number of employees in a job classification may receive merit increases during any calendar year.
- iv. No merit increase may exceed $33\frac{1}{3}$ per cent of the difference between the minimum and maximum rates of the appropriate range.

(b) *Automatic length of service increases* (These increases may be made only within rate ranges)

- i. These are individual adjustments usually made automatically at the end of specified periods of satisfactory service.
- ii. Frequency of adjustment may not exceed four times in any calendar year.
- iii. Amount of adjustment may not exceed 25 per cent of the difference between the minimum and maximum rates of the appropriate range.

(c) *Promotions or reclassifications* (These adjustments may be made between single-rate jobs as well as between jobs which bear rate ranges)

i. These are individual adjustments which result from moving an employee into a different job classification.

ii. When promoted or reclassified to a higher-rated job, an employee may receive a rate not in excess of 15 per cent above his rate on his former job or the minimum rate for the new job, whichever is higher; provided, however, that where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

(d) *Apprentice or trainee system* (Under these systems, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges.)

i. These are individual rate adjustments resulting from improvement, over specified periods of time, in the productive abilities of apprentices or trainee who are employed under a bona-fide apprentice or trainee plan as defined below.

ii. Apprenticeship plans—with respect to length of apprenticeship period; proportion of number of apprentices to number of journeymen; and relation of apprentice wage rate at various periods to journey men wage rate—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iii. Learner or trainee plans—with respect to length of learning period; proportion of number of learners to number of experienced workmen in a given job classification; and relation of learner or beginner rate to the rate paid experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iv. Nothing in this section precludes the re-examination or modification of existing apprentice or trainee programs in the interests of greater production for the war effort.

2. *General criteria for all established schedules*

- a. Each job classification must be clearly defined and described.
- b. Except where there has been a substantial fluctuation in employment, proportionate distribution of employees within and among rate ranges must remain substantially the same from quarter-year to quarter-year.
- c. No appreciable increase in the level of production costs may result from individual rate adjustments.

B. *Records*

Any employer who makes individual wage or salary rate adjustments pursuant to an established schedule must hereafter keep the following records available in his establishment(s) for a period of two years:

1. The rate or range of rates for each job classification.
2. The description of each job classification.
3. A statement of the plan of making adjustments within the rate ranges and between the rates or rate ranges.
4. The date when the schedule was established.
5. For each job classification in which merit increases have been made, the number of employees in each such job classification during the payroll period when adjustments were made.
6. With respect to each employee who received an adjustment:
 - a. Name of employee
 - b. Date on which employee was hired
 - c. For each adjustment given to the employees:
 - (1) Date of adjustment
 - (2) Job classification prior to and after the adjustment
 - (3) Rate of pay prior to and after the adjustment
 - (4) Reason for adjustment

No particular order or form is prescribed for these records, provided that the information required is easily obtainable.

II. New Schedules

- A. All wage or salary rate schedules which are not exempt from the requirement of Board approval under (I) above must be submitted for approval to the appropriate Regional War Labor Board. Pending final action by the Board, individual rate adjustments may be made in accordance with the criteria set forth under (I) above.
- B. *Requirements for obtaining approval*
 1. *Rate ranges* (where ranges are desired for the purpose of making individual merit or length-of-service increases)
 - a. *Existing establishments*
 - (1) The minimum rate for each job classification shall be fixed at (a) the minimum rate prevailing in the plant or establishment for each job classification or (b) at a level not exceeding the minimum of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market, whichever is higher; provided, however, that in rare and unusual cases where the critical needs of war production require, a higher minimum rate may be set.
 - (2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.
 - b. *New establishments or new departments in existing establishments*
 - (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the minimum rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.
 - (2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.
 2. *Single rates* (where single rates are desired for making promotions or reclassifications or for

making individual rate adjustments under apprentice or trainee plans)

a. *Existing establishments*

- (1) A reclassification of single rates for existing establishments may, if designed to bring about a more harmonious and appropriate relationship of rates within an establishment, be approved where it will not appreciably affect the level of production costs or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

b. *New establishments or new departments in existing establishments*

- (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary in the case of new departments, to maintain internal balance of the rate structure, the rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

3. *Plans for making adjustments between rates or within and between rates ranges* (existing establishments or new establishments and departments)

A proposed plan for making individual adjustments within and between rate ranges should contain the following information with respect to one or more of the methods outlined below. The plan should also indicate to what extent the adjustments to be made thereunder will affect the proportionate distribution of employees within and among the rates or rate ranges, and to what extent production costs will be increased thereby. The plans so submitted need not necessarily conform to the criteria set forth in (I) above.

a. *Merit increases*

- (1) The number of increases within the appropriate range to be given to any employee during the calendar year.
- (2) The percentage of the number of employees in each job classification who will receive increases during the calendar year.
- (3) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases to be given in each job classification.

b. *Automatic length of service increases*

- (1) How frequently such increases are to be given during the calendar year.
- (2) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases which are to be given in each job classification.

c. *Promotions or reclassifications*

- (1) The rate to be paid upon promotion or reclassification to a higher-rated job (whether the minimum rate called for by the new job, or a rate in excess of such minimum).
- (2) If a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (i.e., special skill and experience, other unusual qualifications, etc.).

d. *Apprentice or trainee systems*

- (1) How does the plan conform to the standards set forth in appropriate collective

bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen in a given job classification; relation of apprentice or learner rate at various periods to the rate paid experienced workmen?

- C. Any employer who makes individual wage or salary adjustments pursuant to an approved schedule must keep in his establishment(s) for a period of two years the records listed in (I).
- III. Any employer who wishes to change one or more provisions of his established or approved wage or salary rate schedule may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or re-approved.
- IV. If there is a duly recognized or certified labor organization which represents any or all of the employees included in a proposed schedule or in a proposed change in an existing schedule, approval must be jointly requested by the employer and such labor organization. But if agreement on any point can not be reached, the parties may jointly submit the issues to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submissions, the matter will be treated as a dispute case.
- V. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment, or for groups of similar establishments.
- VI. Companies having establishments in more than one Region may apply for approval of schedules, where approval is necessary, in each of the Regions where the establishments are located or in the Region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

(Adopted May 26, 1943)
(E. O. 9250, 7 F. R. 7871)

787

STRIKE AT WTOP

Technicians at Station WTOP walked out without notice at noon June 19 and returned at 4:49 p. m. the same day.

The technicians are covered by a contract between CBS and the I.B.E.W. The contract provides for no strikes and for machinery, including arbitration, to settle grievances. A minor grievance led to the strike. After a three-hour conference, the union agreed to submit the dispute to an arbiter to be appointed by the War Labor Board.

Joseph L. Miller, NAB labor relations director, sat in on the conference.

Engineering

FIRST RETURNS ON FCC MANPOWER SURVEY

As part of its program to ease the present shortage of skilled technicians in the communications industry, the Federal Communications Commission today will mail to the War Manpower Commission and interested groups in

the industry the first series of names of first- and second-class radiotelephone licensees who have reported themselves available for immediate employment in essential communications jobs. The list was prepared from responses to the commission's postcard survey of a sample of 1,000 of the nation's 20,000 licensed radiotelephone operators in these classifications.

To date over 550 holders of first- and second-class radiotelephone licenses have answered the FCC's query. Information obtained from the questionnaire related to the licensee's present employment, his draft status, whether or not he was using his license in his present job, and his availability for either full or part-time employment in the communications field.

The commission, of course, does not certify as to the experience or availability of any person listed, but merely sets forth the information recorded on the questionnaire. It is intended that further lists will be released from time to time as returns come in.

NAB REQUESTS CONTINUANCE OF FCC-NAB TECHNICIAN RECRUITING ACTIVITIES

In connection with the FCC survey Neville Miller has sent the following letter to Chairman Fly:

"Pursuant to my letter of May 12 I am informed that the test surveys addressed to the holders of radiotelephone licenses have produced results which seem to warrant a continuance of this activity.

"Mr. Dallas Smythe and his staff have been most cooperative in working with our engineering and research directors. The form used in the FCC test survey of one thousand operator licensees was well conceived and effective in producing a list of possible candidates for broadcast technical positions.

"The NAB survey of one hundred radiotelephone license holders brought in seventeen actual applications for employment in the broadcast industry on our regular registration forms. These forms furnish the personal information required by prospective employers.

"In a joint meeting on June 15, agreement was reached that both survey methods produced valuable results. However, the FCC technique is inexpensive and provides an excellent screening. The NAB method, costly because of first-class mail and personalized letters, should be sent to only those showing promise in the FCC survey.

"I therefore urge that this cooperative activity be continued on the basis outlined above as there is every indication that a substantial number of applications for employment will result. The shortage of broadcast station technical personnel is becoming increasingly acute as indicated by the increase of the number of requests from broadcast stations for replacement personnel now coming to NAB. We have been, for the last several months, registering qualified technical personnel and furnishing suitable applicants to all stations requesting assistance. The need at this point is for a larger list of applicants in order that the undertaking can be of maximum broadcast industry benefit."

UNIVERSITY OF WISCONSIN HAS LARGE ESMWT CLASSES

Approximately 330 persons will be enrolled by the University of Wisconsin in the NAB-ESMWT "Fundamentals of Radio."

This was made known by Edwin C. Allen, general manager, WIBA, Madison, Wis., who is industry representative in Wisconsin for the training program. Figures were prepared by H. E. Pulver, of the university, who is state coordinator.

Eighty students will be enrolled in five classes of Part II of the course; while 250 or more will make up ten classes in Part I of "Fundamentals of Radio."

Approximately 535 persons are enrolled in 19 classes of "Fundamentals of Radio" Part I, about to be completed. Twenty-five per cent of the students are women. This is almost double the number of women who were among 1,141 students who previously completed Part I.

There are also 205 men and women who are about to complete "Fundamentals of Radio" Part II. Seven per cent of these are women, whereas only two per cent were women of the 127 who completed course II some time ago.

Broadcast Advertising

DEPARTMENT STORES CAN MAKE RADIO PAY

Nearly 150 sales-minded station executives heard an intensely interesting talk, encouragingly titled: "Department Stores Can Make Radio Pay," at the Sales Managers meeting, held in conjunction with the NAB War Conference at the Palmer House in Chicago, Ill., on Wednesday evening, April 28, 1943. The speaker was John A. Garber, Advertising Manager of Strawbridge & Clothier, Philadelphia, Pa., one of the leading department stores of the United States.

Perhaps the importance of this talk can be best summed up in the comments of an able station executive, well-known for this heckling of department store speakers at previous meetings. He said: "That is the first talk I have ever heard by a department store executive on the use of broadcast advertising that made sense. Garber really knows what he is talking about. There is solid, substantial meat in what he said."

Even prior to the meeting, NAB had made arrangements to reprint the talk for distribution to all members. After hearing Garber, Sol Taishoff of *Broadcasting* magazine expressed a desire to reprint the talk in his publication. Garber then offered to amplify his remarks in certain respects. The revised version appeared in the May 31, 1943 issue of *Broadcasting* magazine, from which the enclosed reprint was prepared through the courtesy of that publication.

Believing, and hoping, that many of you are making daily use of "A Manual of Radio Advertising," the enclosed reprint has been prepared on 8½ x 11 inch paper, with three-hole punching, so that it can be incorporated in the Manual. If you can use additional copies, there are plenty of them available. A penny post card will bring as many as you want.

Retail Promotion Plan

The talk by John A. Garber is one more reason why every radio station should participate in the Retail Promotion Plan. As Garber stated, department stores are more interested than ever in the possibilities of broadcast advertising—they want to know how and where and when it can be profitably used. The answer to that question is the one major objective of the project now in full production.

Whether or not you are actively participating, you can help very materially in the development of the presentation if you will fill out and return the Statistical Questionnaire sent you recently, and if you will write a letter to Sheldon R. Coons, using the outline in the same mailing. Won't you please do that today to help in this industry-wide movement?

Standard Program Schedule Forms

The steadily increasing use of the Standard Program Schedule Form is a source of real pleasure to all who worked on the development of this material. This convenient, simplified program and announcement listing should be used by every radio station.

But, when you order or reorder, won't you please try to anticipate your needs? A check-up has revealed that express and freight shipments are appreciably slower than a year ago. Deliveries, that formerly took four days, now often take eight or ten days. While we try to maintain a minimum stock of 25,000 copies at all times, and ship immediately upon receipt of your order, unavoidable delays will sometimes occur. Please try to reorder before your supply is actually exhausted.

We Bow Our Bloody Head

Down around our ears for the past ten days has come a snowstorm of letters from member stations, enclosing copies of the letter from Jeffrey A. Abel, Radio Director of Henry J. Kaufman Advertising, Homer Building, Washington, D. C., offering one of the most brazen contingent deals we have ever seen. Just as soon as this copy goes to the printer, we'll clamp on our sun helmet, stalk down the street and do our best to convince Mr. Abel of the error of his ways.

Of course, these are the "dog days" in Washington, as the news commentators have latterly observed.

Non-Permanent Permanent

From Lou Sterling and Associates, North Hollywood, California, many member stations have received contingent contracts for a "Hollywood Permanent"—a home permanent wave produced by a new cold process. There—in the cold process—is the treatment this offer deserves. Leave it cold, except on a rate-card basis. Otherwise you'll be building some non-permanent business with a permanent.

Be Precipitate with This Colloidal

Several other member stations have sent in the letter from Hal A. Salzman Associates, 6 E. 45th Street, New York, N. Y., offering a contingent contract for SUL-RAY Colloidal Sulphur Mineral Baths. Be precipitate with the offer on that basis. Say: "yes, on a rate-card basis, with no strings attached." Then proceed to sell the facilities of your station on that basis. Salzman leaves the door open for such a solicitation in the third paragraph of his letter.

"SHARE THE RADIO" PLAN HITS MISSISSIPPI

At McComb, Mississippi, Station WSKB carries a show called the "Listening Post." Listeners are invited to share their radios with others. A poster is given away to be put in the front windows of homes to indicate members of the Listening Post Club. Discussion of programs follows.

WBIG ISSUES RATION BOOK COVERS

WBIG, Greensboro, North Carolina, is issuing covers for household ration books. They are red and blue on heavy green colored stock.

Major Edney Ridge, managing director, says they are extremely popular with the women shoppers.

State Legislation

FLORIDA:

S. 672 COPYRIGHTED MUSICAL COMPOSITIONS—Relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining same, and to regulate licensing of same. Vetoed June 14 by Governor Holland.

MILES LOSES FTC SUIT

Suit for a declaratory judgment by Miles Laboratories, Inc., of Elkhart, Ind., in which the corporation sought to have the court pass upon the jurisdiction of the Federal Trade Commission to issue a complaint charging the corporation with engaging in certain practices in violation of the Federal Trade Commission Act, has been dismissed by Justice Luhring, of the U. S. District Court for the District of Columbia, where the judgment was sought.

Miles Laboratories, Inc., is engaged in the manufacture and sale of "Dr. Miles' Nervine," "Dr. Miles' Nervine Tablets" and "Dr. Miles' Anti-Pain Pills," with annual sales in excess of \$900,000. After an investigation the Commission notified the corporation that its packages, labels and labeling failed adequately to reveal the potential danger of its products and submitted a stipulation for its signature in which it would agree to cease and desist from disseminating any advertisements of the products which failed to reveal that excessive use of the Nervine remedies might cause mental derangement or skin eruptions, while excessive use of the Anti-Pain Pills might cause collapse or dependence upon the drug. The proposed stipulation gave the corporation the option to include such warnings and cautions on its labels, in which case the advertising need only contain the statement: "Caution: Use Only as Directed."

Miles Laboratories, Inc., refused to sign the proposed stipulation and filed suit in the District Court for a declaration that the Commission was acting outside the scope of its jurisdiction and had no authority to determine the legality of the language used on the labeling of the plaintiff's products or authority to force it to vary such language. It was alleged that the Commission intended to issue a complaint against the plaintiff, and that this would cause injury to the plaintiff's business and compel it to spend large sums of money in defense.

In his opinion, dismissing the case, Justice Luhring said in part:

"It is well settled that the Declaratory Judgment Act is not, in itself, a source of federal jurisdiction and did not enlarge the pre-existing jurisdiction of the federal courts.

"The question of the Commission's jurisdiction to proceed will be passed on by the Commission. The plaintiff may raise the question in the proceeding before the Commission and obtain a ruling. If the Commission erroneously assumes jurisdiction and issues an order to cease and desist, such an order and the proceedings upon which it is based are subject to review by and only by a Circuit Court of Appeals of the United States. The jurisdiction of that court 'to affirm, enforce, modify or set aside orders of the Commission shall be exclusive.'

"The plaintiff stresses the inconvenience and cost of requiring it to engage in the trial of a complaint before the Commission. Such an objection is not new and the courts have invariably held that inconvenience and expense of litigation is 'part of the social burden of living under Government.'"

NAM PRESIDENT CRITICIZES FCC-NETWORK COURT DECISION

In a speech before the Wartime Conference of the National Editorial Association at Cincinnati recently, Kenneth Crawford, president, National Association of Manufacturers, criticized the May 10th Supreme Court decision on the FCC-Network case by implying that when government enters private industry as in radio and the newspapers it marks the beginning of the end for freedom of speech and the press.

"Will it be a licensing system next for the newspapers of this country?" he asked, commenting on the fact that the Supreme Court had imposed conditions on individual broadcasting stations, including limitations of contracts, in return for federal licenses.

"With the end of freedom of the press there will come sooner or later the end of our free competitive system," he added.

GIRL SCOUTS SEND TO ALL HEADQUARTERS INFORMATION ON BROADCASTING RELATIONS

A report on the findings of the work study group on broadcasting by national organizations held at the recent Institute for Education by Radio at Ohio State University was sent to all headquarters branches by the Girl Scouts of America. The section as sent is reprinted below for your information.

Mrs. Dorothy Lewis, NAB coordinator of listener activities, was a participant in this work study panel.

The Institute for Education by Radio was established in 1930 at Ohio State University and has been held at Columbus each spring since then. Its purpose is to bring broadcasters—network officials and local station personnel—educators, and civic leaders together to discuss the problems of educational broadcasting, particularly techniques and policies. This year there were more than 700 radio people from all over the United States and Canada registered, and as a member of our Public Relations Division attended you may be interested in a very brief report on the findings of one Work Study Group on Broadcasting by National Organizations as this is of importance to the Girl Scouts as a youth-serving agency.

The chairman of this group was Tom Stewart of the American Junior Red Cross, and a few of the radio representatives of other organizations which participated were: Dr. Iago Daldston, New York Academy of Medicine; Jesse Butcher, National War Fund; Henriette Harrison, Y. M. C. A.; David Resnick, National Society for Prevention of Blindness; Leslie Stratton, Boy Scouts; and Lucille Clarke, Girl Scouts.

In order that you may know the consensus of opinion as to what should be the relationship between organizations and the radio industry, the following is a summary of the report which was prepared at the close of the meetings:

1. That it is the responsibility of all organizations to see that they do not use radio except to further the war effort at this time.

2. That it is a joint responsibility of the organization and the station management to judge the above.

3. That the purpose of all broadcasts by organizations should be—"to be of service to the public" and mention of the organization, its "commercial," should be of secondary consideration.

4. That only the best in radio material should go out over the air under the sponsorship of an organization.

5. The editorial policy of a radio program rests, as far as content is concerned, with the organization, subject to the approval of the station, but as far as quality is concerned it is up to the station to refuse time to an organization whose program does not meet the highest standards.

6. That in "asking for time" the organization should be sure it has something of equal value to offer the station in program or idea that will be of service to the listening public and that will aid in building an additional audience for the station.

7. That organizations of like aims—such as the youth serving agencies—should work on a cooperative basis, producing joint radio programs for instance, for in this way a better quality program will probably result from the pool of ideas and funds and the station will be assured of a larger potential audience and thus be more generous with its time.

8. That if the radio industry would show more interest in the over-all program and broadcasting activities of national organizations, many of these organizations would then more fully realize their responsibility and in consequence appropriate sufficient radio budgets to carry out these responsibilities.

912 STATIONS

There were no additions or deletions during the month of April, 1943. During May, one station having a construction permit only was deleted. A comparative table by months follows:

	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1
Operating	906	906	905	906	908	910	909	910	910	910	911	911	911
Construction	18	19	16	14	11	9	9	7	6	5	2	2	1
	924	925	921	920	919	919	918	917	916	915	913	913	912

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 28. They are subject to change.

Monday, June 28

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of C. P., under C. P.; 1240 kc., 250 watts, unlimited.

Wednesday, June 30

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., 850 kc., 5 KW, unlimited, DA-night.

WJW, Incorporated, Akron, Ohio.—Modification of C. P., under C. P.; 850 kc., 5 KW, unlimited, DA-day and night.

Thursday, July 1

WOKO, Incorporated, Albany, N. Y.—Renewal of license (main and auxiliary), 1460 kc., main: 500 watts night, 1 KW day; auxiliary: 500 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MISCELLANEOUS

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted license (B3-L-1763) to cover construction permit

(B3-P-3520) to move main transmitter from RFD No. 1, Dixie Gardens, near Shreveport, to Harte Island Road, near Shreveport; also authority to determine operating power by direct measurement of antenna power (B3-Z-1518).

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted license (B3-L-1726) to cover construction permit (B3-P-3259) as modified, covering installation of new transmitter and DA for night use, increase in power to 5 KW-LS, and move transmitter; also authority to determine operating power by direct measurement of antenna power (B3-Z-1464).

KTW—The First Presbyterian Church of Seattle, Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1515).

WALB—Herald Publishing Co., Albany, Ga.—Granted motion for extension of time to July 6, for correction of testimony of C. C. Tounsley, in re applications of WALB for renewal of license, construction permit, and voluntary assignment of license.

WALB—Herald Publishing Co., Albany, Ga.—Granted extension of time to July 17 for filing proposed findings of fact and conclusions in re above applications.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted petition to dismiss application (B2-P-3254) without prejudice.

WCOP—Mass. Broadcasting Corp., Boston, Mass.—Continued action on petition for order to take depositions to July 14.

APPLICATIONS FILED AT FCC

W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31, as modified, which authorized new experimental television station) for extension of commencement and completion dates from 12-26-42 and 6-26-43 to 6-26-43 and 12-26-43, respectively.

1350 Kilocycles

WORK—York Broadcasting Co., York, Pa.—License to cover construction permit (B2-P-3205, as modified) for installation of new directional antenna system for night use only.

WORK—York Broadcasting Co., York, Pa.—Authority to determine operating power by direct measurement of antenna power.

1240 Kilocycles

WJW—WJW, Incorporated, Akron, Ohio.—Modification of license to change name of licensee to The Akron Broadcasting Company.

850 Kilocycles

WJW—The Akron Broadcasting Co., Akron, Ohio.—Voluntary assignment of construction permit (B2-P-3263, as modified for new transmitter, change in frequency, increase in power, directional antenna day and night, and move), from The Akron Broadcasting Company to The WJW Company.

First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Michigan, to Radio Station KKLW, Windsor, Ontario, Canada, for period beginning 8-13-43.

960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—License to cover construction permit (B4-P-2599, as modified) for installation of directional antenna for night use and increase in power.

KMA—May Broadcasting Co., Shenandoah, Iowa.—Authority to determine operating power by direct measurement of antenna power.

KRLH—Clarence Scharbauer, Midland, Texas.—Involuntary assignment of license to Millard Eidson, Independent Executor of the Estate of Clarence Scharbauer, Deceased. (Item 12, Part I; Items 15(a), 16, 17, 23 and 24, Part II.)

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RECEIVED

WJZM—William Kleeman, Clarksville, Tennessee.

WMGA—Frank R. Pidcock, Sr., Moultrie, Georgia.

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RESUBMITTED

KELD—Radio Enterprises, Incorporated, El Dorado, Arkansas.
WGRC—Northside Broadcasting Corporation, New Albany, Indiana.
WLLH—Merrimac Broadcasting Co., Inc., Lowell, Massachusetts. (main and synchr. ampl.)

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RETURNED

KTSW—Emporia Broadcasting Company, Inc., Emporia, Kansas.
WJZM—William Kleeman, Clarksville, Tennessee.

1150 Kilocycles

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Modification of license to change hours of operation from specified hours to daytime (requesting facilities of KTBC).

1240 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebraska.—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

WTMC—Ocala Broadcasting Co., Inc., Ocala, Florida.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 250 watts.

1340 Kilocycles

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Company, Hot Springs, Arkansas.—Involuntary assignment of license to Clyde E. Wilson.

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RECEIVED

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.
KTSW—Emporia Broadcasting Company, Inc., Emporia, Kans.

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RETURNED

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Oregon.
WGRC—Northside Broadcasting Corporation, New Albany, Indiana.
WLLH—Merrimac Broadcasting Company, Inc., Lowell, Massachusetts.

**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.

Bernard Engineering Co.—Misrepresentation in the sale of a preparation designated "Wonder Solv Anti-Freeze," recommended for use in the cooling system of automobile and other combustion type engines, is alleged in a complaint issued by the Federal Trade Commission against Bernard Engineering Co., 709 Market St., Camden, N. J., and its president, Lionel Bernard, and William I. Miller, trading as Miller Manufacturing Co., 1100 32nd St., Camden, N. J. (4979)

Milwaukee Importing Co.—Pleading inability to supply customers with products ordered and paid for, because of alleged government restrictions, Henry P. Kinneke, trading as Milwaukee Importing Company, 2039 North 34th St., Milwaukee, Wis., is charged in a complaint issued by the Federal Trade Commission, with the use of unfair and deceptive acts and practices in commerce. (4980)

R. L. Swain Tobacco Co., Inc., Danville, Va., is charged in a complaint issued by the Federal Trade Commission with misrepresentation in the sale of Pinehurst Cigarettes by falsely advertising that they are "The Cigarette the Doctor Smokes" and are devoid of irritating properties. (4981)

CEASE AND DESIST ORDERS

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

Latta Cream—M. L. Kay and Humbert O'Camp, trading as Latta Cream, 505 Fifth Ave., New York, have been ordered by the Federal Trade Commission to discontinue certain misrepresentations concerning the effectiveness of a cosmetic designated as "Latta Cream." Since December, 1942, the business has been conducted under the sole proprietorship of the respondent Kay. (4925)

Alma's Home Made Candies—Alma Loughran and Lee R. Loughran, trading as Alma's Home Made Candies, 2737 West Madison St., Chicago, have been ordered by the Federal Trade Commission to cease and desist from selling or otherwise disposing of candy by means of a game of chance, gift enterprise or lottery scheme. (4409)

Domestic Diathermy—Max E. Heyman and Maude S. Jaret, trading as Domestic Diathermy Co., 251 West 57th St., New York, to cease and desist from disseminating advertisements which misrepresent the therapeutic properties of a device designated "Domestic Short-Wave Diathermy" and which fail to reveal that the device is not safe under certain conditions of use. (4942)

An order to cease and desist from misrepresentation in connection with the sale of **Dorothy Gray Cosmetics** has been issued by the Federal Trade Commission against Lehn & Fink Products Corp., and its subsidiary, Dorothy Gray, Ltd., both of Bloomfield, N. J. (3447)

FTC COMPLAINT

In a joint answer to a Federal Trade Commission complaint, **Carter Products, Inc.**, 53 Park Place, New York, distributor of a cosmetic and deodorant designated "Arrid," and Small & Seiffer, Inc., advertising agency at 24 West 40th St., New York, deny they have disseminated advertisements misrepresenting the properties and effectiveness of the preparation. Small & Seiffer, Inc., prepared and placed the advertising copy objected to in the Commission complaint. (4960)

